

Fire Services Management Committee

Agenda

Monday 23 January 2012
11.00am

Smith Square Rooms 1 & 2
Local Government House
Smith Square
London
SW1P 3HZ

To: Members of the Fire Services Management Committee
cc: Named officers for briefing purposes

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Fire Services Management Committee

23 January 2012

The **Fire Services Management Committee** meeting will be held on **Monday 23 January 2012 at 11.00am**, in Smith Square Rooms 1 & 2 (Ground Floor), Local Government House, LONDON, SW1P 3HZ.

A sandwich lunch will be provided afterwards at 1pm.

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
Conservative: Luke Taylor: 020 7664 3264 email: luke.taylor@local.gov.uk
Liberal Democrat: Evelyn Mark: 020 7664 3235 email: libdem@local.gov.uk
Independent: Group Office: 020 7664 3224 email: independent.group@local.gov.uk

Attendance Sheet

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Contact

Stephen Service (Tel: 020 7664 3194, email: stephen.service@local.gov.uk)

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Fire Services Management Committee

Date: 28.11.11

Fire Services Management Committee - Membership 2011/12

Councillor	Authority
Conservative (7)	
Brian Coleman [Chairman]	London FEPA / Barnet LB
Mark Healey	Devon & Somerset FRS
Kay Hammond	Surrey CC
Maurice Heaster OBE	London FEPA
John Bell	Greater Manchester FRA
Ann Holland	Essex FRS
David Topping	Cheshire FA
Substitutes:	
Richard Tracey	LFEPA
Paul Bryant	Royal Berkshire FRA
Andre Gonzalez de Savage	Northamptonshire CC
Labour (5)	
Sian Timoney [Vice Chair]	Bedfordshire & Luton FRA
Nick Forbes	Tyne & Wear FA
John Joyce	Cheshire FA
Navin Shah	London FEPA
Julie Young	Essex CC
Substitutes:	
Les Byrom CBE	Merseyside FRA
Liberal Democrat (2)	
Jeremy Hilton [Deputy Chair]	Gloucestershire CC
Keith Aspden	York City
Substitutes:	
Roger Price	Hampshire CC
Terry Stacy	London FEPA
Independent (1)	
Christopher Newbury [Deputy Chair]	Wiltshire Fire Authority

15 Member Steering Committee

LGA Fire Services Management Committee Attendance 2011 - 2012

Councillors	16.09.11	17.11.11			
Conservative					
Brian Coleman [Chairman]	YES	YES			
Mark Healey	YES	YES			
Kay Hammond	YES	YES			
Maurice Heaster OBE	YES	YES			
John Bell	YES	YES			
Ann Holland	YES	NO			
David Topping	YES	YES			
Substitutes:					
Tony Arbour	NO	YES			
Paul Bryant	NO	YES			
Andre Gonzalez de Savage	NO	NO			
Labour					
Sian Timoney [Vice Chair]	YES	YES			
Nick Forbes	YES	YES			
John Joyce	YES	YES			
Navin Shah	YES	YES			
Julie Young	YES	YES			
Substitutes:					
Les Byrom CBE	YES	YES			
Liberal Democrat					
Jeremy Hilton [Deputy Chair]	YES	YES			
Keith Aspden	NO	YES			
Substitutes:					
Roger Price	NO	NO			
Terry Stacy	YES	NO			
Independent					
Christopher Newbury [Deputy Chair]	YES	YES			

Agenda

LGA Fire Services Management Committee

Monday 23 January 2012

11.00am

Local Government House, London

For discussion

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Date of Next Meeting: Monday, 19 March 2012, 4.00pm, Blandford Suite, Bournemouth Highcliff Marriott Hotel (at the Fire Conference)

Item 1

National Framework Consultation

Purpose of report

For discussion and direction.

Summary

DCLG are consulting on a new National Framework for fire and rescue services in England. This paper sets out some of the issues raised by the consultation document. The consultation ends on 19 March 2012.

Recommendations

Members are asked to consider the proposals with regard to the questions set out in paragraph 8 below as a basis for a consultation response.

Action

Officers to draft consultation response subject to Members' comments.

Contact officer: Eamon Lally
Position: Senior Adviser , LGA
Phone no: 020 7664 3132
E-mail: eamon.lally@local.gov.uk

Item 1

National Framework Consultation

Background

1. The Department for Communities and Local Government (DCLG) published its consultation on the Fire and Rescue Service National Framework for England in December 2011 (see **Appendix A**). The Framework sets out the Government's priorities and objectives for fire and rescue authorities in England. The Framework is produced under section 21 of the Fire and Rescue Services Act 2004.
2. The Framework is set out under three broad headings: Safer Communities; Accountable to communities; and Assurance.
3. The Government's priorities for fire authorities, as set out in the Framework, are to:
 - 3.1 Identify and assess the full range of fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately;
 - 3.2 Work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and
 - 3.3 Be accountable to communities for the service they provide.
4. DCLG require consultation responses by 19 March 2012.
5. Separately, the Department for Communities and Local Government and the Chief Fire Officers Association have also written to all fire authorities seeking comments on proposals for strategic governance arrangements for fire and rescue national resilience (see **Appendix B**). These proposals need to be considered in conjunction with the proposed National Framework. DCLG have asked for comments on the proposals for national resilience strategic governance arrangements by 16 March 2012.
6. In the foreword to the National Framework, Bob Neill MP, makes clear that the Framework is intended to reflect the localist agenda. He states that "the best thing central government can do to improve the services provided by fire and rescue authorities and the professionals they employ is not to micro manage from the centre, but to provide an overall strategic direction and support, to empower and encourage them but not to interfere in the way in which they serve their communities". The Fire Minister is also clear that "ultimately, it is to

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local communities, not central government, that fire and rescue authorities are accountable". In addition Bob Neil MP reiterates government's overarching responsibility for resilience.

7. These principles broadly reflect the views of fire authorities and local government more widely, and much of the now revised text reflects comments from Members made at the Fire Commission meeting on 14 October. The test of the framework is the extent to which it delivers these principles.
8. The consultation document asks four questions:
 - 8.1 **Question 1:** Is the content of each chapter clear, specific and proportionate?
 - 8.2 **Question 2:** Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?
 - 8.3 **Question 3:** Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?
 - 8.4 **Question 4:** Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?

Key issues

9. We are pleased that the content of the Framework builds on the good practice and existing activities of fire authorities. The Integrated Risk Management Plan remains the means by which fire authorities identify and assess all fire related risks and demonstrates how prevention, protection and response activities will best be used to mitigate the impact of risk.
10. The Framework also reflects the discussions that have taken place between DCLG and the sector on 'national functions' and encompasses a greater level of devolution to fire authorities for operational issues. The Framework also includes some additional and potentially significant changes particularly around governance of national resilience arrangements.

Safer communities

11. In relation to national resilience, fire and rescue authorities will be expected to assess their existing capability and identify any gaps as part of the integrated

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- risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
12. Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with DCLG to agree whether and/or how to address any capability gap, identified through the gap analysis.
 13. The proposed national resilience strategic governance arrangements have been set out in a discussion paper issued on 15 December and circulated by the LGA to all fire authorities. The discussion paper proposes that the purpose of the strategic governance arrangements are to provide a forum for fire and rescue authorities and fire professionals to engage with central Government to reach a joint understanding of national resilience risks and priorities, and current fire and rescue capability and how any identified gaps can be addressed.
 14. DCLG considers that there is currently no existing governance arrangement or board that can deliver the purpose set out in the discussion document. It proposes the establishment of a new fire and rescue resilience board, chaired by the Director of Fire, Resilience and Emergencies in DCLG. Further, it is proposed that the existing National Resilience Board would become the delivery arm of the Strategic Resilience Board.
 15. It is envisaged that the new Strategic Resilience Board will include representatives of other government departments as necessary and by invitation.
 16. Although CFOA have already endorsed the new model, a number of questions are prompted by the proposals not least the case for further governance arrangements, which is not clearly articulated. We believe that it would be more robust and productive if broader arrangements across government, involving politicians, rather than just within the ambit of fire and rescue should be developed. The CLG Programme Board model run by officers has not delivered well for FRAs, as previous experience shows that these have focused more on process rather than outcomes. Understanding how the National Resilience Board – where there is Member development - feeds in to these arrangements is also key. Members views are sought on this proposal.
 17. The National Framework highlights that fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks. It also makes clear that business continuity plans should not be developed on the basis of Armed Forces assistance being available.

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Accountable to communities

18. This section of the framework reiterates the need to make the IRMP accessible to communities. In addition it states that “fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny”. The Framework goes on to say that in practice this means “fire and rescue authorities need to satisfy themselves that the arrangements they put in place provide the level of scrutiny their communities expect”. The Framework provides some examples of scrutiny arrangements, but as a result of our intervention, does not stipulate or impose a particular arrangement.
19. Scrutiny is a statutory duty in fire authorities attached to local authorities, but not for stand alone fire authorities. Local authorities and many fire authorities have recognised that scrutiny by elected members acting as critical friends to the service can drive service improvement, it can help to engage the public thus helping to make services match communities’ needs and priorities and, by fostering open and transparent governance, it can help to build trust between providers and users. The LGA has commissioned the Centre for Public Scrutiny to produce good practice guidance which will be launched at the Fire Conference in March 2012. We believe this is a better way to promote ideas and challenge rather than setting out requirements in a National Framework document.

Assurance

20. The Framework sets out the requirement that fire authorities must publish an annual statement of assurance which will need to cover financial, governance and operational matters. The Framework states that it will work with the sector to determine the nature of the statements. At this stage it is not clear if the requirement for assurance statements simply complements existing processes or whether this represents a significant new burden. We are exploring this issue with officials.

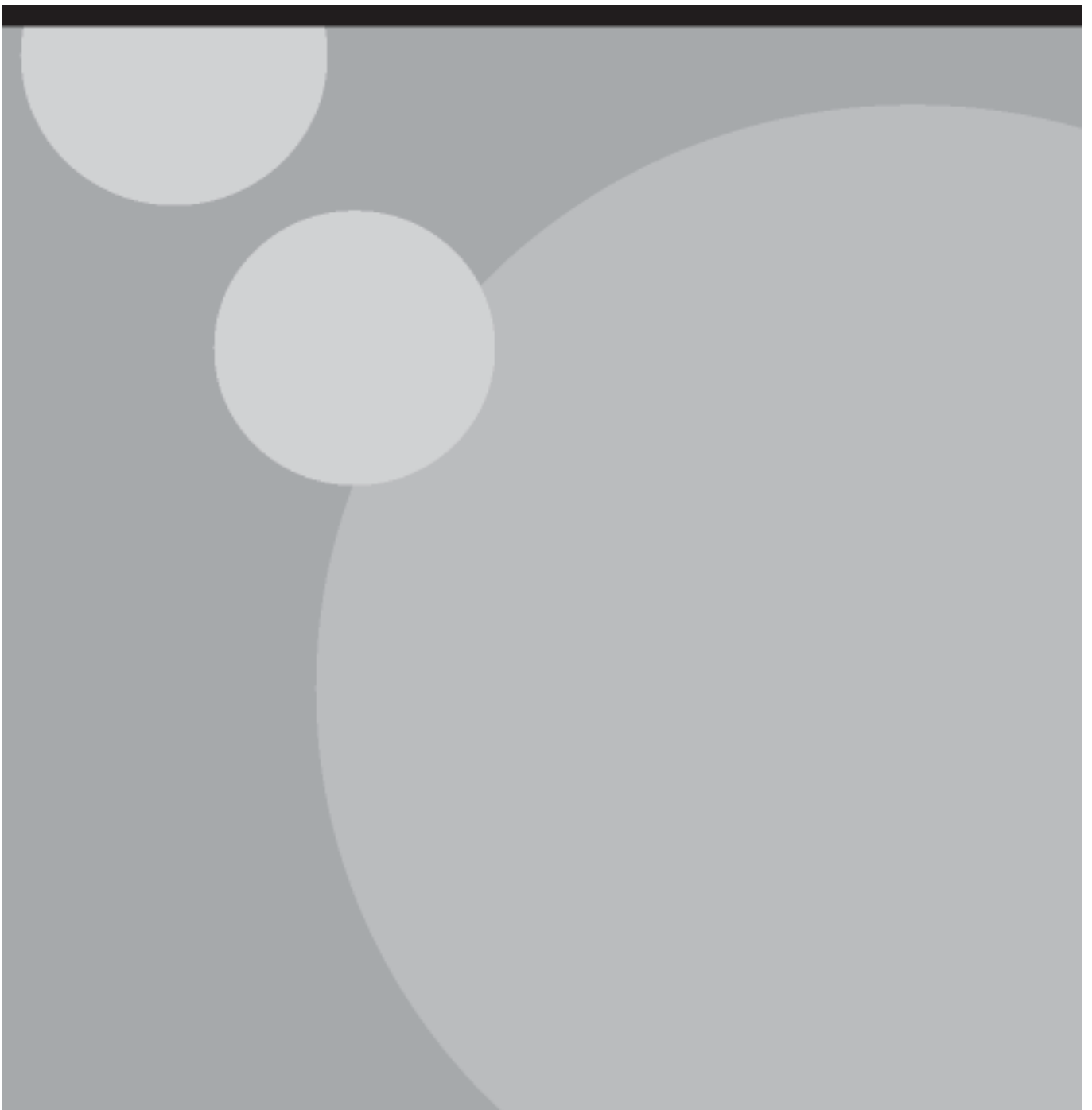
Next steps

21. Following the discussion at FSMC, Members could seek further views on a draft consultation response through the Fire Commission at its meeting on 17 February 2012.



Fire and Rescue National Framework for England

Consultation



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Ministerial foreword

Local fire and rescue authorities play a central role in keeping our communities safe and the public rightly holds our firefighters in high esteem.

The coroner's report into the 7 July 2005 bombings in London, published earlier this year, praised the 'extraordinary courage, composure and compassion' of the fire and rescue service crews and all responders who had to deal with the terrible events unfolding that day.

But firefighters are not only there to come to our rescue when fires or other emergencies occur, they also work to stop fires starting in the first place. The prevention activities developed by fire and rescue authorities have helped halve the number of deaths from accidental fires in our homes since the late 1980s.

