



**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM  
FIRE AND RESCUE AUTHORITY**

**POLICY AND STRATEGY COMMITTEE**

**Date: FRIDAY 3 FEBRUARY 2012**

**Time: 10.00 am**

**Venue: Fire and Rescue Service Headquarters, Bestwood Lodge, Arnold, Nottingham**

**Members are requested to attend the above meeting to be held at the time, place and date mentioned for the purpose of transacting the following business.**

**Clerk to the Nottinghamshire and City of Nottingham Fire and Rescue Authority**

**AGENDA**

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTERESTS**

Councillors, colleagues or other participants in meetings are requested to declare any personal or personal and prejudicial interest in any matter(s) on the agenda

**3 MINUTES**

Last meeting held on 28 October 2011 (for confirmation)

Attached

**4 PRINCIPAL OFFICERS' PAY REVIEW**

Joint report of Clerk and Treasurer to Fire Authority

Attached

**5 VOLUNTARY REDUNDANCIES**

Report of Chief Fire Officer

Attached

**6 FIRE AND RESCUE FRAMEWORK FOR ENGLAND-CONSULTATION**

Report of Chief Fire Officer

Attached

**7 THE LOCALISM ACT 2011**

Report of Chief Fire Officer

Attached

**8 TO CONSIDER EXCLUDING THE PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE REMAINING ITEM(S) IN ACCORDANCE WITH SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972 ON THE BASIS THAT, HAVING REGARD TO ALL THE CIRCUMSTANCES, THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION**

**9 STRATEGIC MANAGEMENT TEAM RE-STRUCTURE**  
Report of Chief Fire Officer

Attached

**10 EXEMPT MINUTES**  
Last meeting held on 28 October 2011 (for confirmation)

Attached

**IF YOU ARE UNSURE WHETHER OR NOT YOU SHOULD DECLARE AN INTEREST IN A PARTICULAR MATTER, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING, WHO WILL PROVIDE ADVICE IN THE FIRST INSTANCE**

**ANY COUNCILLOR WHO IS UNABLE TO ATTEND THE MEETING AND WISHES TO SUBMIT APOLOGIES SHOULD DO SO VIA THE PERSONAL ASSISTANT TO THE CHIEF FIRE OFFICER AT FIRE SERVICES HEADQUARTERS ON 0115 967 0880**

agenda, reports and minutes for all public meetings can be viewed online at:-  
<http://open.nottinghamcity.gov.uk/comm/default.asp>

**Constitutional Services Officer: - Carol Jackson (0115) 8764297**  
**[carol.jackson@nottinghamcity.gov.uk](mailto:carol.jackson@nottinghamcity.gov.uk)**



**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM  
FIRE AND RESCUE AUTHORITY**

**POLICY AND STRATEGY COMMITTEE**

**MINUTES**

of meeting held on **28 OCTOBER 2011** at Fire and Rescue Service Headquarters, Bestwood Lodge from 10.00 am to 11.26 am.

**Membership**

	Councillor D Pulk	(Chair)
	Councillor S Fielding	
^	Councillor T Pettengell	
	Councillor K Rigby	
	Councillor D Smith	
^	Councillor G Wheeler	
	Councillor B Cooper	(substitute for Councillor Pettengell)
	Councillor E Kerry	(substitute for Councillor Wheeler)

Members absent are marked ^

**11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Pettengell and Wheeler.

**12 DECLARATIONS OF INTERESTS**

Councillors Pulk, Fielding, Rigby, Smith, Cooper and Kerry, the Chief Fire Officer and the Constitutional Services Officer declared a personal interest in agenda item 4, 'Pension Consultation', (minute 14) as they were all members of the Local Government Pension Scheme, but this did not preclude them from speaking or voting (where appropriate) at the meeting.

**13 MINUTES**

**RESOLVED** that the minutes of the meeting held on 7 October 2011, copies of which had been circulated, be confirmed and signed by the Chair.

## **14 PENSIONS CONSULTATION**

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, giving details of the two current consultation processes relating to the Fire Fighters Pension Scheme and the Local Government Pension Scheme. The Chief Fire Officer explained to the meeting that the pension schemes in place for Nottinghamshire Fire and Rescue Service employees were affected by the proposals put forward by the Government to increase employee contributions. Consultation on the Fire Fighters Pension Scheme and the New Fire Fighters Pension Scheme were due to conclude on 2 December 2011 and consultation on proposed changes to the Local Government Pension Scheme were due to conclude on 6 January 2012.

It was not feasible for Officers to advise the Fire Authority on how to respond to the consultations as they had declarable interests in the consultation processes. It would be more appropriate for Councillors to form a sub-group to consider whether and how to respond to the consultation processes.

Concern was expressed by some Councillors as to the effects on the various schemes if the increase in contributions resulted in a significant drop out rate from one or more of the schemes.

Unison was currently balloting its members for industrial action on 30 November 2011. This would affect non-uniformed staff at the Fire Authority if it went ahead but the Business Continuity Management Team were monitoring the situation should the decision be in favour of strike action.

### **RESOLVED**

- (1) that the two consultation processes taking place be noted;**
- (2) that a sub-group be formed, comprising the Chair and Councillors Rigby and Wheeler, supported by the Treasurer, to meet and formulate a response to the consultations on behalf of the Policy and Strategy Committee;**
- (3) that the potential impact of industrial action linked to the two consultation processes be noted.**

## **15 EXCLUSION OF PUBLIC**

**RESOLVED that the public be excluded from the meeting during consideration of the remaining item in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.**

## **16 PROPERTY NEGOTIATIONS - UPDATE**

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated. The Chief Fire Officer updated the meeting on the final outcome relating to the property negotiation.



**RESOLVED**

- (1) that the final agreement be noted;**
- (2) that a special meeting of the Finance and Resources Committee be convened to discuss the various financial implications of either demolishing the buildings on the Site immediately or on the sale of the Site, and to report the findings to the Fire Authority;**
- (3) that a working party comprising members of the Policy and Strategy Committee, supported by the Treasurer and independent clerical support, be formed to discuss the terms of reference of the independent inquiry and to make recommendations to the Policy and Strategy Committee.**





**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# **PRINCIPAL OFFICERS' PAY REVIEW**

Report of the Clerk and Treasurer to the Fire Authority

**Agenda No:**

4

**Date:**

03 February 2012

**Purpose of Report:**

To present to Policy and Strategy Committee the outcomes of the biennial principal officers' pay review.

## **CONTACT OFFICER**

**Name :**

Frank Swann  
Chief Fire Officer

**Tel :**

0115 967 0880

**Email :**

frank.swann@notts-fire.gov.uk

**Media Enquiries  
Contact :**

Elisabeth Reeson  
(0115) 967 5889 elisabeth.reeson@notts-fire.gov.uk

## **1. BACKGROUND**

- 1.1 The current salary of the Chief Fire Officer is determined by utilising a two track approach as stated within the National Joint Council (NJC) for Brigade Managers of Local Authority Fire and Rescue Services Constitution and Scheme of Conditions of Service 5<sup>th</sup> Edition (2006), also known as the Gold Book.
- 1.2 The Gold Book makes the following statements with regard to salary and gives advice and guidance as attached at Appendix A of this paper:
- The NJC will publish annually recommended minimum levels of salary applicable to CFOs employed by Local Authority Fire and Rescue Services.
  - There is a two track approach for determining pay for Brigade Manager roles:
    - 1) At a national level the NJC shall review annually the level of pay increase applicable to all of those covered by this agreement.
    - 2) All other decisions about the level of pay and remuneration to be awarded to individual Brigade Manager roles be taken by the Fire Authority locally, who will annually review those salary levels.
- 1.3 Nottinghamshire Fire and Rescue Service (NFRS) moved away from minimum salary levels in 2002, following an external review by Deloittes. In December 2009, the Policy and Strategy Committee of the Fire Authority recommended an appropriate benchmarking process which was adopted by the Fire Authority at its meeting of December 2009. This was implemented in January 2010.
- 1.4 In respect of the review period, the Fire Authority has agreed with the CFO within the contractual arrangements that reviews are not undertaken annually but biennially.

