

# Fire Services Management Committee

## Agenda

Friday 19 July 2013  
11.00am

Westminster Suite 8.1  
Local Government House  
Smith Square  
London  
SW1P 3HZ

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

[www.local.gov.uk](http://www.local.gov.uk)

This meeting is



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## **Fire Services Management Committee**

19 July 2013

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The **Fire Services Management Committee** meeting will be held on **Friday 19 July 2013** at **11.00am**, in Westminster suite Room 8.1 (8<sup>th</sup> 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.

<b>Labour:</b>	Aicha Less: 020 7664 3263 email: <a href="mailto:aicha.less@local.gov.uk">aicha.less@local.gov.uk</a>
<b>Conservative:</b>	Luke Taylor: 020 7664 3264 email: <a href="mailto:luke.taylor@local.gov.uk">luke.taylor@local.gov.uk</a>
<b>Liberal Democrat:</b>	Group Office: 020 7664 3235 email: <a href="mailto:libdem@local.gov.uk">libdem@local.gov.uk</a>
<b>Independent:</b>	Group Office: 020 7664 3224 email: <a href="mailto:independent.group@local.gov.uk">independent.group@local.gov.uk</a>

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Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

### **Location**

A map showing the location of the Local Government House is printed on the back cover.

### **Contact**

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

### **Carers' Allowance**

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## Fire Services Management Committee - Membership 2012/13

Councillor	Authority
<b>Conservative (6)</b>	
Kay Hammond <b>[Chairman]</b>	Surrey CC
Mark Healey	Devon & Somerset FRS
Maurice Heaster OBE	London FEPA
John Bell	Greater Manchester FRA
David Topping	Cheshire FA
Kevin Foster	West Midlands FRA
<b>Substitutes:</b>	
Ann Holland	Essex FA
<i>Vacancy</i>	
<i>Vacancy</i>	
<b>Labour (5)</b>	
Sian Timoney <b>[Vice Chair]</b>	Luton BC
John Joyce	Cheshire FA
Navin Shah	London FEPA
Julie Young	Essex CC
John Edwards	West Midlands FRA
<b>Substitutes:</b>	
Les Byrom CBE	Merseyside FRA
Darrell Pulk	Nottinghamshire and City of Nottingham
<b>Liberal Democrat (2)</b>	
Jeremy Hilton <b>[Deputy Chair]</b>	Gloucestershire CC
<i>Vacancy</i>	
<b>Substitutes:</b>	
Roger Price	Hampshire CC
Terry Stacy MBE JP	London FEPA
<b>Independent (1)</b>	
Brian Copping <b>[Deputy Chair]</b>	Shepway DC
<b>Substitutes:</b>	
Nick Harrison	Surrey CC

## **LGA Fire Service Management Committee Attendance 2012-2013**

<b>Councillors</b>	<b>14.09.12</b>	<b>16.11.12</b>	<b>25.01.13</b>	<b>11.03.13</b>	<b>17.05.13</b>	
<b>Conservative Group</b>						
Kay Hammond	Yes	Yes	Yes	Yes	Yes	
Mark Healey	Yes	Yes	Yes	Yes	No	
Maurice Heaster OBE	Yes	Yes	Yes	Yes	Yes	
John Bell	Yes	Yes	Yes	Yes	Yes	
David Topping	Yes	Yes	Yes	No	Yes	
Kevin Foster	Yes	Yes	Yes	No	Yes	
<b>Labour Group</b>						
Sian Timoney	Yes	Yes	Yes	Yes	Yes	
John Joyce	Yes	Yes	Yes	Yes	Yes	
Navin Shah	No	Yes	Yes	No	No	
Julie Young	Yes	Yes	No	Yes	Yes	
John Edwards	Yes	Yes	No	Yes	No	
<b>Lib Dem Group</b>						
Jeremy Hilton	Yes	Yes	Yes	Yes	Yes	
Keith Aspden	Yes	Yes	Yes	Yes	No	
<b>Independent</b>						
Brian Copping	No	Yes	Yes	Yes	Yes	
<b>Substitutes</b>						
Nick Harrison	Yes					
Les Byrom	Yes	Yes	Yes	Yes	Yes	
Les Christie			Yes	Yes		
Richard Hobbs				Yes		
Ann Holland					Yes	
Darrell Pulk					Yes	

## Agenda

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### **Fire Services Management Committee**

Friday 19 July 2013

11.00am

Westminster Suite Room 8.1, Local Government House, London

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### **For discussion**

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**Date of Next Meeting:** 11.00am, Thursday, 19 September 2013, Local Government House





## **Chairman's report**

### **Purpose of report**

For noting.

### **Summary**

This paper summarises the meetings and events that the FSMC Chairman has attended since the Committee's last meeting.

### **Recommendation**

Members are asked to note the content of this report.

### **Action**

Officers will take action as directed by members.

**Contact officer:**

Helen Murray

**Position:**

Head of Programmes

**Phone no:**

020 7664 3266

**E-mail:**

[Helen.murray@local.gov.uk](mailto:Helen.murray@local.gov.uk)



## **Chairman's report**

1. This paper provides information on the meetings and engagements that the Fire Services Management Committee has attended on behalf of member fire and rescue authorities.
2. I met Brandon Lewis MP on 15 May as part of my quarterly cycle of meetings with the minister. Discussion focused on next steps for the fire service following the publication of Sir Ken Knight's Efficiency Review. The Minister indicated that DCLG intend to consult a number of stakeholders, including the LGA before publishing the government's response to Sir Ken's report.
3. As part of the LGA Conference I hosted a breakfast session on 4 July with Sir Ken on the review, which provided an initial opportunity for authorities to ask questions and respond to the issues raised.
4. I attended the first College Management Board meeting on 29 May where discussions focused on the new governance arrangements and the vision for the College.
5. The Joint Emergency Services Interoperability Programme Strategic Board met on the 8 July. The focus of this meeting was an HMIC review of the work undertaken by the programme so far and what could be done to ensure aims and objectives can be met when the programme closes in mid-2014.
6. I met with the Chair and Chief of Humberside FRA on 12 June to hear their views on Sir Ken Knight's efficiency review and also to find out more about HFRSolutions, a community interest company that has been set up by the FRS.
7. On the 27 June I met with Chairmen/portfolio holders from Devon and Somerset, Cornwall, Avon, Gloucestershire and North Wales to gain a better understanding of the issues facing Welsh and south west fire and rescue authorities.
8. I attended the opening of the Firefighters Charity's third rehabilitation centre at Marine Court, Littlehampton on 9 May. The charity is the UK's leading provider of services that enhance quality of life for serving and retired fire fighters, fire personnel and their families. The charity aims to make a positive difference by supporting people in the fire and rescue community when they are in need. It costs £9million a year to keep the Charity running and with no government funding they are completely reliant on the public to support the charity's work.



## **Lakanal House Fire**

### **Purpose of report**

For discussion and direction.

### **Summary**

This report provides information of the 3 July 2009 Lakanal House Fire, which resulted in the tragic death of 6 people. It also sets out the recommendations from the Coroner, Frances Kirkham, at the end of the inquest which began on 14 January 2013 and ended on 28 March 2013.

### **Recommendations**

Members are asked to note the issues raised in this report, discuss the wider implications and how FSMC can support the dissemination of best practice.

### **Action**

Officers will take action as directed.

**Contact officer:** Eamon Lally  
**Position:** Senior Advisor  
**Phone no:** 020 7664 3132  
**E-mail:** [eamon.lally@local.gov.uk](mailto:eamon.lally@local.gov.uk)



## **Lakanal House Fire**

### **Background**

1. Lakanal house is a 14 story residential block, which has 98 maisonette flats, all spread over 2 floors. Lakanal House is in Camberwell, in the London Borough of Southwark.
2. The Lakanal House fire occurred on the afternoon of 3 July 2009. The fire began in a bedroom within flat number 65 on the west side of the 9th floor of the building. The fire spread quickly within flat 65 and then on to other flats in the building. The fire took hold in flat 79, where a young woman, Catherine Hickman, was living. She died from the effects of the fire. The fire also spread to flat 81 where five people died from the effects of the fire: Dayana Francisquini, Thais Francisquini, Felipe Francisquini, Helen Udoaka and Michelle Udoaka.
3. The inquest on the six deaths was declared open on 15 July 2009. The inquest could not be concluded until the Crown Prosecution had completed its review of the case papers which it did in May 2012. The inquest hearing took place between 14 January 2013 and 28 March 2013.
4. At the end of the inquest the Jury brought in narrative verdicts in respect of each of the deceased. Subsequently the Coroner set out recommendations in Rule 43 letters to London Borough of Southwark, London Fire Brigade, and the Department of Communities and Local Government. The Rule 43 letters are contained in **Appendices A to C**.
5. The Rule 43 letters acknowledged that a substantial amount has already been done by the London Fire Brigade and the London Borough of Southwark to address issues that emerged from investigations of the fire and the inquest. Recipients of Rule 43 letters have 56 days in which to respond.

### **Overview of the Narrative Verdicts**

6. The proceedings and evidence at an inquest are directed solely to ascertaining who the deceased was and how, when and where the deceased came by his or her death. Neither the coroner nor the jury can express any opinion on any other matters (Coroners Rules 1984, Rule 36).
7. A narrative verdict was provided for each of the deceased. The issues referred to in the narrative verdicts were:
  - 7.1. Serious failures of compartmentation.
  - 7.2. Missed opportunities to assess the level of fire protection at Lakanal house.
  - 7.3. No fire risk assessment had taken place at Lakanal House.

7.4. A lack of knowledge of the layout and location of the maisonettes by those in attendance.

7.5. The spread of the fire down to lower floors, a unique incident which had not been witnessed before across the fire sector.

### **The Coroner's recommendations and responses**

8. The Coroner set out recommendations in Rule 43 letters to London Borough of Southwark, London Fire Brigade, and the Department of Communities and Local Government.

#### *Recommendations to London Borough of Southwark and London Fire Brigade*

9. The recommendations to LFB and the London Borough of Southwark are specific to those bodies, but will be of value to other Fire and Rescue Authorities and other local authorities.
10. The coroner has acknowledged the significant amount of work undertaken by both organisations since the 2009 fire.
11. London Borough of Southwark and London Fire Brigade have responded to the Rule 43 letters with details of the actions that they will be taking. The responses are attached as **Appendices D and E**.
12. There is concern that the current legal framework does not allow for the immediate implementation of some of the recommendations. In particular current law restricts councils to carrying out inspections of tenanted properties, preventing them from accessing leaseholder properties without the owner's permission. This access issue also affects the council's ability to carry out retrofitting of sprinklers in all individual properties. Southwark Council has written to DCLG on this issue.

#### *Recommendations to DCLG*

13. The recommendations sent to DCLG covered consolidating national guidance in relation to advice to be given to high rise residents and reviewing guidance for tackling high rise fires in light of the unusual fire and smoke spread. The Coroner has also suggested that DCLG give consideration to requiring responsible persons for premises to provide information on or near to the premises which is tailored to the requirements of the fire and rescue service. Further, the Coroner asked DCLG to encourage providers of housing in high rise residential premises containing multiple domestic premises to consider retrofitting of sprinkler systems.
14. In its response (see **Appendix F**) DCLG has confirmed that it is reviewing Generic Risk Assessment guidance on High Rise Firefighting. DCLG has also stated that the reviewed



**Item 2**

guidance will “also include advice to Incident Commanders to inform decisions on evacuation should it become clear during an incident that the stay put principle is no longer tenable”.

15. Following the Rule 43 letters, the LGA sought assurance from relevant stakeholders that the guidance produced in 2011 *Fire Safety in Purpose built Blocks of Flats* remains robust. The feedback indicates a high level of confidence in the guidance, which can be found on the LGA and DCLG websites [http://www.local.gov.uk/web/guest/publications/-/journal\\_content/56/10171/3369777/PUBLICATION-TEMPLATE](http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10171/3369777/PUBLICATION-TEMPLATE) .
16. DCLG has rejected the notion of legislating to mandate the provision of premises information boxes.
17. Prompted by the comments of the Coroner in the Shirley Towers inquest, Mark Prisk MP the Minister for Housing has written to all social landlords on the issue of sprinklers. However, ministers remain set against mandating the use of sprinklers, beyond the current requirements.

**Conclusion and next steps**

18. The issue raised by the Lakanal house fire and the inquest verdicts are very important for all Fire and Rescue Authorities and all social landlords.
19. It will be important for FSMC to play its role in supporting the wider sector to understand the key issues and respond appropriately.



# **Inner Southern District of Greater London**

**The Coroner's Court  
1 Tennis Street  
London SE1 1YD**

**Her Honour Frances Kirkham CBE  
Assistant Deputy Coroner**

28 March 2013

The Mayor and Burgesses of The London Borough of Southwark  
160 Tooley Street  
London  
SE1 2QH

Dear Mayor

## **Lakanal House fire 3 July 2009**

I write concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka who all died in a fire at Lakanal House, Camberwell, on 3 July 2009. The jury brought in Narrative Verdicts in respect of each of the deceased.

I write to you pursuant to Rule 43 of the Coroners Rules (as amended) which provides:

“(1) Where

- (a) a coroner is holding an inquest into a person's death,
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action.”

I announced at the end of the inquests that I would be sending a report to you as evidence adduced at the inquests gave rise to concern of the type identified in Rule 43. I believe that your authority has power to take action as set out in this report.

It has been drawn to my attention that your authority has taken some steps to address fire safety in relation to high rise residential buildings. I understand (1) that fire risk assessments have been undertaken in relation to all high rise residential buildings within the Borough, and it was your intention that any fire safety work be completed by March 2012; and (2) that fire safety information and advice have been given to residents of such buildings. I therefore make no recommendations in relation to such matters. I do however make the following recommendations.

### *Information and guidance to occupiers of flats and maisonettes in high rise buildings*

Of those former residents of Lakanal House who gave evidence at the inquests, few recognised the extract from your authority's handbook containing advice about fire safety in the home and few knew about the fire safety features of the maisonettes.

It is recommended that, in relation to residents of high rise residential buildings, your authority:

- demonstrate to those who are about to enter into occupation of a flat or maisonette the fire safety features of their dwelling and of the building generally; this should include walking residents through relevant features such as escape balconies and demonstrating how to open fire exit doors and where these lead
- give residents clear guidance as to how to react if there is a fire in the building, namely to explain whether they should attempt to get out of their flat or maisonette and leave the building, or whether they should remain in their flat; that guidance should explain clearly how to react if circumstances change, for example, if smoke or fire enter their flat or maisonette
- consider additional ways in which information might be disseminated to residents, for example, by fixing inside each flat and maisonette a notice about what to do in case of fire.

### *Signage in high rise residential buildings*

It is recommended that your authority review signs in common parts of high rise residential buildings to ensure that these are sufficiently prominent and provide useful information. It is recommended that signage:

- in common areas explain whether residents should normally remain in their flats or maisonettes or whether they should evacuate the building, in which case evacuation procedures should be explained
- provide clear information to residents to enable them to find escape routes
- use pictograms to assist those for whom English is not their first language
- provide information to those in the emergency services which would assist them to understand a building's layout and enable them quickly to find a particular flat or maisonette once inside the building.

It is also recommended that your authority liaise with London Fire Brigade regarding use of premises information plates and boxes.

### *Policies and procedures concerning fire risk assessment*

The Regulatory Reform (Fire Safety) Order 2005 ("FSO") which came into force in October 2006, imposed obligations in relation to fire risk assessments in certain buildings.

It is recommended that your authority review its policies and procedures concerning fire risk assessments of high rise residential buildings.

- prioritising such buildings for regular rigorous review
- considering the skills and experience needed to undertake an assessment of higher risk residential buildings

- considering the training required for members of staff considered to be competent to carry out assessments
- identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection
- ensuring that assessors have access to relevant information about the design and construction of high rise residential buildings and refurbishment work carried out to enable an assessor to consider whether compartmentation is sufficient or might have been breached.

#### *Training of staff engaged in maintenance and refurbishment work on existing building*

It is recommended that your authority consider the training needs of personnel who will be involved in procuring or supervising work to existing high rise residential buildings – whether maintenance, refurbishment or rebuilding of parts of buildings - to ensure that materials and products used in such work have appropriate fire protection qualities. Staff should, for example, be trained to understand the significance of the compartmentation principle and to appreciate when Building Control should be notified about work to be undertaken.

#### *Access for emergency vehicles*

It is recommended that your authority liaise with emergency services to consider access for emergency vehicles to high rise residential buildings, having particular regard to obstructions such as vehicle parking in locations which emergency services might need to use.

#### *Retro fitting of sprinklers*

Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to be the case, and with modest disruption to residents.

It is recommended that your authority consider the question of retro fitting of sprinkler systems in high-rise residential buildings.

#### *Response*

Rule 43A of the Coroners Rules requires that you give a written response within 56 days beginning with the day on which the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action has been taken.

As required by rule 43, I shall send a copy of this report to the Lord Chancellor.

At your request, I am copying this report to Ms Eleanor Kelly, Chief Executive.

Yours sincerely



Frances Kirkham

## **Inner Southern District of Greater London**

**The Coroner's Court  
1 Tennis Street  
London SE1 1YD**

**Her Honour Frances Kirkham CBE  
Assistant Deputy Coroner**

28 March 2013

The Rt Hon Eric Pickles MP  
Secretary of State for Communities and Local Government  
Department of Communities & Local Government  
Zone G9, 4<sup>th</sup> floor  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Dear Secretary of State

### **Lakanal House fire 3 July 2009**

I write concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka, who all died in a fire at Lakanal House, Camberwell, London, on 3 July 2009.

