

Fire Services Management Committee

Agenda

Thursday, 20 September 2018
11.00 am

Smith Square 1&2, Ground Floor, 18 Smith
Square, London, SW1P 3HZ

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

www.local.gov.uk

This meeting is



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Fire Services Management Committee
20 September 2018

There will be a meeting of the Fire Services Management Committee at **11.00 am on Thursday, 20 September 2018** Smith Square 1&2, Ground Floor, 18 Smith Square, London, SW1P 3HZ.

A sandwich lunch will be available after the meeting.

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Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

Conservative:	Group Office: 020 7664 3223	email: lgaconservatives@local.gov.uk
Labour:	Group Office: 020 7664 3334	email: Labour.GroupLGA@local.gov.uk
Independent:	Group Office: 020 7664 3224	email: independent.grouplga@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk

Location:

A map showing the location of 18 Smith Square is printed on the back cover.

LGA Contact:

Thomas French
020 7664 3041 / thomas.french@local.gov.uk

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The twitter hashtag for this meeting is #lgassc

Fire Services Management Committee – Membership 2018/2019

Councillor	Authority
Conservative (6)	
Cllr Nick Chard (Deputy Chair)	Kent and Medway Fire and Rescue Authority
Cllr Jason Ablewhite	Huntingdonshire District Council
Cllr Eric Carter	Telford and Wrekin Council
Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
Cllr Roger Hirst	Essex County Council
Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
Substitutes	
Cllr Chris Pillai JP	Calderdale Metropolitan Borough Council
Labour (6)	
Ms Fiona Twycross AM (Vice-Chair)	Greater London Authority
Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
Cllr John Edwards	West Midlands Fire and Rescue Authority
Cllr Nikki Hennessy	Lancashire County Council
Cllr Judith Hughes	Kirklees Metropolitan Council
Cllr John Robinson JP	County Durham and Darlington Fire & Rescue Authority
Substitutes	
Cllr Kevin Dodds	Gateshead Council
Cllr Brian Grocock	Nottingham City Council
Cllr Gary Haley	Tyne and Wear Fire and Rescue Service
Liberal Democrat (1)	
Cllr Keith Aspden (Deputy Chair)	North Yorkshire Fire & Rescue Service
Substitutes	
Cllr Stuart Bray	Hinckley & Bosworth Borough Council
Independent (1)	
Cllr Ian Stephens (Chair)	Isle of Wight Council

Agenda

Fire Services Management Committee

Thursday 20 September 2018

11.00 am

Smith Square 1&2, Ground Floor, 18 Smith Square, London, SW1P 3HZ

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11. Any other Buisness

Date of Next Meeting: Friday, 23 November 2018, 11.00 am, Smith Square
3&4, 18 Smith Square, London.

Fire Services Management Committee 2018/19: Terms of Reference, Membership and Appointments to Outside Bodies

Purpose of report

For information and approval.

Summary

This report sets out how the Fire Services Management Committee (FSMC) operates and how the LGA works to support the objectives and work of its member authorities.

Members are asked to note the Board's membership and agree their Terms of Reference and nominations to Outside Bodies for the 2018/19 year.

Recommendations

That the Fire Services Management Committee:

1. agrees its Terms of Reference (**Appendix A**);
2. formally notes the membership for 2017/18 (**Appendix B**);
3. notes the future meeting dates for 2017/18 (**Appendix C**);
4. agrees the Board's nominations to outside bodies (**Appendix D**); and
5. appoints a diversity champion as well as a member to work with the NFCC Finance Committee on the sector's Spending Review submission.

Action

As directed by Members.

Contact officer: Thomas French
Position: Member Services Officer
Phone no: 020 7664 3041
E-mail: thomas.french@local.gov.uk

Fire Services Management Committee 2018/19: Terms of Reference, Membership and Appointments to Outside Bodies

Background

1. The LGA's Boards seek to lead the agenda for local government on the key challenges and issues within their remit and support the overall objectives of the organisation as set out in the [LGA's Business Plan](#).
2. They take an active role in helping to shape the Association's business plan through extensive engagement with councils and oversight of the programmes of work that deliver these strategic priorities.

2018/19 Terms of reference, membership and future meeting dates

3. The FSMC's Terms of reference, membership and future meeting dates are set out at **Appendix A, B and C** for agreement and noting respectively.

FSMC Lead Members

4. The LGA seeks where possible to work on the basis of consensus across all four groups. The FSMC is politically balanced, and led by the Chair and three Vice/Deputy Chairs, drawn from each of the four political groups. This grouping of members – known as Lead Members – meet in between Board meetings, shape future meeting agendas, provide clearance on time sensitive matters, represent the Board at external events, meetings and in the media, as well as engaging with the wider Board to ensure your views are represented.
5. The Lead Members for 2017/18 are:
 - 5.1 Cllr Ian Stephens, Chair
 - 5.2 Fiona Twycross, Vice-Chair
 - 5.3 Cllr Nick Chard, Deputy Chair
 - 5.4 Cllr Keith Aspden, Deputy Chair

The FSMC team

6. The Board is supported by a cross cutting team of LGA officers, with Policy colleagues and designated Member Services Officer, being those which you are likely to have regular contact with.
7. The FSMC team supports the LGA's work on the Board's priorities relating to fire services, and also a number of other discrete issues which are within the Board's remit. The team works with Board Members, the LGA press office and political groups to maintain local government's reputation on these issues in the media, directs our lobbying work (according to Members' steer) in conjunction with the Parliamentary affairs team, and works collaboratively with other Boards across relevant cross cutting policy and improvement issues.

8. The team supports Members in person or by briefing when they represent the LGA on external speaking platforms or at Ministerial or Whitehall events. We will provide briefing notes and/or suggested speaking notes as required in advance if each engagement.
9. The team also participate in a number of officer working groups and programme boards, representing the sector's interests and putting forward the LGA's agreed policy positions.

Communications and Events

10. There are a number of internal and external communications channels available to help the FSMC promote the work it is doing and to seek views from our member authorities.

11. Upcoming events:

- 17-18 September 2019 – Pension Scheme Governance & LGA Firefighters Pension AGM (please contact clair.alcock@local.gov.uk for further details)
- 28-29 November 2018 – Fire Leadership Essentials
- 9 January 2019 – Culture, Diversity and Inclusion Masterclass (London)
- 18 January 2019 – Culture, Diversity and Inclusion Masterclass (West Yorkshire)
- 26-27 February 2019 – Fire Leadership Essentials
- 12-13 March 2019 – Annual Fire Conference and Exhibition

12. We also have a dedicated section on the LGA website, regular e-bulletins with a personal introduction from the Chair of the Board, outside speaking engagements and interviews, advisory networks, features and news items in First magazine as well as twitter accounts which are used to keep in touch with our members.

FSMC outside body appointments

13. The LGA benefits from a wide network of member representatives on outside bodies across all boards. These appointments are reviewed on an annual basis across the Association to ensure that the aims and objectives of the outside bodies remain pertinent to the LGA and accurately reflect its priorities.
14. A list of the organisations to which the Board is asked to appoint member representatives is attached at **Appendix D**. The Board are asked to nominate the appointments for this meeting cycle, which as far as possible are to be made in proportion with political representation across the LGA. As an LGA representative, Members appointed to these roles should speak for the Association, and not one particular political Group.
15. To maximise the value of attending regular or ad-hoc outside engagements, Members appointed to represent the LGA on an outside bodies are asked to provide regular feedback, either through the Board meetings, or alternative mechanisms.

Diversity Champion and member to work with NFCC Finance Committee

16. At its meeting in January the FSMC agreed to nominate a member champion for Diversity. As reported in the priorities paper elsewhere on the Committee's agenda the first tranche of HMICFRS inspections are likely to highlight the need for further work around the culture in fire and rescue services. The culture, diversity and inclusion masterclasses being run over the coming year are designed to support fire and rescue

authorities around this agenda and it is envisaged that the Champion would be involved in these. FSMC is therefore requested to nominate a member to lead on diversity issues.

17. At its meeting on 18 September the National Fire Chiefs Council's (NFCC) Finance Committee will be considering the programme of work to build the evidence base to support the sector's submission to the forthcoming Spending Review. The NFCC have suggested FSMC appoint a member to lead engagement with the Finance Committee in between FSMC meetings. FSMC is therefore requested to nominate a member to work with the Finance Committee.

Financial Implications

18. There are no substantial financial implications arising directly from this report. Reasonable travel and subsistence costs will be paid by the LGA for expenses incurred by a member appointee, whilst carrying out a representative role on an outside body on behalf of the LGA.

Appendix A: Terms of Reference: Fire Services Management Committee

The **Fire Services Management Committee** will report to the Safer & Stronger Communities Board.

Membership

1. There shall be representation of each type of fire authority in LGA membership in England (including Combined Fire Authorities, County Councils, Metropolitan, Police Fire and Crime Commissioners and Mayoral authorities) on the body together with the Chair of the Employers' Side of the NJC for LAFRS (appointed by the LGA as the majority group).
2. The LGA's political group offices will each appoint a fire spokesperson from the Members appointed to the **Fire Services Management Committee**.
3. The Chair of **Fire Services Management Committee** will also Chair the LGA Fire Commission.
4. The office holders of the Safer & Stronger Communities Board (or a named substitute) may attend meetings of the **Fire Services Management Committee**.

Role

5. At the beginning of each corporate year, in consultation with and approval from the Safer & Stronger Communities Programme Board, the **Fire Services Management Committee** will agree a work programme for the coming year that is consistent with the objectives and priorities of the Board.
6. The role of the **Fire Services Management Committee** is to represent as an LGA body the views and concerns of the fire community, ensuring that local circumstances have a voice in the national context.
7. The **Fire Services Management Committee** will take the lead on behalf of the LGA on the future direction of the fire and rescue service and improvement within the sector.
8. The **Fire Services Management Committee** will take the lead on all other day-to-day issues (e.g. technical or operational matters) affecting fire authorities.
9. The **Fire Services Management Committee** will, as required, work with partners and stakeholders on fire issues.
10. Where issues have a clear impact on the broader agenda of the Safer & Stronger Communities Board or necessitate the setting of a new LGA policy the **Fire Services Management Committee** will make appropriate recommendations to the Board.
11. The **Fire Services Management Committee** will, from time to time, undertake work requested by the Safer & Stronger Communities Board.

Quorum

One third of the members, provided that representatives of at least 2 political groups represented on the body are present.

Political Composition

Conservative group:	6 members
Labour group:	6 members
Independent group:	1 member
Liberal Democrat group:	1 member

Substitute members from each political group may also be appointed.

Frequency per year

Meetings to be held five times per annum.

Reporting Accountabilities

The Fire Services Management Committee will report to the Safer & Stronger Communities Board.

Appendix B: Fire Services Management Committee Membership 2018/19

Councillor	Authority
Conservative (6)	
Cllr Nick Chard (Deputy Chairman)	Kent and Medway Fire and Rescue Authority
Cllr Jason Ablewhite	Huntingdonshire District Council
Cllr Eric Carter	Telford and Wrekin Council
Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
Cllr Roger Hirst	Essex County Council
Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
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Substitutes	
Cllr Stuart Bray	Hinckley & Bosworth Borough Council

Appendix C: Meeting dates 2018/19

DATE	TIME	Location
20 September 2018	11.00 – 13.00	Smith Square Rooms 1&2, Local Government House
23 November 2018	11.00 – 13.00	Smith Square Rooms 3&5, Local Government House
25 January 2019	11.00 – 13.00	Smith Square Rooms 3&4, Local Government House
11 March 2019	16.00 – 18.00	Hilton Brighton Metropole, Brighton
28 June 2019	11.00 – 13.00	Smith Square Rooms 3&4, Local Government House

