

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

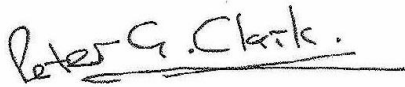
***Monday, 10 December 2012 at 12.00 pm
County Hall, New Road, Oxford***

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Tuesday 18 December 2012 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Peter G. Clark
County Solicitor

November 2012

Contact Officer: **Julie Dean**
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Note: *Date of next meeting: 21 January 2013*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. **Declarations of Interest**

2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. **Petitions and Public Address**

4. **Thames Valley Fire Control Service - Admission of Buckinghamshire & Milton Keynes Fire & Rescue Authority (BMKFRA)** (Pages 1 - 6)

Forward Plan Ref: 2012/154

Contact: Nathan Travis, Deputy Chief Fire Officer Tel: (01865) 855206

Report by Chief Fire Officer (**CMDSSC 4**).

The purpose of this report is to seek a delegated decisions approval (in line with previous decisions by Cabinet to delegate authority in this matter to the Cabinet lead member) to allow Buckinghamshire & Milton Keynes Fire & Rescue Authority (BMKFRA) to join the Thames Valley Fire Control Service (TVFCS).

The reason for this move is because of an extraordinary meeting of the Buckinghamshire & Milton Keynes Fire & Rescue Authority (BMKFRA), held on 31 October 2012, voted in favour of withdrawing from their current partnering arrangement with Cambridgeshire Fire & Rescue Authority and joining the TVFCS (following joint discussions at both Officer and Member Level across the three Thames Valley fire & rescue authorities).

The Cabinet Member is RECOMMENDED to:

(a) Agree that Buckinghamshire & Milton Keynes Fire & Rescue Authority

- (BMKFRA) be invited to join the Thames Valley Fire Control Service (TVFCS) as a full partner in steady state in accordance with the principles set out in the report*
- (b) Agree that, in the interim, BMKFRA be invited to contribute as a full partner in the work to establish a Joint Committee to manage the TVFCS.*
 - (c) Agree that BMKFRA be invited to participate in the delivery programme as a non-voting member in accordance with the principles set out in the paper.*
 - (d) Delegate to the Chief Fire Officer the authority to sign a legally binding partnership agreement between the TVFCS partners and BMKFRA, drafted in accordance with the principles set out in the paper.*
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Division(s):

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES DELEGATED DECISIONS - 10 DECEMBER 2012

Thames Valley Fire Control Service – Admission of Buckinghamshire & Milton Keynes Fire and Rescue Authority

Report by the Chief Fire Officer

Introduction

1. The purpose of this report is to seek a delegated decisions approval to allow Buckinghamshire & Milton Keynes Fire & Rescue Authority (BMKFRA) to join the Thames Valley Fire Control Service (TVFCS).
2. Following joint discussion at both Officer and Member Level, an extraordinary meeting of the BMKFRA held on 31 October 2012 voted in favour of withdrawing from their current partnering arrangement with Cambridgeshire Fire & Rescue Authority and joining the TVFCS. The meeting of BMKFRA was attended by Councillor Judith Heathcoat & Chief Fire Officer (CFO) David Etheridge.
3. The decision was based on the following heads of agreement set out in correspondence by CFO Etheridge and CFO Iain Cox of Royal Berkshire Fire & Rescue Service (RBFRS) to CFO Mark Jones of Buckinghamshire & Milton Keynes Fire and Rescue Service (BMKFRS):
 - a. BMKFRA are seeking and will commit to a full contractual partnership with Oxfordshire County Council (OCC) and Royal Berkshire Fire & Rescue Authority (RBFRA) to allow for a fully equal long term partnership currently envisaged as 15 years (2014-2029).
 - b. That the existing decisions relating to the primary control being located at Calcot, near Reading, and the secondary control at Kidlington will be endorsed by BMKFRA.
 - c. That existing programme decisions including such issues as the concept of operations and the specification for the procurement of the mobilising system will be endorsed by BMKFRA.
 - d. That the current programme partnership agreement (PPA) as already approved by Oxfordshire County Council (OCC) and Royal Berkshire Fire & Rescue Authority (RBFRA), will remain largely unchanged with the potential addition of a deed of variation or similar that will give opportunity and responsibility for BMKFRA personnel to join in, a supporting role, all aspects of the programme delivery arrangements.

- e. That BMKFERS will ensure full engagement within all work streams with sufficient experienced and competent staff members to deliver the programme. This staffing will be funded solely by BMKFERS.
 - f. Any additional programme staffing costs incurred by OCC or RBFRA solely due to the addition of the BMKFRA to the programme will be funded by BMKFRA.
 - g. That detailed financial arrangements, accounting for all DCLG grant funding will be negotiated between all parties. Any remaining BMKFRA grant funding at cut over will be invested in the joint renewals fund and that future revenue contributions to the renewals fund will be reduced in proportion to the size of the grant that BMKFRA contribute to the renewals fund.
 - h. That subject to the above negotiations, the apportionment model as already agreed between OCC and RBFRA will be used to apportion costs for future steady state operation.
 - i. That OCC and RBFRA be given an absolute timeline for 100% contractual commitment from BMKFRA, at a time that allows the wider partnership to proceed as currently envisaged. The latest time that this contractual commitment could effectively be given is considered to be January 2013 to allow critical dependencies (including procurement and TUPE issues) to be met.
4. The TVFCS programme, being well established between OCC and RBFRA has already made key decisions that are framing the delivery of the Joint Control function for the two authorities. The primary objective is to deliver against the commitments already given to the partnering authorities within the defined timeframe and budget.
5. It is therefore proposed that BMKFRA are not full partners during the delivery phase of the programme but will work alongside - and in parallel with - the TVFCS in order to deliver BMKFRA into the programme at the point of migration into the joint control service. BMKFRA are joining the TVFCS on the basis that they are accepting, unreservedly, the decisions already made and - whilst they can influence future decisions - the authority to make decisions remains vested in OCC and RBFRA. The proposed legal agreement between the TVFCS partners and BMKFRA will ensure that they will fund their costs in preparing to join TVFCS and fund any additional costs to the TVFCS partners arising as a result of BMKFRA joining the TVFCS.
6. The overall costs to the programme of BMKFRA joining the TVFCS are considered to be marginal. Notwithstanding the previous paragraph, TVFCS partners will continue to fund the delivery of the programme as previously

