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NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY - POLICY & STRATEGY COMMITTEE

Date: Friday, 7 November 2014

Time: 10.00 am

Venue: Fire and Rescue Services HQ, Bestwood Lodge, Arnold Nottingham NG5 8PD

Members are requested to attend the above meeting to be held at the time, place and date mentioned to transact the following business

A handwritten signature in black ink, appearing to read "M. W. Taylor". The signature is fluid and cursive.

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

AGENDA

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8 EXCLUSION OF THE PUBLIC

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

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Report of the Chief Fire Officer

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

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ABOVE, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ON THIS AGENDA, IF POSSIBLE BEFORE THE DAY OF THE MEETING.

Constitutional Services Officer:

Carol M Jackson

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**NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY -
POLICY & STRATEGY**

**MINUTES of the meeting held at Fire and Rescue Services HQ, Bestwood
Lodge, Arnold Nottingham NG5 8PD on 18 July 2014 from 10.00 am - 10.35 am**

Membership

Present

Councillor Brian Grocock
Councillor Chris Barnfather
Councillor Gordon Wheeler
Councillor John Wilmott

Absent

Councillor Jon Collins
Councillor Darrell Pulk (Chair)

Councillor David Smith (substitute for Councillor Darrell Pulk)
Councillor Malcolm Wood (substitute for Councillor Jon Collins)

Colleagues, partners and others in attendance:

John Buckley	Chief Fire Officer
Peter Hurford	Treasurer to the Nottinghamshire and City of Nottingham Fire and Rescue Authority
Neil Timms	Strategic Director of Finance and Resources
Malcolm Townroe	Clerk and Monitoring Officer to the Nottinghamshire and City of Nottingham Fire and Rescue Authority
Laura Wilson	Constitutional Services Officer, Nottingham City Council

1 CHAIR OF THE MEETING

Councillor Brian Grocock, as Vice-Chair of the Authority, chaired the meeting in the absence of Councillor Darrell Pulk.

2 APOLOGIES FOR ABSENCE

Councillor Jon Collins
Councillor Darrell Pulk

3 DECLARATIONS OF INTERESTS

None

4 MINUTES

The Committee confirmed the minutes of the meeting held on 25 April 2014 as a correct record and they were signed by the Chair.

5 ANNUAL STATEMENT OF ASSURANCE

John Buckley, Chief Fire Officer, introduced his report presenting the draft Annual Statement of Assurance for 2012/13 which is required by the Fire and Rescue National Framework for England to provide an accessible way for communities, government, local authorities and other partners to assess their local fire and rescue authority's performance. It gives an overall assessment of the Authority's compliance with the Framework, with particular focus on:

- finance – demonstrating that public money is used economically, efficiently and effectively;
- governance – ensuring internal control is effective and there is appropriate transparency in place;
- operational matters – demonstrating appropriate consultation on the development of the Integrated Risk Management Plan, and that the Authority is meeting its statutory service delivering obligations.

RESOLVED to approve the Annual Statement of Assurance for 2012/13 for sign off by the Chair of the Authority and the Chief Fire Officer.

6 FUTURE POLICY DEVELOPMENT

John Buckley, Chief Fire Officer, introduced his report proposing to establish a working group, consisting of the Chair of the Committee and 4 further members, to work with the Chief Fire Officer to enhance member engagement in policy shaping by establishing mechanisms and opportunities for greater interaction between members and officers to ensure that collective knowledge and experience is utilised in the early stages of development of future long term policies.

The Committee commented that the size of the working group may have to be revised to ensure that all political parties are represented.

RESOLVED to agree to the formation of a working group, consisting of the Chair of the Committee and 4 further members, to work with the Chief Fire Officer to enhance opportunities for increased development, information and knowledge sharing, subject to the working group having the remit to amend the group size if it is necessary.

7 INDEPENDENT REMUNERATION PANEL

Malcolm Townroe, Clerk to the Authority, introduced his report seeking approval for the appointment of an Independent Remuneration Panel, comprising of 3 independent members, to review the existing scheme of Members' Allowances and highlighted the following points:

- (a) the Panel will be given a copy of the previous report and the current structure. It will be able to interview who it feels necessary;

- (b) it will be up to members to decide if they accept the recommendations of the Panel.

RESOLVED to

- (1) agree that the Clerk and Treasurer to the Authority establish an Independent Remuneration Panel, comprising of 3 independent members;**
- (2) agree that the remit of the Panel will be to review the existing level of members' allowances and annual uplift arrangements;**
- (3) agree that the Clerk to the Authority will report the outcome of the Independent Remuneration Panel to a future meeting of the Committee.**

8 EXCLUSION OF THE PUBLIC

The Committee decided to exclude the public from the meeting during consideration of the remaining agenda item in accordance with Section 100A(4) of the Local Government Act 1972 on that basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9 EXEMPT MINUTES

The Committee confirmed the exempt minutes of the meeting held on 25 April 2014 as a correct record and they were signed by the Chair.

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

CONDITIONS OF SERVICE QUESTIONNAIRE

Report of the Assistant Chief Officer

Date: 07 November 2014

Purpose of Report:

To seek approval for a formal response to the DCLG conditions of service questionnaire.

CONTACT OFFICER

Name : Neil Timms
Strategic Director of Finance and Resources

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Media Enquiries Contact : Bridget Aherne
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1. BACKGROUND

- 1.1 Sir Ken Knight's review, "Facing the Future", was published in May 2013. The review set out key areas in which, it was suggested, the fire and rescue service could consider reform. A paper on the Knight Review was considered by the Combined Fire Authority on 28 June 2013.
- 1.2 The Government has followed up the Knight review by commissioning a consultant to undertake an independent review to establish "whether the conditions of service for fire-fighters (Grey and Gold books) are seen as actual or perceived barriers to change that could otherwise provide a more efficient service to the public".