Appendix D: Outside Body Appointments

Outside Body	Background	Frequency of meetings	Group nominations in 2017/18
<p>Arson Prevention Forum</p> <p>Contact: Gavin Ellis/Lee Howell – gellis@dsfire.gov.uk / lhowell@dsfire.gov.uk</p>	<p>The Arson Prevention Forum is a partnership of stakeholders with a shared objective of achieving a sustained reduction in the number of deliberate fires and related deaths, injuries and property damage.</p>	<p>2 times a year</p>	<ul style="list-style-type: none"> - 1 place - Cllr Judith Hughes (lab)
<p>Central Programme Office Engagement Forum</p> <p>Contact: firecpo@ukfrs.com 020 8555 1200</p>	<p>The NFCC's CPO was launched on 1 April and grew out of the National Operational Guidance Programme running over the last 6 years. The CPO will provide project and programme management to the NFCC to deliver national standards, doctrine and guidance. The Engagement Forum will enable stakeholders to shape the CPO's work. The LGA has been invited to provide a standing member for the forum.</p>	<p>Likely to be 4 times a year</p>	<ul style="list-style-type: none"> - 1 place - There were no nominations in 2017/18 as this is a new body
<p>Central Programme Office Engagement Forum: Community Risk Sub-forum</p>	<p>This programme aims to produce a clear definition of risk that would</p>	<p>To be confirmed</p>	<ul style="list-style-type: none"> - 1 place - There were no

	allow communities to hold their fire and rescue service to account, and an on-line toolkit to develop more consistent community risk management plans.		nominations in 2017/18 as this is a new body
Central Programme Office Engagement Forum: Digital	This will look at readying the service for the digital future optimizing the developments from smart buildings, driverless vehicles and robotics for example.	To be confirmed	- 1 place - There were no nominations in 2017/18 as this is a new body
Central Programme Office Engagement Forum: People Contact: Fay Pisani – fpisani@ukfrs.com	The first project for the CPO's people programme is on leadership, which is developing a national leadership framework. The CPO is seeking someone with HR and workforce relates experience.	To be confirmed	- 1 place - There were no nominations in 2017/18 as this is a new body
On-call Steering Group (formerly CFOA, RDS & operational training working group) Contact: Anne Wathall – awathall@derbys-fire.gov.uk 01773 305315	The Group meets to discuss work practices for retained duty systems and develop recommendations.		- 1 place - Cllr Simon Spencer (con)
Emergency Service Collaboration Working Group Contact: Rebecca Gill – r.gill@staffordshirefire.gov.uk 01785898776	Chaired by PCC Philip Seccombe, a regular forum encouraging greater collaboration between the emergency		- 2 places - Cllr Mark Healey (con) - Cllr John Robinson (lab)

	services; and overseeing an overall programme of work in order to establish a network of users and commission research.		
Fire Service College Engagement Forum Contact: Jane Thomas – jthomas@fireservicecollege.ac.uk 01608 812957	The Fire Service College is responsible for providing leadership, management and advanced operational training courses for senior fire officers from the UK and foreign fire authorities. The Forum ensures stakeholder involvement in the activities of the College.	4 times a year	<ul style="list-style-type: none"> - 1 place (FSMC had two places in 2017/18; these have been reduced to one) - Cllr Mark Healey (con) - Cllr John Edwards (lab)
HMICFRS FRS Inspections - External Reference Group Contact: Danny Hayes – danny.hayes@homeoffice.gsi.gov.uk 0203 513 0524	HMICFRS established the External Reference Group to develop their proposals for an inspection regime for the fire and rescue service. Now that HMICFRS have been appointed as the inspectorate it will advise on the development of the inspection programme.	4 times a year	<ul style="list-style-type: none"> - 3 places - Cllr Rebecca Knox (con) - Cllr David Acton (lab) - Cllr Keith Aspden (lib dem)

<p>Interoperability Board (JESIP)</p> <p>Contact: contact@jesip.org.uk</p>	<p>The Board oversees the work of the Joint Emergency Services Interoperability Programme (JESIP). This was established to address the recommendations and findings from a number of major incident reports and help the emergency services improve how they work together.</p>	<p>4 times a year</p>	<ul style="list-style-type: none"> - 1 place - Cllr Nick Chard (con)
<p>National Occupational Committee</p> <p>Contact: Lynne Swift – lswift@bucksfire.gov.uk 01296 744679</p>	<p>This group, which includes meeting with skills for justice, discuss National Occupational Standards and developing qualifications for the Service.</p>	<p>3-4 times a year</p>	<ul style="list-style-type: none"> - 1 place - Cllr Thomas Wright (lab)
<p>Fire Standards Board</p> <p>Contact: CPO firecpo@ukfrs.com 020 8555 1200</p>	<p>The Board will provide national coordination of professional standards across the fire and rescue service, overseeing the identification, development, approval and maintenance of professional standards.</p>	<p>To be confirmed</p>	<ul style="list-style-type: none"> - 1 place - Cllr John Bell (Con) served on the Board overseeing the creation of the Standards Body
<p>Strategic Resilience Board</p> <p>Contact: Hazel Pearce – hazel.pearce@homeoffice.gsi.gov.uk 0207 035 3438</p>	<p>The Board aims to deliver a sector-led approach to sustaining New Dimension capabilities into the future through establishment of</p>	<p>3-4 times a year</p>	<ul style="list-style-type: none"> - 2 places - Cllr Les Byrom CBE (lab) - Cllr Ian Stephens

	an assurance framework and body managed by NFCC through the FRS National Resilience Board.		(ind)
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Fire Services Management Committee Priorities 2018-19

Purpose of report

For direction.

Summary

This paper sets out proposals for the Fire Services Management Committee (FSMC) priorities for 2018-19 for comment. The proposals are based on both corporate LGA priorities and options for broader work based on a combination of areas of interest previously indicated by Committee members, ongoing work and recent policy announcements by Government. Subject to members' views, officers will develop a work programme to deliver these priorities.

Recommendation

Members are asked to approve the priorities.

Action

Officers will deliver the programme of work agreed by members.

Contact officer: Charles Loft
Position: Senior Adviser
Phone no: 0207 664 3874
Email: Charles.loft@local.gov.uk

Fire Services Management Committee Priorities 2018-19

Background

1. At this first meeting of the Fire Services Management Committee (FSMC), members are asked to consider the policy priorities for the work programme for the coming year. In making these decisions, members are asked to consider two issues:
 - 1.1. The work that the LGA Leadership Board has asked Boards to undertake based on the overall policy priorities of the LGA
 - 1.2. Specific policy priorities based on the remit of this Committee.
2. This paper builds on the draft priorities outlined in the end of year report considered by the FSMC in June and takes account of the Committee's comments then. Priorities are listed in the following paragraphs in order of significance.

Work commissioned from LGA policy Boards by the LGA Leadership Board

3. As in previous years, LGA policy Boards are being asked to incorporate cross-cutting LGA priorities within their work programmes. The LGA's business plan, refreshed last Autumn, sets out the organisation's existing corporate priorities:
 - 3.1. Britain's exit from the EU
 - 3.2. Devolution and funding for local government
 - 3.3. Inclusive growth, jobs and housing
 - 3.4. Children, education and schools
 - 3.5. Adult social care and health
 - 3.6. Supporting councils
4. The work of the FSMC makes a contribution to a number of these overarching themes. Of particular relevance are the importance of and the link between fire safety and the LGA's work around housing, funding issues around new burdens that may arise for the fire safety aspects of the building safety review, collaboration around health and changes to fire peer challenge alongside the development of the inspectorate.

FSMC Priorities

5. Transparency and standards:

5.1. Continue to engage with HMICFRS around the inspection process, ensuring that the impact of inspection on fire and rescue services is understood, any new burdens are highlighted to government and that the sector's views are taken into account as the process evolves in response to experience of its implementation.

5.2. Ensure the sector's views are considered as the corporate governance inspection model is developed.

5.3. Ensure that there is an effective response to the findings of inspections. This will include updating the Fire Peer Challenge and Operational Assessment offer to the sector alongside the National Fire Chiefs Council (NFCC) to ensure that it provides value to the sector and complements the inspection regime.

5.4. Participate in the new Fire Standards Board, which will oversee development of standards for fire and rescue services. This will include shaping the work programme the NFCC's Central Programme Office develops for taking forward the standards work.

6. **Funding:** The Comprehensive Spending Review, the Fair Funding Review and the Hackitt Review will all have an impact on the funding of the fire and rescue service. FSMC will respond to these issues to ensure that the fire and rescue service continues to be funded primarily based on risk. This will also include lobbying to ensure that any lessons from recent major incidents, including those from the wildfires over the summer, with implications for capacity (and hence funding) in the fire service are learned and reflected in funding decisions and national resilience planning.

7. **Governance:** FSMC will continue its work associated with the greater involvement of Police and Crime Commissioners in fire and rescue service governance structures. FSMC will consider what good governance should look like and will continue to provide advice and assistance to fire and rescue authorities around this agenda.

8. **Grenfell tower:** the impact of Grenfell tower on the fire and rescue service will continue for the foreseeable future. The LGA has responded to the Hackitt Review's final report and the government consultation on banning the use of combustible materials on the exterior of high-rise residential buildings and is working with government on delivering a regulatory system fit for the twenty-first century. FSMC's view will inform the LGA's response to the ongoing and proposed consultations on the building regulations fire safety guidance (Approved Document B), take forward the recommendations from the Fire Suppression Systems Working Group and monitor the impact on Fire and Rescue

20 September 2018

Authorities (FRA) of increased inspections post-Grenfell. The key elements of our work around Hackitt are likely to be:

- 8.1. Ensuring that the pace in implementation of the Hackitt review recommendations is sustained;
 - 8.2. Consider any recommendations arising from the Grenfell Tower Public Inquiry at the conclusion of Phase 1 of its work, including any that have implications for the governance of fire and rescue services;
 - 8.3. Influencing the form the Joint Competent Authority takes;
 - 8.4. Ensuring fire services and councils have adequate powers and meaningful sanctions; and
 - 8.5. Ensuring any new burdens are fully funded.
9. **Workforce:** it is likely that the results from the first round of HMICFRS inspections will highlight the need for further work around the culture in fire and rescue services. FSMC will work with FRA members to provide a leadership training programme on Inclusion and Diversity. We plan to hold five events for members, reflecting the recommendation of the summit we held earlier this year that the LGA could contribute most to the diversity agenda by providing training for members. The events will take place in December-February and will be held in Manchester, West Yorkshire, London, the West Midlands and Exeter. Details are still being worked out. We will continue to promote the Memorandum of Understanding and hold another Summit in April 2019 to discuss what work has happened over the past year.
10. **Collaboration:** FSMC has consistently supported increased collaboration between the fire service and the other emergency services. It has also highlighted to government the increasing role taken by the service in supporting broader health objectives, and the value of this role has been increasingly recognised. FSMC will continue to work collaboratively within the LGA to consider cross-cutting priorities more constructively with other Boards (for example around mental health) and also support better collaboration between fire and rescue authorities and local authorities.
11. **Procurement and value for money:** the National Fire Chiefs Council will be pressing ahead with improving procurement practices and obtaining better value for money from its purchases. So far the Committee's role in progressing this agenda has been purely supportive, but it may be that a more active role is needed to help make progress in this area in the year ahead. The Emergency Services Mobile Communications Programme may need further examination over the coming year as the implications of the delay of the programme are further understood.

Communications and Events

20 September 2018

12. There are a number of internal and external communications channels available to help the FSMC promote the work it is doing and to seek views from our member authorities, including a Fire Bulletin.
13. We have a full programme of conferences and events which support these draft priorities and are design to support members and officers with new issues and improving their ability to protect the public and communities they serve. Conferences already being planned include:
 - 13.1. 28-29 November 2018: Leadership Essentials Fire and Rescue
 - 13.2. 9 January 2019: Culture, Diversity and Inclusion Masterclass (London)
 - 13.3. 18 January 2019: Culture, Diversity and Inclusion Masterclass (West Yorkshire)
 - 13.4. 26-27 February 2019: Leadership Essentials Fire and Rescue
 - 13.5. 12-13 March 2019: Fire Conference
14. Further details on individual programmes are included in the Update paper. Three other Culture, Inclusion and Diversity Masterclasses are planned.

Implications for Wales

15. Fire and rescue related policy is a devolved matter and much of the Committee's work will focus changes for Fire and Rescue Authorities in England, with the Welsh Local Government Association leading on lobbying for Welsh Fire and Rescue Authorities in Cardiff.

Financial Implications

16. This programme of work will be delivered with existing resources. Additional supporting projects may be commissioned subject to funds being available from a small directorate / team budget.

Next steps

17. Following the Committee's discussion, officers will prepare a detailed work programme to manage the day to day work. The priorities agreed by the Committee will also be reported back to the LGA Executive.

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LGA and NFCC Fire & Rescue Peer Support Framework

Purpose of report

For direction.

Summary

This paper sets out proposals for the LGA's revised peer support offer to members.

Recommendation

Members are asked to approve the proposals.

Actions

Officers to promote the offer to members, deliver the Peer Support framework throughout 2018/19 and to then undertake an evaluation. It is proposed that the evaluation report is brought to FSMC in March 2019.

Contact officer: Gary Hughes
Position: Principal Advisor – East of England
Phone no: 07771 941337
Email: gary.hughes@local.gov.uk

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Background.

1. Given the introduction of the Fire Reform Programme and the HMICFRS inspection for fire and rescue services (FRSs), the LGA and National Fire Chiefs Council (NFCC) have taken the opportunity to review the sector-led improvement offer in order to ensure it continues to meet the needs of the sector going forward.
2. A FSMC Working Group was established in October 2016, supported by officers from the LGA and NFCC, to review the sector-led improvement offer for the fire and rescue sector. The working group met three times and agreed the following objectives:
 - 2.1 In a context of the Home Office wider fire reform programme and in particular the development of an inspection regime, consider the future role and shape of Operational Assessment and fire peer challenge, including:
 - 2.1.1 To consider how the introduction of an independent inspection will affect Operational Assessment (OpA) and Fire Peer Challenge
 - 2.1.2 To identify options and proposals for any changes to the OpA and Fire Peer Challenge that will ensure there remains a strong set of tools for improvement within the sector.
 - 2.1.3 To discuss the strengths and areas for improvement of the current peer challenge process for the fire sector that would be beneficial within the changing formalised assurance environment.
 - 2.1.4 To discuss the positioning of OpA in the context of sector-led improvement and the LGA sector-led improvement offer to ensure it is complimentary to the processes introduced by central government.
 - 2.1.5 To advise on the developments needed to ensure that the peer challenge offer continues to add value to the sector.
 - 2.1.6 To advise on the promotion and communication of any changes.
3. As part of the work programme the FSMC Working Group undertook a consultation exercise with the FRS sector including the following:
 - 3.1 Chief and Senior Fire Officer Sounding Board
 - 3.2 Workshop session at the LGA Fire Conference
 - 3.3 Attendance at NFCC Improvement Seminars
4. It became clear from the consultation that the strength of sector-led improvement lies in its ability to flex and address the different needs of the fire and rescue sector. It was also clear that with the introduction of a new inspection regime, the outcomes, which are still unknown, any sector-led improvement offer needed to be able to respond to the differing needs of the sector.
5. Following this and due to significant delays in the development of the inspection regime, the working group disbanded in March 2017 with the agreement that officers should

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develop and test a Fire and Rescue Peer Support Framework, comprising of three core elements;

- 5.1 Inspection Peer Support
- 5.2 Leadership and Governance Support
- 5.3 Targeted Support

- 6 The refreshed offer provides different tiers of support depending on the intensity of the challenges being faced locally. The range of tools and support available have been shaped by what the sector has told us it needs and what would be most valuable to them. In addition we continue to maintain an overview of performance in the sector so that we are able to offer support on a proactive basis, helping those facing the most severe challenges.

