

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

Monday, 8 November 2010 at 2.15 pm, or on the rising of the Safer & Stronger Communities Scrutiny Committee if later

County Hall

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 16 November 2010 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

October 2010

Contact Officer: ***Kath Coldwell***
Tel: (01865) 815902; E-mail: kath.coldwell@oxfordshire.gov.uk

Note: *Date of next meeting: 13 December 2010*

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. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day 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 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.

2. Petitions and Public Address

3. Declarations of Interest

4. Oxfordshire Disaster Relief Charity (Pages 1 - 14)

Forward Plan Ref: 2010/141

Contact: Peter Clark, Head of Legal & Democratic Services, Tel: (01865) 323907

Report by Head of Legal & Democratic Services (**CMDSSC4**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- a) delegate authority to the County Solicitor to draft and enact a Trust Deed in accordance with the provisions of this report;***
- b) appoint the County Solicitor to act on behalf of the Trust.***

5. Oxfordshire Fire & Rescue Service - Response Standards Performance 2009/10 (Pages 15 - 26)

Forward Plan Ref: 2010/144

Contact: Peter Cleary, Service Delivery Manager – Community Safety, tel: (01865) 852171

Report by Chief Fire Officer (**CMDSSC5**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- (a) note the contents of the report regarding the response standards for 2009/10; and***
- (b) request the Chief Fire Officer to report back to the Cabinet Member for***

Safer & Stronger Communities on the response standards for 2010/11.

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Division(s): N/A

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 8 NOVEMBER 2010

FORMULATION OF A DISASTER RELIEF CHARITY

Report by County Solicitor and Monitoring Officer

Introduction

1. Leaders of the Political Group in May 2010 supported a proposal that a Charitable Trust be set up with the County Council as sole Trustee with the power to undertake any necessary emergency appeal, the collection of funds and the distribution of aid to those most in need.
2. Whilst there are certain restrictions on Local Authorities operating Charitable Trusts, nonetheless, there is a statutory provision to allow for the Council to be a Trustee under Section 139 of the Local Government Act 1972. This gives the Council the power to hold and accept gifts of land and other property (including money) for the benefit of people living in Oxfordshire but the Council is specifically prevented from doing anything that is related to the relief of poverty.
3. As a corporate body, the Council is permitted to be a sole Trustee of a Charitable Trust under the Charities Acts and general trusts law. Under Part 7.4, clause B (f) of the Council's Constitution the County Solicitor '*is authorised to act as trustee on behalf of the Council in respect of any matter he or she considers appropriate*'. Further, in accordance with clause 9(i) of the Trust Deed, (Refer Annex 1) one or all of the following post holders may act on behalf of the Council in connection with the Trust: Chief Executive, County Solicitor and/or Leader of the Cabinet. In the event all three post holders are appointed, decisions must be made by majority.
4. The benefit of the Council being sole Trustee is that individual Officers or Members would not have the responsibility and liabilities of named Trustees. In addition, there is a significant advantage in this arrangement as the Trust would, in reality, be dormant until required and would, therefore, not be dependent on amending details because of any change of personnel, nor would it incur additional financial costs by submitting detailed annual accounts other than a simple Trustees annual report.
5. It needs to be emphasised, however, that those involved (e.g. the County Solicitor) would need to act in the best interests of the Charity rather than the County Council when making decisions and arrangements for handling possible conflicts of interest are incorporated into the governance model.
6. The Trust is not an incorporated body and so is not a separate legal entity. Appointing Oxfordshire County Council as a Corporate Trustee means that it can enter into contracts on behalf of the Trust and will be responsible for meeting any losses or liabilities incurred by the Trust that cannot be satisfied from the Trust's assets. Officers or Members acting on behalf of the County Council in administering the Trust will not be personally liable for any losses

or liabilities (although individual officers who commit Oxfordshire County Council (OCC) to an action which results in a breach of trust may be in turn liable to compensate OCC under local government law).

7. The Council will be appointed as the first trustee of the Trust by the Trust Deed. The County Solicitor, acting on behalf of the Council as corporate trustee of the trust will have the power to appoint any further trustees if this is appropriate in the future under clause 11 (i) of the Trust Deed.
8. This affords complete flexibility as to the involvement of appropriate persons to assist in the work of any disaster, such as Chief Executives and Lead Members of particular District Councils that may be affected by a particular disaster. It is essential for appropriate local involvement but until it is clear what the nature and extent of a particular disaster is, it is not possible to foresee who the appropriate members would be to be involved in advising and deciding on relevant appeals, collection and distribution of aid.
9. The Trust, by law, is only required to register with the Charity Commission when its income reaches £5,000 per annum. The trust will be a charity regardless of whether it is registered with the Charity Commission; an organisation will be a charity provided its aims are exclusively charitable, and the Trust's aims are exclusively charitable. However, earlier registration of the Trust might be considered advisable as donations are more likely to be forthcoming if the trust is registered with the Charity Commission. Further, in an emergency the Trust may cross the £5,000 per annum income threshold, at which point the Council must register the Trust with the Commission. It would be preferable not to be obliged to divert resources to registering the charity with the Charity Commission at that point, when it may be more beneficial to utilise resources responding to the disaster. Registration, however, is not a certainty as the Charity Commission may refuse to register the Trust as its income falls below the threshold currently. The Commission must be satisfied that it is appropriate to register, even though it is below the £5,000 per annum minimum. Legal Services has obtained confirmation from the Charity Commission that it will consider registration of a charity to deal with disaster appeals despite it not having a current source of income.

RECOMMENDATION

10. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
 - (a) **delegate authority to the County Solicitor to draft and enact a Trust Deed in accordance with the provisions of this report;**
 - (b) **appoint the County Solicitor to act on behalf of the Trust.**

Peter G Clark
County Solicitor and Monitoring Officer

Contact Officer: Peter G Clark Tel: (01865) 323907

Background papers: Nil

September 2010

DATED

2010

OXFORDSHIRE COUNTY COUNCIL

TRUST DEED
Establishing a charity called the
OXFORDSHIRE DISASTER RELIEF FUND

THIS TRUST DEED is made the day of 2010
BY

OXFORDSHIRE COUNTY COUNCIL of County Hall, New Road, Oxford, OX1 1ND
and any successor body that carries out its functions (“the First Trustee”)

The First Trustee holds the sum of £1.00 (one pound) on the trusts declared in this deed and expects that more money or assets will be acquired on the same trusts.

