

Fire Services Management Committee

Agenda

Monday 16 July 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

16 July 2012

The **Fire Services Management Committee** meeting will be held on **Monday 16 July 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

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Location

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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 - Membership 2011/12

Councillor	Authority
Conservative (7)	
Brian Coleman [Chairman]	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:	
Tony Arbour	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
Leslie Christie	Kent FA
Liberal Democrat (2)	
Jeremy Hilton [Deputy Chair]	Gloucestershire CC
Keith Aspden	North Yorkshire FRA
Substitutes:	
Roger Price	Hampshire CC
Terry Stacy MBE JP	London FEPA
Independent (1)	
Christopher Newbury [Deputy Chair]	Wiltshire Fire Authority

15 Member Steering Committee

Fire Service Management Committee Attendance 2011-2012

Councillors	16.09.11	17.11.11	23.1.12	19.3.12	14.5.12	16.7.12
Conservative Group						
Brian Coleman	Yes	Yes	Yes	Yes	Yes	
Mark Healey	Yes	Yes	Yes	No	Yes	
Kay Hammond	Yes	Yes	Yes	Yes	Yes	
Maurice Heaster OBE	Yes	Yes	Yes	Yes	Yes	
John Bell	Yes	Yes	Yes	Yes	Yes	
Ann Holland	Yes	No	Yes	Yes	Yes	
David Topping	Yes	Yes	Yes	Yes	Yes	
Labour Group						
Sian Timoney	Yes	Yes	Yes	Yes	Yes	
John Joyce	Yes	Yes	No	Yes	Yes	
Navin Shah	Yes	Yes	Yes	No	Yes	
Julie Young	Yes	Yes	Yes	No	Yes	
Nick Forbes	N/a	Yes	No	No	No	
Lib Dem Group						
Jeremy Hilton	Yes	Yes	Yes	Yes	Yes	
Keith Aspden	No	Yes	Yes	Yes	Yes	
Independent						
Christopher Newbury	Yes	Yes	No	Yes	Yes	
Substitutes						
Terry Stacy MBE JP	Yes					
Les Byrom CBE	Yes	Yes	Yes	Yes	Yes	
Paul Bryant		Yes	Yes			
Tony Arbour						
Leslie Christie	N/A	N/A	N/A	Yes		
Darrell Pulk				Yes		
Andre Savage de Gonzalez				Yes		

Agenda

Fire Services Management Committee

Monday 16 July 2012

11.00am

Smith Square Rooms 1 & 2, Local Government House, London

For discussion

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Date of Next Meeting: Friday, 14 September 2012, 11.00am, Smith Square Rooms 3 & 4, Local Government House

Item 1

Fire Services Management Committee Peer Challenge

Purpose of report

For update, discussion and approval.

Summary

1. At the 17 November 2011 FSMC meeting, Members approved the work of the FSMC Peer Challenge Working Group and agreed to pilot the new offer for Operational Assessment (OpA) and Fire Peer Challenge in the following Fire & Rescue Authorities:
 - 1.1 Surrey – County FRA
 - 1.2 Leicestershire – Combined FRA
 - 1.3 West Yorkshire – Metropolitan FRA
2. This paper provides information on the evaluation from the pilot OpA & Fire Peer Challenges, an update on Fire Peer Challenge Programme and details of take up of the offer.

Recommendations

Members are asked to:

1. comment and endorse the work of the FSMC Peer Challenge Working Group;
2. consider the evaluation of the pilot peer challenges and note the progress made in developing the new approach to OpA and Fire Peer Challenge;
3. note the extremely positive take up of OpA and Fire Peer Challenge with 41 FRA's having registered;
4. support the ongoing development of both officer and member peers to sustain the programme going forward;
5. support the development of a Chief Fire Officer sounding board to be held in December to review progress and evaluate learning; and
6. agree to officers commissioning an externally conducted impact evaluation in 2013/14 to assess the outcomes of undertaking OpA self assessment and Fire Peer Challenge.

Action

Officers to progress work programme subject to Members' comments.

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**Fire Services Management Committee Peer Challenge
Working Group**

Background

1. Following presentation and agreement of the *Improvement and performance support in the Fire & Rescue Service* paper on 16 May 2011, members of the FSMC agreed to establish a member led joint LGA/CFOA working group to develop the Fire & Rescue Sector peer challenge offer.
2. The following Members led the FSMC Peer Challenge Working Group.
 - 2.1 Cllr Kay Hammond (Chair) – Surrey
 - 2.2 Cllr Les Byrom - Merseyside
 - 2.3 Cllr Paul Shannon – Greater Manchester (part)
 - 2.4 Cllr Jeremy Hilton – Gloucestershire (part)
 - 2.5 Cllr David Rowlands – Buckinghamshire & Milton Keynes
3. The Working Group was supported by officers from the LGA and CFOA.
4. In November 2011 FSMC agreed to pilot the new offer for Fire Peer Challenge in the following Fire & Rescue Authorities:
 - 4.1 Surrey – County FRA
 - 4.2 Leicestershire – Combined FRA
 - 4.3 West Yorkshire - Metropolitan FRA

Learning from the Pilots

5. The pilot Fire Peer Challenges were carried out in:
 - 5.1 Surrey – County FRA – 17 to 19 January 2012**
Lead Officer Peer – Des Tidbury, Chief Fire Officer and Director of Community Safety and Protection Cornwall Fire and Rescue Service
Member Peer – Cllr Stuart West, Shropshire County Council and FRA
 - 5.2 Leicestershire, Leicester and Rutland – Combined FRA – 7 to 9 February 2012**
Lead Officer Peer – Susan Johnson, Chief Executive County Durham and Darlington Fire and Rescue Service
Member Peer – Cllr Peter Abraham, Bristol City Council and Avon FRA

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5.3 West Yorkshire - Metropolitan FRA – 7 to 9 February 2012

Lead Officer Peer – Roy Wilsher, Director of Community Protection & Chief Fire Officer, Hertfordshire Fire and Rescue Service

Member Peer – Cllr Mary Baldwin - Member Peer, Lead Member Diversity & Equality - Buckinghamshire and Milton Keynes FRA

6. A comprehensive evaluation of the peer challenges was undertaken by officers from CFOA and the LGA which included the following:
 - 6.1 Chief Fire Officer Evaluation
 - 6.2 Operational Assessment Evaluation
 - 6.3 Chief Executive and Chief Fire Officers Fire Peer Challenge Event
 - 6.4 Capturing views whilst onsite
 - 6.5 Lead Peer Feedback
 - 6.6 Member Peer Feedback
 - 6.7 Officer Peer Feedback
 - 6.8 LGA Peer Challenge Manager Feedback

Key findings

7. From the evaluation it was clear that the new Fire Peer Challenge offer was very well received. Overall there was strong support for OpA self assessment and Fire Peer Challenge as a sector led improvement tool and that the OpA & Fire Peer Challenge Toolkit provided a good overview from an operational perspective and increased self awareness and internal challenge.
8. Respondents felt that the peer challenge was well tailored to their needs and that liaison with the LGA was positive. The support and challenge from the peer team was also very well received with positive comments regarding the calibre and professionalism of the peers.
9. All felt that the peer challenge was effective in identifying the key issues for the FRA and that the issues were very clearly presented and commented that they were presented in a 'fair and balanced' approach.
10. There was strong support for the introduction of a core set of corporate health and leadership elements, in addition to the agreed operational focus.