Peer Support Framework

- 7 The Peer Support Framework comprises a flexible and tailored set of products to meet the changing and different needs across the sector.

Inspection Peer Support - Peer Challenge

- 8 Peer Challenge remains at the core of our offer. This is more varied than the approach to Operational Assessment and Fire Peer Challenge but still retains the core principles:

- 8.1 Of a team of peers acting as 'critical friends'
- 8.2 The provision of constructive challenge informed by engaging with the service and authority plus a wide range of stakeholders
- 8.3 The focus being on helping the service/authority to improve

- 9 Under the Peer Support Framework, peer challenge will be flexible and complement any inspection activity but will not be constrained by it. It could:

- 9.1 Take place before or after an inspection
- 9.2 Focus on broad areas or more narrowly defined one
- 9.3 Size and make-up of the team tailored to the objectives
- 9.4 Onsite duration in a place will also vary

- 10 The peer team will provide verbal and written feedback and openness and transparency around the outputs and outcomes will be maintained with all FRS/Fire and Rescue Authorities (FRAs) publishing the relevant materials.

Leadership & Governance Peer Support

- 11 With changes in governance arrangements in some places, the need to strengthen scrutiny and improve the oversight by the FRA of the service, the LGA is well placed to provide peer support through its elected member peers.
- 12 In addition to the Fire & Rescue - Leadership Essentials' programme aimed at elected members with leading roles on FRAs, the LGA is keen to support FRA through peer challenge or other peer support.
- 13 Support is also available to senior leadership teams through a top team development offer. The support would be multi-faceted and dependent on the needs of the FRS/FRA.

Targeted Peer Support

- 14 Overseen by the LGA Principal Advisers based in the region, and working closely with NFCC, targeted peer support would entail a team of sector peers working alongside an FRS/FRA to address areas of under-performance identified either as part of an inspection or independently. This approach demonstrates that the sector is collectively responsible and has the capacity to address its own improvement.

How to access the sector-led improvement offer

- 15 As with support to councils, fire & rescue peer support is accessed through the LGA's regionally based Principal Advisers and/or via the NFCC leads. They are the focal point for discussions with FRS/FRAs about their improvement needs and the support we can make available.

Progress

- 16 We are still in the early stages of testing the framework and as yet do not know the outcomes of the first tranche of inspections, which will no doubt inform our offer. But to date take up has been positive and we have or are currently in the process of delivering a varied range of peer support across the sector. This includes the following:
 - 16.1 **Standard Operational Assessment & Fire Peer Challenge** with a focus on Equality, Diversity and Inclusion – Suffolk FRS
 - 16.2 **Deep Dive Themed Peer Challenge** into three core OpA areas with subject matter expert officer peers – Devon & Somerset FRS
 - 16.3 **Deep Dive Themed Peer Challenge** into Procurement – South Yorkshire FRS
 - 16.4 **Pre-Inspection Peer Support** to provide 'critical friend' challenge to their self-assessment – Essex County FRS
 - 16.5 **Leadership & Governance Peer Challenge** to review the revised governance structures and assess the organisational leadership & capacity– Dorset & Wiltshire FRS

16.6 **Targeted Peer Support** to support Avon FRA address areas identified within the Statutory Inspection and to assess progress against their improvement plan – Avon FRA

Risks and Opportunities

17 We are aware that there are several risks associated with this approach. The main being the capacity of the FRS sector to engage in both a sector-led improvement programme and a potentially burdensome inspection regime – this is in terms of services having the capacity to have peer support and to contribute officer peers.

Implications for Wales

18 The LGA's OpA and Peer Challenge is only available to English FRAs. Welsh fire and rescue authorities are supported by the Welsh Local Government Association.

Financial implications

19 All English Fire and Rescue Services are entitled to support under the LGA 2018/19 Sector-Led Improvement programme funded by the Ministry of Housing Communities and Local Government grant. We are entering a very detailed negotiation for the 2019/20 grant.

Next Steps

20 It is proposed that officers continue to deliver the Peer Support framework throughout 2018/19 and to then undertake an evaluation. It is proposed that the evaluation report is brought to FSMC in March 2019.

Annual Fire Conference 2019

Purpose of report

For information.

Summary

The paper provides an overview of the fire conference programme.

Recommendations

Members are asked to note progress in planning the next Fire Conference and are invited to make suggestions.

Action

Officers to proceed as directed.

Contact officer:	Jess Norman
Position:	Adviser
Phone no:	0207 664 3221
Email:	Jessica.Norman@local.gov.uk

Annual Fire Conference 2019

Background

1. In 2019 the Annual Fire Conference will be taking place on 12-13 March at the Hilton Metropole Hotel, Brighton, with the FSMC meeting there on 11 March.
2. Officers have produced an outline of the programme for members' input, and the format of the sessions and the topics of the plenaries have been considered by Lead Members.

Plenary sessions

3. There are currently six plenary sessions planned for the conference, including the Fire Minister leaving five plenaries for wider discussion of other issues. These sessions will focus around responding to inspection reports and support, implementation of the Hackitt recommendations, major incidents and fire finance. These issues are likely to be dominating services thinking and that of the Home Office over the remainder of 2018 and into 2019.
4. A draft conference programme is appended (**Appendix A**), but may be subject to amendment in light of the timing of announcements about the outcomes of the Hackitt Review and the interim report of the Grenfell Public Enquiry.

Workshop sessions

5. This year we have once again opened up a number of sessions for bidding. Bidding closes on 10 October. Can members please encourage their FRAs to consider putting in bids before the deadline.
6. Workshops we ran last year included:
 - 6.1. Taking a portfolio approach to managing fire transformation
 - 6.2. Creating innovative solutions via meaningful engagement with partners
 - 6.3. The Emergency Services Mobile Communications Programme: The opportunity for service transformation for the next generation
 - 6.4. Blue Light services working together: National leadership through local delivery
 - 6.5. Fire and Rescue Service fleets – the environmental challenge
 - 6.6. It takes two (or three) to tango – the legal and practical implications of joint working and collaboration
 - 6.7. Wearable technology for the Blue Light services
 - 6.8. Working together – it's easy, isn't it?
 - 6.9. The fundamental operating principles of a Fire and Rescue Service.

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7. While bids may reflect any topic a member authority wishes to cover, suggestions members may wish to consider include:
 - 7.1. Wildfires
 - 7.2. Impact of environment/climate change
 - 7.3. Career development in the fire service
 - 7.4. Attacks on firefighters
 - 7.5. Diversity (led by the FSMC Diversity Champion)
 - 7.6. Central Programme Office of the NFCC.

Conference publication

8. It is proposed that the conference publication should be a joint document with the National Fire Chiefs Council around the outcomes of the Hackitt Review and related matters, including finance, the Joint Competent Authority, remediation work, future legislation, inspections and sprinklers. This will need to go to print and design at the beginning of February 2019 for publication at the conference.

Implications for Wales

9. There are no particular implications for Wales.

Financial Implications

10. There are no particular financial implications.

Next steps

11. Members are asked to note the content of the report, comment on the draft agenda and consider whether they wish to submit a workshop bid for the Fire Conference.

Appendix A: Draft programme for Annual Fire Conference 12-13 March 2018

Tuesday 12 March 2019

09.00	Registration, refreshments and exhibition viewing
10.30	Conference opening and Chair's welcome Councillor Dee Simpson , Mayor, City of Brighton and Hove Chair: Councillor Ian Stephens , Chair LGA Fire Services Management Committee and Isle of Wight Council
10.45	Keynote session 1. Ministerial Keynote Nick Hurd MP , Minister of State for Policing and the Fire Service, Home Office Chair: Councillor Ian Stephens , Chair LGA Fire Services Management Committee and Isle of Wight Council Questions and discussion
11.20	Refreshments and exhibition viewing
11.50	Keynote session 2. Pay/ NJC Matt Wrack , General Secretary, Fire Brigades Union and Joint Secretary, National Joint Council Cllr Nick Chard , LGA FSMC and Chairman, Kent
12.45 To 1.50	Lunch, exhibition viewing and networking
2.00	Workshops – session 1 An opportunity to attend a workshop from the list below. These sessions will not be repeated.
3.00	Refreshments and exhibition viewing
3.30	Workshops – session 2 An opportunity to attend a workshop from the list below. These sessions will not be repeated.
4.40	Keynote session 3. Lessons from Inspection Zoë Billingham , HM Inspector, HMICFRS

5.30 **Political group meetings**

6.30 **Fire authority meetings**

7.15 Drinks reception

8.00 Conference dinner

Wednesday 13 March 2019

09.00 Registration for new delegates, refreshments and exhibition viewing

09.30 **Welcome to day two from the conference chair**

09.40 **Keynote session 4. Fire finance/spending review**

10.25 **Keynote session 5. Building safety - beyond the Hackitt Review**

11.20 Refreshments and exhibition viewing

11.50 **Keynote session 6. Dealing with major incidents**

(eg Wildfires, Manchester bomb or Grenfell) NB the content of this session will depend on what has been published by the Grenfell Inquiry

12.30 Conference close, lunch, exhibition viewing and networking

Chair: **Councillor Ian Stephens**, Chair LGA Fire Services Management Committee and Isle of Wight Council

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Fire Safety in High Rise Buildings

Purpose of report

For information.

Summary

This report sets out the LGA's building safety related work since the last Committee meeting, including our response to Dame Judith Hackitt's final report, the LGA's response to the consultation on the ban on the use of combustible materials on high-rise residential buildings, and work related to remediating private high-rise buildings with combustible cladding systems.

Recommendation

Members are asked to note and comment on the LGA's building safety programme work.

Action

Officers to proceed as directed.

Contact officer: Mark Norris
Position: Principal Policy Adviser
Phone no: 020 7664 3241
Email: mark.norris@local.gov.uk

Fire Safety in High Rise Buildings

Background

1. At its last meeting FSMC considered the recommendations from Dame Judith Hackitt's final report on building regulations and fire safety published in May. Since then the LGA's work has focused on the implementation of the recommendations, responding to related government announcements and consultations, problems related to fire doors, and progressing issues related to the private sector high-rise building safety programme. This report updates the Committee on the LGA's activity since June.

Review of building regulations and fire safety

2. The Committee's views from the additional meeting held to discuss Dame Judith's recommendations to reform the building control system informed the LGA's response to her final report. The response was also informed by discussions at the Grenfell Task and Finish Group and with the Lead Members of other relevant LGA Boards. A copy of the LGA's response is attached at **Appendix A**.
3. At the heart of Dame Judith's proposals was the creation of a new regulator, the Joint Competent Authority (JCA), to oversee better management of safety risks. Dame Judith's final report suggested this would be a mechanism to enable existing regulators to operate collectively rather than being a new body, although no further detail was provided on how it was envisaged that these regulators would be brought together. A specific team has been established by the Ministry of Housing, Communities and Local Government (MHCLG) to work up proposals for how the JCA would operate in practice, and preliminary discussions have been held between MHCLG officials and the National Fire Chiefs Council (NFCC), Local Authority Building Control (LABC) and the LGA. The LGA has also been involved in meetings with the NFCC and LABC to discuss how the JCA would work in practice, and further discussions with these and other interested organisations are being held in September. An oral update on these will be provided at the Committee meeting.
4. In MHCLG's response to publication of Dame Judith's final report, the department indicated it would be consulting on banning the use of combustible materials on the external walls of high-rise residential buildings. The consultation was published on 18 June and closed on 14 August. The LGA's response to this consultation was considered by the Committee's Lead Members as well as those from other relevant LGA Boards and the members of the Grenfell Task and Finish Group. A copy of the LGA's response is attached at **Appendix B**.
5. In addition to the consultation on banning the use of combustible materials MHCLG published a revised version of the guidance on how to meet the fire safety requirements of the building regulations – Approved Document B – on 19 July. The LGA will be responding to the consultation which closes in October, and can be found here:

<https://www.gov.uk/government/consultations/fire-safety-clarification-of-statutory-guidance-approved-document-b>

6. Dame Judith's recommendations were also considered by the Housing, Communities and Local Government Select Committee. The LGA, along with a range of other organisations, were asked to provide evidence to the Committee. Its [report](#), published on 18 July, agreed with the LGA's assessment of Dame Judith's recommendations: that there is a need for a significant culture change in the industry, the building regulations require simplification, the recommendations on high-risk residential buildings should apply more widely than those over 10 storeys in height, it is right to ban the use of combustible materials on the external walls of high-rise residential buildings, and there is a need for a new testing regime that better reflects real world conditions and is more transparent. The Committee also recommended the retrofitting of sprinklers in high-rise residential buildings, and the introduction of a low interest loan scheme for owners of private high-rise residential buildings so the cost of remediation work is not passed on to leaseholders.
7. The [Social Housing Green Paper](#) published by MHCLG in August seeks views from respondents on those elements of Dame Judith's recommendations about sharing information on fire safety with tenants, giving residents a means of raising fire safety concerns with their landlord, and a clear route for escalating concerns along with an ability to seek redress where these are not addressed. The LGA's Environment, Economy, Housing and Transport Board will be leading the response to this consultation, and as it develops a draft response we will seek views from the Committee on those elements related to Dame Judith's recommendations.