The jury brought in Narrative Verdicts in respect of each of the deceased.

I write to you pursuant to Rule 43 of the Coroners Rules (as amended) which provides:

“(1) Where

- (a) a coroner is holding an inquest into a person's death,
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action.”

I announced at the end of the inquests that I would be sending a report to you, as evidence adduced at the inquests gave rise to concern of the type identified in Rule 43. I believe that your Department has power to take action as set out in this report.

Different sections of this report will be relevant to different sections of your Department. I ask you, please, to ensure that the report is drawn to the attention of all relevant sections.

## **Fire safety, fire fighting and search and rescue**

Evidence adduced at these inquests indicates that there is insufficient clarity about advice to be given to residents of high rise residential buildings in case of fire within the building. It is recommended that your Department publish consolidated national guidance in relation to the “stay put” principle and its interaction with the “get out and stay out” policy, including how such guidance is disseminated to residents.

It is recommended that consideration be given to review of Generic Risk Assessment 3.2 “High Rise Firefighting” to provide consolidated national guidance as to the following:

- matters which should be noted by fire brigade crews making familiarisation visits and visits pursuant to section 7(2)(d) Fire and Rescue Services Act 2004, including the gathering of information regarding high rise residential buildings with unusual layouts, and access for aerial ladder platforms and other specialist vehicles at an incident
- awareness that fire can spread downwards and laterally in a building
- awareness of the risk of spread of fire above and adjacent to a fire flat
- awareness that insecure compartmentation can permit transfer of smoke and fire between a flat or maisonette and common parts of high rise residential buildings, which has the potential to put at risk the lives of residents or others.

It is further recommended that Government give consideration to requiring high rise residential building owners or occupiers to provide relevant information on or near the premises, such as premises information boxes or plates. Such information must be accessible by and tailored to the requirements of the fire and rescue service and kept up to date by the premises owner or occupier.

## **Fire risk assessments pursuant to Regulatory Reform (Fire Safety) Order 2005**

The evidence adduced indicated that, notwithstanding publication of your Department’s 2006 guide (Fire safety Risk, sleeping accommodation) and of the Local Government Association’s August 2011 guide, there remains uncertainty about the scope of inspection for fire risk assessment purposes which should be undertaken in high rise residential buildings. Evidence was adduced which indicated that inspection of the interior of flats or maisonettes in high rise buildings was necessary to enable an assessor to identify possible breaches of the compartment which have the potential to impact on the fire safety of the resident or others.

It is recommended that Government provide clear guidance on

- the definition of “common parts” of buildings containing multiple domestic premises
- inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached
- inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.

## **Retro fit of sprinklers in high rise residential buildings**

Evidence adduced at the inquests indicated that retro fitting of sprinkler systems in high rise residential buildings might now be possible at lower cost than had previously been thought to be the case, and with modest disruption to residents.

It is recommended that your Department encourage providers of housing in high rise residential buildings containing multiple domestic premises to consider the retro fitting of sprinkler systems.

## **Building Regulations and Approved Document B**

During these inquests we examined Approved Document B (2000 edition incorporating 2000 and 2002 amendments) ("AD B"). I am aware that AD B has subsequently been amended, and believe that a further amendment is due to be published soon. The introduction to AD B states that it is " ... intended to provide guidance for some of the more common building situations". However, AD B is a most difficult document to use. Further, it is necessary to refer to additional documents in order to find an answer to relatively straightforward questions concerning the fire protection properties of materials to be incorporated into the fabric of a building.

It is recommended that your Department review AD B to ensure that it

- provides clear guidance in relation to Regulation B4 of the Building Regulations, with particular regard to the spread of fire over the external envelope of the building and the circumstances in which attention should be paid to whether proposed work might reduce existing fire protection
- is expressed in words and adopts a format which are intelligible to the wide range of people and bodies engaged in construction, maintenance and refurbishment of buildings, and not just to professionals who may already have a depth of knowledge of building regulations and building control matters
- provides guidance which is of assistance to those involved in maintenance or refurbishment of older housing stock, and not only those engaged in design and construction of new buildings.

## **Response**

Rule 43A of the Coroners Rules requires that you give a written response within 56 days beginning with the day on which the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action has been taken.

As required by rule 43, I shall send a copy of this report to the Lord Chancellor.

Yours sincerely



Frances M Kirkham



# **Inner Southern District of Greater London**

**The Coroner's Court  
1 Tennis Street  
London SE1 1YD**

**Her Honour Frances Kirkham CBE  
Assistant Deputy Coroner**

28 March 2013

Mr Ron Dobson CBE QFSM FIFireE  
London Fire Commissioner  
London Fire Brigade  
London Fire Brigade Headquarters  
169 Union Street  
London, SW1 0LL

Dear Mr Dobson

## **Lakanal House fire 3 July 2009**

I write concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka, who died in a fire at Lakanal House, Camberwell, on 3 July 2009.

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“(1) Where

- (a) a coroner is holding an inquest into a person's death,
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action.”

I announced at the end of the inquests that I would be sending a report to you as evidence adduced at the inquests gave rise to concern of the type identified in Rule 43. Your Brigade has power, I believe, to take action as set out in this report.

Before I set out my recommendations, I acknowledge that London Fire Brigade have already undertaken extensive work to learn from their experience with the fire at Lakanal House, have introduced new policies and have reviewed existing policies in respect of a number of matters of significance, including:

- guidance to crews making risk assessments for sites in their area
- guidance as to matters which should be noted by crews making familiarisation visits and visits pursuant to section 7(2)(d) Fire and Rescue Services Act 2004, including the gathering of information regarding flats or maisonettes with unusual layouts and access for aerial ladder platforms and other specialist vehicles
- cooperation with three London Boroughs to develop a pilot scheme for the provision of “premises information plates” at buildings
- awareness that fire can spread downwards and laterally in a building and that burning debris might fall through open windows or on to balconies
- awareness of the risk of spread of fire above and adjacent to a fire flat
- procedures for moving a bridgehead
- communication between Brigade Control and those at an incident
- guidance as to the handling of fire survival guidance calls and training for officers dealing with such calls
- introduction of Mobile Data Terminals
- introduction of a forward information board.

I therefore do not make any recommendation in relation to such matters. I do, however, make the following recommendations.

#### *Public awareness of fire safety*

A number of former residents of Lakanal House gave evidence. There was little awareness of fire safety advice published by London Fire Brigade, whether through leaflets, the website or home fire safety visits. Residents of high rise residential buildings need to be aware of the dangers associated with fire in such buildings and to have a clear understanding of what they should do in case of fire. Whilst this is a matter which concerns housing providers, it is recommended that your Brigade also consider how to improve dissemination of fire safety information to achieve effective communication with residents of such buildings.

#### *Visits made pursuant to section 7(2)(d) Fire and Rescue Services Act 2004, general familiarisation visits and home fire safety visits*

I note that the Brigade now has guidance as to how such visits should be conducted and the type of information which crews should gather. As you recognise, “gathering of operational knowledge has little value unless it can be stored, disseminated, accessed and updated when most needed ie at incidents when the use can save valuable time and inform critical command decisions.”

It is recommended that the Brigade review procedures for sharing information gained as a result of section 7(2)(d), familiarisation and home fire safety visits with crews both within the station in question and at other local stations.

#### *Incident Commanders*

During the Lakanal House fire there were six changes of Incident Commander (IC) with some serving as IC for brief periods.

It is recommended that the Brigade review its policy and procedures concerning incident command, having regard to whether it is effective for the choice of IC to be tied closely to the number or type of appliances attending an incident and the effectiveness of a policy which

may result in rapid and frequent changes of IC. It is also recommended that consideration be given to training of ICs and potential ICs to enhance their performance in relation to the following

- use of the Dynamic Risk Management model and other management tools to enable ICs to analyse a situation, and to recognise and react quickly to changing circumstances
- to recognise when to escalate attendance by more experienced ICs
- to anticipate that a fire might behave in a manner inconsistent with the compartmentation principle
- to be aware of the risks to those above and adjacent to the fire flat
- handover from one IC to the next and effective deployment of outgoing ICs
- the collection of information from all possible sources
- use of methodical search patterns.

### *Brigade Control*

I note the steps already taken by the Brigade in relation to guidance to and training for those at Brigade Control who are involved in handling calls from members of the public, and fire survival guidance calls in particular.

It is recommended that the Brigade consider whether training be given to operational crews about Brigade Control practices and procedures.

### *Communications*

It is recommended that the Brigade consider whether it would be beneficial to use additional breathing apparatus radio communications channels and personal radio channels at major incidents to reduce the amount of traffic on each channel.

### *Response*

Rule 43A of the Coroners Rules requires that you give a written response within 56 days beginning with the day on which the report is sent. If you are unable to respond within that time, you may apply to me for an extension. The response is to contain details of any action that has been taken or which it is proposed will be taken whether in response to this report or otherwise, or an explanation as to why no action has been taken.

As required by rule 43, I shall send a copy of this report to the Lord Chancellor.

Yours sincerely

Frances Kirkham





Her Honour Frances Kirkham CBE  
Assistant Deputy Coroner  
The Coroner's Court  
1 Tennis Street  
London  
SE1 1YD

Chief Executive's Office  
Direct Dial : 020 7525 7171

23 May 2013

Dear Ms Kirkham

**Re: Lakanal House fire 3 July 2009 – response to Rule 43 letter**

Thank you for your letter of 28 March 2013 pursuant to Rule 43 of the Coroner's Rules (as amended), concerning the inquests into the tragic deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka at Lakanal House on 3 July 2009.

I would like to take this opportunity to thank you for your thorough review of the events relating to the Lakanal fire and also the jury for their patience and diligence in reviewing the evidence from over 100 witnesses and technical experts.

We welcome your recommendations, and while some have already been completed or are already progressing, I have set out below the council's responses to each of them. Your recommendations are in bold and the council's responses are in italics:

**Information and guidance to occupiers of flats and maisonettes in high rise buildings**

*There is no set definition of 'high rise' so we will apply your recommendations to blocks above 30m, equating to those of 10 storey and above. This is supported by the guidance set out in BS 9991:2011 relating to the installation of sprinklers in new buildings, where it says "All buildings with a floor higher than 30m above ground should be fitted with sprinklers".*

*We will also apply your recommendations to any lower height but complex blocks, i.e. those with more than one means of escape, along with the council's sheltered housing schemes and temporary accommodation hostels which house our most vulnerable residents. In our responses below, references to "high rise" blocks will include these further types of accommodation.*

**It is recommended that, in relation to residents of high rise residential buildings, your authority:**

**Demonstrate to those who are about to enter into occupation of a flat or maisonette the fire safety features of their dwelling and of the building generally; this should include walking residents through relevant features such as escape balconies and demonstrating how to open fire exit doors and where these lead.**

*Initially the in-house fire safety team will undertake an assessment of all high rise and complex blocks to develop information and guidance packs in relation to escape routes. This will be undertaken on an area basis. Upon completion packs will be passed to the lettings teams in Operations (training will be provided by the fire safety team at the point of handover). The lettings team will incorporate this information into the 'welcome pack' and will go through the guidance and walk through the relevant features with new tenants at the point of sign up. Tenants will be asked to sign to confirm they have had and understand the advice. The signed sheet will be stored on the council's electronic document management system, Info@Work, to ensure we have a record.*

*In particularly complex buildings, we will consider making referrals to the fire safety team to provide demonstrations to residents.*

*The resident officer for the building visits each new tenant within the first 6 weeks after they take occupation. At this visit the resident officer will ask the new tenant to confirm they have had information and guidance in relation to fire and again a signature will confirm this. This record will also be stored on Info@Work.*

*Throughout this programme the fire safety team will provide fire safety support to the current lettings process by participating in the works carried out in empty properties prior to re-letting, viewings and sign-ups where appropriate.*

*We will also share these block specific literature/packs with all existing residents in the blocks and consider how best to provide demonstrations to existing residents where appropriate.*

**Give residents clear guidance as to how to react if there is a fire in the building, namely to explain whether they should attempt to get out of their flat or maisonette and leave the building, or whether they should remain in their flat; that guidance should explain clearly how to react if circumstances change, for example, if smoke or fire enter their flat or maisonette.**

*Fire action notices (FANs) that advise residents and visitors what to do in a fire event are being installed in common areas as part of the current fire safety works (which take in all buildings of 5 storeys or above).*

*The council will revisit fire safety works done prior to the approval of the current FANs to bring these up to date, and we will increase the number of FANs installed to three per floor, where appropriate.*

*FAN information will also form part of the block's specific literature/pack referred to in recommendation 1.*

*Resident officers will also ensure as part of the annual tenancy check that residents understand the council's fire safety guidance and information and will make referrals to the fire safety team for further information or demonstration as required.*

**Consider additional ways in which information might be disseminated to residents, for example, by fixing inside each flat and maisonette a notice about what to do in case of fire.**

*The fixing of FANs to the inside of flats is not considered to be appropriate, particularly in light of actions to be undertaken in response to recommendation no. 2, and considering we cannot do so in dwellings sold under the right to buy (referred to by the council as "leasehold" dwellings) without the owner's consent. It is therefore intended to issue all residents in high rise blocks with an expanded version of the fire action notices and stay put principles in booklet form.*

*FAN information will also form part of the block's specific literature/pack referred to in the response to recommendation 1.*

### **Signage in high rise residential buildings**

**It is recommended that your authority reviews signs in common parts of high rise residential buildings to ensure that these are sufficiently prominent and provide useful information. It is recommended that signage:**

**In common areas explain whether residents should normally remain in their flats or maisonettes or whether they should evacuate the building, in which case evacuation procedures should be explained.**

*Please see the response to recommendation no. 2.*

**Provide clear information to residents to enable them to find escape routes.**

*Directional signage was installed in the common areas of all high rise blocks during 2010 and is being checked and replaced where necessary as part of the current fire safety works.*

**Use pictograms to assist those for whom English is not their first language.**

*The directional signage referred to above is already in pictogram form as the Regulations require. Any new signage will meet the same requirements.*

**Provide information to those in the emergency services which would assist them to understand a building's layout and enable them quickly to find a particular flat or maisonette once inside the building.**

*We will carry out a review of all existing high rise block signage and undertake to ensure that it all complies with this recommendation, and will include the location of each flat on its floor. The signage will be placed at a level low enough to ensure visibility in smoke conditions.*

*In addition to this, we have also set up a project team to progress the distribution of plans of our blocks to the London Fire Brigade (LFB). While some plans have already been issued it is intended to follow these up in three tranches:*

1. 22 LFB priority blocks
2. Blocks of 10 storey and above
3. Blocks of 5 storey and above

*Although LFB have been issued with the council's special key suite that is used on areas not accessible to the general public, such as secondary escape routes, plant rooms and intake cupboards, we will also carry out a review of these areas and liaise with LFB to ensure they are easily accessible by LFB.*

*We will also ensure staff availability at times of LFB familiarisation visits, when requested, to ensure that all parts of the buildings are accessible during such visits.*

**It is also recommended that your authority liaise with London Fire Brigade regarding use of premises information plates and boxes.**

*We have liaised with the London Fire Brigade regarding premises information plates and boxes and will be installing premises information plates at prioritised blocks once the LFB have provided their format requirements. The council also has premises information boxes in its 20 sheltered housing schemes.*

#### **Policies and procedures concerning fire risk assessment**

**It is recommended that your authority review its policies and procedures concerning high rise residential buildings.**

*The council completely reviewed its approach to fire risk assessments across its stock in the months following the tragedy at Lakanal. This resulted in the creation of a highly skilled and experienced in-house fire safety team, whose sole task relates to the fire safety and associated management of the stock. Officers will carry out a further review and will programme this to take place on an annual basis.*

#### **Prioritising such buildings for regular rigorous review.**

*This recommendation has already been completed and as part of the ongoing fire risk assessment process a suitable review is always specified and rigorously undertaken. All of the council's housing stock has been fire risk assessed and a programme has been put in place which defines the timescale of review for each block. The cycle of review for blocks is determined by the initial assessment of its risk. This can vary from 6 months to 2 years, dependant on the risk of the building.*

**Considering the skills and experience needed to undertake an assessment of higher risk residential buildings.**

*This recommendation has already been completed because the council has already centralised the responsibility to a specialist in-house fire safety team that is considered highly skilled and experienced, also offering a high degree of building design and construction knowledge.*

**Considering the training required for members of staff considered to be competent to carry out assessments.**

*The in-house fire safety team has undergone a wide range of specialist training across many disciplines, and we also provide for continuous professional*



development. Further training is provided for any change in law, regulation, guidance or practice.

