

Note of last Fire Services Management Committee meeting

Title: Fire Services Management Committee
Date: Friday 9 July 2021
Venue: Online via Teams

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.

Apologies were received from Cllrs Carolyn Lambert and Frank Biederman. Cllr Roger Price was substituting for Cllr Lambert.

There were no declarations of interest.

2 Confidential minutes of the previous meeting held on 21 May 2021

The confidential minutes of the meeting held on 21 May 2021 were agreed as an accurate record.

3 Home Office Personal Emergency Evacuation Plans (PEEPs) consultation

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

Charles outlined the proposed LGA response to the Home Office consultation on Personal Emergency Evacuation Plans (PEEPs) and explained that this had come about as a result of the recommendation from the Grenfell Tower Inquiry that a PEEP should be prepared by the Responsible Person for every resident in a high-rise residential building who self-identifies as unable to self-evacuate. In addition, this information should be kept up to date and placed in an information box on the premises to assist fire and rescue services in carrying out effective evacuations.

Charles then ran through the proposed LGA response to the consultation. This supported the proposal to introduce a legal requirement for PEEP in buildings with simultaneous evacuation policies and recognised the value they could have in buildings with a Stay Put policy. However, there would undoubtedly be significant resource implications for councils which hadn't

been adequately considered by the Home Office. The LGA was supportive of discussions around making volunteer-based PEEPs work but the Government had to clarify whether any legal liability would fall upon the Responsible Person in the event of the failure of a volunteer-dependent evacuation plan. There were also issues around capacity, competence and assurance for councils which would have resource implications and would need to be addressed. A balance needed to be struck between councils' distinct roles as landlord and regulator.

Mark Hardingham, NFCC Chair, added that the NFCC had been working closely with the LGA on the response and he agreed that more guidance was needed on how they could be made to work in practice. In particular, there were questions about the role of FRSs in assessing and monitoring PEEPs and the difference between an evacuation and a rescue situation. Geographical variation in resourcing of FRSs would also need to be taken into account.

Members comments and questions:

- Support was expressed for the principles outlined in the response but there were concerns about its tone and strident language in places, particularly in its criticism of the Government. It was felt that this wouldn't help the LGA moving forward. Could these sections be redrafted and circulated to Lead Members for final sign off? Charles agreed to make these adjustments and said that he would recirculate the revised document to lead members of FSMC, EEHT and SSC Boards as well as the Grenfell Task & Finish Group. He advised members that Lord Porter had taken on a new role at MHCLG and was therefore, no longer the LGA Building Safety Spokesperson.
- The response did not properly address the question of the responsibility for enforcing PEEPs to ensure they would comply with legal requirements. Could this be added in?
- New and modern ways of occupying buildings, such as Air bnb, were creating significant issues for fire safety and how vulnerable people could be kept safe. Mark Hardingham agreed that this was an emerging trend in the built environment and said that the NFCC were talking to Air bnb and others, and giving them advice on fire safety. This was a difficult regulatory area as the FRS role only applied when premises were in use as a business.
- It was suggested that the LGA's fire suppression system work be resurrected to complement the work on PEEPs. Members agreed that this would be a good idea.

Decision:

- FSMC endorsed the proposed LGA response to the PEEPs consultation subject to the changes outlined above being made.

Actions:

- Charles to redraft response as directed and recirculate to lead members and the Grenfell Task & Finish Group for final approval.
- Officers to look at revisiting fire suppression system work.

4 Building Safety Bill

The Chair invited Charles Loft, Senior Adviser, and Matthew Armer, Head of Building Safety Reform at the Home Office, to introduce the report.

Charles outlined the main provisions in the Bill, which had been published on 5 July 2021, and then highlighted some of the LGA's initial general concerns. These included:

- The Bill did not resolve the issue of costs to leaseholders of remediation work
- Links with planning reform, in particular, concerns around building safety in buildings converted under permitted development rights
- The proposals on product safety lacked detail and there were concerns about whether they would actually work in practice
- Limited removal of private sector competition in building control

The report also addressed aspects of the Committee's discussion at its last meeting about the fire at New Providence Wharf that had been covered by the LGA's ongoing building safety work.