## **2. REPORT**

- 2.1 In December 2009 the Fire Authority established the methodology for establishing the pay of the CFO by benchmarking it against the salaries of the CFO's of Staffordshire, Leicestershire and Derbyshire. The amount paid is then the average of these three Services.
- 2.2 This ensures that the salary remains regionally competitive and does not stray from those established by neighbouring Services. It is also important for the Fire Authority to set a stable and affordable pay strategy whilst remaining competitive in its recruitment and retention of its principal officers.

- 2.3 Following the review in 2009, the salary of the CFO was set at £139,500. Those of the remaining principal officers are linked as follows:
- DCFO – 82.5%
  - ACFO – 75%
  - ACO – 65%
- 2.4 Since 2009, a pay freeze has been implemented by the local employers and a recent survey of neighbouring Services with whom NFRS is benchmarked has also revealed no pay increments have been made. At present the national average is circa £131k (source: CLG 2010).
- 2.5 Therefore it is proposed that no local increment is made to the CFO's salary for the period commencing January 2012 – December 2013 and as per contractual arrangements, the next review is undertaken for consideration from January 2014 in two years time.
- 2.6 Policy and Strategy Committee will also be aware that fire authorities must have in place a pay policy under the provisions of the Localism Act 2011, which is widely publicised. A pay policy has been drafted and considered by the Human Resources Committee and will be presented to the full Fire Authority at its meeting of 24 February 2012 for formal adoption. Under the provisions of the Localism Act this must be in place by April 2012.

### **3. FINANCIAL IMPLICATIONS**

A stable methodology for the application of principal officers' pay allows for budgeting to take place. By agreeing the salary for the next two years pay stability is achieved.

### **4. HUMAN RESOURCES & LEARNING AND DEVELOPMENT**

The human resources implications are largely contained within the body of this report.

### **5. EQUALITIES IMPLICATIONS**

No equality impact assessment is required for this report. By benchmarking against fire and rescue authorities of a similar size within the locality, the Fire Authority alleviates any risk of challenge under equalities legislation.

### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

## **7. LEGAL IMPLICATIONS**

As contained within the Localism Act 2011, the Fire Authority will have to publish its pay policy for its senior managers and staff by April 2012. Steps are being taken to ensure the Fire Authority will comply with this through normal committee procedures.

## **8. RISK MANAGEMENT IMPLICATIONS**

A robust and auditable methodology for setting principal officer pay levels ensures that the Fire Authority can stand up to scrutiny. It also will ensure that the Fire Authority meets its obligations with regard to the Localism Act 2011.

## **9. RECOMMENDATIONS**

It is recommended that Policy and Strategy Committee report and recommend to the Fire Authority:

- 9.1 That the principal officers' pay review has been undertaken as per contractual arrangements.
- 9.2 That principal officers' salary locally will remain at the levels established in January 2010 subject to any national uplifts agreed by the NJC.
- 9.3 That the next review is undertaken in line with contractual arrangements for January 2014.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Malcolm Townroe  
CLERK TO THE FIRE AUTHORITY

Peter Hurford  
TREASURER TO THE FIRE AUTHORITY

**NJC Guidance and Salary Structures**

1. When determining the appropriate level of salaries for all Brigade Managers, the FRA should refer to the relevant minimum salary of the CFO and the most relevant benchmark data.
2. Normally the FRA will wish to begin by determining appropriate salary for their most senior manager.
3. When deciding how these posts should be remunerated, the following factors are to be considered.
  - a) The CFO's salary and that of any service staff not covered by the Scheme of Conditions of Service (Gold Book).
  - b) The relationship of current salary to the appropriate illustrative national benchmark.
  - c) Any special market considerations.
  - d) Any substantial local factors not common to FRA's of a similar type and size e.g. London weighting, complex local regional or national responsibilities which bring added value.
  - e) Comparative information to be supplied on request by the Joint Sec's on salaries in similar Authorities.
  - f) Top management structures and size of management team compared to those of other Fire & Rescue Authorities of similar type and size; and
  - g) The relative job size of each post, as objectively assessed through an appropriate Job Evaluation process or otherwise, and
  - h) Incident Command responsibility and the requirement to provide operational cover with the employing authority and beyond.

The process for setting salary levels should include consideration of the following criteria:

- Minimum salary levels for CO's in relevant sized local authorities.
- Market rates of pay for service managers in a range of private and public sector organisations; and
- Evidence of recruitment and/or retention difficulties with existing minimum rates







**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# **VOLUNTARY REDUNDANCIES**

Report of the Chief Fire Officer

---

**Agenda Item No:**

5.

**Date:**

03 February 2012

**Purpose of Report:**

To seek the approval of Policy and Strategy Committee to progress the process for voluntary redundancy and to report back the outcomes to the Human Resources Committee.

## **CONTACT OFFICER**

**Name :** Frank Swann  
Chief Fire Officer

**Tel :** 0115 967 0880

**Email :** frank.swann@notts-fire.gov.uk

**Media Enquiries Contact :** Elisabeth Reeson  
(0115) 967 5889 elisabeth.reeson@notts-fire.gov.uk

## **1. BACKGROUND**

- 1.1 Under its Redundancy Framework, in cases where the need to effect redundancies has been identified either within a particular work group or within the workforce as a whole, the Service will normally consider applications for voluntary redundancy where this would reduce the need to make compulsory redundancies.
- 1.2 Applications for voluntary redundancy are agreed at the discretion of the Service and require a business case to be submitted by an appropriate Principal Officer for approval.
- 1.3 All business cases are scrutinised by the Discretionary Compensation Payments Board (DCPB), which takes into account a number of factors when making its decision. These would include the cost of the redundancy, whether it would mitigate the need for compulsory redundancy, whether it would offer an opportunity to an employee at risk of redundancy who could be redeployed to the vacant post, and the impact of the potential loss of experience and skills.
- 1.4 In all redundancy situations, the cost of the redundancy payment is normally subject to a pay-back period of 2½ years – ie: the cost saving must normally be realised within the pay-back period.

## **2. REPORT**

- 2.1 The Service has recently written to all non-uniformed staff to establish interest in applying for voluntary redundancy. This forms part of the Service strategy to reduce salary costs to meet budgetary reductions and to mitigate, wherever possible, the need to make compulsory redundancies as a result of a re-organisation of the non-uniformed establishment.
- 2.2 The Service has received a number of expressions of interest and will be confirming estimated redundancy and pension payments to individuals to enable them to consider whether they wish to apply for redundancy. An appropriate Head of Service will consider each request and, if supported, a business case will be submitted to the DCPB for approval.
- 2.3 Under current governance arrangements, the Human Resources Committee considers the recommendations of the DCPB, and final approval is sought from the Fire Authority. Whilst this is appropriate in the case of compulsory redundancies, the potential delay between meetings can affect calculations for voluntary redundancy applicants.
- 2.4 Whilst the above arrangement ensures that Members are fully and rightly involved in decisions which will result in compulsory redundancies, it is recommended that applications for voluntary redundancy are dealt with as an Officer delegation, following approval by the DCPB, and that decisions are

reported to the Human Resources Committee as part of normal reporting arrangements. The Fire Authority will then be notified at the next available meeting of the changes to the establishment, as per the governance arrangements.

- 2.5 By delegating authority to approve applications for voluntary redundancy to Officer level, the process of effecting voluntary redundancies can be expedited in a shorter timeframe. This means that savings and re-structuring proposals can be implemented without undue delay, and informed decisions made regarding the need for further redundancies. Reducing the time taken to reach a decision will also alleviate uncertainty for employees.
- 2.6 It is accepted, in making this recommendation, that redundancy situations involving Officers at Principal Officer level should continue to be subject to the approval of the full Fire Authority.

### **3. FINANCIAL IMPLICATIONS**

An ear-marked reserve of £500,000 has been established to meet the costs of organisational transition, which includes the cost of potential redundancies.

### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

The terms of reference of the Discretionary Payment Compensation Board will require amendment to reflect any changes to governance arrangements.