Across the country, fire and rescue authorities have become involved in a range of community activities, from home fire safety visits to the elderly and vulnerable to running schemes that provide important role models for young people, offering them the inspiration and respect to fulfil their potential and contribute to a stronger society: all based on local assessments of risk and the most effective action that can be taken to mitigate them. Also, through their work with businesses fire and rescue authorities can minimise the impact of fire on the economy and on jobs.

More recently, we have again seen the dedication of our firefighters who, in the face of shameful criminal behaviour by rioters, battled to put out fires, whilst at times finding themselves under attack. The professionalism of fire crews during the riots was outstanding and inspirational.

The best thing central government can do to improve the services provided by fire and rescue authorities and the professionals they employ is not to micro manage from the centre, but to provide an overall strategic direction and support, to empower and encourage them but not to interfere in the way in which they serve their communities. Through provisions in the Localism Act, fire and rescue authorities will have even more freedom and flexibility to take responsibility and deliver innovative services specific to the communities they serve.

Fire and rescue authorities are free to configure their services in a way that makes sense to them locally. This includes working collectively with other fire and rescue authorities and collaboratively with a wide range of other organisations to improve public safety and cost effectiveness.

Ultimately, it is to local communities, not central government, that fire and rescue authorities are accountable.

Occasionally, however, we may be faced with incidents of such scale or complexity that all available resources could be overwhelmed, even if pooled or reconfigured. Government will retain over-arching responsibility for ensuring we are resilient as a nation to such risks but this must be based on and drawn from local capability, expertise, knowledge and leadership.

This draft Framework sets out how the Government will work in partnership with fire and rescue authorities and the wider community to make our communities safer. I look forward to receiving comments on it and to working with fire and rescue authorities and other organisations to make our communities even safer.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized flourish at the end.

Bob Neill MP
Minister for the Fire and Rescue Service

Consultation questions

This consultation gives fire and rescue authorities, members of the fire and rescue services, professional and representative bodies, industry, charities, and the general public an opportunity to help shape this draft Fire and Rescue National Framework.

Consultees are invited to respond in particular to the following questions.

Question 1

Is the content of each chapter clear, specific and proportionate?

Question 2

Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?

Question 3

Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?

Question 4

Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?

Responses are required by **19 March 2012** and should be sent to:

firenationalframework@communities.gsi.gov.uk

Introduction

1. The Government has a responsibility to ensure that the public is adequately protected. For fires and other emergencies it does this by providing significant financial resources, giving authorities the power to raise additional local funding, and maintaining a statutory framework within which local fire and rescue authorities operate.
2. This document – the draft Fire and Rescue National Framework - sets out the Government’s priorities and objectives for fire and rescue authorities in England¹. The Framework sets out high level expectations. It does not prescribe operational matters. These are best determined locally by fire and rescue authorities, in consultation with their communities. The Framework builds on existing notable practice shown by fire and rescue authorities across the full range of their functions.
3. **The priorities in this Framework are for fire and rescue authorities to:**
 - **identify and assess the full range of fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately**
 - **work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and**
 - **be accountable to communities for the service they provide.**
4. Fire and rescue authorities need to assess all fire and rescue related risks that could affect their communities (from local fires to terrorist attacks) and put in place arrangements to mitigate these risks, either through adjusting existing provision, more effective collaboration and partnership working or building new capability. They need to deliver prevention and protection activities and be ready to respond to incidents within their areas and across the country to keep communities safe.
5. Fire and rescue authorities need to plan for and occasionally respond to incidents of such scale and/or complexity that local resources may be overwhelmed even when taking into account mutual aid agreements, pooling and reconfiguration of resources and collective action. This Framework sets clear roles and responsibilities to manage such risks.
6. The Government retains strategic responsibility for national resilience. In meeting this responsibility, it relies on the leadership role of fire and rescue authorities and recognises that national resilience is best built on the basis of local professional expertise and understanding of risk.

7. Fire and rescue authorities need to have strong partnership arrangements in place so that they are able to deliver a service that meets their statutory duties and the requirements set out in this Framework.
8. In demonstrating their accountability to communities for the service they provide, fire and rescue authorities need to:
 - be transparent and accountable to their communities for their decisions and actions, and to provide the opportunity for communities to help to plan their local service through effective consultation and involvement
 - have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service; and
 - provide assurance to their communities and to government, on financial, governance and operational matters and on national resilience capability.

Chapter 1

Safer communities

- 1.1 Fire and rescue authorities need to identify and assess all fire and rescue related risks their communities may face. To keep their communities safe, authorities need to deliver effective prevention and protection activities and to plan for and respond to incidents within their areas and in other areas as reflected in their integrated risk management plans². Resilience is secured through a combination of the activities of fire and rescue authorities, other emergency services and government.
- 1.2 Each fire and rescue authority's integrated risk management plan provides an opportunity to demonstrate how they will discharge their responsibilities, in a way that is open and transparent to its community and others with an interest.

Identify and assess

- 1.3 **Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate³.**
- 1.4 The Government will monitor the risks that the United Kingdom could face through the National Risk Assessment process, led by the Cabinet Office, and through other relevant risk assessment and horizon-scanning processes⁴. The Government provides guidance to Local Resilience Forums on how to interpret the likelihood and impact of these risks for their local area. This ensures there is a fully integrated risk assessment process between the Government and Local Resilience Forums; fire and rescue authorities are key members of such forums.
- 1.5 The Government will also define the consequences of those risks and set a benchmark of generic capability needed to ensure the United Kingdom can both respond to and recover from a range of potential emergencies. The Government does this through the National Resilience Planning Assumptions, led by the Cabinet Office⁵.

Prevent and protect

- 1.6 **Fire and rescue authorities must work with communities to identify and protect them from risk and to prevent incidents from occurring.**
- 1.7 **Fire and rescue authorities' integrated risk management plan must:**
- **demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and**
 - **set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.**

Respond

- 1.8 **Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans⁶.**
- 1.9 Fire and rescue authorities are required to enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance, so far as practicable. These are important tools for fire and rescue authorities to be prepared to respond to incidents.
- 1.10 It is for fire and rescue authorities to consider and identify areas where collaborative working could improve service delivery, achieve efficiencies and ensure an effective response to incidents.
- 1.11 **Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks.** Business continuity plans should not be developed on the basis of Armed Forces assistance being available. Fire and rescue authorities should ensure that arrangements are in place for heightening public awareness of safety issues during periods of emergency cover⁷.
- 1.12 **Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability.**

- 1.13 Intraoperability between fire and rescue authorities includes, but is not limited to:
- common communications systems, control rooms and equipment
 - common command, control and co-ordination arrangements
 - effective information, intelligence and data sharing
 - common operational procedures, guidance and terminology
 - compatible training and exercising (both individually and collectively); and
 - cross border working with other English fire and rescue authorities and those in the devolved administrations.
- 1.14 **Fire and rescue authorities must collaborate with other fire and rescue authorities, other emergency services, wider Category 1 and 2 responders and Local Resilience Forums to ensure interoperability⁸.**
- 1.15 Interoperability between fire and rescue authorities and other responders includes, but is not limited to:
- compatible communications systems, control rooms and equipment, as appropriate
 - compatible command, control and co-ordination arrangements
 - effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing
 - shared understanding of respective operational procedures, guidance and terminology
 - robust multi-agency plans for managing risks identified in the National Risk Assessment and Community Risk Registers
 - multi-agency training and exercising; and
 - cross border working with other responders in England and the devolved administrations.
- 1.16 The Government has committed to work at a national level and with the devolved administrations to improve the ability of the emergency services to work together during emergencies⁹.
- 1.17 In addition, during emergencies, the Department for Communities and Local Government will work with other government departments, fire partner organisations and the devolved administrations to co-ordinate the

deployment arrangements for specialist fire and rescue assets as set out in the National Co-ordination and Advisory Framework¹⁰.

Resilience

- 1.18 In delivering the requirements set out above, fire and rescue authorities need to have the necessary capability in place to manage the majority of risks that may face their area, either individually or collectively through collaborative arrangements with other fire and rescue authorities and responders.
- 1.19 For the purposes of this document, national resilience in the context of fire and rescue authorities is defined as the capacity and capability of fire and rescue authorities to work together and with other Category 1 and 2 responders to deliver a sustained, effective response to major incidents, emergencies and disruptive challenges, such as (but not limited to) those identified in the National Risk Assessment. It refers to risks that need to be planned for on a strategic, national basis because their impacts and consequences would be of such scale and/or complexity that local resources would be overwhelmed, even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 1.20 To enhance resilience to such risks, the Government has already committed significant financial resources to build specialist capability, for example: additional, specialist urban search and rescue capability; high volume pumps; mass decontamination equipment; detection, identification and monitoring equipment for chemical, biological and nuclear incidents; and, additional command and control capability. The Government continues to fund these existing national resilience capabilities.
- 1.21 In order to ensure continued resilience, fire and rescue authorities and the Government need to work in partnership to agree whether and/or how potential gaps in capability may be met.

Collective engagement

- 1.22 **Fire and rescue authorities must engage with agreed strategic governance arrangements in order to support discussions and decision making in relation to national resilience.**
- 1.23 The Department for Communities and Local Government will ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with the Government on national resilience issues¹¹.

Gap analysis

- 1.24 **Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).**
- 1.25 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
- 1.26 **As part of their analysis, fire and rescue authorities must highlight to the Department for Communities and Local Government, through agreed strategic governance arrangements, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.**
- 1.27 The Department for Communities and Local Government, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

Capability building

- 1.28 **Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with the Department for Communities and Local Government to agree whether and/or how to address any capability gap, identified through the gap analysis.**
- 1.29 Where it is agreed that there is a gap, capability building will take into account the full range of options available and will be subject to the principles of proportionality. If necessary, this will involve careful consideration of the case for funding new national resilience capabilities, in line with the new burdens doctrine¹².
- 1.30 Where the Government commissions provision from fire and rescue authorities to deliver the agreed capability, fire and rescue authorities will need to work together collectively to procure, maintain and manage the new capability.
- 1.31 Final decisions on whether new capability is required will be for Ministers to take, informed by recommendations made in accordance with agreed strategic governance arrangements.

Working in partnership

- 1.32 **In order to meet the requirements of this Framework, fire and rescue authorities must work in partnership with their communities and a wide range of partners locally and nationally.**
- 1.33 Strong partnership arrangements by fire and rescue authorities with communities and local groups will deliver better prevention and protection activities, while close collaboration with other Category 1 and 2 responders is essential to enable an effective response to incidents.

Chapter 2

Accountable to communities

- 2.1 Fire and rescue authorities are accountable to their communities for their actions and decision making. They need to have transparent processes in place to deliver this and engage with their communities to provide them with the opportunity to influence their local service. Local accountability is a vital check on the services provided by fire and rescue authorities.

Communities planning their local fire and rescue service

- 2.2 The integrated risk management planning process is an opportunity for fire and rescue authorities to have an ongoing conversation with communities and to inform them through the provision of up-to-date, accessible data on risk. Through this transparent approach communities can better influence local plans and how their authority meets risks both within their area and as part of mutual aid agreements.

- 2.3 **Fire and rescue authorities' integrated risk management plans must:**

- **be easily accessible and publicly available**
- **reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners**
- **cover at least a three-year timespan and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and**
- **reflect up to date risk analyses and the evaluation of service delivery outcomes.**

Scrutiny arrangements transparent to communities

- 2.4 **The fire and rescue authority must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service.**
- 2.5 **Fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny.**
- 2.6 Opening up decision making to challenge enhances local governance and accountability. Fire and rescue authorities need to satisfy themselves that the arrangements they put in place provide the level of scrutiny their communities expect. Many authorities already have a number of

processes in place for scrutiny. Some allow for the separation of powers within the authority to allow members to have independent oversight. Processes used in the delivery of some local services include inviting members of the upper tier authorities in the areas in which they operate to sit on a scrutiny panel; or, by inviting other locally elected members to sit on a scrutiny panel.

Transparent data enables communities to hold service providers to account

- 2.7 To hold fire and rescue authorities to account, communities need to be able to compare the performance of their fire and rescue authority with others. Both the Government and fire and rescue authorities need to have an open approach towards data and information to provide transparency for communities.
- 2.8 **Fire and rescue authorities must make their communities aware of how they can access comparable data and information on their performance.**
- 2.9 Meeting this requirement includes, but is not limited to:
- meeting the current code of recommended practice for local authorities on data transparency
 - publishing pay policy statements (a duty in the Localism Act)
 - raising awareness of sources of comparable data and how to access these e.g. linking to government websites and data returns to the Chartered Institute of Public Finance and Accountancy
 - linking to: tools provided by organisations such as the Local Government Group and the Chief Fire Officers' Association; and, best practice guidance
 - acting in accordance with the Freedom Of Information Act and publication schemes set by the Information Commissioner
 - publishing any peer reviews, self assessments; and
 - publishing any other locally held data that fire and rescue authorities feel will aid transparency to their communities.
- 2.10 The Government is committed to publishing all the data it holds within the bounds of data protection and security, for example by publishing statistics on the internet and by making large data files available.

Chapter 3

Assurance

- 3.1 Given the public safety functions provided by fire and rescue authorities and the nature of the risks, robust mechanisms should be in place to provide independent assurance to communities and to the Government. Chapter 2 details important measures that will ensure that fire and rescue authorities provide local scrutiny arrangements and access to a range of information to help communities influence and be assured of the robustness of local delivery arrangements. This chapter details mechanisms that are in addition to these accountability, scrutiny and transparency requirements: they are designed to supplement, not duplicate, the wider accountability regimes that cover the whole of local government.

Assurance

- 3.2 **Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.**
- 3.3 The Government will work with fire and rescue authorities to determine the nature of the assurance statements, but would expect the political and professional leadership to lead on ensuring an element of independent scrutiny of the statement. The contents of the statement will be defined with communities and the Government in mind. It is likely that the contents of these assurance statements already exist in the information held or published by fire and rescue authorities, for example as part of their annual report or service plan.

National resilience assurance

- 3.4 **In addition to the assurance arrangements detailed above, fire and rescue authorities must work collectively to provide assurance to government, through agreed strategic governance arrangements, that:**
- **risks are assessed, plans are in place and any gaps between existing capability and that needed to ensure national resilience are identified**

- **existing specialist national resilience capabilities are fit-for-purpose and resilient; and**
- **any new capabilities that fire and rescue authorities are commissioned to deliver by government are procured, maintained and managed in the most cost-effective manner that delivers value for money whilst ensuring capabilities are fit-for-purpose and resilient.**

3.5 The Government will work with fire and rescue authorities to ensure that appropriate assurance mechanisms are in place, which are transparent and robust, with an appropriate degree of independence.