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11. Services welcomed the attendance of FRA members at the presentation.
12. Overall all respondents demonstrated a high degree of satisfaction with the process and would recommend OpA self assessment and Fire Peer Challenge.
13. All respondents felt that the 3 day model was not adequate and requested a move to 4 days.
14. It was agreed that it was important for the Chair of the FRA and FRA Members to be engaged in the process, to sign off the self assessment and to understand and challenge the findings from the peer challenge.

Chief Fire Officer

14.1 *“Good snapshot of service and a fair and balanced view. Felt totally different than inspection.”*

Member Peer

14.2 *“I found it to be much improved from the previous model, much more focussed on the requirements of the FRA.”*

Changes following evaluation

15. Officers from the LGA and CFOA acted upon the feedback and made revisions to the OpA & Fire Peer Challenge offer.
16. The most significant change was to move to a four day onsite model.
17. It was clear from all those involved in the pilots that a move to a four day onsite model would provide more opportunity to engage all elements of the FRS, ensure adequate time to visit front line stations and provide adequate time for the peer team to collate and consider their findings
18. This has been communicated and there is strong support from both Member and Officer Peers for a move to a four day model.

Update on the Fire Peer Challenge Programme

Officer Peer Recruitment and Training

19. A refresh of the existing officer peer pool has been undertaken to update the all peer records.
20. The existing peer pool has been added to the new LGA peer and project management system and the Fire peer cohort is now up to date with over 230 officer peers on record.

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21. Management of the peer cohort is undertaken on an ongoing basis with further filtering and information updates added regularly as part of the Fire Peer cohort management.
22. The Fire Peer cohort has a more than adequate number of peers with the next phase of development being the refining of profile and skill data.
23. A programme of regionally based officer peer training is being delivered.

Region	FRS	Date	Numbers
West Midlands	Staffordshire	24 April	15
North West	Greater Manchester	10 May	16
West Midlands	West Midlands	16 May	15
West Midlands	Hereford & Worcs	31 May	16
North East	Tyne & Wear	14 June	18
East of England	Beds & Luton	13 July	15
South East	Surrey	07 August	TBC
North West	Cheshire	21 August	TBC
South East/West	Hampshire	TBC	TBC

24. Take up has been extremely positive with each training session being over subscribed. A further tranche of training is planned in the Autumn of 2012
25. The training consists of:
- 25.1 a comprehensive briefing on the new approach and the context;
 - 25.2 guidance on how to act as a peer and the skills and competencies required;
 - 25.3 Q&A and discussion session;
 - 25.4 A peers perspective from a CFO or DCFO;
 - 25.5 A simulation exercise; and
 - 25.6 Group feedback and Q&A.

Member Peer Recruitment and Training

26. Lead Member Peers are considering the numbers of Fire & Rescue Authority Member Peers.
27. As yet there has not been any training or development for Member Peers. As political leadership is an integral component of the approach to OpA self assessment and Fire Peer Challenge it is proposed that the existing training programme is extended to include Member Peers.

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28. This will enable both Officers and Members to work together collaboratively replicating the approach of a peer team.

Promote the peer role as a positive approach to personal and professional development

29. Work is underway to include OpA & Fire Peer Challenge as part of the CFOA Executive Leadership Programme.

30. Several options are being discussed including this element be part of a module on leadership and governance with a focus on Member involvement and perspective and how Fire Peer Challenge provides opportunities to work with Members and has a specific focus on leadership and governance.

Notable Practice Library

31. A Library of notable practice is being developed and will be communicated via the LGA Knowledge Hub and the CFOA Communities website.

Encourage all FRAs to publish their peer challenge reports via their own website

32. We can confirm that all of the pilot FRAs have published their peer challenge reports on their websites.

Promote the revised Operational Assessment Toolkit and Peer Challenge offer

33. On completion of the pilot OpA Self Assessments and Fire Peer Challenge a hard copy of the OpA Toolkit, accompanied by a letter on behalf of Lee Howell President of CFOA and Cllr Kay Hammond, Chair of the FSMC Working group, was sent to all FRA Chairs and Chief Fire Officers.

34. The LGA and CFOA then published the revised OpA & Fire Peer Challenge Toolkit on their respective websites.

34.1 LGA Fire Peer Challenge Web page
http://www.local.gov.uk/web/guest/peer-challenges/-/journal_content/56/10171/3510552/ARTICLE-TEMPLATE

34.2 CFOA Web page <http://www.cfoa.org.uk/10038>

35. A leaflet has also been published on the LGA website and has been produced in hard copy for wider distribution:
http://www.local.gov.uk/c/document_library/get_file?uuid=09a49624-2048-4491-84cf-2cf6f16803c1&groupId=10171

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LGA Fire Conference

36. Chaired by Councillor Jeremy Hilton and Councillor Kay Hammond and supported by officers from CFOA and the LGA two successful workshops were delivered at the LGA Fire Conference in Bournemouth on the 20 & 21 March 2012 .

LGA Conference June 2012

37. As part of a wider public sector publication on sector led improvement, produced for the LGA Conference in June a case study on the pilot OpA & Fire Peer Challenge at West Yorkshire FRS has been completed

CFOA Executive Leadership Programme

38. Officers from CFOA and the LGA delivered a session at the CFOA Executive Leadership Programme event on the 28 March 2012.

CFO Meetings

39. The LGA Programme Manager has personally met with CFO's from 29 FRS's to communicate the OpA & Fire peer Challenge offer. It is proposed to establish a CFO sounding board where we can bring together CFO's who have either received a peer challenge or led a peer challenge to review and evaluate progress. It is proposed that the first meeting is held in December 2012.

Take Up

40. This promotion has been effective with excellent take up of the new offer with 41 English FRA's having registered interest in undertaking OpA self assessment and having a fire peer challenge. The programme is currently being delivered.

Evaluating the Impact of OpA & Fire Peer Challenge

41. As part of the overall evaluation of the LGAs Taking the Lead offer it is proposed that officers investigate the option to commission an independent research study to evaluate the impact and outcomes of the OpA & Fire Peer Challenge programme.

42. This replicates the approach undertaken as part of the corporate peer challenge programme offered to councils and will be funded as part of the Taking the Lead core offer.

Recommendations

43. In order to take this work forward, the FSMC are asked to note the OpA & Fire Peer Challenge programme and endorse the next steps around development and evaluation.

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Financial Implications

44. There are no financial implications for the FSMC work programme arising directly from this report as the Fire Peer Challenge programme is a core part of the LGA's overall Taking the Lead programme.

Item 2

Sprinklers' campaign

Purpose of report

For discussion.