The First Trustee shall act initially as sole corporate trustee of the Charity, and may continue to act as sole corporate trustee of the Charity.

NOW THIS DEED WITNESSES as follows:

1 Administration

The charitable trust constituted by this deed (“the Charity”) and its trust property (“the trust fund”) shall be administered and managed by the Trustees. (In this deed, the expression “the Trustees” refers to the individuals(s) and/or organisation(s) who are the Trustees of the Charity at any given time. It includes the First Trustee and its successors. The word “Trustee” is used to refer to any one of the Trustees).

2 Name of Charity

The Charity shall be called the Oxfordshire Disaster Relief Fund but the Trustees may by resolution change the Charity’s name from time to time. Before doing so they must obtain the written approval of the Charity Commission for England and Wales (“the Commission”) for a new name

3 Trustees

The Trustees of the Charity and the trust fund shall be the First Trustee and/or such other Trustees as may be appointed by the Trustees.

4 Application of Income

The Trustees must apply the income of the Charity in furthering the following objects (“the Objects”)

The relief of financial need and suffering among inhabitants of Oxfordshire who are victims of natural or other kinds of disasters in the form of money (or other means deemed suitable) for persons bodies and organisations affected (including the provision of medical aid and emergency accommodation).

5 Application of Capital

At their discretion the Trustees may spend all or part of the capital of the Charity in furthering the Objects

6 Powers of Trustees

In addition to any other powers, the Trustees may exercise any of the following powers in order to further the objects (but not for any other purpose):

- (i) to raise funds. In exercising this power, the Trustees must not undertake any substantial permanent trading activity and must comply with any relevant statutory regulations.
- (ii) to buy, take on, lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use (except property which once transferred to the Charity would be held by the Charity in trust for an ecclesiastical charity or for a charity for the relief of poverty);
- (iii) to sell, lease or otherwise dispose of all or any part of the property belonging to the Charity. In exercising this power, the Trustees must comply as appropriate with sections 36 and 37 of the Charities Act 1993, as amended by the Charities Act 2006.
- (iv) to borrow money and to charge the whole or any part of the property belonging to the Charity as security for repayment of the money borrowed. The Trustees must comply as appropriate with sections 38 and 39 of the Charities Act 1993, as amended by the Charities Act 2006, if they wish to mortgage land owned by the Charity;
- (v) to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;
- (vi) to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;
- (vii) to acquire, merge with or enter into any partnership or joint venture arrangement with any other Charity formed for any of the objects;
- (viii) to create such advisory committees as the Trustees think fit;
- (ix) to employ and remunerate such staff as necessary for carrying out the work of the Charity;
- (x) to do any other lawful thing that is necessary or desirable for the achievement of the objects.

7 Statutory Powers

Nothing in this deed restricts or excludes the exercise by the Trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.

8 Delegation

- (i) In addition to its statutory powers, the Trustees may delegate any of their powers or functions to a committee of two or more Trustees. A committee must act in accordance with any directions given by the Trustees. It must report its decisions and activities fully and promptly to the Trustees. It must not incur expenditure on behalf of the Charity except in accordance with a budget previously agreed by the Trustees.

- (ii) The Trustees must exercise their powers jointly at properly convened meetings except where they have:
 - (a) Delegated the exercise of the powers (either under this provision or under any statutory provisions), or
 - (b) Made some other arrangements, by regulations under clause 23.
- (iii) The Trustees must consider from time to time whether the powers or functions which they have delegated should continue to be delegated.

9 Corporate Trustees

- (i) Subject to the constitution of the First Trustee, the persons holding the following positions within the First Trustee may be appointed to act on behalf of the First Trustee:
 - (a) Chief Executive
 - (b) Leader of the Cabinet
 - (c) County Solicitor

(“the Post Holders”). In the event that the Post Holders are appointed to act on behalf of the First Trustee:

 - (d) decisions must be made by a majority of the Post Holders; and
 - (e) any Post Holder may appoint a proxy in writing to act on his or her behalf.
- (ii) Any other corporate trustee, subject to the provisions of its constitution, may act as detailed in clause 9(i), appointing three post holders to act on its behalf and making decisions in accordance with clauses 9(i) (d) – (e).

10 Duty of care and extent of liability

When exercising any power (whether given to them by this deed, or by statute, or by any rule of law) in administering or managing the Charity, each of the Trustees must use the level of care and skill that is reasonable in the circumstances, taking into account any special knowledge or experience that he or she has or claims to have (“the duty of care”).

No Trustee, and no one exercising powers or responsibilities that have been delegated by the Trustees, shall be liable for any act or failure to act unless, in acting or in failing to act, he or she has failed to discharge the duty of care.

11 Appointment of Trustees

- (i) There must be at least three Trustees unless a corporate Trustee is appointed. A corporate Trustee may act as sole Trustee or jointly with other Trustees. For the avoidance of doubt a sole corporate Trustee can exercise any of the powers and will have all of the responsibilities given to the Trustees under this Deed or by law. Apart from the First Trustee every Trustee must be appointed by a resolution of the Trustees passed as a special meeting called under clause 16 of this deed.
- (ii) In selecting individuals for appointment as Trustees, the Trustees must have regard to the skills, knowledge and experience needed for the effective administration of the Charity.
- (iii) The Trustees must keep a record of the name and address and the dates of appointment, re-appointment and retirement of each Trustee.
- (iv) The Trustees must make available to each new Trustee, on his or her first appointment:
 - (a) a copy of this deed and any amendments made to it;
 - (b) a copy of the Charity's latest report and statement of accounts.