Chapter 4

Legislative context, timescale, scope

Legislation

- 4.1 Section 21 of the Fire and Rescue Services Act 2004 provides the statutory authority for the National Framework and requires:
- the Secretary of State to prepare a National Framework for fire and rescue authorities
 - the Secretary of State to consult with representatives of fire and rescue authorities and their employees before making significant changes to the Framework
 - the Secretary of State to bring the Framework and any significant revisions to it, into effect by a statutory instrument subject to annulment in either of the Houses of Parliament; and
 - fire and rescue authorities to have regard to the Framework in carrying out their functions.
- 4.2 The role of the National Framework is not to repeat all the duties placed on fire and rescue authorities in connection with the discharge of their functions or more generally as a public service provider and employer. These are day to day functions of which authorities are aware e.g. fire and rescue authorities need to be aware of the importance of complying with the requirements of the general and specific duties set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) Regulations 2011 in all of their functions, both as employer and service provider, and the various health and safety legislation and regulations.
- 4.3 The expectation of the Government is that fire and rescue authorities and the political and professional leadership will put in place processes to provide support and lead improvement in the event of potential service failure, or potential failure to act in accordance with the Framework. In this context, improvement is delivered through peer led responses and effective partnership working.
- 4.4 The Government intends to use its intervention powers only as a last resort, for example where the risk of failure is deemed so serious as to require immediate and directive government action to resolve¹³. Any use of intervention powers will be in accordance with the Local Government Intervention Protocol¹⁴.
- 4.5 Ministers may also ask the Chief Fire and Rescue Adviser as a designated Her Majesty's Inspector under the Fire and Rescue Services Act 2004, to lead an investigation into instances of serious concerns regarding

operational performance. Ministers may also seek additional and separate assurance from the Chief Fire and Rescue Adviser, or other advisers, in respect of specific issues.

- 4.6 The Secretary of State has the power by order to confer on a fire and rescue authority functions relating to emergencies¹⁵. Also, in the event of a particular fire or emergency, the Secretary of State has the power to direct a fire and rescue authority to act¹⁶. These may include actions outside of the authority's area.
- 4.7 The Fire and Rescue Services Act 2004 and the Fire and Rescue Service (Emergencies)(England) Order 2007 provide fire and rescue authorities with mandatory functions for fire and road traffic accidents and in connection with key types of emergencies (specifically chemical, biological, radiological or nuclear emergencies and urban search and rescue emergencies). In addition, as Category 1 responders under the Civil Contingencies Act 2004, fire and rescue authorities are subject to the full set of civil protection duties, including assessing the risk of emergencies occurring (ranging from widespread flooding to terrorist attacks) and using this to inform contingency planning, and ensuring that emergency plans and business continuity management arrangements are in place¹⁷. Also, the Civil Contingencies Act requires fire and rescue authorities to co-operate with other Category 1 and 2 responders and other organisations engaged in response activities in the same local resilience area. Category 1 responders are also encouraged to co-operate outside the Local Resilience Forum framework¹⁸.
- 4.8 Fire and rescue authorities have a duty to exercise their functions in a way that prevents crime and disorder in their area¹⁹.

Timescales

- 4.9 This National Framework has an open ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework, under section 25. From time to time, we will discuss with partners whether changes need to be made to the document.

Scope

- 4.10 The National Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for their fire and rescue services is fully devolved.

Endnotes

Introduction

1. Chapter 4 sets out the legislative context for the National Framework along with timescales and scope.

Chapter 1- Safer communities

2. The requirement for fire and rescue authorities to produce an integrated risk management plan is included throughout this document, reflecting its role in making communities safer in a way which is transparent and accountable to communities. See the annex for the complete requirement.

3. The Civil Contingencies Act 2004 requires emergency responders in England and Wales to co-operate in maintaining a public Community Risk Register. These are approved and published by Local Resilience Forums which include representatives from local emergency responders as well as public, private and voluntary organisations. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/risk-assessment> .

4. The National Risk Assessment is agreed by Ministers on an annual basis and sets out the collectively agreed assessment of the types of malicious and non-malicious disruptive events that would cause significant harm and disruption to the United Kingdom. The public facing version of the National Risk Assessment is the National Risk Register, available at:

<http://www.cabinetoffice.gov.uk/resource-library/national-risk-register>.

5. The National Resilience Planning Assumptions distil the information in the National Risk Assessment into twenty common consequences that should be planned for in order to be prepared for the risks in the National Risk Assessment. For each of these consequences, the National Resilience Planning Assumptions set an upper limit of the level of capability required in each instance. The National Resilience Planning Assumptions do not define the capability requirements of individual responders, for example, fire and rescue authorities.
6. Section 13 of the Fire and Rescue Services Act 2004 requires fire and rescue authorities to enter into reinforcement schemes with other fire and rescue authorities for securing mutual assistance. Section 16 of the Fire and Rescue Services Act 2004 enables fire and rescue authorities to enter into arrangements for the discharge of their functions by others. The National Mutual Aid Protocol for Serious Incidents sets out the terms under

which fire and rescue authorities may expect to request or provide assistance to each other in the event of a serious incident. The Protocol is available at:

<http://www.communities.gov.uk/documents/fire/pdf/151879.pdf>.

7. The Civil Contingencies Act requires fire and rescue authorities to put in place business continuity management arrangements to ensure that they can continue to perform their functions in the event of an emergency, so far as is reasonably practicable. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.

8. The Civil Contingencies Act divides responders into two categories, imposing a different set of duties on each. Category 1 responders are those organisations at the core of the response to most emergencies, and they are subject to the full set of civil protection duties. Category 2 responders are co-operating bodies that will primarily be involved in incidents that affect their sector, and they have a lesser set of duties. Fire and rescue authorities are Category 1 responders. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.

9. This commitment has been made in both the Strategic Defence and Security Review and the counter-terrorism strategy - CONTEST. These documents are available at:

<http://www.cabinetoffice.gov.uk/resource-library/strategic-defence-and-security-review-securing-britain-age-uncertainty> ; *and*

<http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/>.

10. The National Co-ordination and Advisory Framework is a structure which offers assistance during incidents which have national significance or require national co-ordination. Further information is available at:

<http://www.communities.gov.uk/publications/fire/opguidancencaf>.

11. The detailed structure, terms of reference and membership of the strategic governance arrangements will be developed through consultation with key fire partner organisations. These arrangements will not be detailed in the new National Framework, but will be supplementary to it.

12. A new burden is defined as any policy or initiative which increases the cost of providing local authority services. The doctrine seeks to keep the pressure on council tax down. It covers all types of local authority that either raise council tax or set a precept. This includes parishes, police and fire and rescue authorities. The new burdens doctrine only applies where central government requires or exhorts authorities to do something new or

additional. Action to ensure that they adequately fulfil a role for which they are already funded is not a new burden. Available at:

<http://www.communities.gov.uk/publications/localgovernment/newburdens2011>.

Chapter 4 – Legislative context, timescale, scope

13. Section 22 of the Fire and Rescue Services Act 2004.

14. Protocol on Engagement and Intervention in Poorly Performing Local Authorities and jointly signed by the Local Government Association and Government in 2003.

15. Section 9 of the Fire and Rescue Services Act 2004.

16. Section 10 of the Fire and Rescue Services Act 2004.

17. The full set of civil protection duties are to:

- assess the risk of emergencies occurring and use this to inform contingency planning
- put in place emergency plans
- put in place business continuity management arrangements
- put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- share information with other local responders to enhance co-ordination; and
- co-operate with other local responders to enhance co-ordination and efficiency.

Further information on the Civil Contingencies Act is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>

18. Each local resilience area is based on a police area. The principal mechanism for multi-agency co-operation between Category 1 responders is the Local Resilience Forum. The Local Resilience Forum is not a statutory body, but it is a statutory process.

19. Section 17 of the Crime and Disorder Act 1998.

Annex

Complete integrated risk management plan requirement

For completeness, each integrated risk management plan requirement is repeated below.

Integrated risk management planning plays a key role in identifying, assessing and mitigating fire and rescue related risks.

Paragraph 1.3

Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the community risk registers produced by Local Resilience Forums and any other local risk analyses as appropriate.

Fire and rescue authorities' integrated risk management plan must:

Paragraph 1.7

- **demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and**
- **set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.**

Paragraph 2.3

- **be easily accessible and publicly available**
- **reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners**

- **cover at least a three-year timespan and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and**
- **reflect up to date risk analyses and the evaluation of service delivery outcomes.**

Paragraph 1.8

Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans.

Paragraph 3.2

Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.

The Government does not plan to issue additional integrated risk management plan-related guidance. The Department for Communities and Local Government values the multi-partner Integrated Risk Management Plan Steering Group, put in place to take this work forward.

About this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business, Innovation and Skills and are in line with the consultation criteria except that the consultation period is longer (14 weeks). The consultation criteria are:

- formal consultation should take place at a stage when there is scope to influence the policy outcome
- consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible
- consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals
- consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach
- keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained
- consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation; and
- officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but

we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact the Department.

Consultation Co-ordinator
Zone 6/H10
Eland House
London SW1E 5DU
or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

Appendix B

15 December 2011

Dear Colleague,

Strategic governance arrangements for fire and rescue national resilience

We are pleased to attach a discussion paper on the proposed strategic governance arrangements for fire and rescue national resilience. This paper is the outcome of joint working by DCLG and CFOA, and is supported by both organisations. The proposals contained in the paper build on the commitment in the Fire and Rescue National Framework consultation document, published earlier this week, to ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with Government on national resilience issues.

It is recognised that national resilience is best planned for on the basis of local professional expertise and understanding of risk, supported by strong partnership arrangements. The joint DCLG-CFOA discussion paper sets out proposals for how Government and fire and rescue authorities could work in partnership to agree how national resilience risks should be addressed. The discussion paper sets out the proposed purpose and structure of the strategic governance arrangements, and proposes the establishment of a new Fire and Rescue Strategic Resilience Board. The paper also suggests that the existing National Resilience Board should become the delivery arm of the Strategic Resilience Board.

We would welcome your comments on this discussion paper and, in particular, on the five specific questions raised in the paper. Please send your comments to Bethan.MacDonald@communities.gsi.gov.uk by **Friday 16 March 2012**. If there are other, related issues which you wish to comment on, please include these comments, too.

Your comments and observations will help to shape the work going forward. We intend to be able to advise you of the finalised arrangements by Spring 2012, and we intend to have the new arrangements in place by mid-2012.

If you need any further information or if you would like to discuss this further, please contact: Heidi Pearson, DCLG (heidi.pearson@communities.gsi.gov.uk; 030344 44384) or Bethan MacDonald, DCLG (bethan.macdonald@communities.gsi.gov.uk; 030344 42802). **[CFOA contacts?]**

We look forward to receiving your comments.

Yours sincerely,

Jane Cockerill

Department for Communities and Local Government
Zone 3/A4, Eland House
Bressenden Place
London SW1E 5DU

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JOINT DCLG/CFOA DISCUSSION PAPER

**Strategic Governance Arrangements for
Fire and Rescue National Resilience**

**A discussion paper prepared by the Department for Communities and Local
Government and the Chief Fire Officers' Association**

Introduction

1. The draft Fire and Rescue National Framework sets out the roles of fire and rescue authorities and the Government to deliver national resilience. Fire and rescue authorities need to assess all reasonable fire and rescue related risks that could affect their communities (from local fires to terrorist attacks), and have the necessary arrangements in place to manage the majority of these risks, either through adjusting existing provision, more effective collaboration and partnership working, or building new capability.
2. The draft Framework also states that, occasionally, fire and rescue authorities will be required to respond to incidents of such scale and/or complexity that local resources may be overwhelmed even when taking into account mutual aid agreements, pooling and reconfiguration of resources and collective action. These risks need to be planned for on a strategic, national basis. For the purposes of this paper, these risks will be referred to as national resilience risks.
3. The Government retains over-arching responsibility for ensuring we are resilient as a nation to national resilience risks, and the draft National Framework continues to recognise that national resilience is best planned for on the basis of local professional expertise and understanding of risk, supported by strong partnership arrangements.
4. In order to ensure continued resilience, fire and rescue authorities and the Government need to work in partnership to agree whether and/or how these national resilience risks should be addressed. The draft Framework states that **the Department for Communities and Local Government (DCLG) will ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with Government on national resilience issues.**
5. This paper sets out proposals on these strategic governance arrangements, and invites comments and views from partners on the following questions:

Q1: Do you agree with the purpose of the strategic governance arrangements?

Q2: Does the creation of a new Strategic Resilience Board seem sensible?

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Q3: Are you happy with the proposed chair, secretariat arrangements and membership for the Strategic Resilience Board?

Q4: Do the delivery arrangements for the Strategic Resilience Board seem sensible?

Q5: Do you have any other comments on the strategic governance arrangements?

Purpose of the strategic governance arrangements

6. The draft Framework sets out that the purpose of the strategic governance arrangements is to support discussions and decision making in relation to national resilience, in the context of fire and rescue authorities.
7. The strategic governance arrangements will provide a forum for fire and rescue authorities and fire professionals to engage with central Government to:
 - reach a **joint understanding** of national resilience risks and priorities, and current fire and rescue capability in relation to those risks, based on fire and rescue authorities' risk assessments, gap analyses and other relevant processes;
 - identify any existing **capability gaps** and/or any redundant capability;
 - determine **whether and/or how to fill** any existing capability gaps;
 - agree whether any new and/or emerging national resilience risks identified by central Government have a fire and rescue role and, if so, determine whether there are any capability gaps and, if necessary, how these should be filled;
 - agree whether any capability gaps identified by fire and rescue authorities can be filled through reconfiguration of existing capability or innovative solutions. If not, determine whether and/or how to fill these capability gaps;
 - provide **advice to Ministers** on fire and rescue national resilience capability and, where necessary, produce **costed options** for how new capability can be built, taking into consideration the likelihood/impact of the risk and funding pressures;
 - provide a **route for Government to commission** and fund new capability from fire and rescue authorities, if required and where agreed by Ministers;
 - provide a mechanism through which **fire and rescue authorities provide assurance** to Government that agreed capabilities are in place and fit-for-purpose; and
 - consider strategic **intraoperability** and **interoperability** issues, including issues identified through cross-Government work.