Summary

The sprinklers' campaign working group are now in a position to respond in full to the FSMC's request to design a campaign plan to lobby for the mandatory installation of fire sprinkler systems. The group recommend the creation of a campaign toolkit aimed at Fire and Rescue Authorities and any other interested public organisations to facilitate local campaigns in collaboration with the public. The toolkit is intended to support campaigns lobbying for the installation of sprinklers in sites and dwellings where the most vulnerable in society either reside or regularly visit.

Recommendation

Members are invited to comment on the contents of the report.

Action

Officers to progress as directed.

Contact officer: Eamon Lally
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Sprinklers' campaign working group update

Background

1. The working group carefully considered the FSMC's request for a campaign to lobby for the change of regulation around sprinklers. Members of the group felt that a grassroots approach and public 'outrage' could be the most effective ways to influence Government. Lobbying by national organisations and individual FRAs does not seem to have moved Government as they are clearly minded not to legislate.
2. There is consensus across the fire sector about the need for the installation of fire sprinklers. This is an important strength of the sector and this proposed project approach. Coupling the sector's consensus with public concern on a co-ordinated national plane is a formula that has not been tangibly or widely tested before. This proposed approach is, therefore, potentially unique and the group would like to pioneer it with the FSMC's approval.

Sprinklers' campaign toolkit

3. There is already a lot of information out there on sprinklers – why they're needed, how they save lives, money and property. The strongest benefit of the toolkit is that all the relevant tools and information needed for a local campaign is accessible in one space. There are clear unique selling points of the approach:
 - 3.1 The 'space' will be online and continually updated for people to access the latest materials for their campaigns. Hard copies will also be produced.
 - 3.2 This unique product will enable FRAs to instigate 'grassroots' campaigns locally to exert pressure on Government to reconsider the case – localism in action.
 - 3.3 The toolkit will provide a rough benchmark for campaigns as well as demonstrate strength in numbers across the sector.
 - 3.4 The product is adaptable and will be produced in discrete sections for FRAs to take out or adapt to their local needs and requirements. It is not intended to be a prescriptive toolkit.
4. The proposed toolkit is primarily aimed at Fire and Rescue Authorities. The aspiration is that they would find having a regularly updated resource bringing together all the key elements of a campaign together in one site useful for their own campaigns. They are not to be bound by any aspect of the toolkit but instead will be encouraged to use it selectively or in its entirety according to their priorities. The ultimate goal is to have all Fire and Rescue Authorities sign up to the product and carry out co-ordinated activities to raise the profile of the issue.

5. FSMC members have previously heard Cllr John Edwards talk through the elements of the product and how it would work at June's Fire Commission. The group hopes that the product will be adapted according to local needs and strengthen any existing campaigns and support the development of new ones in partnership with local people and groups.
6. The powerful imagery, informative tips on engaging the media and parliamentarians and comprehensive and current information data base will all assist in the building of tailored and effective campaigns. For example, if a Fire and Rescue Authority wanted to produce leaflets to promote awareness of their communities they can use text from the myth busting section and examples of sprinkler successes from the case study section and download images from the Media and Communications section. Alternatively, if an Authority decided they wanted to try their hand at social media they can use our support and advice on developing a viral campaign.

Launching the toolkit

7. The group propose that the toolkit is launched incrementally as a way of securing the most media coverage protracted over six to nine months. It is proposed that the toolkit is made available in October 2012 to all Fire and Rescue Authorities. We would ask for their feedback and stories of success over the following six months. Using the success stories and learning of Fire and Rescue Authorities over this six month period, the Annual Conference 2013 can be used as a formal launch pad for the toolkit.
8. If, by this point, there are a significant accumulation of local successes which we can showcase at the Fire Conference, we will work to engage national press and secure their support for the cause. The Fire Conference will demonstrate the sector's unified voice on the issue, bring together the local campaigning successes and channel the public's concerns through their local FRAs.
9. At the conference, it is envisaged that the sector will be visibly united on the issue and will formally launch the toolkit with their stories of campaigning successes. This would be encouraging to any Fire and Rescue Authorities who haven't, by that point, instigated local campaigns. Also the launch at this point will be likely to attract media attention especially if there is full and co-ordinated sector support.
10. The group would also like to propose a National Sprinklers' Day to take place two months after the Fire Conference. On this day all Fire and Rescue Authorities, who signed up to the toolkit's One Voice strategy on sprinklers, would co-ordinate

the launch of various local activities. This kind of move would likely stimulate media interest, both locally and nationally. Local community activities involving firefighters to attract the public would draw in people. The aim of this would be to enable people to see for themselves the importance of sprinklers and garner their support for the cause.

Next steps

11. The next steps for the working group, following FSMC clearance is as follows:

- 11.1 Stakeholder engagement: members of the working group will continue to engage with a range of stakeholders including Registered Social Landlords, local MPs, planners and organisations who would be interested in the cause on behalf of their users, ie. the Women's Institute, Age Concern and the Children's Burns Trust.
- 11.2 Development and testing: members and officers will develop the toolkit in its entirety in line with feedback. The product will be user tested on a group of pilot Fire and Rescue Authorities over the summer months to temperature-check the practicality and usability of the toolkit.
- 11.3 Launch planning: members and officers will progress launch plans for October, at the Fire Conference in March 2013 and National Fire Sprinklers' Day.

Conclusion

12. The group would welcome feedback and comments on the rationale, aims and composition of the toolkit. Members of the group are confident that this toolkit will successfully embody localism and as a result mobilise a raft of local campaigns which will exert pressure on the Government to reconsider regulation change in this area.

16 July 2012

Item 3

Retained Firefighters' Pensions

Purpose

For noting and discussion.

Summary

This report updates Members on the latest position regarding retained firefighters' pensions.

Recommendation

Members are asked to consider the issues outlined in this paper and comment on the next steps.

Action

Officers to action as directed.

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E-mail: eamon.lally@local.gov.uk

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Retained Firefighters' Pensions

Background

1. As a result of the Employment Tribunal (ET) judgement (case number: 6100000/21) retained duty staff will have the right to buy back pensionable service for the period 1 July 2000 and 5 April 2006 inclusive.
2. DCLG has been negotiating a settlement with the Fire Brigades Union (FBU) on retained firefighters' pensions, in line with the ET judgement. We understand that these negotiations are at an advanced stage and that DCLG will be bringing forward a consultation in July/August 2012. The government plans to consult for 12 weeks on an Amendment Order that will implement the settlement between the Government and the Fire Brigade Unions. Implementation will begin early in 2013.
3. The balance of scheme liability will begin to emerge in 2013/14 financial year.
4. The Government's Actuarial Division (GAD) estimates that around 21,000 people are eligible to buy-back service.
5. Representatives from FSMC (Cllr Heaster, Cllr Byrom and Cllr Aspden) met with the Fire Minister on 11 June 2012 to discuss retained firefighter pension issues. The Minister has subsequently written to the delegation and this letter is attached at **Appendix A**.

