

Note of last Fire Commission meeting

Title: Fire Commission
Date: Friday 15 May 2020
Venue: Zoom video conference

Item Decisions and actions

1 Welcome, apologies and declarations of interest

The Chair welcomed members to the meeting.

Apologies were received from:

Cllr Jan Curtice and CFO Chris Davies, Cllr Tony Taylor, CFO Neil Odin, Cllr Janet Willis, Cllr Paul Kirton, Cllr John Riddle, Cllr Nick Rushton, Cllr Nick Worth, Cllr Peter Hogarth, Cllr Jayne McCoy, Cllr Francesco de Molfetta and Cllr Peter Lewis.

There were no declarations of interest.

2 Introducing the new Fire Minister - Lord Stephen Greenhalgh

The Chair welcomed the new Minister of State for Building Safety, Fire & Communities – Lord Stephen Greenhalgh to the meeting.

The Minister introduced himself to the Commission and spoke about his background as Leader of Hammersmith & Fulham Council and Deputy Mayor for Policing and Crime at the London Assembly.

He then spoke about the HMICFRS Inspection process, the State of Fire & Rescue report and the 3 pillars – prevention, protection and response. The inspection process had found that the response pillar was generally very good in most services but that in a significant number, the prevention and protection pillars were not up to the required standard. He said that he had written to Chairs of FRAs, CFOs and other stakeholders (including the LGA) requesting a formal response to the State of Fire & Rescue recommendations and was awaiting these with interest.

The Minister said that in his view, 2017 had been an *annus horribilis* for the sector with the Grenfell Tower fire and the Manchester Arena bombing. Lessons needed to be learned from these incidents and sensible reforms implemented. He spoke briefly about the Government's building safety reform agenda and the £1.6 billion that had been allocated to remediate unsafe cladding.

The Minister then outlined his 3 priorities for positive change in the fire and rescue sector:

1. Professionalism – he stated that he wanted to see the changes that had taken place in policing 6 years ago to be introduced in the fire & rescue sector through the Executive Leadership Programme.
2. People – lots of different areas of expertise were needed in the sector, particularly in order to adopt best practice on prevention. Therefore, services needed to think about the talents of individual employees and make best use of them.
3. Governance – he stated that police governance reform had worked well, particularly in London. Reform of fire and rescue governance needed to learn from the police model but not lose local government expertise. He added that better use needed to be made of the fire estate.

The Minister finished by emphasising the importance of joining up reform of fire and building safety and his job role and remit reflected that.

Following the Minister's address, members raised the following points and questions:

- The sector was considered to be in the shadow of the police in terms of profile and needed more support and vision. The HMICFRS process was a positive step for reform and members were positive about working with the new Minister to implement this. The joint post between MHCLG and the Home Office was also welcomed. The Minister said that he would be looking closely at the data and formulating a plan for reform which he hoped all political parties would get behind. He added that the challenge to the sector from 10 Downing Street was that firefighters needed to be active when not responding to incidents.
- How in practice could reform of building safety and fire be linked together and made to work? The Minister said that he had established a fire/building safety board across the Home Office and MHCLG which would look at the evidence by drawing on expertise from across the board.
- Members asked the Minister to comment on the financial challenges facing the sector and what support was he able to offer? The Minister said that extra funding for services to help tackle Covid-19 had been agreed by the Government but he admitted that the situation would be challenging going forward. However, he pledged to do everything he could to put forward the sector's case to the Treasury.
- The Minister was urged to travel out of London and see how services were being delivered in different parts of the country. The Minister accepted a range of invitations to visit FRS's and agreed that different areas faced different challenges and that there wouldn't be a 'one size fits all' reform solution to these.
- It was stated that the concerns that HMICFRS identified about the

culture in FRS's also impacted on the productivity of these services. FRS's needed to be out in the community more and more 'flexing' of the role was required. The role of the Police had changed as society had changed but FRS's hadn't. Concern was expressed about restrictive practices adopted by the Fire Brigades Union and how this was impacting on attempts at reform and increasing productivity. The Minister agreed that there was a good case for sensible workforce reform.

- Community resilience and emergency planning had suffered significantly in recent years due to lack of investment and remedying this was considered to be crucial in the light of Covid-19. The Minister agreed to take this back.
- It was suggested that the financing of FRA's, and in particular the council tax precept, should be reviewed and brought into line with the Police. The Minister agreed to look into this issue.
- FRS's should be a statutory consultee on planning applications.
- The difficulty of meeting response time targets in the more isolated rural services was highlighted and it was suggested that there needed to be greater collaboration between the blue light services. The Minister said that central Government should be an enabler for different approaches that suited particular local circumstances – they shouldn't mandate what local areas do.
- The Minister was urged to reconsider the cross-party report on sprinklers as many FRAs wanted to see this introduced. The Minister agreed to look at it again.

The Chair thanked the Minister for his time and informed Fire Commission members that FSMC Lead Members were now having regular meetings with him to take these issues forward. He agreed to report back at future meetings of the Commission.

3 Transition to the new building safety regime: what does it mean for FRAs - Peter Baker, Director - Building Safety and Construction, Health & Safety Executive

The Chair invited Peter Baker, Director - Building Safety and Construction at the Health & Safety Executive, to give his presentation.

Peter thanked the Commission for inviting him to outline the HSE's role in the transition to the new building safety regime and what the future role of Fire & Rescue Services and their governing bodies would be.

Peter explained that the detail of the new system would be contained within a new Building Safety Bill which would be laid before Parliament in draft form before the summer recess with the aim of receiving Royal Assent by the middle of 2021.