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8. Final decisions on whether new capability is required will be for Ministers to take, informed by recommendations from the strategic governance arrangements.
9. **Diagram A** on page 5 illustrates the roles and responsibilities of the strategic governance arrangements, with central Government represented in blue on the left and fire and rescue authorities represented in red on the right. The strategic governance arrangements are represented by the circle in the centre; listed within the circle are the key roles of the arrangements. Some roles will be delivered jointly (e.g. determining whether and/or how to fill any capability gaps), others will be Government-led (e.g. commissioning new capability from fire and rescue authorities) or fire and rescue authority-led (e.g. delivering the new capability).
10. National resilience risks will be identified through a number of routes:
 - a) By central Government, through the National Risk Assessment process;
 - b) By fire and rescue authorities, through local risk assessment and gap analysis processes which have regard to the Community Risk Registers produced by Local Resilience Forums;
 - c) By CFOA operational response and capability leads; and/or
 - d) Through lessons learnt from incidents, exercises and training.
11. The strategic governance arrangements might discuss, for example: the fire and rescue role in international humanitarian assistance, new risks and emerging threats, and response to national flooding, nuclear and radiation incidents; etc.

Structure

12. There is currently no existing governance arrangement or board that can deliver the purpose set out above. The existing Fire and Rescue National Resilience Board seldom considers strategic national resilience issues. Its focus is on ensuring existing national resilience capability (new dimension equipment and crews) is maintained and that assurance on this is provided back to Government.

A new Fire and Rescue Strategic Resilience Board

13. One way in which the governance arrangements could be structured is to establish a new strategic board to form a focal point for discussion between Government, fire professionals and fire and rescue authorities, and to deliver the purpose set out in paragraph 7. The board would be the key route through which central Government discusses national resilience with fire and rescue authorities. The board could be known as the Fire and Rescue Strategic Resilience Board.

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14. It is proposed that the Board be chaired by the Director of Fire, Resilience and Emergencies in DCLG and for the secretariat to be provided by DCLG.
15. Other members of the Board could include:
 - CFOA, to represent the professional leadership of the FRS
 - LGA, to represent employers/authorities
 - Chief Fire and Rescue Adviser, to provide advice and expertise
 - Chair of the National Resilience Board, to provide the link to the delivery arm of the Strategic Resilience Board
 - Cabinet Office, to provide advice on wider resilience policy
 - The Devolved Administrations
 - Other Government Departments, on invitation, as necessary
 - Other chairs of relevant groups/boards, on invitation, as necessary

Delivery arrangements

16. The existing National Resilience Board would become the delivery arm of the Strategic Resilience Board. The Government, through the Strategic Resilience Board, would commission the National Resilience Board to deliver any new capabilities and to provide overall assurance on national resilience capability. The National Resilience Board would be supported by various technical and specialist groups, as per current arrangements. The National Resilience Board would report to the Strategic Resilience Board.
17. It is envisaged that the National Resilience Board and its supporting sub groups would be managed as per current arrangements.
18. Through the National Resilience Board and its supporting groups, fire and rescue authorities would develop a collective position on national resilience issues. This collective position and associated recommendations would then be brought to the Strategic Resilience Board by the Chair of the National Resilience Board.
19. In determining those national resilience issues that need to be considered by the Strategic Resilience Board, the National Resilience Board will draw on:
 - the National Risk Assessment and National Resilience Planning Assumptions;
 - local Integrated Risk Management Plans;
 - the Community Risk Registers produced by Local Resilience Forums;
 - sector resilience plans for Critical National Infrastructure;
 - the expertise of CFOA operational response and capability leads; and
 - learning from national and international incidents, exercises and training.

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20. If needed, fire and rescue authorities could establish other sub groups to manage contracts and to provide the assurance required by the Strategic Resilience Board.

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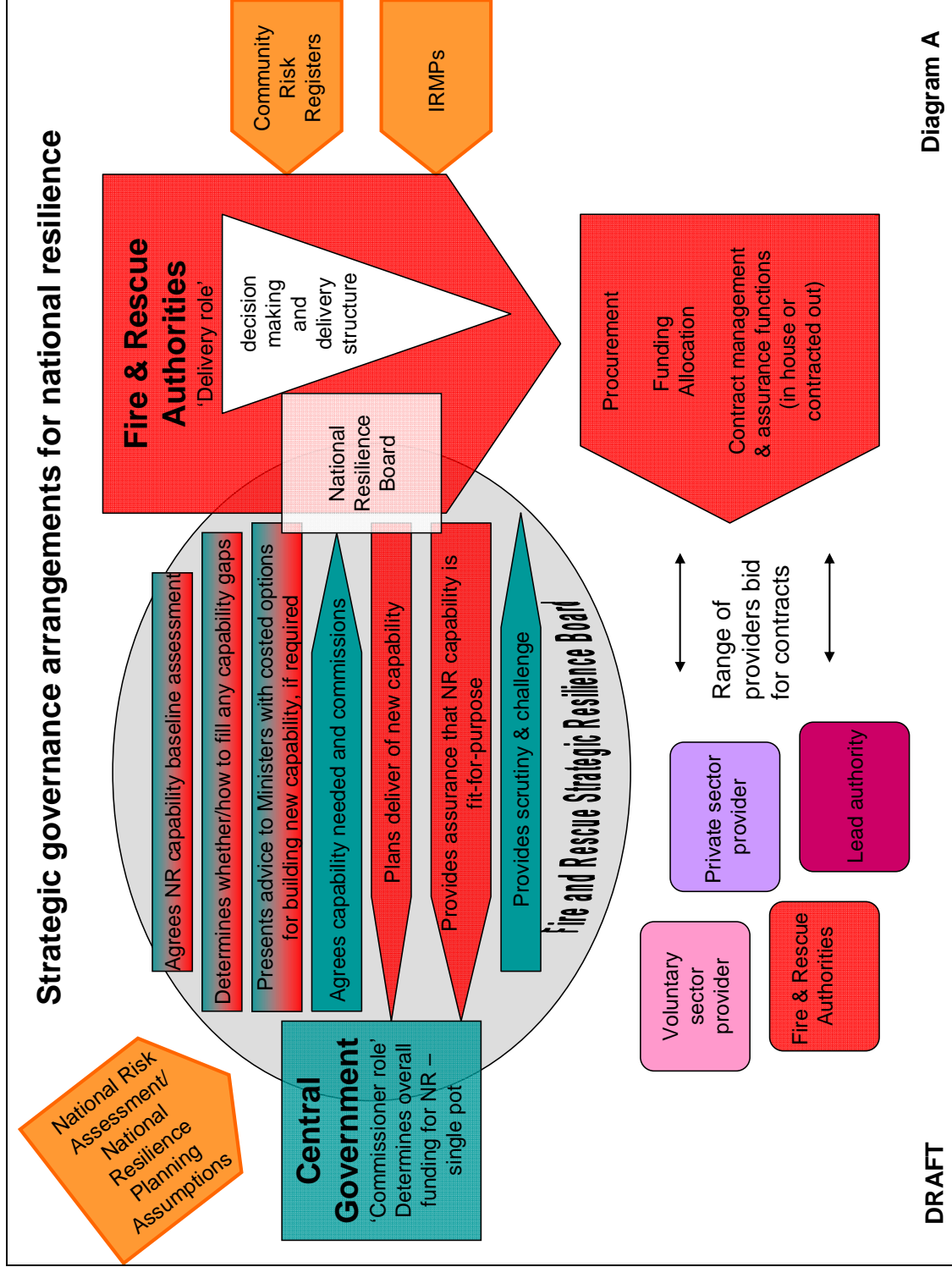


Diagram A

DRAFT

Update on European Union (EU) developments

Purpose of report

This paper provides Fire Management Service Committee (FMSC) Members with an update on recent European Union (EU) related legislative developments, which affect Fire and Rescue Authorities (FRAs).

Summary

At the November 2011 FMSC meeting, Members requested further information about EU developments affecting Fire and Rescue Authorities (FRAs). This paper is written with the Chief Fire Officers Association (CFOA).

Recommendations

Members are asked to consider the issues raised in this report, both in terms of the joint LGA CFOA approach to coordinating its EU work and also the content of the key issues associated with the 2012 EU Work Programme.

Action

Officers to take forward members' recommendations.

Contact officer: Phil Bundy; Jasbir Jhas
Position: LGA Employment Adviser; LGA Senior Adviser
Phone no: 0207 187 7318; 0207 664 3114
E-mail: philip.bundy@local.gov.uk ; jasbir.jhas@local.gov.uk

Update on European Union (EU) developments

Summary

1. At the November 2011 FMSC meeting, Members requested further information about EU developments affecting Fire and Rescue Authorities (FRAs). This paper is written with the Chief Fire Officers Association (CFOA).
2. Since EU laws affect FRAs, and the LGA directly lobbies on draft EU laws affecting local authorities and the services they provide or procure, it was logical for the LGA and CFOA to coordinate its activity to influence EU legislation and share intelligence on other developments i.e. potential EU funding. This was in the context of National Functions arrangements.
3. As British, European, and International standards impact on products used by FRAs such as labelling of fire extinguishers etc, CFOA has established links with the British Standards Institute. It will contribute to standards development as and when required. There is no funding from CLG to support this.

Update on EU developments

4. The EU 2012 work programme, equivalent to our Queens Speech, was published on 15 November 2011. It contains legislative proposals to be put forward between 2012 and 2014. From this, the LGA has identified proposals which could have a regulatory, financial or administrative impact on local authorities and the services they provide or procure. It includes ongoing issues carried over from previous years. The issues are categorised as: “priority” where we will proactively lobby, or “watching brief” where less staffing resource will be provided (see **Appendix 1**). Most relevant for FRAs is the Working Time Directive review. Members may consider other issues in the wider list are also relevant.
5. CFOA is part of the Federation of European Union Fire Officers Association (FEU). The aim of FEU is to represent the interests of the 2.7million fire fighters across the EU by providing expertise to EU institutions on issues relating to fire brigades and fire safety. It has developed a pan European strategy, Fire Vision 2020, which will be launched in Brussels in March 2012.
6. It recognises that common threats (terrorism, natural disasters, fires, road traffic accidents and major emergencies) mean fire services must share intelligence better. Specific actions include to establish a fire related interest group in the

European Parliament, work towards common recognised safety systems in hotels and buildings, support EU-wide standards for fire safe cigarettes, champion the provision of smoke detectors in all homes.

The EU decision making process

7. The EU decision making process has three main stages: pre-legislative (including Social Dialogue); legislative; and implementation. We are active at each stage to influence EU decision makers (Brussels and Whitehall).
 - 7.1 *Pre-legislative: European Commission (EC)* initiates draft EU laws. Its annual Work Programme highlights proposals years in advance.
 - 7.2 The social dialogue process, allows some legislation to be drafted through negotiation between European-wide social partners. Cross-sectoral social partners are represented by public sector employers (CEEP), private employers (Business Europe) and trade unions (ETUC). If negotiations are successful, national Governments implement amended legislation.
 - 7.3 *Legislative:* In most other cases, once the EC publishes a draft law, *Members of the European Parliament (MEPs)* and *national governments* (Council of the EU) debate, amend, approve or reject it.
 - 7.4 *Implementation:* UK government must transpose EU laws into UK statutory instruments, and communicate this to local authorities.

LGA activity to influence the revision of the Working Time Directive

8. The Working Time Directive, implemented in the UK as the *Working Time Regulations 1998*, provides workers with the right to annual leave and rest breaks and sets a 48-hour weekly limit on working time (subject to exceptions). This has significant implications for 24/7 services, such as FRAs and residential care homes/children's homes. The EC announced a review of the Directive in its 2010 and 2011 work programmes.
9. The LGA will negotiate and lobby to:
 - 9.1 Retain the 48 hour opt-out and flexibility of the reference period over which average hours are calculated.
 - 9.2 Ensure not all on-call time is classed as working time (specifically when staff are inactive whilst at their employers' premises).

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- 9.3 Call for flexibility of timing of minimum daily and weekly compensatory rest periods.
10. The review is currently taking place through the social dialogue process as the employer and employee side social partners agreed to negotiate a revision, thereby suspending legislative proposals (originally forecast for autumn 2011). The outcome will be important. If agreement is reached, it will be adopted and implemented by national governments, and UK regulations will be amended.
11. Negotiations commenced late in 2011. Social partners have nine months to reach agreement which may be extended at their request. The next meeting takes place in February 2012. The LGA is involved in the social dialogue process via the LGA Workforce team which provides policy and technical expertise to Mick Brodie, (North East Regional Director), and Vice President of the Social Affairs Committee of CEEP (European Centre of Employers and Enterprises providing Public services).
12. If agreement is not reached, the European Commission will propose revision through the legislative process, so *Members of the European Parliament (MEPs)* and *national governments* (Council of the EU) must agree a final text before the Directive can be amended. This is the stage where previous attempts to amend the Directive have failed.
13. The LGA will lobby to influence the outcome of legislative proposals. Using evidence from the sector to strengthen our policy position, the LGA will:
- 13.1 Work through our pan European LGA, Council of European Municipalities and the Regions, to build early and effective relationships with the **European Commission**, responsible for drafting legislation.
- 13.2 Brief and support UK locally elected members on the EU's advisory body for local government, known, as the **Committee of the Regions**, to engage and influence MEPs and Government.
- 13.3 Directly lobby **UK government**, in Whitehall (BIS) and in Brussels (UKREP), and collectively through the Council of the EU.
- 13.4 Lobby **MEPs** to support the LGA position (LGA MEP Vice Presidents).
14. The LGA has now established a European and International Board, which is chaired by Cllr David Wilcox. This Board takes on reputational and lobbying issues in Europe on behalf of the LGA. If FSMC Members have specific issues

relating to the revision of the Working Time Directive we can facilitate contact with the European and International Board.