2. REPORT

- 2.1 The consultant undertaking the review has issued separate questionnaires to Authorities and employees. This report presents Members with a draft response to the questionnaire for amendment and approval so that it can be submitted to the review.
- 2.2 The questionnaire response references Service policies and these will be available for Members at the meeting should they need to consider the content in detail.
- 2.3 It is expected that the consultant will also undertake face to face meetings with a cross section of stakeholders as part of the research process. The Chief Fire Officer has invited him to Nottinghamshire, however at the time of writing, no response has been received.
- 2.4 The consultant is expected to complete and report on the review to Government by February 2015.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

Whilst there are no direct human resources implications, any changes in the way that current terms and conditions are negotiated through national collective bargaining, or to changes to the Grey or Gold Book are likely to have an impact in the longer term.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken as there are no impacts on service delivery or policy.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

8. RISK MANAGEMENT IMPLICATIONS

Changes to national collective bargaining processes or to the terms and conditions of Fire-fighters are likely to be challenged by the unions represented on the National Joint Council. It is important that Fire Authorities play a part in determining the type and scale of changes, if any are needed, in order to play a full part in the debate. Providing a formal response to the questionnaire is an important part of contributing to this debate.

9. RECOMMENDATIONS

That Members approve a final version of the response to the questionnaire as the formal submission of the Fire Authority.

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

- Workforce Plan;
- Bullying and Harassment Policy;
- Policy on the use of Social Media;
- Management of Absence Policy;
- Trade Union Facilities Time 2013-14.

Neil Timms
ASSISTANT CHIEF OFFICER

Questionnaire for completion by Fire and Rescue Authority

Section1: Recruitment of firefighters

1 (a). Do you plan future recruitment according to the following factors? (please tick as appropriate):

Predicted rates of staff turnover	✓ <input type="checkbox"/>
Promotions	✓ <input type="checkbox"/>
Overall number of firefighters needed as per your Integrated Risk Management Plan	✓ <input type="checkbox"/>
Likely task/role changes	✓ <input type="checkbox"/>
Advancement of technology	✓ <input type="checkbox"/>
Other (Please specify) Resizing of organisation, Conversion of function to non-uniformed roles.	<input type="checkbox"/>

1 (b) Please attach a copy of your recruitment plans if available

Please find attached a copy of our current Workforce Plan (please retain this confidentially).

2. Are there any other factors you take into account in planning recruitment?

We undertake an annual review of fire cover to establish areas of risk and this informs future plans for the location of resources. In terms of RDS recruitment, we take into account demographic changes and availability. We are currently reviewing other models which may assist us to address cover shortfalls in specific areas of the county.

3 (a). Do you place a cap on the number of applications per vacancy?

Yes	<input type="checkbox"/>
No	✓ <input type="checkbox"/>

3 (b). If YES, please give details on how such a cap is decided

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4 (a). Are vacancies advertised for a specified period of time?

Yes	✓ <input type="checkbox"/>
No	<input type="checkbox"/>

4 (b) If YES, please give details on length of period and method of advertising

Wholetime and retained vacancies are advertised on our e-recruitment site. Applicants can sign up to e-mail alerts which automatically inform them when recruitment is open. In the last whole-time recruitment campaign (2012) we undertook a variety of positive action measures, working with local community groups and the City Council, to advertise in areas of high ethnic population density or to attract female applicants. This included posters, banners, adverts outside of stations and in gyms and sports clubs. This was supplemented by “Firefighter For A Day” events at our training centre whereby potential applicants could undertake role based activities to see if a career in the fire service appealed. We also held mentoring sessions in the evenings at various locations to assist applicants to complete the application form and practice the written and verbal tests.

When recruiting to RDS vacancies, we have information about recruitment on stations, in local community areas and in the local press. Local RDS crews may also attend market days etc,, mailshot local residents and hold open days on station to generate interest.

For whole-time recruitment, we tend to have information about recruitment on our e-recruitment website (which is shared with regional partners) and internet site for a number of weeks prior to opening a campaign, however we only open an application window for up to five days to restrict the number of applications to a manageable number.

For RDS recruitment, we tend to open the application period for up to two weeks but only seek to recruit to specific stations where there are vacancies.

5. Do you consider that role maps and/or the grey book adversely impact recruitment?

(Please tick)

Not at all	<input checked="" type="checkbox"/> <input type="checkbox"/>
Prevention of recruiting above the basic entry grade	<input type="checkbox"/>
Prevention of setting academic entry standards	<input type="checkbox"/>
Number of firefighters recruited	<input type="checkbox"/>
Contracted working hours, i.e. full or part time	<input type="checkbox"/>
Rigid pay structure	<input type="checkbox"/>
Use of fire staff to do non-operational roles	<input type="checkbox"/>
Use of assessment centres	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

6 (a). Do you operate a graduate recruitment scheme?

Yes	<input type="checkbox"/>
No	✓ <input type="checkbox"/>

6 (b) If you do not operate a graduate recruitment scheme, please state why?

Fire-fighter selection requires all applicants to successfully undertake a range of tests – these include fitness, job related tests, written and numeric tests. Graduates do not necessarily perform better in these tests in our experience. As we do not have a fast-track progression scheme, there would be no value in undertaking a graduate recruitment programme.

7) Please detail your selection criteria for external recruitment.

In our last whole-time recruitment campaign we restricted access to Nottinghamshire residents to promote employment opportunities within the county. Applicants must be 18 years old (when commencing operational training) and must be eligible to work in the UK. Applicants currently progress through (i) application shortlisting stage (ii) written and numeric tests (iii) job related tests (iv) interview (v) fitness and medical screening and (vi) require 2 satisfactory references and security clearance.

Section 2: Promotion of firefighters

8. Please give details of your selection criteria for internal promotion

Assessment will vary depending on the role being undertaken. At supervisory level, applicants must have successfully passed an initial incident command course and supervisory development programme to be eligible to apply for promotion. Selection comprises of an assessment centre where candidates undertake a role based scenario, a technical interview and presentation and a generic interview.

