

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
	POLICY & STRATEGY COMMITTEE	
date	22 May 2006	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

FiReCONTROL GOVERNANCE ARRANGEMENTS

1. PURPOSE OF REPORT

The purpose of this report is :

- 1.1 To bring to the attention of the Policy and Strategy Committee the Office of the Deputy Prime Minister's (ODPM) consultation paper on the proposed future governance of the Regional Control Centres (RCC) ;
- 1.2 To allow the Policy and Strategy Committee to discuss the implications ;
- 1.3 To determine if a response to the consultation should be made ;
- 1.4 Subject to the above, to outline for Officers the contents of the response to the Specific Consultation Questions ;
- 1.5 Authorise the Chair to approve the contents prior to dispatch.

2. BACKGROUND

- 2.1 Successive National Framework documents have required the Fire Authority to co-operate in the establishment of Regional Management Boards to oversee the construction of Regional Control Centres. This the Authority has done.
- 2.2 The Regional Management Board has established a Project Board, chaired by CFO David Webb of Leicestershire Fire & Rescue Service, to work with the ODPM's National FiReControl Project Team, to establish the Regional Control Centre. This national team is supported by a local implementation team that reports to the East Midlands Project Board.
- 2.3 The location of the RCC building in Castle Donnington was announced in the latter part of 2005. The building work has commenced and considerable progress has been made to date.
- 2.4 The East Midlands Regional Management Board is in the process of appointing the first Director to run the Centre.

- 2.5 Nationally, progress is being made to procure the command and control system that will sit at the heart of the Control Centre.
- 2.6 To enable the Control Centre to function, a considerable number of operational procedures across Services need to be standardised. This work is being lead nationally by a Chief Fire Officers Association (CFOA) Core Convergence Team, at which the East Midlands and Nottinghamshire have representatives.

3. GOVERNANCE ARRANGEMENTS

- 3.1 This report outlines a consultation document that has been produced by the ODPM on the governance arrangements for the East Midlands Regional Control Centre. This consultation document was circulated to the Fire Service via Fire Service Circular 13/2006, which is attached at Appendix A. The consultation document has been circulated to all Members, along with a supporting letter inviting Members to a regional seminar on this issue on Friday 19 May 2006. The seminar is being run jointly by the ODPM, Local Government Association (LGA) and CFOA, so that Members are better informed of the issues and able to respond to the consultation document. The consultation document can be found at www.firecontrol.odpm.gov.uk.
- 3.2 The consultation document asks a series of questions and the ODPM has provided a template for responses. The questions asked are :

- “Q1: Do the governance arrangements described above offer the most effective way of :
- delivering a resilient national control centre network and the effective management of national resilience assets;
 - while at the same time maintaining FRA accountability and an appropriate level of flexibility for elected members in ensuring that the Service meets the needs of local people ?
- Q2: Should the local authority companies be restricted in the scope of their activities as described in this consultation document, or should they be given the freedom to diversify ?
- Q3: Should authorities be given complete freedom in the composition and selection of board members and the naming of their company ?
- Q4: Should there be a relationship between RCC companies and RMBs and if so what form should it take ?
- Q5: Should RCC companies be subject to the same provisions on conduct and maladministration as local authorities and other relevant bodies, and to the rules relating to local authority indemnity ?
- Q6: Are you content with the draft Memorandum and Articles of Association ? Please comment freely on both.
- Q7: Do FRAs have views about the best way to manage the relationship between the RMB and the company in the running of the project ?

- 3.3 It is the Government's intention that Local Authorities should remain responsible for the Fire and Rescue Services. This is set out in Paragraph 3 of the consultation document.
- 3.4 The background to the selection of the Local Authority Company model to run the RCC is set out in Paragraphs 10, 11 and 13 of the consultation document. The National Framework document 2006-2008 indicates that Authorities will be requested to set up the companies at the end of the consultation period. The cost of establishing the company will be met by central Government.
- 3.5 The governance and management arrangements need to be in place by 1 August 2006, so that work can commence on the human resources issues affecting staff who will be transferred to the Centre under the TUPE regulations.
- 3.6 The articles and Memorandum of Association will seek to address the following criteria :
- Full responsibility for running the fire control service should continue to rest with fire and rescue authorities ;
 - Fire and rescue authorities should have as much freedom as possible in running their own control service, working within the National Framework and observing national standards ;
 - Safeguards must be built into the system to ensure that the control centres operate effectively as a national network and the resilience assets are deployed as national and regional imperatives require ;
 - These safeguards should be designed to achieve voluntary cooperation and minimise the need for national intervention ; and
 - The companies should not be able to operate in a way that could pose risks for the other companies and thus for the safe operation of the assets.

A suggested draft Memorandum of Association is provided in Annex B to the consultation document.

- 3.7 A view has been expressed by some bodies that the Local Authority Company should be able to take on wider responsibilities than governance of the RCC. This is to enable it to be an employer of other regional personnel or manage other streams of the modernisation agenda outlined in the National Framework. The Secretary of State's view is that this presents a risk to the RCC and should not be allowed. The views of stakeholders are being sought on this issue.
- 3.8 The Government does not see a need to be prescriptive on the number or qualification of Directors of the Company to run the RCC. It sees this as a matter for Authorities themselves, so that the governance can meet local need within the National Framework outlined in 3.6. Authorities could choose to have the Board made up of Elected Members, Officers, independent people, or any combination. Annex C of the consultation document sets out options which Authorities may wish to consider. It also sets out the liability of Directors under company legislation. Annex C

also outlines the personal risks that Directors are exposed to, which can only be partially off-set by the Company or the Authority.

3.9 The relationship between the Authority and the RMB is examined in Paragraph 49, and Members are asked for their views on the long-term relationship within the governance arrangements.

3.10 Responses to the consultation document have to be returned by 14 June 2006.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report, as it is aimed at identifying Members' views to feed in to a consultation process. The implementation of the outcomes of the consultation will have significant impact on the Authority and it has not been possible to assess these implications at this stage. Separate reports will be brought when the implications become clear.

5. PERSONNEL IMPLICATIONS

There are no direct personnel implications as a result of this report, as the report is aimed at seeking Members' views in order to feed in to a consultation process. There will be significant personal and personnel implications to individuals, both to Directors and employees in the longer term, as a result of implementation of the governance arrangements.

6. EQUALITY IMPACT ASSESSMENT

An equality impact assessment has not been carried out, as this report is seeking Members' views to feed in to a consultation process. No actions directly result from this paper on equalities issues.

7. RISK MANAGEMENT ASSESSMENT

This consultation process is the Authority's way of expressing its views on the governance arrangements for the future of the RCC. A correct governance structure is essential to the effective management of risk in the future. Risks to Directors have been identified in the body of the report and the consultation document.

8. RECOMMENDATIONS

8.1 That the Policy and Strategy Committee note the consultation paper and agree that a response should be made, based on the discussion and communication that has been held ;

8.2 That the Policy and Strategy Committee authorise the Chair of the Committee to agree with Officers a response to be sent by the deadline date of 14 June 2006

9. BACKGROUND PAPERS FOR INSPECTION

- Fire Service Circular 13/2006 ;
- FiReControl Governance Arrangements – Consultation of Detailed Proposals ;
- ODPM/LGA/CFOA seminar on the consultation document.

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