### **5. EQUALITIES IMPLICATIONS**

A consistent approach to the application of redundancies ensures that any challenge under equalities legislation is mitigated.

### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

### **7. LEGAL IMPLICATIONS**

The process for effecting redundancies, whether compulsory or voluntary, is covered by the provisions of employment law.

### **8. RISK MANAGEMENT IMPLICATIONS**

It is important that the Authority applies any decisions taken in relation to redundancy and severance payments fairly and consistently and with due regard to the interests

of the Service. The role undertaken by the Discretionary Compensation Payments Board ensures that appropriate scrutiny is applied to voluntary redundancy applications and gives due consideration to the impact and cost to the Authority in each individual case.

## **9. RECOMMENDATIONS**

It is recommended that the Policy and Strategy Committee delegate the responsibility for effecting the voluntary redundancy process to the Chief Fire Officer and that the Chief Fire Officer is charged with reporting the outcomes to Human Resources Committee before reporting back the permanent changes to the establishment to the Fire Authority.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Frank Swann  
**CHIEF FIRE OFFICER**



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# **FIRE AND RESCUE NATIONAL FRAMEWORK FOR ENGLAND - CONSULTATION**

Report of the Chief Fire Officer

Agenda No:

6

Date:

03 February 2012

**Purpose of Report:**

To bring to the attention of the Fire Authority the current consultation on the draft Fire and Rescue Framework for England.

## **CONTACT OFFICER**

**Name :** Frank Swann  
Chief Fire Officer

**Tel :** 0115 967 0880

**Email :** frank.swann@notts-fire.gov.uk

**Media Enquiries  
Contact :** Elisabeth Reeson  
(0115) 967 5889 elisabeth.reeson@notts-fire.gov.uk

## **1. BACKGROUND**

- 1.1 Section 1 of the Fire and Rescue Services Act 2004 provides the following with regard to the National Framework:
- The Secretary of State should prepare a National Framework for Fire and Rescue Authorities (FRAs);
  - The Secretary of State is to consult with FRAs and their employees before making significant changes to the Framework;
  - The Secretary of State to bring the Framework and any significant revisions to it, into effect by a statutory instrument;
  - Fire and Rescue Authorities to have regard to the Framework in carrying out their functions.
- 1.2 The previous National Framework commenced in June 2008, and ran until 2011. The current consultation process is with regard to a Framework to replace the previous iteration, although with this document there is no specific timeframe and it is proposed to have an open-ended duration.
- 1.3 The consultation on the proposals within the Framework commenced on 13 December 2011 and is due to conclude on 19 March 2012.

## **2. REPORT**

- 2.1 Under the provisions of the Fire and Rescue Services Act 2004, the National Framework for England allows for the Government to set out its priorities for Fire and Rescue Authorities. Its intention is to set out high level expectations, but not to prescribe operational matters, which are best left determined locally by FRAs through the integrated risk management planning process.
- 2.2 The priorities proposed in this draft Framework are primarily for FRAs to:
- Identify and assess the full range of fire and rescue related risks their area faces, make provision for prevention and protection activities and to respond to incidents appropriately;
  - Work in partnership with their communities and a wide range of partners locally and nationally to deliver their Service; and
  - Be accountable to communities for the Service they provide.
- 2.3 This consultation document is a much more streamlined document which sets a number of challenges for FRAs based around the principles given above. For the first time since the inception of the Framework there is no specific timeframe. The proposed Framework has an open-ended duration, with the Secretary of State retaining the responsibility for keeping it under review.

- 2.4 In summary, the consultation document (attached at Appendix A) intends to place the following obligations on the Authority:

### **Chapter 1 – Safer Communities**

- Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.
- Fire and rescue authorities must work with communities to identify and protect them from risk and to prevent incidents from occurring.
- Fire and rescue authorities' integrated risk management plan must:
  - Demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and
  - Set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.
- Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans.
- Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks.
- Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver interoperability.
- Fire and rescue authorities must collaborate with other fire and rescue authorities, other emergency services, wider Category 1 and 2 responders and Local Resilience Forums to ensure interoperability.
- Fire and rescue authorities must engage with agreed strategic governance arrangements in order to support discussions and decision making in relation to national resilience.
- Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).
- As part of their analysis, fire and rescue authorities must highlight to the Department for Communities and Local Government, through agreed

strategic governance arrangements, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.

- Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with the Department for Communities and Local Government to agree whether and/or how to address any capability gap, identified through the gap analysis.
- In order to meet the requirements of this Framework, fire and rescue authorities must work in partnership with their communities and a wide range of partners locally and nationally.

## **Chapter 2 – Accountable to Communities**

- Fire and rescue authorities' integrated risk management plans must:
  - be easily accessible and publicly available
  - reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners
  - cover at least a three-year timespan and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and
  - reflect up to date risk analyses and the evaluation of service delivery outcomes.
- The fire and rescue authority must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service.
- Fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny.
- Fire and rescue authorities must make their communities aware of how they can access comparable data and information on their performance.

## **Chapter 3 – Assurance**

- Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.
- In addition to the assurance arrangements detailed above, fire and rescue authorities must work collectively to provide assurance to government, through agreed strategic governance arrangements, that:



- risks are assessed, plans are in place and any gaps between existing capability and that needed to ensure national resilience are identified
- existing specialist national resilience capabilities are fit-for-purpose and resilient; and
- any new capabilities that fire and rescue authorities are commissioned to deliver by government are procured, maintained and managed in the most cost-effective manner that delivers value for money whilst ensuring capabilities are fit-for-purpose and resilient.

2.5 In seeking opinion on these proposals, CLG asks consultees to provide a response to four key questions. These are:

**Question 1** Is the content of each chapter clear, specific and proportionate?

**Question 2** Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?

**Question 3** Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?

**Question 4** Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?

- 2.6 With any National Framework consultation it is important the Authority submit a response giving their opinion on the proposals. With this Framework some legal clarity over some of the proposals will also be required to support that response, as some of the proposals raise questions regarding the legal duties placed upon the FRA from the Fire and Rescue Services Act 2004 and the Framework.
- 2.7 An example of this is 1.8 of the Framework which states “Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies ...” whereas the Fire and Rescue Services Act, which is the primary legislation, states “a FRA must make provision for ...” Nottinghamshire Fire and Rescue Service officers will be liaising with the Fire Lawyers Network to seek clarity on such issues.
- 2.8 As the deadline for response is not until 19 March 2012, it is incumbent on the Service’s officers to utilise the allocated time to look at all of the implications for the Service and the questions posed by CLG before formulating a response on behalf of the Fire Authority. This will ensure that a robust and comprehensive submission can be made.
- 2.9 It is therefore proposed that Policy and Strategy Committee charge the Chief Fire Officer with formulating a response on behalf of the Authority and that prior to submission, the response is circulated to Members of this Committee for final comment.

### **3. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report, although Section 3.2 of the Framework draws attention to the requirement for FRAs to provide assurance on financial governance, and the publication of an "annual statement of assurance". Government is still to determine the nature of assurance statements.

### **4. HUMAN RESOURCES & LEARNING AND DEVELOPMENT**

Unlike previous National Frameworks, this document places no specific human resources or learning and development directives on fire and rescue services. Existing legislation will form the basis of how the Authority will meet its statutory obligations as well as the provisions within the Fire and Rescue Services Act 2004 which places an obligation on the Fire Authority to "secure the provision of training for personnel" (Part 2, Section 7, Paragraph 4b).

### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because the consultation document does not impact directly on any section of the community. The reinforcement of IRMP ensures that the Fire Authority will focus their resources on those most at risk.

### **6. CRIME AND DISORDER IMPLICATIONS**

Section 4.8 of the Framework reinforces Section 17 of the Crime and Disorder Act 1998 which places a duty on FRAs to exercise their functions in a way which prevents crime and disorder in their area.

### **7. LEGAL IMPLICATIONS**

The legal implications arising from this report are contained within the body of the report. Further clarification on some of the proposals will be required by the sector as part of the consultation process.