12 Eligibility for Trusteeship

- (i) No one shall be appointed as Trustee:
 - (a) if he or she is under the age of 18 years; or
 - (b) if he or she would at once be disqualified from office under the provisions of clause 13 of this deed.
- (ii) No one shall be entitled to act as a Trustee whether on appointment or on any re-appointment as Trustee until he or she has expressly acknowledged, in whatever way the Trustees decide, his or her acceptance of the office of Trustee of the Charity.

13 Termination of Trusteeship

A Trustee shall cease to hold office if he or she:

- (i) is disqualified for acting as a Trustee by virtue of section 72 of the Charities Act 1993 or any statutory re-enactment or modification of that provision;
- (ii) becomes incapable by reason of mental disorder, illness or injury of managing his or her own affairs;
- (iii) is absent without the permission of the Trustees from all their

meetings held within a period of six months and the Trustees resolve that his or her office be vacated; or

- (iv) notifies to the Trustees a wish to resign (but only if enough Trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings).

14 Vacancies

- (i) If a vacancy occurs the Trustees must note the fact in the minutes of their next meeting. Any eligible Trustee may be re-appointed.
- (iii) If a sole corporate Trustee has not been appointed and fewer than three natural persons have been appointed as Trustees, none of the powers or discretion conferred by this deed or law on the Trustees shall be exercisable by the Trustees except the power to appoint new Trustees
- (iv) A sole corporate Trustee may not resign unless another corporate body or at least one natural person has been appointed as a Trustee

15 Ordinary meetings

The Trustees must hold at least one ordinary meeting each year. One such meeting in each year must involve the physical presence of those Trustees who attend the meeting. Other meetings may take such form, including videoconferencing, as the Trustees decide provided that the form chosen enables the Trustees both to see and to hear each other.

16 Calling meetings

The Trustees must arrange at each of their meetings the date, time and place of their next meeting, unless such arrangements have already been made. Ordinary meetings may also be called at any time by the person elected to chair the meetings of the Trustees or by any two Trustees. In that case not less than ten days' clear notice must be given to the other Trustees. The first meeting of the Trustees must be by the First Trustee or, if not meeting has been called within three months after the date of this deed, by any two of the Trustees.

17 Special meetings

A special meeting may be called at any time by the person elected to chair meetings of the Trustees or by any two Trustees. Not less than four days' clear notice must be given to the other Trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a Trustee or a proposal to amend any of the trusts of this deed, not less than 21 days' notice must be given. A special meeting may be called to take place immediately after or before an ordinary meeting.

18 Chairing of meetings

The Trustees at their first ordinary meeting in each year must elect one of their number to chair their meetings. The person elected shall always be eligible for re-election. If that person is not present within ten minutes after

the time appointed for holding a meeting, or if no one has been elected, or if the person elected has ceased to be a Trustee, the Trustees present must choose one of their number to chair the meeting.

The person elected to chair meetings of the Trustees shall have no other additional function or powers except those conferred by this deed or delegate to him or her by the Trustees.

19 Quorum

(i) Subject to the following provision of this clause, no business shall be conducted at a meeting of the Trustees unless at least one third of the total number of Trustees at the time, or two Trustees (whichever is the greater) are present throughout the meeting.

(ii) The Trustees may make regulations specifying different quorums for meetings dealing with different types of business.

20 Voting

At meetings, decisions must be made by a majority of the Trustees present and voting on the question. The person chairing the meeting shall have a casting vote whether or not he or she has voted previously on the same question but no Trustee in any other circumstances shall have more than one vote.

21 Conflict of interest

A Trustee must absent himself or herself from any discussions of the Trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the Charity and any personal interest (including but not limited to any personal financial interest).

22 Minutes

The Trustees must keep minutes, in books kept for the purpose or by such other means as the Trustees decide, of the proceedings at their meetings. In the minutes the Trustees must record their decisions and, where appropriate, the reasons for those decisions. The Trustees must approve the minutes in accordance with the procedures, laid down in regulations made under clause 23 of this deed.

23 General power to make regulations

The Trustees may from time to time make regulations for the management of the Charity and for the conduct of their business, including:

- (i) the calling of meetings;
- (ii) methods of making decisions in order to deal with cases or urgency when a meeting is impractical;
- (iii) the deposit of money at a bank;
- (iv) the custody of documents; and

- (v) the keeping and authenticating of records. (If regulations made under this clause permit records of the Charity to be kept in electronic form and requires a Trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)

The Trustees must not make regulations which are inconsistent with anything in this deed.

24 Accounts, Annual Report and Annual Return

The Trustees must comply with their obligations under the Charities Act 1993, as amended by the Charities Act 2006, with regard to:

- (i) the keeping of accounting records for the Charity;
- (ii) the preparation of annual statements of account for the Charity;
- (iii) the auditing or independent examination of the statements of account of the Charity;
- (iv) the transmission of the statements of account of the Charity to the Commission;
- (v) the preparation of an annual report and its transmission to the Commission;
- (vi) the preparation of an annual return and its transmission to the Commission.

25 Registered particulars

The Trustees must notify the Commission promptly of any changes to the Charity's entry on the Central Register of Charities.

26 Bank account

Any bank or building society account in which any of the funds of the Charity are deposited must be operated by the Trustees and held in the name of the Charity. Unless the regulations of the Trustees make other provision, all cheques and orders for the payment of money from such an account shall be signed by at least one Trustee.

27 Trustees not to benefit financially from their Trusteeship

- (i) (a) No Trustee may buy goods or services from the Charity, or sell goods or services to the Charity, or receive any other financial benefit from Charity or from any trading company owned by the Charity, except in accordance with this deed or the prior written approval of the Commission and any condition it prescribes
- (b) The Trustees may employ, or enter into a contract for the supply of goods or services with, one of their number.