For Middle Manager (SM/GM) and Strategic Manager (AM) roles the assessment generally consists of a written report, an operational assessment, presentation, media scenario and interview.

For Principal Officer (Brigade Manager) roles, there is a full Member interview and external assessment process.

9. Do you think it would be beneficial following a promotion process or development discussion to give individuals the opportunity to move to different...

Please tick.

...Authorities?	Yes	✓ <input type="checkbox"/>	No	<input type="checkbox"/>
...Stations?	Yes	✓ <input type="checkbox"/>	No	<input type="checkbox"/>
...Watches?	Yes	✓ <input type="checkbox"/>	No	<input type="checkbox"/>

Section 3. Crewing policy

10 (a). What mechanisms do you currently use to determine the appropriate number of firefighters in any one area?

The Service has a self-rostering collective agreement which sets out appropriate crewing levels for each station.

10 (b). By what mechanism do you determine whether an individual fire station should be crewed by on-call staff, whole time staff or a mix,

An annual fire cover review is undertaken which aligns risk to cover. This takes account of historical data, facilities, risk and demand (i.e. from new or changing requirements). The Chief Fire Officer will determine from this whether any changes need to be made to address cover issues. Changing cover arrangements significantly requires public consultation. Changing a duty model requires negotiations with representative bodies where the proposed duty system is outside of the Grey Book.

10 (c) In response to the above question, do you believe that there is an opportunity to change this method and if so what barriers are there for change?

Yes, the Grey Book should determine national Terms of Conditions, such as pay, leave and broad role descriptors, however, deployment through shift patterns and working hours should be determined locally to meet risk, and not subject to the national dispute mechanism.

10 (d) Do you think there are benefits to changing the mechanism?

There is the potential to implement local arrangements to meet specific cover requirements outside of Grey Book parameters following agreement from the workforce. Without agreement this cannot be achieved and can stifle innovation.

10 (e). By what mechanism do you decide on your crewing levels in each fire station?

For Whole-time crewing, this is decided via annualised hours arrangements determined locally and based on demand.

For RDS crewing, individual cover profiles are developed based upon demographics of the area and availability.

11 (a). Has your authority ever experienced a conflict or any other issues as a result of staff having second jobs?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

11 (b) If YES, please provide details:

Specific issues around the employment of police officers or drivers covered by road traffic regulations. More generally, it can be difficult for RDS employees to be released for training. There is potential for issues around the application of the working time regulations and the requirement for 11 hours breaks between “shifts”, and what constitutes positive hours.

Section 4: Use of on-call firefighters

12(a) Do you employ on-call/retained firefighters?

Yes	✓ <input type="checkbox"/>
No	<input type="checkbox"/>

12(b) If NO, please may you state why? (Then skip to Section 5)

12(c) If YES, how do your on-call/retained firefighters work alongside your whole time crews as part of normal station working?

Integrated	✓ <input type="checkbox"/>
Separate	✓ <input type="checkbox"/>

What benefits or challenges of this approach have you observed:

On integrated stations, there is value to joint training and response. It also supports a more collaborative way of working. We are currently reviewing other cover models which may enhance this approach.

12 (d) How many hours are your retained firefighters normally available per month, and how many hour are they required to attend for drill nights and training? :

Normal hours available per month	Average of 87 hrs per week (348 hrs per month)
Normal hours required for drill nights/ training	Average of 2 hrs per week (8 hrs per month)

13. If you do operate an on-call/retained duty system, what barriers if any have you encountered to operating the system effectively? (please tick as appropriate)

Poor response to recruitment campaigns	✓ <input type="checkbox"/>
Poor standard of applicants	✓ <input type="checkbox"/>
Public perception	<input type="checkbox"/>
Union tensions	<input type="checkbox"/>
Minimum expected response times	✓ <input type="checkbox"/>
Cost	<input type="checkbox"/>
Training	✓ <input type="checkbox"/>
Poor interaction with whole time crews	<input type="checkbox"/>
Employer resistance	<input type="checkbox"/>
Level of remuneration	✓ <input type="checkbox"/>
Level of commitment required	✓ <input type="checkbox"/>
Lack of awareness of on-call system	✓ <input type="checkbox"/>
No barriers	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

14. Please provide details if any of the above apply

The fact that proximity to station is a selection factor means the potential pool of candidates is restricted both in terms of number and quality of applicants. Demographics mean that many RDS sections are located in areas of low population density or areas where people do not work locally – day time cover is therefore particularly problematic. Employers are less able or willing to release their workers for training or attendance than previously and individuals therefore need to take paid or unpaid leave to attend training courses to establish and maintain their competence. Competence is a specific concern given that there is less exposure to operational incidents than for WDS employees and training is for only a 2-3 hrs period each week. There is also a significantly higher turnover of RDS employees (approx. 10% per year) compared to WDS employees (approx. 5.5%) due mainly to changes in personal or work circumstances which mean that individuals are no longer able to provide cover.

Section 5. Grey /Gold Book

15. Which of the following statements do you believe is appropriate in respect of GREY BOOK employees?

The current graded pay structure is appropriate to the provision of current services	✓ <input type="checkbox"/>
The graded pay structure works sometimes but Fire and Rescue Authorities need more flexibility	✓ <input type="checkbox"/>
The graded pay structure coupled with national terms and conditions needs fundamental change to ensure FRSs have the required flexibility to meet the future needs of the service and communities.	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

Comments:

The introduction of role maps as part of the last review has reduced flexibility as they are too prescriptive. Services need to be more agile about creating new roles to meet changing priorities and needs. Removal of role maps would greatly assist in establishing different roles and specialisms.

The inability to remove a flexibility allowance once allocated can be problematic if an individual is unable to provide operational cover or has competency issues.