Peter explained that the new Building Safety Regulator would have 3

specific roles:

- Implementing the new regulatory regime for high-risk buildings
- Oversight of the safety and performance of all buildings, including advising Ministers of potential risks
- Promoting competence across industry and within building control

Peter said that the new system would clearly define 'duty holders' who would have to demonstrate to the new national regulator how they intended to manage risks throughout the whole life cycle of their building, and this process would need to be carried out every 5 years. There would be 3 'gateways' for high-risk residential buildings – Planning; Pre-construction; and Building Completion – which would all need to be signed off before the building could be occupied.

Peter then spoke about a model of how the new system could operate in relation to the existing regulatory system but emphasised that this was only one option and there was an opportunity for stakeholders to influence it.

Peter finished by saying that the Secretary of State, Robert Jenrick, had decided that the new regulator would be established within the Health and Safety Executive and that ahead of the new legislation, would initially be in shadow form. Dame Judith Hackitt would be chairing a board to oversee the transition to this new regime.

The Chair thanked Peter for his presentation and invited members of the Commission to comment and ask questions:

- Concern was expressed about being able to control risk after a high-rise building had been occupied, in particular tracking responsibility if the building changed ownership. Peter said that this was a real concern as ownership of buildings was not clear cut in a lot of cases. However, he reassured members that there would be a statutory duty placed on building owners to notify the regulator of the identity of the duty holder and the consequences would be serious if this wasn't done. Owners and duty holders would therefore, be obliged to have a system in place to manage risk and to ensure that residents were properly protected.
- An example was given of a new student accommodation block that had been granted planning permission without the need to install sprinklers. Would the new regulator be able to mandate sprinkler installation? Peter said that he couldn't comment on this specific case but in the future, developers would need to have a very strong evidence base against installing sprinklers if the regulator were to allow them to move to the next gateway. He also reassured members that the Fire Safety Order was in the process of being strengthened and this would include provisions around fire suppression systems.
- Concern was expressed that developers were currently able to employ their own contractors in relation to fire safety advice. This was contrasted with the FRS which would give independent advice on planning applications. Peter said that developers would still be

able to buy in their own advice under the new system but that they would now be accountable to the new regulator who could prevent them moving to the next gateway if there were safety concerns. FRS's would provide expert advice to the regulator and would also become statutory consultees on planning applications for high rise buildings under the new regime. Peter added that a register of competent contractors would be established so that duty holders could be confident that they were getting sound advice.

- It was suggested that the replacement of the Fire Precautions Act 1971, as part of the process of deregulation of the building safety system, had caused a lot of the issues that led to fires such as Grenfell. Would the new regulatory system introduce a more prescriptive regime? Peter said that the Hackitt Review had concluded that part of the reason for the current problems was down to an over-reliance on prescription. He said that specific risks needed to be managed tightly but also there needed to be room to enable professionals to take a step back and look at the bigger picture outcomes – in other words, is the building safe overall.
- Further clarification on the relationship between the new regulator and FRS's was sought. Peter said that the role of the FRS under the new system would be to provide expert advice to enable the regulator to address any failures of duty holders to adequately manage risks. He added that he was talking with the NFCC about how FRS's could take a more active role during the construction process of buildings.

Peter thanked members for their input and offered to come back to a future meeting once the Building Safety Bill had been published.

The Chair thanked Peter for his presentation.

4 Covid-19 - a National Fire Chiefs Council perspective - Roy Wilsher, Chair - NFCC

The Chair invited Roy Wilsher, NFCC Chair, to introduce his report.

Roy highlighted several points from the report to members:

- The structure put in place by the NFCC with a gold group providing overarching support and leadership to the sector during the crisis had worked very well.
- The fact that it had been a national approach, with the tri-partite agreement, was very important.
- The NFCC had linked in effectively with other professional organisations such as the National Police Chief's Council and Public Health England.
- Daily calls were taking place with key Home Office officials.
- NFCC secured early recognition of all Fire and Rescue staff as

'key workers' to enable access to school places and allow travel to work where necessary.

- Workforce absence had remained remarkably low at 5.4%.
- The NFCC was now looking at the transition to recovery and returning to business as usual but also being prepared for a possible second wave.

Following the introduction, members raised the following points and questions:

- Members thanked Roy for his role in putting together the tripartite agreement.
- What impact had Covid-19 had on the day to day work of services and also on the NFCC's wider work around reform? Roy said that the new duties were adopted on the understanding that normal day to day responses to situations would continue. He added that work on wider reforms continued.
- Had any entire watches been struck down by Covid-19? Roy said that none had been.
- Could a report be put together on what the sector had been doing during the crisis over and above their normal work? Roy agreed that this was important and could bolster the sector's case for future spending rounds.
- Could some of the new responsibilities drawn up as part of the tripartite agreement be adopted permanently by services? Roy said that they would need to have the agreement of the FBU to extend the current agreement past 26 June when it was due to be reviewed, but he felt that the new responsibilities would be important in making FRS's more central to emergency response planning in the future.

The Chair then made two requests:

1. That he write to each FRA and CFO on behalf of FSMC thanking them for their support during the crisis.
2. That FRA chairs provide evidence of what their services had been doing during the crisis to inform a report to the next meeting of the FSMC in June.

These requests were both agreed.

5 Workforce update

Decision

Members of the Fire Commission noted the update.

6 Building safety update

Decision

Members of the Fire Commission noted the update.

7 National Fire Chiefs Council update

Decision

Members of the Fire Commission noted the update.

8 Fire Commission update report

Decision

Members of the Fire Commission noted the update.

9 Minutes of the meeting held on 20 September 2019

Decision

The minutes of the meeting held on 20 September 2019 were agreed.

10 Minutes of the special meeting held on 24 January 2020

Decision

The minutes of the meeting held on 24 January 2020 were agreed.