The Localism Act and EU Financial Sanctions

15. The UK must comply with legal obligations. EU laws have a significant impact on FRAs i.e. Directives on Working Time, Public Procurement, Green Procurement of Vehicles etc; and comply through UK statutory instruments.
16. The Localism Act (Nov 2011) EU Financial Sanctions provisions make clear why we need to get future EU laws and their implementation into UK law right, and for local authorities/FRAs to fulfil their obligations arising from them. It gives Ministers a discretionary power to seek to pass on to a local or public authority all, or part of, a fine imposed on the UK for failing to comply with a Court of Justice of the EU ruling for non compliance with EU law. Ministers must adhere to a policy statement covering the law.
17. The UK has never been fined for non-compliance with any EU legislation but by introducing this section into the Act, the Government confirms there is a real risk EU fines may be imposed. The Government has not disclosed how likely it is the UK will receive a fine, but the provisions are wide ranging since it covers any EU directive/ regulation.
18. We warned that original proposals were unfair, unworkable, dangerous for local budgets and had no independent appeals process. Sustained lobbying by LGA and Greater London Authority (GLA) including calls to scrap the proposal resulted in Government redrafting to include scrutiny by Parliament (designation process) and independent appeals process through an Independent Advisory Panel. Legislation and an LGA proposed Government policy statement address our previous concerns and provide sufficient safeguards for our members including a new model of partnership working between Government and local authorities to better involve local authorities when developing a UK line on a new EU law, to mitigate future fines.
19. DCLG will issue a three-month consultation based on our proposal to finalise a Government policy statement. The LGA will respond to to ensure the safeguards we sought for the sector are maintained in the final version. We also look to our member authorities to respond to the consultation also.

Appendix 1

LGA EU LOBBYING PRIORITIES

EU proposal and expected impact on our member authorities	When	Priority/ Watching brief
Children and Young People		
Child poverty: common principles of intervention on support to families (labour market, income support) and childcare, education, healthcare, housing, social services.	June 2012	<i>Watching brief</i>
Economy and Transport		
EU Budget review (2014-2020) incl. structural funds: UK councils benefit from £8bn EU skills and regeneration funding. We seek a coherent, locally responsive and accessible future funding package.	Live	Priority
CO2 from cars and vans: new targets for manufacturers, but may affect procurement of local authority fleet.	Dec 2012	<i>Watching brief</i>
Revisions to regional aid guidelines post 2013 will affect the UK 'assisted areas' map and the levels of grant support councils can offer to both EU and UK businesses. Revisions to 'block exemption' & de minimis state aid regulations could make it easier for councils to award state aid to companies without having to notify the EU. Revisions to state aid rules for broadband may make it easier for councils to provide support schemes locally.	Sept 2012 July 2012	Priority <i>Watching brief</i> <i>Watching brief</i>
Environment and Housing		
Directive on energy efficiency: LGA opposes inflexible annual 3% binding renovation target for buildings by 2014.	Live	Priority
Directive on water efficiency in buildings: expected to set binding targets and incur a significant cost to councils as owners of municipal buildings and social housing.	Expected 2012	Priority
Review of Environmental Impact Assessment Directive will seek to improve councils' implementation of EU laws. Other items: seventh environmental action programme including better enforcement, and evaluation. Potential review of Environmental Liability Directive .	July 2012 Oct 2012 2014	Priority <i>Watching briefs</i>
Revision of Waste Framework and Waste Stream Directives must not add to existing duties. New diversion targets from other waste streams to be added to Landfill Directive moving towards zero land filling by 2050.	Both in 2014	Priority
Air Quality Directive: review may set new air quality management standards. 2013 is European air quality year	2013	Priority

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Energy efficient production and distribution: may scope EU harmonisation of smart energy grids / metering.	Autumn 2012	<i>Watching brief</i>
Revision of EU Greenhouse Gas: fluorinated greenhouse gases (led to fridge mountains).	June 2012	<i>Watching brief</i>
Finance		
Review of MIFID directive: Proposes reclassification of UK councils as 'non-professional' investors, thus harming their ability to invest public funds.	Live	Priority
VAT affecting public authorities: councils' ability to claim back VAT from government for goods/services they buy for the public sector (crèches etc) may be threatened by common EU approach for public bodies in the EU.	<i>In 2011 plan, but not published</i>	<i>Watching brief</i>
Improvement		
Major review of EU public procurement rules. LGA will lobby to ensure a simpler and lighter regime overall, and a more flexible approach to shared services.	Live	Priority
Lobby for light touch regulation on service concessions affecting councils' franchise arrangements: toll bridges car parks, leisure centres, waste, school canteens	2012	Priority
International		
Role of civil society and local authorities in development.	Oct 2012	<i>Watching brief</i>
European Neighbourhood Policy and Eastern Partnership	2012	<i>Watching brief</i>
Regulation		
Proposals to review EU Directives/regulations on organic food, tobacco sales, general product safety, animal health, and official food chain controls may affect councils' trading standards and environmental health teams.	During 2012-13	<i>Watching brief</i>
European consumer agenda: consumer safety, rights redress and access to justice, enforcement, information.	Summer 2012	<i>Watching brief</i>
Tourism		
European tourism label sector: legislation to bring quality evaluation of the sector.	2012	<i>Watching brief</i>
Workforce		
Working Time Directive Review: may affect care homes and fire services. LGA lobbying to keep 48 hour opt-out; ensure not all on-call time classed as working time; and compensatory rest is taken flexibly.	Ongoing	Priority
Freedom of movement for workers within the EU may establish certain obligations on employers, incl councils.	Late 2012	<i>Watching brief</i>

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Green Paper on restructuring: identify good practice in employment restructuring promoting employment/growth.	2012	<i>Watching brief</i>
Protection of workers may set cancer risk levels and extend scope to risks which are toxic for reproduction.	2012	<i>Watching brief</i>
Work/family and private life - measures to increase female employment rates and tackle demographic change	2012	<i>Watching brief</i>

Item 3

Retained Firefighters' Pensions

Purpose of report

For discussion and direction.

Summary

This paper is to update members of the ongoing settlement discussions between DCLG and the Fire Brigades Union (FBU) in respect of retained Firefighters' Pensions.

Recommendation

Members are asked to consider and comment on the issue addressed in the paper.

Action

Officers to take forward members' recommendations.

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Item 3

Retained Firefighters' Pensions

Background

1. Claims by retained firefighters under part-time workers legislation for pension scheme membership were upheld by the Employment Tribunal. DCLG has been negotiating a settlement with the FBU, on behalf of the claimants, in line with the outcome of the Tribunal.
2. The proposal is that all firefighters with retained service between 1 July 2000 and 5 April 2006 inclusive will be eligible for special membership of the NFPS rather than allow access to the 1992 scheme which they would have been eligible to join up to 01 April 2006.
3. The New Firefighters' Pension Scheme 2006 will be amended to give effect to the agreement when reached. There will be consultation in accordance with the requirements of section 34 of the Fire and Rescue Services Act 2004. The amending order will be subject to agreement by Ministers and Parliamentary approval.
4. We understand that discussions between DCLG and FBU are at an advanced stage. This is likely to mean DCLG bringing forward a consultation shortly, with an amending order being placed before Parliament following the outcome of the consultation.

Key issues

5. Following parliamentary approval for the amending order, retained firefighters employed between 1 July 2000 and 5 April 2006 inclusive will be eligible to purchase service under the terms of the modified NFPS.
6. How the balance of the scheme liability can be addressed still has to be resolved. It is not possible to accurately calculate the additional scheme liability because the settlement details have not been concluded and retained firefighters will have a choice as to whether they buy back past service.
7. Once the order discussed above is in force retained firefighters will be able to backdate service under the terms of an options exercise. The scheme liability could begin to emerge in 2012-13 financial year.

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8. We have asked DCLG to provide further information, through the Government's Actuarial Department (GAD), on the potential costs to the scheme.

Item 4

Local Government Finance Reform

Purpose of paper

For discussion and direction.

Summary

On 19 December, the Government has published its response to the consultations on the Local Government Resource Review and localising support for council tax and presented the Local Government Finance Bill, which will enact these reforms, to Parliament. The paper sets out key issues for fire authorities.

Recommendation

Members are asked to consider issues related to the Retained Business rate Scheme.

Action

Officers to progress work programme subject to Members' comments.

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Item 4

Local Government Finance Reform

Background

1. FSMC wrote to Bob Neill MP with its response to the consultation of retention of business rates on 24th October 2011. The response noted that local government finance reform would affect individual fire authorities in very different ways and focused on issues relating to the underlying principles of the reform.
2. The proposals for reform were published in the government's response to the consultation on 19 December at the same time as the Local Government Finance Bill which provides the legislative framework required to introduce a rates retention scheme.

Key issues for fire authorities

3. In its original consultation the government proposed that fire authorities attached to local authority county councils should be treated in the same way as local authorities and be funded through retained business rates. At the time it left open the question of whether single purpose fire authorities should also be funded through the retained business rate system or funded through the formula grant. **The government has now decided that all fire authorities including single purpose fire authorities should be part of the retained business rate scheme.**
4. All fire and rescue authorities will be funded though a percentage share of each district or borough council's billing authority business rates baselines (pre-tier split), subject to the tariffs and top ups required to bring them to their baseline funding level.
5. The government's response recognises that single purpose fire and rescue authorities have fewer levers for growth. It proposes that the percentage share of billing authority business rates that single purpose fire and rescue authorities receive reflects this and provides them with a degree of protection within the scheme. The details of the protection still need to be worked out. Fire authorities would expect that as a minimum the level of funding matches what they would have received under the fixed grant system in the years to 2015.
6. The decision to include all fire authorities in the Retained Business System could have implications for how the proposed budget reductions in 2012-13

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and 2014-15 are distributed. The options are to distribute the budget reductions by formula as previously, or by a flat rate. This decision could make the latter more likely.

7. Additionally, the proposed 10 per cent cut in the grant for council tax benefit (worth £500 million) means councils will be forced to make tough decisions about the services they provide if they don't want to raise council tax, particularly for those who are least able to pay. The tight timeframe for implementing this places an even greater burden on councils and we continue to urge the Government to give councils the necessary time to do this in the most considered, flexible and cost-effective way possible.

Setting local and central shares

8. FSMC argued in its response to the consultation that the government should reconsider proposals for set-aside and that all business rates should be retained. However in the scheme that the government is proposing, local government will **not** have access to the full real terms growth in business rates in 2013-14 and 2014-15. In setting the share of business rates that is localised the government will have regard to the 2010 spending review.
9. The government has committed to reviewing the scope for further simplification and alignment of funding between business rates collected by local authorities and the functions and services which they fund.
10. The government will set out the percentage share of business rates that is to be localised, together with the mix of functions and services to be funded through retained business rates, in the spring of 2012. The government retains the right to alter the localised share of business rates.

Establishing the baseline

11. In determining the business rate baseline the government will use authorities' average rates over several years. Baseline funding levels will be based on 2012-13 formula grant (excluding the 2012-13 transition grant). Each local authority's baseline position will be arrived at by applying the process used to determine their 2012-13 formula grant allocation to the local government spending control totals for 2013-14, while updating all datasets and making some limited, technical updates to the formula. The government will determine baselines using numbers after floor damping.

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12. FSMC in its response to the consultation wanted assurances that there is a mechanism within the scheme to ensure that any new responsibilities associated with national resilience are properly funded and that funding for national infrastructure is taken into account. The Government has stated that it will continue to provide for new burdens through a new Revenue Support Grant.

Levy

13. The scheme will have a proportionate levy which will allow an authority to retain growth in an equivalent proportion to its baseline revenue. The actual ratio will be set after discussions with local authorities. The approach that the Government is taking is in line with the option preferred by the LGA.

Resets

14. The system will be reset every 10 years. This is a relatively long period and does not allow for a more responsive evidence based approach.

'The Safety Net'

15. This will be available to any authority that sees its funding decrease by more than a set percentage below their baseline funding level. Baselines will be up-rated in line with RPI to determine whether the authority is eligible for support and ensure the protection from the safety net is in real terms. The Government will consult in 2012 on the specific level at which the trigger point for the safety net should be set. The levy and the safety net must be self-funding, although there is the possibility of it balancing out over a number of years rather than per financial year. Benefits may be accrued during growth years to mitigate for adverse changes in low growth years. In the event that there is levy income over and above the level needed to ensure long-term safety net funding, this will be redistributed back to local government following a government consultation. The approach taken by the Government to the safety net is broadly in line with the view of local government.

Next Steps

16. The government will continue to provide detail to the retained business scheme over the next few months and FSMC will have an opportunity to consider relevant issues.

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17. We are working the Fire Finance Directors' Network to ensure that there is a wide understanding of the issues. The Bill has its Second Reading on 10 January and as the Bill enters Committee Stage, we will be tabling appropriate amendments to ensure that local authorities fire authorities and their communities get the most benefit from the rates retention scheme.
18. As some of these issues are highly technical, FSMC might want to consider whether there would be value in organising a seminar for members of fire authorities on this issue. This could be a two hour session facilitated by finance officers from LGA and CFOA. The session could be timed to take place in spring-early summer to support members in budget planning discussions.

Item 5

Olympic and Paralympics 2012 update

Purpose of report

For information.

Summary

This report outlines the support being provided to FRAs and councils to assist them in their preparations for the Olympic and Paralympic Games.

The Olympic Torch Relay commences on 19 May and ends in London on 27 July, with the games taking place from 27 July to 12 August. The Paralympic Torch relay takes place from 24 to 29 August with the Games commencing on 29 August and ending on 9 September.

Recommendation

Members are invited to note the contents of the report.

Action

As directed by members.

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Item 5

Olympics and Paralympics 2012 update

Background

1. The summer of 2012 presents an unprecedented challenge for public services in the UK. The particular challenge for FRAs and local authorities is to ensure that they can still deliver a safe events programme alongside their statutory responsibilities under legislation such as the Civil Contingencies Act (2004).

The Olympic Safety and Security Programme

2. The scale, complexity and duration of events in 2012 and the consequences of the crowds and attention which they generate is significantly different to the usual 'context' in which public services are delivered.
3. The need to deliver Games is overseen by the Olympic Safety and Security Programme, coordinated by the Olympic Security Directorate (OSD). The OSD forms part of the Home Office's Office for Security and Counter Terrorism (OSCT), in which local government is a key stakeholder.
4. The safety and security work is fully integrated with that of City and UK-wide Operations which are working to deliver the routine (as opposed to crisis) elements of planning as well as that of the London Organising Committee of the Olympic Games (LOCOG).