16) Which of the following statements do you believe applies to GOLD BOOK employees?

The current pay structure is appropriate to the provision of current services	<input type="checkbox"/>
The pay structure works sometimes but should be applied either more consistently or flexibly across differing authorities	<input type="checkbox"/>
The pay structure needs fundamental change to ensure value for money	<input type="checkbox"/>
Other (Please specify)	✓ <input type="checkbox"/>

Comments:

The principle of a national minimum wage for Chief Officers is good but needs to be realistic. The fact that no Authority uses them demonstrates that the values set are not appropriate. Merely basing them on population is a blunt tool and requires greater thought. If national pay criteria was suitable then the 'twin track' pay review could be removed and be much simpler.

17 (a). Do the 'grey book' and 'role maps' provide appropriate flexibility in the way you manage the existing service?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

17 (b) If NO, what are the issues? (please tick as appropriate)

Operational management/ decision making	<input type="checkbox"/>
People Management	<input checked="" type="checkbox"/>
Use of latent capacity	<input checked="" type="checkbox"/>
Co-responding with other emergency services	<input checked="" type="checkbox"/>
Community safety	<input type="checkbox"/>
Fear of legal action	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

18. Could local terms and conditions enable services to improve the outcomes and value for money to local communities? Please tick

This is difficult to answer yes/no. Local arrangements and collective agreements already exist in relation to local duty systems, but if this were to be extended to areas such as pay then unintended consequences may arise in areas such as regional migration, and a pay escalation process. The answer is therefore yes for some things, but not everything.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

19 (a). When a member of staff is injured at work or is taken ill, what are the procedures that follow in regards to sign off, sick pay and level of absence? Please provide details.

Management of sickness absence policy attached.

19(b). Are the current conditions of service a barrier in this process?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comments:

Although the protection of flexi-duty allowance can be a barrier when an individuals is no longer able to undertake operational cover due to a medical issue.

Section 6. Collaboration with other services

20. Have you explored joint training opportunities with other Fire and Rescue Authorities?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

21 (a). Have you pursued co-responding with other emergency services?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

21 (b) If NO, to one or both of the above, then what were the reasons for not doing so?

(Please tick all that apply)

Role Maps do not allow it	<input type="checkbox"/>
Representative body resistance	<input type="checkbox"/>
Fear of legal action	<input type="checkbox"/>
No clear leadership	<input type="checkbox"/>
Extra burden on the service	<input type="checkbox"/>
Not a priority	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

Please provide details if any of the above apply

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22 (a). Have you explored sharing your estate with other emergency service providers?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

22 (b) If NO, is this the result of an issue related to the grey book?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please Comment:

--

23. Have you explored any other opportunities for more closely integrated/ joint working with other fire and rescue services or other organisations?

Please provide comments:

We have attended Joint Boards with the Police, and collaborated on issues with neighbouring FRA's on a number of issues. We are currently working with Derbyshire FRS and Leicestershire FRS to introduce a joint control system – with the potential for a joint control room. Formal meetings are currently being held at CFO/Chair level with Leicestershire FRS to look at further joint working.
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Section 7. Industrial relations

24. How do you rate the effectiveness of the National Joint Council as a means of making decisions and resolving disputes?

Very effective	<input checked="" type="checkbox"/>
Somewhat effective	<input type="checkbox"/>
Not at all effective	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

25 (a). If you answered 'very effective' or 'somewhat effective' what do you consider the key strengths of the National Joint Council?

National support and collective bargaining ensures a consistency of approach and ensures that individual FRA's are not isolated.

25 (b). If you answered 'somewhat effective' or 'not at all effective' what do you consider the key weaknesses of the National Joint Council?

--

26. Does the National Joint Council represent the views of employing authorities effectively?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

If not, then please give details why and how this could be improved.

--

27. What has been the impact of strike action on your operations? (Not limited to the current industrial dispute over Pensions)

<p>The current strike action has severely impacted on operational capability, however contingency plans have ensured that minimum cover has been maintained. There is also a knock-on effect of disruption of normal business as a result of planning for or recovering from periods of strike action which has distracted from other priorities. It has cost the Service in the region of £500k to deal with the current dispute.</p>

28 (a). Do you think firefighters should have the right to:

Strike	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Strike, but legally required to return to duty in certain circumstances	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Take industrial action short of strike	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Be required to maintain a skeleton emergency service to the public in the event of strike action.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Be required to give more than 7 days' notice of strike action during a dispute.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

28 (b) If the answer to the last question is yes, how much notice should be given to allow an Authority to prepare for strike action?

<p>It is a fundamental right to withdraw labour. Locally staff have volunteered to provide a response to life risk incidents.</p>
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29 (a). Should current return to work arrangements during industrial action be legally formalised?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Our fear is that if a legislative threshold of cover was required due to ‘return to work’ arrangements, this is the only level of cover we would receive and could be significantly lower than that which is already volunteered.

29 (b). If yes, who should be held accountable for this arrangement?

Local Employer	<input type="checkbox"/>
Relevant trade union	<input type="checkbox"/>

30. What industrial relations training do you provide for your managers/employees (by grade)? Please give specific details.

The Service does not provide specific industrial relations training but this forms part of general management development training at various stages of a professional career. Training is provided according to the role and responsibilities

If you any further comments you would like to make about firefighters’ conditions of service (<https://www.gov.uk/government/news/minister-opens-independent-review-of-firefighter-conditions>). Please tell us here.

Whilst there is value in negotiating certain core terms and conditions at a national level (pay, allowances, occupational schemes, leave), certain sections which cover general employment law practice – for instance, handling grievance and disciplinary issues, local consultation and negotiation, fairness and dignity at work – are best left to local arrangements and discretion.

