

Notes of Previous Meeting

Fire Services Management Committee

10 March 2008

at The Council House, Coventry

Present

- Chair:** Cllr Les Byrom CBE (Merseyside FRA) (Conservative)
- Vice Chair:** Cllr Fred Walker (Greater Manchester FRA) (Labour)
- Deputy Chair:** Cllr Jeremy Hilton (Gloucestershire CC) (Liberal Democrat); Cllr Watts Stelling (Durham CC) (Independent).
- Conservative:** Cllr Richard Hobbs (Warwickshire CC) (RMB Member); Cllr Anthony Duggan (Bedfordshire & Luton CFA); Cllr Jerry Willmott (Wiltshire & Swindon FRA).
- Labour:** Cllr Tony Hooton (Cheshire FA); Cllr Mehboob Khan (West Yorkshire FCDA); Cllr Phil Box (Shropshire).
- Liberal Democrat:** Cllr Dave Goddard (Stockport)
- Apologies:** Cllr Brian Coleman (London LFEPA) (Conservative); Cllr Mac McGuire (Cambridgeshire and Peterborough CFA) (Conservative); Cllr Jane Bird (South Yorkshire FRA) (Labour); Val Shawcross (LFEPA) (Labour); Cllr Eddie Clein (Liverpool) (Liberal Democrat).

1. Update on Current Issues

The Chairman updated members on current issues within the Management Committee's remit.

The Chairman informed the meeting that **David Harper, Deputy Divisional Head and Head of Operations, Fire and Rescue Service Development Division**, would be leaving Communities and Local Government shortly. The Chairman thanked David for attending FSMC meetings and for his outstanding contribution. David said that he had enjoyed his involvement with the FSMC over the last 4 or 5 years and expressed thanks for the ongoing support he had received. Due to internal CLG changes, stakeholder engagement was being relocated to the centre of the Directorate, although an officer would still be available to attend FSMC meetings.

The Chairman provided an update on the **NJC**. Four constructive meetings of the NJC's joint working party on pay '08 have been held and further dates have been scheduled on a monthly basis up until June.

An NJC seminar was held on 17 January to formally launch the NJC's joint protocol on good industrial relations.

The Chairman advised that the LGA had responded to the three **CLG consultations** (Centre of Excellence, National Framework 2008–11 and Equality and Diversity).

On the **Centre of Excellence** consultation, around eighty per cent of fire authorities had responded to. The responses were mixed. CLG will establish a committee to look at issues requiring national coordination.

With regard to the **National Framework consultation**, CLG is currently evaluating the responses and will then assess where any amendments are needed. The aim is to publish a formal consultation response by the end of March with publication and the Statutory Instrument in April/May.

CLG review of the National Procurement Strategy – Cllr Richard Hobbs, a representative on the stakeholder sub-group, provided an update on activity. The group had a 2 day meeting to develop a response to the **National Procurement Strategy** (the group was not involved in the review of Firebuy). Cllr Hobbs reported that there had been much debate about the benefits of regional versus national procurement with more enthusiasm for regional procurement.

It was also suggested that the LGA could perform a communications and scrutiny role within the process. It was agreed that there could be a case for national procurement in the event of standardisation and compatibility of procurement. Some felt that greater clarity was required with regard to the roles of the various stakeholders.

It was noted that, should Firebuy cease to exist, its legacy would be lengthy as many of the contracts signed by Firebuy were for a substantial period of time. This issue would need special consideration.

David Harper confirmed that the **Centre of Excellence** consultation was a work-in-progress. With regard to the **Equality and Diversity Consultation**, David Harper advised the meeting that the project board had looked at funding and a report was scheduled to be sent to ministers within 2 weeks. Also, a launch event had been scheduled to take place on 28 May at QEII at which the minister and Cllr Les Byrom will speak. David Harper advised the meeting that there had been a lot of consensus in relation to the consultation and that CLG colleagues were reassured.

With regard to the **National Framework Strategy**, David Harper advised the meeting that CLG had received some good responses which they were considering.

The Chairman advised that two studies had been published on the interaction between business and **retained duty staff**. These reports could be used to stimulate ongoing discussion at national and local level on how to encourage businesses to release staff for retained duties. David Harper pointed out that the retained duty system was a long standing issue. He said that there was renewed emphasis on

the issue and that he would put the board in touch with his colleague who was leading in this area.

It was suggested that Sir Ken Knight be invited to attend a future FSMC meeting to give his views on the future of the **Chief Fire and Rescue Adviser's Unit** as its role continues to develop.

The Chairman advised that the next **CLP FRS Sub-Group** was scheduled for 31 March in London.

The Chairman advised that Sir Ken Knight was assessing the order in which to refresh the **Health and Safety Manuals**. It was agreed that this issue needed further discussion and that an FSMC member should link into any discussions. The Chairman pointed out that, should an accident take place before the manuals had been refreshed, there could be serious implications in terms of corporate responsibility.

David Harper advised that the **Sir Ken Knight's** report on the role of the fire and rescue service in the 2007 flooding was due in March. The Chairman thought it unlikely that the report would recommend extra statutory duties for the fire and rescue service. The view was expressed that there had not yet been a political discussion on the roles of the various organisations involved in flooding. David Harper agreed to take this message back to CLG.

With regard to the **Executive Leadership Course**, Cllr Anthony Duggan advised the meeting that the course was proving to be very successful and that there had been a good standard of applicant. The first course was full and the second was nearly full.