Planning

5. The approach adopted by government and responders to manage potential risks is based on existing mechanisms for resilience planning. As such, the Local Resilience Forum (LRF) has been put at the heart of planning. Two broad types of planning are being undertaken in host areas to deliver this aim: site-specific planning, and generic capabilities.
6. Site-specific plans are only developed when a location is judged to be of particular import, complexity or vulnerability. The Olympic Safety and Security Programme is also supporting the national representation of local government during the Games, including COBR and the Olympic Coordination Group (OCG).

The National Local Authority Olympic Resilience Programme

7. In order to support the emergency planning activities of all councils, the National Local Authority Olympic Resilience Programme has been established.

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8. The Programme is funded by the Home Office¹, backed by the LGA and London Councils and hosted by the London Fire Brigade. The Programme Team work to support the Lead Chief Executive for Olympic Resilience and Security, Mary Ney (Chief Executive, LB Greenwich) to deliver the Programme, the aim of which is:
 - 8.1 *To support, enable and inform the work of local authorities in discharging their statutory and regulatory responsibilities during the 2012 Olympic and Paralympic Games, promoting a coordinated and consistent national approach.*
9. The governance of the Programme includes Members from both the LGA and London Councils through a Members' Steering Group, and Chief Executives from host-areas through a Programme Board. Engagement with practitioners is driven by a Co-ordination Group with representation from all host areas. The LGA is represented on the Members' Steering Group by Cllr Chris White and Cllr Stephen Castle.
10. Current priorities include active participation in four large national exercises, delivering a national conference for all hosting authorities and supporting local government in ensuring plans and procedures are in good order.

The Torch Relay

11. The Olympic Torch Relay will start at Land's End on 19 May 2012 on a 70 day journey towards the Olympic Stadium in London on 27 July 2012. It is likely to be the biggest operational issue facing a large number of FRAs and councils in England and Wales.
12. Paralympic flame lighting events are to be held on consecutive days in each of the UK's capital cities, starting with London on 24 August 2012. The four flames will unite at a special ceremony in Stoke Mandeville, home of the Paralympic movement, on 28 August. The relay will then begin its 24-hour journey to the opening ceremony of the Paralympic Games on 29 August.
13. In addition to the lighting events there will be a series of evening celebrations called Flame Festivals. Every English region will have the opportunity to hold its own flame festival and plans for this will be communicated shortly.
14. In respect of supporting the Olympic and Paralympics Torch Relays, FRAs will be managing this as a 'business as usual' event. However, given the potential interoperability issues associated with the Torch Relay it has been agreed that any multi-agency planning requirements will be coordinated and managed

¹ Funding consists of salary costs for two officers, a Programme and Deputy Programme Manager

Item 5

through the respective Local Resilience partnership forums and/or existing strategic coordination group (SCG) structures.

Current Position of Fire and Rescue Authority (FRA) Planning

15. The biggest impact of the Games will be felt in and around competition venues and across central London, where Games competitions and planned parallel events will affect the surrounding areas. There are 37 competition venues across the country, of which 27 are in London. Significant Games activity is also taking place in Weymouth and Portland, Dorset; Eton Dorney, Buckinghamshire; Broxbourne, Hertfordshire and Hadleigh Farm, Essex. The Football competition is taking place at stadia in Cardiff, Coventry, Glasgow, Manchester and Newcastle, as well as London.
16. The principle approach adopted by the UK FRAs in planning for the Olympics has been to use the majority of core business activities and capabilities that already exist within the fire sector.
17. All of the FRAs hosting Olympic or Paralympics venues are carrying out specific planning for the games, this involves for example dedicated operational plans, officers being located into games specific command posts, some resources being deployed to games venues, Olympic specific exercises, Olympic specific training, the generation of specific venue operational plans for Olympic and Paralympic venues, an enhanced fire safety enforcement regime and coordinated communications messages.
18. All FRAs directly affected by the Olympics have been involved in planning for the Games over several years with the London Fire Brigade (LFB) undertaking a national co-ordinating role for the UK fire and rescue service. This approach has provided both continuity and consistency across the UK fire and rescue service and has directly supported the interoperability requirements of the partner agencies.
19. In order to independently verify the FRAs planning assumptions and operational preparedness for the Games, a specific Olympic assurance process has been created. This assurance process has been developed by the LFB and is being applied and managed by the office of the Chief Fire Rescue Advisor (CFRA). The process is providing assurance on 3-levels; local, regional intra-operability and national interoperability.
20. It is intended that the FRSs (nationally) will be in a position to provide the final assurance to central Government at the beginning of May. This assurance will be provided by the office of the CFRA.

Item 6

Industrial relations

Purpose of the Report

For information.

Summary

Gill Gittins will provide an oral update for this item.

Recommendation

Members are asked to note the issues set out in the update.

Action

This report is for information.

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Item 7

Sprinklers Working Group

Purpose of the Report

To note.

Summary

At its meeting on 9 December 2011, the Fire Commission agreed that a cross party working group should be set up to examine how Fire and Rescue Authorities can take the sprinklers agenda forward. A working group has now been established and will be meeting for the first time on 25 January 2012.

Recommendation

Members are asked to note the contents of this paper.

Action

Officers to take forward any actions agreed by the Committee

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Item 7

Sprinklers Working Group

Background

1. The issue of installation of sprinklers in building regulations covering business and domestic premises has been an important issue for FRAs over a long period. The Fire Commission received a presentation from Ann Jones AM about the legislation in Wales, and Members have raised this issue with the Fire Minister on a number of occasions. To date, the Minister has explained that he does not believe there is a compelling business case to warrant legislation or regulation regarding sprinklers, although he has been clear that he would review this position should new evidence emerge.
2. More recently, the issue of sprinklers was revived by the launch Lord Harrison's Private Members' Bill, the Building Regulations (Review). The Bill advocated the installation of sprinklers in new builds, a position supported by the London Fire Brigade. The Bill was due for second reading on 21 October 2011; however, it was listed as 20th on the agenda out of 28 and was not debated.
3. At the Fire Commission meeting of 9 December 2011, Councillor Sian Timoney proposed a cross-party working to examine how Fire and Rescue Authorities can take the agenda on sprinklers forward and to consider a campaign strategy to raise the profile of this issue.

Membership

4. Political groups nominated the following members to sit on the working group:
 - 4.1 Cllr John Edwards (Labour, West Midlands)
 - 4.2 Cllr David Milsted (Liberal Democrat, Dorset)
 - 4.3 Cllr Rebecca Knox (Conservative)
 - 4.4 Vacant (Conservative)
5. The Chief Fire Officers' Association will be also supporting this group and attending the meetings.
6. The group will be meeting in January, February and March and will report back to the Commission on 15 June meeting.

Item 7

Terms of reference

7. The terms of reference for the working group have been written in draft form and circulated to the group members to be discussed and agreed at the first meeting this month. The working group's suggested terms of reference are:
 - 7.1 To identify how best to refresh the approach/campaign to achieving the implementation of sprinklers;
 - 7.2 To identify and establish how best to deploy the latest evidence on sprinklers;
 - 7.3 To develop the outline of a campaign on sprinklers identifying the key decision-makers/influencers; potential partners; key milestones/events/meetings; coordinated press and public relations work.

Work programme

8. A total of three meetings for the working group are proposed. In order to meet the spring/early summer deadline to report back to the Fire Commission, it is suggested that the working group meet monthly from January.
 - 8.1 **25 January**
Items for discussion: agree terms of reference; recap of current position; latest evidence; key messages– this should include discussion of both the safety message and the financial benefits; identification of any additional professional support (e.g. public relations; marketing)
 - 8.2 **17 February**
Items for discussion: initial work to develop outline campaign strategy and tactics including focus on central government, local authorities, insurance industry; building industry; other public sector bodies, campaign groups.
 - 8.3 **21 March 2012**
Finalise campaign plan and agree draft report for Fire Commission in June 2012.

Next Steps

9. The working group will proceed as above and will report back to FSMC regularly on the progress made.

23 January 2012

Item 8

FSMC update paper

Purpose of report

For information.

Summary

This report outlines issues of interest to the Committee not covered under the other items on the agenda.

Recommendation

Members to note the update.

Action

Officers to progress as appropriate.

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FSMC update paper

Fire Futures Forum

1. The Fire Futures Forum, established by CFOA, hosted its first seminar “Breaking the Cycle of Negativity” in October. CFOA are now hosting a second seminar on interoperability on 29 February at 10am at the Institute of Directors (IoD), 116 Pall Mall, London SW1Y 5ED. The LGA have received an invitation for a Member of Fire Commission to represent the organisation at the event. Please contact Helen Murray (helen.murray@local.gov.uk) if you would like to go.

Business rates retention – briefing

2. On 20 December 2011, LGA officers circulated a briefing on the issue of retained business rated for fire authorities to Fire Commission members. The briefing covers the essential elements of the Government’s proposals, the main LGA messages and points of implications for Fire and Rescue Authorities. Please refer to **Appendix A** for a copy of this briefing.

Community Right to Challenge – Fire and Rescue Authorities

3. The Community Right to Challenge in the Localism Act gives community and voluntary bodies, existing employee and parish councils the right to challenge to provide any local authority or fire and rescue service, other than services excluded by the Secretary of State in regulations.
4. DCLG are continuing to consult other government departments on the services that will be excluded but previous consultation documents and policy statements highlight that services that are required in existing legislation to be delivered by the authority will **not** be subject to the Community Right to Challenge. For FRAs this means that core activities to put out fires, undertake rescues from fires and respond to road accidents should be excluded from the Community Right to Challenge in forthcoming regulations. The Community Right to Challenge also cannot be used to take over any ‘functions’ of a fire authority, i.e. decision-making powers or duties.
5. Prevention Services carried out by FRAs however are likely to be within the scope of the Community Right to Challenge provisions. Authorities will have the opportunity to manage the flow of challenges to run these services by specifying periods when ‘Expressions of Interest’ will be accepted. Expressions of Interest received outside of these periods can then be rejected. It is also expected that other grounds for rejections will

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cover instances where an authority considers the body challenging to provide or assist in providing the service is not suitable, or has provided unsatisfactory, inadequate or inaccurate information. If a challenge is accepted, it will trigger a normal procurement exercise in which any provider can then participate.

6. The LGA in consultation with CFOA will be submitting comments on other exemptions that should be considered for Fire and Rescue Services.

Fire Conference March 2012: Resilience – protecting people and places

7. We have now taken around 100 bookings for the conference. Please click on the following link for more information on bookings, sponsorship, accommodation arrangements and venue details:
http://www.local.gov.uk/web/10161/events/-/journal_content/56/10161/16924/EVENT-TEMPLATE
8. The FSMC will meet from 4-6pm on Monday, 19 March at the Conference venue. Details will be provided nearer the time.

Executive Leadership Programme (ELP)

9. The LGA working with CFOA launched the National Leadership Programme in 2005. The Executive Leadership Programme was the flagship product and aimed to prepare the future leaders of the Fire & Rescue Service. Having been in place since 2006, over 120 senior leaders have been through the Programme, with a number having subsequently moved into the most senior roles in the Service.
10. Over the past 12 months, and working with Warwick University, the LGA and CFOA have been reviewing the existing programme to ensure it better prepares our future leaders for the more challenging times ahead. The programme as therefore been revised and it is anticipated that the new Programme will be in place by late summer 2012. The new programme contains a cross sector leadership exchange and revision of the gateway to access the programme with the intention to introduce an assessment centre for those applying for places on the programme.
11. Councillor Richard Hobbs and Des Prichard, OBE (East Sussex Fire and Rescue Service) will be hosting a breakfast fringe session on Wednesday, 21 March at the LGA Fire Conference on the ELP.

FiReControl

12. The deadline for business case submissions for grant allocations to DCLG closed on 4 November. DCLG are currently assessing the bids.

Item 8

Although an announcement had been planned this month, we understand DCLG is sending each FRA a summary of its proposal and the planned benefits for checking and review by close Friday 20 January. The introduction of this step in the process means the announcements will now be made towards the end of February. DCLG have confirmed they still intend to make grant payments by the end of March.

Red Tape Challenge

13. The housing and construction theme in the red tape challenge went live on 12 January and will not include the Fire Safety Order. Ministers take the view that the fire safety regulations offer importance public safety protection and are proportionate, putting responsibility for compliance where it belongs - with employers and buildings owners. The legislation has only recently been reviewed and consolidated, and feedback from the wider red tape challenge process indicates concerns are primarily around enforcement - notably the consistency, quality and proportionality of fire safety advice.

Retained business rates briefing for fire authorities



Briefing for Fire Authorities

Proposals for Business Rates Retention Consultation: Government Response

Introduction

The government published on 19 December 2011 its response to the consultation on proposals for business rate retention.

The government has confirmed its intention to introduce business rate retention from 2013.

LGA Key messages

- The proposals that the government have published go some way to addressing local government's concerns about business rates relocalisation, but many detailed points remain unresolved.
- The design of the new arrangements now incorporates more safeguards to help authorities that raise relatively low amounts of business rates, and is likely to deliver a more even level of incentive for growth across the full range of local authorities.
- The 'set-aside' arrangements remain in place, but now return a proportion of business rates income fully to local government.
- Additionally, the proposed 10 per cent cut in the grant for council tax benefit (worth £500 million) means councils will be forced to make tough decisions about the services they provide if they don't want to raise council tax, particularly for those who are least able to pay. The tight timeframe for implementing this places an even greater burden on councils and we urge the Government to give councils the necessary time to do this in the most considered, flexible and cost-effective way possible.

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Key points for fire authorities

- Most significantly for fire authorities the government has decided that all fire authorities including single purpose fire authorities should be part of the scheme.
- All fire and rescue authorities will be funded through a percentage share of each district or borough council's billing authority business rates baselines (pre-tier split), subject to the tariffs and top ups required to bring them to their baseline funding level.
- The government's response recognises that single purpose fire and rescue authorities have fewer levers for growth. It proposes that the percentage share of billing authority business rates that single purpose fire and rescue authorities receive reflects this and provides them with a degree of protection within the scheme.
- *LGA view*
- *Fire authorities have been concerned about the potential for short to medium term funding disruption associated with being part of the scheme. The level of protection provided to fire authorities should mean that they receive as a minimum the level of funding that they would have received under a fixed grant system in the years to 2015.*

Proposed scheme design

The government has made a number of decisions on the design of the scheme.