Social housing high-rise buildings

Progress in remediation work

8. Progress continues to be made in carrying out remediation to the 45 council owned and 100 plus housing association blocks with combinations of aluminium composite material (ACM) cladding and insulation that have been found not to meet the building regulation standards.
9. The statistics published by MHCLG on the 23 August show that remediation has started on 121, or just over three-quarters, of the 159 social housing blocks. Work has finished on 14 of these buildings, and in the case of the council blocks the cladding has already been removed from a significant majority, with the work underway to remove it from the remaining buildings.

Materials to use in remediation

10. The LGA has been pressing MHCLG for a considerable time for clarity around what materials can be used to replace combustible ACM cladding systems when carrying out remediation work. In May MHCLG confirmed that as part of the conditions for funding remediation work by councils and housing associations, only cladding that meets the A1 and A2 European classifications could be used.
11. Since that announcement however questions have been raised about whether A2 classified materials are actually non-combustible. A report on the BBC's Newsnight programme on Friday 6 July suggested that an A2 cladding panel had recently failed a large scale test (the BS 8414 test). The manufacturer contests these test results though, saying the panel that had been tested had previously passed a BS 8414 test last year.
12. MHCLG has been investigating the conflicting claims and whether or not the panel in question satisfies the criteria to be classified as an A2 material. In the event the panel is correctly classified as an A2 material this will raise further questions about the robustness of the BS 8414 test and whether its results can be relied on.

Costs of the remediation work

13. As was reported to the last Committee meeting the government announced on 16 May that it would be fully funding the removal and replacement of unsafe cladding. Details on how councils can apply for funding were published on 3 July 2018.

Private high-rise buildings

Data collection

14. While those social housing high-rise blocks with ACM cladding systems were identified last year, councils' work to identify private high-rise residential buildings with ACM cladding has taken a number of months. This is because they have had to gather information on over 6,000 buildings. The deadline for gathering this information was the end of May, and the results were first published in the data released by MHCLG at the end of June 2018.
15. Updated data published by MHCLG in August showed 150 further private high-rise residential buildings with ACM cladding systems had been identified by councils as part of this process in addition to the 143 identified by the owners. In total there are therefore 293 private high-rise buildings with ACM cladding. This number may increase slightly as there are approximately 60 buildings where councils have not yet been able to confirm whether the cladding on the building is ACM or not. It is anticipated that between 3-5 per cent of these buildings will have ACM cladding. So far remediation work has begun on 34 of the private high-rise buildings with ACM cladding, and has been completed on 9 of them.

Secretary of State's announcement

16. With remediation work currently underway on only a small number of these private high-rise buildings, and MHCLG only aware of plans for starting that work on another 93 buildings, the Secretary of State for Housing, Communities and Local Government set out how the government would drive swifter progress by building owners in removing unsafe cladding in a statement at the end of June. The package of measures in the announcement included:

16.1. The establishment of a new taskforce to oversee the remediation programme on these private high-rise residential buildings, chaired by ministers and including the LGA, the NFCC, London Councils and local authorities with large numbers of these blocks as well as industry representatives.

16.2. The convening of a joint inspection team by the LGA and the NFCC to help councils ensure building owners start remediation work on those private high-rise residential buildings with ACM cladding, and where necessary are supported to take enforcement action. £1 million will be made available to support enforcement action by councils.

16.3. The development of further statutory guidance by MHCLG to make it easier for councils to use their powers under the Housing Health and Safety Rating System (HHSRS) in relation to fire safety hazards posed by ACM cladding systems.

16.4. Inviting industry representatives to develop their own solutions that progress the removal of unsafe cladding while protecting leaseholders from the costs. At the same time MHCLG said they would consider a range of other options if the industry does not provide solutions.

Private sector remediation taskforce

17. The first meeting of the new taskforce took place at the end of July, with the second in early September. Alongside consideration of its terms of reference, the Taskforce has discussed what data was available on the remediation plans and work to private high-rise buildings, heard from the London Borough of Tower Hamlets on the issues they are facing and agreed plans for establishing the joint inspection team.

Joint Inspection Team

18. The plans for the Joint Inspection Team discussed at the private sector remediation taskforce drew heavily on the proposal for such a team developed by London Councils and the LGA at the start of the year. Our preparatory work identified the skills and

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experience such a team would need, and the processes it will need to work through under the Housing Act and the HHSRS. We also suggested to MHCLG officials that the work of such a team would be assisted by changes to the HHSRS statutory guidance in relation to the fire safety hazards posed by ACM cladding.

19. The Joint Inspection Team will be run by the LGA, but paid for by MHCLG. We are currently in discussion with MHCLG about the size of the team and costs, and once these are concluded we intend to swiftly commence recruitment to the team. As part of this we will be contacting local authority chief executives to highlight the existence of the team and ask whether any of their environmental health officers could be seconded into the team. A further oral update on progress with establishing the team will be provided at the Board meeting.

Fire doors

20. Following the announcement in March that the investigation by the Metropolitan Police Service into the spread of the fire in Grenfell Tower had identified concerns about the fire doors in the block, MHCLG conducted further tests on fire doors made by the same manufacturer as those used in Grenfell Tower. The results of these tests were announced on 16 May, when MHCLG also said they would be looking at the wider fire doors market and testing fire doors from other suppliers.
21. A further announcement from the department at the end of July confirmed that fire doors from five manufacturers had by then been identified as failing to meet the requisite fire performance standard. The doors which failed the tests were glazed and unglazed doors supplied by Manse Masterdor and Masterdor Limited and glazed composite doors supplied by Specialist Building Products Limited trading as Permadoor; Solar Windows Limited; and Birtley Group Limited trading as Bowater by Birtley. All the doors known to have failed to meet the standards have been withdrawn from the market.
22. The advice from the government's Expert Panel and the NFCC remains unchanged that the risk to public safety is low, as even when doors do not meet the required standard they will provide some protection from the spread of fire. The advice to building owners issued by the Expert Panel in May was revised in light of the new findings at the end of July. The updated guidance repeated that landlords and building owners should replace doors they suspect do not meet the required standard, using a fire risk assessment to determine how quickly the doors should be replaced.
23. The fact that doors from a number of manufacturers have failed to meet the required standards has led MHCLG to conclude there is a broader issue across the fire door market. One problem identified as a result of this work has been that some fire doors have been marketed on the basis of a single fire resistance test on one side of the door. However guidance in Approved Document B states that fire doors have to be tested on

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both sides to demonstrate compliance with the building regulations as most are not truly symmetrical, particularly in the case of complex door constructions. MHCLG therefore reiterated the need to ensure there was evidence that fire doors have been tested on both sides when checking their suitability in a letter to building control bodies on 31 July.

24. To address the problems in the market MHCLG has met the major fire doors suppliers to agree a plan of action to address the manufacturing failings which have been identified as part of this process. The department has also been in discussion with National Trading Standards about coordinating the response from affected trading standards teams.
25. LGA officers along with London Councils and a number of local authorities have been meeting with MHCLG officials to discuss the implications for councils of the department's work, and to share knowledge and experience between councils.

Implications for Wales

26. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales. An expert group will be established to advise on how to incorporate these change into law, policy and practice in Wales.

Financial Implications

27. Although the LGA is setting up the Joint Inspection Team, the cost of doing so will be met by MHCLG. Other work arising from this report will continue to be delivered within the planned staffing budget, which includes an additional fixed term post in the safer communities team to support the LGA's building safety work.

Next step

28. Members are asked to note and comment on the LGA's building safety work.

LGA Response to Dame Judith Hackitt's review of building regulations and fire safety

July 2018

About the Local Government Association

1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross-party organisation, which works on behalf of councils to ensure local government has a strong, credible voice with national government.
2. We aim to influence and set the political agenda on issues that matter most to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

Key issues

3. The LGA welcomes the publication of Dame Judith Hackitt's final report, and supports many of the recommendations in it. However there are some areas where the LGA believes the report did not go far enough, and others where there needs to be further work on the detail of the recommendations for them to be taken forward. The LGA stands ready to assist in working up the necessary detail needed to implement some of the recommendations.
4. The definition of higher risk residential buildings (HRRBs) is too narrow. The LGA's view is that HRRB's should be defined as all buildings over 11 metres (the height at which Scotland proposes to define high-rise buildings, based on the practicalities of fighting fires at height) and all buildings in which vulnerable people will sleep (other than private dwellings), including student accommodation. There may be some non-residential buildings which need to be subject to the same regulatory approach due to the difficulty in effecting evacuation in the event of fire.
5. Retrospective action should be undertaken on a risk-based not a prescriptive basis, but the requirement to take action to make buildings safe should be robust and should include Houses in Multiple Occupation (HMOs).
6. Combustible materials should be banned from external cladding systems (except where no non-combustible option exists for a necessary component, in which case a system test will be necessary); the use of desktop studies should be prohibited in relation to external cladding systems; and any testing regime for external cladding systems must be subject to third party verification of products and system construction.
7. The creation of the Joint Competent Authority (JCA) needs to respect the democratic accountability of local council building control services and fire and rescue authorities. The JCA's functions will be predominantly exercised at a local level; collaborative national structures must be designed to support those local functions.

8. New burdens must be fully funded and this must recognise the limitations of cost recovery, the need to facilitate whistleblowing and the extent to which costs will need to be covered at an early stage of the new regime's existence, both in terms of training to increase capacity and initial funding of enforcement action.

A new regulatory framework

9. The new regime should apply to buildings over 11 metres (the proposed new definition of high rise for building regulations in Scotland). It should also apply to all buildings where vulnerable people sleep (except private dwellings) and HMOs.
10. This would mean that new buildings would be covered by the JCA (including building control) at the design, construction and occupation stages and that owner of existing buildings would need to demonstrate the building's safety to the JCA on a risk-based (rather than prescriptive) basis.
11. We acknowledge that work will be necessary to establish the precise meaning of vulnerable in this context but consider the essential principle to be that a building should be classed as an HRRB where the nature of its occupation means it would take significantly longer to evacuate than would usually be the case and where this delay significantly increases the risk to life.
12. It is as yet unclear what the JCA will look like. Dame Judith argued that its creation:

would not mean merging those organisations but rather providing a framework for [local authority building control, Health and Safety Executive (HSE) and fire and rescue services] to work together to more rigorously assess building safety and would create a more unified and consistent intervention process.

She added that:

The creation of the JCA is considered to be more appropriate than the creation of an entirely new single regulator that draws building safety expertise away from three pre-existing organisations who would still have critical work to take forward.

13. It is therefore unclear whether the JCA needs to exist in terms of having its own staff, premises etc. or whether it is simply an umbrella term to be applied to the liaison between its constituent parts and the enforcement undertaken by any one of those parts in pursuit of the aims set out elsewhere in her report.
14. In as much as the JCA does exist it is unclear whether this would be as a national body or a series of regional or local bodies or both.
15. Nor is it clear how, if the JCA is a concept rather than an organisation, the HSE will liaise with fire services which typically function at county level and building control services which function at district level; or how district housing services and planning authorities will liaise with it.
16. The LGA intends to undertake further work during the summer to establish a detailed position on the ideal form the JCA should take, as well as participating in joint work on this issue with the Government and other stakeholders, as it has been invited to do.

17. This work will be based on the following principles

17.1 The JCA must not create unnecessary bureaucracy.

17.1.1 A sensible and effective balance needs to be struck between the need for a consistent approach across the country and the democratic accountability of individual councils and Fire and Rescue Authorities (FRAs).

17.1.2 The starting point for striking this balance needs to establish how the regulatory regime will work at a local level and to make national arrangements that are designed to facilitate that process.

17.2 Whatever form the JCA takes its creation must be accompanied by new regulations and/or legislation to ensure its constituent bodies have the powers they need.

17.2.1 The Lakanal House inquest recognised the need to address the regulatory vacuum that exists between the Fire Safety Order (FSO) and the Housing Act. The problems generated by the failure to do so have been clearly illustrated in subsequent years.

17.2.2 Dame Judith expressed the view that the industry should ultimately take responsibility for ensuring safety. The LGA believes this can only take place alongside the creation of a stronger sanctions and enforcement regime. Without a strong and robust enforcement and sanctions regime there will be no incentives on the industry to drive the culture change Dame Judith highlights as being an essential part of the reform process.

17.3 The creation of the JCA itself will not solve the lack of capacity within its constituent services. Early thought needs to be given to the need for more trained staff.

17.3.1 Consideration will need to be given to the fact that for some district councils, a new HHRB will be a once-in-a-generation event. There may be a need to share services in order to ensure cost effective use of capacity and to allow for the acquisition of sufficient experience.

