

## Note of decisions taken and actions required

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**Title:** Fire Services Management Committee  
**Date and time:** Friday 16 November 2012, 11.00am  
**Venue:** Westminster Suite Room 8.1

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### Attendance

<b>Position</b>	<b>Councillor</b>	<b>Council</b>
Chairman	Cllr Kay Hammond	Surrey CC
Vice chair	Cllr Sian Timoney	Luton BC
Deputy chair	Cllr Jeremy Hilton	Gloucestershire FRS
	Cllr Brian Copping (Deputy Chair)	Shepway DC
Members	Cllr Mark Healey	Devon & Somerset FRS
	Cllr Maurice Heaster OBE	London FEPA
	Cllr John Bell	Greater Manchester FRA
	Cllr David Topping	Cheshire FA
	Cllr Kevin Foster	West Midlands FRA
	Cllr John Joyce	Cheshire FA
	Cllr Navin Shah	London FEPA
	Cllr Julie Young	Essex FRS
	Cllr John Edwards	West Midlands FRA
	Cllr Keith Aspden	North Yorkshire FRA
Substitutes	Cllr Les Byrom CBE	Merseyside FRA
Apologies	None	
Officers:	Helen Murray, Eamon Lally, Gill Gittins, Clive Harris, Steve Service (all LGA)	

**Item Decisions and actions**

**Action by**

Councillor Kay Hammond welcomed Members and Officers to the meeting, including the Chairs and Chief Fire Officers from Fire Authorities who were attending for the item with the Minister.

**1. 2012/13 Priorities**

Cllr Hammond drew Members' attention to the appended forward plan for the work of the FSMC and Fire Commission following consultation with FRAs across the country about their priorities.

Cllr Hammond said that the Fire Commission's views had been sought at the October meeting on how it wanted to interact with the FSMC going forward. A work programme and draft Terms of Reference had been drawn up in response to feedback and was also attached to the report for the FSMC's approval.

Cllr Copping urged the FSMC to consider a piece of work to encourage young people to get involved in cadet forces as this would chime with the Government's aims. Cllr Hammond responded that the Police and Crime Commissioner/FRA task group would be able to pick this up as part of their study as a strong demonstration of FRAs work in the community safety arena.

Members welcomed the forward plan as a means of directing the FSMC and FC's focus for the year ahead.

Decision

Members *agreed* the forward plan and the revised terms of reference for the Fire Commission.

Action

LGA Officers to draw up more detailed workstreams in light of discussion and publish the agreed Terms of Reference on the LGA website.

**Helen Murray /  
Eamon Lally /  
Stephen Service**

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**2. Police and Crime Commissioners and Fire and Rescue Authorities**

Helen Murray introduced this item. She said that there was a clear steer from October's meeting that the Fire Commission would like to work more closely with the Safer Communities Board, particularly on the issue of Police and Crime Panels and what these would mean for legislation going forward and day to day work.

Councillors commented that FAs were at different stages in their relationship with the police. Many felt that the proposed task and finish group could provide an opportunity to develop a more formal memorandum of understanding in consultation with the newly elected Police and Crime Commissioners, however it was recognised that FAs would need to drive this approach.

Members discussed the suggestion from some quarters that PCCs be given a wider role beyond the police. They stressed the need for PCCs to understand that FRSs were not enforcement agencies. .

Members raised the issue of joint interoperability which could provide an immediate opportunity for PCCs to engage with the wider fire sector. Some expressed a desire that fire service representatives be given a place on the Police and Crime Panels.

Cllr Hilton welcomed the proposal for the task group and said his home authority had already had a useful conversation on fire control with other emergency services in the area.

Cllr Timoney nominated Cllr Julie Young from the Labour Group to sit on the task and finish group.

Action

Officers to progress task and finish group arrangements as directed by Members.

**Helen Murray**

**3. Assurance Statement: consultation response**

Eamon Lally, LGA Senior Advisor presented this item and invited comments from the Committee.

Regarding the draft guidance on statements of assurance, Members

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questioned what these would look like in the context of reducing resources. They said that Fire Authorities were more than able to provide performance information and that suggestions to contrary as implied in the proposals felt patronising.

Members agreed that the idea of “light touch” guidance was contradicted by a heavily prescriptive approach.