Matthew introduced himself to the Committee and explained his current role, namely leading on the Home Office input into the MHCLG sponsored Building Safety Bill. The main task at present was working to recruit the approximately 200 new fire protection staff that the Home Office estimate would be required to support the work of the new Building Safety Regulator (BSR). Given the 4-5 years of training required to become a fire engineer, it would not be possible to get all 200 in place by the time the new regime was scheduled to begin in April 2023. A high-level plan had been developed with the NFCC to recruit and train staff, largely through in-house upskilling and backfilling. Money had been secured through the Protection Uplift Grant to deliver new duties under the Fire Safety Order but a further bid for funding had been submitted to the Treasury.

Members comments and questions:

- Members agreed that the shortage of qualified fire protection staff was a real concern and could be exacerbated by loss to the private sector where pay was generally higher.
- Concern was expressed about the balance of FRA responsibility for the fire service and the duty to cooperate with HSE. Charles agreed that there needed to be greater detail and clarity on where the BSR made demands on FRAs that might be at odds with their IRMPs.
- Members agreed with the LGA position that height was not necessarily the best determinant of risk but queried why it was suggested that only care homes under 18 metres should come into scope, rather than other at-risk settings? Too many new buildings were still being built with serious flaws. Matthew said that whilst height was the only risk indicator in the Bill at present, amendments could be made to the Bill as it passed through Parliament. The Bill itself also allowed for expansion in scope.
- Concern was expressed about buildings converted into residential under Permitted Development Rights being able to bypass the new

system, thus compromising building safety. Charles said that the LGA had raised this on a number of occasions with MHCLG and the Minister. His response, when this point was raised at the LGA conference building safety session, was that these buildings would come under the 'in occupation' element of the new regime. Charles said that a new regulation had been introduced about adding storeys to a building over 18 metres but this didn't include buildings of under 18 metres that would be brought over 18 metres by the addition of new floors.

- What would the implications be for local authorities that had buildings which failed the 5 yearly review contained in the Bill?
- It was considered important that the provision of professional advice and inspections remained locally within the FRS.
- Was there a role for the LGA in quantifying wider skills shortages in the building safety sector? What was the route for young people to enter these professions and could more be done to promote it as a rewarding career?
- How was the figure of 200 new fire protection staff derived and how would it work for individual FRAs who might need to backfill for staff taken on under the new regime.

The Chair invited Mark Hardingham, NFCC Chair, to comment on some of the points raised by members.

- The figure of 200 was an estimate from an NFCC Protection Unit report on the new burdens business case. This may need to be adjusted as the new system bedded in.
- It was proving difficult for FRSs to compete with the private sector over fire protection staff as the high demand and shortages were driving up wages. Investment would also be needed to retain newly qualified fire engineers, including making their terms and conditions of employment more attractive. On the plus side, new university apprenticeships had been signed off and the Protection Uplift funding should enable FRSs to recruit. Funding for this work would form a key part of the Spending Review submission.
- Lots of work was taking place on a competency framework and 3rd party accreditation as recommended in the Hackitt Review.

The Chair then invited Matthew to make any further comments:

- Recruiting and retaining staff would be a big challenge and any ideas and input would be welcomed.
- There was also currently a shortage of training providers that was exacerbating the situation and would need to be addressed.
- The Government was still working closely with the Health & Safety Executive on the details of how the new regime would work on the ground. The Impact Assessment published alongside the Bill gave further information.
- One of the key challenges for the Home Office was around securing long-term sustainable funding for the sector.

Decision:

- FSMC **noted** the proposed LGA work on the Bill and the wider building safety work in relation to the issues arising from the

Committee's discussion about the fire at New Providence Wharf.

5 End of year report and priorities for 2021-22

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

Lucy outlined the activities that the LGA had carried out against the priorities FSMC had set in October 2020. Lucy invited comments on paragraph 24 of the report which set out some areas which could potentially be priorities for 2021-22 and explained that these would be fleshed out based on feedback at this meeting and the Fire Commission in October.