Setting local and central shares

- In setting the share of business rates that is localised the government will have regard to the 2010 spending review.
- The government has committed to reviewing the scope for further simplification and alignment of funding between business rates collected by local authorities and the functions and services which they fund.
- The government will set out the percentage share of business rates that it is to be localised, together with the mix of functions and services to be funded through retained business rates, in the spring of 2012.
- The government retains the right to alter the localised share of business rates.

LGA view

- *Local Government will not have access to the full real terms growth in business rates in 2013-14 and 2014-15 through the mechanism of the 'set-aside' even though they will now use proportional shares rather*

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than a government forecast. The LGA will continue to call for local government to have full access to the growth from business rates.

- *The LGA and the Fire Service Management Committee argued strongly against the set-aside. The Government's proposals indicate that the set-aside will continue beyond 2015. There is little rationale for this, as the main justification for the set-aside was to ensure that the scheme functions within the spending control totals issued in 2010 and therefore works alongside the deficit reduction programme. Continuing the set aside beyond this point cannot be justified. It reduces the incentive to grow business rates and acts a form of central government control in a system which is designed to do the opposite. The set-aside is a tax on local authorities which the LGA opposes strongly.*

Establishing the Baseline

- In determining the business rate baseline the Government will use authorities' average rates over several years.
- Baseline funding levels will be based on 2012-13 formula grant (excluding the 2012-13 transition grant). Each local authority's baseline position will be arrived at by applying the process used to determine their 2012-13 formula grant allocation to the local government spending control totals for 2013-14, while updating all datasets and making some limited, technical updates to the formula.
- The government will determine an authority's baseline using numbers after floor damping.

LGA view

- *We note that the Government has made it clear how the 2012-13 grant process should be used to set the baseline and hope that the further consultation of detailed issues will make rapid progress.*
- *FSMC in its response wanted assurances that there is a mechanism within the scheme to ensure that any new responsibilities associated with national resilience are properly funded and that funding for national infrastructure is taken into account. We welcome the fact that the Government will continue to provide for new burdens through a new Revenue Support Grant.*

The Levy

- The scheme will have a proportionate levy which will allow an authority to retain growth in an equivalent proportion to its baseline revenue. The actual ratio will be set after discussions with local authorities.

LGA view

- *We are pleased the fact that the levy to recoup a share of 'disproportionate benefit' will be based on 'proportionate shares' – this is the option which the LGA urged the Government to explore.*

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Resets

- The system will be reset every 10 years.

LGA view

- *The supported resets triggered on the basis on evidence; there will be disappointment that the government suggests 10 year resets.*

The Safety Net'

- This will be available to any authority that sees its funding decrease by more than a set percentage below their baseline funding level.
- Baselines will be up-rated in line with RPI to determine whether the authority is eligible for support and ensure the protection from the safety net is in real terms. The Government will consult in 2012 on the specific level at which the trigger point for the safety net should be set.
- The levy and the safety net must be self-funding, though there is the possibility of it balancing out over a number of years rather than per financial year. Benefits may be accrued during growth years to mitigate for adverse changes in low growth years.
- In the event that there is levy income over and above the level needed to ensure long-term safety net funding, this will be redistributed back to local government following a government consultation.

LGA view

- *We are pleased the fact that the levy to recoup a share of 'disproportionate benefit' will be based on 'proportionate shares' – this is the option which the LGA urged the Government to explore.*
- *We support the proposal for top-ups and tariffs to be indexed to RPI. The LGA's response to the LGRR consultation said that we saw the technical case for this.*

Contact:

Eamon Lally,
Senior Adviser LGA,
Tel: 020 7664 3132
e-mail eamon.lally@local.gov.uk

Strategic governance arrangements discussion paper

**Strategic Governance Arrangements for
Fire and Rescue National Resilience**

**A discussion paper prepared by the Department for Communities and Local
Government and the Chief Fire Officers' Association**

Introduction

1. The draft Fire and Rescue National Framework sets out the roles of fire and rescue authorities and the Government to deliver national resilience. Fire and rescue authorities need to assess all reasonable fire and rescue related risks that could affect their communities (from local fires to terrorist attacks), and have the necessary arrangements in place to manage the majority of these risks, either through adjusting existing provision, more effective collaboration and partnership working, or building new capability.
2. The draft Framework also states that, occasionally, fire and rescue authorities will be required to respond to incidents of such scale and/or complexity that local resources may be insufficient, even when taking into account mutual aid agreements, pooling and reconfiguration of resources and collective action. These risks need to be planned for on a strategic, national basis. For the purposes of this paper, these risks will be referred to as national resilience risks.
3. The Government retains over-arching responsibility for ensuring we are resilient as a nation to national resilience risks, and the draft National Framework continues to recognise that national resilience is best planned for on the basis of local professional expertise and understanding of risk, supported by strong partnership arrangements.
4. In order to ensure continued resilience, fire and rescue authorities and the Government need to work in partnership to agree whether and/or how these national resilience risks should be addressed. The draft Framework states that **the Department for Communities and Local Government (DCLG) will ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with Government on national resilience issues.**
5. This paper sets out proposals on these strategic governance arrangements, and invites comments and views from partners on the following questions:

Q1: Do you agree with the purpose of the strategic governance arrangements?

Q2: Does the creation of a new Strategic Resilience Board seem sensible?

Q3: Are you happy with the proposed chair, secretariat arrangements and membership for the Strategic Resilience Board?

Q4: Do the delivery arrangements for the Strategic Resilience Board seem sensible?

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Q5: Do you have any other comments on the strategic governance arrangements?

Purpose of the strategic governance arrangements

6. The draft Framework sets out that the purpose of the strategic governance arrangements is to support discussions and decision making in relation to national resilience, in the context of fire and rescue authorities.
7. The strategic governance arrangements will provide a forum for fire and rescue authorities and fire professionals to engage with central Government to:
 - reach a **joint understanding** of national resilience risks and priorities, and current fire and rescue capability in relation to those risks, based on fire and rescue authorities' risk assessments, gap analyses and other relevant processes;
 - agree whether any new and/or emerging national resilience risks identified by central Government have a fire and rescue role;
 - identify any **capability gaps** and/or any redundant capability;
 - agree whether any capability gaps can be filled through **reconfiguration** of existing capability or **innovative solutions**;
 - if not, determine **whether and/or how to fill** any capability gaps;
 - provide **advice to Ministers** on fire and rescue national resilience capability and, where necessary, produce **costed options** for how new capability can be built, taking into consideration the likelihood/impact of the risk and funding pressures;
 - provide a **route for Government to commission** and fund new capability from fire and rescue authorities, if required and where agreed by Ministers;
 - provide a mechanism through which **fire and rescue authorities provide assurance** to Government that agreed capabilities are in place and fit-for-purpose; and
 - consider strategic **intraoperability** and **interoperability** issues, including issues identified through cross-Government work.
8. Final decisions on whether new capability is required will be for Ministers to take, informed by recommendations from the strategic governance arrangements.
9. **Diagram A** on page 5 illustrates the roles and responsibilities of the strategic governance arrangements, with central Government represented in blue on the left and fire and rescue authorities represented in red on the right. The strategic governance arrangements are represented by the circle in the centre; listed within the circle are the key roles of the arrangements. Some roles will be delivered jointly (e.g. determining whether and/or how to fill any capability gaps), others will be Government-led (e.g. commissioning new capability from fire and rescue authorities) or fire and rescue authority-led (e.g. delivering the new capability, where reasonable).
10. National resilience risks will be identified through a number of routes:
 - a) By central Government, through the National Risk Assessment process;
 - b) By fire and rescue authorities, through local risk assessment and gap analysis processes which have regard to the Community Risk Registers produced by Local Resilience Forums;
 - c) By CFOA operational response and capability leads; and/or
 - d) Through lessons learnt from incidents, exercises and training.
11. The strategic governance arrangements might discuss, for example: the fire and rescue role in international humanitarian assistance, new risks and emerging threats, and response to national flooding, nuclear and radiation incidents; etc.

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Structure

12. There is currently no existing governance arrangement or board that can deliver the purpose set out above. The existing Fire and Rescue National Resilience Board seldom considers strategic national resilience issues. Its focus is on ensuring existing national resilience capability (new dimension equipment and crews) is maintained and that assurance on this is provided back to Government.

A new Fire and Rescue Strategic Resilience Board

13. One way in which the governance arrangements could be structured is to establish a new strategic board to form a focal point for discussion between Government, fire professionals and fire and rescue authorities, and to deliver the purpose set out in paragraph 7. The board would be the key route through which central Government discusses national resilience with fire and rescue authorities. The board could be known as the Fire and Rescue Strategic Resilience Board.
14. It is proposed that the Board be chaired by the Director of Fire, Resilience and Emergencies in DCLG and for the secretariat to be provided by DCLG.
15. Other members of the Board could include:
 - CFOA, to represent the professional leadership of the FRS
 - LGA, to represent employers/authorities
 - Chief Fire and Rescue Adviser, to provide advice and expertise
 - Chair of the National Resilience Board, to provide the link to the delivery arm of the Strategic Resilience Board
 - Cabinet Office, to provide advice on wider resilience policy
 - The Devolved Administrations
 - Other Government Departments, on invitation, as necessary
 - Other chairs of relevant groups/boards, on invitation, as necessary

Delivery arrangements

16. The existing National Resilience Board would become the delivery arm of the Strategic Resilience Board. The Government, through the Strategic Resilience Board, would commission the National Resilience Board to deliver any new capabilities and to provide overall assurance on national resilience capability. The National Resilience Board would be supported by various technical and specialist groups, as per current arrangements. The National Resilience Board would report to the Strategic Resilience Board.
17. It is envisaged that the National Resilience Board and its supporting sub groups would be managed as per current arrangements.
18. Through the National Resilience Board and its supporting groups, fire and rescue authorities would develop a collective position on national resilience issues. This collective position and associated recommendations would then be brought to the Strategic Resilience Board by the Chair of the National Resilience Board.
19. In determining those national resilience issues that need to be considered by the Strategic Resilience Board, the National Resilience Board will draw on:

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- the National Risk Assessment and National Resilience Planning Assumptions;
- local Integrated Risk Management Plans;
- the Community Risk Registers produced by Local Resilience Forums;
- sector resilience plans for Critical National Infrastructure;
- the expertise of CFOA operational response and capability leads; and
- learning from national and international incidents, exercises and training.

20. If needed, fire and rescue authorities could establish other sub groups to manage contracts and to provide the assurance required by the Strategic Resilience Board.

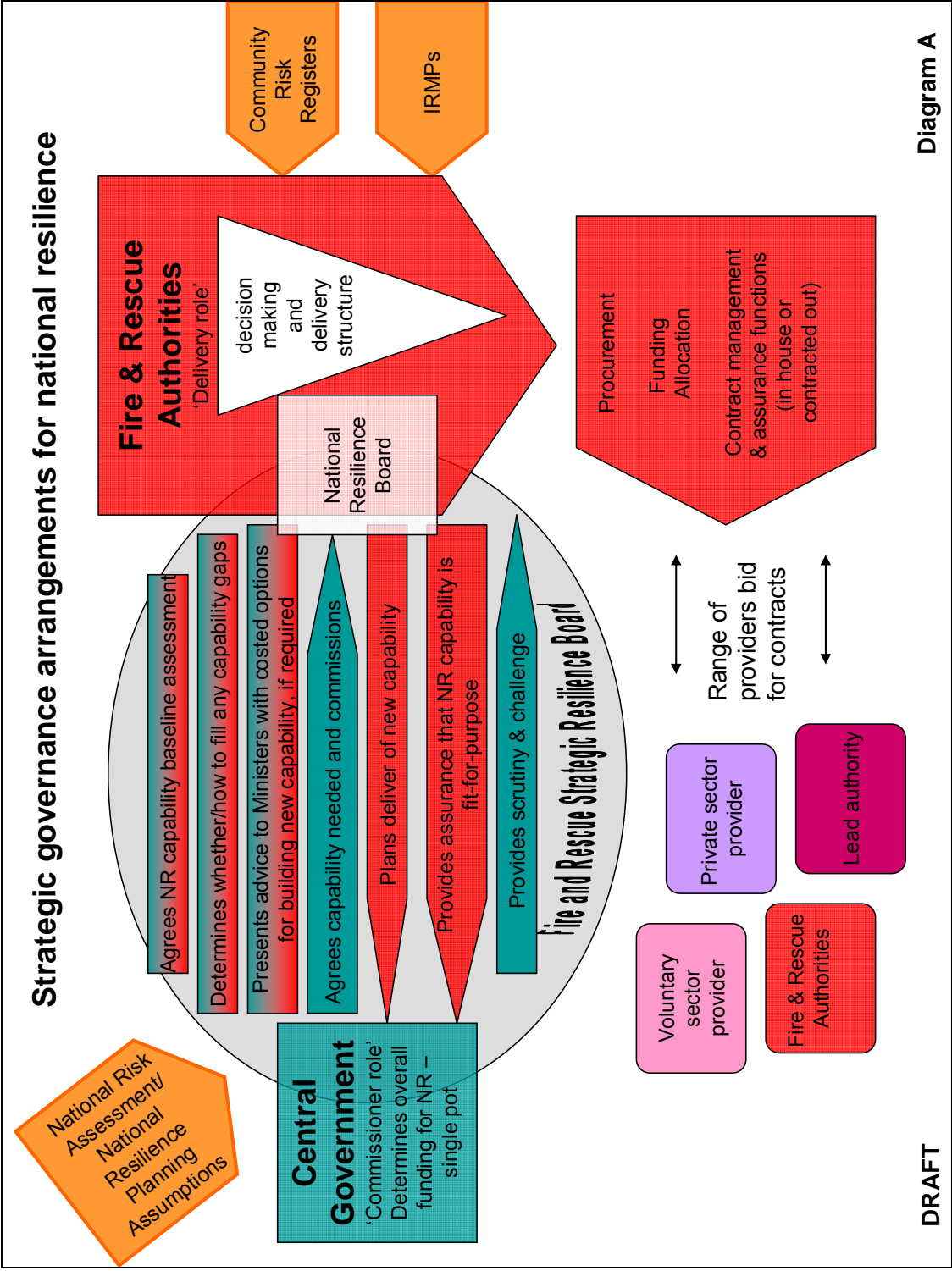


Diagram A

DRAFT

DCLG and CFOA Cover letter



CFOA
Chief Fire Officers
Association

15 December 2011

Dear Colleague,

Strategic governance arrangements for fire and rescue national resilience

We are pleased to attach a discussion paper on the proposed strategic governance arrangements for fire and rescue national resilience. This paper is the outcome of joint working by DCLG and CFOA, and is supported by both organisations. The proposals contained in the paper build on the commitment in the Fire and Rescue National Framework consultation document, published earlier this week, to ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with Government on national resilience issues.