The Government's position

6. The Government's position as set out in the Minister's letter can be summarised as follows:
 - 6.1. The decision on funding the settlement is a matter of government policy, which is that pension costs are an employer responsibility whether they relate to past or future service.
 - 6.2. That the normal spreading period for the retrospective application of pension benefits is 10 years and that this period would begin following the next valuation which is due in 2014—the Minister does indicate that there might be some scope to extend the spreading period.
 - 6.3. The costs associated with retained firefighters retrospective access to the pension scheme cannot be treated as a new burden because it arises from part-time workers legislation that applies to private as well

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as public sector organisations. This principle is set out in paragraph 3.10 of the New Burdens Doctrine: Guidance for Government Departments.

- 6.4. The liability should be spread across all fire authorities through a common contribution rate, regardless of whether they have employed retained staff during the period in question.

Implications of the government's position for fire authorities

7. The government's current position is clear in stating that this is a collective responsibility for employers and will be dealt with as such.
8. At this stage we can only estimate the potential costs to employers resulting from retained staff taking up the offer to buy back pensionable service. The best estimates have been provided by GAD. GAD's estimate implies that if all of those who are eligible take up the offer it will cost fire authorities £500 million. Spread over 10 years that would be £50 million per year. To put this in perspective it represents 2 per cent of the annual fire service expenditure, which is £2.6 billion in total, or 8 per cent over a four year spending review period. This cost will of course come on top of any further reductions we might expect in fire funding as a result of the next Comprehensive Spending Review (CSR).
9. If the government's cost is passed on the fire authorities, then this will only be manageable with a much longer spreading period than is currently envisaged by the government.

Our legal advice

10. The legal advice that we have had to date points strongly to the RDS pension costs being a government liability. Some of the key points are that:
- 10.1 It was not the decision of the fire authorities that excluded the retained firefighters from the scheme once the Part-time Workers Regulations 2000 came into force.
- 10.2 If retained firefighters had had access to the 1992 scheme at that time, the costs would have been dealt with as part of the process of assessing the relative spending needs of fire authorities.
- 10.3 For those authorities that did not have retained staff in the period in question, a requirement that they contribute to pension costs must surely be a new burden. It can also be argued that it is a new

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burden for all fire authorities, given the financing arrangements that were in place between 2000 and 2006.

11. Our broad legal advice remains unchanged following consideration of the Minister's letter.

Risks

12. The risks in taking on the burden of RDS pension costs are considerable in terms of the financial position of fire authorities and in terms of service delivery.
13. However it is also important to note that there could be risks to fire authorities should the costs be borne by the government. It is not clear how, in such circumstances, the government would finance this cost. Clearly, if the government simply chooses to top slice from the fire budget this will leave fire authorities in the same, if not worse, position than if they bore the costs themselves.

Next steps

14. The Fire Commission expressed a strong view that the costs of providing retrospective access to the pension scheme for retained firefighters should be borne by the government.
15. In addition the Fire Commission noted that this was an issue on which fire authorities should be united. This view will shape the manner in which the issue is addressed.
16. Following a request of the Fire Commission, a delegation of members will seek to meet the minister for a second time on 18th July to discuss the issues raised in this paper.
17. LGA officers are continuing to work with fire authorities, through the fire finance network, to understand the potential liabilities for individual authorities. The focus initially is on understanding the position in those authorities that are likely to have had the most retained staff during the period in question. We are also keen to understand if any fire authorities have made provision for the potential costs. We expect to have this information in advance of the meeting with the Minister.
18. The attendees at the Fire Commission agreed to consider, in their own fire authorities, contributing to the acquisition of further legal advice should that be deemed necessary. In the event that further legal advice is needed we will write to all fire authorities with further details.

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Financial Implications

19. There are no immediate financial implications arising from this paper.



Councillor Maurice Heaster
Councillor Keith Aspden
Councillor Les Byrom
Local Government House
Smith Square
London
SW1P 3HZ

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
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25 June 2012

Dear Councillors,

Thank you for coming to meet me to discuss your concerns on how best to meet the pension costs associated with the retained firefighters' settlement that the Department is currently discussing with the Fire Brigade's Union. As you know, this follows from the House of Lords judgment under the Part Time Workers regulations on which, I understand, the Local Government Association have just finalised their own negotiated settlement on the terms and conditions side of the same case.

The Government's view, as I set out at our meeting, is that a decision about funding the settlement is a matter of policy. Established Government policy is that pension costs are an employer responsibility and funding of liabilities, whether past or future service, should be met by employers. In this way employers are responsible for their decisions which affect the cost of the pension scheme within the statutory framework set by Parliament. Whilst I accept that the statutory framework did not, at that time, permit access to the pension scheme for retained firefighters, the liability that arises is a liability to the firefighters' pension scheme which is funded by employers and employees.

The normal mechanism for managing these past service costs is to conduct a valuation of the scheme and set a period over which this liability should be recovered from employers. The normal spreading period for such a retrospective application of pension benefits is over a 10 year period, although I would be prepared to revisit this spreading period nearer the time should the need arise.

You will be aware that the paper prepared by the Government Actuary's Department was a high level estimate of costs, which was, appropriately, very heavily caveated. We do not yet know what the cost of the settlement will be until all eligible members have decided whether to elect to join the scheme, which is not likely to be until some time into 2014. A scheme valuation will take place shortly after that point and increases in employer contributions would take effect following the outcome of that valuation.

Any employer contribution increase arising from this settlement, alongside other relevant matters, will form part of the Government's considerations for fire resources at the next Spending Review. In addition, any savings to employers arising from the 2015 pension scheme reforms will start feeding through to individual fire and rescue authorities.

You also raised the issue of new burdens, in the context of this being a new obligation placed either on all fire and rescue authorities by Government or on individual fire and rescue authorities that have few or no retained firefighters. As you know, the new burdens doctrine does not apply to policies which apply the same rules to local authorities as to private sector bodies. The retained firefighters' settlement is not new policy but arises from the part time workers legislation introduced in 2000 and which applies to all bodies, public or private.

Whilst the liability associated with the retained firefighter settlement would be spread across all fire and rescue authorities, whether or not they employed retained firefighters, this is a consequence of having a scheme with a single contribution rate but with multiple employers within that scheme. Decisions taken by one employer which increase scheme costs, for instance in relation to increases in members' pay or consolidation of allowances, are met by all employers in that scheme. Whilst I am not prepared to consider an alternative approach for the retained firefighters' settlement at this point, I would be prepared to consider a different approach, should the LGA wish to propose one, to apply to the new scheme to be introduced in 2015.

I understand that you have taken legal advice on a number of the points you raised, in particular on new burdens and the Government's obligation to fund these costs itself. I would find it helpful if you could discuss this in more detail with my officials who will be able to report back to me on the outcome of those discussions. I remain available to meet you again on this issue if you would find it helpful.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized initial 'B' and a long, sweeping flourish extending to the right.

BOB NEILL MP

Item 4

Fire Services Management Committee end of year report

Purpose

For noting and discussion.

Summary

This report offers an overview of the context and main issues affecting the Board in the 2011-12 Board. It also provides Members with a summary of the Committee's achievements over the last year. Priorities for 2012-13 will be discussed by the Committee in September.

Feedback at and outside the meeting would be welcomed.

Recommendation

Members are invited to note the contents of the paper.

Action

Members and officers to feedback. Actions as directed by Members.

