

Minutes of last Fire Services Management Committee meeting

Fire Services Management Committee

Friday, 9 December 2022

Hybrid Meeting - 18 Smith Square and Online

Attendance

An attendance list is attached as **Appendix A**

Item	Decisions and actions
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1	Welcome, apologies and declarations of interest
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The Chair welcomed members to the meeting.

Apologies were received from Fiona Twycross, Cllr John Shuttleworth and Cllr Darren O'Donovan. Cllr Les Byrom substituted for Fiona Twycross.

There were no declarations of interest.

The Chair congratulated Fiona Twycross on her recent elevation to the House of Lords and informed members that although she would be remaining on FSMC, she would be handing over the Labour Lead Member role to Cllr Greg Brackenridge.

2	Minutes of the previous meeting held on 23 September 2022
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The minutes of the meeting held on 23 September 2022 were agreed as an accurate record.

3	Finance update
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The Chair invited CFO Ben Ansell (BA), NFCC Finance Lead, to update members on the latest financial situation for FRAs.

BA thanked all the members who had engaged in the recent lobbying for greater funding and financial flexibilities for FRAs. The letters had been well co-ordinated and well received. The continued focus was on an inflationary (CPI) uplift in the Business Rates Multiplier and Revenue Support Grant and £5 precept flexibility for Band D properties. The recent Autumn Statement had seen some welcome movement from the Government in relation to increasing the council tax referendum threshold from 2-3% but further funding details would not be released until the Local Government Finance Settlement, due on 20 or 21 December.

Members' comments and questions:

- The Chair thanked Ben and the NFCC for all their hard work in attempting to secure additional funding for the sector.
- Was the £5 precept flexibility request landing well with decision makers? BA said that the indications were that this was the right ask of Government in terms of scale and in comparison to the Police, and it seemed to be gaining some traction.
- The issue of lack of capital grant funding for FRAs was raised and the fact that capital spending had to be raised through revenue. Could Government be lobbied on this point? BA agreed that this needed to be raised as part of a wider conversation about fire funding. In particular, the functional split between the Home Office and DLUHC on fire policy and funding was an ongoing issue.
- Was the survey of FRAs now complete? BA confirmed that the survey had been completed and had been used to back up the case put to Government. The results had been shared within the Fire Finance Network and with LGA officers.

Decision:

FSMC **noted** the update.

4 Accountability and Transparency

The Chair invited Lucy Ellender (LE), Senior Adviser, and Jonny Bugg (JB), Head of Fire Strategy and Reform Unit - Home Office, to introduce the update.

LE reported that the Home Office had originally agreed to hold a discussion on governance at the current meeting but, given that the response to the Fire Reform White Paper consultation had not yet been released, they had asked (after the agenda had been circulated) for it to be postponed to the following meeting.

JB said that the new Minister, Chris Philp, had already shown some positive engagement on the fire agenda and remained committed to reform through the White Paper response. The London Fire Brigade's Culture Review had ignited significant interest in Parliament and the Minister was keen to address the problems it had highlighted. The Minister was also focussed on the finance and productivity agenda and JB considered that this was key to future funding. Finally, contingency planning for possible strike action was an area of immediate concern for the Home Office.

Members' comments and questions:

- Was the need for additional funding for FRAs for responding to the increasing number of flooding and wildfire incidents being communicated to the Minister? JB said that the Home Office was pushing for additional funding for change programmes but he couldn't give any further details until after the Local Government Finance Settlement.
- Concern was expressed that, by putting off the debate, the Home

Office was avoiding conversations on accountability and transparency. JB sought to reassure members that this was not the case and that the conversations would be more productive when the response to the White Paper consultation had emerged.

- Concern was expressed over the Home Office's commitment to the reform agenda set out in the White Paper and whether there would be sufficient parliamentary time and priority given to fire reform legislation. JB said that his hopes were high for fire and policing legislation in the 4th session of Parliament and this remained a priority for the Home Office.
- The Chair asked if the Home Office could give some thought, ahead of the discussion at FSMC, to what they considered accountability and transparency to mean and whether this necessarily needed to involve significant changes to governance in FRAs.

