



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/10/24
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	3 NOVEMBER 2010
SUBJECT OF REPORT	DISSOLUTION OF THE SOUTH WEST REGIONAL MANAGEMENT BOARD AND PROPOSALS FOR ONGOING REGIONAL COLLABORATION
LEAD OFFICER	Clerk to the Authority and Treasurer to the Authority
RECOMMENDATIONS	<p>(a) <i>That the following be approved:</i></p> <p>(i) <i>formal dissolution of the South West Regional Management Board with effect from 31 March 2011;</i></p> <p>(ii) <i>the entering into, from 1 April 2011, of a Co-operation Agreement in relation to regional collaboration on terms and conditions to be agreed by the Chief Fire Officer and Clerk;</i></p> <p>(iii) <i>the indemnification of each relevant lead authority against any liabilities arising from the former programme of collaboration under the South West Regional Management Boards and which may subsequently come to light following its dissolution, subject to all authorities agreeing to the indemnification and to any such liability being apportioned equally between each authority (including the relevant lead authority);</i></p> <p>(iv) <i>that the current arrangements for the 'pooling' of any FireControl "New Burdens" grant continues post April 2011;</i></p> <p>(b) <i>that each Authority (if required by their existing constitutional arrangements) delegates to its Chief Fire Officer appropriate powers to participate in the programme of regional collaboration (or parts of the programme as appropriate) subject to decisions on levels of funding to be committed being reserved by the individual authorities;</i></p>

	<p>(c) <i>that the establishment of a South West Forum of Fire and Rescue Authorities on the basis as outlined in Section 2 and Appendix A to this report be noted;</i></p> <p>(d) <i>that the intended structure for officer oversight of the programme of regional collaboration, as set out in Section 4 of the report, be noted.</i></p>
EXECUTIVE SUMMARY	This report proposes - in light of Coalition government policy announcements and recent correspondence with the current Fire Minister, Bob Neill MP - the formal dissolution of the South West Regional Management Board and addresses issues associated with regional collaboration following its abolition.
RESOURCE IMPLICATIONS	<p>Abolition of the South West Regional Management Board should result in savings on Clerkship, Treasurership and audit costs of circa. £32,000 per annum.</p> <p>Costs will still be incurred, however, by constituent authorities participating in regional collaborative initiatives.</p>
EQUALITY IMPACT ASSESSMENT	<p>Nil in relation to formal dissolution of the South West Regional Management Board and general proposals for ongoing regional collaboration.</p> <p>Each regional initiative will, however, be subject to an Equality Impact Assessment.</p>
APPENDICES	A. Indicative Terms of Reference for the South West Forum of Fire and Rescue Authorities
LIST OF BACKGROUND PAPERS	Nil.

1. **BACKGROUND**

- 1.1 The Regional Management Board was established in 2004 as a joint committee in accordance with Sections 101 and 102 of the Local Government Act 1972 to respond to various requirements contained within the Fire & Rescue Service National Framework to which all fire and rescue authorities in the region were required to “have regard” by virtue of the Fire and Rescue Services Act 2004.
- 1.2 Since that time, however, various iterations of the National Framework have reduced the number of “must” requirements for the Board and consequently over the past nine months the Board has been considering the potential for dissolution thereby realising efficiency savings arising in relation to Clerking and Treasury administration function costs. This consideration has featured:
- the establishment of a Member/Officer “task and finish” group to explore options. This Group reported to the Board at its meeting on 28 January 2010 recommending “in principle” that the Board should be dissolved and that representations to this effect made to the Department for Communities and Local Government (CLG) (Minute RMB29 refers);
 - Agreement for the Clerk to prepare a model report for consideration by each individual fire and rescue authority to effect dissolution (Minute RMB34(b) to the meeting held on 22 March 2010 refers);
 - the making of further representations to the new Fire Minister (Minute RMB/7(a) to the meeting held on 22 June 2010 refers).
- 1.3 Preparation of the model report to effect dissolution was put on hold following receipt of a response – dated 31 March 2010 – from the then Fire Minister (Sahid Malik MP) to the earlier representations made by the Board following its meeting on 28 January 2010. This response indicated that:
- “...we [CLG] propose shortly to undertake a three-month research project to review the effectiveness of RMBs to date and consider what, if any, their future role might be.
- ...Meanwhile, the 2008/11 National Framework sets out what is expected of RMBs as currently constituted, with a list of “musts”, and we would expect the South West RMB to continue in that role until such time as the National Framework is revised.”
- 1.4 This response was reported to the Board meeting on 22 June 2010 but in the intervening time between March and June there was a change in central government. In its Programme for Government, the Coalition Government made a commitment to “stop plans to force the regionalisation of the fire service”. Consequently, the Board resolved at its meeting on 22 June 2010 to make further representations to CLG requesting clarification of the former government’s proposed review of RMBs and again pressing the case for dissolution of the Board.
- 1.5 On 4 August 2010 the current Fire Minister, Bob Neill MP, responded stating, amongst other things:
- “I have therefore announced that the government will no longer require Fire and Rescue Authorities to work through RMBs on the various RMB core business as currently set out in the National Framework. In effect, the continuation of RMBs, and participation in them, will be voluntary.
- Fire and Rescue Authorities will now be able to collaborate in ways and in forums which best suit their own and their neighbouring authorities’ local circumstances.”