*In addition we have also considered the "Competency Criteria for Fire Risk Assessors" published by the Fire Risk Assessment Competency Council, and consider that our in house assessors meet the requirements set out.*

**Identifying when individual flats or maisonettes should be inspected and how these should be selected for inspection.**

*Our current fire risk assessment process already identifies areas where further internal in-dwelling investigation might be required.*

*This is generally considered outside the scope of the current legislation, the Regulatory Reform (Fire Safety) Order 2005 (FSO), which applies to common areas up to and including the front entrance doors to dwellings.*

*However the council is already rolling out an annual property check process, which as well as carrying out a tenancy check of the occupancy of the dwelling, includes the annual gas check for properties with gas appliances, and a check on the condition of the property, including whether any modifications have been made to the layout of the property. This would also identify any lifestyle issues that would impact on the fire safety of the individual property and the block.*

*This check however only applies to the council's tenanted properties and the council does not currently have a right of access to check the internal layout of leasehold properties without the owner's consent. This access issue is particularly important when the council is seeking to ensure the safety of all of its properties.*

*We note that the Secretary of State for Communities and Local Government has also been sent a letter pursuant to Rule 43 of the Coroners Rules (as amended), where it is recommended that Government provide clear guidance on*

- The definition of "common parts" of buildings containing multiple domestic premises*
- Inspection of a maisonette or flat which has been modified internally to determine whether compartmentation has been breached*
- Inspection of a sample of flats or maisonettes to identify possible breaches of the compartment.*

*Clearly this issue is of national significance and subject to further exploration of the legal basis for inspection of all council properties and the response from the Department for Communities and Local Government, the council will continue with its current strategy.*

**Ensuring that assessors have access to relevant information about the design and construction of high rise residential buildings and refurbishment work carried out to enable an assessor to consider whether compartmentation is sufficient or might have been breached.**

*Prior to every fire risk assessment being undertaken, the surveyor will be provided with a comprehensive brief on the layout of the building, records of any recent major works and any other design features or characteristics relevant to the building and its fire safety.*

*Pursuant to the Construction Design Management Regulations, Health and Safety files arising out of major work projects will be electronically stored on the council's electronic document management system, Info@Work, at the end of May 2013. These will be accessible to all Housing and Community Services staff including the in-house fire risk assessors, and will provide them with the necessary information relating to the building's design, construction and any recent refurbishment or replacement.*

*In addition, as noted above the council also undertakes annual property checks to all tenanted dwellings whereby information can be obtained regarding any authorised and unauthorised changes to the internal construction and/or layout. This information will be shared with the in-house fire risk assessors.*

#### **Training of staff engaged in maintenance and refurbishment work on existing building**

*This recommendation has been completed but is also an ongoing training issue. Maintenance (officers and relevant trades in the repairs service) and operational staff have had fire safety awareness and technical training, and regular refresher training is to be made available.*

*In addition, a number of officers, both in the Maintenance and Compliance and Major Works Divisions, have been trained to a nationally accredited (NEBOSH - National Examination Board in Occupational Safety and Health) standard in relation to construction and fire safety.*

*In addition, the council has identified the need for its contractors, including consultants, engaged in major works to be suitably experienced and qualified in fire safety requirements. All of the council's lead designers and consultants will be required to attain NEBOSH accreditation, and all of the council's contractors engaged in major works and day to day maintenance will be required to regularly demonstrate sufficient knowledge, experience and qualification in fire safety issues and requirements in construction.*

*We also have an internal process by which the in-house fire safety team signs off major works and other works with fire safety implications.*

*In terms of Building Regulations and Building Control, we will review the current process to ensure that there is liaison with the council's Building Control team in all major work proposals and completions, and that all necessary consents and sign-offs are obtained.*

*We will also carry out a retrospective review of major works to ensure that the necessary consents are in place.*

## **Access for emergency vehicles**

*Access for fire and other emergency vehicles is already a consideration within the fire risk assessment, to ensure that there is dedicated access space for emergency vehicles and that parking bays do not encroach on this space.*

*There is also a process by which the vehicles that may be causing access difficulties can be removed through the council's parking enforcement contract.*

*LBS has liaised with LFB and agreed a reporting and resolution process.*

## **Retro fitting of sprinklers**

**It is recommended that your authority consider the question of retro fitting of sprinkler systems in high rise residential buildings.**

*The council has given this topic much consideration since receiving your recommendations. Since the inquest concluded, we have commissioned a survey of three of the council's typical high rise blocks. This initial research identified a number of issues for consideration which are set out below.*

### No right of access to leasehold properties

*The council does not have an automatic right to access any leasehold dwelling to carry out retrofitting of sprinkler systems, and it is only with leaseholders' permission that they could be. This is an important issue because the effectiveness of a sprinkler system would be undermined if it was not installed to all individual properties in a block as it would leave parts of blocks unprotected, in some cases up to 50% of the block.*

*Any project to retrofit sprinklers would have to have the full cooperation and consent of all of the leaseholders in that block to enable the full application and continuity of works. The council would expect leaseholders to fund works benefiting their properties.*

*Fire safety precautions have hitherto been focused on communal areas, including front entrance doors, and we did not access flats and maisonettes to carry out internal surveys unless there was a clear need to. We are aware that there may be some instances where residents have made some modifications to the layout of the property which have not been notified to the council. We would require access to each property to ensure a comprehensive knowledge and understanding of the current room layouts and size of individual properties. A full internal stock condition survey would be required prior to retrofitting to ascertain if any of the original walls have been moved by residents. However because the council has no right of access to leasehold dwellings for this purpose, a full survey of all the dwellings in the blocks may not be possible. We therefore need to consider how to effectively carry out full stock condition surveys to all dwellings, including those sold leasehold.*

### Effect on amenity

*Careful consideration would need to be given to the general routing of any pipework both within the communal areas and dwellings themselves ensuring that the piping is hidden behind fire proof coving or fire board partitions. In addition all residents would*

need to be made aware that the painting of the sprinkler heads will render them ineffectual if a fire should occur. The industry standard CPVC IPS Blazemaster piping is coloured bright orange and is not particularly aesthetically pleasing but it is not recommended that it should be painted as some acrylic based paints will have a serious deleterious effect on the plastics causing them to fail.

The builders' works and electrical works required in support of any retrofit sprinkler programme would be disruptive as there would be a need for the coring/boring of holes through both ceilings and walls to facilitate the routing of both piping and fire signal cabling and the need for provision of a bespoke addressable fire alarm and pump power supplies by electrical contractors. There would also be required certified fire stopping, after all piping/cabling is complete, to all holes through the existing fire walls and floors.

It is also considered that asbestos would likely be disturbed and therefore would have to be carefully considered and managed. This could be costly and potentially disruptive to residents.

#### Need for full cost / benefit analysis

Based on the surveys carried out on the three blocks, the following works would be required:

- Initial design/drawings for the sprinkler system
- Structural Engineering report and recommendations for water storage tank, diamond/core drilling for services
- The initial structural works that are required to install services, physical core drilling and destructive/exposure works to accommodate the sprinkler system
- The supply and installation of sprinkler services (pipe work) to all areas required
- The supply and installation of electrical services to pumps and dwelling monitoring units
- The supply and installation of water tank and pumps
- The supply and installation of sprinkler monitoring panel
- The supply and installation of plaster boarding/boxing/profiles to all new sprinkler services, communal and residential areas
- Certificated fire stopping for all breaches formed in construction during works
- The supply of materials and labour to decorate all areas affected, residential and communal
- The supply and installation of a 60 minute fire rated service hatch to each and every dwelling for service/monitoring and isolation purposes

The social housing sector has looked to government for guidance on the retrofitting of sprinklers, but the response from the Department of Communities and Local Government (DCLG), to the Southampton Rule 43 letter suggests that, instead of taking a view on behalf of all social housing landlords, DCLG considers that decisions regarding the retrofitting or not of sprinkler systems to high rise building is for landlords to consider themselves.

*There are differing opinions within the social housing sector and the fire industry as to whether compartmentation and other appropriate fire stopping (passive measures) and early warning systems (active measures), such as heat and smoke detection, are in themselves sufficient risk mitigation for high rise dwellings.*

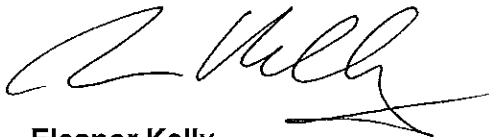
*We are therefore of the view that the scale of the task and its full implications mean that further detailed consideration is required. The council will therefore undertake a full feasibility study which looks at the requirements for each of the blocks concerned, 145 in number, taking into account the complexities of the blocks, their design intent, and existing fire safety features and arrangements, as well as thorough research into best practice and guidance from the government and fire authorities.*

*We consider that a full feasibility study will be concluded within six months.*

I trust that you find this response helpful and are assured that the council takes its fire safety responsibilities very seriously indeed.

Should you need any clarification or further information regarding this response please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Kelly', with a long horizontal flourish extending to the right.

**Eleanor Kelly**  
**CHIEF EXECUTIVE**



**Ron Dobson** CBE QFSM FIFire  
London Fire Commissioner

Her Honour Frances Kirkham CBE  
Assistant Deputy Coroner  
Inner Southern District of Greater London  
The Coroner's Court  
1 Tennis Street  
London SE1 1YD

London Fire Brigade is run by the London  
Fire and Emergency Planning Authority

Date 23 May 2013

Dear Coroner,

#### **Response to the Coroner's Report under Rule 43 of the Coroner's Rules 1984**

Following the inquests into the deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka and your subsequent Rule 43 Report dated 28 March 2013, I write to advise you of the actions that the London Fire Brigade ('the Brigade') will be taking with regards to the recommendations that you have made.

I am grateful to note that you have acknowledged the work that the Brigade has specifically undertaken since the Lakanal House fire, including a review of the following:

- guidance to crews making risk assessments for sites in their area;
- guidance as to matters which should be noted by crews making; familiarisation visits and visits pursuant to section 7(2)(d) Fire and Rescue Services Act 2004, including the gathering of information regarding flats or maisonettes with unusual layouts;
- arrangements for access and the use of aerial ladder platforms and other specialist vehicles;
- cooperation with three London Boroughs to develop a pilot scheme for the provision of "premises information plates" at buildings;
- procedures for moving a bridgehead;
- communication between Brigade Control and those at an incident;
- new guidance as to the handling of fire survival calls and refresher training for officers dealing with such calls; and
- introduction of forward information boards.

In addition to the above the Brigade has also introduced new initiatives, policies and equipment covering the following:

- mobile data terminals;
- search and rescue policy;
- compartmentation fire-fighting policy;
- improved fire-fighting branches;

- procurement of insulated wire cutters for issue to all breathing apparatus sets;
- improved breathing apparatus sets;
- improved breathing apparatus control boards incorporating telemetry capability (allowing the breathing apparatus set to communicate with the breathing apparatus entry control board automatically).

Your Rule 43 Report makes 5 recommendations and I have set out below the Brigade's response to each recommendation.

We will audit the progress of the proposed actions through an action plan which will be overseen and reviewed by the Brigade's existing Operations Directorate Coordination Board.

I hope that this response helps to assure you of the Brigade's commitment to continuous improvement.

Yours sincerely



**Ron Dobson**  
London Fire Commissioner



## **RECOMMENDATION 1**

**"A number of former residents of Lakanal House gave evidence. There was little awareness of fire safety advice published by London Fire Brigade, whether through leaflets, the website or home fire safety visits. Residents of high rise residential buildings need to be aware of the dangers associated with fire in such buildings and to have a clear understanding of what they should do in case of fire. Whilst this is a matter which concerns housing providers, it is recommended that your Brigade also consider how to improve dissemination of fire safety information to achieve effective communication with residents of such buildings."**

### **Response**

Community safety initiatives already cover a wide range of community engagement activities, including Estate Days and Home Fire Safety Visits. In this regard, it is important to note that the Brigade's statutory powers of enforcement extend only to the common parts of residential premises so that any fire safety initiatives which impact upon private dwellings can be advisory in nature only.

However, the Brigade's Regulatory Fire Safety Department advises registered social landlords about the information that is available from the LFB website and through various fire safety publications. These contain information on how to prepare for the eventuality of fire and evacuation and the actions to be taken in the event of fire. This approach is strengthened and augmented through on-going liaison with representative bodies of housing managers/providers such as the Association of Residential Managing Agents (ARMA), Association of Residential Letting Agents (ARLA) and the National Landlords Association (NLA). This liaison includes providing advice on evacuation strategies of buildings and how housing providers can offer appropriate and consistent advice.

### **Proposed Action**

The Brigade is keen to extend its effectiveness in the dissemination of fire safety advice to residents in high rise buildings. In order to ensure that the knowledge and awareness that is already delivered is as effective as possible the Brigade proposes to:

- Explore how the Brigade will work with partners to communicate a consistent fire safety message and deliver advice, including establishing a Fire Safety High Rise Forum with key partners such as London Councils, London Boroughs, Housing Associations and care providers. The scope of the new Fire Safety Forum for high rise residential premises will cover both the private and public sector. This will enable the Brigade to clarify fire safety messages and procedures for evacuation in high rise blocks. Through this forum the Brigade would also encourage building owners/managers to put up fire safety information/ boards/ posters inside the doors of individual flats where practicable. The Brigade notes the recommendations made by the Coroner to other interested parties and feels that this Forum could also be used to explore the possibility of leading a marketing communications campaign, with key partners, aimed specifically at residents living in high rise buildings and purpose built flats;
- Review existing information and where necessary, develop a tailored set of publications aimed at high rise residential dwellers to clarify and reinforce the specific information concerning advice to "stay in place" and its relationship with more generic "get out, stay out" advice. The Brigade will work with the Department for Communities and Local Government to ensure consistency of this advice from both a local and national perspective.

### **Time Scale**

The Forum will be established by the end of August 2013.

## **RECOMMENDATION 2**

**"I note that the Brigade now has guidance as to how such visits should be conducted and the type of information which crews should gather. As you recognise, "gathering of operational knowledge has little value unless it can be stored, disseminated, accessed and updated when most needed i.e. at incidents when the use can save valuable time and inform critical command decisions."**

**It is recommended that the Brigade review procedures for sharing information gained as a result of section 7(2)(d), familiarisation and home fire safety visits with crews both within the station in question and at other local stations".**

### **Response**

The Brigade's policies concerning the "gathering of operational knowledge" are under regular review and many have been modified to reflect the lessons learned in the Lakanal House fire.

### **Proposed Action**

To further enhance current systems, the Brigade will:

- Undertake a review of the existing policy relating to information gathering and contingency plans. This review will aim to optimise all of the Brigade's pre-planning activities to ensure the effective sharing of information gained as a result of section 7(2)(d) familiarisation and Home Fire Safety Visits. It will aim to maximise the use and availability of this information when operational personnel respond to emergencies;
- Create an inspection regime that targets high priority residential and non residential buildings with a view to increasing the number of premises records which are available to the Brigade's operational staff on the Operational Risk database;
- Develop guidance to assist staff to create consistent tactical plans focused on improving speed of firefighting and life saving interventions;
- Develop a new policy guidance to address known outstanding risks identified through the Brigade's Home Fire Safety Visits and other engagement activities;
- Establish a corporate mechanism by which targets for the Brigade's 7(2)(d) activities are set.

### **Time Scale**

This work has already commenced and is estimated to be completed by December 2013.

### RECOMMENDATION 3

"During the Lakanal House fire there were 6 changes of Incident Commander with some serving as IC for brief periods.

It is recommended that the Brigade review its policies and procedures concerning incident command, having regard to whether it is effective for the choice of the IC to be tied closely to the number or type of appliances attending an incident and the effectiveness of a policy which may result in rapid and frequent changes of IC.

It is also recommended that consideration be given to training of ICs and potential ICs to enhance their performance in relation to the following:

1. Use of the Dynamic Risk Management model and other management tools to enable ICs to analyse a situation, and to recognise and react quickly to changing circumstances.
2. To recognise when to escalate attendance by more experienced ICs.
3. To anticipate that a fire might behave in a manner inconsistent with the compartmentation principle.
4. To be aware of the risks to those above and adjacent to the fire flat.
5. Handover from one IC to the next and effective deployment of outgoing ICs.
6. The collection of information from all possible sources.
7. Use of methodical search patterns".

### Response

The Brigade has reviewed its policies and procedures concerning incident command in respect of the 7 points identified in this recommendation with particular regard to the potential for rapid and frequent changes of IC. For the reasons explained by the Commissioner of the London Fire Brigade in his evidence to the Inquests, the Brigade believes that the current guidance remains effective and provides sufficient flexibility for the monitoring officer at the scene or the remote monitoring officer to attend and take over command of the incident before the trigger point of the number of appliances is reached.

### Proposed Action

The Brigade proposes to implement the recommendations from its internal report entitled "**Review of Incident Command and Support Levels**" which recommends the increase of the span of control at operational incidents for officers at the level of Group Manager (GM), Deputy Assistant Commissioner (DAC) and Assistant Commissioner (AC). The span of control for four and six pump fires was seen as commensurate with the roles of Watch Manager and Station Manager respectively. The proposed increase of spans of control are as follows:

- The expansion in levels of responsibility for GM is from 7 to 8 pumps to 7 to 10 pumps
- The expansion in levels of responsibility for DAC is from 9 to 12 pumps to 11 to 15 pumps
- The expansion in levels of responsibility for AC is from 13+ to 16+ pumps

The increase in responsibility levels will reduce the number of handovers at the larger more complex incidents. All the individuals that will be affected by these changes have been assessed and receive on-going incident command training to ensure that they continue to maintain the appropriate skill levels to deal with this enhanced level of responsibility.

The Brigade will engage with its training contractor to ensure that the 7 points identified in this recommendation are embedded within the current incident command training. The Brigade will ensure that these issues are further considered as part of the current review process of incident command training, which is being undertaken with the Brigade's training contractor. This work will aim to ensure that the training provided enhances performance across the range of required skills and knowledge needed to support effective incident command.