Decision:

FSMC **noted** the update and the postponement of the discussion on accountability and transparency until the FSMC meeting in March 2023.

5 Wildfires

The Chair invited Paul Hedley (PH), NFCC Wildfires Lead, to deliver his presentation.

PH ran through the unprecedented extent and impact of the wildfires during the 2022 season and the measures being taken by NFCC to try to mitigate risk. He reported that he had just launched a survey of FRSs on the impact of the 2022 wildfires, and on resilience in the sector more broadly.

Following the presentation, Rebecca Johnson (RJ), Adviser, drew members attention to the recommendations in the report and asked for their views on how best FSMC could support the NFCC work on wildfires.

Members' comments and questions:

- Members discussed the pros and cons of increased regulation to restrict the sale of high-risk items such as disposable barbecues, Chinese lanterns and fireworks. It was agreed that it would be useful to develop a wider evidence-based national strategy to look at the issues involved, and the possibility of holding a summit with all interested stakeholders (e.g. local authorities, supermarkets, FRAs) was suggested as a means of taking this forward in the first instance. Stronger public education/information campaigns were considered vital in highlighting the risks. Additional resources would need to be found for local authorities to support effective enforcement if regulation was to be increased. The Australian system of linking restrictions on barbecues to weather warnings was highlighted as a good best practice example that could be followed.
- Members further discussed the resources needed for FRSs to tackle the increasing number of wildfires, including the cost

effectiveness of aerial control with helicopters.

Decision:

It was agreed that:

1. FSMC work with the NFCC to push for more national capacity to support Fire and Rescue Services (FRS) in fighting wildfires
2. FSMC support and promote NFCC's work around wildfires including an updated and enhanced Wildfire Prevention Toolkit and National Training Packages
3. That FSMC amplifies national messages around wildfire awareness and safety and encourages government to launch a national awareness campaign around the risks of wildfires.
4. Officers carry out further research to enable FSMC to develop a position on the sale of disposable barbeques and other high-risk items such as lanterns and fireworks. This work to include considering whether to hold a workshop (potentially at the LGA Fire Conference) with stakeholders to discuss the issues.

Action:

Officers to carry out further work on 4) above and report back to a future FSMC meeting.

6 Emergency Services Mobile Communications Programme (ESMCP) update

The Chair invited Ian Taylor (IT), Senior User and Business Change Lead, NFCC, and Simon Parr (SP), Senior Responsible Owner, Home Office, to introduce the update.

SP updated members on developments with ESMCP since the previous report on the Business Case in March 2021. The Competition and Markets Authority (CMA) had carried out an investigation into Motorola, the suppliers of the current Airwave system, in relation to excess profits and possible deliberate delays to the introduction of the less profitable Emergency Services Network (ESN). The CMA published provisional findings in October 2022 and concluded that Motorola were making supernormal profits – at current prices, the opportunity to earn just under £1bn of excess profits between now and 2029. The CMA announced their intention to impose a price control to restrict excess profit, to require Motorola to facilitate a workable transition between Airwave and ESN and to instruct the Home Office to fully introduce ESN by 2029 at the latest. Motorola had decided to step away from delivering ESN at the end of their current contract in 2024 and were currently negotiating early release (Dec 2022). Market engagement had begun on reprocurring the ESN contract with a view to formally launching the process in early 2023 and starting a new contract in early 2024. The network contract with EE was also due to expire in 2024 and conversations were taking place about how to proceed on this front. SP concluded that, in spite of all the problems, the strategic case for ESN remained very strong as the Airwave technology gets closer to becoming obsolete.

IT added that in the light of the Motorola contract termination, those FRSs

that had been early adopters of ESN would unfortunately have to be transitioned back off early in 2023. Finally, IT drew members attention to recommendation 2 in the report and advised FRAs not to anticipate any Airwave related savings in their budget setting due to the possibility of legal challenge by Motorola.

