

Fire Commission update paper

Purpose of report

For information.

Summary

The report outlines issues of interest to the Commission not covered under the other items on the agenda.

Recommendation

Members to note the update.

Action

Officers to progress as appropriate.

Contact officer: Helen Murray
Position: Head of Programmes
Phone no: 020 7664 3266
E-mail: helen.murray@local.gov.uk

Fire Commission update paper

LGA Annual Fire Conference 2013

1. The LGA's Annual Fire Conference will be taking place on 12 and 13 March 2013 at the Hilton Metropole in Brighton. We are offering a 10% discount to delegates who book their place at the conference before the 31 October. Further details and booking instructions can be found here: http://www.local.gov.uk/web/guest/events/-/journal_content/56/10171/3700831/EVENT-TEMPLATE

Fire Strategic Resilience Board

2. The Fire Strategic Resilience Board (SRB) met for the second time on 3 October. The LGA is represented by Cllr Jeremy Hilton (Joint Vice Chair) and Cllr Mark Healey.
3. The SRB considered a range of issues including initial findings of the national resilience gap analysis as it applies to fire; future arrangements for the Marauding Terrorist Firearms Attack (MTFA) Programme and the post-MIRG arrangements.
4. The national resilience gap analysis is being undertaken by officials from CLG and other relevant government departments together with representatives from CFOA. It is at an early stage and future meetings will be provided with a costed gap analysis so that decisions on priorities can be made.
5. The SRB agreed to provide oversight for the next phase of the marauding terrorist firearms programme. The next phase will look to consolidate existing capability through further joint training and to establish a joint assurance workstream. It is intended that the capability should remain targeted at the existing model response sites.
6. At the LGA's insistence, post MIRG arrangements were discussed. CFOA has proposed options for a slimmed down capacity which would focus on FRS's making a ship fire assessment capability as a declared facility. It is envisaged that this would be capable of being deployed to ships that were on fire at sea, principally within UK territorial waters. This proposal, welcomed by the MCA as an additional declared facility, would require government funding of around £250,000. SRB did not consider that Ministers would be minded to make this funding available. As the responsible body, it is for the MCA to assure the Strategic Resilience Board and others, that the current arrangements are adequate and to be accountable for the implementation of the policy.
7. LGA Members held the MCA to account over the issue of no government funding and asked them to re assure all those present that those Fire and Rescue Services that it affected would not be held responsible for any future offshore incidents that may occur. We await written confirmation of this.

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Intervention protocol

8. It is a requirement under section 23 of the Fire and Rescue Services Act 2004 that an intervention protocol be prepared and for the secretary of state to have regard to it.
9. Following the development and publication of the new <http://www.communities.gov.uk/documents/fire/pdf/nationalframework> , the government is now consulting on a revised intervention protocol (which is referred to in paragraph 4.9 of the Framework). <http://www.communities.gov.uk/documents/fire/pdf/2219724>
10. The LGA has circulated a briefing note to all Chiefs and Chairs on the protocol, (**Appendix 1** attached), setting out the discussions so far. Members will wish to note that in discussions with officials the case was put for the relevant legislation relating to the Intervention Protocol for fire and rescue authorities to be repealed. The argument put to CLG was that a single framework should apply across the whole local government sector and that fire should not be singled out as exceptional. Under this approach the Local Government Accountability System Statement, which already covers fire and rescue authorities, would have sufficed. However, this approach has been rejected on the grounds that it was legislatively difficult. In other cases this has been achieved through a Legislative Reform Order under the Legislative and Regulatory Reform Act 2006.
11. As it stands the Intervention Protocol does reflect the arrangements set out for the rest of local government in Local Government Accountability System Statement.
12. The deadline for the consultation is 15 November and FSMC will submit a response.

Fire Service College

13. Final bids for the purchase of the College are due to be submitted on 12 October. There will then be an extensive evaluation process to evaluate the bids and assess the value for money of the preferred bidder before seeking ministerial approval. This process will involve the Cabinet Office Efficiency Reform Group and the Treasury. The Minister will be providing an update at the next Fire Services Management Committee meeting on 16 November. Plans remain on track to name a preferred bidder in November, sign the contract in December and complete the sale in early 2013.

Assurance Statement Guidance Consultation

14. The Government is currently consulting on guidance for the preparation of Assurance Statements <http://www.communities.gov.uk/documents/fire/pdf/2219707> . Assurance Statements are a requirement for fire authorities set out on the new National Framework. As currently drafted, the guidance indicates that assurance statements will be required to cover matters relating to finance, governance, operations and compliance with the National Framework.
15. The information required for the assurance statement is all currently available elsewhere as requirements of statutory processes. As such the Assurance Statements

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could be seen as duplicative and of little additional value either to communities or to government.