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

Item 4

Fire Services Management Committee work programme progress report

Background

1. The political and financial environment has shaped the interests and work of the Fire Services Management Committee over the last year. Financial pressures are acute in the sector and this will continue to impact on fire authorities for the remainder of this spending review and into the next.
2. The civil disorder of August 2011 and the future of the Fire Service College provided early opportunities to prove the capability and willingness of FRAs to collectively take responsibility from Central Government for the improvement of the Fire Service and meet the responsibilities of the localism agenda. The Committee demonstrated the sector's maturity in several areas, driving the agenda on the sale of the College, piloting a new operational assessment in three FRAs (Surrey, Leicestershire and West Yorkshire) and championing the response of firefighters in the wake of the August 2011 riots.
3. At the same time, achieving challenging spending reductions continue to be a primary concern for FRAs. The implications of the Local Government Resource review have been an ongoing priority for the Committee.
4. The FSMC met 6 times throughout the year, including a meeting in February 2012 at the Fire Service College in Moreton-in-Marsh. The Fire Commission met 4 times.

Strategic issues

5. In this year, the new relationship between central government and the fire sector, which is codified in the new National Framework, has matured to the extent that there is a much greater clarity of roles and responsibilities and a strong partnership response to dealing with challenges. We have seen this in our continuing work on the future of the Fire College, the development of Future Control and the processes associated with fire pensions' reform. In all these areas FSMC has been influential in achieving better solutions for the sector.
6. In addition to the work priority areas, the FSMC/Fire Commission has examined a range of issues of interest to the sector as a whole, including emerging threats, health and safety, business continuity, 7/7, relocalisation of business rates, fire safety in rented accommodation, pensions and the problem of false alarms. The Committee set up a working group to

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examine ways to raise public awareness on the case for fitting sprinklers in premises used by or housing the most vulnerable groups.

7. The LGA appoints Members of the FSMC to a range of national bodies. Over the past year these have included the Pensions Committee, the National Resilience board, the Sprinklers' Campaign Working Group and others and Members have reported back to the Committee on developments, seeking a steer, where necessary.
8. Members drawn from the LGA hold 9 of the 14 seats on the Employers' Sides of both the National Joint Council for Local Authority Fire and Rescue Services and the National Joint Council for Brigade Managers of Local Authority Fire and Rescue Services.

Achievements

9. The Committee has made some significant gains throughout the year. These include:
 - 9.1. Successfully lobbying to safeguard the future of the Fire Service College.
 - 9.2. £74 million funding secured from Government for Fire Control Centre projects.
 - 9.3. A new service-led model for the production of national operational guidance for the UK Fire and Rescue Service developed with CFOA, CFRA and the LFEPA.
 - 9.4. Achieving a more gradual increase in employee contributions to the Fire Pension schemes, which will substantially reduce the risk of a mass exodus from the scheme.
 - 9.5. Supporting the negotiation of the new fire pensions scheme which will come into effect in 2015; this includes getting agreement by government to undertake a review the normal pension age for firefighters.
 - 9.6. A prestigious Fire Conference in March in Bournemouth with 227 paying delegates attending. 86 percent of those who responded to our evaluation survey were very or fairly satisfied with the event overall.

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- 9.7. The development of a toolkit and other resources to support a sector wide campaign to raise awareness of the importance to life and the economy of the installation of sprinklers.
- 9.8. A successful LGA Conference event in June this year on the future funding and service delivery for the fire sector.
- 9.9. Press releases on: the Fire Service response to the August riots, outsourcing of key Fire Brigade services and smoke alarms.

Wider Group activity

National Joint Council

10. The independent Chair of the National Joint Council (NJC) issues an annual report to fire authorities each October and that will present a comprehensive overview of the NJC's work. Some of the key areas of work included:
 - 10.1. Detailed development of future employer priorities in respect of reform of terms and conditions of employment for consideration by members. This included working with the Advisory Forum and a wider group of HR professionals in line with National Employer direction.
 - 10.2. Discussion with the trade unions on a number of matters, including pay negotiations, settlement on additional public holidays on terms less favourable than 'normal' public holidays, implementation of the Part-Time Workers Regulations settlement agreements to ensure withdrawal of some 12,000+ Employment Tribunal cases, a claim in relation to sickness absence and annual leave (impact of case law).
 - 10.3. Securing support from DCLG to put in place similar flexibilities in respect of FRA uniformed employees as currently exist for non-uniformed and control staff in connection with redundancy arrangements. It is understood a consultation paper is in the process of being drafted by DCLG to progress the necessary legislative change.
 - 10.4. Managing the industrial relations perspective on pension reform discussions. To date there has been no recourse to industrial action by the fire service unions.
 - 10.5. Joint delivery of Industrial Relations training, building upon the Joint National Protocol

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- 10.6. Joint delivery of conciliation, assisting local parties to identify a mutually acceptable resolution to local issues. Over the last year this has benefitted 9 fire and rescue services on 25 issues.
- 10.7. The Technical Advisory Panel (Independent Chair and Joint Secretaries) met twice in the last year to facilitate agreement between the local parties in 2 FRAs on the matter of the introduction of new shift systems.
- 10.8. The Resolution Advisory Panel (Independent Chair and Joint Secretaries) met once in the last year to resolve a matter of dispute at local level.

Strategic Resilience Board

11. The new Strategic Resilience Board met for the first time on 31 May 2012. FSMC successfully lobbied for two places on the board. Cllr Jeremy Hilton and Cllr Mark Healey have taken up these places and Cllr Hilton has been appointed Joint Vice-Chairman of the Board. At its first meeting the Board received an overview of the current risks and mitigation. The Board will undertake a review of current capacity over the coming months to inform future discussions resilience gaps. The Board is due to meet again in early October and the FSMC members have successfully secured MIRG as an agenda item.

National Resilience Board

12. FSMC is also a member of the National Resilience Board and Cllr Jeremy Hilton takes up this position. The Board oversees the governance of the national resilience assets. In May 2012 the National Resilience Annual Assurance report confirmed that “the National Resilience capability for the Fire and Rescue Services (FRSs) is fulfilling the planning assumptions of the Cabinet Office Civil Contingencies Secretariat (CCS), and that there is no loss or degradation to the National Resilience capability”.

Knowledge, networks and communication

13. We have continued to develop communication between the LGA and the sector to increase the reputation of the Fire Service as part of the Local Government family. Specific actions we have taken include:
 - 13.1. A comprehensive update paper for both the Committee and the Commission at each Board.
 - 13.2. Making good use of our professional advisers, on issues such as operational assurance, and finance.

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- 13.3. Raising the profile of the fire sector within local government by hosting a fringe workshop at the LGA's Annual Conference.
- 13.4. Regular features and news in brief in First magazine which goes out to 20,000 councillors.
- 13.5. There will also be a quarterly Fire bulletin to LGA members.