- 1.6 Section 14 of the 2004 Agreement establishing the formal Board provides that it MUST be terminated (and the Board dissolved) where there is unanimous agreement of all Member Authorities and MAY be terminated if a majority of Member Authorities so decide.
- 1.7 In reaching such an agreement, however, it is felt that Member Authorities would wish to be satisfied of a number of issues including:
- the form for political involvement in regional issues (in this respect, it is considered individual fire and rescue authorities would not wish to “re-invent” the Board in a different guise). It is intended, however, to take the form of a reconstituted South West Forum.
 - appropriate arrangements for collaborative working, to include apportionment of costs and liabilities amongst constituent authorities in relation to those projects on which they are collaborating;
 - an appropriate mechanism for officer oversight of collaborative working (at present, the Executive Management Group – comprising the South West Chief Fire Officers – oversees collaborative working via a series of workstreams);
 - an appropriate mechanism for dealing with “New Burdens” grant. This is currently pooled and dealt with through the RMBs accounts.
- 1.8 This report addresses these issues.

2. POLITICAL INVOLVEMENT IN REGIONAL COLLABORATION

- 2.1 Prior to establishment of the formal Board, the south west regional had a proven track-record of successful collaborative working. It is intended that – in the absence of the formal Board – this should be maintained.
- 2.2 One issue for consideration, therefore, is the mechanism for political involvement in future collaboration. The Regional Management Board was of the view that this should be via a reconstituted South West Forum of Fire Authorities and this is addressed in detail below.
- Role of the Forum***
- 2.3 The intended composition of a reconstituted Forum, together with its scope of activity, is attached at Appendix A. Rather than being a joint committee (as per the Regional Management Board), the Forum will be an informal body. As such, it will not have any delegated powers and its meetings will not be open to the press and public.
- 2.4 The Executive Management Group (EMG) (comprising, amongst others, all south west Chief Fire Officers) has previously supported the South West Regional Management Board in delivering its objectives. It is now intended that EMG should oversee the successful delivery of the agreed programme of regional collaboration and that consequently:
- EMG rather than the Fire Forum should formulate the programme’s annual budget and business plan.
 - That each Service’s CFO should seek - where there is a need to do so within respective constitutions – appropriate delegated powers from their own Authority to participate in the programme (or part of the programme as appropriate), subject to decisions on levels of funding to be committed being reserved by the individual Authorities;

- The Fire Forum's political scrutiny of the programme should be informal with no decision making powers. It would however provide Fire and Rescue Authority (FRA) chairs and lead members with the opportunity to discuss the programme with CFOs in advance of any Authority decision on whether to participate in the programme.

2.5 The Fire Forum would also provide FRA Chairs and CFOs with the opportunity to network and discuss common issues. For example, there could be a standard item on the agenda for a policy issues update from each FRS and for the host FRA to showcase a particular policy issue.