### **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 The Framework reinforces the requirements for a FRA to produce and maintain an integrated risk management plan which will form the basis of how the Service mitigates its risks to its organisation and the community.
- 8.2 In terms of the consultation process itself, a full and comprehensive response mitigates the risk that FRAs will be tasked with duties outside of their expectations or capabilities.

## **9. RECOMMENDATIONS**

It is recommended that Policy and Strategy Committee:

- 9.1 Note the current consultation process on the proposed National Framework.
- 9.2 Task the Chief Fire Officer with producing a formal response on behalf of the Authority which is to be circulated to members of this Committee for final comment before submission.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

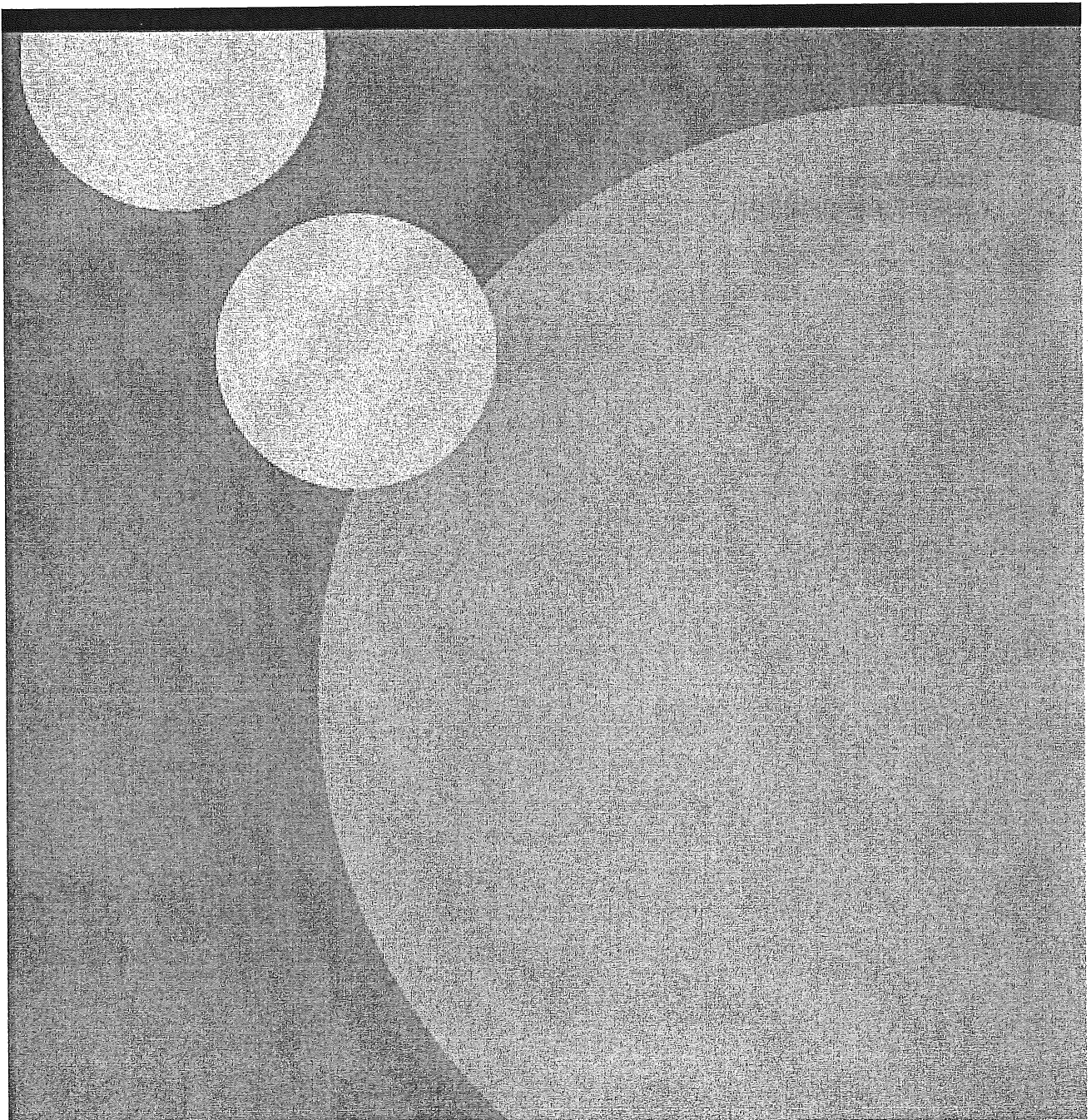
None.

Frank Swann  
**CHIEF FIRE OFFICER**



# Fire and Rescue National Framework for England

**Consultation**



© Crown copyright, 2011

*Copyright in the typographical arrangement rests with the Crown.*

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This document/publication is also available on our website at [www.communities.gov.uk](http://www.communities.gov.uk)

If you require this publication in an alternative format please email:  
[alternativeformats@communities.gsi.gov.uk](mailto:alternativeformats@communities.gsi.gov.uk)

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 030 3444 0000

December 2011

ISBN: 978-1-4098- 3238-6

# Contents

Ministerial foreword.....	2
Consultation questions.....	4
Introduction .....	5
Chapter 1 Safer communities .....	7
Chapter 2 Accountable to communities .....	13
Chapter 3 Assurance.....	15
Chapter 4 Legislative context, timescale, scope.....	17
Endnotes.....	19
Annex Complete integrated risk management plan requirement .....	22
About this consultation.....	24

# Ministerial foreword

Local fire and rescue authorities play a central role in keeping our communities safe and the public rightly holds our firefighters in high esteem.

The coroner's report into the 7 July 2005 bombings in London, published earlier this year, praised the 'extraordinary courage, composure and compassion' of the fire and rescue service crews and all responders who had to deal with the terrible events unfolding that day.

But firefighters are not only there to come to our rescue when fires or other emergencies occur, they also work to stop fires starting in the first place. The prevention activities developed by fire and rescue authorities have helped halve the number of deaths from accidental fires in our homes since the late 1980s.

Across the country, fire and rescue authorities have become involved in a range of community activities, from home fire safety visits to the elderly and vulnerable to running schemes that provide important role models for young people, offering them the inspiration and respect to fulfil their potential and contribute to a stronger society: all based on local assessments of risk and the most effective action that can be taken to mitigate them. Also, through their work with businesses fire and rescue authorities can minimise the impact of fire on the economy and on jobs.

More recently, we have again seen the dedication of our firefighters who, in the face of shameful criminal behaviour by rioters, battled to put out fires, whilst at times finding themselves under attack. The professionalism of fire crews during the riots was outstanding and inspirational.

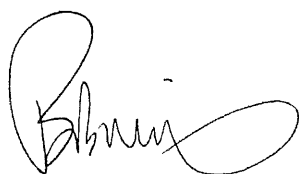
The best thing central government can do to improve the services provided by fire and rescue authorities and the professionals they employ is not to micro manage from the centre, but to provide an overall strategic direction and support, to empower and encourage them but not to interfere in the way in which they serve their communities. Through provisions in the Localism Act, fire and rescue authorities will have even more freedom and flexibility to take responsibility and deliver innovative services specific to the communities they serve.

Fire and rescue authorities are free to configure their services in a way that makes sense to them locally. This includes working collectively with other fire and rescue authorities and collaboratively with a wide range of other organisations to improve public safety and cost effectiveness.

Ultimately, it is to local communities, not central government, that fire and rescue authorities are accountable.

Occasionally, however, we may be faced with incidents of such scale or complexity that all available resources could be overwhelmed, even if pooled or reconfigured. Government will retain over-arching responsibility for ensuring we are resilient as a nation to such risks but this must be based on and drawn from local capability, expertise, knowledge and leadership.

This draft Framework sets out how the Government will work in partnership with fire and rescue authorities and the wider community to make our communities safer. I look forward to receiving comments on it and to working with fire and rescue authorities and other organisations to make our communities even safer.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized flourish at the end.

