

# Fire Commission

## Agenda

Friday 24 September 2010  
11.00

The Westminster Suite (8<sup>th</sup> Floor)  
Local Government House  
Smith Square  
LONDON  
SW1P 3HZ

**To:** Members of the Fire Commission  
**cc:** Named officers for briefing purposes

**LG Group Fire Commission  
24 September 2010**

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There will be a meeting of the **LG Group Fire Commission at 11.00am on Friday 24 September 2010 in the Westminster Suite (8<sup>th</sup> Floor)**, Local Government House, Smith Square, London SW1P 3HZ.

**10.00am Group Meetings**

Conservative Group (The Westminster Suite) (8<sup>th</sup> floor)  
Labour Group (Smith Square Room 1) (Ground Floor)  
Lib Dem Group (Smith Square Room 2) (Ground Floor)  
Independent Group (Horseferry Room) (7<sup>th</sup> Floor)

**Tea and coffee will be provided in Political Group Meetings from 10am.**

Lunch will be provided at 12.30pm.

**Apologies**

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting, so that a substitute can be arranged and catering numbers adjusted, if necessary.

**Labour:** Aicha Less: 020 7664 3263 email: [aicha.less@local.gov.uk](mailto:aicha.less@local.gov.uk)  
**Conservative:** Angela Page: 020 7664 3264 email: [angela.page@local.gov.uk](mailto:angela.page@local.gov.uk)  
**Liberal Democrat:** Evelyn Mark: 020 7664 3235 email: [evelyn.mark@local.gov.uk](mailto:evelyn.mark@local.gov.uk)  
**Independent:** Group Office: 020 7664 3224 email: [independent.group@local.gov.uk](mailto:independent.group@local.gov.uk)

**Attendance Sheet**

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

**Location**

A map showing the location of Local Government House is printed on the back cover.

**Contact**

Paul Johnston (Tel: 020 7664 3031; e-mail: [paul.johnston@local.gov.uk](mailto:paul.johnston@local.gov.uk))

**Hotels:** If you wish to stay overnight in London, discounted hotel rates are available through the Local Government Travel Club (consult your own authority for information). Alternatively, accommodation can be booked through Hotelzon, tel 01962 844004, fax 01962 860974.

## Agenda

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### LG Group Fire Commission

11.00, Friday 24 September 2010

The Westminster Suite (8<sup>th</sup> Floor), Local Government House

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#### For discussion

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1.	<b>Membership of the LG Group Fire Commission and meeting dates 2010 / 11</b>	<b>3</b>
2.	<b>Report from the Fire Services Management Committee</b>  The Commission will be addressed by the Chairman, Councillor Brian Coleman.	
3.	<b>FiReControl</b>  The Commission will be addressed by Roger Hargreaves, Department of Communities and Local Government.	
4.	<b>LG Group Fire Futures draft submission</b>	<b>11</b>
5.	<b>Legislative Changes To Fire Safety In Rented Accommodation</b>  The Commission will be addressed by Councillor Mark Healey, Chairman, Devon and Somerset Fire and Rescue Authority.	<b>23</b>
6.	<b>Retained Duty System project update</b>  The Commission will be addressed by Councillor Kay Hammond, Surrey County Council.	

#### For information / noting

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**Date of Next Meeting:** Friday 10 December 2010, 11.00, Local Government House



**Item 1**

**Membership of the LG Group Fire Commission and meeting dates  
2010 / 2011**

**Purpose of report**

For information.

**Summary**

1. The Commission is invited to note its membership for 2010 / 11 (attached as **Appendix A**) and its Lead Members (shown below):
  - Councillor Brian Coleman (Chairman, Conservative, London Fire and Emergency Planning Authority)
  - Councillor Fred Walker (Vice-Chair, Labour, Greater Manchester FRA)
  - Councillor Paul Shannon (Deputy Chair, Liberal Democrats, Greater Manchester FRA)
  - Councillor Christopher Newbury (Deputy Chair, Independent, Wiltshire FRA)
2. The Commission is invited to note the dates of future Commission meetings, which are:

**Friday 10 December 2010, Friday 11 February 2011, Friday 17 June 2011**  
(all 11.00am – 1.00pm)

**Recommendations**

Members are invited to:

- note the membership and Lead Members of the Fire Services Commission;
- note the provisional dates for future Commission meetings; and

**Action**

As agreed by the Commission.

