

Fire Service: Consultation Paper on LGA Member Arrangements

Introduction

1. *The Fire Forum, at its meeting on 17 September, asked LGA to produce a consultation paper examining the present member arrangements for addressing fire service issues to be circulated to Fire Authorities in October. Proposals would then be prepared for LGA Group Leaders and the LGA Executive. Responses from consultees in fire and local authorities are requested by 19 November.*

2. *The starting point for this consultation was defined at the meeting as:*

“The LGA Executive and Leadership to consider an urgent report on converting the Fire Forum into a Fire Commission, utilising the constitution adapted from one of the existing Commissions and establishing a regular meeting of a steering or leadership sub-committee. Such Commission and Leadership Committee should have sufficient delegations to manage all fire, domestic and technical issues within the LGA.”

This consultation paper addresses the constitutional, organisational and political issues raised by the proposal.

Existing Bodies

3. *New member arrangements for the LGA were agreed unanimously at the General Assembly in July and introduced from 1 August 2004. The purpose is to provide improvements to the way in which the Association handles today’s increasingly multi-stranded policy issues and to enhance its lobbying effort with Members in the lead. The modernised role of the Fire and Rescue Service is an essential component of this objective. The Association has moved to a system of Boards to take forward this approach. The Safer Communities Board has responsibility for LGA activity in the promotion of the safety and health of the community, including the role of the Fire and Rescue Service.*

4. *The current LGA member arrangements relevant to the fire service are:*

- *The **LGA Executive** is responsible for the strategic direction of the Association. The Chair of the Safer Communities Board (Dame Sally Powell) is a member of the Executive, together with the other chairs of Boards.*
- *The **Safer Communities Board, (SCB)**, consisting of 17 members, has executive responsibility within the LGA for fire service matters. The following members of the Board serve on specific LGA fire-related bodies:*
 - *Cllr Les Byrom, Conservative (Fire Forum and Fire Modernisation Task Group)*
 - *Cllr Christina Jebb, Liberal Democrat (Fire Forum and FMTG)*
 - *Ms Valerie Shawcross, Labour (Fire Forum and Chair of FMTG)*
 - *Cllr Audrey Jones, Liberal Democrat (Fire Forum)*
- *The **Central Local Partnership (CLP)** sub group on Fire which acts as a high level body for central and local government discussions with Ministers. LGA representatives are:*
 - *The Chairman, Cllr Sandy Bruce Lockhart - as Chair of LGA*
 - *Cllr Jeremy Beecham - as Vice Chair of LGA*
 - *Cllr Chris Clarke - Leader of Lib Dem Group*
 - *Cllr Chloe Lambert - Leader of Independent Group*
 - *Cllr Les Byrom - Representing Leader of Conservative Group*
 - *Ms Valerie Shawcross - Representing Leader of Labour Group*

- *The **Fire Forum** is open to all fire authorities, or county committees in membership of the LGA. Regional Management Board chairs could also be invited to attend, when they are not already nominated by their Fire Authorities. It does not have executive powers in relation to fire issues, but is able to act as a sounding board and make recommendations to the LGA, through the Safer Communities Board, the LGA Executive and ultimately to the General Assembly of the Association. It is chaired by Cllr Liz Barron.*
- *The **Fire Modernisation Task Group (FMTG)**, previously known as the Fire Service Implementation Steering Group, is chaired by Ms Valerie Shawcross, and the current members are:*
 - *Cllr Les Byrom, Conservative (also Practitioners Forum, SCB and Fire Forum)*
 - *Cllr Anne Gallop, Liberal Democrat (also Fire Forum and New Dimension Management Group)*
 - *Cllr Christina Jebb, Liberal Democrat (also SCB and Fire Forum)*
 - *Cllr Graham Jackson, Labour (also Fire Forum)*
 - *Ms Val Shawcross, Labour (Chair) (also SCB and Fire Forum)*
 - *Cllr John Thompson, Independent (also Fire Forum)*
 - *Cllr Jerry Willmott, Conservative (Fire Forum & Senior User on FIREControl Project)*
 - *Cllr Liz Barron, Liberal Democrat (Chair of Fire Forum and NJC Employers)*

The Fire Forum: Conduct of Meetings

5. *Within the present constitutional provision the Forum is not an executive body within the LGA, but it is able to exercise considerable discretion in relation to the format and agenda content of its meetings. There is no constitutional requirement for the Forum to retain its existing format. Meetings could, for example, be arranged to provide for separate break out sessions for CFAs, Joint Boards, Regional Management Board Chairs, etc. The wish of some Members not to meet on Friday could be acceded to by agreement in the Forum. There could be scope for two day events to allow seminars, etc, to take place, though travel, subsistence and accommodation costs would need to be borne by member authorities.*

A Commission Model

6. *With regard to the possible adoption of a Rural or Urban Commission as an appropriate model for dealing with fire issues, the following is the extract from the LGA Constitution relating to Commissions:*

“Standing Commissions shall be established for discussion of rural and urban affairs, membership of which will be open to all member authorities which indicate in writing their wish to join.”
7. *There are similarities between the Commission and Forum models. From the extract above it will be seen that the role of the Commissions - as with the Forum – is non-executive. The Commissions and the Forum are able to make recommendations on policy to the LGA and, though this is not explicit in the constitution, undertake work on behalf of the Association. Each Commission meets twice a year.*
8. *However, unlike the Forum, each Commission is able to set up member steering arrangements. The Rural Commission has a steering group made up of office holders only, but also has a Policy Review Group (made up of 36 Members nominated by political group offices), which also meets twice a year. The Urban Commission similarly has a group of 35 members which reviews policy and a small group of 8 members that provides political direction between meetings.*

NJC Employers

9. *The Employers' Side of the National Joint Council for Fire Brigades and the National Joint Council for Chief and Principal Officers is made up of elected representatives from England, Wales, Scotland and Northern Ireland. The NJC is an unwieldy body. It has 60 places and there is an unanimous view that it is not fit for current purpose. Fundamental change was envisaged in the Bain Report (December 2002) and the Fire Services White Paper (June 2003). In the Fire Service Act 2004, the Secretary of State has the power to impose a new National Joint Council if a collective agreement cannot be reached on its future. Now that the long standing pay and conditions dispute is determined, the next major issue to be approached is the future of the NJC itself.*
10. *In anticipation of all this, the LGA Executive agreed a new approach to appointments to negotiating bodies in September 2003. In relation to fire bodies, it decided to appoint four core Members who would serve on all the local authority negotiating bodies and four Members nominated by the former Fire Executive. These eight would form the English contribution to the anticipated revised NJC compared with the 23 places available to the LGA under existing arrangements. This was implemented with immediate effect leaving some places on the existing NJC vacant. However, no agreement could be reached with CoSLA on relative proportionalities. Therefore, the LGA fielded its full complement of Members on the Employers Side' when the Associations took different positions at the NJC for Fire Brigades on 2 August 2004.*
11. *Therefore the situation is currently in a state of flux. However, now that the actual fire dispute is solved and a thorough review of the NJC machinery is imminent, the existing LGA arrangements are appropriate for the time being.*
12. *Current membership of the NJC Employers is as follows:*
 - *Cllr Liz Barron, Liberal Democrat (Chair)*
 - *Cllr Les Byrom*
 - *Cllr Peter Chalke*
 - *Cllr Peter Monk*
 - *Cllr Derek Rees (WLGA)*
 - *Ms Val Shawcross*
 - *Cllr Ian Swithenbank*
 - *Labour LGA Executive vacancy**plus 14 held vacancies*

Constitution of Fire and Rescue Authorities

13. *Before proposing options for the future, it is important to reflect on the constitutional arrangements for fire authorities in England and currently in Wales. There are essentially four types of authority:*
 - **County Fire bodies** *in those shire counties that were unaffected by local government reorganization in the mid 1990s. The Fire Committee is part of the machinery of the County Council.*
 - **Combined Fire Authorities** *established in those counties reorganized in the mid 1990s. Members are appointed on a proportional basis from the constituent county and unitary authorities in the former county area. CFAs are separate authorities and now have their own precepting powers.*
 - **Fire and Civil Defence Authorities** *(or Joint Boards as they are often known) in the former metropolitan county areas reorganized in the mid 1980s. They are separate authorities but Members are nominated proportionately from metropolitan districts in the respective areas. These arrangements cover Greater Manchester, Merseyside, South Yorkshire, Tyne and Wear, the West Midlands and West Yorkshire.*

- **London Fire and Emergency Planning Authority**, which is a regional entity in Greater London with a Chair appointed by the Mayor and Members drawn from the Greater London Assembly and London Boroughs.

In Wales there are three fire authorities and the intention in the Fire Service Act 2004 is to devolve responsibility for fire matters in Wales to the Welsh Assembly at a date to be determined.

14. *Therefore, any arrangements must reflect this varied constitutional position within an LGA policy that strongly supports the role of the Fire and Rescue Service as an essential component of preventative and community services locally with those issues where larger economies of scale are required being the responsibility of Regional Management Boards in England (outside London) constituted from all the fire authorities in each region.*

Possible options for linkages between the Fire Forum, the Safer Communities Board and the LGA Executive

15. *Representatives at the last meeting of the Fire Forum were of the view that it was important to have a member body constituted by representatives of fire authorities that can lead and make decisions on fire matters. However, it is also essential to ensure that the fire service continues to be part of, and to influence, the wider picture (e.g. the broader health, safety and public protection agenda). It is with this aim in mind that decision making power over fire issues is currently within the remit of the Safer Communities Board. The brief description of relevant bodies in the LGA structure above illustrates that there are already linkages through members who have common membership of both the Safer Communities Board and the Fire Forum.*
16. *However, the present approach does not give the Fire Forum executive influence over fire authority issues to which it aspires. This is also the case with the Urban and Rural Commission. The Safer Communities Board has already asked the Task Group to look at how the way which Members engage in fire service matters at the LGA could be streamlined. Whilst it is perfectly sensible for the Fire Forum to change its name to Commission or any other suitable alternative, this would not in itself give it executive powers.*
17. *The present remit of the Task Group is specific to carrying forward the Modernisation Agenda for the fire service and importantly its work is time limited. It is probably time for a thorough review anyway and new terms of reference and an extension of membership could be considered as part of this process.*
18. *In any case, the SCB has flexibility to decide the extent to which it might delegate responsibility for taking forward part of its remit to other Members' groupings including the Fire Modernisation Task Group, or propose to the LGA Executive that alternative Task Groups are established.*
19. *Therefore it is suggested that a way forward might be to:*
 - *Change the format of the Fire Forum to meet at least quarterly and make it more inclusive, meeting more regularly and having a wider range of events over an extended time frame (which is being tried on an experimental basis in November). Views are welcome on whether the name of the Forum reflects its purpose or suggest an alternative.*
 - *Ensure that the relative roles of the LGA Executive and the Safer Communities Board are clear and specific, given the special constitutional arrangement of fire authorities*
 - *The LGA Executive and Safer Communities Board terms of reference of the Fire Service Modernisation Task Group to reflect the priorities of the service over the next year. This would mean that four office holders of the Fire Forum would also be members of*

the Task Group in their own right, together with other nominations made by the political groups to create the size of group determined by the Executive and Board.

- 20. Views on the proposals are requested from Fire Authorities and Local Authorities by 19 November so that decisions can be made by the LGA later in the year. Responses should be sent to Clive Grimshaw – clive.grimshaw@ga.gov.uk.**

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