THANK YOU FOR COMPLETING THE SURVEY.
PLEASE REMEMBER TO SAVE IT AND THEN EMAIL IT TO
Neeta.Patel-Keena@communities.gsi.gov.uk

PLEASE RETURN BY FRIDAY 19 SEPTEMBER 2014

Conditions of service questionnaire

Part 1: Statistical information

Section 1: your workforce

1) How do you determine pay per firefighter grade?

National Level	✓
Local Level	
Both	

2) How do you determine the pay of the chief fire officer?

National Level	
Local Level	
Both	✓
Comment	

3) What is the average age of your firefighters at retirement (by role)?

<p>Please note that this information is not available by role:</p> <p>2013: 52</p> <p>2012: 52</p> <p>2011: 52</p> <p>2010: 52</p> <p>2009: 52</p> <p>2008: 51</p> <p>2007: 53</p> <p>2006: 52</p> <p>2005: 52</p> <p>2004: 52</p>

4) What is the average length that people stay on as whole time firefighters within your authority? (% of workforce)

Over the past 9 years, (from 2006) the average length of service of those leaving has been 29 years, broken down as follows:

Less than 6 months	1.3
6 months – 1 year	0.2
1 – 2 years	1.4
2 – 5 years	3.8
5 – 10 years	2.7
10 – 20 years	3.9
More than 20 years	33.3

5) What is the average length that people stay on as retained firefighters within your authority? (% of workforce)

Over the past 9 years (from 2006) the average length of service of those leaving has been 24 years, broken down as follows:

Less than 6 months	3.8
6 months – 1 year	9.4
1 – 2 years	7.7
2 – 5 years	18.6
5 – 10 years	30.8
10 – 20 years	22.8
More than 20 years	12.8

Section 2: Recruitment and training of firefighters

6) What are the typical standards for entry for entry-level firefighters?

GCSE's	<input type="checkbox"/>
A Levels	<input type="checkbox"/>
Fast track Graduate entry schemes	<input type="checkbox"/>
Vocational course	<input type="checkbox"/>
None of the above	<input checked="" type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

7(a) Are there any other entry grades, i.e. above a normal entry-level?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

7(b) If YES, what are the typical standards for entry?

GCSE's	<input type="checkbox"/>
A Levels	<input type="checkbox"/>
Fast track Graduate entry schemes	<input type="checkbox"/>
Vocational course	<input type="checkbox"/>
None of the above	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

8(a) How many applicants do you receive, on average per vacancy?

Whole time	33*
Retained	8

***This average is based on the 2012 recruitment campaign which was restricted by geographic area and time advertised, which resulted in 900 applicants. If this were to be a national process, which was not restricted other than by closing date, the numbers of applicants per vacancy would be significantly higher.**

8(b) How are vacancies communicated/ advertised? (Please tick all that apply)

Print media	✓ <input type="checkbox"/>
Internet	✓ <input type="checkbox"/>
Recruitment agency	<input type="checkbox"/>
Jobcentre	✓ <input type="checkbox"/>
Specialist/ in house publication	<input type="checkbox"/>
Referral to friends and family from existing staff	<input type="checkbox"/>
Other (please specify) Posters at stations, local clubs, community venues.	✓ <input type="checkbox"/>

9(a) Do you seek to recruit firefighters from other fire and rescue authorities?

Yes	<input type="checkbox"/>
No	✓ <input type="checkbox"/>

9(b) If YES, do you recruit:

Whole time	<input type="checkbox"/>
Retained	<input type="checkbox"/>
Both	<input type="checkbox"/>

Any other comments:

Whilst we do not actively seek to recruit from other FRA's, we are approached by existing FF's who are seeking to transfer and retain their details on a holding list. Depending on our establishment position, we may transfer-in from other Services from time to time.

Section 3: General employment practice

10) What proportion of your staff are known to have second jobs?

This data relates only to Wholetime Fire-fighters who have registered secondary employment : 180 (34%)

11) How many whole time firefighters have a second job as a retained firefighter?

Notts FRS employ 62 fire-fighters on RDS contracts (dual employment). In addition, 12 Fire-fighters provide RDS cover to other FRA's.

12(a) Do you collect data on bullying and harassment?

Yes	<input checked="" type="checkbox"/> <input type="checkbox"/>
No	<input type="checkbox"/>

12(b) If YES, please can you provide any data (type and/or results) you have over the last 10 years

We only have data from 2010 onwards. In total we have dealt with 11 complaints under our Bullying and Harassment Policy.

12(c) Please provide any bullying and harassment policy you may hold
Attached.

12(d) Please provide any policy you may hold on the use of social media
Attached

Section 4: Industrial relations

13) How much facility time do you allow as a percentage of your pay bill?

0.1%

14) How many individuals receive facility time, by individual and trades union?

Please see attached information.

15) What proportion of each individual's time is facility time?

Please see attached information

16)Do you have specific rules on the use of premises and notice boards etc for trades unions work (please explain in box)

Trade Unions are able to use a notice board at each premise to promote their activity / messages.

THANK YOU FOR COMPLETING THE SURVEY.
PLEASE REMEMBER TO SAVE IT AND THEN EMAIL IT TO
Neeta.Patel-Keena@communities.gsi.gov.uk
BY FRIDAY 19 SEPTEMBER 2014

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

REPORT ON PERFORMANCE MONITORING

Report of the Chief Fire Officer

Date: 7 November 2014

Purpose of Report:

To update Members on the proposed arrangements for performance monitoring following the decision by the Authority to remove the Performance Monitoring Committee.

CONTACT OFFICER

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Assistant Chief Fire Officer

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**Media Enquiries
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1. BACKGROUND

- 1.1 The Performance Monitoring Committee formerly reported on corporate performance issues on a quarterly basis. Members will be aware that following the Fire Authority AGM on 23 May 2014. It was agreed that this Committee would be removed.
- 1.2 This report clarifies the current reporting arrangements and highlights the areas previously reported to Performance Monitoring Committee. It also suggests future considerations for performance reporting.
- 1.3 The previous requirement to report on national indicators was removed by the Coalition Government. However, it is still necessary to provide wider accessibility and transparency of information as a result of statutory legislation and/or regulations.