Fire Finance

- 14. This has been a significant year for finance reform since the government confirmed that fire authorities would be included in the re-localised business rate scheme and this will have potentially long-term implications for fire authorities.
- 15. Fire authorities will also be affected by the move to localise Council Tax Benefit and the accompanying move to reduce the government funding of the benefit by 10 percent. Major precepting authorities, including fire authorities will share the impact of any increases or reductions in demand for council tax benefits and costs based on the local schemes offered.
- 16. These changes together with the preparation for the next CSR will be important considerations for fire authorities in the coming year.

Looking forward

- 17. We will be discussing a new workplan with the FSMC in September. Members' views of priorities are welcomed in advance, so that these can be fully taken into account. At the same time, it is clear that several ongoing issues will remain central to the work of the Committee.
- 18. Continuing to support FRAs to adjust to budget constraints through efficiencies and improving productivity remains an important priority in the final years of this Spending Review, given that Government reductions have been back-loaded.
- 19. The scale of liability presented by retained firefighters' retrospective access to the Firefighters' Pension Scheme potentially threatens to impose significant costs on Fire Authorities who have employed retained staff. This risk has been re-emphasised by the Government position outlined in recent discussions between Committee representatives and the Fire Minister. The LGA will need to mitigate the potential impact of retained pension's costs on FRAs in future consultation with Ministers.

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20. Wider reforms to the pension system continue to hold potential for impacting on industrial relations at local and national level. Discussions between all public sector unions and the Government are on-going. Whilst a number of public sector unions took strike action in November, fire service unions were not involved. Thus far, communications between employers and unions have been productive; however the possibility of fire service industrial action remains constant.
21. Preparing for the next Comprehensive Spending Review expected in 2014 will also be a significant area of work for FSMC to take into account when considering its future work programme.
22. FSMC will also want to continue to oversee the roll out of sprinklers campaign and to monitor its impact.
23. National resilience will remain an important issue into the coming years. FSMC is now well placed to be influential in relevant resourcing decisions and will want to pursue important issues such as the continuing concerns around the decommissioning of MIRG.

Resource implications

24. There are not immediate resources implications arising from this report.

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Appendix A

Fire Finance: supplementary information

1. In the following paragraphs we highlight some of the financial details and the implications for the future programme for FSMC.

Grants

2. Government confirmed the grant cuts for directly funded fire authorities 2012/13 at the expected 0.7 percent national average. The overall grant cut for years 2011/12 and 2012/13 has been 6.4 percent but the distribution between fire authorities is very varied (ranging from grant increases to over 13 percent cuts).
3. For county fire services the grant cuts have been front loaded unlike for stand alone fire authorities where the cuts have been backloaded. Therefore where counties have not protected fire services the position has been tougher.
4. For directly funded fire authorities the cash grant cuts for future years were expected to be:

4.1.	2013/14	8.5 percent
4.2.	2014/15	5 percent
5. But the Chancellor's recent announcements on pay restraint and his subsequent assumptions in the settlement may well push these figures higher. The national cash cut in grant funding for fire will probably approach £200 million across the four year period. All services will need to grapple with major cuts.

Council tax

6. Of 30 precepting Fire Authorities 9 increased council tax whilst the remainder accepted the one year grant and froze at 2011/12 levels. The national average grant increase was 0.85 percent and the national average Band D for fire is now £64.12.

Item 5

Industrial relations

Purpose of the Report

For information.

Summary

Gill Gittins, LGA Principal Negotiating Officer 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.

Contact officer: Gill Gittins
Position: Principal Negotiating Officer, LGA
Phone no: 020 7187 7335
E-mail: gill.gittins@local.gov.uk

Item 6

Fire Services Management Committee update paper

Purpose of report

For information.

Summary

The report outlines issues of interest to the Fire Services Management Committee not covered under the other items on the agenda.

Recommendation

Members to note the update.

Action

Officers to progress as appropriate.

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

Item 6

Fire Services Management Committee update paper

Pensions update

1. On 9 February 2012 the Government published the Heads of Agreement for the Firefighters' Pensions Scheme that will be introduced from April 2015. The Heads of Agreement contains a commitment to review the Normal Pension Age (NPA). It also states that the review will be informed by research carried out by the Firefighters' Pension Committee (FPC).
2. The FPC has decided to undertake a review of the Normal Pension Age at an early stage and Dr Tony Williams, a consultant occupational physician has been appointed by the Minister to chair the review.
3. The NPA was raised from 55 to 60 in the 2006 scheme and 60 is proposed for the pension scheme that will be introduced from 2015. A key question for the review is whether firefighters can be expected to cope physically and medically with serving an additional five years.
4. The terms of reference for the review are to:
 - 4.1 consider the evidence to support the appropriate NPA for firefighters;
 - 4.2 consider structural implications for proposed scheme;
 - 4.3 be mindful of reasonable expectations; and
 - 4.4 take account of economical, efficient and effective management of the fire and rescue service.
5. An employer representative is required to participate as part of the review team. It is proposed that James Dalgleish, Head of Human Resources & Development, London Fire Brigade and an adviser to FSMC on pensions, will undertake this role.

LGA Annual Conference

6. We held a session on the **future funding of fire and rescue services** at the LGA Annual Conference on 28 June 2012. The session, which was well attended, was Chaired by Brian Coleman, Chairman of FSMC. Kieran Timmins, Director of Finance, Merseyside Fire and Rescue, gave a presentation on future funding for the fire sector. Chief Fire Officer Simon Pilling of West Yorkshire talked about fire station closures and relocations of fire stations in his area. Experience from Cllr John Livings, Chairman of East Sussex fire authority, spoke about its recent exploration of merger with its neighbouring authority West Sussex.

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7. At the end of the meeting a representative of the Japan Local Government Centre (HANYU Yuichiro) expressed his thanks to the panel members for the support given to his country by UK Fire and Rescue Services.

Community right to challenge

8. The Community Right to Challenge in the Localism Act gives community and voluntary bodies, existing employees and parish councils the right to challenge to provide any local authority or fire and rescue service. Services excluded by the Secretary of State in regulations are exempt.
9. For FRAs 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 FRA, i.e. decision-making powers or duties. 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.
10. On 27 June, Government published statutory guidance providing more detail of the legislative context to coincide the enactment of the Community Right to Challenge:
<http://www.communities.gov.uk/publications/communities/righttochallengestatguide>

Consultation on localising support for council tax

11. Towards the end of last year, the DCLG consulted on their proposals for localising council tax. It was part of the Local Government Resources Review and concerned FRAs as precepting authorities. The response to the consultation was published in December 2011 which can be found here:
<http://www.communities.gov.uk/publications/localgovernment/localisingtaxresponse>
12. DCLG consulted with billing and precepting authorities including FRAs on the Government's plans to distribute funding, options on possible allocation adjustments to prevent potential budgetary pressures in some authorities. The consultation closed on 12 July but the proposals can still be accessed here:
<http://www.communities.gov.uk/publications/localgovernment/2146644>
13. The Government response will be reported back to FSMC and Fire Commission when it is released.