CMDSSC

Before doing so, the Trustees must be satisfied that it is in the best interests of the Charity to employ, or contract with, that Trustee rather than someone who has no connection with the Charity. In reaching that decision, they must balance the advantage of employing a Trustee against the disadvantages of doing so (especially the loss of the Trustee's services as a result of dealing with the Trustee's conflict of interest as required by the next sub-clause). The remuneration or other sums paid to the Trustee must not exceed an amount that is reasonable in all the circumstances. The Trustees must record the reason for their decision in their minute book.

- (c) A Trustee must be absent from the part of any meeting at which his or her employment or remuneration, or any matter concerning the contract, are discussed. He or she must also be absent from the part of any meeting at which his or her performance in that employment, or his or her performance of the contract, is considered. He or she must not vote on any matter relating to his employment or the contract and must not be counted when calculating whether a quorum of Trustees is present at the meeting.
 - (d) At no time may a majority of the Trustees benefit under this provision.
- (iii) This clause applies to a firm or company of which a Trustee is:
- (a) a partner;
 - (b) an employee;
 - (c) a consultant;
 - (d) a director; or
 - (e) a shareholder, unless the shares of the company are listed on a recognised stock exchange and the Trustee holds less than 1% of the issued capital, as it applies to a Trustee personally.
- (iv) In this clause:
- (a) "Charity" shall include any company in which the Charity:
 - holds more than 50% of the shares; or
 - controls more than 50% of the voting rights attached to the shares; or
 - has the right to appoint one or more directors to the Board of the company.
 - (b) "Trustee" shall include any child, parent, grandchild,

grandparent, brother, sister or spouse of the Trustee or any person living with the Trustee as his or her partner.

28 Repair and insurance

The Trustees must keep in repair and insure to their full value against fire and other usual risks all the buildings of the Charity (except those buildings that are required to be kept in repair and insured by a tenant). They must also insure suitably in respect of public liability and employers' liability.

29 Expenses

The Trustees may use the Charity's funds to meet any necessary and reasonable expenses which they incur in the course of carrying out their responsibilities as Trustees of the Charity.

30 Amendment of Trust Deed

- (i) The Trustees may amend the provisions of this deed, provided that:
 - (a) no amendment may be made to clause 4 (Application of income), clause 10 (Duty of care), clause 27 (Trustees not to benefit financially from their Trusteeship), clause 31 (Dissolution) of this clause without the prior consent in writing of the Commission; and
 - (b) no amendment may be made whose effect is that the Charity ceases to be a Charity at law.
- (ii) Any amendment of this deed must be made by deed following a decision of the Trustees made at a special meeting.
- (iii) The Trustees must send to the Commission a certified copy of the deed effecting any amendment made under this clause within three months of it being made.

31 Dissolution

The Trustees may dissolve the Charity if they decide that it is necessary or desirable to do so. To be effective, a proposal to dissolve the Charity must be passed at a special meeting by a two-thirds majority of the Trustees. Any assets of the Charity that are left after the Charity's debts have been paid ("the net assets") must be given:

- (i) to another charity (or other charities) with objects that are no wider than the Charity's own, for the general purposes of the recipient charity (or charities); or
- (ii) to any charity for use for particular purposes which fall within the charity's objects.

The Commission must be notified promptly that the Charity has been dissolved and, if the Trustees were obliged to send the Charity's accounts to

the Commission for the accounting period which ended before its dissolution, they must send the Commission the Charity's final accounts.

32 Interpretation

In this deed, all references to particular legislation are to be understood as references to legislation in force at the date of this deed and also to any subsequent legislation that adds to, modifies or replaces that legislation.

IN WITNESS whereof this deed has been executed by Oxfordshire County Council and is delivered on the date first above written the parties have hereunto set their respective hands the day and year first before written.

Executed as a deed by Oxfordshire County Council
By affixing the common seal of Oxfordshire County Council
in the presence of:

.....

County Solicitor/Designated Officer

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 8 NOVEMBER 2010

OXFORDSHIRE FIRE & RESCUE SERVICE – RESPONSE STANDARDS PERFORMANCE 2009/10

Report by Chief Fire Officer

Introduction

1. Since April 2005 Oxfordshire Fire and Rescue Service (OFRS) has had local Response Standards for attending emergency incidents in the county. The Cabinet approved these standards on 22 June 2006 (see Refer CA11). Additionally, the Chief Fire Officer was required to report annually on the F&RS's performance against these standards and bring forward any recommendations as appropriate for future improvements, particularly to address life-threatening situations. This report fulfils that requirement.

Response Standards

2. Local Response Standards are based on the historical location and status of our current fire stations and are used as a basis for improvement planning in the future. The Standards provide a common performance target across the county based on risk and acknowledging that fire deaths and casualty reduction is a national performance target which will drive future improvement options. The standards are as follows:
 - 80% of all emergency incidents will be responded to within 11 minutes
 - 95% of all emergency incidents will be responded to within 14 minutes.
3. The above is measured by the time it takes to get the first fire appliance to the scene from the time at which the fire station is first alerted.
4. In addition to the Response Standards for the first attending appliance, the Fire and Rescue Service will despatch a sufficient number of vehicles and personnel to safely and effectively deal with the type of incident reported, as determined by national and local risk assessments.
5. OFRS attends a wide variety of incidents and not all are emergencies. Therefore, it is necessary to categorise incidents to enable improvement plans to concentrate on the highest priority areas. All Incident Commanders classify incidents they attend into one of three categories:
 - (a) Life threatening emergency
 - (b) Serious, but non-life threatening emergency
 - (c) Damage to property/heritage/environment.

6. Our operational effectiveness is measured against these three categories (a, b and c), which all require an emergency response.

