

Note of last Fire Commission meeting

Title: Fire Commission

Date: Friday 24 September 2021

Venue: Smith Square 1, 18 Smith Square, and online via Zoom

Attendance

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

Item	Decisions and actions
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1 Welcome, apologies and declarations of interest

The Chair welcomed members to the meeting, in particular those who were new to the Commission following the summer appointment process.

Apologies for absence were received from Fiona Twycross, Cllr Darren O Donovan (sub Karen Renshaw), Cllr Peter Harrand (sub Mike Pollard), Cllr Eric Carter, Cllr Dave Norman, Cllr Pauline Helliard-Symons, Cllr Lesley Clarke (sub David Hopkins), Cllr Martyn Alvey, Cllr Brian Kenny, Cllr Janet Willis, Cllr Neil Bannister, Cllr Kit Taylor (sub Roger Philips), Cllr Stuart Tranter, Cllr Tony Damms, Roger Hirst (sub Janet Perry) and Cllr Christine Dunbar.

There were no declarations of interest.

2 Minutes of the previous meeting held on 11 June 2021

The minutes of the meeting held on 11 June 2021 were agreed as an accurate record.

3 Fit for the Future

Fit for the Future is a partnership between the LGA, NFCC and National Employers (England).

CFO Phil Garrigan, NFCC Deputy Chair reminded members that the Fit for the Future initiative provided an opportunity for the three organisations to develop a framework and future aspirations for the fire and rescue service in England together to meet the needs of the communities they served. It also included a number of improvement objectives. This work would also assist in responding to HMICFR's recommendation in its first State of Fire & Rescue report requesting review the role of the fire and rescue service and those who work within it. This also needed to be set in the context of the Grenfell and Manchester Arena Public Inquiries, the Covid pandemic and a changing climate.

Two in-person strategic engagement sessions were planned for 22 + 27 October to examine Fit for the Future in more detail and to determine what might be required to enable necessary change to happen going forward. Three technical sessions were also planned to ensure all views could be captured.

Cllr Nick Chard, Chair of the NJC Employers' Side, added that the document was a testament to the strength of collaboration between NFCC, National Employers (England) and the LGA and, whilst there was still work to be done on outcomes, it demonstrated a unified approach for the sector. The Fire Reform White Paper would also be critical and would eventually feed into the document.

Comments and questions from members:

- Much of the sector's successful collaborative working on the ground, particularly in the last 18 months, has been with health services, and therefore, the future should focus on the role that FRS can play in safe, healthy living within communities. It would be unfortunate if the Inspectorate led services too far down the enforcement line at the expense of this wider role.
- The document contains a lot of broad ranging objectives – how can these all be adequately covered in the engagement sessions and how will the Trade Unions be involved in the process? Phil said that the intention was not to review the 11 improvement objectives in detail in the sessions – these are settled and provide a good framework for FRS's to carry out their current day to day work. The engagement sessions were much more about looking at the longer-term aspiration for the sector and how it can effectively meet the public's needs in a rapidly changing environment, for example around the increasingly severe effects of climate change. Engagement with all representative bodies would take place. Gill Gittins, Senior Adviser Workforce & Negotiations, added that it was important that the FRS itself inputted into this and took a view about where it would want the service to be. Trade Unions had been invited to participate in the initial consultations in October 2020. They are fully aware of the current work and will be further involved as the work progresses.

Decision:

Fire Commission **noted** the report.

4 Building Safety update

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

Charles reported that the Fire Safety Act was due to commence in October, bringing fire doors and cladding under the scope of the Fire Safety Order. Work on the Building Risk Register would be coming to an end in December 2021 and so the key question was what the approach to inspection and enforcement would be following this. Officers were working on a protocol between councils and the fire service about joint inspection and enforcement. Implementation of regulations on the findings of the first phase of the Grenfell Tower Inquiry would follow immediately after the

commencement of the Fire Safety Act. Other current issues of significance to highlight were the Building Safety Bill and whether all the requirements this would place on councils and FRSs will be properly funded; and determining a more proportionate to building remediation, thereby potentially reducing costs.