**Contact officer:** Paul Johnston  
**Position:** Member Support Officer, LGA  
**Phone no:** 020 7664 3031  
**E-mail:** [paul.johnston@local.gov.uk](mailto:paul.johnston@local.gov.uk)



## **LG Group Fire Commission membership**

*All Fire Authorities in full or corporate membership of the Association have the right to representation and voting on this Commission in accordance with Article 10 (and Schedule 1) of the LG Group Constitution, Standing Orders and Political Conventions.*

*Additional members from fire authorities appointed as necessary by the political groups to ensure political balance as provided by Article 9.3.*

<b>Nominating Body</b>	<b>Authority</b>	<b>Member</b>	<b>Party</b>
<b>Combined Fire Authorities</b>	Avon	Peter Abraham	Con
“	Bedfordshire & Luton	Sian Timoney	Lab
“	Royal Berkshire	Paul Bryant	Con
“	Buckinghamshire and Milton Keynes	David Rowlands	Con
“	Cambridgeshire & Peterborough	Roy Pegram	Con
“	Cheshire	David Topping	Con
“	Cleveland	Jean O'Donnell	Lab
“	Derbyshire	David Wilson	Con
“	Devon & Somerset	Mark Healey	Con
“	Dorset	Chris Bulteel	Con
“	Durham & Darlington	Gordon Tennant	Lab
“	East Sussex	Ted Kemble	Con
“	Essex	Anthony Hedley	Con
“	Hampshire	Royston Smith	Con
“	Hereford & Worcester	Peter Jones CBE	Con
“	Humberside	Brian Jefferies	Lib/Dem
“	Kent and Medway	Bryan Cope	Con
“	Lancashire	David O'Toole	Con
“	Leicestershire	Peter Roffey	Con
“	North Yorkshire	John Fort	Con
“	Nottinghamshire & City of Nottingham	Darrell Pulk	Lab
“	Shropshire & Wrekin	Stuart West	Con
“	Stoke on Trent & Staffordshire	Len Bloomer	Con
“	Wiltshire & Swindon	Robert Hall	Con

<b>County Councils</b>	Cumbria	Gary Strong	Con
“	Gloucestershire	Will Windsor-Clive	Con
“	Hertfordshire	Keith Emsall	Con
“	Lincolnshire	Peter Robinson	Con
“	Norfolk	Harry Humphrey	Con
“	Northamptonshire	Andre Gonzalez de Savage	Con
“	Northumberland	Alan Thompson	Lib/Dem
“	Oxfordshire	Judith Heathcoat	Con
“	Suffolk	Rae Leighton	Con
“	Surrey	Kay Hammond	Con
“	Warwickshire	Richard Hobbs	Con
“	West Sussex	Peter Evans	Con
<b>London Fire and Emergency Planning Authority</b>		Brian Coleman	Con
“		Maurice Heaster	Con
“		Tony Arbour	Con
“		David Cartwright	Con
“		Navin Shah	Lab
“		Colin Aherne	Lab
“		Terry Stacy	Lib/Dem
“		Simon Walsh	Mayoral Appointee
<b>Metropolitan Fire &amp; Rescue Authorities</b>	Greater Manchester	Paul Shannon	Lib/Dem
“	“	John Bell	Con
“	“	Jack Walton	Con
“	Merseyside	Tony Newman	Lab
“	“	Jimmy Mahon	Lab
“	South Yorkshire	James Andrews	Lab
“	“	Paul Lakin	Lab
“	Tyne & Wear	Tom Wright	Lab
“	“	Nick Forbes	Lab
“	West Midlands	David Hinton	Lab
“		Neil Eustace	Lib/Dem
“	“	John Alden	Con
“	West Yorkshire	David Ridgway	Lib/Dem
“	“	Peter Harrand	Con
“	“	Andrea McKenna	Lab
<b>Unitary</b>	Isle of Wight	Barry Abraham	Con
<b>Welsh Fire Authorities</b>	Mid & West Wales Fire	<i>Vacancy</i>	
	North Wales Fire	Sharon Frobisher	Con
	South Wales Fire	Anthony Ernest	Con



<b>Balancing Members</b>			
<b>Conservative (5)</b>			
	Buckinghamshire CC	Stephen Adams	
	Cornwall FRA	Lance Kennedy	
	Essex FA	Ann Holland	
	Royal Berkshire FA	Angus Ross	
	Wiltshire & Swindon FA	Mike Bawden	
<b>Labour (13)</b>			
	Cheshire FA	John Joyce	
	Cleveland FA	Brenda Forster	
	Gtr Manchester FRA	Fred Walker	
	Merseyside FRA	Dave Hanratty	
	Merseyside FRA	Les Byrom	
<b>Liberal Democrat (14)</b>			
	Dorset CC	David Milsted	
	Gloucestershire CC	Jeremy Hilton	
	Hampshire FRA	Roger Price	
	Merseyside FRA	Eddie Clein	
	North Yorkshire FRA	Caroline Seymour	
	Nottingham & City of Nottingham FRA	Alex Foster	
	Essex CC	Tom Smith-Hughes	
<b>Independent (7)</b>			
	Wiltshire FA	Christopher Newbury	



## **Report from the Fire Services Management Committee**

1. The Fire Services Management Committee met on 10 September 2010 at Local Government House where the following issues were discussed:

### **Fire Futures**

2. Members agreed the preliminary points to include within the LGA submission to the Fire Futures consultation. These points will be shared and discussed further at this meeting of the Commission.
3. With the Fire Futures project determining the future strategic direction of Fire and Rescue Services, Members also expressed concern that the tight timescales of the project would prove detrimental to the development of policy that would prove to be of the maximum possible benefit to the fire and rescue service.