The Brigade will also introduce a case study training package which will incorporate the learning outcomes from the Lakanal House fire and from other high profile high rise incidents such as Shirley Towers (Hampshire) and Harrow Court (Hertfordshire).

### **Time Scale**

This work has already commenced and is estimated to be completed by December 2013.

#### **RECOMMENDATION 4**

**"I note the steps already taken by the Brigade in relation to guidance to and training for those at Brigade Control who are involved in handling calls from members of the public, and fire survival guidance calls in particular. It is recommended that the Brigade considers whether training be given to operational crews about Brigade Control practices and procedures."**

#### **Response**

As acknowledged the Brigade has introduced new guidance as to the handling of fire survival calls and this includes guidance for operational crews about Brigade Control practices and procedures.

#### **Proposed Action**

In light of this recommendation, the Brigade has further examined the extent to which operational staff may be made aware of Brigade Control practices and procedures. As a consequence, it is proposed that:

- All operational staff will have training in Brigade Control practices and procedures delivered through a new training solution. This will include four annual training exercises.

#### **Time Scale**

Work on developing a new training solution relating to Brigade Control practices and procedures has already commenced and it is expected that all operational staff will have completed this training by March 2014. The first of the themed exercises involving the exchange of information between Brigade Control and operational staff was held in December 2012. A programme of future exercises has been established for 2013.

## **RECOMMENDATION 5**

**"It is recommended that the Brigade consider whether it would be beneficial to use additional breathing apparatus radio communications channels and personal radio channels at major incidents to reduce the amount of traffic on each channel".**

### **Response**

At present, the Brigade has the capability to use multiple radio channels. In practice, the number of channels which are utilised are controlled and limited for operational reasons. In light of this recommendation, the Brigade has considered whether it would be beneficial to use additional breathing apparatus (BA) radio communications channels at major incidents to reduce the amount of traffic on each channel.

The use of a single BA radio channel allows for the safe monitoring and overview of risk critical, safety critical and general information to and from BA teams. The use of separate channels would make it more difficult to maintain this complete overview and may result in a delay in exchanging critical information. For example, by using a single channel, the transmission of risk critical information relating to a phased or emergency evacuation of a BA crew can be heard and appropriate action taken by all concerned.

Multiple channel use could also lead to a lack of co-ordination between teams and increase the risk that the fire-fighting actions of a team on one channel might adversely affect teams on another.

The need to pass information across multiple channels may negate any perceived benefit because of the requirement to re-transmit all relevant information across the channels in use. The result would be to reduce the amount of radio capacity and create further possibilities for duplication and confusion.

Since the Lakanal House fire, the Brigade has introduced a BA telemetry capability which has reduced the amount of BA radio communication which is required at incidents. This has been achieved through the use of new BA Entry Control Boards which allow for a greater degree of automated monitoring and supervision of BA wearers, with the result that Entry Control Officers no longer need to check gauge readings with wearers by radio. This new technology has therefore further increased capacity when using a single BA radio channel and reduced the risk of congestion.

In summary, having carefully considered the recommendation, the Brigade is firmly of the view that the risks associated with using more than one BA channel during an incident would outweigh the benefits that this operational practice would afford.

### **Proposed Action**

While, for the reasons given above, the Brigade respectfully argues against a change in procedure concerning the use of multiple BA channels, it will be taking the following action to address the lessons learned from the Lakanal House fire:

- The Brigade will engage with its training contractor to ensure that issues relating to incident communications are embedded within the current operational training.

### **Time Scale**

This work has already commenced and is estimated to be completed by December 2013.



Department for  
Communities and  
Local Government

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The Coroner's Court  
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20 MAY 2013

Dear Madam

Thank you for your letter of 28 March 2013, written under Rule 43 of the Coroners Rules (as amended), concerning the inquests into the deaths of Catherine Hickman, Dayana Francisquini, Thais Francisquini, Felipe Francisquini Cervi, Helen Udoaka and Michelle Udoaka who all died tragically in the fire at Lakanal House on 3 July 2009.

First, I think it only right that, on behalf of myself and my Department, I take this opportunity to express my sincere condolences to those who so sadly lost loved ones in this incident. I very much appreciate your efforts to ensure that the inquests were conducted in such a way that allowed the circumstances surrounding the fire to be rigorously and independently examined, and those of the members of the jury, who were so diligent in framing their narrative verdicts.

I have considered carefully your recommendations and offer the following in response to the detailed issues you have raised.

The first point I would make is that, following the fire, officials from my Department worked closely with the Local Government Association to identify the concerns of housing providers across all tenures about delivering and ensuring the safety of their residential buildings. We provided the Local Government Association with grant funding to develop, in partnership with the housing sector and the enforcing authorities, detailed national guidance on the risk assessment process and the range of issues to be considered if the risk of fire to residents of purpose built blocks of flats, including high rise, is to be assessed and managed adequately.

The guidance, published in summer 2011, takes a practical approach to ensuring that those responsible for the safety of residents and others in purpose built blocks can take a comprehensive and pragmatic approach to managing risk effectively within the context of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005.

The guidance is available on both the Local Government Association's website and on the fire safety pages of the Government's website. This fulfils my duty (under article 50 of the

Fire Safety Order) to ensure that such guidance as I consider appropriate is available to assist responsible persons to discharge their duties under the Fire Safety Order. Of course, in this instance, the scope of the guidance has been drawn more widely to include the requirements of the Housing Act. It addresses in some detail the rationale for the stay-put principle and provides detailed advice on the fire safety information that should be made available to residents in the light of the findings of a risk assessment. It also provides advice on when accessing individual flats for the purpose of inspecting the effectiveness of compartmentation and other fire safety measures should be considered.

The housing sector's feedback on the impact of this guidance has been very positive, and I consider that it addresses sufficiently those issues which have been highlighted in your Rule 43 reports. However, we are not complacent. I fully support the Local Government Association's proposal to consider, with my Department and other partners, whether there are any implications for the guidance arising from your Rule 43 recommendations which may need to be addressed in a revised document. My officials are engaged with the Local Government Association on this matter.

On your other recommendations, I can confirm that my Department's Generic Risk Assessment guidance on High Rise Firefighting is under review at present and will be informed by all of the recommendations you have made in your Rule 43 recommendations. It will also include advice to Incident Commanders to inform decisions on evacuation, should it become clear during an incident that the 'stay put' principle is no longer tenable.

We have considered your recommendation that those responsible for residential high rise buildings be required to provide relevant information for operational purposes in premises information boxes. However, on balance we consider that a regulatory requirement is unnecessary and disproportionate. A range of options are available to ensure relevant data from inspections under s7(2)(d) of the Fire and Rescue Services Act is captured and made available to firefighting crews, including through mobile data terminals in fire appliances.

Where additional or specific information is considered necessary to assist firefighting crews, fire and rescue authorities should work closely with individual building owners to ensure the provision and maintenance of readily accessible, on-site information.

You have suggested that my Department encourages providers of housing in high rise multi-occupied residential buildings to consider the retrofitting of sprinklers. My officials have recently written to all social housing providers about this following the Rule 43 recommendation from the Coroner of the recent inquests into the firefighter deaths which occurred at Shirley Towers in Southampton in April 2010, and I attach a copy of that letter for information.

Finally, in relation to Building Regulations, I have noted your concerns about the difficulties that some of those involved in the Inquests had with the interpretation of Approved Document B. I can assure you that my Department is committed to a programme of simplification. However, the design of fire protection in buildings is a complex subject and should remain, to some extent, in the realm of professionals.

We have commissioned research which will feed into a future review of this part of the Building Regulations. We expect this work to form the basis of a formal review leading to the publication of a new edition of the Approved Document in 2016/17. The revision would be drafted in accordance with a new 'style guide' for Approved Documents, aimed at



ensuring the guidance is capable of being more easily understood, and that the need to cross- reference is reduced.

In the meantime, however, I have commissioned my officials to review the current guidance issued by providers of Competent Person Schemes for window installers. The review is intended to ensure that members of these schemes are fully aware of the scope of these schemes and the fire safety measures which should be addressed, and is I believe, an appropriate response to the problems that came to light during the Inquests.

I am grateful for your recommendations and can assure you of my commitment to ensuring that the safety of residents in high rise building continues to be a priority.

Jocur ew  
Eric Pickles

RT HON ERIC PICKLES MP



## **‘Facing the Future’ Report by Sir Ken Knight: response to Government**

### **Purpose of report**

For discussion and direction.

### **Summary**

This report contains the Committee’s FSMC submission to the Communities and Local Government Select Committee. Sir Ken Knight is giving oral evidence to the Select Committee on Monday 15 July and an oral update will be provided to the Committee on key lines of inquiry and issues raised. This paper proposes that the positions set out in the Submission should form the basis of our response to Government.

### **Recommendation**

Members are asked to note FSMC’s submission to the DCLG Select Committee and to consider any further refinements, additions to include in a formal response to Government.

### **Action**

Following the discussion at FSMC, officers will draft a final response to Government.

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## **‘Facing the Future’ Report by Sir Ken Knight**

### **Background**

1. The Facing the Future report – review of efficiencies and operations in FRAs in England by Sir Ken Knight was published in May 2013. FSMC and the Fire Commission have both debated the contents of the review findings. Further deliberation took place at the LGA conference fringe session on the Knight review on 4 July. The discussion heard perspectives from Members from a combined fire authority, a metropolitan authority and a county council with much discussion about the challenges of continuing to deliver the current level of service with reducing resources; concerns about changing the existing governance structures; and the importance of working with other parts of the public and private sector.
2. The Communities and Local Government Select Committee has established an inquiry into the review. FSMC has provided a submission to this inquiry. The LGA's submission, along with all responses received by the committee to date can be found at <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmcomloc/writev/knight/contents.htm>. We understand that Sir Ken will be giving oral evidence to the Committee on Monday 15 July at 4.10pm. At present he is the only witness scheduled as this will be a one day hearing for the Committee to use the various written submissions to test and explore some of his findings.

### **A Select Committee Submission**

3. FSMC's Select Committee submission sets out FSMC's cross-party position on the Knight review.
4. It argues that:
  - 4.1 Fire and rescue authorities must use the findings of the review to challenge their own efficiency in the context of the variations in spend outlined in the review
  - 4.2 Fire and Rescue Authorities must collectively lead any future reform of the fire sector.
  - 4.3 Wholesale top-down governance reform would be a distraction at this time and consume scarce resources.
  - 4.4 Sector led improvement is a success and negates the need for the reintroduction of an inspectorate.

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- 4.5 Competitive elements of government funding are unhelpful and bidding against defined criteria does not often reflect the best outcome for authorities.
- 4.6 An efficiency review is required for national resilience, on which the Knight review was silent.

**Response to Government**

- 5. It is proposed that the response to government should contain the points set out in the Select Committee submission. However, the response to government provides Members with a further opportunity to refine and add to the current position statement if that is considered necessary.

**Next steps**

- 6. Following the discussion at FSMC, officers will draft a final response to government which will follow the Committee's direction.

## **Future of National Operational Guidance**

### **Purpose of report**

To agree an approach which will secure funding for the production of National Operational Guidance up to 2018.

### **Summary**

In the past, the production of NOG has been resourced entirely by central Government, albeit with indirect resourcing from the sector. In 2012, the LGA, the Chief Fire Officers' Association, the Department for Communities and Local Government and the London Fire Brigade established a programme to develop a new catalogue of national operational guidance, with funding of £2 million per year for three years provided by the London Fire Brigade. This new system is already considered a massive improvement on previous arrangements, and through close engagement with FRAs across the country, has developed a clear, deliverable, programme of priorities. However, discussions now need to focus on ensuring this programme continues beyond 2015.

### **Recommendation**

Members are asked to:

1. note progress to date; and
2. endorse the proposal set out in **paragraph 12** to submit a bid to the Government's blue light services Fund, match funded by contributions from FRAs for the continuation of a sector-owned, sector-led system for the production of National Operational Guidance.

### **Action**

Officers to progress as directed.

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## Future of National Operational Guidance

### Background

1. National Operational Guidance (NOG) records how fire and rescue service operational activities should be carried out. It describes the actions performed at incidents and is a key component of the safe systems of work that protect firefighters. National operational guidance is the foundation for intraoperability between fire and rescue services and interoperability between the fire and rescue service and other emergency services. It is written for principal officers and authors of operational procedures, and provides standards of operations and a framework against which to measure response services.
2. NOG is written at high level, describing the general considerations in undertaking defined activities. It does not prescribe detailed working practices and procedures. These detailed operating procedures are for each fire and rescue service to determine. NOG, however, will describe the issues to be addressed within any detailed procedures.

### The legislative context of national operational guidance

3. The National Framework establishes that fire and rescue services are responsible for operational matters; services must collaborate to produce policies, procedures and guidance; and that services must collaborate to deliver intraoperability and interoperability. An absence, or indeed the existence of out-of-date or inadequate operational guidance regarding risks and methods of response is a significant operational issue.

### Current guidance

4. The existing catalogue of national operational guidance is in poor condition. DCLG commissioned a risk and liability review of operational guidance, performed by law firm Field Fisher Waterhouse, which established that much of the existing catalogue should be considered high-risk. Although DCLG set about a replacement programme in 2006, there are still important documents (such as guidance on breathing apparatus) that need to be replaced. There have been highly critical statements by leading QCs about the quality of this library of documents and clearly a more updated, relevant and user-friendly system is long overdue. (See **Appendix A**).
5. In order to develop this programme, much work has gone into sorting the legacy guidance that amounted to over 8000 pieces of guidance, much of which was duplicated and confusing.
6. Until the publication of the 2012 National Framework for the fire and rescue service, national operational guidance was the responsibility of the Chief Fire and Rescue Adviser. In his recent review, Sir Ken Knight discussed weaknesses with that regime, saying:  
*"The production of easily understandable and updateable guidance is key: previous guidance has been too long, too onerous to produce, and the consultation and validation procedures too complex and drawn out. My hope is that by being driven by the sector, this work can focus on core needs. One of the work streams developed during the FireControl*

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*project was to develop common operating procedures and practices to improve mobilising response procedures and enhance interoperability and firefighter safety.*

*“Both of these areas of work are now being coordinated by sector led groups and there is an opportunity for sector leaders to take a strong role in coordinating this work, both to achieve a clear, single set of procedures and guidance, but also to ensure take up of these documents across all authorities to avoid potential duplication or worse, contradicting each others’ work.”*

**Governance arrangements**

7. Two Programme Boards oversee the production of guidance: the Operational Guidance Strategy Board which provides strategic oversight of the efficient production, authorisation and publication of operational guidance and as such provides the final sign off for all products. Below this Board there is an Operational Guidance Group made up of representatives from the Fire Service College, industry, commercial bodies, trade union representatives and other relevant stakeholders such as the Health and Safety Executive. This Board reviews the current set of guidance, and recommends priorities for final sign off by the Strategy Board.

**Progress to date**

8. The programme has had a productive first year achieving—
  - 8.1 The development of a programme and project management team with operational and technical writing expertise and access to procurement, legal and ICT advice. By having one team of technical writers working across a number of guidance projects, the programme will eradicate the duplication and conflict identified by Justice MacDuff (see **Appendix A**).
  - 8.2 The establishment of two programme boards with consistent, senior representation from organisations across the fire and rescue service and fire sector. This excellent representation will help ensure a wide adoption of new guidance—improving interoperability and intraoperability on the incident ground.
  - 8.3 A definitive library of national operational guidance emerging from the ‘Legacy Guidance’ project—the first of its kind. This review has declared thousands of documents as obsolete. The final catalogue will be published online as a free resource for fire and rescue services.
  - 8.4 A new framework for operational doctrine (policy, procedure and hazard and risk information). This provides definition, scope and structure to doctrine to ensure that future guidance is concise and targeted.
  - 8.5 The closure of the Generic Risk Assessment programme and the development of a new concept for hazard and risk management for the fire and rescue service.
  - 8.6 Links to the restricted national police policy database.

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8.7 The development of an online platform that will make the production of guidance less expensive than in the past and:

- 8.7.1 allows project members from different fire and rescue services to collaborate on documents simultaneously from remote locations;
- 8.7.2 provides security-rated online document libraries for projects involving restricted materials,;
- 8.7.3 provides teleconferencing and instant messaging facilities; and
- 8.7.4 hosts discussion forums for project teams seeking views during the development of best operational practice.

8.8 The establishment of operational guidance projects for foundation areas of work such as 'Incident command', 'Fires and firefighting' and 'Performing rescues' as well as targeted areas of work including 'Fires in the built environment', 'Working in, on or near water' and operating within the context of a 'Marauding terrorist firearms attack'.

**Relationship between National Operational Guidance and Standard Operating Procedures**

- 9. Alongside the development of national guidance, there is a substantial amount of work being done on the development of standard operating procedures.
- 10. The relationship between the two is very important. The National Operational Guidance Programme is establishing a framework to provide structure and scope for standard operating procedures. The National Operational Guidance Programme describes what actions are required. Standard Operational Procedures set out how those actions are performed.
- 11. There are currently two programmes of work underway to develop standard operating procedures. One in the North West, under the auspices of the North West Operational Response and Resilience Committee and a second, which was originally centered on the South East Region, but which now encompasses 22 Fire and Rescue Authorities, with a further four expressing an interest to be involved.