Members' comments and questions:

- The logic behind taking early adopter services off ESN was queried. IT confirmed that once the Motorola contract ended, the data centres that enabled the system to function would no longer be accessible and so continuing would not be possible. This was very disappointing for those FRS's as ESN had proved extremely effective.
- It was suggested that the developments with Motorola might provide an opportune moment to review the whole project and the rationale behind it. SP ran through the benefits of ESN and explained that it would combine the benefits of standard mobile phones with new robust devices with access to reliable high bandwidth broadband.
- Cllr Carter, the FSMC representative on the ESMCP Fire Customer Group, reiterated the huge potential of ESN and reassured members that, despite the setback with Motorola, everything was being done by officers to bring the system to fruition.

Decision:

FSMC:

1. **noted** the content of the report
2. **acknowledged** the advice that FRAs may be best placed not to anticipate any Airwave related savings at this time.

7 **Manchester Arena Inquiry - Emergency Response report**

The Chair invited Mark Norris (MN), Principal Policy Adviser, to introduce the report.

MN reported that one of the key findings from the second report of the Inquiry was that interoperability between the emergency services, in particular the Joint Emergency Services Interoperability Principles (JESIP), broke down on the night of the attack. The report recommendations were largely designed to ensure that this process worked better in practice in future. The NFCC had set up a working group to take forward the Inquiry's recommendations. Para 19 of the report set out how the FSMC could work to support FRAs to assure themselves their service was responding to the Inquiry's recommendations and successfully embedding the JESIP principles. This would include developing a guidance document for FRA members and working with the NFCC, Home Office and HMICFRS to implement the Inquiry's recommendations.

Decision:

FSMC:

1. **Noted** the publication of the second report from the Inquiry;

2. **Agreed** the work programme outlined in paragraph 19;

8 **LGA Annual Fire Conference and Exhibition 2023**

The Chair invited Rebecca Johnson (RJ), Adviser, to introduce the report.

RJ invited members to submit any ideas for conference sessions to officers by e-mail. The aim was to send out formal invites prior to Christmas.

Members' comments and questions:

- It was suggested that a session on JESIP and the role of Local Resilience Forums should be included given the Manchester Arena Inquiry report's criticisms
- It was suggested that the Local Government Minister, Lee Rowley MP, should be invited to talk about finance amongst other things
- The timing of the conference in relation to possible strike action by FBU members was raised and how this might impact on the programme
- Funding by FRAs for FSMC member attendance at the Conference was raised as an issue. Members agreed that all FSMC members should be able to attend conference if they wished to. MN agreed to speak to the LGA's political group offices to try and seek a resolution.

Decision:

FSMC **noted** the theme and draft programme for the Annual LGA Fire Conference and Exhibition 2023 and agreed to send ideas and suggestions for sessions to officers by e-mail.

Action:

MN to speak to political group offices about funding attendance at LGA Fire Conference.

9 **LGA Plan 2022-25**

The Chair invited MN to introduce the report.

MN explained that the Plan was a deliberately high level document that set the LGA's direction for the next 3 years, including several priorities around fire and rescue and building safety. The Plan had been signed off by the LGA Board in October 2022 and was presented for the Committee to note.

Decision:

FSMC **noted** the LGA Plan 2022-25.

10 **Workforce update**

The Chair invited Gill Gittins (GG), Senior Adviser (workforce and negotiations) and Claire Hey (CH), Senior Pensions Adviser, to introduce the update.

GG updated members on the latest industrial relations situation. The FBU strike action ballot would be closing on 30 January. Only where such a ballot produced a majority in favour of strike action and at least 50 per cent of those eligible to vote had voted, would the action be lawful. Further, in the case of important public services, such as the fire and rescue service, at least 40 per cent of those eligible to vote must have voted to support the action.