Cllr Mehboob Khan reported on the developing process for CAA replacing CPA. The key lines of enquiry used to assess authorities have been refreshed and trialled.

It was agreed that there was little point in annual assessments of the Fire and Rescue Service as some measures took more than a year to develop. The real challenge was seen as how to contribute to the targets. It was agreed that there needs to be greater recognition amongst partners of how the Service contributes to other LAA targets such as reducing anti-social behaviour.

Emma Varley informed the meeting that the Fire Steering Group had agreed to do some work with CFOA to highlight to local authorities how the service could contribute to LAAs.

Concern was expressed that the service might not be focusing on its core business. An alternative view was expressed that the service was concentrating on its core business by, for example, reducing fire deaths and road accidents through the provision of education.

With regard to the **Audit Commission National Performance Assessment Report**, the Chairman advised that the majority of FRAs were improving but that it has been reported that the gap between the best and worst performing authorities was increasing.

The Chairman suggested that a future FSMC agenda should include an item on the increasing gap between the worst and best performing authorities. A discussion was needed on the implications of moving from LAA to CAA and the type of support needed by members.

Action

- LGA officers to identify a speaker and prepare a paper on CPA and CAA for the next FSMC meeting.

Cllr Jeremy Hilton reported that the **New Dimensions Transition** project board had met on the 3rd March. CLG has agreed to fund a secretariat to support this project for the next three years. Members agreed that there was a need for greater clarity regarding the cost and structure of the secretariat and that the FSMC would need to scrutinise this plan.

The sixteen year contracts to maintain New Dimensions equipment had been put out to tender and bids are currently being evaluated. It is expected that the chosen contract will be signed in June or July with the contract coming into force from the 1st October.

Action

- The proposed CLG funding of a secretariat to support the New Dimensions project will be scrutinised at a future meeting of the Fire Services Management Committee

2. Pensions

Cllr Fred Walker told members that the working group had now held two of its three meetings and had started to sift figures that identified the management of ill-health retirement in individual FRSs. A recommendation to the minister will be formulated at the third meeting of the group. Central government wants to see a consistent use of ill-health retirement across FRAs in the future.

3. FiReControl Update

The Chair told members that the business case was the still the major issue. A letter from CLG, co-signed by Cllr Jerry Willmott, explaining the delay in the publication of the business case, has been sent to all FRAs. The Fire Services Management

Committee will continue to work with and scrutinise CLG to ensure that the final business case is published in June. This finalised document will include regional annexes and details of expected savings.

Cllr Jerry Willmott told members that he was chairing the Assumptions Review Group and the group's work would inform the content of the business case. Cllr Willmott also expressed his disappointment over Pete Betts' departure from CLG.

4. Equality and Diversity in the Fire and Rescue Services - next steps

Emma Varley (Senior Policy Consultant) outlined the initial analysis of responses to CLG's Equality and Diversity Strategy consultation, including the nine joint national actions that have been developed and will be progressed jointly by CLG, CFOA and the LGA.

Decision

- Members agreed the proposed LGA action plan to provide a strategic lead on equality and diversity.

5. Current CLG Position on Integrated Risk Management Planning (IRMP)

David Harper (CLG) explained that CLG's position was based on four issues:

- 'good practice' guidance
- research to underpin and drive forward the evidence base for IRMP
- adequacy and impact of IRMP research
- CLG 'healthcheck' of IRMP policy implementation.

Good practice guidance has been developed by FRS officers; six guides have been produced, three more are being developed and two additional guides have been commissioned by CLG. This guidance is not mandatory and aims to avoid an overly prescriptive approach.

The IRMP Steering Group has endorsed a number of pieces of research to support the evidence base for IRMP. This will be finalised and released as a FRS circular in due course.

In 2006 the Select Committee on the Fire and Rescue Service recommended that "the impact and adequacy of Integrated Risk Management Plans is assessed on a nationwide basis." Mott MacDonald have been commissioned to undertake research on this.

The 'healthcheck' of CLG policy implementation will be looking at processes at the national level and will seek to identify whether these allow the centre to support

localities effectively. Cllrs Fred Walker and Anthony Duggan will be consulted as part of this process.

The IRMP steering group ensures that national developments are fed down to the local level. Emma Varley and David Harper both sit on this group.

6. Corporate Manslaughter and Corporate Homicide Act 2007

David Harper (CLG) explained that CLG circular 6/2008 informed FRAs that they were specifically mentioned in this piece of legislation and urged them to seek legal advice on it. The Ministry of Justice has published a guide to the Act that can be found here: <http://www.justice.gov.uk/docs/guidetomanslaughterhomicide07.pdf> Paragraph 33 is of relevance to the FRS as it states that corporate manslaughter does not apply to the emergency services when they are responding to an emergency. Paragraph 34 goes on to describe the effect of this exemption with regards to timeliness and effectiveness of response. No duty of care is set out in the Act. David Harper told members that he was happy to respond to any queries from members as appropriate.

The Chairman noted that this was an important piece of information and that FRAs will need to take guidance from legal teams and CFOA. Health and safety manuals will also need updating to ensure that all FRSs are within the legislation.

7. Note of previous meeting

Members agreed the note of the previous meeting.

8. Date of next meeting

The next meeting of the Fire Services Management Committee will be held on Monday 12th May at Local Government House