**Bob Neill MP**  
**Minister for the Fire and Rescue Service**



# Consultation questions

This consultation gives fire and rescue authorities, members of the fire and rescue services, professional and representative bodies, industry, charities, and the general public an opportunity to help shape this draft Fire and Rescue National Framework.

Consultees are invited to respond in particular to the following questions.

## Question 1

**Is the content of each chapter clear, specific and proportionate?**

## Question 2

**Does the draft National Framework set clear and appropriate expectations of fire and rescue authorities? If not, how could it be improved?**

## Question 3

**Are the respective roles of fire and rescue authorities and the Government set out clearly? If not, how could they be improved or made clearer?**

## Question 4

**Do the requirements for fire and rescue authorities on scrutiny, access to comparable performance data and assurance go too far or not far enough?**

Responses are required by **19 March 2012** and should be sent to:

[firenationalframework@communities.gsi.gov.uk](mailto:firenationalframework@communities.gsi.gov.uk)

# Introduction

1. The Government has a responsibility to ensure that the public is adequately protected. For fires and other emergencies it does this by providing significant financial resources, giving authorities the power to raise additional local funding, and maintaining a statutory framework within which local fire and rescue authorities operate.
2. This document – the draft Fire and Rescue National Framework - sets out the Government's priorities and objectives for fire and rescue authorities in England<sup>1</sup>. The Framework sets out high level expectations. It does not prescribe operational matters. These are best determined locally by fire and rescue authorities, in consultation with their communities. The Framework builds on existing notable practice shown by fire and rescue authorities across the full range of their functions.
3. **The priorities in this Framework are for fire and rescue authorities to:**
  - **identify and assess the full range of fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately**
  - **work in partnership with their communities and a wide range of partners locally and nationally to deliver their service; and**
  - **be accountable to communities for the service they provide.**
4. Fire and rescue authorities need to assess all fire and rescue related risks that could affect their communities (from local fires to terrorist attacks) and put in place arrangements to mitigate these risks, either through adjusting existing provision, more effective collaboration and partnership working or building new capability. They need to deliver prevention and protection activities and be ready to respond to incidents within their areas and across the country to keep communities safe.
5. Fire and rescue authorities need to plan for and occasionally respond to incidents of such scale and/or complexity that local resources may be overwhelmed even when taking into account mutual aid agreements, pooling and reconfiguration of resources and collective action. This Framework sets clear roles and responsibilities to manage such risks.
6. The Government retains strategic responsibility for national resilience. In meeting this responsibility, it relies on the leadership role of fire and rescue authorities and recognises that national resilience is best built on the basis of local professional expertise and understanding of risk.

7. Fire and rescue authorities need to have strong partnership arrangements in place so that they are able to deliver a service that meets their statutory duties and the requirements set out in this Framework.
8. In demonstrating their accountability to communities for the service they provide, fire and rescue authorities need to:
  - be transparent and accountable to their communities for their decisions and actions, and to provide the opportunity for communities to help to plan their local service through effective consultation and involvement
  - have scrutiny arrangements in place that reflect the high standard communities expect for an important public safety service; and
  - provide assurance to their communities and to government, on financial, governance and operational matters and on national resilience capability.

# Chapter 1

## Safer communities

- 1.1 Fire and rescue authorities need to identify and assess all fire and rescue related risks their communities may face. To keep their communities safe, authorities need to deliver effective prevention and protection activities and to plan for and respond to incidents within their areas and in other areas as reflected in their integrated risk management plans<sup>2</sup>. Resilience is secured through a combination of the activities of fire and rescue authorities, other emergency services and government.
- 1.2 Each fire and rescue authority's integrated risk management plan provides an opportunity to demonstrate how they will discharge their responsibilities, in a way that is open and transparent to its community and others with an interest.

### Identify and assess

- 1.3 **Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate<sup>3</sup>.**
- 1.4 The Government will monitor the risks that the United Kingdom could face through the National Risk Assessment process, led by the Cabinet Office, and through other relevant risk assessment and horizon-scanning processes<sup>4</sup>. The Government provides guidance to Local Resilience Forums on how to interpret the likelihood and impact of these risks for their local area. This ensures there is a fully integrated risk assessment process between the Government and Local Resilience Forums; fire and rescue authorities are key members of such forums.
- 1.5 The Government will also define the consequences of those risks and set a benchmark of generic capability needed to ensure the United Kingdom can both respond to and recover from a range of potential emergencies. The Government does this through the National Resilience Planning Assumptions, led by the Cabinet Office<sup>5</sup>.

## Prevent and protect

- 1.6 **Fire and rescue authorities must work with communities to identify and protect them from risk and to prevent incidents from occurring.**
- 1.7 **Fire and rescue authorities' integrated risk management plan must:**
- **demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and**
  - **set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.**

## Respond

- 1.8 **Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans<sup>6</sup>.**
- 1.9 Fire and rescue authorities are required to enter into reinforcement schemes, or mutual aid agreements, with other fire and rescue authorities for securing mutual assistance, so far as practicable. These are important tools for fire and rescue authorities to be prepared to respond to incidents.
- 1.10 It is for fire and rescue authorities to consider and identify areas where collaborative working could improve service delivery, achieve efficiencies and ensure an effective response to incidents.
- 1.11 **Fire and rescue authorities must have effective business continuity arrangements in place to meet the full range of service delivery risks.** Business continuity plans should not be developed on the basis of Armed Forces assistance being available. Fire and rescue authorities should ensure that arrangements are in place for heightening public awareness of safety issues during periods of emergency cover<sup>7</sup>.
- 1.12 **Fire and rescue authorities must collaborate with other fire and rescue authorities to deliver intraoperability.**

- 1.13 Intraoperability between fire and rescue authorities includes, but is not limited to:
- common communications systems, control rooms and equipment
  - common command, control and co-ordination arrangements
  - effective information, intelligence and data sharing
  - common operational procedures, guidance and terminology
  - compatible training and exercising (both individually and collectively); and
  - cross border working with other English fire and rescue authorities and those in the devolved administrations.
- 1.14 **Fire and rescue authorities must collaborate with other fire and rescue authorities, other emergency services, wider Category 1 and 2 responders and Local Resilience Forums to ensure interoperability<sup>8</sup>.**
- 1.15 Interoperability between fire and rescue authorities and other responders includes, but is not limited to:
- compatible communications systems, control rooms and equipment, as appropriate
  - compatible command, control and co-ordination arrangements
  - effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing
  - shared understanding of respective operational procedures, guidance and terminology
  - robust multi-agency plans for managing risks identified in the National Risk Assessment and Community Risk Registers
  - multi-agency training and exercising; and
  - cross border working with other responders in England and the devolved administrations.
- 1.16 The Government has committed to work at a national level and with the devolved administrations to improve the ability of the emergency services to work together during emergencies<sup>9</sup>.
- 1.17 In addition, during emergencies, the Department for Communities and Local Government will work with other government departments, fire partner organisations and the devolved administrations to co-ordinate the

deployment arrangements for specialist fire and rescue assets as set out in the National Co-ordination and Advisory Framework<sup>10</sup>.

## Resilience

- 1.18 In delivering the requirements set out above, fire and rescue authorities need to have the necessary capability in place to manage the majority of risks that may face their area, either individually or collectively through collaborative arrangements with other fire and rescue authorities and responders.
- 1.19 For the purposes of this document, national resilience in the context of fire and rescue authorities is defined as the capacity and capability of fire and rescue authorities to work together and with other Category 1 and 2 responders to deliver a sustained, effective response to major incidents, emergencies and disruptive challenges, such as (but not limited to) those identified in the National Risk Assessment. It refers to risks that need to be planned for on a strategic, national basis because their impacts and consequences would be of such scale and/or complexity that local resources would be overwhelmed, even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.
- 1.20 To enhance resilience to such risks, the Government has already committed significant financial resources to build specialist capability, for example: additional, specialist urban search and rescue capability; high volume pumps; mass decontamination equipment; detection, identification and monitoring equipment for chemical, biological and nuclear incidents; and, additional command and control capability. The Government continues to fund these existing national resilience capabilities.
- 1.21 In order to ensure continued resilience, fire and rescue authorities and the Government need to work in partnership to agree whether and/or how potential gaps in capability may be met.

