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**Update paper**

**Purpose of report**

For discussion / decision.

**Summary**

The report contains updates on current and recent work activities.

**Recommendation**

Members to note the update.

**Action**

LG Group officers to progress actions as appropriate.

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**Fire Commission update paper**

**Ministerial presentation at 16 May FSMC**

1. Bob Neill, MP, Parliamentary Under-Secretary of State for CLG attended the Fire Service Management Committee meeting on 16 May. All Chairs of FRAs were also invited to attend and put questions to the Minister. The minister updated members on the following key issues:
  - 1.1. CLG will respond shortly to the FireControl consultation. The Minister reassured members that solutions would not be imposed, but left to the sector. The Minister added that CLG were looking at means of supporting authorities in developing future resilience options. In response to a direct request for funding from Northamptonshire Fire for a new control centre, the minister said that consideration could be given to this once the consultation is over, but an envelope would exist regarding any more money to be made available.
  - 1.2. The Minister reminded the Committee about the importance of business continuity arrangements in FRAs.
  - 1.3. The Minister welcomed the LG Group's leadership in examining options for the future of the Fire Service College and confirmed that the future of the College remained on the department's agenda.
  - 1.4. Regarding the General Power in the Localism Bill, the Minister said that it was not intended that domestic dwelling alarm maintenance will be charged for. In response to a question on the community's right to challenge, the Minister said that checks would need to be carried out to ensure that risk management was covered.
  - 1.5. The issue of funding reductions was raised. The Minister explained the objective of the Local Government Resource Review and assured members that he would consider the position of FRAs.
  - 1.6. The Minister explained that an EU directive on self-extinguishing cigarettes was to come shortly into UK legislation later this year, and was expected to have significant safety benefits.
  - 1.7. On proposals to make the installation of sprinklers mandatory in all new-build properties, the Minister said that the Department would take an evidence based view on this.
  - 1.8. In response to a question on whether the Fire Futures exercise could be repeated shortly, the Minister responded that the dialogue which had emerged to date represented a useful starting point.

**National Framework**

2. Currently Government is required, under the Fire and Rescue Service Act 2004 to prepare a National Framework which sets out priorities and objectives for fire and rescue services and may also contain guidance in connection with the discharge

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of this function. The document is now due to be renewed and following the Fire Futures exercise, we understand that the Minister will be writing to the representative bodies and other organisations next week to ask for participation in a Working Group to develop a new draft Framework. There will then be a 3 month statutory consultation. This will be an important opportunity to shape and influence the thinking around what the Framework should contain and the FSMC and Commission will want to consider this issue at an appropriate time.

**FSMC Working Group on reviewing the LG Group/CFOA Peer Challenge**

3. Following a discussion on improvement and support in the FRS, and endorsement of the new LG Group/CFOA offer to provide one peer challenge to every FRA once every three years, the Fire Service Management Committee established a working group to look at developing the Peer Challenge for the fire sector. Councillors Hammond, Byrom and Shannon were nominated and approved to be part of the working party. The first meeting of the working group is scheduled for 28 June. If you would like to feed views into this work, please contact officers who will collate comments ahead of the meeting.

**LG Group Fire Conference and Exhibition: Date for Diary**

4. Next year's Fire Conference will be held on **Tuesday 20 and Wednesday 21 March 2012 at the Bournemouth Highcliff Marriott Hotel**. The venue, a four star hotel that has just undergone refurbishment has been used successfully as the venue for previous LG Group conferences. Bookings for this event will be open shortly on [www.local.gov.uk](http://www.local.gov.uk)

**LG Resource Review**

5. In February, the Commission received a presentation from Stephen Jones, Director of Finance at the LG Group. Since then, the LG Group has consulted the sector more widely on possible models. The LG Group has published two consultation papers seeking the views of members on the review.
6. The first paper highlights the key strategic issues arising from the review and is aimed at a non-technical audience. The second paper is more detailed and looks at a high level model of re-localised business rates and the associated technical challenges. Officers are talking to a number of sector experts to understand the issues from FRAs with different governance structures. Although it may be difficult to agree a sector-wide position, it is important that Members' views can be reflected in the finally agreed LG Group position. Officers are discussing the issue with the Fire Finance Network on 13 June.