2009/10 Performance – Response Standards - Monthly Summary

(Further geographical breakdown and specific commentary is detailed in Appendix 1)

	Incidents in scope	No in 11 mins	% in 11 mins	No in 14 mins	% in 14 mins
Apr-09	289	242	83.7%	275	95.2%
May-09	282	227	80.5%	258	91.5%
Jun-09	305	239	78.4%	283	92.8%
Jul-09	340	269	79.1%	316	93.0%
Aug-09	300	246	82.0%	281	93.7%
Sep-09	304	238	78.3%	288	94.7%
Oct-09	333	266	79.9%	305	91.6%
Nov-09	270	202	74.8%	244	90.4%
Dec-09	255	190	74.5%	233	91.4%
Jan-10	303	212	70.0%	259	85.5%
Feb-10	235	180	76.6%	213	90.6%
Mar-10	272	210	77.2%	256	94.1%
Totals for year 2009/10	3488	2721	78.0%	3211	92.1%
Totals for Year 2008/9	3605	2852	79.1%	3318	92.0%
Target Figures			80.0%		95.0%

7. There are a number of general factors that have affected our performance against these targets:

Weather:

8. In January 2010 the response figures were affected by the heavy snowfall for three weeks and poor weather conditions at various times. This is marginal in terms of overall percentages for the year, but still had an effect on our emergency response times across the county.

Traffic Management:

9. The ongoing traffic measures put in place in a number of towns and villages have had a significant affect on attendance times. A case in point is the new one way system in Henley which both hampers arrival of personnel to the station and then their travel to any incident on the South/East side of the town.

Motorway:

10. On the Motorway and to a lesser extent the A34, there are some long travel distances between junctions (e.g. J11 to 12 – Banbury to Gaydon, J9 to 8A – Bicester to Thame, A34 – Southbound towards Newbury.) For some incidents it is necessary to traverse the whole section between two junctions and then return to get to the incident (e.g. an incident between J9 and 10 or J11 and 12.) The result is that some of the incidents are physically impossible to reach within the allocated target times. This also applies to a number of the remote areas within the County such as the Downs around Faringdon and Wantage and the villages on the County border with Berkshire in the Henley area (e.g. Sonning Common etc.)

Actions Taken to Mitigate Risk:

11. Community Safety activities are targeted in areas known to be outside the 14 minute attendance times. Every 'failure' against the standards is analysed by the relevant Station Manager, who then reports this to their Fire Risk Manager (FRM) and, where possible, appropriate action is taken. The performance management of response times is monitored and viewed weekly by Fire Risk Managers on our Scorecard performance management system.
12. The Senior Leadership Team receives a quarterly performance review against the response standards. Where there are discrepancies, further detail is sought of the action taken or justification for delays in attendance.
13. The Response Standards remain stretching, with the slight increase in attendance times for 2009/10 reflecting the National Trend*. OFRS, through effective management, aims to achieve the most effective possible response, whilst ensuring the safety of both crews and other road users.
14. *Attendance times are increasing as traffic volumes increase and traffic management systems become more widespread. The new 20mph speed restrictions within Oxford are monitored regularly to ensure that they do not have a direct effect on the speed of response of retained personnel to Rewley Road and Slade Fire Stations and in accordance with national guidance will reduce attendance speeds from 50mph to 40mph (it is recognised that emergency vehicles exercising due care and attention may proceed to incidents at a speed 20mph above the posted speed limit).

RECOMMENDATIONS

15. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
 - (a) **note the contents of the report regarding the response standards for 2009/10; and**

- (b) request the Chief Fire Officer to report back to the Cabinet Member for Safer & Stronger Communities on the response standards for 2010/11.**

DAVID ETHERIDGE
Chief Fire Officer

Background Papers: Nil

Contact Officer: Peter Cleary, Service Delivery – Community Safety
Tel: (01865) 852171

October 2010

Breakdown of response standards by district, area and station and Associated graphical information

Oxfordshire Response Standards for 2009-2010

Response Standards by Fire Risk Area					
April 2009 - March 2010					
Area	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
Oxfordshire	3488	2721	78.0%	3211	92.1%
City	1320	1237	93.7%	1304	98.8%
West/Cherwell	1151	835	72.6%	1039	90.3%
South/Vale	1017	649	63.8%	868	85.4%

Response Standards by District					
April 2009 - March 2010					
Area	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
City	1220	1181	96.8%	1215	95.6%
West	485	327	67.4%	451	93.0%
Cherwell	766	564	73.6%	677	88.4%
South	692	435	62.9%	581	84.0%
Vale	325	214	65.9%	287	88.3%

Response Standards by Station					
April 2009 - March 2010					
Station	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
Abingdon	157	115	73.25%	147	93.63%
Bampton	47	30	63.83%	44	93.62%
Banbury	356	319	89.61%	344	96.63%
Bicester	244	122	50.00%	179	73.36%
Burford	23	8	34.78%	20	86.96%
Charlbury	37	25	67.57%	30	81.08%
Chipping Norton	54	37	68.52%	52	96.30%
Deddington	32	13	40.63%	24	75.00%
Didcot	234	202	86.32%	222	94.87%
Eynsham	72	38	52.78%	65	90.28%
Faringdon	94	51	54.26%	72	76.60%
Goring	30	8	26.67%	19	63.33%
Henley	130	65	50.00%	94	72.31%
Hook Norton	30	23	76.67%	29	96.67%
Kidlington	104	87	83.65%	101	97.12%
Rewley Rd	569	555	97.54%	565	99.30%
Slade	651	626	96.16%	650	99.85%
Thame	56	40	71.43%	51	91.07%
Wallingford	115	66	57.39%	101	87.83%
Wantage	74	48	64.86%	68	91.89%
Watlington	62	29	46.77%	50	80.65%
Wheatley	65	25	38.46%	44	67.69%
Witney	224	171	76.34%	216	96.43%
Woodstock	28	18	64.29%	24	85.71%
Totals	3488	2721	78.01%	3211	92.06%

Narrative Relating to specific Stations (stations chosen on the basis of poor performance and/or no improvement in 209/10 over the preceding year):

Bicester

1. 2008/9 figures were 64% (11 mins) and 83% (14 mins)
2. 2009/10 figures were 50% (11 mins) and 73% (14 mins).

Bicester has historically had longer attendance times in comparison with other Oxfordshire Fire Stations. This is in part due to the extended travel distances when responding to the M40 and more remote rural areas (e.g. Finmere.) Any increase in calls to the motorway or remote rural areas can distort the attendance times as these are areas that cannot be reached within the 11 and 14 minute attendance times.