## Collective engagement

- 1.22 **Fire and rescue authorities must engage with agreed strategic governance arrangements in order to support discussions and decision making in relation to national resilience.**
- 1.23 The Department for Communities and Local Government will ensure that appropriate, agreed strategic governance arrangements are in place to enable fire and rescue authorities to collectively engage with the Government on national resilience issues<sup>11</sup>.

## Gap analysis

- 1.24 **Fire and rescue authorities' risk assessments must include an analysis of any gaps between their existing capability and that needed to ensure national resilience (as defined above).**
- 1.25 Fire and rescue authorities are required to assess the risk of emergencies occurring and use this to inform contingency planning. To do this effectively, fire and rescue authorities are expected to assess their existing capability and identify any gaps as part of the integrated risk management planning process. This gap analysis needs to be conducted by fire and rescue authorities individually and collectively to obtain an overall picture of their ability to meet the full range of risks in their areas.
- 1.26 **As part of their analysis, fire and rescue authorities must highlight to the Department for Communities and Local Government, through agreed strategic governance arrangements, any capability gaps that they believe cannot be met even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.**
- 1.27 The Department for Communities and Local Government, in liaison with other government departments and the devolved administrations, will support fire and rescue authorities in considering and defining the gap between existing capability and the capability required to ensure national resilience.

## Capability building

- 1.28 **Fire and rescue authorities must work collectively, through agreed strategic governance arrangements, with the Department for Communities and Local Government to agree whether and/or how to address any capability gap, identified through the gap analysis.**
- 1.29 Where it is agreed that there is a gap, capability building will take into account the full range of options available and will be subject to the principles of proportionality. If necessary, this will involve careful consideration of the case for funding new national resilience capabilities, in line with the new burdens doctrine<sup>12</sup>.
- 1.30 Where the Government commissions provision from fire and rescue authorities to deliver the agreed capability, fire and rescue authorities will need to work together collectively to procure, maintain and manage the new capability.
- 1.31 Final decisions on whether new capability is required will be for Ministers to take, informed by recommendations made in accordance with agreed strategic governance arrangements.



## Working in partnership

- 1.32 **In order to meet the requirements of this Framework, fire and rescue authorities must work in partnership with their communities and a wide range of partners locally and nationally.**
- 1.33 Strong partnership arrangements by fire and rescue authorities with communities and local groups will deliver better prevention and protection activities, while close collaboration with other Category 1 and 2 responders is essential to enable an effective response to incidents.

## Chapter 2

# Accountable to communities

- 2.1 Fire and rescue authorities are accountable to their communities for their actions and decision making. They need to have transparent processes in place to deliver this and engage with their communities to provide them with the opportunity to influence their local service. Local accountability is a vital check on the services provided by fire and rescue authorities.

### Communities planning their local fire and rescue service

- 2.2 The integrated risk management planning process is an opportunity for fire and rescue authorities to have an ongoing conversation with communities and to inform them through the provision of up-to-date, accessible data on risk. Through this transparent approach communities can better influence local plans and how their authority meets risks both within their area and as part of mutual aid agreements.

- 2.3 **Fire and rescue authorities' integrated risk management plans must:**

- be easily accessible and publicly available
- reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners
- cover at least a three-year timespan and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and
- reflect up to date risk analyses and the evaluation of service delivery outcomes.

### Scrutiny arrangements transparent to communities

- 2.4 **The fire and rescue authority must hold their Chief Fire Officer/Chief Executive to account for the delivery of the fire and rescue service.**
- 2.5 **Fire and rescue authorities must have arrangements in place to ensure that their decisions are open to scrutiny.**
- 2.6 Opening up decision making to challenge enhances local governance and accountability. Fire and rescue authorities need to satisfy themselves that the arrangements they put in place provide the level of scrutiny their communities expect. Many authorities already have a number of

processes in place for scrutiny. Some allow for the separation of powers within the authority to allow members to have independent oversight. Processes used in the delivery of some local services include inviting members of the upper tier authorities in the areas in which they operate to sit on a scrutiny panel; or, by inviting other locally elected members to sit on a scrutiny panel.

## Transparent data enables communities to hold service providers to account

- 2.7 To hold fire and rescue authorities to account, communities need to be able to compare the performance of their fire and rescue authority with others. Both the Government and fire and rescue authorities need to have an open approach towards data and information to provide transparency for communities.
- 2.8 **Fire and rescue authorities must make their communities aware of how they can access comparable data and information on their performance.**
- 2.9 Meeting this requirement includes, but is not limited to:
- meeting the current code of recommended practice for local authorities on data transparency
  - publishing pay policy statements (a duty in the Localism Act)
  - raising awareness of sources of comparable data and how to access these e.g. linking to government websites and data returns to the Chartered Institute of Public Finance and Accountancy
  - linking to: tools provided by organisations such as the Local Government Group and the Chief Fire Officers' Association; and, best practice guidance
  - acting in accordance with the Freedom Of Information Act and publication schemes set by the Information Commissioner
  - publishing any peer reviews, self assessments; and
  - publishing any other locally held data that fire and rescue authorities feel will aid transparency to their communities.
- 2.10 The Government is committed to publishing all the data it holds within the bounds of data protection and security, for example by publishing statistics on the internet and by making large data files available.

## Chapter 3

# Assurance

- 3.1 Given the public safety functions provided by fire and rescue authorities and the nature of the risks, robust mechanisms should be in place to provide independent assurance to communities and to the Government. Chapter 2 details important measures that will ensure that fire and rescue authorities provide local scrutiny arrangements and access to a range of information to help communities influence and be assured of the robustness of local delivery arrangements. This chapter details mechanisms that are in addition to these accountability, scrutiny and transparency requirements: they are designed to supplement, not duplicate, the wider accountability regimes that cover the whole of local government.

### Assurance

- 3.2 **Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.**
- 3.3 The Government will work with fire and rescue authorities to determine the nature of the assurance statements, but would expect the political and professional leadership to lead on ensuring an element of independent scrutiny of the statement. The contents of the statement will be defined with communities and the Government in mind. It is likely that the contents of these assurance statements already exist in the information held or published by fire and rescue authorities, for example as part of their annual report or service plan.

### National resilience assurance

- 3.4 **In addition to the assurance arrangements detailed above, fire and rescue authorities must work collectively to provide assurance to government, through agreed strategic governance arrangements, that:**
- **risks are assessed, plans are in place and any gaps between existing capability and that needed to ensure national resilience are identified**

- **existing specialist national resilience capabilities are fit-for-purpose and resilient; and**
- **any new capabilities that fire and rescue authorities are commissioned to deliver by government are procured, maintained and managed in the most cost-effective manner that delivers value for money whilst ensuring capabilities are fit-for-purpose and resilient.**

3.5 The Government will work with fire and rescue authorities to ensure that appropriate assurance mechanisms are in place, which are transparent and robust, with an appropriate degree of independence.

## Chapter 4

# Legislative context, timescale, scope

## Legislation

- 4.1 Section 21 of the Fire and Rescue Services Act 2004 provides the statutory authority for the National Framework and requires:
- the Secretary of State to prepare a National Framework for fire and rescue authorities
  - the Secretary of State to consult with representatives of fire and rescue authorities and their employees before making significant changes to the Framework
  - the Secretary of State to bring the Framework and any significant revisions to it, into effect by a statutory instrument subject to annulment in either of the Houses of Parliament; and
  - fire and rescue authorities to have regard to the Framework in carrying out their functions.
- 4.2 The role of the National Framework is not to repeat all the duties placed on fire and rescue authorities in connection with the discharge of their functions or more generally as a public service provider and employer. These are day to day functions of which authorities are aware e.g. fire and rescue authorities need to be aware of the importance of complying with the requirements of the general and specific duties set out in the Equality Act 2010 and the Equality Act 2010 (Specific Duties) Regulations 2011 in all of their functions, both as employer and service provider, and the various health and safety legislation and regulations.
- 4.3 The expectation of the Government is that fire and rescue authorities and the political and professional leadership will put in place processes to provide support and lead improvement in the event of potential service failure, or potential failure to act in accordance with the Framework. In this context, improvement is delivered through peer led responses and effective partnership working.
- 4.4 The Government intends to use its intervention powers only as a last resort, for example where the risk of failure is deemed so serious as to require immediate and directive government action to resolve<sup>13</sup>. Any use of intervention powers will be in accordance with the Local Government Intervention Protocol<sup>14</sup>.
- 4.5 Ministers may also ask the Chief Fire and Rescue Adviser as a designated Her Majesty's Inspector under the Fire and Rescue Services Act 2004, to lead an investigation into instances of serious concerns regarding

operational performance. Ministers may also seek additional and separate assurance from the Chief Fire and Rescue Adviser, or other advisers, in respect of specific issues.