**Future of national operational guidance**

- 12. The new arrangements are working extremely well and have wide support in the sector. However, moving forward fire and rescue services will require that the guidance catalogue is under constant review ensuring that operational doctrine is continually learning from incident ground performance feedback and it is therefore timely to consider the future funding of this programme of work.
- 13. There are a number of options we, and the Strategy Board, have considered as to the future funding arrangements, such as another FRA hosting this or the College taking this on. However, the guidance clearly benefits from being led by the service and it would make sense to build on the existing infrastructure and momentum. Given the financial pressures

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FRA's are experiencing, there is a limited amount of local resource that can come from FRA budgets and LFB cannot fund this programme indefinitely. The programme budget until 2015 is £2 million per year, in-line with the DCLG budget for operational guidance. The programme has developed different and efficient development processes and is spending approximately one-third less than Government. By 2015, it is expected that this function should cost less than half of Government's annual spend.

14. Since DCLG have a retained liability for legacy guidance until it is entirely replaced, we can legitimately ask for a financial contribution from the Government if we are to continue this work.
15. The Strategy Board therefore agreed that the strongest proposal would be to bid for a £2m grant from the £30 million resource fund announced in the Chancellor's spending round for the purposes of improvement and interoperability. This bid would need to be match funded by the sector but would keep contributions from FRA's to a minimum. Our projections show that these payments would start at a flat rate of £10k for all FRA's in 2015 if we secure the DCLG grant, growing to £20k by 2018. It is also proposed that the existing governance arrangements are retained.
16. Members will wish to note the following points:
  - 16.1 The work programme for the next two years is laying foundations by establishing the larger and longer projects. After that, there will be plenty of opportunity to commission projects and reviews;
  - 16.2 The benefits to FRA's include the online library, but also the ability to have national coordinated policy responses to judgments, rule 43 letters and is clear evidence of FRA's fulfilling their duty under the National Framework regarding interoperable policies.
17. Members' views are sought on this proposal.

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**Appendix A**

The findings of that review are supported by the recent ruling against Warwickshire County Council regarding the Atherstone-on-Stour fire that saw the tragic death of four firefighters. In that ruling, The Honourable Mr Justice MacDuff said—

- 4.1 “...It seems to me that one of the real difficulties here has been the proliferation of paper which has been generated in recent years both before and after the passing of the Fire and Rescue Services Act 2004. It has taken a lot of explanation from Mr Matthews QC, who has made himself an expert in the field of Health and Safety law, to educate me upon the statutory and regulatory framework which lies behind the huge volume of directives, advisory notices, operational procedures, and the many thousands of pages of other documents which we have had to consider in the course of this case. Little wonder that one of the witnesses in the case commented that he would like the fire fighters' manual to be reduced to the size which it was a few years ago and to be made simpler. Can a fire fighter, attending a fire in an emergency situation, remember what the picture on page 138 of the manual was intending to convey, how and when he should conduct his dynamic risk assessment, and which of the elements of the flowchart he should move between before forming his decisions? There are many obvious deficiencies in the paper work. Many of the ever increasing numbers of directives and other papers are couched in language which borders on the impenetrable. We have found internal contradictions and entirely different flow charts purporting to show the same thing. In the course of the trial earlier this year, we spent much time debating what a particular directive or advisory note was intended to mean. There is no time for debate at the fire ground.
- 4.2 “I suspect that one of the difficulties in bringing this case to court expeditiously arose from the needs of the prosecution authorities to satisfy themselves of this underlying regulatory framework. It is not surprising that there is confusion as to what the duties are (for example about training) where the obligations lie and whether or not there were breaches. Even in the course of the hearing this week I have had submissions and counter submissions upon a host of issues where counsel have disagreed as to what the regulations (for example) were purporting to say.
- 4.3 “The short point is this. It just seems to me that the confetti of regulatory and other advisory papers intended to improve safe systems of working, is capable of being obfuscatory and counter productive. It has also contributed, I suspect, to the delay. It has certainly contributed to the length of court hearings.



## **Fire Control**

### **Purpose of report**

For discussion and direction.

### **Summary**

This paper updates members on the progress of the Future Control Projects.

### **Recommendation**

Members are asked to consider the progress that has been made.

### **Action**

Officers will take action as directed.

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## **Fire Control**

### **Background**

1. Following the collapse of FiRe Control in December 2010, a residual £81 million was distributed across Fire and Rescue Authorities to be used for improving local control systems.

### **Fire Control projects**

2. Currently there are 22 Fire Control Improvement projects made up of:
  - 2.1. 7 Single service Control rooms
  - 2.2. 10 Collaborative Control rooms
  - 2.3. 5 Joint Control rooms (see **Appendix A** for the full list).
3. Responsibility for delivering these improvements rests with the fire and rescue authorities and sector bodies. The projects will deliver a range of local resilience, interoperability and efficiency improvements, thereby strengthening the essential building blocks of national resilience
4. The projects' activity has included:
  - 4.1. Procurement of new mobilising systems
  - 4.2. Procurement of Airwave SAN H systems (digital interface to allow data transmission)
  - 4.3. Other operational improvements including Automatic Vehicle Location Systems, Caller Line identity and Status messaging from Mobile Data Terminals.
5. Projects have also sought to enhance resilience through widening partnerships and fall-back arrangements.
6. All of the projects are scheduled to be complete by March 2015.

### **Project Support**

7. The projects have been supported by a central team hosted by CFOA. The support team has undertaken over 65 visits to improvement projects since September 2012. The team has also established a knowledge exchange which has over 100 subscribers.
8. The team has arranged 13 countrywide seminars on a variety of topics including:
  - 8.1. Public Services Network

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- 8.2. Common data types
  - 8.3. LGA supported Airwave event
  - 8.4. Codes of Connection
  - 8.5. Emergency call Management
9. Overall over 40 Fire and Rescue Services have attended one or more of the above seminars.

**Project progress**

10. Although some projects have experienced delays which have pushed back completion dates, all are still on target to be completed by March 2015.
11. The House of Commons Public Accounts Committee (PAC) shows a continuing interest in the progress of FiRe Control, following its damning appraisal of the stewardship by DCLG of the original FiRe Control project.
12. At a recent PAC hearing the Communities and Local Government Permanent Secretary, Sir Bob Kerslake, assured PAC that all the projects would be completed by March 2015. Given this categorical assurance, there is renewed interest in progress from DCLG.
13. The summary national picture published by DCLG in March 2013 noted that eight of the projects had revised forecasts for their financial benefits, but that, overall, total projected savings for all projects are now £126 million compared to a projection of £128 million in 2012, a reduction of just £2 million.
14. Collaboration requires political leadership. The progress that has been made in the, often cross-party, partnerships reflects the strength of leadership across Fire and Rescue Authorities.

**Conclusion and next steps**

15. The projects represent a significant move to greater collaboration across Fire and Rescue Services. The projects appear to be well managed and will deliver significant operational benefits and efficiencies.
16. FSMC will continue to receive further updates as the projects progress.

**Appendix A**

**SINGLE CONTROL ROOM PROJECTS**

- Avon
- Cleveland
- Gloucestershire
- Kent
- Durham and Darlington
- Merseyside
- London

**COLLABORATIONS**

- Derbyshire, Leicestershire Nottinghamshire
- Hertfordshire, Norfolk, Humberside, Lincolnshire
- North Yorkshire and Cornwall
- South Yorkshire West Yorkshire
- Essex and Bedfordshire
- Networked Fire Control Services Partnership
- Staffordshire West Midlands
- Tyne and Wear Northumberland
- Northamptonshire & Warwickshire
- Hereford Worcester Shropshire

**JOINT CONTROL ROOMS**

- East Sussex and West Sussex
- Thames valley Joint Control
- Cambridgeshire and Suffolk
- Surrey and Isle of White
- North West Fire Control



## **Fire and Rescue Service Pilots considering the application of Primary Authority to Fire Safety**

### **Purpose of report**

For discussion and direction.

### **Summary**

The Government is considering applying the principle of Primary Authority to fire safety. Two pilot schemes have been running between 1 January and 30 June 2013 to consider an approach based on the statutory Primary Authority Scheme and a second non-statutory sector led approach.

This paper outlines the pilot approach and some of the interim findings.

### **Recommendation**

Members are asked to consider the issues raised in the paper.

### **Action**

Officers will take action as directed.

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## **Fire and Rescue Service Pilots considering the application of Primary Authority to Fire Safety**

### **Background**

1. Primary Authority was introduced in 2009 with the aim of improving the relationship between businesses and local authorities in relation to the application of regulatory services.
2. The scheme gives businesses the right to form a statutory partnership with one local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance.
3. The Enterprise and Regulatory Reform Act 2013 introduced two changes to the Primary Authority Scheme:
  - 3.1. the extension of the scheme to trade associations; and
  - 3.2. making inspection plans binding on enforcing authorities.
4. The LGA welcomed the extension of the scheme to trade associations, but objected to inspection plans being enforceable.
5. When Primary Authority was established, the Regulatory Reform (Fire Safety) Order 2005 was excluded from its scope. The Government acknowledged that concerns about the impact on integrated Risk Management Plans could not be resolved at that time. The Government committed to reviewing this decision within 3 years.
6. In the Government's response, in December 2011, to the Transforming Regulatory Enforcement consultation, it stated that:

*'In the case of fire safety, we will look to introduce pilots to see whether and how Primary Authority could fit alongside current legislation and enforcement mechanisms.'*
7. At its meeting in September 2012, FSMC discussed the issue of Primary Authority. The Committee noted that the LGA was in general in favour of the Primary Authority Scheme as one of the key tools that councils can choose to use to provide individual businesses with tailored support, reduce red tape, promote consistent advice from councils and ensure limited enforcement resource is risk based and focused on priorities. However, it reserved its judgement on the application to fire safety until the completion of the pilots. Following the meeting Cllr Kay Hammond wrote the responsible minister, Michael Fallon MP, offering support for the pilots and backing CFOA's call for a parallel pilot into a non-statutory scheme.

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8. The Chief Fire Officers Association (CFOA) position is that it remains to be convinced that the Primary Authority Scheme (PAS) can be applied to the fire safety enforcement regime and integrated risk management model. It is concerned that there is significant potential to cut across local decision making and there may also be additional costs incurred and / or a reduction in the ability for a local fire and rescue service (FRS) to accurately assess buildings subject to a PAS and covered by another FRS.
9. It has called for a non-statutory approach and following agreement with Ministers, it has run a non-statutory pilot concurrently with the pilot Primary Authority Scheme.

**Pilots**

10. Ministers announced the decision to engage in pilots for fire safety on 24 October 2012. Following representations from CFOA, Ministers agreed to test two schemes concurrently:
  - 10.1 a statutory scheme (an extension to the existing Primary Authority scheme) run by BRDO; and
  - 10.2 a non-statutory scheme, the Fire Authority Partnership Scheme, run by CFOA.
11. The pilots began 1 February 2013 and closed on 30 June 2013, engaging 19 Fire and Rescue Services and 21 businesses from varying sectors.
12. The aim of the pilots has been to assess:
  - 12.1 The efficacy of extending a primary authority scheme to fire safety, focusing on:
    - 12.1.1 The cost of implementation;
    - 12.1.2 Impact on Fire Service capacity; and
    - 12.1.3 Impact on Integrated Risk Management Plans.
  - 12.2 Whether the non-statutory or statutory scheme is preferred, should the concept be applied to fire safety.
13. The key differences between the pilots is that the non-statutory scheme seeks to mitigate the risk to local risk management planning by ensuring that any inspection plans respect local IRMPs and that specific provision is made for continuing visits by local response personnel. The non-statutory scheme will also enable FRAs to negotiate contributions from businesses to local community safety initiatives in addition to scheme cost recovery.



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14. The non-statutory pilot scheme, if adopted would be dependent on a binding memorandum of understanding between all fire and rescue authorities, in other words it would not be a voluntary scheme.

**Emerging issues**

15. Both schemes have been the subject of a single independent evaluation process which is being undertaken by acl consulting. An interim report was produced in May 2013 and a final report is due by the end of July.
16. It is clear that a substantial amount of work has been undertaken by fire and rescue authorities and their business partners in both pilot schemes. The pilots have been very well managed. Partnership working between FRAs and businesses across both pilot schemes has been very positive. In all cases FRAs and businesses are seeing this as the development of a long-term relationship.
17. To date, the pilots have not been able to provide, in any great depth, information on how the statutory and the non-statutory schemes would work in practice. This reflects the short timeframe for the pilots and that it has been necessary to use the time to develop the relationships between the FRAs and businesses within individual partnerships. Assured advice has been developed in some cases, and scenarios have been developed to test the inspection plan and adjudication processes.

**Impact on integrated risk management**

18. The key question is whether the provision of assured advice and the establishment of an inspection plan will undermine integrated risk management. The pilots have provided an opportunity for participants to gain a deeper understand of these tools and how they operate across other regulated areas. The evidence from these other areas is that assured advice is provided at a very strategic level. In terms of inspection plans, these have not been widely used in other regulated areas.
19. The pilots have gone some way to allaying the initial concerns about the application of a PAS type scheme to fire safety.
20. However, there is still concern about the application of the statutory scheme to the fire sector, including binding inspection plans, which could result in one fire authority determining practice in other fire authority areas. The concern arises from the wording of the Enterprise and Regulatory Reform Act 2013 which makes the adherence to inspection plans compulsory.
21. Those who favour the statutory Primary Authority Scheme point to current practice in other regulated areas to attest that assured advice and inspection plans will not be used to direct or restrict inspection activity. Those who favour the non-statutory approach point to the fact that, as drafted, the legislation is open to a different interpretation.

### **Costs**

22. FRAs are providing information in both pilots on the costs of implementing the scheme and the extent to which they are likely to be covered by cost-recovery systems. The pilots also hope to provide information on costs accruing to enforcing authorities. Any such costs will need to be considered by DCLG in the context of new burdens.

### **Timescales for decisions and implementation**

23. The six month pilots have now ended and Ministers have committed to making decisions quickly. If the decision is to apply either a statutory or non-statutory scheme to fire safety, the expectation is that this would begin in October 2013. Given that only a few fire authorities have been engaged in the pilot schemes an October 2013 start date for a full roll out seems too soon. There is value in delaying any implementation until April 2014.

### **Conclusion and next steps**

24. The Pilots are demonstrating that the PAS approach can be applied to Fire Safety. There are still a number of issues to be resolved including costs to enforcing authorities and how these are dealt with.
25. CFOA has the agreement from all Fire and rescue services that the option of a sector led scheme should be provided to the Minister alongside the Primary Authority scheme. CFOA has written to ministers stating that the majority view from Chief Fire Officers is in favour of a non-statutory scheme. The Minister's response is attached as **Appendix A**. The Minister has asked for the LGA's view on the approach to be taken. Cllr Hammond will respond to the Minister's letter following FSMC's discussion.
26. A binding memorandum of understanding between all fire and rescue authorities is required for the non-statutory scheme to be credible and it would help ministerial decision-making if this were available now.



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Our Ref: BL/BL/018585/13

05 JUL 2013

Dear Vij,

**CFOA MEETING REQUEST - PRIMARY AUTHORITY PARTNERSHIP PILOTS**

Thank you for your letter of 14 June updating me on CFOA's position on the Fire Authority Partnership Scheme.

I am pleased to hear from my officials that that the pilot process – both the Primary Authority Scheme and Fire Authority Partnership Scheme - has been constructive, and that many of the key concerns that were raised when the PAS concept was being developed and implemented, have been satisfactorily resolved in relation to fire safety. Although no decisions have yet been made on the future Government approach, I welcome the fact that the BRDO will be consulting the fire sector on its proposed revised statutory guidance to the PA Scheme.

I would be pleased to have an opportunity to hear about CFOA's experience of developing and implementing the FAPS. I note that you have broad support from Chief Fire Officers for the scheme, and that this is likely to be the majority preference for the future. Of course, given the strong support that the LGA offered on the development of a voluntary scheme when we met to discuss it last year, I would also be interested to hear their views.

I understand that the independent evaluation of the pilot process is due to report later in July, and that the final report will be considered by the Steering Group on 25 July. I therefore suggest that you contact my diary manager, Roberto Singcueno (0303 444 3425), to arrange a mutually convenient date which follows on from the publication of the evaluation report.

I am copying this letter for information to Cllr Hammond at the Local Government Association.

**BRANDON LEWIS MP**



## **End of Year report**

### **Purpose of report**

For discussion and direction.

### **Summary**

This report provides an overview of the issues and work the FSMC has delivered during the last year. It sets out key achievements in relation to the priorities set at the beginning of the year and proposes communicating this information to our member authorities, along with a request for priorities for 2013/14. Priorities for next year will be discussed by the Committee in September.

### **Recommendations**

Members are invited to:

1. note the contents of the paper; and
2. agree this information is communicated more widely to Fire and Rescue Authorities along with inviting priorities for the 13/14 Committee cycle.

### **Action**

Officers to take action as appropriate.

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## **End of Year Report**

### **Background**

1. The political and financial environment has shaped the interests and work of the Fire Services Management Committee over the last year. The spending round announcement in June 2013 confirms the financial position out to 2015/16 as one in which central government funding for Fire continues to decline.
2. The Fire sector continues to demonstrate its enormous value to national and local resilience, demonstrated through the contribution to the success of the Olympic games and in the leadership shown by the sector in the face of extreme weather events in the autumn of 2012.
3. The FSMC met 6 times throughout the year. The Fire Commission met 4 times. There have also been a number of task and finish groups involving the wider membership; the Chairman's dinners around the country to meet FRA Chairs and portfolio holders; and an increasing number of involvement in outside bodies.