### **FiReControl**

4. Roger Hargreaves, Department for Communities and Local Government, attended the Committee to update Members on the FiReControl project. Members noted that this was an area that was likely to progress quickly over the next few weeks, and this is also an issue for Members to discuss at this meeting of the Commission.

### **The future of national functions**

5. Following discussions at previous Committee meetings over the transfer to the fire and rescue sector of a number of functions currently undertaken by the Department for Communities and Local Government, Members discussed more developed plans for the LG Group and CFOA's offer to Government to take over a specific group of those functions. This would include a more pronounced LG Group / CFOA role in fire and rescue service procurement.
6. Members agreed that Committee Lead Members and officers continue work on developing this offer, and that a report on progress be given to the next meeting of the Fire Commission in December.

### **The 2010 Comprehensive Spending Review**

7. Members noted that the LG Group would shortly, through the LG Group Executive, be agreeing its submission to contribute toward the Government's Spending Review. Members noted that the section of the submission

**Item 2**

concerning fire and rescue would also be sent to the Department for Communities and Local Government.

**Other business**

8. Members considered and agreed the Committee's Work Programme for 2010 / 2011. Topics for the Work Programme include the future of national functions, improvement and development of the Fire and Rescue Service, and pay and reward solutions.
9. Cllr Walker updated the Committee on the firefighters' pension scheme, and on a draft proposal submitted to the Pensions Committee which suggested amendments to the scheme. These amendments would give Fire and Rescue Authorities the discretion, on the grounds of efficiency, to allow Fire and Rescue service personnel the ability to commute 25% of their accrued pension into a lump sum where they elect to retire before 30 years' service aged 50 or above. Cllr Walker will continue to update the Committee on progress.

**Date of next meeting**

10. The next meeting of the Fire Services Management Committee will take place on **Monday 15 November 2010 at 11am in Local Government House.**

**Item 4**

## **LG Group Fire Futures draft submission**

### **Summary**

The Fire Services Management Committee agreed at its meeting on 10 September that the views of the Fire Commission should be sought on the content of the LG Group's submission to Government's *Fire Futures* review of fire policy.

The Commission will hear a progress report from three of the four theme leads at the meeting.

### **Recommendations**

Members are asked to consider the draft submission and comment as appropriate

### **Action**

Officers to work Members' comments into the draft submission.

Contact Officer: Helen Murray  
Phone No: 020 7664 3266  
Email: Helen.Murray@local.gov.uk



**Item 4**

## **LG Group Fire Futures draft submission**

### **Background**

1. The Local Government Group welcomes the opportunity to respond to Communities and Local Government's *Fire Futures* project that will determine the future shape of the Fire and Rescue Service. The LG Group is however concerned by the limited timeframe of the project and how workstreams have been allocated; these factors could have a detrimental effect on the outcomes of this exercise.
2. The LG Group is made up of six organisations that work together to support, promote and improve local government. These organisations are the LG Association, LG Improvement and Development, LG Employers, LG Regulation, LG Leadership and Local Partnerships.
3. As the national representative body for all 46 Fire and Rescue Authorities, we hope this submission can be considered alongside the reports from individual workstream leads. Although a large number of detailed questions have been asked, rather than addressing each in turn, the focus of this submission is on some of the broader issues, outlining key principles which should be taken into account as further policies and recommendations are formulated, and to identify key areas where the LG Group can help with key challenges in the sector. As such it is designed to complement the reports of the workstream leads.
4. In developing this submission, views have been taken from the Fire Services Management Committee and an additional meeting of the Fire Commission which was held on 24 September.