2. REPORT

- 2.1 This report proposes a number of amendments to existing performance monitoring reports and introduces new performance reports to Fire Authority committees.
- 2.2 The proposed performance monitoring regime within this report better reflects the scrutiny and governance arrangements agreed by the Fire Authority at its AGM and will only require Officers to amend those committees where reports are presented and does not materially change the content of reports.
- 2.3 Members will also continue to receive subject specific reports as is the case now, which do not form part of the standing performance reporting items.

FINANCE AND RESOURCES COMMITTEE

- 2.4 Reports which Finance and Resources Committee currently receive are detailed below and this report does not propose any amendments:
 - Revenue/capital monitoring
 - Outcomes of financial audits
 - Treasury management
 - Value for money programme
 - Prudential code
 - Risk management
 - Road risk
 - Insurance claims
- 2.5 The following reports were previously submitted to Performance Monitoring Committee and are not being reported elsewhere, this report recommends these are reported at the Finance and Resources Committee in the future:

- Expenditure per head
- % undisputed invoices paid within 30 days

HUMAN RESOURCES COMMITTEE

2.6 Reports which Human Resources Committee currently receive are detailed below and this report does not propose any amendments:

- Sickness/absence
- Retirements
- Establishment figures
- Disciplines
- Grievances
- Redundancies

2.7 The following report previously submitted to Performance Monitoring Committee is not being reported elsewhere, this report recommends this is reported at the Human Resources committee in the future:

- Equalities

POLICY AND STRATEGY COMMITTEE

2.8 Reports which Policy and Strategy Committee currently receive are detailed below and this report does not propose any amendments:

- Statement of assurance
- Transparency compliance
- Peer assessment outcomes

The following report previously submitted to Performance Monitoring Committee is not being reported elsewhere, this report recommends this is reported at the Policy and Strategy Committee in the future:

- Organisational assessments

The following new report is proposed for inclusion at Policy and Strategy Committee:

- IRMP progress

COMMUNITY SAFETY COMMITTEE

2.9 Reports which Community Safety Committee currently receive are detailed below and this report does not propose any amendments

- Response statistics
- Prevention statistics

- Protection statistics
- Benchmarking

The following report previously submitted to Performance Monitoring Committee is not being reported elsewhere, this report recommends this is reported at the Community Safety Committee in the future:

- % of Home Safety Checks in high risk properties

The following new reports are proposed for inclusion at Community Safety Committee:

- Customer satisfaction
- Operational activity

2.10 Members should also be aware that a revised governance and performance framework is being considered, providing assurance that the Service is achieving its priorities outlined in the integrated risk management plan.

3. FINANCIAL IMPLICATIONS

There are no additional financial implications arising from this report

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no additional implications for human resources and learning and development.

5. EQUALITIES IMPLICATIONS

There are no equality implications arising directly from this report at this stage as the report does not propose any amendments to existing policies.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

By approving the proposed amendments to the process of performance monitoring and reporting to Committees, Members can be assured that the Legal implications of the Authority continue to be discharged.

8. RISK MANAGEMENT IMPLICATIONS

The proposed amendments to reporting of performance through the Fire Authority governance arrangements ensures that Members are able to exercise appropriate scrutiny of organisational performance. This in turn ensures the Service is open and transparent to public scrutiny.

9. RECOMMENDATIONS

That Members approve the proposed arrangements within this report

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

None.

John Buckley
CHIEF FIRE OFFICER

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NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

INFORMATION MANAGEMENT AND COMPLIANCE

Report of the Chief Fire Officer

Date: 07 November 2014

Purpose of Report:

To provide Members with an overview of the measures in place for effective information management to assure transparency and compliance

CONTACT OFFICER

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Media Enquiries Contact : Bridget Aherne
(0115) 967 0880 bridget.aherne@notts-fire.gov.uk

1. BACKGROUND

- 1.1 As a public body a range of statutory requirements are placed upon the Authority. These requirements necessitate the Service to have access to trained and competent advice.
- 1.2 The Coalition Government stated its commitment to unburden local government in terms of performance reporting. However, the requirement for greater transparency by public bodies about the services they provide is increasing demand upon the Service in terms of the publication and provision of information.
- 1.3 Various acts, regulations and codes of practice impose requirements on Nottinghamshire Fire and Rescue Service (NFRS) with regard to the supply of information to the public.
- 1.4 This report details the arrangements which are in place to satisfy each of the requirements and highlights the increased demand this is having on NFRS resources.
- 1.5 The Service already publishes a range of information on its website through its publication scheme and intends to develop this approach further in the future with the aim of reducing individual information requests.
- 1.6 The National Framework also requires the Fire Authority to publish an Annual Statement of Assurance and Members will be aware of the recent report to the September 2014 Fire Authority that contained the 2013-14 edition.
- 1.7 Social media and use of the Internet makes accessibility to public bodies simpler and the Service maintains a range of policies and procedures to assure compliance and these are periodically reviewed to ensure they remain fit for purpose.

2. REPORT

FREEDOM OF INFORMATION ACT (2000)

- 2.1 The Freedom of Information Act (FOIA) 2000 provides public access to information held by public authorities. It does this in two ways:
 - Public authorities are obliged to publish certain information about their activities; and
 - Members of the public are entitled to request information from public authorities.
- 2.2 Details of how the public can make freedom of information (FOI) requests can be found on NFRS's website.