Owen Noakes from the Home Office Fire Safety Unit then took members through the new regulations in relation to the Grenfell Tower Inquiry recommendations which followed a public consultation over the summer. The regulations would commence in April 2022 to enable those affected by them to become compliant. They placed legal requirements on Responsible Persons mainly in relation to high rise buildings and would clearly define what constituted a high-rise building. Implementation guidance was being drafted to address cross-over with the Fire Safety Act requirements and would be available later in 2021. Owen then briefly ran through the specific measures contained in the new regulations.

Charles added that following commencement of the regulations, FRSs would start receiving information, mainly from Responsible Persons on buildings over 18m - plans, evacuation plans, details of external walls etc. For buildings over 11m information would be required on fire door checks, wayfinding etc.; and on all multi-occupancy residential buildings, fire safety information would need to be provided to residents. FRSs would need to consider carefully how they incorporated these new requirements into their inspection and enforcement plans.

Members comments and questions:

- Following the New Providence Wharf fire, it was clear that balconies as well as external walls needed to be in scope for the new regulations. Was this the case? Charles said that there was previously uncertainty around whether external balconies fell within building regulations, but this had now been clarified under the Fire Safety Act. Having combustible material on balconies was now equivalent to having it on external wall systems - but only on buildings over 18m.
- Concern was expressed about who would ensure that Responsible Persons, and the contractors they might employ, were qualified to do the various checks? Charles said that competency is covered in the revised Fire Safety Order. The Building Safety Bill also contained requirements around Responsible Persons and competency to carry out work, which would complement the Fire Safety Order.
- Members requested that a link to the new regulations be sent out? Charles agreed to circulate the summary document.
- Concern was expressed about lifts, and the fact that the regulations would only apply to firefighter lifts and not those used by residents in blocks of flats. Would there be an assured quality scheme for those maintaining and inspecting lifts? Charles said that Responsible Persons would be required to carry out monthly checks on firefighter lifts and alert FRS's if they weren't working properly; but this wouldn't apply to residential lifts.
- Members raised the issue of office blocks being converted to residential units by speculative developers under Permitted Development Rights. They argued strongly that this process needed to be regulated much more stringently for the safety of

residents. Charles said that permitted development is something that the LGA also had serious concerns about and continued to raise with Government. The new Secretary of State is reviewing planning reforms so there should be more opportunity to continue to push this point.

Decision:

Fire Commission **noted** the update.

5 Spending Review update

The Chair invited Lucy Ellender, Senior Adviser, and Emma Lawrence, Head of Fire Funding Policy at the Home Office, to introduce the report.

Emma thanked the LGA and NFCC for their input, through the Senior Sector Group, into a strong fire sector funding bid which the Home Office had now submitted to HM Treasury. Discussions between Secretaries of State had now begun with a final Spending Review announcement currently expected to take place on 27 October 2021. Detailed Home Office grant allocations would be released a couple of weeks after that along with a provisional local government settlement before Christmas.

Emma said that the focus now needed to be on how best to measure and demonstrate continued improvements in efficiency and productivity across the sector - key data that HM Treasury will expect to see over the coming months. To this end, an Efficiency & Productivity Forum had been established which would look at, amongst other things, what work and research could usefully be commissioned by the Home Office, for example, to bridge any data gaps identified. A small working group had been set up to look into this in more detail, which would report back to the Forum by the end of October. HM Treasury would periodically sit on this Forum to monitor progress.

Members comments and questions:

- Members felt that the bid was very professional and refined on this occasion thanks to excellent joint working with the NFCC and Home Office.
- Concern was expressed about the impact of a likely rise in inflation on the value of the final settlement as the Spending Review progressed. Was there any way that this could be accounted for as part of the Review? Emma said that all departments had used the same OBR parameters for inflation assumptions and so if this turned out to be significantly different, they would all need to go back to the Treasury.
- On pension issues, with the impact of the Matthews-O'Brien and McCloud-Sargeant cases still not clear, had a principle been established that the Treasury would cover any additional costs for FRAs? Emma said that pensions numbers were included in the bid but it is likely that the Treasury would ask that they are dealt with separately, particularly McCloud-Sargeant, as this affected all public service pension schemes. Discussions were still ongoing with the Treasury about how much they would provide and when. There had not yet been a commitment to fund all of it but the

Treasury recognised the significant impact on FRAs. This was unlikely to be resolved on 27 October with the Spending Review announcement. Gill Gittins added that through the auspices of the National Employers, discussions were taking place with Government around covering all costs, making it clear that it wasn't just about covering the remedy costs. A formal New Burdens allocation would be made if it became necessary but hopefully it could be resolved before that point. Members were reminded that there was of course no guarantee such an application would be successful.