During peak periods, traffic congestion in the Bicester area has extended the turn in time for retained personnel (when they are required to comply with the full requirements of the Road Traffic Act). The responding crew then has to negotiate the traffic congestion to reach its destination. Congestion in Bicester is, according to staff reports, of increasing significance, with specific comments often made in relation to the congestion connected with the large volume of traffic to and from retail premises located at the edge of town. Reduction in this congestion would enhance Fire Service response performance.

Burford

1. 2008/9 figures were 64% (11 mins) and 76% (14 mins)
2. 2009/10 figures were 34% (11 mins) and 86% (14 mins).

For 2009-2010 of the 23 incidents that were in scope, 11 of these were in a “yellow*” area (11-14 minutes) and one of these was in a “red area*” (more than 14 minutes), so we would not expect them to reach these within 11 minutes. This would mean that we would expect them to reach the remaining 11 incidents within 11 minutes. Burford managed to reach eight of these within 11 minutes, leaving three incidents that they didn't.

We had to extend their turnout time to eight minutes approximately one year ago due to temporary crewing difficulties when one firefighter badly injured his leg in a motorcycle accident, and another did not achieve the necessary competencies in incident command. Thus, we were relying on firefighters responding to the station from further away.

We are dealing with small numbers of incidents at Burford; therefore, minor changes have a greater overall affect on the percentages.

** Response times are mapped for Oxfordshire and colour coded accordingly. For green areas we aim to respond in 11 minutes, yellow areas in 11 -14 minutes and remote rural areas are classified as red, with a response time of >14 minutes.*

It is pleasing to note that Burford have actually improved their response standards for attending within 14 minutes from 76% in 2009-09 to 86% in 2009-10. It is also worth adding that for this year (2010/11) to date, Burford have achieved attendance times of 78% of their emergencies in 11 minutes and 89% in 14 minutes. Thus, indicating that the figures for 2009/10 were a short-term issue rather than a trend.

Goring

1. 2008/9 figures were 34% (11 mins) and 47% (14 mins)
2. 2009/10 figures were 26% (11 mins) and 63% (14 mins).

The geographical area covered by Goring is largely classified as yellow or red areas; therefore, in many cases they cannot achieve a sub 11 minute attendance time to calls. However, it is pleasing to note a 16% improvement in their ability to respond to incidents within 14 minutes when compared to the preceding year.

Wheatley

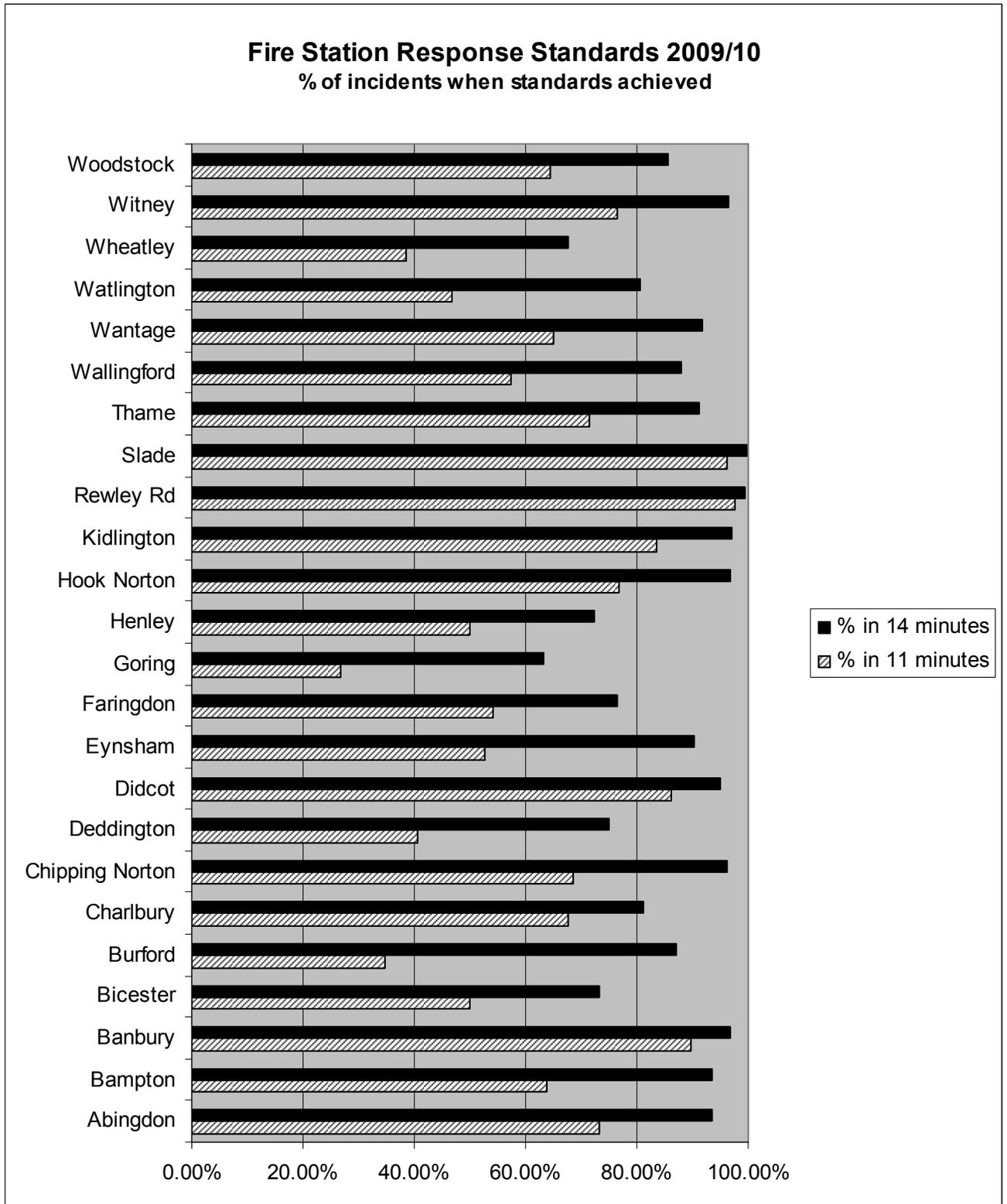
1. 2008/9 figures were 41% (11 mins) and 76% (14 mins)
2. 2009/10 figures were 38% (11 mins) and 67% (14 mins).