Members asked why regulation in FRSs was suddenly being questioned after 8 years of being seen as fit for purpose. While Fire sought a partnership with CLG, this did not demonstrate a mature way of working.

Cllr Hammond suggested that the Committee put a question to the Minister regarding CLG’s thinking behind the additional assurance statement required.

Cllr Timoney argued that the draft LGA response could strike a collaborative tone with an offer from the sector to work with Government on a revision..

Cllr Hammond summarised the Committee’s view that a slightly stronger wording should be adopted in the LGA’s response.

Action

Officers to amend consultation response in light of Members’ comments.

**Eamon Lally**

**4. Intervention Protocol: consultation response**

Eamon Lally introduced this paper. He said that Members may wish to question Government on when and how the intervention powers proposed will be used. While pressing too hard for clarity could mean no flexibility in the protocol, the details were not clear enough as described in the document.

While Members generally appreciated that intervention could be necessary in cases where drastic failure occurred, they agreed that further detail was needed regarding the criteria for being judged and the penalty for failure. They questioned whether people would be removed from their post if failing to act in accordance with the framework and where overall accountability lay.

Cllr Hammond argued that the LGA's response needed to emphasise the sector's development of a peer review process which included recommendations for improvement. While FAs are not required to publish these, she argued that failure to do so would sound an alarm to central Government as to why.

Cllr Healey emphasised that the Government's commitment to "sector led" improvement should result in grown up conversations with fire authorities, particularly around possible intervention measures.

#### **5. Autumn statement and preparation for next Comprehensive Spending Review**

Cllr Hammond invited comments on the draft letter appended and the proposal to take forward work on the next CSR.

Members agreed the contents of the letter proposed with the following comments:

- That in considering FRA mergers, the difference between the council tax base was so huge that it became a barrier. There was a need to look at other opportunities for partnership such as collaborative working rather than just mergers.
- That the size of pot for the Fire Service was substantially smaller than local government in general. There was a strong case to put to the Treasury that future budget constraints should not affect FAs in the same way as other sectors. Officers needed to develop strong financial arguments and make clear that the financial situation could not be sustained for future funding arrangements.
- That there was a risk in emphasising the reduction in fatalities achieved that this would send out the message that FAs were doing well and could ensure further reductions. A greater emphasis on the wider responsibilities of FRSs and the preventive agenda should form a key plank of our arguments.
- That PCCs needed to be persuaded as part of their funding priorities that FRSs have a huge part to play in community safety.

Eamon Lally asked Members to note that the figure of 28% quoted by CLG as distributed to Devon and Somerset (and included in paragraph 9 of the paper) was incorrect – the correct percentage should be 42%.

Action

Officers to reflect Members' comments in final letter and submit to lead members for endorsement.

**LGA Officers**

**6. Minister's attendance**

Cllr Hammond welcomed the fire minister Brandon Lewis MP to the meeting. She said that her initial discussions with the minister had confirmed her view that he was someone who would listen and work with the sector.

Mr Lewis thanked Cllr Hammond. He asserted that rather than talk about his own priorities, he was keen to get a better understanding of local priorities. He invited questions and comments from Members.

Members asked about the national framework paper and Mr Lewis' **long term aspirations for the fire service.**

Mr Lewis said that he wanted to see local communities involved with the service saying what was right for them. He emphasised the need for FRSs to get better at sharing good practice and procurement, which had a current spend of £60 billion per year.

As preventative work was now front line, Mr Lewis recognised a need to move forward on this agenda. He saw the election of PCCs as a potentially important step for the sector.

On the **autumn statement**, members asked if he could confirm the rumour that the statement would be a 1 year rather than 2 year announcement. Mr Lewis asserted that he could not offer predictions on the Autumn statement at present but Members would have the figures before Christmas.

On **sprinklers**, Members asked if the minister would at least consider putting in place a consultation process in view of the risk to life posed by not pursuing this issue. The possibility of a select committee looking at the pros and cons of sprinklers was also raised.

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Mr Lewis said that the Government's position had not changed and ministers would await with interest the outcome of the work in Wales. However, he conceded that building regulations could provide a barrier to businesses who wish to install sprinkler systems and would raise this with the relevant Minister in DCLG to see if changes could be made. If a select committee wished to examine the issue in more depth, this was up to them rather than CLG.