- Clarity was sought on the ask around protection grants in the bid. Real concern was expressed that well-qualified and experienced fire prevention officers would be tempted into the more lucrative private sector leaving FRSs in the lurch. Emma confirmed that continued protection grant funding was in the bid and the Home Office was clear on the need to invest in this post-Grenfell. They were also fully aware that staff retention was an issue for services and solutions were being looked at.
- Members queried whether it was still expected to be a 3-year settlement? Emma confirmed that it was.
- In the third year of the Spending Review was it still the assumption that employer pension costs would rise by 75%? Emma said that the Treasury hadn't confirmed what the position would be with regards to employer costs. The revaluation process had been paused and so would need to restart to take into account changes in life expectancy and the McCloud-Sargeant judgement. The Treasury would cost these changes and work out the impact on employer contributions.
- Would any productivity and efficiency savings be cash releasing? Emma said that the Minister wanted the workforce to remain stable so there would be no large cash release, although there may be some cashable savings in procurement. In terms of productivity, it would be about making sure that employees were using their time productively as much as possible in providing services to the public.

Decision:

Fire Commission **noted** the report and the continued work of the LGA and the National Fire Chiefs Council on this area.

6 FSMC and Fire Commission Priorities for 2021-22

The Chair invited Lucy Ellender, Senior Adviser, to introduce the report.

Lucy invited members to comment on the proposed priorities for the Commission and FSMC for 2021-22. As last year, the three themes of people, professionalism and governance would be key and Lucy briefly described work strands under these. Work would also be influenced by the expected Fire Reform White Paper, the Spending Review and findings from HMICFRS.

Members comments and questions:

- Referring back to the LGA's Business Plan members felt that

sustainable communities and community resilience, particularly in the face of climate change, were going to become increasingly significant issues. The fire sector would have a big role to play here and so could this be incorporated into the priorities?

- Could response to the White Paper be a distinct priority? This would not just be about governance, but it would also affect FRS structures and employees.
- The link in with health and wellbeing services was also considered to be important, more specifically the impact of new Integrated Care Systems.
- The issue of fire safety around the rapidly increasing number of solar farms was raised as a priority.

Decision:

- Subject to the additions discussed, Fire Commission **agreed** the work priorities for 2021-22.

7 Workforce update

The Chair invited Gill Gittins, Senior Adviser Workforce & Negotiations, and Claire Hey, Senior Pensions Adviser, to introduce the update. On behalf of FSMC Lead Members and the Commission, the Chair congratulated Claire on her new appointment.

Gill highlighted paragraph 59 from the report in respect of High Court claims that had recently been issued against two FRAs – Nottinghamshire and London - concerning immediate detriment issues. Having raised the issue with FRAs and FRSs we had agreed with the Fire Brigades Union to work to identify a Memorandum of Understanding and a Framework that would allow the issue to be resolved so that affected employees could be dealt with now. Gill said that this involved some complex negotiations, but she hoped that it would ultimately enable the High Court cases to be settled before the summary judgement hearing in October and without the FBU bringing further legal cases against other services.

Claire said that in relation to the pension revaluation and employer contributions discussed at item 5, the process had been restarted and the outcome was expected any time soon. HM Treasury had already confirmed that any changes to employer contribution rates wouldn't take place until 2024.

Claire reported that HM Treasury had recently launched a consultation on the way in which employer contributions were set using the SCAPE discount rate with a view to making it more stable and avoiding the dramatic fluctuations that had been seen in recent years.

Decision:

Fire Commission **noted** the update.