2.6 The Forum could also consider the appointment of elected member champions to workstreams and task and finish groups as appropriate if it was considered that this would enhance improved political scrutiny of the programme.

Membership

2.7 Membership of the Forum would consist of the chairs of FRAs and CFOs. Other people would be by invitation. Substitutes would be allowed.

Frequency and Hosting of Meetings

2.8 As with the previous Fire Forum arrangements, it is envisaged that the Forum would meet quarterly with each FRA hosting a meeting in turn and bearing the costs (room booking, refreshments etc.) associated with that meeting. At this stage it is considered appropriate – to ensure consistency of approach – for the Regional Programme Manager to produce a note of the meeting, focusing on points of agreement rather than a verbatim record of the meeting.

Secretariat

2.9 It is intended at the outset that the Regional Programme Manager should provide secretariat services for the Forum. This will ensure a consistency and continuity of approach given that EMG will be generating the Forum agenda and that the Regional Programme Manager attends all EMG meetings. Administration will be kept to a minimum by using common templates for Forum meeting reports and notes and electronic circulation via the regional website.

Agendas and Chairing of Meetings

2.10 EMG would agree the agenda for Fire Forum meetings in consultation with FRA Chairs and Lead Members.

2.11 The Chair of the host FRA would chair the meeting.

2.12 The intention would be to circulate papers for Fire Forum meetings at least one week in advance.

3. ARRANGEMENTS FOR CONTINUED AND FUTURE COLLABORATIVE WORKING

- 3.1 On the basis that the South West Regional Management Board is dissolved, it will still be necessary for a mechanism to exist for governance and participation in both the continued programme of regional collaboration and any future initiatives.
- 3.2 To this end, work is in hand to produce a Co-operation Agreement making provision for, amongst other things, the apportionment of costs and liabilities between participating constituent authorities in relation to the programme of collaboration. This is still subject to agreement but at this time it is proposed that the basis for sharing costs and liabilities should be:-
1. The cost of preparing and reporting the RMB's accounts for 2010-11 to be divided equally between Services.
 2. The costs and liabilities of regional staff to be shared on an equal basis. The employing FRS will invoice other FRSs on a quarterly basis.
 3. Project costs and liabilities to be divided equally between participating services. This reflects the fact that most projects are likely to be taken forward on a sub-regional basis.
 4. The cost of EMG, workstream and regional CFOA meetings to be divided equally between participating Services at the end of each year.
- 3.3 The aim would be to provide Services with an estimate of the likely cost of their share of the programme for the forthcoming year in January as part of the annual business plan approval process.
- 3.4 The Co-operation Agreement will be subject to consultation with each Authority's legal advisors to ensure that it is fit for purpose. It is proposed that, once finalised, the authority to enter into the Agreement should be delegated to the Chief Fire Officer (in consultation with the Clerk for combined fire and rescue authorities) – this approach being deemed appropriate by the legal advisors.
- 3.4 In relation to points (2) to (4) in paragraph 3.2 above, it is proposed that these arrangements – and the Co-operation Agreement itself - should come into effect on 1 April 2011 (with the South West Regional Management Board formally ceasing to exist on 31 March 2011) to avoid unnecessary complications in producing the Board's accounts for 2010/11, and changes in cost apportionment mid-year. This does not preclude the establishment of the South West Forum or meetings of this body prior to 1 April 2011. Neither does it require the Board to meet again as – at its meeting on 28 September 2011 – it resolved amongst other things to defer remaining future meetings scheduled for the 2010/11 municipal year and to delegate responsibility for the production and finalisation of its 2010/11 Statement of Accounts to the Devon & Somerset Fire & Rescue Authority.
- 3.5 Additionally, on the basis that dissolution of the Board is approved, each authority is asked to indemnify the relevant lead authority against any liabilities linked to the former programme of collaboration under the South West Regional Management Boards but which may subsequently come to light following its dissolution. Any such liability should be apportioned equally between each authority including the relevant lead authority.