17.4 Councils' housing teams have taken a lead in identifying and remediating dangerous cladding systems in the private sector. It is not clear if this work would be covered by the JCA. If it is not, the creation of the JCA must not distract attention from the role of housing environmental health officers, the challenges of asking existing council housing teams to move into this new area of work and the lack of capacity within those teams at present.

17.5 Cost recovery powers must be adequate and an effective mechanism established for redistributing recovered costs between the constituent memberships of the JCA. Our experience is that cost recovery tends not to work in full.

17.5.1 Some costs will be incurred which cannot be attributed to specific actions, for example, in establishing the new framework of regulation and enforcement, including the JCA, and providing training.

- 17.5.2 Central Government will need to fund the establishment of the JCA and some of this funding will have to go into increasing the pool of qualified staff (which will also require a lead-in time) so that we increase the number of fire engineers for example.
- 17.5.3 Where costs are incurred by one partner and enforcement action taken by another, costs may be difficult to recover under existing law.
- 17.5.4 It is not always possible to recover the costs of court action and enforcement activity. Enforcing authorities must not be deterred from acting for fear that they will be left out of pocket. The courts must be able not only to impose robust penalties for breaches of the regulations, but also to work on the basis that the JCA, fire and rescue authorities, the HSE and councils' building control departments are able to fully recover their costs when they bring prosecutions.
- 17.5.5 There may be a need for some of the funds to be held centrally. A central enforcement pot for example might have advantages over lots of smaller ones.

Design construction and refurbishment (chapter 2)

18 The LGA supports the proposals in this section, in particular:

- 18.1 The moves in the Review's recommendations to increase accountability and provide greater clarity about who is responsible for what, as this will make the JCA's job easier. Without the clarity of duty-holder roles the JCA will be unable to have much impact.
- 18.2 Arming the JCA with effective sanctions and powers. The detail of the report makes it clear that the ability of the JCA to issue improvement and stop notices on duty-holders is the route by which the gaps between the FSO and the Housing Health and Safety Rating System can be filled.
- 18.3 The key information products proposal and the creation of the Fire and Emergency File in particular.
- 18.4 The idea that FRAs will have a significantly greater role in the approval process for building high-rise residential buildings. This includes being consulted at the planning stage for the building of new HRRBs, and when any applications are submitted in relation to other buildings in the immediate vicinity of a HRRB. Consideration should also be given to giving FRAs a say in highways related changes that impact on the access they have to HRRBs. FRAs will also be involved in reviewing fire safety in existing buildings. There will of course be resource implications to this for FRAs, both in carrying out the work and ensuring they have suitably qualified people. This is discussed above. We also need to build into the planning system an ability for planning committees to reject planning applications on fire safety grounds.
- 18.5 The restriction on duty-holders being able to start building work before the full plans for a building have been approved, and on allowing occupation of a building before the JCA is satisfied with the fire safety measures and the 'as-built' construction.
- 18.6 The clear requirement for duty holders to notify regulators of significant changes from the previously agreed full plans.

- 18.7 That building control oversight of HRRBs should be solely provided by local authority building control functions, with approved inspectors being utilised to expand the expertise and capacity in councils.
- 18.8 Some details will need to be considered. For example: should FRAs or building control inspectors be involved in assessing cases where they have, for instance, provided professional services through their commercial arms to a duty-holder for a HRRB? How does the JCA work where the local authority is the building owner/holder? And who leads enforcement in this case? The FRA?
- 19 We think it is essential that the JCA role at gateway one, as set out in Appendix B to the report (the planning stage), includes not only consultation with the fire service but also requires the approval of the FRS before the building can proceed to the next stage.
- 20 We note that the Ministry is currently considering responses to its consultation on the review of the National Planning Policy Framework and that this provides an opportunity to embed reform in the planning framework. We urge the Ministry to consider the Hackitt report and the preceding paragraph of this response when drafting its response to the consultation.
- 21 These proposals also have implications for councils as duty-holders. Safety cannot be compromised but problems with, for example, fire doors, as well as other as yet unknown issues, are likely to add significantly to the costs of remediating Aluminium Composite Material cladding, drawing funds away from meeting housing need and government ambitions. The Government should commit to providing assistance to any council experiencing financial difficulty in meeting its obligations as a duty-holder, as it has done in respect of the remediation of social housing blocks with flammable cladding.

Occupation and maintenance (chapter3)

- 22 The LGA supports the recommendation that HRRBs will need to have a duty-holder with responsibility for the safety of all parts of the building, with a nominated building safety manager to manage the building on a day-to-day basis and act as a point of contact.
- 23 We also support the requirement that the duty-holder will have to regularly demonstrate to the JCA that they are discharging their responsibilities, subject to the frequency of the requirement to demonstrate compliance not being unnecessarily onerous.
- 24 The details of these demonstrations remain to be established and we have concerns over the capacity of enforcing bodies to meet demand. Funding is an issue here, as is competence (in particular the shortage of fire engineers in the UK).
- 25 As part of this process duty-holders for existing buildings will need to gather information on the design, structure and materials used. While we agree that this is right, there may be practical difficulties in obtaining information on some existing buildings.
- 26 It is particularly important that the JCA can enforce across the whole building and has access to robust sanctions.
- 27 The obligation on residents needs to include the right of councils as freeholders to enter leasehold flats to install and maintain automatic fire

suppression systems and either allow freeholders/duty-holders or enforcement agencies, or both, the right to inspect leasehold flats to ensure against breaches of compartmentation, removal of fire doors and door closers etc.

Residents Voice (chapter 4)

- 28 The LGA supports these recommendations and the measures Dame Judith sets out to provide reassurance and recourse for residents, many of which are already best practice in the sector. Indeed we believe many councils already go further.
- 29 The Review appears to envisage an independent body to which residents can escalate concerns, and might then refer them to the JCA. This seems somewhat convoluted and we question whether it might be more effective to have concerns flagged straight to the JCA. It could be that one element of the national JCA arrangements acts as this independent body.

Competence (chapter 5)

- 30 The report sets out concerns that the current approach regarding levels of competence is disjointed and not rigorous enough. To overcome them the report recommends that professional and accreditation bodies should present a coherent approach to government within one year. This approach should set out the remit and role of an overarching body to provide oversight of competence requirements of competent people working on HRRBs.
- 31 The LGA shares Dame Judith's concerns around competence, but this recommendation does not offer swift enough solutions.
- 32 It is unclear what the overarching body will look like and whether one body is the right approach, given the range of professions potentially affected (building control, cladding installation and maintenance, fire engineering etc.).
- 33 Nor is it clear what the relationship between it, and the work that the Construction Industry Council is now leading on competencies across the sector, will have to the Professional Standards Body that will be part of the National Fire Chiefs Council arrangements, and what role FRAs will have in these discussions.

Guidance and monitoring (chapter 6)

- 34 The LGA supports the intention of making the industry take greater responsibility for fire safety in the design, construction and refurbishment of HRRBs and to move the culture away from one where all too often meeting the guidance on fire safety is seen as a 'tick-box' exercise. The LGA believes though that industry can only have a greater role in developing new guidance, and in particular that industry can only be allowed to own new guidance, if such a transfer of responsibility is accompanied by a new, stronger and more robust sanctions regime that drives the culture change Dame Judith identified as being so crucial in improving fire safety in HRRBs. Without the creation of a stronger and more robust sanctions regime there are strong arguments in favour of responsibility for producing such guidance remaining the responsibility of the Ministry of Housing, Communities and Local Government.
- 35 The proposal that the FSO be updated, suggests that no reform of the Housing Act is necessary which in turn implies new burdens for FRAs rather than council housing enforcement. Any new burdens must be fully funded and

this is likely to include the need for up-front funding to set up new function and which will not easily be met through cost recovery.

- 36 Consideration needs to be given whether this focus on the FSO, rather than the Housing Act, is correct.

Products (Chapter 7)

- 37 The LGA has already called for combustible cladding and insulation to be banned from buildings over 18 metres and where vulnerable residents sleep. It has also called for desktop studies to be banned in relation to cladding systems.
- 38 The LGA does not regard the existing BS 8414 test as reliable in that the system can be gamed and the test does not adequately reflect real world conditions. The LGA wants to see all combustible materials banned from cladding systems. However, it recognises that there may be some components which cannot be substituted by non-combustibles (sealants etc.). These should be dealt with by specific exemption and this should never be used where a non-combustible alternative is available. The LGA is open to the possibility that expert advice may mean there needs to be some form of testing or other safety verification for cladding systems to take account of unavoidable use of combustibles and the possible chimney effect in a fully non-combustible system. This testing system, if used, will require both independent third party verification of the system tested and robust random sampling of product samples used in the system's construction.
- 39 The LGA supports a stronger regime of product safety but is considering its position on the national coordination role proposed for OFFPSS. Whatever system is used will require a robust process of random testing.

Building information (chapter 8)

- 40 The report recommends the creation of a digital record throughout the building life cycle. A Business Information Modelling approach is proposed, which the report says will enable the duty-holders to ensure accuracy and quality of design and construction, and a suitable evidence base to maintain the safety and integrity throughout the life cycle of the building. The review also recommends that, for existing buildings, a set of minimum building data be included in the safety case provided to the JCA when the building is being refurbished or assessed. The LGA supports this proposal, but recognises that in many cases the information referred to may not exist in relation to existing buildings.

Procurement and supply (chapter 9)

- 41 The LGA supports the review's proposals.

LGA Response to MHCLG consultation on banning the use of combustible materials in the external walls of high-rise residential buildings

August 2018



About the Local Government Association

1. The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government. We are a politically-led, cross-party organisation, which works on behalf of councils to ensure local government has a strong, credible voice with national government.
2. We aim to influence and set the political agenda on issues that matter most to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

Introduction

3. The LGA welcomes the Ministry of Housing, Communities and Local Government's (MHCLG) consultation on a ban on the use of combustible materials in the external walls of high-rise residential buildings. The fire at Grenfell Tower in June of last year exposed systemic failures in the building regulation system. Dame Judith Hackitt's review of building regulations and fire safety made recommendations for the long-term reform of the system to address these failures, but as the consultation points out these will take time to implement.
4. Our immediate priority must therefore be to ensure the safety of those who live, work and visit high-rise residential buildings, so that a fire like that at Grenfell Tower never happens again. Evidence emerging from the public inquiry into Grenfell Tower, and earlier fires at Lakanal House and Garnock Court as well as those in other countries such as that in a block in Rouxbaix in France, show that using combustible material on the external walls of high-rise buildings puts people's lives at risk. The fires in these four blocks resulted in 80 deaths.
5. If we are to put people's lives first we must take the lowest risk approach. Allowing the continued use of combustible materials on the external walls of high-rise buildings means taking a risk with the lives of those who live, work and visit them. The safer approach is to only use non-combustible materials – an approach that the consultation notes Dame Judith Hackitt has indicated is a lower risk option than continuing to allow the use of combustible materials. We also believe the ban should be extended to cover all buildings where vulnerable people sleep.

Key issues

Submission

6. The LGA therefore supports the proposed ban on the use of combustible materials on the external walls of high-rise buildings, as the presence of flammable cladding and insulation unnecessarily increases the risk of a serious fire and the severity of that fire. Allowing combustible materials on the side of buildings is always a compromise on safety where – as is the case with cladding and insulation systems - there is a non-combustible alternative. In light of the Grenfell disaster, we do not believe there should be scope for such compromises.
7. Moreover, a ban on combustible materials would provide clarity for councils with regards to which materials they can use in the remediation work and any future refurbishment of their own buildings, as well as work on private high-rise residential buildings. In the latter case, councils are the enforcing authority under the Housing Act 2004, and fire authorities – whom the LGA also represents – have a responsibility under the Fire Safety Order. Both of these enforcing bodies have an urgent need for clarity.
8. The consultation points out that the BS 8414 test provides an alternative means of establishing if the materials used in the external walls of a high-rise residential building are safe. However the LGA does not believe that the BS 8414 test is a reliable guide to the safety of external wall systems that use combustible materials, for the following reasons:

6.1 The test does not adequately reflect what happens in real fires in real buildings. The Fire Protection Association (FPA) carried out its own tests on behalf of the Association of British Insurers to establish what actually happens in real fires in cladding systems. As a result of these tests the FPA concluded “the BS 8414 test may not give designers, specifiers or insurers confidence that cladding systems tested to it will ensure the level of building fire safety that is currently inferred by its use.”¹

6.2 The test fails to reflect how cladding systems are installed in real life on building sites. The BS 8414 test is conducted on a perfectly constructed cladding system, where a pass result may depend on extremely fine tolerances, such as ensuring the gaps between components are the correct number of millimetres apart. We know in reality though that systems are not necessarily perfectly constructed. In particular, the evidence to the Grenfell Tower public inquiry showed that vital safety measures such as cavity barriers were not properly installed. We are aware of evidence suggesting this is a common problem². The entire fire performance of a cladding system is dependent on the effective operation of cavity barriers, and even if everything else has been done correctly, too great a gap between them and other elements of the system can mean they are ineffective.