- 4.6 The Secretary of State has the power by order to confer on a fire and rescue authority functions relating to emergencies<sup>15</sup>. Also, in the event of a particular fire or emergency, the Secretary of State has the power to direct a fire and rescue authority to act<sup>16</sup>. These may include actions outside of the authority's area.
- 4.7 The Fire and Rescue Services Act 2004 and the Fire and Rescue Service (Emergencies)(England) Order 2007 provide fire and rescue authorities with mandatory functions for fire and road traffic accidents and in connection with key types of emergencies (specifically chemical, biological, radiological or nuclear emergencies and urban search and rescue emergencies). In addition, as Category 1 responders under the Civil Contingencies Act 2004, fire and rescue authorities are subject to the full set of civil protection duties, including assessing the risk of emergencies occurring (ranging from widespread flooding to terrorist attacks) and using this to inform contingency planning, and ensuring that emergency plans and business continuity management arrangements are in place<sup>17</sup>. Also, the Civil Contingencies Act requires fire and rescue authorities to co-operate with other Category 1 and 2 responders and other organisations engaged in response activities in the same local resilience area. Category 1 responders are also encouraged to co-operate outside the Local Resilience Forum framework<sup>18</sup>.
- 4.8 Fire and rescue authorities have a duty to exercise their functions in a way that prevents crime and disorder in their area<sup>19</sup>.

## Timescales

- 4.9 This National Framework has an open ended duration. The Secretary of State continues to be responsible for keeping the terms of the Framework under review under section 21(3) of the Fire and Rescue Services Act 2004 and is required to prepare a biennial report to Parliament on the extent to which fire and rescue authorities are acting in accordance with the Framework, under section 25. From time to time, we will discuss with partners whether changes need to be made to the document.

## Scope

- 4.10 The National Framework covers England only. It does not apply to Northern Ireland, Scotland or Wales where responsibility for their fire and rescue services is fully devolved.

# Endnotes

## Introduction

1. Chapter 4 sets out the legislative context for the National Framework along with timescales and scope.

## Chapter 1- Safer communities

2. The requirement for fire and rescue authorities to produce an integrated risk management plan is included throughout this document, reflecting its role in making communities safer in a way which is transparent and accountable to communities. See the annex for the complete requirement.
3. The Civil Contingencies Act 2004 requires emergency responders in England and Wales to co-operate in maintaining a public Community Risk Register. These are approved and published by Local Resilience Forums which include representatives from local emergency responders as well as public, private and voluntary organisations. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/risk-assessment> .

4. The National Risk Assessment is agreed by Ministers on an annual basis and sets out the collectively agreed assessment of the types of malicious and non-malicious disruptive events that would cause significant harm and disruption to the United Kingdom. The public facing version of the National Risk Assessment is the National Risk Register, available at:

<http://www.cabinetoffice.gov.uk/resource-library/national-risk-register>.

5. The National Resilience Planning Assumptions distil the information in the National Risk Assessment into twenty common consequences that should be planned for in order to be prepared for the risks in the National Risk Assessment. For each of these consequences, the National Resilience Planning Assumptions set an upper limit of the level of capability required in each instance. The National Resilience Planning Assumptions do not define the capability requirements of individual responders, for example, fire and rescue authorities.
6. Section 13 of the Fire and Rescue Services Act 2004 requires fire and rescue authorities to enter into reinforcement schemes with other fire and rescue authorities for securing mutual assistance. Section 16 of the Fire and Rescue Services Act 2004 enables fire and rescue authorities to enter into arrangements for the discharge of their functions by others. The National Mutual Aid Protocol for Serious Incidents sets out the terms under



which fire and rescue authorities may expect to request or provide assistance to each other in the event of a serious incident. The Protocol is available at:

<http://www.communities.gov.uk/documents/fire/pdf/151879.pdf>.

7. The Civil Contingencies Act requires fire and rescue authorities to put in place business continuity management arrangements to ensure that they can continue to perform their functions in the event of an emergency, so far as is reasonably practicable. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.

8. The Civil Contingencies Act divides responders into two categories, imposing a different set of duties on each. Category 1 responders are those organisations at the core of the response to most emergencies, and they are subject to the full set of civil protection duties. Category 2 responders are co-operating bodies that will primarily be involved in incidents that affect their sector, and they have a lesser set of duties. Fire and rescue authorities are Category 1 responders. Further information is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>.

9. This commitment has been made in both the Strategic Defence and Security Review and the counter-terrorism strategy - CONTEST. These documents are available at:

<http://www.cabinetoffice.gov.uk/resource-library/strategic-defence-and-security-review-securing-britain-age-uncertainty> ; *and*

<http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/>.

10. The National Co-ordination and Advisory Framework is a structure which offers assistance during incidents which have national significance or require national co-ordination. Further information is available at:

<http://www.communities.gov.uk/publications/fire/opguidancencaf>.

11. The detailed structure, terms of reference and membership of the strategic governance arrangements will be developed through consultation with key fire partner organisations. These arrangements will not be detailed in the new National Framework, but will be supplementary to it.

12. A new burden is defined as any policy or initiative which increases the cost of providing local authority services. The doctrine seeks to keep the pressure on council tax down. It covers all types of local authority that either raise council tax or set a precept. This includes parishes, police and fire and rescue authorities. The new burdens doctrine only applies where central government requires or exhorts authorities to do something new or

additional. Action to ensure that they adequately fulfil a role for which they are already funded is not a new burden. Available at:

<http://www.communities.gov.uk/publications/localgovernment/newburdens2011>.

## **Chapter 4 – Legislative context, timescale, scope**

13. Section 22 of the Fire and Rescue Services Act 2004.

14. Protocol on Engagement and Intervention in Poorly Performing Local Authorities and jointly signed by the Local Government Association and Government in 2003.

15. Section 9 of the Fire and Rescue Services Act 2004.

16. Section 10 of the Fire and Rescue Services Act 2004.

17. The full set of civil protection duties are to:

- assess the risk of emergencies occurring and use this to inform contingency planning
- put in place emergency plans
- put in place business continuity management arrangements
- put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- share information with other local responders to enhance co-ordination; and
- co-operate with other local responders to enhance co-ordination and efficiency.

Further information on the Civil Contingencies Act is available at:

<http://www.cabinetoffice.gov.uk/content/civil-contingencies-act>

18. Each local resilience area is based on a police area. The principal mechanism for multi-agency co-operation between Category 1 responders is the Local Resilience Forum. The Local Resilience Forum is not a statutory body, but it is a statutory process.

19. Section 17 of the Crime and Disorder Act 1998.

## **Annex**

# **Complete integrated risk management plan requirement**

For completeness, each integrated risk management plan requirement is repeated below.

Integrated risk management planning plays a key role in identifying, assessing and mitigating fire and rescue related risks.