This is a small change since 2008/9. Wheatley, like Bicester, responds to the M40 and, therefore, has extended travel distances. Any increase in calls to the motorway can distort the attendance times as there are areas that cannot be reached within the 11 and 14 minute attendance times.

General

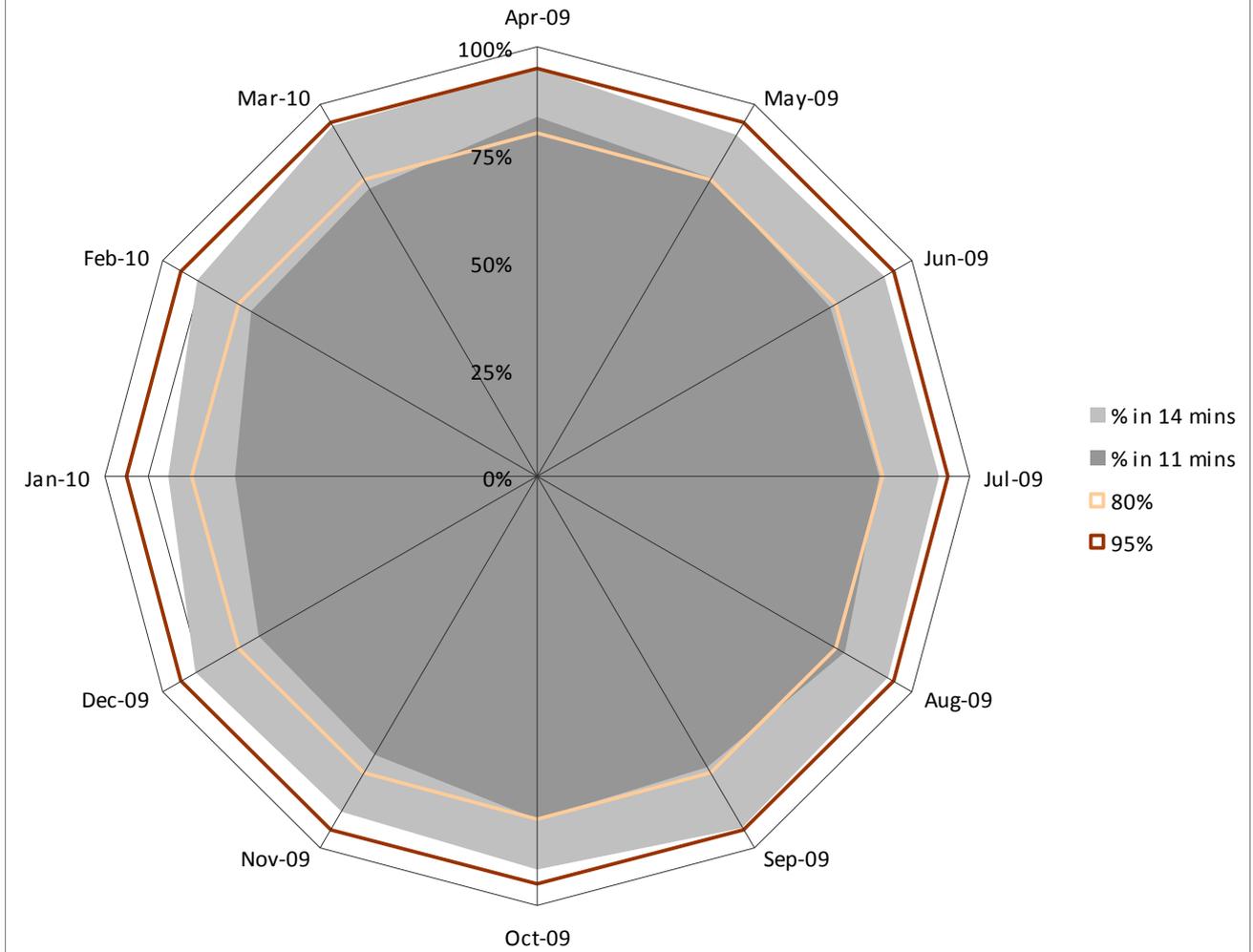
The management recognises that overall performance for the 11 minute target has declined and continues to address this both locally and strategically. The Cabinet endorsed programme of providing dedicated watch managers for selected stations is already having a positive effect on station availability and it is anticipated that this will generally improve response standards.