Members comments and questions:

- Members broadly agreed with the proposed priorities but felt that, in reality, the Fire Reform White Paper was likely to take up a significant amount of the Committee's time and resources and so a degree of realism would be needed.

Decision:

Members **noted** the work of FSMC over the last year and **agreed** the proposed priorities for 2021-22.

6 Workforce update

The Chair reported that this would be Clair Alcock's last FSMC meeting as she was leaving to take up the position of Head of Police Pensions with the National Police Chiefs' Council. Lead members thanked Clair for her work with the LGA and wished her all the best in her new role. The Chair then invited Clair to introduce the update.

Clair highlighted 2 issues:

- 1) Risk and mitigation activity around the age discrimination remedy. Discussions were taking place with software suppliers and administrators in order to get some consistency nationally for FRAs, and associated funding. FRAs would receive updates as and when available.
- 2) 2 HM Treasury consultations had been published – (i) on the methodology for setting the discount rate used in scheme valuations. It sought views on the objectives for the Superannuation Contributions Adjusted for Past Experience (SCAPE) discount rate and the most appropriate methodology for setting the SCAPE discount rate going forward; (ii) on changes to the cost control mechanism. Implications for employers to be considered by Scheme Advisory Board (SAB) cost effectiveness committee (chaired by Cllr Roger Phillips) and then the full SAB.

Decision:

- FSMC **noted** the update.

7 National Fire Chiefs Council update

Decision:

- FSMC **noted** the update.

8 Fire Standards Board update

Decision:

- FSMC **noted** the update.

9 FSMC update

The Chair invited Rachael Aldridge (Policy Adviser) to introduce the update.

Rachael reported that:

- The Senior Stakeholder Group was currently holding meetings to finalise a sector submission to the Government Spending Review.
- The governance task and finish group had held its first meeting to formulate a response to the Government's fire reform agenda. The second meeting would be held later in July. The group would report back to the next meeting of FSMC.
- Ahead of the Government's expected White Paper, 3 Governance and Leadership workshops had been organised, which were open to all FRA members. Officers would shortly be e-mailing Fire Commission, FSMC and FRA Chairs with details.
- A new Fire Leadership Essentials course was being held in September and new FRA members were encouraged to register to attend.

Decision:

- FSMC **noted** the update.

Appendix A -Attendance

| Position/Role | Councillor | Authority |
|-----------------|----------------------|---|
| Chair | Cllr Ian Stephens | Isle of Wight Council |
| Vice-Chair | Dr Fiona Twycross | Greater London Authority |
| Deputy-Chairman | Cllr Nick Chard | Kent and Medway Fire and Rescue Authority |
| Deputy-Chair | Cllr Keith Aspden | North Yorkshire Fire & Rescue Service |
| Members | 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 Rebecca Knox | Dorset and Wiltshire Fire and Rescue Service |
| | Cllr Nikki Hennessy | Lancashire Combined Fire Authority |

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| Substitute | Cllr Karen Kilgour Cllr Les Byrom CBE Cllr Greg Brackenridge Cllr Roger Price | Tyne & Wear Fire & Rescue Authority Merseyside Fire and Rescue Authority West Midlands Fire and Rescue Authority Hampshire & Isle of Wight Fire & Rescue Authority |
| Apologies | Cllr Carolyn Lambert Cllr Frank Biederman | East Sussex Fire Authority Devon and Somerset Fire and Rescue Authority |
| In Attendance | Cllr Dave Norman Cllr John Briggs Matthew Armer Mark Hardingham Stephen Polly Chris Blacksell | Gloucestershire County Council Humberside Fire & Rescue Authority Home Office (for item 4) NFCC Home Office Humberside Fire & Rescue Service |
| LGA Officers | Mark Norris Charles Loft Lucy Ellender Gill Gittins Claire Alcock Rachael Aldridge Claire Hey Emily McGuinness Jonathan Bryant | Principal Policy Adviser Senior Adviser Senior Adviser Senior Adviser (Workforce and Negotiations) Senior Fire Pensions Adviser Policy Adviser Firefighters Pension Adviser Programme Manager – Local Government Support Member Services Officer |