- 2.3 The number of FOI requests has increased significantly over the last two years:

2012	2013	2014
56	96	112 (to date)

- 2.4 A number of Service managers and staff have received training on the FOIA It is likely that this training will need to be updated and extended to additional staff in the future in order to create capacity to deal with the anticipated increase in demands for information.
- 2.5 The Service can charge for the provision of information that is requested but only when the time taken to gather the information is likely to exceed 18 hours. The majority of requests do not exceed this timescale to collate the information. Nevertheless, they still require an extensive commitment by employees in terms of their time to prepare replies.
- 2.6 By making greater use of the Internet and publishing more information proactively this may lead to a reduction in individual requests and reduce the day to day demand on the organisation. However, this will still require the information to be collated and published.

PUBLICATIONS SCHEME

- 2.7 As well as responding to requests for information it is necessary to publish information proactively. The FOIA requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO) and to publish information covered by the scheme.
- 2.8 NFRS currently publishes information on the website under 'access to information, publications scheme'. The documents are within the headings outlined by the Information Commissioner's guide to complying with the scheme.
- 2.9 There is a resource requirement to ensure the information is kept up to date and published within the required timescales. There is the potential to publish more information under this scheme which could reduce the number of FOI requests that are received. However, the requirement to manage and maintain this information creates additional demands upon the Service.

REGULATION OF INVESTIGATORY POWERS ACT (2000)

- 2.10 This details the regulation of power given to public bodies to carry out surveillance and investigation.
- 2.11 All responsible persons have been trained in this area, although it is unlikely that it would be necessary to use covert surveillance extensively within NFRS. These regulations therefore place little demand on the Service, but do require

the organisation to train staff appropriately and have policies and procedures that would be applied should these 'powers' be required.

- 2.12 The arrangements of the organisation were subject to audit in 2012. An action plan was produced to address the identified areas for improvement and these continue to be discharged.

DATA PROTECTION ACT (1998)

- 2.13 The Data Protection Act controls how NFRS uses personal information that is held, processed and shared.
- 2.14 All personnel responsible for handling sensitive or personal sensitive data have received data protection training.
- 2.15 Sharing protocols with partners have been created and will require periodic review to ensure they continue to satisfy three elements, namely; confidentiality, integrity and appropriateness.
- 2.16 This Act enables people to make a subject access request to obtain any data that is held about them. A subject access request form can be found on the NFRS' website. The Service receives few of these from the public with the majority arising from employee requests to view their personal record files.

TRANSPARENCY CODE (2014)

- 2.17 The Local Audit and Accountability Act 2014 introduced the transparency code. It requires publication of information on how local authorities spend money and deliver services and how decisions are made within authorities. It gives local people the information to enable them to hold their local authority to account and participate in local democratic processes. This does not supersede the publication scheme as it contains mandatory smaller and specific datasets.
- 2.18 Work has been undertaken to meet the 'must publish' requirements of the code, the information has been published on NFRS' website under 'access to information'. There are several datasets that are yet to be published as it requires a change to the systems to be able to produce the information. There is an impact on each individual department that is required to submit data for publishing and updating.
- 2.19 NFRS were given a grant to complete the initial implementation. There is no suggestion that this will continue once implementation is complete but it will still require resources to maintain the information. The information that is required to be published under the scheme is unlikely to reduce FOI requests as it does not follow the trends for the FOI's received by the Service.

ENVIRONMENTAL REGULATIONS INFORMATION (2004)

- 2.20 The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:
- Public authorities must make environmental information available proactively;
 - Members of the public are entitled to request environmental information from public authorities.
- 2.21 Recent changes to responsibilities have seen the day to day co-ordination of environmental matters move to the Service's Health, Safety and Risk Management Section where staff are competent to provide initial advice throughout the organisation.
- 2.22 NFRS is not currently proactively publishing any environmental information on its website. Usual documents for publication would include environmental policies, strategies and risk assessments that the public would have an interest in seeing. Many of these documents are currently in development and once completed will be published on the Service's website within the publication scheme.
- 2.23 In terms of requests for environmental information, the 'access to information' section of the NFRS website indicates to readers that they are entitled to request information; however the Service has not received any requests to date.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. However, continued compliance will require on-going financial support

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The administration time involved in compliance with the Acts and schemes is increasing. There will be a continuing need to build the capacity of competent staff within the Service to meet increased demand. This will require line managers to consider the knowledge and skills of staff as part of the personal development review process.

5. EQUALITIES IMPLICATIONS

There are no equality implications arising directly from this report as it updates Members on existing policies which have been equality impact assessed.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

Members will be aware of the legal implications of the Acts through this report. The Service is working towards compliance in all areas of transparency and information management.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 Members will recognise that compliance with statutory legislation is clearly essential. The management and publication of data is a complex area and will continue to attract interest as part of the desire to increase democratic accountability and public body transparency.
- 8.2 There are a number of risks if NFRS do not comply with the Acts and schemes, ranging from financial penalties, court actions and reputational damage to the Fire Authority. Members can be assured that this area of the organisation is receiving attention from Officers to plan and manage demand and associated risk.

9. RECOMMENDATIONS

That Members note the contents of this report.

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

None.

John Buckley
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

COMPLAINT FROM FIRE INDUSTRY ASSOCIATION

Report of the Chief Fire Officer

Date: 07 November 2014

Purpose of Report:

To inform Members of a complaint from the Fire Industry Association concerning Fire Authority trading companies.

CONTACT OFFICER

Name : Neil Timms
Strategic Director of Finance and Resources

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Email : neil.timms@notts-fire.gov.uk

Media Enquiries Contact : Bridget Aherne
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1. BACKGROUND

- 1.1 Members will be aware that since 2004 Fire and Rescue Authorities have been able to trade with both public and private sectors for profit. Such trading has been restricted to wholly owned “Arms Length Companies” and Nottinghamshire Fire and Rescue Service set up Nottinghamshire Fire and Rescue Service (Trading) Ltd for this purpose in 2010.
- 1.2 The Fire Industry Association (FIA) represent 620 businesses operating in the same areas and have long resisted and challenged trading by Fire Authorities which it views as having a detrimental effect on its members.
- 1.3 This report sets out for members an outline of the recent submission to the Director General for Competition at the European Commission.