4. OFFICER OVERSIGHT OF COLLABORATIVE WORKING

- 4.1 As indicated in paragraph 2.4 above, this issue has been the subject of discussion by the Executive Management Group (EMG). EMG feels that it should be the strategic sponsoring group for the whole programme with workstreams serving as programme boards for specific tranches of the projects mandated by EMG. Representation on each workstream and task and finish project board would be dependent on which FRSs had committed to that particular element of the programme. EMG would appoint each workstream leader and the leaders of task and finish groups based upon recommendations of workstream leaders.
- 4.2 Workstreams would continue to act as forums for the exchange of best practice and a conduit for national Chief Fire Officers' Association business. Workstreams would be encouraged to make greater use of video conference, teleconferencing and the website to reduce costs and exchange of information.

5. ADMINISTRATION OF "NEW BURDENS" GRANT

- 5.1 Since 2005 the Government has allocated New Burdens grant to fire and rescue services (FRSs) to fund FiReControl implementation costs. For 2010/11 the total allocation for the South West region is £3.362m, of which a total of £0.395m is paid direct to individual FRSs to fund FiReControl FRS Co-ordinator posts. The remaining £2.967m is paid to the Devon and Somerset Fire and Rescue Authority as designated 'lead authority' to fund the costs of regional transition, the regional team, staff pools and the Local Authority Controlled Company (LACC). A summary of this funding is provided in the table below.

	£m
Transition Funding	1.432
LACC Funding	0.580
Regional Team Funding	0.156
Staff Pool	0.799
Total	2.967

- 5.2 Transition and staff pool grant is subsequently distributed to the six FRSs in the region based upon assessed need. The process for the assessment of need is governed through the South West RCC Project Board.
- 5.3 In the past the regional grant has been paid annually in advance, however for 2010/2011 the CLG have changed the way that they distribute the grant and only allocated six months worth of the annual grant in advance. From October of this year the remainder of the grant will be received and distributed on a monthly basis.
- 5.4 Whilst the £2.967m is paid by the CLG into a Devon and Somerset FRA bank account, for accounting purposes the receipt and distribution is included within the RMB accounts, and therefore subject to audit scrutiny as part of the external audit of the RMB financial statements. Each FRS is required to account for their own portion of transition and staffing pool costs and funding within their own accounts. As RMB are still required to prepare Statement of Accounts for 2010/11, the accounting of New Burdens grant will not change prior to 1 April 2011.
- 5.5 Details of future commitment from the Government in relation to New Burdens grant beyond April 2011 are expected to be included in the 2010 Comprehensive Spending Review announcement.

- 5.6 Whilst it will not be necessary to change the 'pooling' arrangement for the receipt of any New Burdens grant, as a consequence of the dissolution of the RMB, it will be necessary for the accounting of such monies to be changed from 1 April 2011.
- 5.7 From April 2011 the receipt and distribution of grant will be recorded within Devon and Somerset FRA accounts and therefore be subject to audit scrutiny as part of the external auditing of their accounts. Individual FRSs will still be required to account for their portion of transition and staffing pool costs and funding, as is currently the case.

M PEARSON
Clerk to the Authority

K WOODWARD
Treasurer to the Authority

South West Fire Forum – Indicative Terms of Reference

Membership

Fire and Rescue Authority Chairs and Chief Fire Officers. The Forum to be chaired by an Elected Member.

Other people to attend meetings by invitation.

Scope

The Forum will operate informally with no decision-making powers and not covered by statutory Access to Information provisions requiring meetings to be open to the press and public. It is intended to:

- Provide political input and overview of the programme for regional and sub-regional collaboration;
- Keep under review opportunities to deliver greater efficiencies through closer joint working, sharing of functions or collaboration at the regional or sub-regional level;
- Review the annual business plan for the programme of collaboration with a focus on the return of investment and wider benefits;
- Review progress on the programme of collaboration with a focus on benefits realisation;
- Provide political input, overview and contribution to a programme of peer reviews and skills transfers between SW FRSs;
- Facilitate the discussion of common issues between South West fire and rescue authorities; and
- Facilitate networking between South West Fire and Rescue Authority Chairmen.

The Executive Management Group will determine and exercise responsibility for the day-to-day management of regional and sub-regional collaboration.

Frequency of Meetings

Quarterly.