### **Strategic issues**

4. This year has been dominated by the financial challenge faced by the sector and the measures that need to be taken to address a decline in government funding and limits on council tax increases. The Facing the Future report by Sir Ken Knight published in March 2013 is a significant milestone in the journey that Fire and Rescue Authorities have been making. It sets out the good practice that is already underway and challenges the sector to do more.
5. FSMC has been at the forefront of calls for reform to be led by the sector and the publication of guidance on the new intervention protocol and Assurance Statements further clarify government and sector roles. FSMC has been influential in shaping the tone and content of the guidance. Partnership and collaboration across the whole sector remains buoyant and this can be seen in the sector led national operational guidance work, the controls projects, and in FSMC's continuing influence, through Board membership, on the direction of the Fire College.
6. The LGA appoints Members of the FSMC to a range of national bodies. Over the past year these have included the Pensions Committee, the Fire Strategic Resilience Board the National Resilience board, the Fire and Police and Crime Commissioners Working Group and others and Members have reported back to the Committee on developments, seeking a steer, where necessary.
7. Members drawn from the LGA hold 10 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.

### **2012/13 activity**

8. In the last year FSMC and the Fire Commission have considered a wide range of issues including; an in-depth discussion of Health and Safety implications of the Atherstone on Stour fire, the Emergency Services Mobile Communications Programme; consultation responses on the Intervention protocol and Assurance Statements; the relationship between the fire sector and community budgets; a submission to the 2015/16 spending round; discussions on the National Framework, the peer challenge programme. There has also been a series of meetings with the Fire Minister and the Chief Fire and Rescue Adviser to progress issues.

### **Achievements**

9. The Committee has made some significant gains throughout the year. These include:
  - 9.1. Securing a place on the Management Board of the Fire Service College, which gives the Committee a continuing platform for ensuring that the needs of the fire sector are met.
  - 9.2. Making the case for a considered view from government of future funding and securing a smaller reduction in revenue funding in the 2015/16 spending round, - 7.5%, compared to a 10% reduction for local government. It is the case however that some funding, around £35 million, has been recycled into a competitive fund (see finance section below).
  - 9.3. A prestigious Fire Conference in March in Brighton with over 260 paying delegates attending. 94 per cent of those who responded to our evaluation survey were very or fairly satisfied with the event overall.
  - 9.4. The successful launch of the Sprinklers toolkit at the annual conference, which for the first time places all the resources required for local campaigning in one place. Agreement has also been secured for a week of coordinated campaigning by Fire and Rescue Authorities in the New Year.
  - 9.5. A successful breakfast event at the LGA conference in July 2013 on the Knight Efficiency Review.
  - 9.6. The publication of the Fire Future Funding Report which provided an analysis of the funding gap FRAs are facing; and which highlighted the importance of prevention work.
  - 9.7. All English FRAs are engaged in the OpA and Fire Peer Challenges, plus the Firefighters Charity, Defence Fire Risk Management Organisation and Northern Ireland Fire and Rescue Service. A total of 21 peer challenges have been delivered to date and Cardiff University has been commissioned to conduct an



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evaluation of the programme. 13 officer and member Peer training sessions were delivered.

- 9.8. The development of a fire-specific Leadership Academy to take place at Warwick Business School in September.
- 9.9. During the last year the Employers' Side of the NJC for Fire and Rescue Services has undertaken an in-depth review of conditions of service. This work will continue to inform discussions on how the future fire workforce will function, as raised by the Knight Review.
- 9.10. The Employers' Secretariat has worked hard with the Unions on compensation arrangements for affected retained duty system employees as a result of the Part-time Workers Regulations employment tribunal cases. We are also seeking to redress the situation through legal advisers and HMRC.
- 9.11. The NJC reached agreement on a number of issues including car mileage rates, sick leave arrangements and a pay award of 1%.
- 9.12. The NJC's Technical Panel met twice to facilitate agreement on a proposed new shift system; in addition six FRAs have referred a total of 15 issues to the NJC's Joint Secretariat. We have also delivered a number of industrial relations training days for fire and rescue services at local level.

**Knowledge, networks and communication**

- 10. 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:
  - 10.1. Launching a new Fire Bulletin which is now a regular quarterly publication from Cllr Kay Hammond, as Chairman of FSMC which goes some way to addressing the issue of learning, rather than just sharing good practice, as highlighted by the Knight Review.
  - 10.2. A comprehensive update paper for both the Committee and the Commission at each Board.
  - 10.3. Making good use of our professional advisers, on issues such as finance pensions.
  - 10.4. Raising the profile of the fire sector within local government by hosting a fringe workshop at the LGA's Annual Conference on the Knight Efficiency review.
  - 10.5. Regular features and news in brief in First magazine which goes out to 20,000 councillors.

## **Fire Finance**

11. Government confirmed the grant cuts for directly funded fire authorities for 2013/14 as 7.5 % with a further 7.4% as an indicative figure for 2014/15. The figures between different authorities showed less variation in the last two years but across the whole four years of the spending review there is both significant variation in the cumulative impact of the cuts and on how much authorities rely on those grants.
12. The total reduction in grant funding is £209m (20%) in the four years of CSR 2010.
13. For county fire services the grant cuts have been front loaded unlike for stand- alone fire authorities where the cuts have been backloaded. But cuts for local government in general were still substantial. Therefore, where counties have not protected fire services the position has been tougher.
14. The 2012/13 limit for council tax increase before referendum was 2% but, as a result of LGA lobbying, some freedom was given to authorities in the quartile with the absolute lowest current council tax levels to increase by up to £5.
15. Of 30 precepting Fire Authorities:
  - 15.1. 15 froze council tax and took council tax freeze grant;
  - 15.2. 8 increased at 2%; and
  - 15.3. the remaining 7 (of 8 in the lower quartile) with the freedom to do so increased council tax by £5 which was an increase of between 8-10.4% for those authorities).
16. The national average increase was 2.9% and the national average Band D for fire is now £65.96.
17. The government is going to encourage councils to freeze council tax for the next two years and plans to set the council tax referendum threshold at 2 per cent for 2014-15 and 2015-16.

### *2015/16 Spending Round*

18. The headline announcement seemed to indicate that Fire and Rescue services had been protected to some degree (at least compared to general local government including county FRS's) from the cuts in grant funding "The Government is relatively protecting fire and rescue authorities by applying a 7.5 per cent reduction to their budgets overall. "
19. However as the figures were analysed, it became clear that fire was actually receiving a 10% grant cut, the same as local government, but would have the opportunity to mitigate against these cuts by bidding into a newly created £30 million "resource fund" which is to

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encourage joint working between fire and rescue authorities and collaboration with other blue lights services.

20. Trying to interpret the overall outcomes is made more difficult by changes to the funding mechanism for local government and the increases in grant arising from schemes like the council tax benefit localisation.
21. The announcement for specific authorities will be made in the normal way in late November/December 2014.

**Looking forward**

22. We will be discussing a new workplan with the FSMC in September. As last year, the Chairman is proposing to write out to Member authorities, letting them know how we have taken forward their issues from this year, and asking for further suggestions for priorities for the year ahead. 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 issues are on-going which will require attention from the Committee next year.
23. Continuing to support FRAs to adjust to budget constraints through efficiencies and improving productivity remains an important priority between now and 2015/16.
24. Preparing for the next Comprehensive Spending Review which is expected in 2015 after the next general election will remain a significant area of work for FSMC to take into account when considering its future work programme. The Knight Review has set out a range of options for short term efficiencies and long-term reform and there is a key leadership role for FSMC in taking this agenda forward.
25. The scale of liability presented by retained firefighters' retrospective access to the Firefighters' Pension Scheme potentially threatens to impose significant costs on Fire Authorities. The issue of who bears this cost is still unresolved and FSMC will continue to press government for a favourable outcome for the sector.
26. FSMC will also want to continue to show leadership in the sprinklers campaign, where there has been some encouraging change in tone from Ministers.
27. National resilience will remain an important issue into the coming years. FSMC's presence on the Fire Strategic Resilience Board and the National Resilience Board ensure that it will retain influence over the agenda. The Strategic Resilience Board will continue to review priorities and asset renewal over the coming year. FSMC has called for a review of national resilience to parallel the Knight review, which has been largely silent on this issue.



## **Fire Services Management Committee update paper**

### **Purpose of report**

For information.

### **Summary**

The report outlines issues of interest to the Committee not covered under the other items on the agenda. The latest Fire Bulletin is included for information as **Appendix A**.

### **Recommendation**

Members to note the update. Outside Bodies appointees are invited to provide any relevant updates in relation to their outside bodies as listed in **paragraph 20**.

### **Action**

Officers to progress as appropriate.

**Contact officer:** Clive Harris  
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## **Fire Services Management Committee update paper**

### **Fire Leadership Academy**

1. The LGA will be holding a leadership academy specifically aimed at fire and rescue authority members on the 11 and 12 September at Warwick University. The programme for the academy is currently being finalised and will be made available to members shortly. The Leadership Academy forms part of the LGA's 'offer' to fire and rescue authorities and is available free of charge. Demand for the leadership academies has meant that we have had to programme in an additional day in November 2013.

### **LGA respond to Sir Ken Knight's *Facing the future* report**

2. The Fire Services Commission and FSMC Chairman responded to the publication of Sir Ken Knight's report with the following statement:

"Sir Ken's review rightly recognises the sharp decline in call-outs and fire incidents which continue to reduce vastly because of the excellent preventative work, such as community safety schemes, which fire and rescue services have in place.

"Fire authorities are always looking to increase efficiencies with many already operating differently in order to manage an unprecedented decline in funding and will continue to find savings through measures such as shared service arrangements, reducing the number of fire stations and new flexible employment practices.

"But it is clear that without major reforms to the service this will not be enough to sustain it in the future. Therefore we will study Sir Ken's findings with great interest and are pleased that the Government intends to consult fully with the sector before it makes its own response."

3. The full press release can be found here: [http://www.local.gov.uk/web/guest/media-releases/-/journal\\_content/56/10171/3998255/NEWS-TEMPLATE](http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10171/3998255/NEWS-TEMPLATE)
4. The Chairman also participated in a teleconference with Brandon Lewis MP and Sir Ken on his report, noting that on the OpA peer challenge consideration of assurance statements would negate any need to return to an inspectorate for the fire sector.

### **National Operational Guidance Programme**

5. The National Operational Guidance Programme is currently in transition between a 10-month definition phase and into the guidance development projects. The 10-month phase has produced positive outputs for the fire and rescue service, including:

- 5.1 The creation of two programme boards with cross-sector representation, including the LGA, CFOA, the FBU and CLG.
  - 5.2 A definitive library of national operational guidance is emerging from the legacy guidance project, with the final catalogue being made available as a free, online resource.
  - 5.3 A structure and national framework for operational doctrine (policy, procedure and risk assessments) is emerging from consultations with the service. The framework provides the foundations for the development of doctrine at national, regional and local levels by reducing duplication.
  - 5.4 The establishment of four guidance development projects, managing the transition between the old and new National Operational Guidance Programmes.
6. Many of these outputs are assets that will provide benefits for the Service by themselves; nevertheless, it is important that the next phases of the programme—Guidance development projects—are swiftly developed and effectively communicated.

#### **CLG Transformation Challenge Award**

7. The Transformation Challenge Award is available to local authorities, including fire and rescue authorities, that demonstrate that they are at the cutting edge of service transformation and delivering efficiency savings. Bids are invited in three categories:
- 7.1 Major multi-authority awards: to support radical innovations involving two or more authorities who have combined their operations across all or a major part of their service delivery and back office, whilst maintaining their separate identity and political representation.
  - 7.2 Authority awards: to support authorities, either individually or jointly, which are pursuing particularly innovative measures for delivering increased efficiencies, resilience and better value for money, whilst not involving a major combination of services.
  - 7.3 Efficiency support awards: to support authorities who are already in receipt of the Efficiency Support Grant.
8. Bids are invited from fire and rescue authorities for the major multi-authority awards and authority awards which should be submitted to the Department by **14 July 2013**. The overall Transformation Challenge Award pot is £9.2 million, including £2.3 million for the efficiency support award. Further information is available from:  
[julie.stephenson@communities.gsi.gov.uk](mailto:julie.stephenson@communities.gsi.gov.uk)



### **LGA Annual Conference 2013**

9. A fringe session looking at the findings of Sir Ken Knight's efficiencies review took place at the LGA's annual conference on Thursday 4 July. The session provided a first opportunity for delegates to come together to consider the findings and their implications for individual fire authorities.
10. The session, which was chaired by Cllr Kay Hammond, looked at some key areas, such as the issue of commercialisation, drawing on the experiences in the sector and heard from elected members from County, Combined and Metropolitan FRAs.

### **LGA Annual Fire Conference 2014**

11. The LGA's annual fire conference will be held in Cardiff next year, on 11 and 12 March. The FSMC agreed to set up a Member Task and Finish Group to design the agenda and other aspects of the event which will meet in September. Please let your political group at the LGA know if you are interested in taking part.

### **CFOA Services Ltd Blue Watch initiative**

12. CFOA Services Ltd has been working on a new prevention product under a Concession Agreement with Capita Business Services Ltd. The offering which had a working title of FireSafe Register is now known as Blue Watch and the new website is due to go live very shortly at [www.bluewatch.co.uk](http://www.bluewatch.co.uk). In essence the Blue Watch product will raise awareness of fire and carbon monoxide safety by providing information to landlords and tenants in the first instance. Discussions with landlords have already been taking place and CFOA are very pleased with the initial reception that the new product has been getting.

### **Public Money Management – Performance management in fire and rescue services**

13. The Journal for Public Money Management has published a short report that examines the previous performance management regimes (best value to CAA) and makes a number of proposals for a new, more effective and efficient, regime. The report can be found here: <http://dx.doi.org/10.1080/09540962.2013.785711>

### **Publication on guidance for Statements of Assurance and revised Intervention Protocol**

14. On 14 May 2013 the Minister for Fire and Rescue, Brandon Lewis MP wrote to all Chairs of fire and rescue authorities and Chief Fire Officers to highlight the publication of the following documents:
  - 14.1 The guidance on statements of assurance for fire and rescue authorities in England sets out the processes that fire and rescue authorities should have in

place across a range of key areas: financial, governance and operational. The format of these statements is a matter for fire and rescue authorities to decide on. <https://www.gov.uk/government/publications/statements-of-assurance-for-fire-and-rescue-authorities-in-england>

- 14.2 The revision of protocol on government intervention action on fire and rescue authorities in England sets out the arrangements should formal intervention be considered necessary, for example if a fire and rescue authority is considered to be failing. <https://www.gov.uk/government/publications/protocol-on-government-intervention-action-on-fire-and-rescue-authorities-in-england>
15. The summary of responses for both consultations set out a brief overview of the comments received during the consultations on the documents above, and the government's response. <https://www.gov.uk/government/consultations/protocol-on-government-intervention-action-on-fire-and-rescue-authorities-in-england>

#### **CFOA – focus on enforcement**

16. CFOA have published their response to the 'Enforcement of the Fire Safety Order in small to medium sized enterprises' review.
17. In summary, CFOA believes that FRAs are a fundamental part of the regulatory landscape and would like to work in partnership with Government; to understand and determine the role CFOA could play in the further coordination of fire safety regulatory activities and responsibilities for FRAs.
18. To support this position, CFOA proposes that an element of the funding, which would otherwise be directed towards the Department for Business, Innovation and Skills, be provided to CFOA to fund sufficient resources to enable the sector to deliver sector improvement and sector governance of its regulatory activities.
19. CFOA expect that business will benefit from this cooperative and collaborative approach to delivering change in the delivery of fire safety legislation, feeling more confident to invest based on consistent application of the law throughout the country and being involved in shaping the services it receives from FRAs.

#### **Outside bodies**

20. The following FSMC outside bodies are currently agreed for the year 2012/13:

- 20.1 Firefighters' Pensions Committee
- 20.2 Joint Emergency Services Interoperability Programme (JESIP) Board
- 20.3 Strategic Resilience Board
- 20.4 Fire Service College: Management Board
- 20.5 Fire Service College: Advisory Board
- 20.6 Arson Prevention Forum

21. Appointees to these bodies are invited to provide oral updates for any relevant meetings not previously covered in this update or in the Chairman's report. The minutes of the last Arson Prevention Forum meeting on 29 May are attached as **Appendix B**.

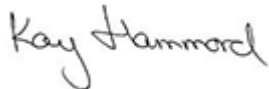


## Fire and Rescue Services Bulletin

Dear colleagues

Welcome to the second LGA fire bulletin! A great deal has happened since I last wrote to you in March; we've held a very successful annual fire conference (despite some challenging weather!), many colleagues will have been through the stresses of local elections and more recently Sir Ken Knight has published his review on the future of the fire and rescue service (more of which later).

Yours faithfully,



Cllr Kay Hammond  
Chairman, Fire Services Management Committee



### Stories

#### **Facing the future: findings from the review of efficiencies and operations in fire and rescue authorities in England**

[Sir Ken Knight's review, 'Facing the future'](#), was published on 17 May and I responded with the following statement:

"Sir Ken's review rightly recognises the sharp decline in call-outs and fire incidents which continue to reduce vastly because of the excellent preventative work, such as community safety schemes, which fire and rescue services have in place.