On the **Fire Service college**, Members asked about the latest progress regarding the sale. The Minister said that a decision on the preferred bidder was likely to be made by Christmas, with the sale expected to be completed in January 2013.

On **PCCs**, members said they recognised the need to make early contact with commissioners and asked if anything was being done at CLG's level to cement these relationships.

Mr Lewis replied that PCCs interest in community safety provided an opportunity for FRSs to make their case for funding locally. However, he contended that the sector needs to get better at selling the very positive stories in terms of preventative work. Mr Lewis said that if there were things that central government could do to make lines of communication smoother, whether through the Home Office or other departments, they were happy to make an approach.

Councillors asked how the minister saw his role on PCCs in relation to other Central Government departments such as the Home Office. Mr Lewis recognised that there was more that could be done by Government to ensure a joined up approach but said that working across departments was one area working well at the moment. He reaffirmed that he would work with the Home Office if there were found to be issues within FRSs regarding PCCs. Cllr Hammond said she hoped that cross working would also include the Treasury.

Members asked about the withdrawal of funding for the **Maritime Incident Response Group** and warned that the sector could not be held responsible for any future disasters.

The Minister said that in talking to the Maritime Coastguard Agency, he was satisfied with the level of resilience they have and had confidence in their ability to deal with future maritime emergencies.

With the removal of inspectorates in relation to local authorities,

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members asked at what stage the Minister envisaged central government intervention coming into play and whether he intended to leave it to LAs to carry forward **performance improvement**.

Mr Lewis said that he knew the sector could be trusted and cited peer work as an example of where the LGA is helping to bring performance work together. Where change is needed, the process works better if it comes from the sector.

On **assurance statements**, Councillors said that these were at best excessive and at worst unnecessary, questioning how they fit with locally set priorities. It was suggested that authorities could set their own assurances without Government intervention.

Mr Lewis responded that while he wanted to see performance managed locally, there had to be a framework for this. With local people demanding more transparent performance information, it needed to be far more accessible than previously.

On **future funding**, Members asked if the minister could give any reassurance that given the disproportionate cuts made to fire services over the next 2 years, the sector would not be expected to make cuts in the same way as other areas of the public sector in the next 2 years.

The Minister said that reductions for fire services had previously been backloaded. However, it needed to be made clear that in the future, less money would be available than before. Some LAs might look at the structure of FAs and decide that they didn't need the number currently in place. Numerous areas, including procurement and shared services could be areas for further reductions.

Cllr Hammond thanked the minister for coming and for agreeing to attend the forthcoming Fire Commission in February and the fire conference in March.

Decision

The Fire Services Management Committee **noted** the minister's comments.

**7. Industrial Relations**

The Committee received an update from its NJC representative Cllr Heaster and Gill Gittins, LGA Principal Negotiating Officer on the latest developments in industrial relations.

Cllr Heaster tabled the reply to his CLG letter regarding the allocation of employer costs for the pensions element of the retained firefighter settlement. He commented that the response was unhelpful and further clarification was still needed regarding the legal nature of the settlement. Members agreed that a robust stand was necessary.

Action

Cllr Heaster in liaison with LGA Officers to continue to apply pressure to Government to clarify legal nature of settlement.

**Cllr Heaster / LGA  
Officers**

**8. FSMC update paper**

Members noted that the **position of Chief Fire and Rescue Adviser** had been made into a part time role and downgraded, reporting to the Director of Fire Resilience and Emergencies Directorate. While appreciating that ultimately the Minister's decision, they voiced concern about the potential impact of the change.

On the **Fire Conference** in March, Cllr Heaster asked if there was still flexibility on workshop content. He highlighted a recent presentation given by John Thompson at London Fire on sustainable development as a possible topic.

Members requested more detail on the sale process of the **Fire Service College**.

Action

Officers to investigate possibility of sustainable development as a topic at the Fire Conference.

**Helen Murray /  
Clive Harris**

**9. Note of the last meeting - 14 September 2012**

Members approved the minutes of the previous meeting.

**Date of Next Meeting:**

Friday, 25 January 2013 at 11.00am in Local Government House