2. REPORT

- 2.1 The FIA complaint is not against any individual Fire Authority but instead against the UK Government. Nevertheless there is an assertion that the UK Government is guilty of providing unlawful state aid to “arms length companies” by allowing them the free use of the Fire and Rescue Service “Brand”.
- 2.2 Nottinghamshire Fire and Rescue Service are specifically cited in the complaint along with Essex Fire and Rescue Service and Royal Berkshire Fire and Rescue Service as the complainant attempts to illustrate key points of their argument and for this reason it is considered appropriate that this issue should be brought to Members for information.
- 2.3 There is no suggestion that Nottinghamshire Fire and Rescue Service have failed to act within the existing legislation and therefore it is clearly the responsibility of Central Government to respond to this complaint. However in order to assist them to do so CFOA and the LGA, with appropriate legal advice, are drafting a joint paper which Government may choose to use in their response to the Commission.
- 2.4 As Nottinghamshire have been cited specifically however it is considered that an individual letter should be written to the CLG setting out Nottinghamshire’s position. This letter is attached as Appendix A to the report.
- 2.5 In brief however the response of NFRS is:
 - i) There is no national brand of the Fire and Rescue Service. This is simply a reputational matter as no brand protection exists and no one attempts to “market” a national FRS Brand. This is a way of describing a public service in the same way as one might describe the NHS or the British Army, both of which are instantly recognisable but clearly not “brands” in a commercial sense

- ii) There is similarly no local “brand” for Nottinghamshire Fire and Rescue Service for the same reason.
- iii) Even if there is a brand it is disputed that NFRS allowing its trading company to align to such a brand could be construed as state aid within the meaning of the legislation.
- iv) In order to succeed the complainant would also need to show that the value of the alleged state aid i.e. the value of the use of the brand would exceed a de minimus level of 200,000 euros over a three year period. Even though the complainants methodology is disputed there is still no way that the value of the use of an individual FRSs “brand” can breach this de minimus level. This is why the complainant needs to try to prove the existence of a national “brand”.

2.6 This issue of a national brand and the de minimus implications are important for two reasons: firstly, because it was on this basis that an earlier complaint was rejected by the Commission, and secondly because of the impact that any ruling may have on wider public sector trading arrangements.

2.7 Other than sending a letter to the CLG setting out Nottinghamshire’s position in relation this complaint there is little that can be done other than to maintain a “watching brief”. As mentioned above this is a complaint against the UK government and it will be up to government to refute this complaint.

2.8 Management will keep a close watch over the development of this case and inform members as appropriate.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report although it is unclear whether any may arise as a result of the case.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

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

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been carried out as this is a report for information.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

There are no direct legal implications for the Authority arising from this report although this complaint is clearly a legal matter.

8. RISK MANAGEMENT IMPLICATIONS

There is a clear but as yet unquantified risk facing the Authority and its trading company from this complaint. This issue will be added to the corporate risk register and kept under regular review.

9. RECOMMENDATIONS

That Members note the contents of this report.

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

None.

John Buckley
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE

Fire & Rescue Service

Creating Safer Communities

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Mr Paul Nash
Fire Resilience and Emergencies Directorate
Department for Communities and Local Government
2 Marsham Street,
London
SW1P 4DF

Your Ref:
Our Ref:
Please Ask For:
Direct Line/Ext:
Date: 5 September 2014

Dear Mr Nash

Re: EC state aid complaint against UK Government by the Fire Industry Association

I write regarding the above with the intention of outlining the specific position of Nottinghamshire Fire and Rescue Authority (NFRA) in relation to the complaint against UK Government to assist in the formulation of any response.

I have been fully involved with the work of Mr J Beckerleg of CFOA in compiling the information they are providing and wish to emphasise that NFRA fully support a collective response.

NFRA is confident that it complies fully with all relevant legislation, public sector and commercial, in relation to its trading activities through NFRS (Trading) Ltd.

NFRA has diligently established a private limited company with the appropriate articles of association and governance arrangements. NFRA believes that the interpretation of all relevant public sector and commercial legislation has been applied fairly and consistently in relation to NFRS (Trading) Ltd.

NFRA is cited specifically in the complainant's letter to the EC. For the record I would like to provide a statement clarifying our position;

NFRS presented a business case to the FRA in 2009 for a decision relating to the establishment of a trading company. This was in response to changes in legislation and the issue of guidance; Fire Service Circular 61/2009 and the interpretation of NFRS leadership that to continue to trade under the Local Government Goods and Services Act 1970 would be inconsistent with the intentions of Government following the introduction of the Fire and Rescue Services Act 2004 and the circular already referred to.

The NFRS business case contained multiple references to 'brand' and 'branding'. This has been misinterpreted by the complainant. The author of the document does not have marketing, brand management expertise and is not from a marketing background. The use of the word 'brand' is commonplace in business language and often contextually inaccurate, the business case is an example of this. The words 'brand' and 'branding' could easily be substituted for 'reputation' or 'status'.

Other elements of the complainant's letter refer to state aid and the 'de minimis threshold'. Whilst Mr Beckerleg is providing a more detailed response relating to the calculation methodology of the complainant I would like to state for the record that whichever calculation method is used NFRS (Trading) Ltd falls well below the EU de minimis threshold of EUR 200,000 therefore nullifying any risk of state aid between NFRA and NFRS (Trading) Ltd. Further, the governance arrangements of NFRS (Trading) Ltd contain risk controls and processes for full cost recovery of services exchanged between the company and NFRA or NFRS.

I trust this information will be of use in the compilation of DCLG's response to the EC.

Please do not hesitate to contact me should you require further information.

Yours sincerely



Wayne Bowcock
DEPUTY CHIEF FIRE OFFICER

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