It is recognised that national resilience is best planned for on the basis of local professional expertise and understanding of risk, supported by strong partnership arrangements. The attached discussion paper sets out proposals for how Government and fire and rescue authorities could work in partnership to agree how national resilience risks should be addressed. It sets out the proposed purpose and structure of the strategic governance arrangements, and proposes the establishment of a new Fire and Rescue Strategic Resilience Board. The paper also suggests that the existing National Resilience Board should become the delivery arm of the Strategic Resilience Board.

We would welcome your comments on this discussion paper and, in particular, on the five specific questions raised in the paper. Please send your comments to Bethan.MacDonald@communities.gsi.gov.uk by **Friday 16 March 2012**. If there are other, related issues that you wish to comment on, please include these comments, too.

Your comments and observations will help to shape the work going forward. We intend to be able to advise you of the finalised arrangements by Spring 2012, and we intend to have the new arrangements in place by mid-2012.

If you need any further information or if you would like to discuss this further, please contact: Heidi Pearson, DCLG (heidi.pearson@communities.gsi.gov.uk; 030344 44384) or Bethan MacDonald, DCLG (bethan.macdonald@communities.gsi.gov.uk; 030344 42802).

We look forward to receiving your comments.

Yours sincerely,

Jane Cockerill
Deputy Director
National Resilience and Fire Programmes
DCLG

Lee Howell
President
The Chief Fire Officers' Association

Department for Communities and Local Government
Zone 3/A4, Eland House
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Item 9

Note of decisions taken and actions required

Title: Fire Services Management Committee
Date and time: Thursday 17 November, 11.00am
Venue: The Millbank Room 8.2 (8th floor)

Attendance

Position	Councillor	Council
Chairman	Cllr Brian Coleman	London FEPA / Barnet LB
Vice chair	Cllr Sian Timoney	Bedfordshire & Luton FRA
Deputy chair	Cllr Jeremy Hilton	Gloucestershire FRS
Deputy chair	Cllr Christopher Newbury	Wiltshire FA
Members	Cllr Mark Healey	Devon & Somerset FRS
	Cllr Kay Hammond	Surrey CC
	Cllr Maurice Heaster OBE	London FEPA / Wandsworth LB
	Cllr John Bell	Greater Manchester FRA
	Cllr Ann Holland	Essex FRS
	Cllr David Topping	Cheshire FA
	Cllr Navin Shah	London FEPA
	Cllr John Joyce	Cheshire FA
	Cllr Julie Young	Essex FRS
	Cllr Keith Aspden	York City
	Cllr Nick Forbes	Tyne & Wear FA
Substitutes	Cllr Les Byrom CBE	Merseyside FRA
	Cllr Tony Arbour	London FEPA
	Cllr Paul Bryant	Royal Berkshire FRA

Cllr David Rowlands also attended
as an observer

Apologies Cllr Ann Holland Essex FRS

Officers: Commissioner Ron Dobson, David Cartwright (LFEPA); CFO Roy Wilsher (Herts FRS); Max Hood (West Sussex FRS); (Helen Murray, Eamon Lally, Gill Gittins, Stephen Service (all LGA).

Item	Decisions and actions	Action by
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Chairman Coleman welcomed Members and Officers to the meeting. He asked Officers to correct the attendance record from the last meeting.

1 National Functions

Helen Murray, LGA Head of Programmes and David Cartwright from London FEPA updated Members on the Fire Service College.

Cllrs agreed that a huge amount of work was still ongoing but praised the close working of CFOA with the LGA so far.

On the Fire Service College, Mr Cartwright said that CLG have now completed their pre-market engagement consultation. He noted that Ministers favour the sale of the college outright, but are keen to see a covenant which will protect fire service training on the site. While this position was seen as helpful to the sector, Mr Cartwright cautioned that any covenant should be broad and avoid being too prescriptive, with FAs given the right of first refusal in the event of failure.

Ministers favour the idea of a Trust being set up so that 10% of the ownership goes to FRAs. This would provide an opportunity for FRAs to influence the running of the College and to take any profits in the longer term. There would be no liability. However, there are still many details to be worked out and CLG lawyers

were still considering this as an option.

Members cautioned against being too controlling over the running of the College going forward as it had already suffered from the “dead hand” of the public sector and lack of investment. Members questioned advocating the college board system, which some saw as a reason for the college’s failure and the proposal to apportion land for training purposes. Not all Members felt that there was a necessity for land to be protected.

Cllrs questioned the relevancy of the land retainment proposal remaining in the report if Ministers were keen to sell the College outright. Helen Murray stressed that this had been part of earlier discussions in the event that a covenant needed to be formalised and was superseded by the development of a Trust. The Fire Commission on 9 December will have a more detailed discussion about the latest position on the College.

Members cited Governance as the key issue for politicians and the importance of Member involvement from London and non-London authorities in arrangements, particularly on resilience.

Members questioned why London Fire Brigade were supporting new arrangements for operational guidance with an investment of up to £2m rather than this funding coming from central Government. Cllr Coleman said that the Government supported the new delivery model but had no spare money to invest. LFEPA would be considering this issue and making a decision on Thursday 24 November.

Members requested more information about the EU arrangements. Officers agreed to provide Members with a paper at the next FSMC in January.

Action

Officers to schedule an agenda item on the EU/FRS for the next FSMC on 23 January 2012.

LGA Officers

2 FSMC Peer Challenge Working Group

Cllr Kay Hammond and CFO Roy Wilsher from Hertfordshire FRS introduced this item. Cllr Hammond commended work done so far on developing a new peer challenge and said that Pilot versions of the challenge offer would run between January

and June 2012. She distinguished the new assessment approach from inspection models as a tool that would help FAs and train Officers. CFO Wilsher added that this was not about league tables, but self improvement.

Members thanked Cllr Hammond and the Working Group for an excellent product. They expressed strong support for the new challenge, saying that FAs had been requesting the opportunity to take control of their own improvement for years.

Members asked about the rationale for scaling back the challenge from 5 to 3 days. Cllr Hammond responded that the 3 day challenges would be time intensive but as a result of the self assessment FAs will know specifically which areas they want to focus on. Timescales for specific challenges would always be subject to review, to ensure sufficient time was allowed for challenges to be completed.

Members said that anyone who puts their name forward to be a peer should be properly trained. Cllr Hammond agreed that it was vital the sector has faith in the selection process and that peers have the qualities needed. There is close engagement in setting up a review and each FA has the final say on peers offered to them.

Decision

Members agreed the recommendations within the report and approved the peer challenge offer for piloting. The FSMC agreed to review progress in 12 months time.

Action

Officers to take forward Members' comments in developing the approach to peer challenge and Operational Assessment toolkit.

LGA Officers

3 FRS Training and Development: Skills for Justice future funding

Max Hood, Chief Fire Officer at West Sussex FRS gave Members a brief overview of the work of Skills for Justice with the Fire Service and the case for continued funding.

Mr Hood said that SfJ was part of the Sector Skills Council. Many Members were unfamiliar with SfJ's role, and felt that without some more background information, it was difficult to

take a view on the continuation and implications of the funding.

While Members recognised that the amount of money being requested was modest, they felt someone from LG networks should be represented at board level if FAs were to take over the contribution for the training.

In response to a question on why central funding was being stopped, Mr Hood responded that DCLG's opposition to putting up the money was purely due to lack of funds and they fully supported the work of SfJ.

While Members fully advocated training and development, the Committee did not feel it was in a position to take the issue forward at this stage. Members agreed to refer the matter for a more detailed discussion at the December meeting of the Fire Commission.

Decision

Members agreed that Skills for Justice future funding should be included as an item at the next Fire Commission on 9 December, with Max Hood to attend.

Action

Officers to prepare a revised paper on Skills for Justice for the 9 December Fire Commission.

**Helen Murray /
Eamon Lally**

4 Firefighters' Pension Schemes

Cllr Maurice Heaster and LGA Senior Advisor Eamon Lally updated Members on this item. Cllr Heaster said that discussions continued to be constructive. For employee contributions, the paper recommends backloading contributions at 20/40/40 over a 3 year period so that the service can have a better understanding of the impact on the workforce. The closing date for CLG's consultation on the scheme was 2 December 2011.

Members highlighted opt out rates as a substantial risk, asking whether expectations were realistic and whether more work needed to be done. Eamon responded that broad research had been done but was limited in scope to FAs rather than individuals. Rates in this area were shown to be difficult to quantify accurately.

Cllr Heaster said that given the amount of risk involved, recommending that the scheme be backloaded was sensible.

Members agreed that a LGA response to the consultation should be sent along these lines, cleared by lead Members in the usual manner.

Action

Officers to prepare response to consultation and clear with Lead **LGA Officers** Members.

5 Emerging Terrorist Threats (Confidential Item)

This item was not minuted at the request of the Chairman.

6 FSMC Industrial Relations report

Gill Gittins provided an update to Members on the latest developments in industrial relations.

Gill said that joint secretaries can provide a conciliation service to authorities if required. These have had a good success rate in previous cases.

7 FSMC update paper

Helen Murray presented this item.

On the **FRS response to M5 Road Traffic Accident**, Cllr Coleman congratulated Cllr Healey and his authority for a job well done. Cllr Healey informed the Committee that he had received a huge response to the tragedy from across the world, including a letter from the Queen. He said that the incident demonstrated the amount of training that firefighters require.

On **FiReControl**, Cllr Hammond reported that the company in the South East is now being wound up.

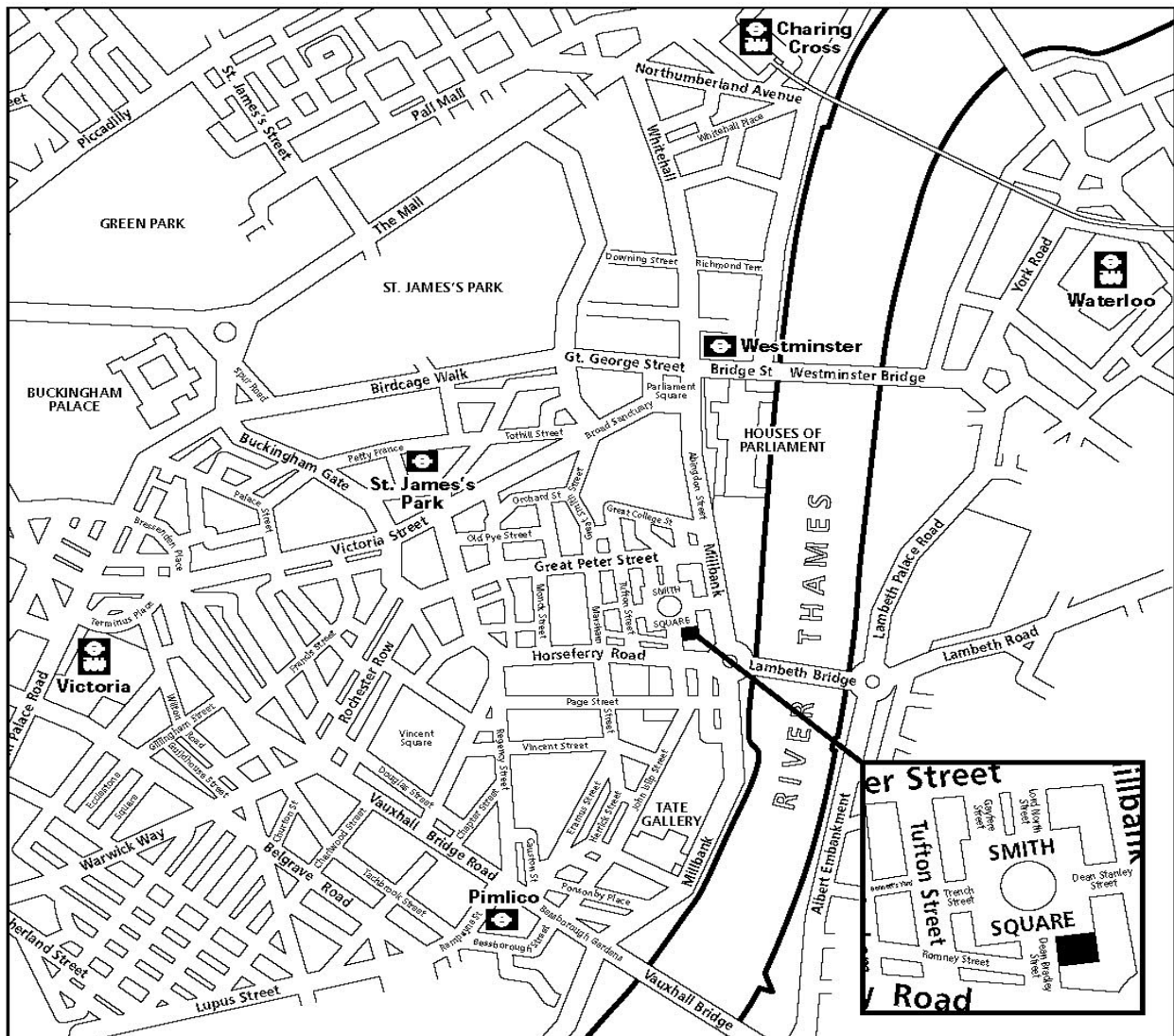
While recognising that budgets are tight, Cllr Coleman reminded Members that the **Fire Conference** would be taking place in March 2012 and urged them to attend if at all possible.

Cllr Healey was asked to consider attending the **All party**

group parliamentary seminar on Sprinklers on 6 February on behalf of the Committee.

Date of next meeting: Monday 23 January 2012, 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
 Website: 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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