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FRA use of electromagnetic spectrum

14. Fire and Rescue Services no longer use the majority of their current spectrum holdings in VHF Low and Medium Band as they have now migrated over to the Airwave network. It has been agreed that the disused Low Band 68-87MHz and Medium Band 138-165MHz will be released for civilian use which will have a direct cost saving benefit to individual services.
15. A further two bands have been selected for release which are currently used by both space services and emergency services. Fee liability will now be taken over solely by space services.
16. Previously, the police and fire rescue authority shared costs of the emergency service spectrums with the police paying for 80 per cent and the latter 20 per cent. It has been agreed in discussions, including ACPO and CFOA, that police and fire and rescue authorities will only pay for the spectrum that each directly use. This could mean an annual fee reduction for fire and rescue authorities from £722k to £219k.
17. The Office of Communications will soon be writing to Chief Fire Officers and Chairmen of Fire and Rescue Authorities detailing the new charging arrangements.

Breathing Apparatus Telemetry: Potential interference from the Introduction of Long Term evolution 4G Technology

18. The Breathing Apparatus Telemetry Working Group's recommendations have been accepted by government and the Department for Culture Media and Sport is committed to funding the reasonable costs associated with the implementation of solutions put forward by the working group. DCLG wrote to all Chief Fire Officers on 2 July inviting them to alert CFOA and DCLG if their authority should be included in the list of affected fire authorities. DCLG is looking for a response by 16 July.
19. The current list of those affected is Avon, County Durham and Darlington, Dorset, Greater Manchester, Hereford and Worcester, Isle of Wight, Kent, Lancashire, Leicestershire, London, Merseyside, Northumberland, South Yorkshire, Staffordshire, Tyne and Wear, Warwickshire, West Midlands, Wiltshire, and Devon and Somerset (Somerset only).

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National Co-ordination and Advisory arrangements of London 2012 Olympics and Paralympics

20. The fire and rescue service is integrated into the governance arrangements for Olympics and Paralympics Command through the National Olympic Co-ordination Centre. This Centre provides a direct channel of communication between FRAs and central Government. A fire and rescue desk will be responsible for providing information and contributing to the safety and security of the Games. It will work closely with DCLG, which will gather and disseminate intelligence and information from fire and rescue authorities and other partners.

Note of decisions taken and actions required

Title: Fire Services Management Committee

Date and time: Monday 14 May 2012, 11.00am

Venue: Smith Square Rooms 1 and 2

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 John Joyce	Cheshire FA
	Cllr Julie Young	Essex FRS
	Cllr Navin Shah	London FEPA
	Cllr Keith Aspden	York City
Substitutes	Cllr Les Byrom CBE	Merseyside FRA
	Cllrs Paul Bryant and Leslie Christie also attended as observers	
Apologies	Cllr Nick Forbes	Tyne & Wear FA

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Officers: Commissioner Ron Dobson, David Cartwright (LFEPA); Helen Murray, Eamon Lally, Gill Gittins, Jane Marcroft, Stephen Service (all LGA).

Item	Decisions and actions	Action by
	Chairman Coleman welcomed Members and Officers to the meeting.	
1	Appointments to the Fire and Rescue Strategic Resilience Board	
	Cllr Coleman said that the 2 FSMC representative places gained on the Resilience Board represented a victory for LGA lobbying.	
	On the appointments, Cllr Timoney cautioned that while the work of the board was likely to continue beyond this summer, Membership of the FSMC is likely to change from September.	
	Cllr Coleman invited Members to cast 2 votes as their nominations for the 2 places available. The following 3 Members were nominated: Cllr Byrom, Cllr Healey and Cllr Hilton.	
	<p>Decision <i>Members appointed Cllrs Healey and Hilton as the FSMC's representatives on the Board.</i></p>	
	<p>Action Officers to take forward as directed by the Committee.</p>	LGA Officers
2	LGA Fire Conference and Exhibition 2013	
	Cllr Coleman and the Committee thanked Jane Marcroft, the LGA Events Manager and her team for their work on the 2012	

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conference. They commended Dorset FRS as hosts.

On the 2013 conference, Helen Murray, LGA Head of Programme said that the shortlist of possible venues for 2013 had been narrowed to three: Brighton, Bournemouth and Bristol, with pros and cons affecting each of these options.

Members expressed a preference for Brighton as it had not been used as a venue previously.

Cllr Coleman asked Cllr Livings if his Authority would be prepared to host the event and he agreed.

Cllr Livings warned Members planning to travel by car to the event that parking in Brighton is now quite expensive in the city centre, so if possible, taking alternative forms of transport would be recommended.

Action

Officers to liaise with Cllr Livings on hosting the 2013 conference in Brighton

**LGA Officers /
Cllr Livings**

3 Fire Service College – update on sale process

Helen Murray said that CLG have agreed for one member from the LGA to be part of the Fire College bid evaluation process. However, any Member nominated would need to be available on 30 May 2012. LGA advice would need to be focused on the bidders' vision and ability to support ongoing college business, and their credibility as a provider of fire training.

Cllr Heaster welcomed the opportunity for LGA input and nominated Cllr Coleman as the representative, saying that he had driven the college agenda from the outset.

Cllr Coleman asked Cllr Timoney to take the Chair while he considered. He responded that while his intention was to step down from the FSMC in the summer, the fact that he was currently not sitting on a Fire Authority fulfilled the stipulation in the conditions which stated that the Member must not be on an FRA which has a relationship with any of the bidders.

Some Members felt that there was potential for the position to

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extend beyond the July bidding process and questioned whether Cllr Coleman would be available to feedback to the FSMC given his decision to step down. However, others argued that the responsibility was short term and the FSMC would continue to monitor progress beyond this stage.

Cllr Timoney also nominated Cllr Joyce. She asked Members to vote on the appointment from the two nominations offered.

Decision

Members appointed Cllr Coleman as the FSMC's representatives on the Board.

Action

Officers to inform CLG/ the Fire College of Cllr Coleman's appointment to the Bid Evaluation Board.

LGA Officers

4 Retained Fire fighters' Pensions

Eamon Lally, LGA Senior Advisor summarised progress to date on this issue. He reported that an order from Government is expected to be in place by 2013. The scale of risk for the pensions is very large and could have a variable impact as some FRSs have used retained staff more than others.

The LGA is seeking legal advice to test its position that the government is liable for the balance of scheme liability and on its exclusion of employers from the settlement agreement. It is also looking at means of mitigating the financial risks. Possible ways of reducing these could include capitalisation or future evaluation.

Cllr Heaster said that the cost of the pensions was likely to be unfairly shunted onto the LGA by the Government, which had introduced the scheme in the first instance. On that basis, he recommended that the LGA go directly to the Minister to establish the government's position and contest any expectation that FAs will foot the bill. Cllr Heaster said that at this stage, compromise should be minimal.

Cllr Coleman agreed, adding that it was important that FAs were united in their message to Government that these costs cannot

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be afforded by FAs as a whole, rather than speculating as to whether costs should be loaded onto Met authorities.

Members endorsed these comments and advocated implementing the plan of action outlined at the earliest opportunity.

The Committee asked what the RFU position was on the issue. Gill Gittins, LGA Principle Negotiating Officer responded that while the RFU do have an interest, the Government had only consulted with the NFU to date. The LGA would hope that the RFU will also be approached as part of the process.