6.3 Test reports may not reflect the system that was actually tested. Dr. Barbara Lane’s report to the public inquiry demonstrates that there is no guarantee that any BS 8414 test can be relied on, as it might not have been conducted on the system described in the test report:

6.3.1 In Appendix E³ of her report, she demonstrated that a system that passed the BS 8414 that was very different in

¹ <https://www.abi.org.uk/globalassets/files/publications/public/property/2018/04/abi-cladding-systems-research-report-2018-04-19.pdf>

² Do we have a reference for this?

³ https://www.grenfelltowerinquiry.org.uk/file/361/download?token=cl_I Ehqr

its actual construction from the system described in the test report.

- 6.3.2 As tested on the BS 8414 test rigs, the system had significantly more cavity barriers and non-combustible material at crucial points in its construction than were described in the test report published afterwards. As a result anyone using the test report would not have been able to replicate the system that had been tested. It is not yet clear what motive lay behind this discrepancy. However, it is clear that there is the possibility that the reports describing BS 8414 test reports do not accurately reflect the system as installed on the BS 8414 rigs.

- 7 Given the unreliability of these tests, the LGA's view is that the risk of excessive fire spread via cladding systems would be most effectively addressed by using only non-combustible materials in cladding systems. Taking the lowest-risk approach of banning the use of combustible materials in cladding systems would render the existing system of BS 8414 tests and assessments in lieu of tests redundant.
- 8 It might be still be necessary to test the performance of cavities in cladding systems with a view to ensuring against the possible chimney effect in a fully non-combustible system. However, in the absence of combustible materials in cladding systems, we think this would be a far simpler and more reliable process, with the result not only that residents are safer but that they feel safer too.

Question 3

a. Do you agree that combustible materials in cladding systems should be banned?

- 9 Yes. The LGA believes that all combustible materials should be banned from external cladding systems and only non-combustible materials used, except where there is no non-combustible substitute available. In the case of insulation and cladding panels, there are non-combustible substitutes available.
- 10 The Health and Safety Executive's (HSE) advice on the hierarchy of controls for managing risks in the workplace states that the first step in managing risk is "Elimination - Redesign the job or substitute a substance so that the hazard is removed or eliminated."⁴
- 11 The HSE take the view that mitigation of risk should only be considered if it is not reasonably practicable to eliminate the risk. The LGA's view is that the risk of excessive fire spread via cladding systems can be almost entirely removed by using only non-combustible materials in cladding systems.
- 12 However, there may be some elements of systems that need to be exempted as set out in our answer to question 7 below.

b. Should the ban be implemented through changes to the law?

⁴ <http://www.hse.gov.uk/risk/faq.htm#hierarchy>

13 Yes. We do not believe that changing the guidance to building regulations, i.e. Approved Document B, would be sufficient in itself to implement a ban, as there is no absolute compulsion on industry to adhere to the guidance. We believe it would be preferable to introduce the ban through an amendment to the Building Act 1984 to ensure that any move to reverse the ban was subject to parliamentary scrutiny and debate.

c. If no, how else could the ban be achieved?

14 See above.

Question 4

Do you agree that the ban should apply:

a. To buildings 18m or over in height?

15 The definition of higher risk residential buildings (HRRBs) in Dame Judith's report is too narrow. The LGA's view is that HRRB's should be defined as all buildings over 11m (the height at which Scotland proposes to define high-rise buildings, based on the practicalities of fighting fires at height). The definition should also include all buildings in which vulnerable people will sleep (other than private dwellings), including hotels, student accommodation and Houses in Multiple Occupation.

16 We acknowledge that work will be necessary to establish the precise meaning of vulnerable in this context but consider the essential principle to be that a building should be classed as an HRRB where the nature of its occupation means it would take significantly longer to evacuate than would usually be the case and where this delay significantly increases the risk to life.

b. Throughout the entire height of the wall, i.e. both below and above 18m?

17 Yes, the ban should apply to the entire height of the walls of a HHRB. Irrespective of the height limit imposed on the definition of HRRBs – which we have proposed as over 11m – the presence of flammable materials below this limit could allow a fire to take significant hold on the parts of the building above this height limit.

c. To high-rise residential buildings only?

18 Please see the answer to question 4a.

d. To all high-rise, non-residential buildings e.g. offices and other buildings, as well as residential buildings?

19 There may be some non-residential buildings which need to be subject to the same regulatory approach due to the difficulty in effecting evacuation in the event of fire.

Question 5

a. Do you agree that the European classification system should be used and do you consider that Class A2 or better is the correct classification for materials to be used in wall construction?

20 The LGA agrees that the European classification system should be used.

- 21 We believe that only non-combustible materials should be used in cladding systems and that non-combustible must mean non-combustible. This implies that an A1 classification may be necessary. Recent allegations that two non-combustible systems have failed a BS 8414 test and about Vitacore G2 cladding (rated A2 s1 d0) raise serious questions about the suitability of products of this rating. Building owners need to be given clear information as to what is safe to put in buildings and, if this is not possible, the requirements around energy performance may need to be adjusted to permit the removal of cladding systems until their safety can be guaranteed.
- 22 We need to understand properly whether A2 materials can be relied upon to achieve the aims of the building regulations and why apparently flammable products can be found within A2 rated products. We also need to understand whether a honeycomb structure or other arrangements can seriously affect the combustibility of a product.
- 23 Until these questions are answered only an A1 rating appears to provide the certainty we believe residents need.

b. If no, what class should be allowed in wall construction and why?

- 24 Only the European classification system should be used as this will provide consistency, clarity and a classification system that is in line with that in use in Scotland.

Question 6

a. Do you agree that a ban should cover the entire wall construction?

- 25 Yes, the ban should cover the entire wall construction. Dr. Barbara Lane, in her report⁵ to the Grenfell inquiry, gave evidence illustrating several different routes, and the range of materials involved, by which the fire spread along the external walls of Grenfell Tower. As the use of combustible materials, such as uPVC window frames or wooden balconies, can potentially play a significant role in allowing the fire to spread from flat to flat in a high-rise residential building thereby breaching compartmentation, it is important the ban covers the entire wall construction and all the materials used on the external walls and not just rainscreen cladding panels or insulation.
- 26 In addition some insulation products generate cyanide gas when they burn – the role this gas may have played in the death toll at Grenfell is as yet unclear, and the toxicity of the smoke and fumes produced when products burn is not currently considered in any of the testing criteria. However, there is not the same risk from using non-combustible material, and banning combustible materials from the entire wall construction would aid in addressing this risk.

b. If no, what aspects of the wall should it cover?

c. Should a ban also cover window spandrels, balconies, brise soleil, and similar building elements?

- 27 Yes. The LGA would like to see all combustible materials banned from use on the external walls of high-rise residential buildings. However, we recognise that there may be some components which cannot be immediately substituted by non-combustible materials, such as vapour membranes and gaskets and seals. These should be dealt with by specific exemptions, which phases out

⁵ <https://www.grenfelltowerinquiry.org.uk/evidence/dr-barbara-lanes-expert-report>

their use to allow the development of non-combustible products, and they should never be used where a non-combustible alternative is available.

Question 7

a. Do you agree that a limited number of wall system components should, by exception, be exempted from the proposed ban?

28 Yes. The legislation used to implement the proposed ban should list specific components by exception, and allow the Secretary of State to make others. However, the exemption for any wall system components should not be permanent. The exemption should expire after a set period of time, which would encourage the development of non-combustible alternatives, and provide time for them to be brought to market. In addition the exemption should only be allowed where no non-combustible alternatives exist.

b. If yes, what components should be included on an exemption list and what conditions should be imposed on their use?

29 As above, components should only be included on an exception list where no non-combustible alternatives exist, and the exemption should not be permanent, instead allowing for the phasing out of the use of combustible materials in favour of non-combustible products.

30 The LGA is open to the possibility that expert advice may conclude there needs to be some form of testing or other safety verification for cladding systems to take account of unavoidable use of combustibles. This testing system, if used, will require both independent third party verification of the system tested and robust random sampling of product samples used in the system's construction, and should also involve the testing of all the materials to be used on the external wall together.

c. Would you recommend an alternative way of achieving the policy aims stated above?

31 No comment.

Question 8

Do you agree that:

a. A risk-based approach is appropriate for existing buildings?

32 Yes. In line with the approach recommended by the Hackitt review, retrospective action should be undertaken on a risk-based rather than prescriptive basis. However, as set out in our answer to question 4 of this consultation, this approach should be applied to residential buildings over 11m in height, as well as buildings in which vulnerable people sleep.

b. the ban should apply to alterations to existing buildings, including over-cladding?

33 Yes. Without this stipulation, the ban will be significantly less effective, with existing buildings in effect being excluded from having to operate the ban, leaving the residents of existing buildings at risk.

c. The ban should extend to projects that have been notified before the ban takes effect but work has not begun on site?

34 Yes. Building owners will have sufficient notice in advance of the ban being implemented to change their construction plans as necessary.

d. The ban should not affect projects where building work has already begun?

35 We recommend that the proposed ban only affects projects where the building work began before a specified date. We further recommend that this date is shortly after the outcome of this consultation is published – 31 December 2018.

36 This approach will allow building owners sufficient flexibility to commence construction as scheduled without being unfairly impacted by a new ban. At the same time, it will prevent the system from being “gamed” by creating an excessive window of time in which building owners can begin construction work in a token or arbitrary way in order to circumvent the ban.

Question 9

a. Which wall elements are likely to be affected by the proposed change – i.e. where they would pass as part of a cladding system in a BS8414 test but would not meet the proposed Class A2 or better requirement (e.g. sheathing boards or vapour barriers)?

b. We understand that since the Grenfell tower fire, a high proportion of relevant building work is already using elements which meet Class A2 or better. How frequently are elements which do not meet the proposed requirement, as identified in question 3, currently being used on buildings in scope?

c. What the impact of removing access to the BS8414 for those buildings affected by the ban test is likely to be?

d. What types of buildings 18m or over are likely to be affected by this change (e.g. hotels, residential, student accommodation)? What proportion of each type would likely be affected by the proposed change?

e. How much extra cost would typically be involved in meeting the proposed new requirements over and against a building which meets the current requirements? (Please provide any further details.)

f. Please provide any further comments on the likely impact of this change for construction (e.g. supply chains)

37 We have not responded to the above questions in detail.

38 However, as a final point, we would like to emphasise that the system for ensuring cladding systems are safe has failed catastrophically. As a result, many people have died or suffered greatly, and residents in over 300 further blocks have been put at risk.

39 In fixing the system we must err on the side of safety, if we are to err at all. This is not simply a question of what is safe, but of what makes people feel safe in their homes, which we consider a basic human right.

40 We consider that a ban on the use of combustible materials on the external walls of high-rise and high-risk residential buildings would be the lowest-risk option of ensuring this safety. Its impact, all told, will be that we will be

significantly less likely to see another tragedy on the scale of the Grenfell tower fire – this should be the prime consideration of the government’s response to the consultation.

Workforce Update Report

Purpose of report

To update the Fire Services Management Committee on matters in relation to fire service industrial relations and pension matters

Summary

This briefly describes the main industrial relations and pension issues at present.

Recommendation

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

Action

Officers to proceed as directed.

Contact officer:	Gill Gittins (industrial relations)	Clair Alcock (pensions)
Position:	Principal Negotiating Officer	Fire Pensions Adviser
Phone no:	020 7187 7335	020 7664 3189
Email:	gill.gittins@local.gov.uk	clair.alcock@local.gov.uk

Workforce Update Report

KEY WIDER WORKFORCE ISSUES

Broadening the role of the firefighter / Pay

1. The term 'broadening the role' refers to an National Joint Council (NJC) commitment to work jointly together on changes identified by each Side 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. Substantial work to date has looked at areas such as environmental challenges, emergency medical response, community engagement, inspection and enforcement and multi-agency emergency response (which includes Marauding Terrorist Firearms Attacks - MTFA).
2. Both sides of the NJC remain fully committed to identifying a mutually acceptable resolution and negotiations are therefore continuing with frequent meetings taking place to scope potential changes to roles and to explore how that could be reflected in terms of pay. Those negotiations remain constructive in nature.
3. A successful conclusion to the negotiation will be directly affected by available funding on a sustainable basis. Both sides of the NJC therefore also remain committed to political lobbying in that regard both separately and where appropriate jointly. Since the last meeting of the FSMC that lobbying has continued.
4. A substantial amount of detailed information has already been provided to the Home Office to support the case for additional and sustainable funding including in connection with a query around reserve levels. Meetings have taken place with civil servants separately and jointly as appropriate and that is continuing. We have emphasised the need to resolve the matter quickly.
5. The NJC is a UK-wide body and members will be interested to note that the Cabinet Secretary for Local Government and Public Services in Wales has, while expressing his view that any outcome must also work well for Wales, indicated that he is happy for further discussion to take place. Meetings are on-going with civil servants. In Scotland, a positive meeting has taken place with the new Minister. The Minister reaffirmed Scottish Government commitment at this time and reinforced a desire for a quick successful resolution to the negotiation. Work is also taking place considering the best approach to Northern Ireland given the unique political circumstances there.
6. Since the FSMC last met the employers' side of the NJC has held a number of update meetings with Chairs and Chief Fire Officers. The three meetings in the South West, Manchester and London took place over the end of June to mid-July.