agreed. However, the balance of the BMKFRA grant funding at the point that BMKFRA migrate their Control function to TVFCS will “pump prime” the “Capital Renewals Fund” thereby, reducing for all three parties, the on-going revenue commitment to this fund during the life of the programme.

7. The total number of incidents that can be expected to be managed by the TVFCS as an aggregate of calls for all three Services, based on 2010/11 figures will be close to 22,000 calls per annum, this figure is likely to decrease as all three services continue to experience a steady reduction in incident volumes.

Financial and Staff Implications

8. The Outline Business Case for the TVFCS is being re-worked based upon BMKFRA joining the Service.
9. The currently agreed steady state cost apportionment model apportions the TVSCS costs is 58% to RBFRA and 42% to OCC, Extrapolating the agreed cost apportionment methodology to include BMKFRA figures will result in an estimated apportionment of 38% RBFRA, 34% BMKFRA and 28% OCC (figures used in this apportionment have yet to be validated). It is anticipated that this will lead to increased savings for all three parties.
10. BMKFRA were allocated £1.8m of capital and revenue grant funding under the Government’s Resilience and Efficiency Grant scheme. Most of this grant will be available and adding this to the £3.6m grant funding already allocated to the TVFCS partners provides total grant funding to the three Services of up to £5.4m, albeit that BMKFRA may need to use some of this funding to ensure their station and vehicle-based mobilising equipment and systems are fit for purpose to dovetail into the TVFCS.
11. A formal Confidentiality Agreement has already been signed between the TVFCS partners and both BMKFRA and their Project Management consultant.
12. A draft legal agreement is currently being developed to bind BMKFRA into the delivery programme in accordance with the heads of agreement
13. BMKFRA will become fully engaged as a full partner in the work to establish steady state governance of the Joint TVFCS through a joint Committee.
14. The Transfer of Undertakings Protection of Employment (TUPE) Regulations process that will manage the selection and transfer of the Control Room staff will be extended to include the existing Control Room staff from BMKFRA.
15. Any additional Control Room staffing pressures put upon the TVFCS by the integration of BMKFRA calls will be the subject of confirmation through modelling.
16. Fire & Rescue Authorities cannot transfer the statutory responsibility for meeting the requirements of the Fire and Rescue Services Act 2004 to another party. Therefore all three authorities will remain individually responsible and accountable for their statutory functions in steady state.

17. A programme risk register is in place and is actively monitored by the Programme Steering Group (PSG) and managed by the Senior Responsible Owners. As it is proposed that BMKFRA will be working “hand-in-hand”, in parallel, with OCC & RBFRA during the TVFCS delivery phase, there are no significant new risks arising from this proposal. The risk register will be continually reviewed and managed and will reflect any changes in risk arising from BMKFRA joining the TVFCS.
18. The Equality Act 2010 requires all public authorities to assess the impact of their policies on communities. In this context, policy is a general term that covers the entire TVFCS programme. The TVFCS Service and Communities Impact Assessment (SCIA) is iterative and is being regularly reviewed and updated to inform decisions at significant points within the programme, such as BMKFA joining the TVFCS.
19. This decision will contribute to the following Strategic Priorities of OFRS and OCC:
 - a. Minimise loss of life, injury and damage from fire, road traffic collisions and other hazards.
 - b. Demonstrate continuous improvement and efficiencies, ensuring consultation and partnership working
 - c. Provide resilient emergency response, through risk management and planning.
20. The Representative Bodies are being kept fully informed of the programme as it develops. The programme has a nominated Communications lead for all staff matters. Regular staff briefings are undertaken, Staff bulletins are issued and a section has been set up on the Intranet.

RECOMMENDATION

21. The Cabinet Member is **RECOMMENDED** to:
 - (a) **Agree that Buckinghamshire & Milton Keynes Fire & Rescue Authority (BMKFRA) be invited to join the Thames Valley Fire Control Service (TVFCS) as a full partner in steady state in accordance with the principles set out in the report**
 - (b) **Agree that, in the interim, BMKFRA be invited to contribute as a full partner in the work to establish a Joint Committee to manage the TVFCS.**
 - (c) **Agree that BMKFRA be invited to participate in the delivery programme as a non-voting member in accordance with the principles set out in the paper.**
 - (d) **Delegate to the Chief Fire Officer the authority to sign a legally binding partnership agreement between the TVFCS partners and BMKFRA, drafted in accordance with the principles set out in the paper.**

DAVE ETHERIDGE

CMDSSC4

Chief Fire Officer

Background papers:

17 July 2012 Cabinet Paper – Future Arrangements for Call Receipt, Mobilising and Incident management for Oxfordshire County Council Fire & Rescue Service

Contact Officer: Nathan Travis 01865 855206
November 2012

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