8 National Fire Chiefs Council update

The Chair invited Mark Hardingham, NFCC Chair, to introduce the update.

Mark highlighted the following points from his report:

- He thanked those FRSs who had supported the short notice request to send firefighters to help in efforts to tackle the recent wildfires in Greece. He added that this played well into the Fit for the Future work around the wider role of FRSs in a rapidly changing environment.
- The NFCC 'Making a Difference' report had been published, which set out the work of FRSs across the country in the Covid response. Data in the report had fed into the Spending Review submission to the Home Office. Some services were still involved, for example around administering booster jabs.
- The London Fire Brigade had been providing evidence to the Grenfell Tower Inquiry. NFCC was supporting FRSs in responding to the 46 recommendations that came out of part 1 of the Inquiry. Together with the Manchester Arena Inquiry findings, the NFCC was going to have a vital role to play in supporting organisational learning in FRSs so that the required improvements could be made.
- NFCC was supporting FRSs to spend protection uplift funding, in particular on training and professional development for staff. This, unfortunately, made them highly marketable to the private sector where there was a huge shortage of trained staff and so retention was a real challenge for FRSs. Addressing this challenge was a high priority for the NFCC.

Members comments and questions:

- Concern was expressed around the threats and challenges that new technology posed, for example, electric vehicles and the behaviour of batteries in road traffic accidents. Could a report be brought to a future meeting about this and what the NFCC was doing to share learning with FRSs? Mark said that there was a lot of work going on both within the NFCC and internationally on technologies such as lithium ion batteries, hydrogen power and solar farms and how these impacted on the protection advice that FRSs gave. The NFCC's online learning tool on lithium ion batteries was highlighted and could be accessed on the FRS Learn website. Mark said that he was happy to bring back an item on this to a future meeting.
- Clarification was sought on the impact on fire services of the increasing strain that ambulance services were coming under as autumn approached. Were FRSs getting requests to assist their NHS colleagues? Mark said that it varied across the country. Most ambulance services were operating at their highest level of demand. For some FRSs the scale of the ask was too great to enable them to continue with their business as usual activity. Others were not being asked at all. This again fed into the Fit for the Future work and a potentially enhanced role for FRSs moving forward as NHS services came under increasing pressure.

Decision:

Fire Commission **noted** the update.

Action:

Schedule item on the fire risks from new technologies into the FSMC/Fire Commission forward plan.

9 Fire Standards Board update

Decision:

Fire Commission **noted** the update.

10 Fire Commission update

The Chair reported that the Fire Reform White Paper had still not been published but was expected sometime during October. He proposed that an additional Fire Commission meeting be held, once it had been published, to discuss the implications for FRAs.

The Chair also highlighted the LGA's Governance & Leadership workshops that were taking place during October and November. He emphasised that they were open to all FRA members, not just Chairs, and were free of charge.

Rachael Aldridge, Policy Adviser, added that Governance Task & Finish Group would be reconvened shortly in anticipation of the White Paper publication and would feed into the additional Fire Commission meeting previously mentioned.

Members requested that a date be found for the additional meeting as soon as possible once confirmation was received from the Home Office about a publication date. This was agreed.

Decision:

Fire Commission **noted** the update.

Action:

Officers to arrange date for extraordinary Fire Commission meeting after publication of Fire Reform White Paper.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chairman	Cllr Ian Stephens	Isle of Wight Council
Members	Cllr John Chatterley	Bedfordshire Combined Fire Authority
	Cllr Edna Murphy	Cambridgeshire and Peterborough Fire Authority
	Cllr Paul Kirton	Cleveland Fire Authority
	Cllr Trevor Ainsworth	Derbyshire County Council
	Cllr Simon Coles	Somerset County Council
	Cllr Rebecca Knox	Dorset and Wiltshire Fire and Rescue Service
	Cllr John Shuttleworth	Co. Durham and Darlington Fire Authority