## **Workstream 1: The role of the fire and rescue service and how it might be better delivered (led by Cllr Paul Shannon)**

5. The LG Group does not believe that most of the areas suggested by the review are sufficiently ground breaking, expressing as they do existing issues that ultimately will be resolved by local adoption and the sharing of experience and good practice. The Group instead calls for a radical reshaping of the state through devolved place-based budgets.
6. The primary role of the Fire and Rescue Service is of course to improve levels of fire safety and this must be maintained. Whether FRS undertaken other pieces of work on behalf of, or conjunction with other areas of the public sector will need to be determined locally through discussions with partners and the community. However, it is clear that important and tangible benefits are currently realised from the sector's work across other areas such as community safety.
7. The Group believes that place based or area based budgets are the most effective way to manage demand for public services. We must strengthen the awareness that FRSs are part of this agenda and not a separate entity and CLG has an important role here.
8. The same statutory framework must apply to all Fire and Rescue Authorities. The current legal arrangements provide an unsatisfactory combination of detailed legal prescription about specific services, and uncertain about a general power. The LG Group urges the Government to ensure that the power of general competence is granted to all FRAs, including combined and metropolitan authorities. This power is essential to empower FRAs to charge for services. Furthermore, the general power of competence is not simply about doing new things but also about doing existing things differently. Most importantly it is about a culture change which embeds confidence in local decision making and would reassure FRAs that they can act in the interests of their communities without fear of legal challenge. This is more important than ever at a time of public spending pressures.
9. As the National Framework is due for revision in 2011, the LG Group would argue that this needs to set out a longer term strategy and be less prescriptive than at present. FRAs must be given the freedom to focus on their key role of protecting the public, whilst having the flexibility to enter partnerships where appropriate, with partner organisations pooling their budgets and resources to best serve the needs of their communities. All of this is best agreed at the local level.



10. As regards co-responding, the same principle applies. This is an issue for individual FRAs where the LG Group and CFOA have a role in identifying and disseminating good practice.
11. We ask the Government to ensure that the work of the fire and rescue service is embedded in the thinking of all Government departments. A joined-up cross-Whitehall approach to fire safety must be at the forefront of ministers and officials thinking when legislation is drafted and policies implemented to ensure unintended consequences are avoided and maximum benefits can be realised.
12. FRAs have been overwhelmed by the emergence of a large number of surveys, consultations, initiatives, inspections and central government bodies in recent years; the LG Group asks that the government reassess the need for bodies including the Chief Fire and Rescue Advisor's Unit and the Practitioners' Forum and streamlines their form and function as appropriate.
13. There are some strategic areas identified that would benefit from a thorough examination. These are:
  - a single service provider for some or all emergency services;
  - a levy on insurance premiums for building and vehicle insurance to reflect the economic cost of fire;
  - greater opportunities for charging for discretionary services.
  - Whilst the LG Group has always been a strong advocate of localism, there is a need to ensure interoperability with regards to the technology and equipment used by FRSs to ensure effective and efficient cross-border working.

## **Workforce**

### **Context**

The local government workforce is changing. The number of staff directly employed by Fire and Rescue Authorities (FRAs) is likely to decline. There will be more joint working and the skills we require will change. Councils, including FRAs, will need to manage and motivate their workforces to increase productivity and transform local public services.

### **Issues**

14. FRAs do not work in isolation and are well aware of the big challenges that the public sector is facing and they are willing and able to play a full part in reshaping the organisation and delivery of services. National government needs to support and enable local government to make changes.
15. FRAs have shown themselves capable of developing a flexible and productive workforce, and delivered an affordable and flexibly pay, reward and conditions system in line with the whole of local government. The significant majority of FRS budgets is spent on paying officers, but FRSs will need to explore how their assets can be utilised to the greatest commercial value.

**The LG Group can help through:**

16. Working with leading edge FRAs, develop practical advice and guidance on:
  - an affordable and fit-for-purpose pension scheme
  - the implications of demographic change
  - breaking down barriers to staff flexibility
  - ways of joining up workforces across local authority boundaries and different parts of the public sector.
17. The LG Group believes that there is still a role for central government with regards to firefighter pensions, but the wider workforce agenda - leadership, skills, etc must be owned and led by Fire and Rescue Authorities.

**The future of the NJC**

18. The Government has made it clear that role of the National Joint Council falls outside the remit of the *Fire Futures* project, however in the current fast-moving and challenging times, the Employers' Side of the NJC will always wish to keep its continuing effectiveness under review.
19. Pay and conditions of employment of uniformed fire and rescue service employees are largely negotiated by the National Joint Council for Local Authority Fire and Rescue Services which is a voluntary arrangement. The NJC is committed to the local democratic control of fire and rescue services to the community and at present all 57 UK-wide fire and rescue services choose to apply its national framework of pay and conditions, which can be adapted at local level. Its current pay structure is clear, transparent and competency based.

## **Workstream 2: Efficiency, effectiveness and productivity** (led by CFO Max Hood)

FRAs face significant reductions in resources from central government and will need to reduce spending. Councils have been acknowledged as the most efficient part of the public sector but the opportunities to drive out further top-down efficiencies are narrowing. Increased productivity will only be achieved by doing things completely differently.

### **Issues**

20. FRAs are willing and able to play a full part in reducing public spending. They have already achieved the efficiency savings set out by the Audit Commission in *Rising to the Challenge* (£185 million of cumulative, annually recurring, cashable efficiency savings equating to 9 per cent of total expenditure in 2007/08). To realise the full savings now required however we ask the government to remove the duplication of burdens and excessive guidance and circulars that FRAs currently have to deal with. FRAs must have the freedom to:
- identify the key productivity gains, achieved through national and local data combined with local experience
  - develop their own proposals to make sure savings are delivered quickly
  - provide sector-led support for those FRAs that are falling behind, without central government interference
  - develop a sector-wide approach to benchmarking to drive down unit costs and improve productivity
  - increase the skills of councillors and officers in reviewing and taking action on spend data.

### **The LG Group can help through:**

- supporting and equipping FRAs to move to shared services between groups of public services and groups of FRAs at the back office, senior operational and political levels
- supporting FRAs in responding to longer term service pressures by advising on spending on prevention and early intervention
- developing a sector owned benchmarking tool to provide comparability on unit costs, productivity and outcomes
- creating an information exchange, networking and skills programme to build the skills of councillors and officers in understanding spend data (and local variations)
- promote existing efficiency techniques
- there must not be a centrally taken decision on the optimum number of FRAs, but the LG Group recognises that questions are and will continue to be asked about the viability of current number. On that basis the Group will be providing support for FRAs to develop business cases for voluntarily merging with neighbouring authorities

21. The CLG/LG Group's Productivity Programme involves working with over 60 councils who are exploring/implementing alternative service delivery models for areas such as shared services, procurement, capital and shared assets. This review should take account of learning from that programme.
  
22. With the abolition of CAA and the Audit Commission, the sector have asked the LG Group to develop a system of self improvement. FRAs are still keen to have comparative performance information and peer review will be refreshed and strengthened to include challenge from other sectors such as business and the voluntary sector. Finally, as part of this, the Group wants to put in place arrangements that enable the sector to offer support before things go wrong, by being able to identify the early warning signals.

## **Workstream 3: Localism and accountability (led by Cllr Andre Gonzalez De Savage)**

Public services have to become more transparent, more effective, and cheaper. Councils have a key role to play in creating a smaller, more local state at reduced cost. There is growing recognition that the radical transformation of public services is best achieved through local budgets which make significant savings possible by getting rid of organisational silos to deliver the services people want in a joined up way.

### **Issues**

23. FRAs will need to consider radically transforming the way their services are organised and delivered, ensuring savings to be made and, where possible and appropriate, for people to take more responsibility over their own lives.
24. The FRS is already a localised service that meets the needs of the communities that it serves. There may, however, be room for FRSs to engage more with their communities through:
  - better consultation with the public on changes to IRMPs;
  - greater use of modern marketing techniques;
  - more effective use of stations as hubs of the community; and
  - FRA members and Chief Officers developing their profile and accessibility to the communities that they serve
  - Taking a role in participatory budgets schemes.
  - FRSs are part of the wider local government family and they must use their linkages to learn from other parts of the sector.

### **The LG Group can help through:**

- helping to bring together different parts of the public sector in an area in a local budget, using expertise of having undertaken this work in different areas before
  - developing new systems of governance that work well for local people where there are local budgets
  - helping councils and their partners commission and design services round people's needs, not institutional silos
  - supporting councils in operating transparently and sharing information with local residents in a useful way.
25. The LG Group strongly believes in and supports the existing FRA governance model. This model has cross-party political buy-in and facilitates a joined-up approach to service delivery. Other than devolved place based budgets, where we advocate an accountability direct to Parliament, we do not believe that this is the right time to consider changing governance arrangements. Public

confidence is strong and now, more than ever, strong leadership is needed to inform challenging decisions around finances.

## **Accountability**

### **Context**

The government has signalled a radical approach to decentralising power and enhancing local accountability through transparent information. Inspection will be scaled back and CAA abolished, resulting in a significantly increased new role for local government, including FRAs, in leading and taking responsibility for its own performance, accountable primarily to local residents.

### **Issues**

26. FRAs must become even more accountable to local people through:
  - taking responsibility for reviewing and challenging their own performance rather than through central government targets and performance monitoring
  - sharing knowledge, so that FRAs learn from the best and demonstrably takes responsibility as a sector for its own improvement and performance
  - proactively identifying FRAs who are struggling and providing councillor and officer peer support
  
27. Councillors appointed to FRAs provide a valuable and democratic oversight role. As the only democratically elected representatives of communities at a local level, who live and work locally, and know their communities and the issues facing them, they are already fully accountable to local communities. In order to reflect the diversity in our communities, ensure the widest possible pool of councillors and ensuring access to practical leadership training will continue to be important for FRAs. Supporting councillors to transfer their specialist knowledge is also important.
  
28. The Retained Duty System is a good example of how the FRS is already well integrated with communities and contributing to the idea of the Big Society, with paid members of the local community delivering a flexible and effective workforce. FRAs must also be empowered to decide how non-specialist tasks can be undertaken at the local level; the voluntary sector, commercial organisations and other parts of the public sector might be better placed to undertake these tasks efficiently and effectively.

## **Workstream 4: The national interest (led by Brian Robinson)**

29. The question of a National Framework with localism can work but with the need to have a will to share best practice amongst and between elected members and between senior officers.
30. A number of national functions could lie with a new strengthened partnership between CFOA and the LG Group. Broadly, these fall into the category of supporting and promoting industry-wide standards and good practice, providing capacity to support the weaker services, clarity on future technological requirements and investment, and services which make local people safer.
31. The following individual functions could fall into this category:
  - National safety campaigns;
  - IRMP Guidance;
  - Research and statistics;
  - Workforce development;
  - Operational guidance;
  - National procurement;
  - Equality and Diversity; and
  - Long term capability management for national resilience arrangements.
32. CFOA/LG Group have written to the Minister setting out this proposal and this should form the cornerstone of this workstream.

**Item 5**

**Legislative Changes to Fire Safety in rented accommodation**

**Purpose of report**

For discussion and direction.

**Summary**

This report concerns the current legislation that exists under the Housing Act 2004, The Regulatory Reform (Fire Safety) Order 2005 and The Building Regulations 2000 on installation of smoke detection devices. There is currently, under current legislation, no provision to ensure such devices are fitted in rented domestic dwellings, though a Private Members' Bill has recently been tabled to bridge this legislative gap.

Members will receive a presentation on this issue from Councillor Mark Healey, Chairman of Devon and Somerset Fire and Rescue Authority.

**Recommendation(s)**

Members are asked:

- To receive and comment on the presentation by Cllr Mark Healey;
- To consider whether the LG Group would wish to lend its support to the Private Member's Bill tabled by Adrian Sanders MP.

**Action**

Officers to progress any agreed actions.

**Contact officer:** Andy Newland  
**Position:** Executive Officer, Devon and Somerset FRS





## **Legislative Changes To Fire Safety In Rented Accommodation**

### **Background**

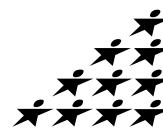
1. Devon and Somerset Fire and Rescue Service has attended six accidental fires in dwellings that have resulted in seven fatalities since April 2009. There was no working smoke detection and alarm in any of these dwellings.
2. Following a fatal fire in Yarcombe, near Honiton in May 2008 an Inquest was held in Exeter on 19 November 2009. The Deputy Coroner for Exeter and Greater Devon proposed to write to the Department for Communities and Local Government under Coroner's Rule 43 to request that "...there be a review and a response from the minister responsible about whether smoke detection could be made mandatory in rented domestic dwellings."
3. Accurate recent statistics are hard to find but it appears there are a disproportionate number of fire deaths and injuries in rented accommodation.
4. Legislation exists in Housing Act 2004, The Regulatory Reform (Fire Safety) Order 2005 and The Building Regulations 2000 but there is a gap for ensuring Smoke detection is fitted in rented domestic dwellings
5. Through discussions with local Fire Service Officers, Adrian Sanders MP has progressed a Private Members Bill – the Fire Safety (Protection of Tenants) Bill - to bridge this legislative gap to improve safety for those living in rented accommodation. Members are asked to note that, due to its positioning in the list of Private Members' Bills, there is a significant possibility that this Bill will not proceed.

### **Conclusion and next steps**

6. Members are asked to consider whether the LGA Group, through the Fire Commission, would wish to lend its support to the Private Members' Bill as detailed above and through Cllr Healey's presentation.
7. With regard to the presentation evidence to support the conclusions and recommendations, discussion as well as background information and references can be found in the Devon & Somerset Fire and Rescue Service short report "The Legal Framework for the Provision of Smoke Alarms in Dwellings".

### **Financial implications**

8. A full cost assessment would be part of any future legislation. The direct financial implications to the LG Group of supporting the Private Members' Bill are negligible



## **Notes of Discussion and Actions Required**

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### **Fire Services Forum**

11.00, 18 June 2010

Local Government House, London

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#### **1. Report from the Fire Services Management Committee**

The Chairman informed Members that Robin Southwell, Chief Executive of EADS and Roger Hargreaves, CLG, had attended the Fire Services Management Committee (FSMC) in May to update the Committee on progress with the FiReControl project.

Cllr Maurice Heaster, Chairman of the Employers' Side of the National Joint Council (NJC) updated the Forum on fire service pay negotiations.

The Chairman said that the ownership of certain national functions could be shortly transferred away from CLG, and noted that the Committee had agreed that many of these functions could either be undertaken by individual Fire and Rescue Authorities or could be scrapped altogether. The FSMC would reconsider this issue.

The Chairman added that Cllr Kay Hammond was leading on a piece of work examining the Retained Duty System.

#### **Decision**

Forum Members agreed to advise the Fire Services Management Committee and the NJC that they would endorse a zero per cent increase in pay for all fire services staff for 2010 / 11.

#### **2. FiReControl update**

Roger Hargreaves, Department of Communities and Local Government (CLG) updated the Forum on progress with the FiReControl project, noting that the new Fire Minister was currently liaising with a number of partners to take their views on the future of the project and assessing its viability in going forward. The Minister was very keen in his decision-making to consider the impacts on both fire and rescue services and the tax-payer, and the complexity of the project might mean that a final decision would not be made imminently.

Roger added that EADS had yet to provide evidence to the FiReControl

Assurance Board of its ability to achieve key project milestones, but reiterated that EADS had provided positive assurances about its ability to deliver to deadlines.

Members said that the continuing uncertainty over the future of the project was impacting negatively on frontline fire and rescue services staff. Roger responded that the Minister was very keen in his decision-making to take into account the impact on frontline staff.

Members referred to the aim in the coalition Government's programme to "stop plans to force the regionalisation of the fire service". Roger responded that this aim might not necessarily impact on FiReControl.

Members asked about compensation due to EADS in the event of cancelling the project and whether any exit strategy would consider the burden placed on FRAs, many of whom had control centres that were in need of upgrading. Roger responded that any compensation would be subject to circumstances and complex legal interpretation, and that any burden on FRAs formed part of the decision making process for the Minister.

Members asked whether the FiReControl project was flexible enough to meet changing expectations from the fire and rescue service. Roger said that the contract was sufficiently flexible to deliver to varying local expectations.

Members thanked Roger for his presentation.

### **3. Sprinklers in all newly built homes – the position in Wales**

The Forum received a presentation from Ann Jones AM, National Assembly for Wales, on the Legislative Competence Order (LCO) which makes the installation of fire sprinkler systems mandatory in all newly built homes.

Ann outlined the background to the LCO, the passage of the LCO into law in Wales and stated that the Order had enjoyed the support of a wide range of partners throughout. Ann said that a range of evidence supported the installation of sprinkler systems, and said that no lives had been lost in the UK due to fire in buildings fitted with domestic sprinkler systems. The cost of such systems when compared to the cost of fire was minimal.

Ann supported the Private Members' Bill recently tabled by Lord Harrison, and encouraged Forum Members to support the Bill.

Members thanked Ann for her presentation, and welcomed the work that she had done in securing this legislation in Wales.

#### **Decision**

Members agreed that the Fire Services Forum Chairman write to Lord Harrison to express the Forum's support for the Building Regulations (Review) Bill (HL).

Members agreed that FRAs lobby in support of the Bill.

## **Action**

Officers to circulate a draft letter template to FRAs for use in lobbying activity supporting Lord Harrison's Bill.

### **4. Striking the balance between operational and health and safety duties in the Fire and Rescue Service**

The Forum received a presentation from Sue Parkyn, Head of the Police, Fire and Prisons Unit, Health and Safety Executive (HSE), which outlined the newly published statement from HSE that intends to clarify how the Fire and Rescue Service should comply with health and safety at work duties within their operational work.

A copy of the presentation is available to view via:

<http://www.lga.gov.uk/lga/core/page.do?pagelid=11899734>

Members welcomed the statement, stating that any measure that would help prevent the loss of life was welcome.

### **5. Account management for Fire and Rescue Authorities**

Members noted the report.

### **6. Note of the last meeting**

The note of the Fire Services Forum held on 12 February 2010 was agreed.

## **Action**

Officers to circulate the outcomes of the NJC's recent letter to FRAs on FRA application of NJC agreed pay awards (as detailed in paragraph 2, item 1 of the 12 February 2010 note.)

### **7. Any other business**

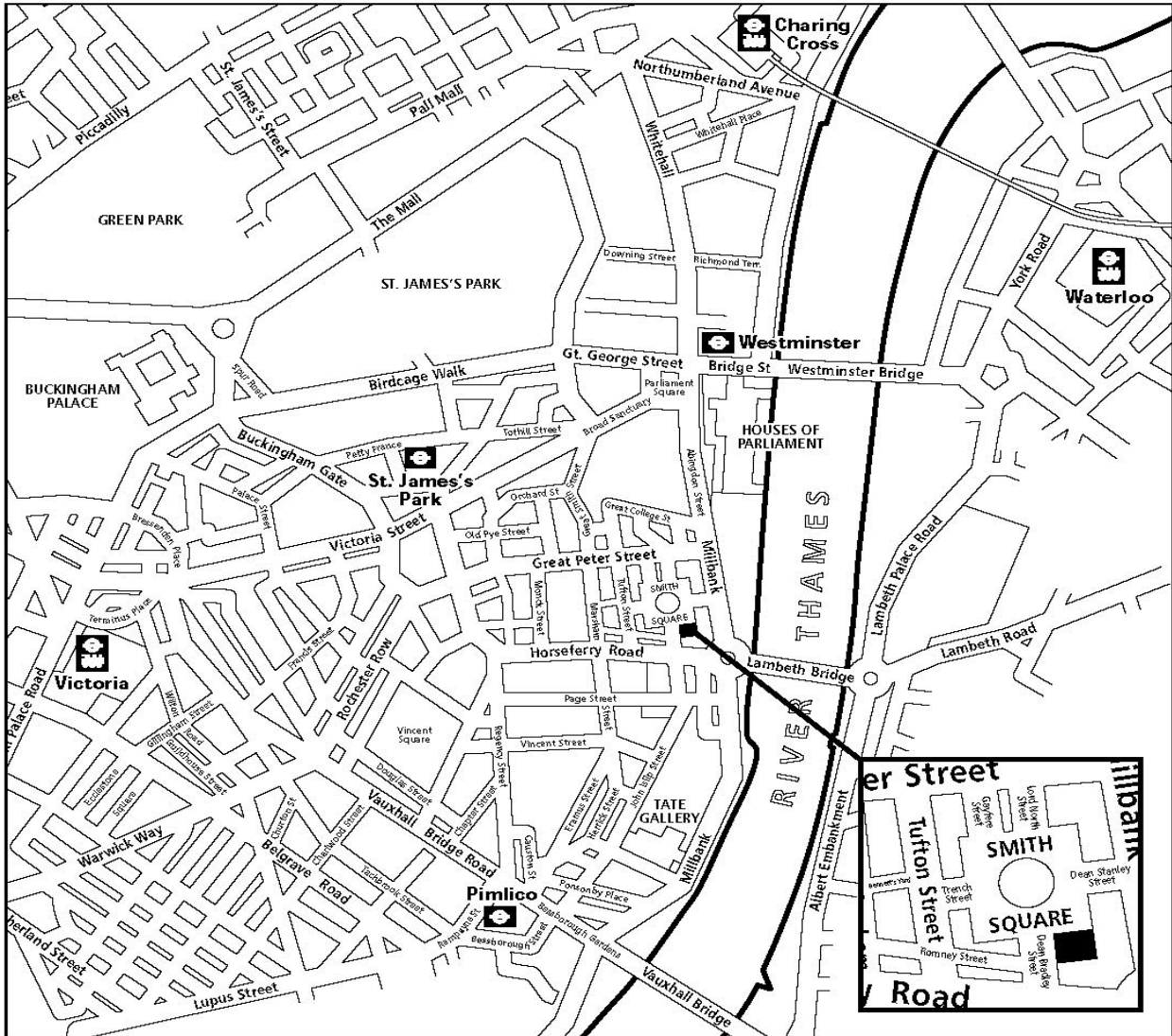
Members asked that Fire Services Forum dates for 2011 be re-examined in view of a potential clash with local government elections. Members agreed that the next Fire Services Forum meeting be held on 15 October 2010.

## **Action**

Officers to re-examine dates for the 2011 Fire Services Forum meetings.

**Date of next meeting: 11.00, Friday 15 October 2010, Local Government House**

## LGA Location Map



### Local Government Association

Local Government House  
 Smith Square, London SW1P 3HZ  
 Tel: 020 7664 3131  
 Fax: 020 7664 3030  
 Email: [info@lga.gov.uk](mailto:info@lga.gov.uk)  
 Website: [www.lga.gov.uk](http://www.lga.gov.uk)

### Public transport

**Local Government House** is well served by public transport. The nearest mainline stations are; **Victoria** and **Waterloo**; the local underground stations are **St James's Park** (District and Circle Lines); **Westminster** (District, Circle and Jubilee Lines); and **Pimlico** (Victoria Line), all about 10 minutes walk away. Buses **3** and **87** travel along **Millbank**, and the **507** between Victoria and Waterloo goes close by at the end of **Dean Bradley Street**.

### Bus routes - Millbank

**87** Wandsworth - Aldwych **N87**  
**3** Crystal Palace - Brixton - Oxford Circus

### Bus routes - Horseferry Road

**507** Waterloo - Victoria  
**C10** Elephant and Castle - Pimlico - Victoria  
**88** Camden Town - Whitehall - Westminster-  
 Pimlico - Clapham Common

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