Members questioned the need for this report to be confidential, given the direct implications it could have for FAs. The committee agreed that Members can share the report with their authorities.

Action

Officers to arrange for all party group to see the Minister.

**Helen Murray /
Eamon Lally**

Matter to be escalated at LGA senior political level.

Eamon Lally

Item to be included on 15 June Fire Commission agenda.

**Stephen
Service**

Legal opinion to be circulated to FSMC.

Eamon Lally

Formal report on position to be prepared for 16 July FSMC or earlier.

Eamon Lally

5 Industrial relations

Gill Gittins gave an oral update on the latest developments in industrial relations.

6 FSMC update paper

On the **Marine Incident Response Group**, Members agreed that the cost based decision to cease its funding could put lives at risk. They commented that the Government need to identify

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how firefighting at sea is going to be organised under the commercial salvor proposals.

Cllr Coleman urged Members to write to their MPs to put pressure on the Shipping Minister, Mike Penning. He asked that the LGA write to Mr Penning to express disappointment over the Minister's decision not to meet with Members on the issue and that it remain on the agenda for forthcoming Fire meetings.

Commissioner Ron Dobson, LFEPA provided an update on **National Operational Guidance**. While CLG published 2 interim documents on operational guidance in March, there will need to be consultation with CLG on the way guidance is provided beyond the next 3 years. One option is that the Fire College could be responsible for producing the guidance.

Some Councillors expressed concern over the Government's proposal to transfer funding for the guidance preparation, arguing that FAs risk being made to pick up an increasingly large proportion of the bill.

Cllr Coleman responded that he was surprised this was a discussion point, given that the Government have made plain that there is no money available for them to fund guidance. He argued that Members had already been warned that this was an issue where FRSs needs to take ownership.

Helen Murray said that discussion had largely taken place in the context of national functions, but an update could be provided for the Fire Commission in June explaining what is happening in greater depth. Members agreed that as there will be long term implications, a stand alone paper for discussion would be appropriate.

Eamon Lally reported that the **Sprinklers Working Group** has now met twice and is currently building coalitions with other Boards within the LGA. While the group recognises that the debate needs to be taken beyond the fire sector, they were realistic about the likelihood of quick legislative change. They therefore proposed to engage with LAs on the issue rather than attempting to persuade CLG directly.

Cllr Coleman emphasised that a report on progress to date should come back to the Committee in July. He reminded

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Members that the focus must be on the campaign, not the issue of sprinklers itself.

Action

Officers to prepare follow up letter to Mike Penning MP on fires and incidents at sea for Cllr Coleman to sign.

**Cllr Coleman /
LGA Officers**

Fires and incidents at sea to remain an item on next FSMC agenda (update: this has gone on the agenda of the next Strategic Resilience Board).

LGA Officers

National operational guidance to be added as an item to Fire Commission agenda for June.

**Helen Murray /
LGA Officers**

Sprinklers Working Group report to go to July FSMC.

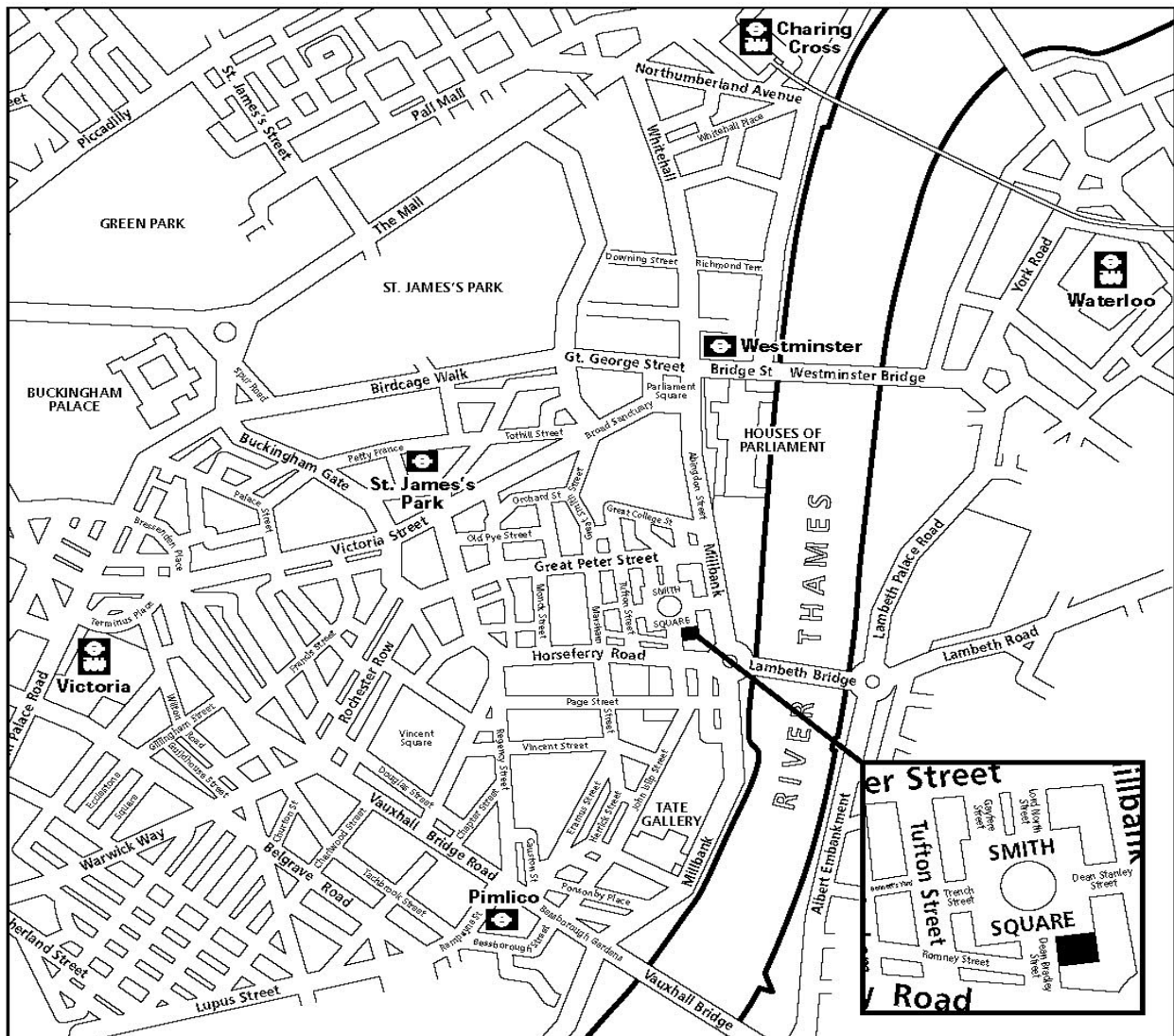
LGA Officers

7 Notes of the last meeting

Members approved the minutes of the previous meeting.

Date of next meeting: Monday 14 May 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

Cycling Facilities

Cycle racks are available at Local Government House. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone. For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car Parks

Abingdon Street Car Park
 Great College Street
Horseferry Road Car Park
 Horseferry Road/Arneway Street