	<p>Cllr Carol Theobald Cllr Amanda Peers Cllr David Lancaster Cllr Morris Bright MBE Cllr Nick Chard Cllr Lindsey Cawrey Cllr Les Byrom CBE Cllr Margaret Dewsbury Cllr Peter Lewis MBE Paul Fell Cllr Tony Taylor Cllr Duncan Crow Cllr Rachel Bailey Cllr Mark Healey MBE</p> <p>Cllr Lesley Rennie Cllr Linda Vijeh Cllr James Doyle Cllr Lynn Hall Cllr Keith Aspden Cllr Ruth Skelton Cllr Roger Price Cllr Jeremy Hilton Cllr Rowland Rees-Evans Cllr Tom Woodward Cllr Steven Lambert</p> <p>Cllr Frank Biederman</p> <p>Cllr Luke Frost Cllr Nigel Smith Cllr Nikki Hennessey Cllr Leigh Redman</p>	<p>East Sussex Fire Authority Greater Manchester Combined Authority Greater Manchester Combined Authority Hertfordshire County Council Kent and Medway Fire and Rescue Authority Lincolnshire County Council Merseyside Fire and Rescue Authority Norfolk County Council North Wales Fire Authority Northants Police Fire & Crime Commissioner Tyne and Wear Fire and Rescue Authority West Sussex County Council Cheshire Fire Authority Devon and Somerset Fire and Rescue Authority Merseyside FRA Somerset County Council Tyne and Wear Fire Authority Cleveland Fire Authority North Yorkshire Fire & Rescue Service Derbyshire Fire and Rescue Authority Hampshire and Isle of Wight FRA Gloucestershire County Council Mid and West Wales Fire Authority Tyne and Wear FRA Buckinghamshire and Milton Keynes Fire Authority Devon and Somerset Fire and Rescue Authority Cleveland Fire Authority Conwy County Borough Council Lancashire Fire & Rescue Authority Devon & Somerset Fire & Rescue Authority</p>
Apologies	<p>Cllr Pauline Helliar-Symons Cllr Lesley Clarke OBE</p> <p>Cllr Martyn Alvey Cllr Janet Willis Mr Roger Hirst</p> <p>Cllr David Norman MBE Dr Fiona Twycross Cllr Kit Taylor Cllr Stuart Tranter Cllr Neil Bannister</p> <p>Cllr Brian Kenny Cllr Christine Dunbar Cllr Eric Carter Cllr Tony Damms Cllr Darren O'Donovan Cllr Peter Harrand</p>	<p>Royal Berkshire Fire Authority</p> <p>Buckinghamshire and Milton Keynes Fire Authority Cornwall Council Cumbria County Council Police, Fire and Crime Commissioner for Essex Gloucestershire County Council Greater London Authority Hereford and Worcester Fire Authority Kent and Medway Fire and Rescue Authority Leicester, Leicestershire & Rutland Combined Fire Authority Merseyside Fire and Rescue Authority Northumberland County Council Shropshire and Wrekin Fire Authority South Yorkshire Fire and Rescue Authority West Yorkshire Fire and Rescue Authority West Yorkshire Fire and Rescue Authority</p>
In Attendance	Cllr Karen Renshaw	West Yorkshire Fire & Rescue Authority

Cllr Roger Phillips	Hereford & Worcester Fire Authority
Cllr Mike Pollard	West Yorkshire Fire & Rescue Authority
Cllr Sara Randall-Johnson	Devon and Somerset Fire and Rescue Authority
Cllr Jane Hugo	Lancashire Fire & Rescue Authority
Cllr John Shedwick	Lancashire Fire & Rescue Authority
Cllr David Hopkins	Buckinghamshire & Milton Keynes Fire Authority
Janet Perry	Essex Police Fire & Crime Commissioner's office
Mark Hardingham	NFCC
CFO Justin Johnson	NFCC
CFO Phil Garrigan	NFCC
Steven Adams	NFCC
Jonny Bugg	Home Office
Owen Noakes	Home Office
Emma Lawrence	Home Office
CFO Jason Thelwell	Buckinghamshire FRS
CFO John Beard	Cumbria County Council
CFO Andrew Hopkinson	Bedfordshire FRS
CFO Neil Odin	Hampshire & Isle of Wight FRS
CFO Rod Hammerton	Shropshire FRS