20 September 2018

7. Discussion also covered any potential pay award while the wider negotiations continue. This matter had previously been considered within the employers' side when it met earlier in June and the employees' side advised that an employer position would be confirmed during July. Mindful of the position on the broadening the role negotiation and additional information in respect of affordability, settlements elsewhere, respective government 'policies', economic factors, the recommendation of the employers' Advisory Forum and wider discussion at the update meetings, the employers' secretary wrote to the employees' secretary to suggest that basic pay and continual professional development payments are uplifted by 2.0per cent with effect from 1 July 2018 while negotiations continue to put in place a longer term deal. The letter also indicated that from a National Employers' perspective any increase above that level would be dependent upon a successful conclusion to the broadening the role negotiation and securing additional funding from governments. Furthermore, as negotiations are continuing, the employers' expectation is that any overall settlement will also take into account this increase. The Fire Brigades Union decided to consult its members and we understand will consider its response to the employers at its Executive Council meeting taking place between 18-20 September.

Court Of Justice of the European Union - Ville De Nivelles V Rudy Matzak

8. This recent case concerns a 'volunteer' firefighter in Belgium. However its impact will be felt more widely, including in the UK. In essence it has determined that stand-by time of a worker at home who is obliged to respond to calls from the employer within a short period must be regarded as 'working time'.
9. Through the auspices of the National Employers we have been working with a QC to inform guidance to Fire and Rescue Authorities on the judgement.
10. As members are aware we put in place a sounding board with a mix of HR and legal advisers from each of the UK administrations as well as one of the LGA's senior employment law advisers to be sure the questions asked and information provided to the QC were appropriate.
11. The Sounding Board has met with the QC to further explore the picture of how the retained duty system works in the UK. Arrangements are currently being made to provide demonstrations of the three main availability management systems used by Fire and Rescue Services.

Joint secretariat support

12. Aside from the formal NJC dispute resolutions processes, the Joint Secretariat can provide early informal assistance where a local matter is likely to prove difficult to resolve. In recent weeks the Joint Secretariat has this year supported a service in resolving a broad range of harmonisation issues. It was also involved in early conciliation

with another service to help resolve a Trade Dispute and at the time of drafting this report constructive discussions are continuing.

13. In terms of formal processes the Joint Secretariat is currently working with three services on a wide range of issues.

PENSIONS

Valuation and Employer Contributions

14. On 6 September 2018, Her Majesty's Treasury (HMT) published their draft Directions for the 2016 valuation for comment. For the firefighter pension schemes in England this means:

14.1. The firefighter scheme in England is likely to breach the cost cap floor (i.e. costs are likely to be more than 2per cent lower than the 16.8per cent of pensionable earnings cost cap set out in the 2015 firefighter scheme regulations). Under paragraph 3 of rule [150A](#) of the scheme rules the Home Office must consult with the [Scheme Advisory Board](#) (SAB) on the action to be taken to bring the cost back within the target cost. If no agreement can be reached, the default mechanism is to amend the rate at which benefits accrue. The SAB is well placed to engage in this consultation. The boards [cost effectiveness committee](#) constructed from stakeholders across the sector and supported by the boards independent actuarial advisor will be meeting with Home Office and Government Actuary's Department (GAD) on 19 September to discuss the initial outcomes. A verbal update of that meeting will be given at the FSMC. For clarity the cost cap mechanism is a measure of costs for the reformed schemes only, i.e. the 2015 scheme. Therefore the steps taken to improve benefits will be for members in employment in the 2015 scheme between April 2019 and March 2023. It will not affect deferred or pensioner members, or protected members of the 1992 or 2006 schemes.

14.2. There will be a significant increase in employer contribution rates from their current levels. This is mainly due to the proposed further reduction in the SCAPE discount rate, from 2.8per cent to 2.4per cent. This further reduction, if confirmed, is expected to apply from 1 April 2019. The HMT position (as set out in the [technical annex](#)) is that additional costs for the Milne v GAD exercise should fall on employers will also contribute to the increase. This is disappointing, the SAB [response](#) to the consultation made clear the SAB position, that these costs should not fall on employers, and the SAB will be responding to HMT in that regard. As yet we do not know what the 'significant' increase is set to be, I expect to be in a position to give a verbal update to members on 20 September 2018.

15. This [technical bulletin](#) produced by GAD contains the links to all the relevant documents

20 September 2018

15.1. [The written ministerial statement \(WMS\)](#)

15.2. [Draft Directions](#)

15.3. [Technical Annex to Directions](#)

15.4. [The letter to TUC](#)

16. Board consultations and responses will be published [here](#) once they are available, and monthly updates will be provided in the [bulletins](#).

Scheme Advisory Board

17. The budget has now been submitted to the minister requesting a levy of £7.69 per active firefighter member. It is recognised that the proposed levy represents an increase from the levy set in 2017/2018 of £5.67, however this allows the SAB to provide increased centralised support and is designed to meet the cost effectiveness objective. The increase has been consulted on with the Fire Finance Network and is supported by Fire and Rescue Authorities.

18. During 2018/2019 the board are embarking on a project to benchmark the cost and effectiveness of administration and management of the Firefighters Pension Scheme. This is an essential project for the SAB as it will allow them to measure the cost effectiveness of the SAB budget by providing central support and allow the board to consider the future of administering the Firefighters' Pension Scheme and whether there are cost savings that can be made.

Tax implications of retrospective pensionable pay corrections

19. Members may recall from the January 2018 FSMC meeting an issue with regards to the correct taxable treatment of retrospective pension and lump sum payments as a result of correcting pensionable pay errors. Advice has now been sought through the SAB legal adviser, so there is no extra costs to authorities.

20. Pending the Firefighters technical meeting to be held on 17 September, a submission based on the legal advice will now be submitted to HMRC for clarification of tax treatment. Members should be mindful that a consequence of seeking advice from HMRC is that HMRC may investigate past tax treatment.

Scheme Regulations

21. The 2018 amendment order is expected to be laid during September, the amendments are relatively minor. The consultation and draft Statutory Instrument (SI) are available [here](#). Once the SI has been laid a note of the amendment order and any action expected by Fire and Rescue Authorities will be issued.

LGA Firefighter Pension Scheme Communications and Events

20 September 2018

22. The successful LGA Firefighters Pension conference now in it's fourth year will be held on 17 and 18 September. The conference continues to be very valuable to those involved in the management of Firefighter Pensions and continues to help Fire and Rescue Authorities discharge their legislative duties as scheme manager. Slides from the conference will be published [here](#).

Next steps

23. Officers will take forward comments from members, as directed.

Fire Services Management Committee Update paper

Purpose of report

For information.

Summary

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

Recommendation

That members of the Committee note the report.

Action

Officers to continue to provide updates to members.

Contact officer: Jess Norman
Position: Adviser
Phone no: 0207 664 3221
Email: Jessica.Norman@local.gov.uk

Fire Services Management Committee Update paper

Fire Reform agenda

Police and Crime Commissioners and fire governance

1. The Statutory Instrument to change the governance of Staffordshire Fire and Rescue Service came into force on 1 August. Matthew Ellis is the new Staffordshire Commissioner for Police, Fire and Rescue and Crime.
2. The [Statutory Instrument](#) to change the governance of North Yorkshire Fire and Rescue Authority was laid before Parliament on the 6 September and will come into force on the 15 November.
3. There have been no Statutory Instruments made for the change of governance for West Mercia (Hereford & Worcester and Shropshire Fire and Rescue Services) or Cambridgeshire following the Home Office confirmation of the changes in March 2018. We understand the judicial reviews of the Home Office's decisions are continuing.
4. No Statutory Instruments have been made for Northamptonshire which was similarly announced in April 2018. Dates for transfer of governance in these three services therefore remains unconfirmed.
5. Hertfordshire FRA have issued a joint press release with Hertfordshire PCC, David Lloyd, announcing that they have agreed to maintain the current governance arrangements, whilst working to strengthening collaboration across blue light services through a formal Hertfordshire Emergency Services Collaboration Board.

Fire Standards Board

6. The National Fire Chiefs Council (NFCC) has confirmed that LGA has a place on the Standards Board. The details of secretariat contacts and meeting dates are still being established.

HMICFRS Inspections

7. The first tranche of inspections have now been completed with 14 services having been inspected with Kent FRA being shifted to the second tranche of inspections. 14 individual reports and a national report are expected to be published in early December. Dates for the second tranche of inspections are expected to have been sent to relevant authorities by mid-September.

Corporate inspection and the Inspection External Reference Group

20 September 2017

8. HMICFRS is in the process of developing the corporate inspection criteria and will be consulting across the sector on various elements of the inspection process and triggers. The expectation is that corporate inspections will be by exception and that in general inspections will not be required. The FSMC and Fire Commission will be receiving presentations on this at future meetings.
9. The Inspection External Reference Group continues to meet regularly with representatives from HMICFRS, FSMC, NFCC and the Home Office.

JESIP Interoperability Board

10. The latest JESIP Interoperability Board meeting took place on the 3 September. Members of the group discussed key issues around the continued use of the Joint Organisational Learning (JOL) to share good practice and development of a multi-agency self-assurance or peer review process.

Emergency Services Mobile Communications Programme (ESMCP)

11. The NFCC briefed the FSMC meeting in June around the extension to timelines of the ESMCP project beyond the life-expectancy of the current FireLink (Airwave) communications system. Since then the NFCC, in partnership with FSMC, have written to Sir Philip Rutnam, Permanent Secretary at the Home Office, to voice concerns around the extended timeline for introduction and the continuation of the Section 31 Airwave grant beyond the current end date of Dec 2019.

Local Government Association

12. **LGA Leadership Essentials Fire and Rescue:** The LGA will be holding two fire leadership essentials courses in 2018/19 on 28-29 November 2018 and 26-27 February 2019, both events will be held at Warwick Conference Centre.
13. **Culture, Diversity and Inclusion Masterclasses:** The current plan is to hold five regional Culture, Diversity and Inclusion Masterclasses from December 2018 to March 2019 following the publishing of the first tranche of HMCIFRS inspections in November. Dates are provisionally set for a London event on 9 January 2019 and a West Yorkshire event on 18 January 2019. Three further events are planned for the South West, West Midlands and the North West.

20 September 2018

Note of last Fire Services Management Committee meeting

Title:	Fire Services Management Committee
Date:	Friday 22 June 2018
Venue:	Smith Square Rooms 1&2, Local Government House, Smith Square, London, SW1P 3HZ

Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions	Action
1	Welcome, Apologies and Declarations of Interest The Chair welcomed Members to the meeting. The Chair noted apologies received, and substitute Board members in attendance. No Declarations of Interest were made.	
2	Marauding Terrorist Firearms Attacks and Business Continuity Planning - presentation The Chair invited Julian Hilditch, National Resilience Policy Adviser of the Home Office to introduce the item. Julian stated that his presentation was in two parts: <ul style="list-style-type: none">- The first part will discuss business continuity planning in the event of industrial action.- The second part will discuss Marauding Terrorist Firearms Attacks (MFTA) capability. Julian touched on many points throughout his presentation, which included the risk of industrial action and related planning approaches as well as the letter sent by the Minister of State for Policing and Fire Service to authorities in January 2018, which sought clarity on a number of areas. Julian also discussed the key findings in his recent visits to eight FRSs, and the next steps that would follow on from the visits. Julian then went on to discuss the fire services' role in responding to MFTAs. Members raised a range of comments in relation to business continuity planning and the role of the service in MTFAs. Members raised questions about some of the assumptions in the Home Office's assessment of	

business continuity arrangements, the way information on business continuity capabilities had been gathered, and the views of the workforce on MTFA.

The Chair agreed with Members comments and thanked them for their contribution.

Julian stated he taken note of all comments and will be in-touch late on in the year.

Action:

- Members noted the presentation.

3 Kerslake Report Fire and Rescue Service Actions

The Chair invited Roy Wilshire, Chair of the National Fire Chief's Council to introduce the item.

Roy discussed key findings and went on to discuss next steps, which include a coordinated response by the emergency services to recommendations made in the report.

The Chair thanked Roy for the update and invited Members to comment:

- Members discussed the NFCC's action plan in response to the report.
- Members noted that some actions in the plan had yet to be finalised.
 - o Roy stated that this work was on-going, and that future updates to the plan will be made.
- Members discussed the media's coverage of the terrorist attack in Manchester in 2017.
- Members also discussed the impact on the Greater Manchester Fire and Rescue Service and the changes in governance that had resulted in the combined authority from the report.
- Members suggested that they received a further presentation about the lessons from the Manchester attack, and that fire and rescue authority members should be provided with a list of questions they should be asking to reassure themselves of their own services' preparations.
 - o Roy stated that a further report could be brought back to the Committee and members could be provided with a checklist.

The Chair thanked Members for their comments.

Action:

- Members noted the report.

4 Emergency Services Mobile Communications Programme Update

The Chair invited Ian Taylor, Assistant Chief Fire Officer and NFCC Business Change Lead, and Becca Jones of the Home Office, to introduce the item.

Ian updated Members on the delay in the roll-out of the ESMCP, and the proposals for the future delivery of the project.

The Chair invited Members to comment on the report:

- Members discussed how important the current communication system is to the service, and how clarity and certainty is needed around both cost and timing of the replacement project. Members raised concerns about the impact the delay in the project would have, and whether the equipment would become out of date quickly given the long timescales.
- Members went on to discuss the funding for this project, and how it would be extremely detrimental for FRS if the cost was passed on to them.
- Members discussed the possibility of consulting with the private sector, and learning from front-runners in the communication sector.
- Members discussed the current relationship and discontinuity of the use of Airwave – the current provider to FRSs, and the quality of this system as some of it was reaching obsolescence.
- Members also raised FSMC's desire to be represented on the governance board overseeing the ESMCP project.