### **Paragraph 1.3**

**Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all fire and rescue related risks that could affect their communities, including those of a cross-border, multi-authority and/or national nature. The Plan must have regard to the community risk registers produced by Local Resilience Forums and any other local risk analyses as appropriate.**

**Fire and rescue authorities' integrated risk management plan must:**

### **Paragraph 1.7**

- **demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way; and**
- **set out their management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the current Statutory Code of Compliance for Regulators and Enforcement Concordat.**

### **Paragraph 2.3**

- **be easily accessible and publicly available**
- **reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners**

- **cover at least a three-year timespan and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework; and**
- **reflect up to date risk analyses and the evaluation of service delivery outcomes.**

#### **Paragraph 1.8**

**Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements and reflect this in their integrated risk management plans.**

#### **Paragraph 3.2**

**Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.**

The Government does not plan to issue additional integrated risk management plan-related guidance. The Department for Communities and Local Government values the multi-partner Integrated Risk Management Plan Steering Group, put in place to take this work forward.

## About this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business, Innovation and Skills and are in line with the consultation criteria except that the consultation period is longer (14 weeks). The consultation criteria are:

- formal consultation should take place at a stage when there is scope to influence the policy outcome
- consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible
- consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals
- consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach
- keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained
- consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation; and
- officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but

we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact the Department.

Consultation Co-ordinator  
Zone 6/H10  
Eland House  
London SW1E 5DU  
or by e-mail to: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# THE LOCALISM ACT 2011

Report of the Chief Fire Officer

**Agenda No:**

7

**Date:**

03 February 2012

**Purpose of Report:**

To update Members on the Localism Act and its implications for Fire and Rescue Services.

## CONTACT OFFICER

**Name :** Frank Swann  
Chief Fire Officer

**Tel :** 0115 967 0880

**Email :** frank.swann@notts-fire.gov.uk

**Media Enquiries Contact :** Elisabeth Reeson  
(0115) 967 5889 elisabeth.reeson@notts-fire.gov.uk

## 1. BACKGROUND

- 1.1 Following a period of consultation, the Localism Bill became the Localism Act 2011 following Royal Assent on 15 November 2011. The Act itself is a substantial piece of legislation and aspects of the Act will come into force at different times. As yet a full implementation timetable has not been published.
- 1.2 This paper lays out to Members the provisions that are of most relevance following the Royal Assent. Further papers will be brought to the Authority as and when guidance is published on the specific aspects detailing the full implications for the Service.

## 2. REPORT

- 2.1 Following its Royal Assent, the following provisions contained within the Localism Act 2011 are of most relevance to fire authorities.

### **New General Powers for Fire and Rescue Authorities**

- 2.2 Part 1, Chapter 2, Section 9 details amendments to the Fire and Rescue Services Act 2004 (new Section 5a – 5c) providing broad general powers to do things related to their purposes. Specifically the Act states that a Fire Authority can do:
  - a) Anything it considers appropriate for the carrying out of any of its functions;
  - b) Anything it considers appropriate for the purposes incidental to the carrying out of its functions (whether directly or incidental); or
  - c) Anything it considers to be connected with a) or b).
- 2.3 In real terms this amendment to the Fire and Rescue Services Act 2004 provides stand alone fire and rescue authorities with a similar power to the general power of competence, but related to their single purpose status. With this power, single purpose fire and rescue authorities such as Nottinghamshire, will be able to do anything they consider appropriate for purposes linked to their statutory duty to help deliver a more innovative and personalised service to their community.
- 2.4 These new powers are intended to enable fire and rescue authorities to act innovatively to generate efficiencies and secure value for money. There are statutory limitations and restrictions which include powers to tax, precept and borrow, being governed by existing regimes.
- 2.5 A key future decision for Nottinghamshire and City of Nottingham Fire and Rescue Authority as part of its next IRMP consultation, will be to determine what other services it may wish to provide, to the community, linked to our statutory powers, that will deliver a better service.



## **Charging**

- 2.6 Section 10 of the Localism Act amends the existing charging arrangements for all fire and rescue authorities by inserting sections 18A – 18C into the Fire and Rescue Services Act, which introduces broader charging criteria.
- 2.7 The decision making process for charging for additional activities must be subject to local consultation and there are certain safeguards contained within the Localism Act where charging is not permissible. Whilst the new Act repeals Section 19 of the Fire and Rescue Service Act 2004, any current charging arrangements will be able to proceed without further consultation.
- 2.8 A new provision does provide for fire and rescue authorities to be able to charge for mobilisation to non-domestic premises where there is consistent reported false alarms due to 'malfunctioning' or 'misinstalled' equipment.
- 2.9 Fire and rescue authorities will not be able to charge for any of the core functions such as fires, RTCs and emergencies such as special service calls.
- 2.10 A key policy decision for the Fire Authority to make in the future therefore will be to decide whether it wishes to levy for false alarms, and if so, to consult on this proposal as part of its IRMP.

## **Community Right to Challenge**

- 2.11 This aspect of the Localism Act enables voluntary and community groups, parish councils, and staff of relevant authorities to express an interest in running existing relevant authority services where they believe they can do so differently and better.
- 2.12 As yet the definition of relevant authority has not been confirmed as being extended to single purpose fire and rescue authorities (county fire and rescue services are included), although CLG have confirmed in a recent circular that it is their intention to include single purpose fire and rescue authorities in forthcoming regulations.
- 2.13 Consideration is also being given as to what services fire and rescue authorities carry out can be challenged and what services cannot. Further advice on this can be expected early in 2012.
- 2.14 The Fire Authority therefore needs to be mindful that once specific exemptions are confirmed, other services that Nottinghamshire Fire and Rescue Service carries out on behalf of the public and its staff may be subject to challenge.

## **Community Right to Bid**

- 2.15 This part of the Act allows for community bodies, voluntary groups and parish councils to be able to nominate land and buildings to be listed as 'assets of community value'.

- 2.16 The crux of this is to allow for community groups to exercise a pause in any sale process so as to allow local funds to be raised to retain the asset within the community.
- 2.17 It is not therefore unforeseeable that such groups may nominate their local fire stations as “assets of community value”. The Fire Authority would have to consider the impact of this on future proposals if the regulations do not exempt our premises.

### **Pay Accountability**

- 2.18 This allows for the setting of the senior pay framework of the senior managers of the organisation, as well as the policies relating to this, to be clear and accountable.
- 2.19 A relationship between the senior chief officer and the lowest paid employee will need to be established, as well as how the senior pay is set.
- 2.20 This needs to be in place for the financial year beginning 2012/13.
- 2.21 Nottinghamshire Fire and Rescue Service already publishes the salaries of its senior officers via its website and through its accounts. A paper relating to the pay policy will be presented to the Fire Authority for full adoption at its full meeting on 24 February 2012.

### **Right to Approve or Veto Excessive Council Tax Rises**

- 2.22 The Localism Act does provide provision for local communities to veto or agree Council Tax rises.
- 2.23 Each year the Secretary of State will set a limit which will be a way of determining acceptable Council Tax rises. Where an Authority chooses to exceed this level, it will have to hold a referendum to get approval from local voters.
- 2.24 The first year of this arrangement will be 2012/13, where the level set for Fire and Rescue Authorities is 4%.

## **3. FINANCIAL IMPLICATIONS**

The financial implications arising from this report are contained within the body of the report. Future decisions by the Fire Authority regarding charging, pay accountability, extension of powers and Council Tax rises will all be addressed as and when decisions are made.

## **4. HUMAN RESOURCES & LEARNING AND DEVELOPMENT**

There are no specific human resources or learning and development implications arising from this report.

## **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because this report does not relate to a function, policy or service.

## **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

## **7. LEGAL IMPLICATIONS**

As this report identifies, the Localism Act both amends primary legislation in the Fire and Rescue Services Act and also introduces legislation which may and does affect the Service.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 There are a number of risk management implications which this report identifies and will have to be addressed by the Fire Authority in due course.
- 8.2 Whether to charge, how to set its Council Tax levies and what challenges it might expect from the community will all have to be considered.

## **9. RECOMMENDATIONS**

It is recommended that Policy and Strategy Committee:

- 9.1 Note the contents of the Localism Act 2011 and the potential implications for the Service.
- 9.2 Instruct the Chief Fire Officer to report on the specific elements and options to them as part of the next integrated risk management planning process.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Frank Swann  
**CHIEF FIRE OFFICER**