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7. Bob Neill will be writing out to Chiefs and Chairs next week summarising the consultation responses and explaining next steps. This will be followed shortly thereafter by information on the allocation of funding. We expect FRAs with confirmed plans to receive any funding fairly quickly with some funding reserved for those still developing local solutions.
8. The National Audit Report into FiReControl is expected to be published on 1 July, with a Public Accounts Committee hearing on 6 July. The LG Group have submitted written evidence to the Inquiry although we do not expect to be called to give evidence at the Committee, with the focus being on CLG and the history of the project.

**Fire Safety Guidance for Purpose Built Blocks of Flats**

9. The Fire Safety Guidance for Purpose Built Blocks of Flats project is funded by DCLG (with a contribution from the Electrical Safety Council) and project managed by the LG Group. CS Todd and Associates Ltd were commissioned to draft the guidance working to a stakeholder reference group. The guidance is intended to give practical support and advice to all those with responsibilities for ensuring the safety of residents and others in these types of buildings.
10. The consultation phase of the project included regional events attracting over 200 attendees. The draft guidance was published on the LG Group website and received comments from over 60 organisations. The guidance will be available on the LG Group website in late July.

**Pensions**

11. Members have been concerned about the timeline for the draft FPS Pensions Amendment Order. We understand that the consultation document will now be issued in July. There is a concern about the removal of rule A14 which allows an FRA to enforce retirement in certain circumstances and the LG Group will be making representations on behalf of FRAs.

**Roundtable on Retained Duty System**

12. A Ministerial Round Table with Bob Neil MP will take place on 5 July to discuss the Retained Duty (on-Call) System. The roundtable will look at issues and challenges facing the on-call system highlighted in a national survey published on 8 February. The report outlining the results of the survey noted that:
  - 12.1. Fire and Rescue Services were not meeting the requirements of key legislation (Working Time Regulations, Drivers Hours Rules) by failing to keep accurate records and abiding by rest and break requirements.
  - 12.2. Fire and Rescue Services were not monitoring the hours worked and/or driven by Retained Duty System personnel for their primary employer.

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- 12.3. Fire and Rescue Services were not communicating with or listening to their Retained Duty System staff on important issues like work-life balance and better communications. Communication could be improved between the Fire and Rescue Service and Retained Duty System personnel, their families and primary employers.
  - 12.4. Many individuals felt under pressure because of their commitment to the Retained Duty System.
  - 12.5. Fire and Rescue Services continued to rely on a narrow range of measures to tackle recruitment difficulties.
  - 12.6. Many Fire and Rescue Services continue to struggle to hold onto Retained Duty System personnel.
13. Participants in the roundtable will include Fire and Rescue Service partners, representative bodies and business sector organisations. Cllr Hammond will represent the LG Group.

**National Joint Council**

14. Authorities have been advised that a pay claim for 2011 has been received from the Employees' Side seeking an increase on all pay points equivalent to the Retail Prices Index figures announced on 14 June. The claim will be considered at the meetings of the National Joint Council, including the Middle Managers Negotiating Body, on the same date. Employers' Side members will be mindful that such consideration needs to be in the context of what is affordable and sustainable, that expenditure must reduce and the Government expectation of public sector pay restraint.
15. Following on from a consultation of fire authorities, work is progressing on the matter of putting in place compensation arrangements that would permit fire authorities, should they so wish, to enhance redundancy payments e.g. to base calculations on actual salary rather than the statutory maximum figure of £400 and provide a general power to pay up to 104 weeks. This approach would not commit authorities to a position where they must pay enhanced redundancy payments to Grey Book staff. It would however replicate a flexibility that authorities already have for control staff and those employed on NJC for Local Government Services (Green Book) terms and conditions.
16. Authorities are aware that the FBU have supported approximately 12,500 Employment Tribunal cases, and the RFU approximately 2,500, across the UK citing discrimination under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations. The courts found in favour of the retained duty system firefighters. Settlement agreements have now been reached with both unions to facilitate withdrawal of the cases.
17. At national level industrial relations are good at present, although the matter of a pay award for 2011 may impact upon that. There has been a slight increase in the

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number of individual authorities requesting Joint Secretarial help to resolve local differences.

18. We are aware that the matters of pension changes and pay were debated at the recent FBU conference. Both debates reached similar conclusions suggesting that its members prepare for industrial action if necessary but also emphasising a commitment to dialogue and negotiation.