Becca stated that she completely understood the disappointment communicated by Members, and that lessons had been learnt from previous mistakes. Becca stated that the project was learning from the private sector. Becca also stated that clarity around cost and timings were currently work in progress – her team were endeavouring to ensure this would be ratified as soon as possible.

The Chair thanked Members for their comments.

Action:

- Members noted the update.

5 Automatic Fire Suppression Systems Working Group Report

The Chair invited Charles Loft, Senior Adviser, to introduce the item.

Charles stated that the report summarised the work of the sprinklers working group set up by FSMC earlier in the year, and included the evidence the working group had received from external stakeholders on the use of Automatic Fire Suppression Systems (AFSS), which included sprinklers.

- Members on the working group highlighted how useful they had found the evidence session.
- Members agreed with the recommendations set out in the report,

noting that this was a work in progress.

- Members discussed the LGA's role in spreading good practice.
- Member discussed the definition of vulnerable adults in the report.
- Members discussed next steps, and the possibility of releasing a joint position statement aligned with the NFCC.

The Chair stated that this was a solid foundation to start from, and thanked Members for their comments.

Action:

- Members noted the report

6 FSMC Policy Priorities for 2018-19

The Chair invited Lucy Ellender, Adviser, to introduce the item.

Lucy stated that the paper sets out proposals for the FSMC priorities and work programme for 2018/19. These priorities were based on corporate LGA priorities, areas of work that the Committee previously expressed an interest in, on-going work and recent policy announcements made by the Government.

The Chair thanked Lucy for the update.

Action:

- Members noted the update and agreed to the recommendations.

7 The Hackitt Review and Fire Safety in High Rise Buildings

The Chair invited Mark Norris, Principal Policy Adviser, to introduce the item.

Mark stated that the report outlined:

- The recommendations from the final report on the independent review of building regulations and fire safety, led by Dame Judith Hackitt, which was published in May.
- The implications of these recommendations for FRS.
- Other building safety related work since the last FSMC Committee meeting.

Mark explained that Members' views regarding the reviews recommendations will be used to inform the LGA's response to them and its lobbying around government's plans to reform the building regulation and fire safety system.

The Chair thanked Mark for the update and invited Members to comment:

- Members discussed the report's recommendations related to inspection and fire safety.
- Members also discussed the media coverage of the Grenfell public

inquiry and the response to the fire by the firefighters. They noted the bravery of the firefighters involved in fighting the fire, that failings in the building had affected the ability of firefighters to fight the fire, and that the fire safety measures incorporated into the building had failed.

- Members discussed the reliance in Dame Judith Hackitt's final report on self-regulation by industry, and agreed there should be a greater degree of prescription around fire safety.
- Members also highlighted the need for funding to support training if services were to implement the recommendations.
- Members noted the important role the Joint Competent Authority would play in the new regulatory framework, and that there should be more consideration given to how it would work. As a result, Members requested that an additional meeting of the FSMC be held in order to discuss the recommendations from the final report further.

The Chair thanked members for their comments, and agreed to an additional meeting of the FSMC to discuss Dame Judith Hackitt's final report further.

Action:

- An additional meeting of the FSMC be organised in order to discuss the Hackitt Review further, where further consideration and next steps can be considered.

8 Workforce Report

The Chair invited Gill Gittins, Principal Negotiating Officer, and Clair Alcock, Fire Pensions Adviser, to introduce the item.

Gill stated that the report updated Members of the FSMC in relation to key fire service industrial relations and pension matters at present.

Gill also stated that work continued on the NJC's 'broadening the role' negotiation. Matters within NJC control were progressing well such as constructive discussion with the employees' side of the NJC on the content of a broadened role.

Members were aware that lobbying of governments across the UK in respect of necessary additional funding was also taking place and the need for a timely outcome from all.

- Since this report had been published, NJC representatives had held their second meeting with the Minister in Wales. This meeting had been more encouraging in tone and it was agreed to undertake further work at officer/civil servant level over the next couple of months. .
- A meeting with the new Minister in Scotland was planned for the following week.
- Discussions were on-going with the Home Office.

The National Employers had invited Chairs and Chiefs to attend one of

three update meetings that would be held over the next few weeks. They would cover the broadening the role negotiation and the potential to apply a pay award while those talks continue, which would likely be effective from 1 July 2018.

Members noted the pension issues also contained within the report.

The Chair thanked Gill and Clair for the update and invited members to comment:

Members thanked officers for their hard work on these important matters. Members present at the most recent NJC meeting reported that it had been an extremely constructive and positive meeting.

The Chair thanked Members for their comments.

Action:

- Members noted the update.

9 Outside Bodies - verbal update from Members

Members gave no update in relation to their Outside Bodies appointments.

10 Fire Services Management Committee Update Paper

The Chair invited Lucy Ellender, Adviser, to introduce the item.

Lucy stated that the report outlines the issues of interest to the FSMC not covered under other items on the agenda.

The Chair invited Members to comment:

- Members discussed the assessment of the Police and Crime Commissioner for North Yorkshire's business case in relation to a possible transfer of governance to the Police and Crime Commissioner (PCC). Members also stated that there had been no feedback from the inspectors.

Action:

- Members noted the update.
- Lucy to find out more information on the assessment of North Yorkshire's business case.

11 Note of last Fire Services Management Committee meeting

The Board agreed to the Notes of the previous FSMC on 12 March 2018, with the correction that Cllr Nick Chard had attended the meeting.

Appendix A - Attendance

Position/Role	Councillor	Authority
Chairman	Councillor Ian Stephens	Isle of Wight Council
Vice-Chairman	Fiona Twycross	Deputy Mayor for Fire and Resilience
Deputy-chairman	Cllr Rebecca Knox	Dorset & Wiltshire Fire and Rescue Authority
	Cllr Keith Apsden	North Yorkshire Fire and Rescue Authority
Members	Cllr Jason Ablewhite	Huntingdonshire District Council
	Cllr John Bell	Greater Manchester Combined Authority
	Cllr Nick Chard	Kent and Medway Fire and Rescue Authority
	Cllr Simon Spencer	Derbyshire Fire and Rescue Authority
	Cllr Les Byrom CBE	Merseyside Fire and Rescue Authority
	Cllr John Edwards	West Midlands Fire and Rescue Authority
	Cllr John Robinson JP	Durham Fire and Rescue Authority
	Cllr Kevin Dodds	Tyne and Wear Fire and Rescue Authority
Apologies	Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
	Cllr David Acton	Trafford Metropolitan Borough Council
	Cllr Judith Hughes	Kirklees Metropolitan Council

Notes of from the Fire Services Management Committee meeting

Title:	Hackett Review
Date:	Wednesday 11 July 2018
Venue:	Victoria Room, 8th Floor, 18 Smith Square, London, SW1P 3HZ

1 Welcome

Cllr Nick Chard welcomed those who could attend from the Fire Services Management Committee to the meeting. Cllr Nick Chard outlined the purpose of the meeting: to allow members time to discuss FSMC's response to the Hackitt review and thereby inform the LGA's future work.

2 Building Height

Charles Loft introduced the discussion of the Hackitt Review's final recommendations, the LGA's initial response and then outlined some of the key issues where it would be useful to have Members' views to inform the LGA's response to the final report. The first area Charles highlighted was the definition of higher risk residential buildings (HRRBs) in the report of buildings over 10 storeys in height. Charles also noted that in Scotland they had suggested lowering the height for high-rise buildings to 11m.

Members made the following comments on building height:

- The issue of developers building to just below defined height definitions had to be considered, and the ability of the fire and rescue service to comment on proposals relating to them was important. Strict rules needed to be put in place to not allow buildings to sneak through safety requirements.
- Lowering the defined height of high rise buildings along the lines Scotland was proposing would help address that.
- All buildings need to be considered
- High risk building also needed to be identified
- All different categories of resident safety needs to be brought together
- Vulnerability needs to be brought into account of safety

Members agreed the LGA should propose that HRRBs are defined as those over 11 meters.



3 Joint Competent Authority

Charles Loft asked members for their comments on the Joint Competent Authority (JCA), as outlined in the Hackitt Review.

Members made the following comments on the JCA:

- It needs a physical presence, like an office with central government funding so it has an authority in fire safety. Case studies of how this would work in practice would be helpful.
- Should it be a central body with partnership of current bodies, or made up of local bodies?
- What would the level of activity be across the country? London would be busier than rural areas. A consultation with stakeholders from the fire sector would be informative.
- The JCA could be involved with planning policy to reflect building safety as part of a pre-planning discussion. Planning authorities could be the basis for the framework. Smaller JCA/Planning authorities could be supported by larger JCAs.
- Building regulation should be seen as separate from planning applications.
- The national part of the JCA could provide advice on regulation. The private sector needs to be considered in the scope of the JCA.
- The JCA needs to take into account the appeals process and local authority planning.
- Bad advice and poor manufacturing is letting down local authorities, inspections should be in scope of the JCA.

It was agreed to put forward a concept of framework for the Joint Competent Authority in the LGA response

4 Any other comments

Cllr Nick Chard thanked everyone for attending at short notice

Position/Role	Councillor	Authority
Acting Chairman	Cllr Nick Chard	Kent and Medway Fire and Rescue
Chair	Cllr Ian Stephens	Isle of Wight Council
Vice-Chair	Fiona Twycross	Deputy Mayor for Fire and Resilience
Members	Cllr Les Byrom CBE	Derbyshire Fire and Rescue Authority
	Cllr John Edwards	Merseyside Fire and Rescue Authority

Informal notes of from the Home Office Roundtable with Fire Service Management Committee

Title:	Home Office Roundtable
Date:	Wednesday 11 July 2018
Venue:	Victoria Room, 8th Floor, 18 Smith Square, London, SW1P 3HZ

1 Welcome

CLlr Nick Chard thanked members for staying after the Fire Service Management Committee Hackitt Review meeting and welcomed Anna Richardson and Emma Lawrence from the Home Office.

Emma and Anna spoke of how demand and risk for Fire Service Authorities (FRA) has changed, where they will go in the future and the current financial resilience. The Minister has contacted a number of FRAs by phone and post to consult with them. A number of stakeholders like National Fire Chiefs Council (NFCC) have been contacted too. This is the start of the conversation with FRAs not the end

Home Office officials were planning to put information to the Fire Minister before Summer recess for further consideration.

2 Demand and risks

During the discussion on risk and demand members made a number of comments:

- There was no uniformity among FRAs. Conditions and circumstances of FRAs are very varied across the country – for instance whether they are rural, or urban, the type of establishment and shift systems they use as well as the demographics of their communities will all make a difference to the risks and demands on the FRA.
- The on-call duty system was identified as one of the biggest areas of pressure for many FRAs. Recruitment and retention was a huge issue for the sector. The effectiveness of the system, which had a high turnover, was discussed.
- Emergency Medical Response is seen as a way of keeping staff engaged in the on-call system, however, they warned that if the on-call work took up too much time, this would mean that the primary employer would be more reluctant to release staff.
- The availability of on-call staff in coastal areas during the summer season

12 July 2018

- could be problematic as the demands in their primary employment increased.
- Changing demographics i.e. an ageing population will increase demand on FRAs. There was some discussion on what the projected need would look like in the future, with the potential for a rise in incidents after a long decline.
 - The need for a minimum establishment number to provide resilience for when large scale fires and incidents occur. Ensuring that any discretionary capacity that may exist is used for a wider range of activities to ensure that resilience is not compromised.
 - An FRAs establishment number will be affected by a number of issues including locally set response times, shift patterns, rural or urban areas etc. There was no set national standard on response times, these are instead a matter for local decision.
 - Risk and demand are not mutually exclusive, both will help to inform an FRAs risk assessment. However, it was noted that there was no single assessment of risk across FRAs. The NFCC were currently working on producing this through their community risk work.
 - There was some discussion on output versus outcome measures when looking at the response to fires and other incidents.

Reserves

The Home Office also discussed the role of reserves in providing FRAs with future resilience. In particular the Home Office were interested in the use of reserves to secure pay increases for firefighters, in light of the broadening of the role discussions. They outlined that whilst FRAs are putting money into reserves, this money could instead be used to fund a pay increase rather than increase reserves.

Members have had these comments to make:

- Members were concerned that the use of reserves to fund an ongoing pay increase would not be effective.
- Many FRAs have earmarked their reserves for further transformation rather than allocating them to increasing the payroll.
- This was due to a lack of capital funding available for transformation projects. Reserves were therefore critical to further transformation.

Any other comments

There were some discussions around the role of the FBU in transformation and change. Members outlined that the unionised workforce means that it can take time to implement change, including the broadening of the role discussions.

Grenfell was noted as the big unknown, in terms of the role of the fire service going forwards and how that would impact on demand.

LGA location map

Local Government Association
 18 Smith Square
 London SW1P 3HZ

Tel: 020 7664 3131
 Fax: 020 7664 3030
 Email: info@local.gov.uk
 Website: www.local.gov.uk

Public transport

18 Smith Square 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

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at 18 Smith Square. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

18 Smith Square is located within the congestion charging zone.

For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car parks

Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
 Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking

