

Fire Commission update paper

Purpose of report

For information.

Summary

The report outlines issues of interest to the Commission not covered under the other items on the agenda.

Recommendation

Members to note the update.

Action

Officers to progress as appropriate.

Contact officer: Lucy Ellender
Position: Adviser
Phone no: 020 7664 3321
E-mail: lucy.ellender@local.gov.uk

Fire Commission update paper

Councillor Jeremy Hilton

1. Councillor Hilton has invited Adrian Thomas to present on the Independent Review of Terms and Conditions at the next Fire Services Management Committee, taking place on the 12 December. Adrian Thomas has now confirmed that he will attend the meeting to share his initial thoughts on the Review.
2. Discussions on the programme for the next LGA Fire Conference have taken place. The conference is based around the priorities set by the FSMC in September for the coming year. Councillor Hilton has sent out a number of invites to key speakers for the conference, including the Fire Minister, Penny Mordaunt MP, the shadow spokespeople from the Labour and Liberal Democrat parties, Lyn Brown MP and Baroness Cathy Bakewell and Adrian Thomas.
3. Councillor Kay Hammond, Deputy Chairman of the Fire Services Management Committee, undertook a number of engagements on behalf of Councillor Hilton including attending the firefighter memorial service on the 14 September and the CFOA Presidential Dinner on the 15 September. Councillor Hammond will also give a speech at the next Combined Fire Authorities Conference, taking place on the 16 October.
4. Following the first meeting of the Cross-Emergency Services Working Group meeting Cllr Hilton wrote to Fire Chairs and Portfolio Holders asking for further contributions to a document produced by the Home Office giving a national overview of collaboration between the blue light services across the country. Councillor Hilton is grateful to Councillor Acton and Councillor Bell for bringing the document to our attention.

Retained firefighters pension scheme

5. The **attached** letter from the Fire Minister, Penny Mordaunt MP, sets out the government position with regards to past employer costs of the retained firefighters pension scheme. Despite the efforts of the LGA, it has not proved possible to persuade central government to pay the historic employer costs of the scheme. As things stand a stalemate has been reached on this issue although we will continue to raise this with the government.

The Government's response to the Knight Review

6. The Secretary of State for Communities and Local Government delivered a short Parliamentary statement in response to Sir Ken Knight's review of the Fire and Rescue Service. This can be found on the Government's website:
www.gov.uk/government/speeches/fire-and-rescue-services
7. Following this statement, the LGA wrote to Clive Betts MP, Chair of the DCLG Select Committee. He has confirmed that the Committee has decided to wait until after the Independent Review of Terms and Conditions, led by Adrian Thomas, is completed before the Committee will respond further.

Independent audit company set up by LGA

8. Public Sector Audit Appointments (PSAA) has been established by the Local Government Association. It will take on responsibilities related to local public audit when the Audit Commission closes. PSAA will be responsible for appointing external auditors to Fire and Rescue Authorities from 1 April 2015 and will manage contracts with private sector audit firms for the external audits of fire and rescue authorities, NHS bodies, the police and councils, until at least 2017.
9. The company will be chaired by Steve Freer, formerly the Chief Executive of the Chartered Institute of Public Finance and Accountancy (CIPFA) and four non-executive directors are currently being recruited.
10. For further information please contact Fiona Daley, Head of Implementation fiona.daley@local.gov.uk.

FRA trading companies and state aid

11. The Fire Industry Association (FIA) has made a claim to the European Commission (EC) that trading companies set up by Fire and Rescue Authorities are making use of the UK FRS 'brand' without charge. The FIA considers that this use of resources – described as 'state aid' – contravenes EC rules designed to ensure fair competition in the marketplace.
12. FRAs have the power to trade i.e. to make a profit on the services that are incidental or indirectly incidental statutory functions¹. However, to exercise this particular power, the authority is required to establish a trading company. There are some 15 FRAs with trading companies and others may be considering setting up a company. The issue of state aid arises when:
 - 12.1. there has been an intervention by the State or through State resources which can take a variety of forms (e.g. grants, interest and tax reliefs, guarantees, government holdings of all or part of a company, or providing goods and services on preferential terms, etc.);
 - 12.2. the intervention gives the recipient an advantage on a selective basis, for example to specific companies or industry sectors, or to companies located in specific regions;
 - 12.3. competition has been or may be distorted; and
 - 12.4. the intervention is likely to affect trade between Member States.
13. Through a coordinated response, FRAs made a number of points including;; that there is no single UK Fire services and therefore no single brand; the companies are also markedly different in the services they offer and how they operate therefore they should be considered on a case by case basis. The establishment of FRA trading companies is a legal requirement which invokes certain requirements (legal and accounting) which

¹ Pursuant to section 95 Local Government Act 2003 and section 5A and 5B of the Fire and Rescue Services Act 2004

require the relationship with their parent FRA to be publicly acknowledged. There are also no state resources being transferred that would constitute state aid.

14. The claim is at an early stage of consideration and may be rejected at this point. If this is not the case then a more formal investigation may be launched. The legal view is that a formal response may not be received for some time.
15. The claim has identified the importance of properly establishing FRA trading companies. There is a benefit in having a clear and comprehensive legal agreement covering the recharging of costs from each FRA to its trading arm including intellectual property. It is helpful to be able to distinguish between the FRA / FRS and its trading arm. This applies in areas such as: websites, uniforms, marking of vehicles, contact numbers, brand and logos, etc.

London Inter-Banked Offered Rate (LIBOR)

16. On Friday 3 October the Chancellor, George Osborne, announced that The Firefighters Charity would be receiving up to £1 million of funding to enhance their existing services to firefighters and fire service personnel. In addition the charity will also be endowed with a further £1 million so that they are able to offer their services to both ambulance and search and rescue personnel as needed.
17. This funding is part of a £10 million pot from LIBOR fines, initially announced as part of the December 2013 Autumn Statement. The LIBOR fund has been raised through fines imposed on banks for misdemeanors and attempted manipulation of financial markets.

Review and Refresh of the National Co-ordination and Advisory Framework

18. DCLG will shortly be undertaking a review and refresh of the National Co-ordination and Advisory Framework 2008/11. The aim of the review is to revise and clarify the approach to the coordination of emergencies involving the fire and rescue service. The public consultation on the review starts shortly and will run for 6 weeks. It is expected the refreshed framework will be published in December.

Better Care Fund

19. The Better Care Fund is a £3.8 billion national pooled fund across NHS and local government. It creates a local single pooled budget to bring together the NHS and local government to work more closely together around people, placing their well-being as the focus of health and care services. At a local level it is overseen by Health and Wellbeing Boards, with local authorities and clinical commissioning groups (CCGs) holding responsibility for commissioning.
20. Many FRAs may have had close engagement with this programme already, however there are further opportunities for FRAs to get involved with joining up services at a local level through working with health partners. There may be opportunities for FRAs to be commissioned to deliver services on behalf of health, or be involved with other parts of the work.

Publication of Fire Incidents Response Times in England for 2013-14

21. In August the Government published the latest statistics on fire incident response times for 2013/14. It was noted that in England the average response time to fires in dwellings was 7.4 minutes. This was unchanged from 2012/13 and 2009/10. The average response time to fires in other buildings was 8.1 minutes. This was slightly longer than in 2012/13 by 18 seconds and 12 seconds longer than in 2009/10.
22. The report stated that over the last 10 years from 2003/04 to 2013/14 response times to both dwellings and other buildings had increased on average by 1 minute and twenty seconds. However the average severity of the fire and numbers of casualties had decreased thanks to fire safety and prevention work.

Sky Lanterns: Publication of Industry Code of Practice and New Byelaw Regulating the Release of Sky Lanterns

23. The Trading Standards Institute issued a new code of practice for sky lanterns, also known as Chinese lanterns, in August. This was aimed at and developed by the manufacturing and retail industry and applies to products being sold or used in the United Kingdom. The guidance is available on the website of the Trading Standards Institute: www.tradingstandards.gov.uk/policy/skylanterns.cfm
24. In addition to this the Department for Communities and Local Government has decided that where a local authority proposes a byelaw to regulate the release of sky lanterns, the Department's policy in future will be to confirm such a byelaw unless there are some specific local circumstances which would suggest this would be inappropriate. The model provision, if included in a council's byelaw applying to a particular open public space, would have the effect that sky lanterns can only be released from that open public space if the council gives permission. Each byelaw that a council proposes will be considered by the Department on a case by case basis, and have regard to any Government policy on the issue. A copy of the model byelaw is available from stephen.mcallister@communities.gsi.gov.uk.

English Housing Survey: Fire and Fire Safety

25. The Department for Communities and Local Government published the *English Housing Survey: Fire and Fire Safety; Annual report on England's households and housing stock, 2012-13*. This is a national survey of people's housing circumstances and the condition and energy efficiency of housing in England and it provides the latest findings on fire and fire safety. This is the first time the survey results have been published as a standalone document.
26. The report noted that there has been a significant increase in the proportion of houses with at least one working smoke alarm, though private renters were less likely to have a working smoke alarm than those who owned their house or were in social housing. An estimated 1.9 million households did not have a smoke alarm installed.

Wildfire Conference

27. Between 22 and 23 October the Sill (also known as The National Landscape Discovery Centre) will host a Wildfire Conference. Delegates will hear about the latest wildfire research and discuss how that can be incorporated into practical land management, particularly where there are multiple stakeholder interests.
28. There is a cost to attend the conference and further details can be found on the Sill's website: www.thesill.org.uk/events.

LGA Shared Services Map

29. We are keen to include examples from the FRAs in the LGA's Shared Services Map. We would therefore like to hear from you if you have shared services with another FRS, the police or the ambulance service. In order to add projects to the map we need information about the project, the partners involved and the savings made from the shared service as well as contact details. If you would be interested please contact Lucy Ellender, lucy.ellender@local.gov.uk.
30. The LGA's Shared Services Map can be found on www.local.gov.uk/shared-services-map