"Fire authorities are always looking to increase efficiencies with many already operating differently in order to manage an unprecedented decline in funding and will continue to find savings through measures such as shared service arrangements, reducing the number of fire stations and new flexible employment practices.

"But it is clear that without major reforms to the service this will not be enough to sustain it in the future. Therefore we will study Sir Ken's findings with great interest and are pleased that the Government intends to consult fully with the sector before it makes its own response."

The LGA will be responding fully in due course and I would encourage fire and rescue authorities (FRAs) to let us know their opinions to ensure our response reflects the views of the sector.

#### **Fire Services College**

The college has taken on board many of the concerns customers have raised about course costs and Capita have announced that they are now able to offer discounts of up to 20 per cent for discrete

high volume requirements from customers. Capita are also looking to further reducing the total costs of training; over the next six months, they will be redesigning many of our courses to make them shorter and more flexible as well as exploring options for regional or even local delivery, thereby reducing time away from duty.

#### **Firecontrol – Public Accounts Committee oral evidence**

The Public Accounts Committee took oral evidence from Chief Fire Officers John Bonney and Paul Hancock, Chief Fire and Rescue Adviser Peter Holland and Sir Bob Kerslake, Permanent Secretary, Department for Communities and Local Government (DCLG) on 13 May. [Read the transcript of this session.](#)

#### **Future control room services scheme**

In March DCLG published an [update of the 'Future Control Room Services Scheme: summary national picture'](#).

#### **Fire Leadership Academy**

The LGA will be holding a leadership academy specifically aimed at fire and rescue authority chairs and portfolio holders on 11 and 12 September at Warwick University. The programme for the academy is currently being finalised and will be made available to members shortly. The Leadership Academy forms part of the LGA's 'offer' to fire and rescue authorities and is available free of charge.

#### **LGA Annual Conference 2013**

A fringe session looking at the findings of Sir Ken Knight's efficiencies review will be held at the [LGA's annual conference](#), taking place from 2 to 4 July in Manchester. The session will provide a good opportunity for delegates to come together to consider the findings of the efficiency review and the implications for individual fire authorities. We will have speakers from metropolitan, combined, and county services to let us know their views on key parts of the review.

#### **LGA Annual Fire Conference 2014**

The LGA's annual fire conference will be held in Cardiff next year, on 11 and 12 March 2014. Further details on the possible theme and draft programme will be circulated in due course. We are planning to extend the conference to two full days to allow more time to discuss important issues affecting our sector.

#### **Skills for Fire and Rescue**

The Fire and Rescue Service Council has endorsed a new three year relationship with [Skills for Fire and Rescue](#) (previously Skills for Justice). As part of the new deal the costs will be frozen for three years. Skills for Fire and Rescue will:

- continue to develop national occupational standards and qualifications to meet the needs of the Fire and Rescue Service
- support the development of the Fire Professional Framework
- support JESIP through the identification of the skills needed to work more effectively across blue light services
- develop a community safety apprenticeship framework
- underpin national operational guidance with appropriate standards and qualifications

#### **Chairman's engagements**

Since the last bulletin was published in March I have attended a number of meetings and events on your behalf, including:

- the Fire Services College Management Board
- Joint Emergency Services Interoperability Programme Board
- a visit to Humberside FRA
- the opening of the Firefighters Charities' newly refurbished Marine Court facility in

- Littlehampton
- speaking at the All-Party Parliamentary fire safety group on the issue of sprinklers
- attended Cheshire Fire Authority to participate in the celebrations of the long standing and successful partnership with the Prince's Trust.

#### **Sprinkler campaign update**

The LGA's [online sprinkler toolkit](#) continues to be updated with recent [examples of press coverage](#) demonstrating the usefulness of sprinkler systems, as well as [ideas for generating your own press coverage](#), [advice for using social media](#) and [guidance on writing your own press release](#), as well as a list of [sprinkler myths dispelled](#). Please send any coverage to be included on these pages to [clive.harris@local.gov.uk](mailto:clive.harris@local.gov.uk).

### **Good practice**

#### **Staffordshire's arson prevention work**

A young man from Tamworth is helping Staffordshire Fire and Rescue Service to engage with youngsters to warn them about the dangers and serious consequences of starting fires. Please email [rebecca.gill@staffordshirefire.gov.uk](mailto:rebecca.gill@staffordshirefire.gov.uk) for additional information.

#### **Shropshire's scenario planning**

Shropshire Fire and Rescue Service (FRS) conducted an extensive scenario planning exercise which was then used to develop the 2013-2020 Integrated Risk Management Plan and recent Prevention, Protection and Response strategies. The 20:20 scenario planning is an innovative approach to engaging staff. Around 80 of these events are being undertaken across the county to gain dynamic feedback on local risks. For further information please email [louise.goodhead@shropshirefire.gov.uk](mailto:louise.goodhead@shropshirefire.gov.uk).

#### **Cornwall involves uniformed youth groups in delivering safety messages**

Cornwall FRS has used uniformed youth groups to assist with local residents (particularly vulnerable people) during the recovery phase of incidents. This has been seen as innovative and it has been recognised at national and international level potentially resulting in a new Prince Charles Community award. Kevin Thomas ([kthomas@fire.cornwall.gov.uk](mailto:kthomas@fire.cornwall.gov.uk)) can provide additional information on this work.

#### **Hereford and Worcester's collaboration with the police**

There is an increasing spirit of collaboration between the Hereford and Worcester FRS and the police and this is being harnessed and furthered by the development of a joint police and fire station at Bromsgrove. Further collaborative opportunities are also being explored with particular consideration given to shared infrastructure. For further information please contact Jean Cole: [jcole@hwfire.gov.uk](mailto:jcole@hwfire.gov.uk).

#### **Emergency planning and risk reduction in Surrey**

Surrey FRS has set up a dedicated business unit responsible for risk reduction, emergency planning, resilience and business continuity, and is actively engaged in contingency planning through partnership working with other LRF Category 1 Responders. Sally Wilson ([sally.wilson@surreycc.gov.uk](mailto:sally.wilson@surreycc.gov.uk)) can provide further information on this work.

**Local Government House**  
Smith Square  
London, SW1P 3HZ

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**Telephone:** 020 7664 3000  
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# Arson Prevention Forum

## DRAFT MINUTES

Wednesday 29 May commencing at 10.30am

London Fire Brigade Headquarters, 169 Union Street, London SE1 0LL

<b>Present:</b>	Lee Howell Neil Galling DS Chris Baker Dr Chris Foster Andy Stapleton Peter Cordingley Phil Lancaster Dr Peter Mansi Rob Dakin Larry Stokes Mark Shepherd Phil Martin	Chair Fire Protection Association Leicestershire Police Dr J H Burgoyne & Partners LLP DCLG Crime and Policing Group Cleveland Fire Brigade UK Association of Fire Investigation AXA Commercial Lines & Personal Intermediary Zurich Insurance ABI DSFRS
<b>In attendance:</b>	Ciara Holland Jo Lomas	BRE CFOA HQ
<b>Apologies:</b>	Adair Lewis Brian Smith David Crowder Cllr Roger Price DCC Edens James Webb Nick Young Sally Averill Simon Morris	Fire Protection Association Trading Standards BRE Hampshire Fire & Rescue Authority Leicestershire Police DCLG DAC Beachcroft LLP CPS Sainsbury's
<b><u>Apologies (Item 1)</u></b>		
1	Apologies were received as set out above.	
<b><u>Minutes and actions arising from the last meeting meeting held (Item 2)</u></b>		
2	The group accepted the draft minutes as an accurate record of the proceedings.	
3	P Mansi advised that the IAAI UK has rebranded and are now known as the UK Association of Fire Investigators.	
4	Actions update: <ul style="list-style-type: none"><li>12/01 L Stokes to discuss ABI representation at the APF with Nick Starling – complete.</li><li>12/02 Chair to write to Jonathan O'Neill to secure attendance from the FPA at future meetings – complete.</li><li>12/03 Chair to write to Dr J Glockling for clarity around the RISCAuthority data sharing tool and the information FRSSs have been asked to provide – covered under agenda item 4.</li><li>12/04 D Smithson to liaise with S Edens to share information and work on mental health – complete.</li><li>12/05 Chair to raise awareness of the work linking fire setting and mental</li></ul>	



# Arson Prevention Forum

	<p><b>health with national mental health charities</b> - complete; the Chair has written to a range of mental health charities with a number of positive responses.</p> <ul style="list-style-type: none"> <li>• <b>12/06 Chair and S Hamm to develop links between the APF and CFOA FISSG</b> - S Hamm and the Chair have agreed representation on each group.</li> <li>• <b>12/07 Secretariat to add and item for S Averill to present on 'Disclosure and Expert Witnesses' at the next meeting</b> - Chair to discuss with Sally for future agenda.</li> </ul>
<b><u>Context (Item 3)</u></b>	
5	The Chair asked for the group's perceptions on the wider economic outlook/socio impact and emerging trends.
6	<p>L Stokes advised that there had been a bad run of school fires in last 3 months. Schools are moving into academies and the style of school buildings is changing, which is good for the sprinkler lobby; an effect on arson rates is anticipated in 2018/19.</p> <p>L Stokes also raised the issue of unoccupied/void properties and the theft of raw materials causing damage. The Chair suggested guidance notes be signposted on the website.</p> <p><b>Action 13/01 - APF to submit formal response to BB100 consultation.</b></p>
7	P Lancaster advised that Cleveland FRS had seen a significant reduction (40-50%) in fires, underpinned by the bad weather. The impact of environmental conditions should be considered, particularly with climate change in mind.
8	<p>R Dakin advised that insurers now take a stronger line in the protection of vacant buildings; from a construction point of view this has led to at least a 25% reduction in the number of timber frame buildings.</p> <p>R Dakin raised the issue of fuel poverty linked to the threat of high rise insulation cladding. The Chair asked whether there was any data which would support insurers in mitigating this risk/strengthening their position. There was a discussion around trying to develop influence at the early stage of decision making i.e. preferred method of cladding, raising awareness of fire safety as a sustainability consideration.</p> <p><b>Action 13/02 - Concerns around high rise insulation cladding to be raised with Mark Jones to link with British/European standards.</b></p>
9	M Shepherd advised that the FPA are working on warehouses/sprinklers which will give useful evidence for building regulations consultation. It was agreed that the insurance industry demonstrating the economic impact would be more persuasive than fire agenda.
10	C Baker advised that there had been reductions around personal/violent crime, acquisitive crime and antisocial behaviour/damage; this is as yet unexplained but may be linked to the way crime is recorded. The economy has kept people indoors and the shift towards localism, neighbourhood policing, partnership working around vulnerability and safeguarding has had an impact.
11	<p>P Lancaster raised concerns around austerity, the reduction in street wardens and the impact of welfare reform. The Chair advised that there had been a spike in deliberate fire deaths (including suicide) and P Lancaster agreed that Cleveland FRS had recorded the same.</p> <p><b>Action 13/03 – P Lancaster to survey FRS on these anecdotes.</b></p>

# Arson Prevention Forum

<u>Data/Trends (Item 4)</u>	
12	The group discussed how the RISCAuthority data sharing tool can support the mapping of data sets and identifying trends. Awaiting information from A Lewis and J Glockling.
13	<p>M Shepherd and R Dakin advised that a large loss database doesn't cover only insured loss, rather the overall economic cost of fire. Large loss has to be £100k plus, which eliminates many domestic.</p> <p>M Shepherd advised that fire represents 40% of total property losses per year; fire numbers are decreasing but the cost is increasing which represents an economic issue. FPA figures state that deliberate fires constitute between a quarter to a half of large losses.</p>
14	<p>P Cordingley agreed that economic impact i.e. the cost of dealing with deliberate fires is a powerful way to engage interest.</p> <p>Combined response e.g. joint fire/police stations is being reviewed.</p> <p>P Cordingley advised the group of Home Office work taking place to draw closer links between crime statistics and trends in deliberate fire. Police figures underestimate the problem of deliberate fires in crime and antisocial behaviour hotspots as they are pursued as criminal damage or acts of violence against person rather than arson.</p> <p>There is also research around the behaviour of fire-starters and treatment response. The Chair raised the issue of Social Services not sharing data with the appropriate agencies. The group discussed an FRS referral process working together with agencies e.g. probation, prison. Opportunities for capturing data on prison fires and education were discussed; many FRS provide young firesetter intervention which provides invaluable data.</p> <p>There are gaps in the way arsonists are identified, prosecuted and rehabilitated with considerations around whether there is sufficient data/resource/interest.</p>
15	<p>P Mansi raised the issue of language barriers as a problem between agencies in the understanding of responses in specific circumstances.</p> <p>The group discussed raising suggested language changes when the incident recording system is changed.</p> <p><b>Action 13/04 - Better joining up of activity between organisations (including language) to be added to the agenda for the next meeting.</b></p>
16	P Martin circulated a document showing Deliberate Primary Fire statistics from DCLG. Deliberate fires fatalities are an issue which seems to have plateaued.
17	<p>The Chair proposed a Home Office/APF/FPA task/finish subgroup to map data sets using UK Fire statistics and IRS knowledge of the policing model, capturing RISCAuthority data set and ABI data. The Chair extended an open invitation to anyone around the table/interested parties.</p> <p><b>Action 13/05 - Chair to contact S Hamm re: CFOA work currently in hand.</b></p> <p><b>Action 13/06 - Subgroup to report back at the next meeting (to be added to the agenda).</b></p>

# Arson Prevention Forum

<b><u>Joint working (Item 5)</u></b>	
18	<b>Action 13/07 – Chair to arrange formal sharing of minutes. Chris and Peter to ensure a conduit between FI and APF.</b>
<b><u>Prosecution (Item 6)</u></b>	
19	<b>Action 13/08 - Chair to write to S Averill re: disclosure and expert witness agenda item.</b>
<b><u>Communication (Item 7)</u></b>	
20	<p>The Chair updated the group on the website – the most obvious information has been refreshed and useful local case studies have been included. The website should feature good case studies, something around sprinklers to support the lobby, a members-only section for end to end process work and signpost good initiatives, notable practice and partnerships. There is also opportunity for a newsfeed fed by Twitter which would give currency. P Martin has someone who will take up management of the website.</p> <p>P Martin asked members for feedback on their requirements of the site and requested any useful contributions (via either <a href="mailto:stoparsonuk@dsfire.gov.uk">stoparsonuk@dsfire.gov.uk</a>, the Chair or J Lomas).</p> <p><b>Action 13/09 - P Martin to give a live demonstration at the next meeting.</b></p>
21	<p>The group discussed approaches for statements linked to high profile cases i.e. whether there is a gap in information and an opportunity to release a sufficiently general position which respective parties are comfortable with e.g. a direction to the website for a portfolio of stock prevention advice.</p> <p><b>Action 13/10 – C Baker to speak to Simon (ASB lead) and ACPO press office.</b></p>
<b><u>AOB (Item 9)</u></b>	
22	<p>C Holland advised that the BRE contract with DCLG for the FI project has been renewed and circulated a copy of the letter which was sent to all Chiefs. The project doesn't have a focus on arson but does pull out trends from all fires.</p> <p><b>Action 13/11 – C Holland to forward the document electronically to J Lomas for circulation with the minutes.</b></p>
23	C Baker advised that current work was around assessing the scale of arson with partners, mapping, and identifying and sharing best practice. A multi-agency conference was proposed.
24	<p>C Foster advised that mapping was currently very procedural; there is an opportunity to move forward working together with P Mansi, N Young and S Averill.</p> <p><b>Action 13/12 – C Foster to report back at the next meeting (to be added to the agenda).</b></p>
25	P Mansi advised that a 3-day training conference was being held next week with 85 delegates expected.
26	P Lancaster advised that the draft CFOA position statement on deliberate fires should be available for the next meeting. The arson and deliberate fire contact list has also been refreshed.

# Arson Prevention Forum

<u>Date of next meeting (Item 10)</u>	
27	TBC

## **Industrial relations**

### **Purpose of the Report**

To update the Fire Service Management Committee on current industrial relations issues.

### **Summary**

This paper briefly describes any current industrial relations issues.

### **Recommendation**

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

### **Action**

Members are asked to approve a nomination to the National Employers' Advisory Forum

**Contact officer:** Gill Gittins  
**Position:** Principal Negotiating Officer  
**Phone no:** 020 7187 7335  
**E-mail:** [gill.gittins@local.gov.uk](mailto:gill.gittins@local.gov.uk)



## **Industrial relations**

### **National Joint Council issues**

1. The information below provides a brief update on a selection of current NJC for Local Authority Fire and Rescue Services issues.
2. Since the last report, agreements have been reached on the following matters.
  - 2.1 Mileage rates review – agreement has been reached to alter the mileage rates applicable to essential and casual users. This will be introduced on a phased basis commencing on 1 July 2013 with all essential and casual users covered by a simple link to Her Majesty's Revenue and Customs approved rates by 1 April 2014. This will provide significant savings to fire authorities and remove the burden of tax administration.
  - 2.2 Pay, terms and conditions – the NJC has committed to work jointly on a wide-ranging and strategic look to the future to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession. This will recognise the need to consider how the workforce's skills and commitment can best be utilised, including the type of activities undertaken, any additional functions that may be required and the implications of this for the nationally agreed rolemaps. Consideration will include issues covered in the recently published independent Knight Review - *Facing the Future* – which was commissioned by DCLG. This will provide an excellent opportunity for fundamental discussion on the shape of the workforce and how the fire service will be delivered in the future.
  - 2.3 Pay award 2013 - agreement has been reached to apply a 1% across the board increase to basic pay and to continual professional development payments with effect from 1 July 2013
  - 2.4 Part-time Workers (Prevention of Less Favourable Treatment) Regulations  
A related terms and conditions matter has arisen to do with the granting of time off in lieu for retained duty system employees who are available, but do not attend, for duty on public holidays. Each Side having taken advice, the NJC has agreed to jointly seek a legal determination on this matter and to be bound by the outcome rather than be locked into more employment Tribunal cases.