16. Assurance statements of this type are not required by other local authorities and it is not clear why the fire sector is being singled out in this manner.
17. The FSMC will respond to the consultation which ends on 15 November 2012.

Fighting fires or firefighting – CFOA publication

18. CFOA published a report Fighting Fires or Firefighting - The Impact of Austerity on English Fire and Rescue Services, on 20 September. This report details CFOA's concerns regarding the financial situation facing Fire and Rescue Authorities. The full document can be found here: <http://www.cfoa.org.uk/13852>

Fire and Rescue secondees into CLG

19. The Department for Communities and Local Government has proposed that a partnership between central government and fire and rescue authorities is created that will enable secondees to have access to a wider range of experiences within the Department.
20. As part of the proposed process, DCLG would ask fire and rescue authorities on an individual basis, to part support the secondment financially, seeing the secondment experience and part of the professional career advancement for aspirational fire-fighters on their way to senior management.
21. Access to the scheme would be by way of a competitive process run by the Department, with individuals having secured the support of their fire and rescue authority before applying, and the agreement of the authority in funding terms. Fire and rescue authorities would only be expected to support individuals they see as having leadership potential and who would benefit the most from a secondment to central government. Secondments would be for a minimum of 12 months and a maximum of two years embedded in policy teams.
22. This offer was discussed at the Fire Services Management Committee meeting on the 14 September where Members raised some concerns that the DCLG intends to cap the reimbursement to fire authorities at £60,000 per annum for each secondee when the actual cost to an individual FRA could be as much as £72,000. The FSMC Chairman has written to Brandon Lewis MP urging a more flexible funding system and we are awaiting a response.

Fire kills campaign 2012-13

23. The national advertising for the Fire Kills campaign began on Monday 15 October. Its focus is again to encourage people to test their smoke alarms when they turn back their clocks over the weekend of 27/28 October 2012. The campaign's national advertising strategy can be found here: <http://www.communities.gov.uk/publications/fire/fsb152011>

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24. Details of the 2011-12 campaign have also been published and can be found here:
<http://www.communities.gov.uk/publications/fire/firekillsreport201112>

National Operational Guidance Programme

25. In September, the programme boards—the Operational Guidance Group and the Operational Guidance Strategy Board met to agree the parameters for this work, and the methodology for a forward programme. An update note from the LGA and CFOA has been issued to the service (see **Appendix 2** attached). Further updates will be provided on this work in due course.

Fire Futures Forum - Leadership in Europe

26. On 11 September the LGA was represented at the CFOA Fire Futures Forum by Councillors Roger Price and Kevin Foster. The Forum received a presentation from Cllr Doris Ansari, Member, Committee of the Regions, outlining the decision making process for EU legislation and the impact that this has on the UK, highlighting where the routes of influence in future policy development may lie. The meeting provided a good opportunity for the LGA and CFOA to discuss their respective business priorities over the next 12 months and re-affirm their commitment to working together to ensure that we maximise our influence on shared priorities. One area where LGA and CFOA continue to work closely is to ensure that we have a strong evidence base to support our position on any forthcoming EU legislative proposals to amend the current Working Time Directive regulations.

Amendments to the New Firefighters' Pension Scheme 2006 (automatic enrolment): Consultation

27. The Department for Communities and Local Government has announced that it is consulting on amendments to New Firefighters Pension Scheme 2006. The closing date for responses is the 7 November and further details can be found here:
<http://www.communities.gov.uk/publications/fire/pensionsconsultation>

Consultation on the use of the communication data acquisition powers (RIPA Part 1, Chapter 2)

28. The deadline for the above consultation was extended to the 4th October following FSMC lobbying and DCLG has now received responses from 31 fire and rescue authorities in England, of whom 4 have used their RIPA communication data acquisition powers in the past three years.
29. Despite the low historic usage, a number of valid reasons have been put forward as to why it would be beneficial for FRAs to have these powers replicated in the new draft Communications Data Bill. These include tackling hoax/malicious calls, arson reduction and enforcing fire safety regulations. In most cases, it is clear that FRAs work closely with the police and, that they would rely on the police seeking the data in the majority of cases. However, some have noted that it would be beneficial for FRAs to retain the power should the police choose not to – or have insufficient resources to –

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pursue a criminal investigation. They have also indicated that, under spate conditions (eg, flooding or a terrorist attack) the volume of calls may mean that all relevant 999 data cannot be retrieved in the 'golden hour'. Under these circumstances, independent access to CDA powers is likely to be necessary to ensure that all those who may be exposed to danger can be traced.