Talks were still ongoing with the FBU. However, it remained the position that there was no additional money available. The employers were also open to continued discussion on the 5 other points in the pay claim. GG highlighted the support available to FRAs to help with technical matters relating to the process of industrial action ballots including the legal requirements and, for example, wider matters such as calculation of pay deductions (should strike action take place). Information was available on the website and had already been provided directly to FRA/Ss. GG urged members to direct any queries to firequeries@local.gov.uk as the quickest way of getting a response.

CH drew members attention to an e-mail sent to CFOs and Chairs advising that a number of employment tribunal claims had been lodged by FBU members in relation to a long-running retained firefighters legal issue. Officers were proposing a collective defence to those claims under the existing cost-sharing arrangements.

Decision:

FSMC **noted** the update.

11 Building Safety update

The Chair invited Marshall Scott (MS), NGDP trainee, to introduce the update.

MS highlighted three issues from the report: (i) DLUHC had launched its first attempt to issue a Remediation Order, in Stevenage, under the new Building Safety Act; (ii) DLUHC was working on a decant protocol around Ministerial expectations of councils and FRS's as a result of Suffolk FRS's partial prohibition of a building in Ipswich; and (iii) Treasury approval had now been given for a number of Building Safety Regulator business cases including funding for Local Authority Building Control (LABC) and NFCC.

Decision:

FSMC **noted** the update.

12 National Fire Chiefs Council update

FSMC **noted** the update without discussion.

13 Fire Standards Board update

The Chair invited Cllr Nick Chard, LGA representative on the Board, to introduce the update.

Cllr Chard highlighted the 3 'asks' of FRA members listed at the end of the report.

Decision:

FSMC:

1. **noted** the contents of the report for information;
2. **agreed** to provide ongoing support to officers in enabling and empowering them to engage in the development and implementation of the Fire Standards both in production and when published; and
3. **agreed** to encourage the monitoring of the benefits of the Fire Standards in their services.

14 FSMC update

FSMC update

The Chair invited RJ to introduce the update.

RJ indicated that she was happy to take questions on the report.

Members' comments and questions:

- Roger Hirst reported that the APCC and NPCC had formally written to Government Ministers with some specific asks around the new Levelling Up and Regeneration Bill. These were (i) that a clause be inserted in the Bill enabling the transfer of Community Infrastructure Levy funding to emergency services, including FRAs; (ii) introducing a new 'duty to share' on councils in respect of the Community Infrastructure Levy; and (iii) that 'commencement' and 'completion' of development be defined to indicate precise timing of payment of any monies due. MN agreed to find out where conversations between LGA planning colleagues and the NFCC had got to on this issue and report back to Committee.

Decision:

FSMC **noted** the update.

Action:

MN to speak to NFCC colleagues about planning gain.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chair	Cllr Frank Biederman	Devon & Somerset Fire & Rescue Authority
Vice-Chair	Cllr Keith Aspden	City of York Council
Deputy-Chair	Cllr Greg Brackenridge	West Midlands Fire and Rescue Authority
Deputy-Chair	Cllr Rebecca Knox	Dorset & Wiltshire Fire & Rescue Authority
	Cllr Eric Carter	Shropshire and Wrekin Fire Authority
	Cllr Mark Healey MBE	Devon and Somerset Fire and Rescue Authority
	Mr Roger Hirst	Police, Fire and Crime Commissioner for Essex
	Cllr Nick Chard	Kent & Medway Fire & Rescue Authority
	Cllr Nikki Hennessy	Lancashire Combined Fire Authority
	Cllr Jane Hugo	Lancashire Combined Fire Authority
	Cllr Jeremy Hilton	Gloucestershire County Council
	Cllr Luke Frost	Cleveland Fire & Rescue Authority
	Cllr Les Byrom CBE (as sub)	Merseyside Fire & Rescue Authority
Apologies	Dr Fiona Twycross	Greater London Authority
In Attendance	Cllr Nigel Smith	North Wales Fire & Rescue Authority
	Jonny Bugg (for item 4)	Home Office
	CFO Ben Ansell	NFCC
	CFO Paul Hedley (for item 5)	NFCC
	Ian Taylor (for item 6)	NFCC
	Simon Parr (for item 6)	Home Office