### **Local issues**

3. Since the last meeting of the FSMC there has been one referral from an FRS for formal Joint Secretaries conciliation assistance, which was successfully resolved.

Arrangements are currently being made in connection with another referral and we are working with a number of services on an informal basis.

### **Other issues**

#### **Compensation Regulations**

4. Members will be aware that, at the request of fire authorities, the National Employers approached the Department for Communities and Local Government (DCLG) some time ago with a view to securing the same flexibility to enhance redundancy payments for fire authority uniformed (Grey Book) employees as it has for support (Green Book) employees. Control staff are not affected. Progress had been slow despite persistent contact with DCLG.
5. We raised the matter with Sir Ken Knight as part of his preparatory work on the *Facing the future* review and were pleased to see his support for such a position in the final report.
6. At the time of writing this report we believe matters are now once again progressing. We have recently attended another meeting with DCLG and that discussion will be continuing. Recognising that DCLG will be speaking with other interested parties, we would hope that a positive outcome will soon be achieved.

#### **Pension Scheme Reform**

7. Members will be aware that both the Fire Brigades Union and the Fire Officers Association have registered trade disputes with Ministers in respect of the reform proposals.
8. Circular EMP/7/13 included the response from the Minister to the FBU ([http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=4ecf10c8-749e-43ac-bd00-4c77ec2de4bc&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=4ecf10c8-749e-43ac-bd00-4c77ec2de4bc&groupId=10171)). The letter indicates that this is the 'final offer' and is conditional upon reaching agreement. The Minister sought a response by 12 July. The FBU's Executive Council decided to consult its members through its structures and did not recommend acceptance. Having considered the outcome of that consultation the Executive Council has this week decided to ballot its members on the potential for strike action.
9. FBU members who are not members of (or are not eligible to be members of) the Firefighters Pension Scheme/New Firefighters Pension Scheme/ 2015 Firefighter scheme will not be included in the ballot e.g. control staff. Neither will this ballot include its members in Northern Ireland.
10. The ballot will run from 18<sup>th</sup> July to 29<sup>th</sup> August.



11. With the exception of Northern Ireland, the FBU has also written again to Ministers registering a trade dispute. We understand this reiterates the 7 points of dispute (ref. circular EMP/6/13):  
[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=2f877f7d-387d-4d85-8577-59ffc25eb5b0&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=2f877f7d-387d-4d85-8577-59ffc25eb5b0&groupId=10171)
12. But, additionally, resolution to the pension aspect of the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations long-standing employment tribunal cases will now be included in the trade dispute
13. Should it be required, we have provided guidance to FRAs on pay issues connected to industrial action as they relate specifically to employees covered by the National Joint Council's Scheme of Conditions of Service (Grey Book).
14. Should the ballot result in a decision to take strike action:
  - 14.1 It must commence within four weeks from the close of the ballot (or such longer period not exceeding eight weeks as the union and employer may agree).
  - 14.2 Within that period, 7 days' notice must be provided to the employing FRA before the action can begin.
15. Further general advice in respect of industrial action can be found on our website:  
[http://www.local.gov.uk/web/guest/employment-relations/-/journal\\_content/56/10171/3510449/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/employment-relations/-/journal_content/56/10171/3510449/ARTICLE-TEMPLATE)
16. The Minister has also written to the other unions, attaching a copy of the final offer made to the FBU and asking the other unions for any observations. It was encouraging to see in the FOA's trade dispute letter that it is keen to find a resolution without recourse to industrial action. However, it should also be noted that it reserves the right to do so.

#### **Advisory Forum**

17. Members will be aware that the National Employers utilise a forum of expert opinion to advise them on issues within the National Joint Council for Local Authority Fire and Rescue Services remit.
18. The fourteen advisers are appointed by the full Employers' Side of the NJC (having sought nominations from the Employer stakeholder bodies on the NJC) specifically to utilise professional expertise in a number of areas - senior management (strategy), finance, legal and human resources.

19. Advisers are not appointed to represent their particular fire authority and must be mindful of the differing needs and circumstances of fire authorities throughout the UK.
20. There is currently one LGA-nominated vacancy on the Forum as Roy Wilsher, Chief Fire Officer Hertfordshire FRS, has stood down given his new wider responsibilities at local level working with the police commissioner.
21. Discussion has taken place with the LGA's lead adviser and Chair of the Advisory Forum (Ron Dobson), and members are asked to approve the nomination of Sean Ruth, Chief Fire Officer, West Sussex FRS. As with Hertfordshire, West Sussex is also a county council fire service and this appointment would therefore maintain the balance of different types of fire authorities on the Forum.
22. Sean has over 25 years' experience with the fire and rescue service most of which has been with a county council service although he has also worked within a metropolitan service and a combined service. He has experience as a senior advisor at DCLG as part of what was then Sir Ken Knight's team, advising Ministers and senior civil servants on national fire and rescue policy. He has also led on national operational guidance, operational assessment (developing the original toolkit issued by DCLG) and was the policy lead on Health and Safety. During that secondment he took up the role of interim Deputy Chief Fire Officer with Buckinghamshire FRS to help the fire authority stabilise the management team and assist in the recruitment of a Chief Fire Officer. He moved to West Sussex FRS as the Deputy Chief in 2009. Change programmes since his appointment have delivered significant change resulting in a 13% reduction in budget whilst improving performance across a wide range of indicators. He was appointed Chief Fire Officer in January of this year and appointed as a County Council Director at the same time with a remit that includes emergency management, health and safety and a reduction in road deaths and accidents. He is currently leading on a fundamental review of the fire and rescue service, which aims to deliver integrated services across the county council, develop multi agency community hubs and broaden the role of firefighters to deliver improved outcomes at a reduced cost. This is a piece of work that is also very relevant to the joint wide-ranging strategic discussions recently committed to within the NJC.

**Note of decisions taken and actions required**

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**Title:** Fire Services Management Committee  
**Date and time:** Friday 17 May 2013, 11.00am  
**Venue:** Westminster Suite Room 8.1

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**Attendance**

<b>Position</b>	<b>Councillor</b>	<b>Council</b>
Chairman	Cllr Kay Hammond	Surrey CC
Vice chair	Cllr Sian Timoney	Luton BC
Deputy chair	Cllr Jeremy Hilton	Gloucestershire FRS
	Cllr Brian Copping	Shepway DC
Members	Cllr Maurice Heaster OBE	London FEPA
	Cllr John Bell	Greater Manchester FRA
	Cllr David Topping	Cheshire FA
	Cllr Kevin Foster	West Midlands FRA
	Cllr John Joyce	Cheshire FA
	Cllr Julie Young	Essex FRS
Substitutes	Cllr Ann Holland	Essex FA
	Cllr Les Byrom CBE	Merseyside FRA
	Cllr Darrell Pulk	Nottinghamshire FRA
Apologies	Cllr Mark Healey	Devon & Somerset FRS
	Cllr Navin Shah	London FEPA
	Cllr John Edwards	West Midlands FRA
	Cllr Keith Aspden	North Yorkshire FRA
Officers:	Helen Murray, Eamon Lally, Gill Gittins, Clive Harris, Jane Marcroft, Steve Service (all LGA)	

Item	Decisions and actions	Action by
	<p>Councillor Kay Hammond welcomed Members and Officers to the meeting. She congratulated those who had been re-elected in the local elections on 2 May.</p> <p><b>Chairman's Report</b></p> <p>The Chairman gave an update on work she had taken part in since the last committee, including work on the handover of the Fire Service College to CAPITA and a recent meeting with the Fire Minister. She asked that a Chairman's report be added to future FSMC agendas as a standing item. Helen Murray, LGA Head of Programmes agreed to pass on information on Kay's activities to LGA officers.</p> <p><u>Action</u></p> <p>Chairman's report be added to future FSMC agendas as a standing item</p> <p><b>Sir Ken Knight's Efficiency Review</b></p> <p>Cllr Hammond noted the publication of Sir Ken Knight's Efficiency Review the same morning.</p> <p>Members emphasised the importance of being seen to take action on the issues it raised quickly, as there was a risk of the sector losing control of the improvement agenda if it was not seen to respond fast enough.</p> <p>Cllr Hammond asked that the question of the FA response be put on the next Fire Commission agenda. She said that in her recent meeting with the Fire Minister, Brandon Lewis MP indicated that Sir Ken's findings would be treated as an Independent report, with DCLG responding in the autumn. DCLG wish to get input from key stakeholders, including the LGA, before they give their formal response.</p> <p><u>Action</u></p> <p>Sir Ken Knight's Efficiency review next steps to be included as an item on the next Fire Commission agenda in June.</p>	<p><b>Helen Murray / Stephen Service</b></p> <p><b>Eamon Lally / Stephen Service</b></p>

**Item 10**

**1. Comprehensive Spending Review Submission**

Eamon Lally, LGA Senior Adviser introduced this report. He said that the LGA's submission at the end of April had not ask for more money from Government, but a fair settlement for fire in comparison with other parts of the public sector and greater flexibility on spending.

Members said that they did not feel anything was missing from the submission but some questioned the weight it was likely to have in light of Sir Ken's review.

The question of how to best manage public expectation was raised in light of the cuts to fire services. Members argued that the public perception of risk to communities from fire was bigger than the issue of the adult social care budget. FAs need to pre-empt public criticism of service reduction with dialogue regarding the budgetary implications.

At the same time, Cllr Timoney said that FAs needed to avoid the over-complicated and confusing situation created in local authorities where 200+ public consultations had been issued in response to budget cuts.

Cllr Hammond also asked that good practice be shared between authorities about where good practice had taken place to feed into a model on public consultation.

**Decision**

Members noted the spending review submission.

**Action**

LGA Officers to produce FA model on public consultation, utilising examples of good public consultation from Fire Authorities.

**LGA Officers**

**2. Peer Improvement Support Model**

Gary Hughes, LGA Programme Manager – Peer Support introduced this item. He said that recent proposals for the development of the programme included a member sounding board to review progress and peer mentoring regarding change of control. He announced that Cardiff University had been commissioned to review the programme with 10 FAs. It was anticipated that the results would be available in July.

**Item 10**

While members who had taken part in challenges found the process to be positive and the feedback received constructive, they argued that there were some potential issues over reviewers' objectivity, given that authorities were allowed to choose their team from a list and specify political affiliation. It was highlighted that the peer challenge was likely to feed into the sector's Assurance Framework, so the process of team selection needed to be robust.

Members advocated an approach where the team offered was non-negotiable, noting that this point was also underlined by Sir Ken's Efficiency Review. Members asked Peer Support officers to provide a breakdown of what peer requests had been made by fire authorities and what had been offered.

Despite the need for organisational objectivity, members also highlighted the need for peers to have fire experience. They argued that this should be prioritised over political affiliation.

Cllr Hammond said that the process of follow-up after a review could also be improved as assessors were keen to know what steps were taken to resolve the issues highlighted.

Some members felt that any reviews taking place after the initial one should involve different sets of peers to objectively measure how much had changed since the previous report.

On the offer of Leadership Academy places to Chairs, members questioned whether the 12 places proposed would be enough. Gary agreed to increase this number to 16 and include deputy Chairs in the offer to encourage succession planning within authorities.

In response to a question on how FRAs were alerted to the Peer challenge offer, Helen said that a message had gone out to all authorities following the Fire conference. Gary proposed that a reminder be sent out as the take-up so far had been less rapid than the regular Leadership Academy.

Action

Officers to provide a breakdown for the Committee of what peer requests have been made by fire authorities and what had been offered.

**Gary Hughes**

Officers to increase number of Leadership Academy places from 12 to

**Gary Hughes**

**Item 10**

16 and extend the offer to Deputy Chairs as well as Chairs.

Officers to send reminder to FRAs regarding the free Leadership Academy and extend the offer to Deputy Chairs as well as Chairs.

**Gary Hughes**

Officers to take account of Member's comments, including those regarding peer team objectivity in taking programme forward.

**Gary Hughes**

**3. Report back on FRA / PCC working group**

Cllr Young and Clive Harris, LGA Adviser presented this item. They announced that the group's final report, drawing on information collected from CFOs would be issued in June. Some interesting feedback was gathered, including some anecdotal evidence about cultural divisions between police and fire in the workplace. However, rather than making concrete recommendations on next steps to CFOs, the group felt that the results were better presented as issues for them to action as they saw fit.

Cllr Young said that given the relatively short time between the PCC elections and the working group's survey, this was best seen as a provisional temperature check. She recommended revisiting the issue of PCC/ fire working at a later date to check on whether the situation had developed.

Cllr Hammond agreed that the relationship between fire authorities and PCCs was still at an early stage, but the Committee needed to be seen to be leading progress in this area. She thanked the group for their work and asked for an item to be included on the next Fire Commission agenda regarding next steps.

Action

Fire/PCC next steps to be included as item on June Fire Commission.

**Helen Murray /  
Steve Service**

**4. LGA Fire Conference and Exhibition 2013 – Conference feedback**

Jane Marcroft, LGA Events Organiser presented this report. She said that feedback to the 2013 event had been generally positive and announced that the 2014 conference would take place on 11-12 March. She invited comments from members.

While members complimented staff for doing a good job despite

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difficult weather, the heating problems with the venue were noted. Cllr Hammond said that this was down to a widespread infrastructure failure rather than just burst pipes and lessons needed to be learned to ensure the scale of the problem was communicated effectively.

Members reported that use of twitter during the conference was variable. It was suggested that more could be done to encourage delegates to tweet more.

Cllr Hammond said that getting member engagement earlier in the planning stage of the conference was a priority and asked that a targeted Working Group from Fire Commission members be set up.

Cllr Hammond asked for thanks to be recorded to East Sussex and its volunteers for hosting and staffing the event.

Action

Officers to take forward arrangements for Fire Conference working group and include as item on Fire Commission in June.

**Clive Harris / Jane  
Marcroft / Steve  
Service**

**5. Emergency Services Mobile Communication programme**

Clive Harris drew Members attention to paragraph 6 of this report which outlined an ESMC Customer Group which DCLG have asked the LGA to sit on. Commissioner Dobson added that this was an important working group which dealt with the cost and usability issues of the programme.

Members questioned the influence that the group would have given the high number of reporting lines beyond it. Cllr Hammond added that the fire service were not customers but purchasers and should be feeding in at a higher level, with a strategic rather than technical focus.

Action

Officers to seek more strategic LGA role in programme in light of Members' comments.

**Clive Harris**



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**6. Industrial Relations**

Gill Gittins, LGA Principal Negotiating Officer updated members on the latest developments in industrial relations.

Members **noted** the report.

**7. Outside bodies update**

Eamon Lally updated Members on the Strategic Resilience Board, which received a presentation from the Home Office on proposals to introduce joint training for emergency services staff on responding to chemical misuse emergencies. The Board is also preparing a review of national fire assets.

Cllr Hammond said that she had met with Home Office colleagues at the JESIP Strategic Board. At the meeting, she highlighted the work of the peer programme in developing members and officers.

Cllr Hammond also had a brief meeting with lead members regarding Capita taking over the Fire Service College. The LGA is to be given 3 places on the new Governance structure – 1 place on the management Board and 2 on the College Advisory Board. She emphasised that these appointments would not be remunerated by the college.

Action

Officers to add Fire College Board places to list of Outside Bodies.

**Helen Murray /  
Stephen Service**

**8. FSMC update paper**

Members **noted** the update.

**9. Note of the last meeting - 11 March 2013**

Members **noted** the minutes of the previous meeting.

**10. AOB**

Helen said that at the recent public accounts committee, Sir Bob Kerslake had given assurances that the **fire control** process would be completed by March 2015.

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Action

Officers to include Fire control progress as item on next FSMC agenda.

**Helen Murray/  
Steve Service**

**Date of Next Meeting:**

Friday, 19 July 2013 at 11.00am in Local Government House.



# LGA location map

## Local Government Association

Local Government House  
Smith Square  
London SW1P 3HZ

Tel: 020 7664 3131  
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Email: [info@local.gov.uk](mailto:info@local.gov.uk)  
Website: [www.local.gov.uk](http://www.local.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** (Circle and District Lines), **Westminster** (Circle, District 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 stops in Horseferry Road close to Dean Bradley Street.

## Bus routes – Horseferry Road

**507** Waterloo - Victoria

**C10** Canada Water - Pimlico - Victoria

**88** Camden Town - Whitehall - Westminster - Pimlico - Clapham Common

## Bus routes – Millbank

**87** Wandsworth - Aldwych

**3** Crystal Palace - Brixton - Oxford Circus

For further information, visit the Transport for London website at [www.tfl.gov.uk](http://www.tfl.gov.uk)

## Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also 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](http://www.cclondon.com)

## Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park  
Horseferry Road/Arneway Street. Visit the website at [www.westminster.gov.uk/parking](http://www.westminster.gov.uk/parking)