Response Standards Graphical Information



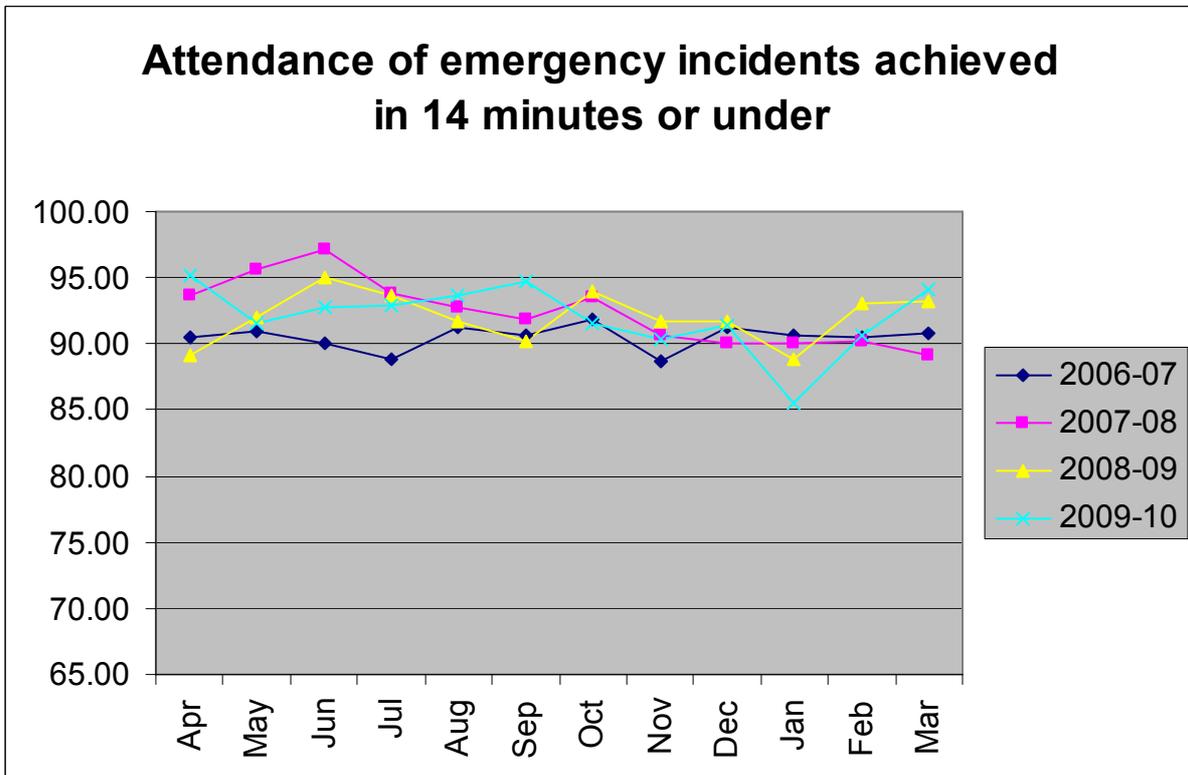
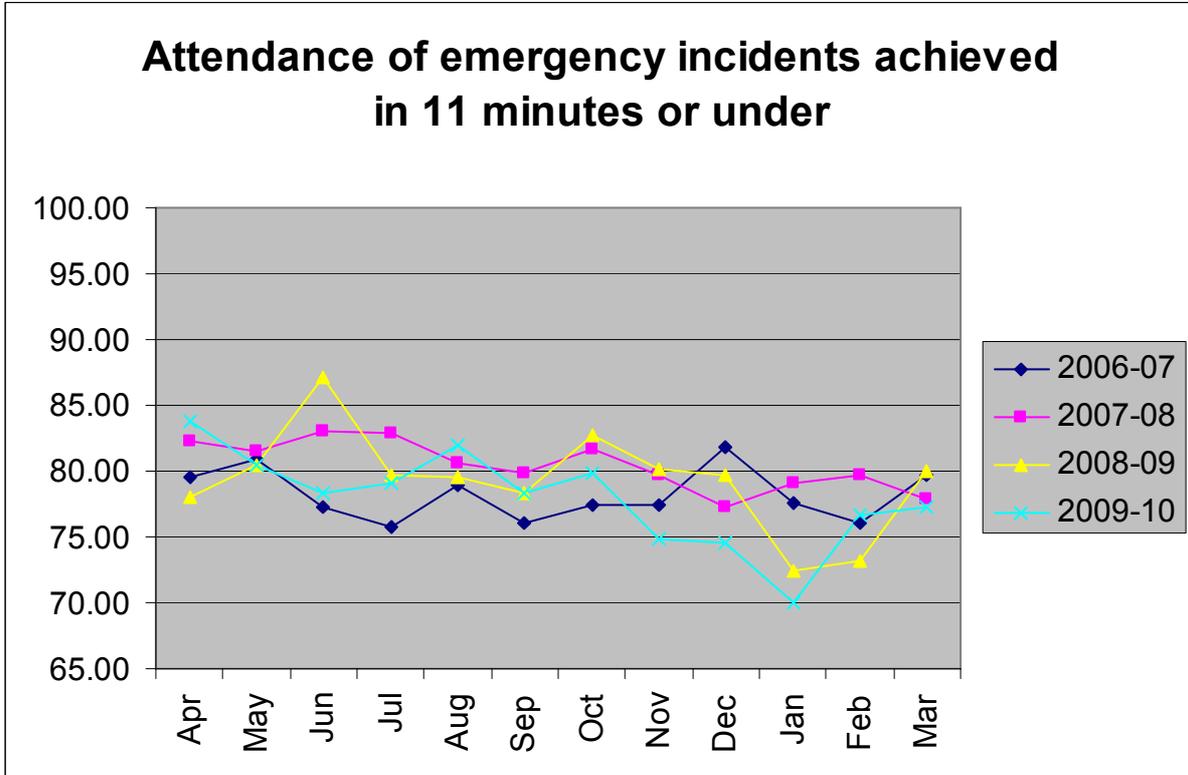
Oxfordshire Fire and Rescue Service Response Standards

Monthly Performance against Response Standards 2009/10



Response Standards – Historical Data 2006 to 2010

Line graphs showing response performance for the previous four years. The apparent downturn in performance across the financial year may be due to seasonal variation.



Oxfordshire Response Standards for 2008-2009

Response Standards by District

April 2008 - March 2009

Area	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
City	1342	1286	95.8%	1330	99.1%
West	359	256	71.3%	331	92.2%
Cherwell	783	596	76.1%	706	90.2%
South	765	470	61.4%	637	83.3%
Vale	356	244	68.5%	314	88.2%

Response Standards by Station

April 2008 - March 2009

Stn No. and Station	Incidents in Scope	Number in 11 minutes	% in 11 minutes	Number in 14 minutes	% in 14 minutes
1.Banbury	344	312	90.70%	330	95.93%
2.Hook Norton	28	20	71.43%	26	92.86%
3. Chipping Norton	77	56	72.72%	70	90.91%
4.Charlbury	23	12	52.17%	22	95.65%
5.Woodstock	35	20	57.14%	28	80.00%
6.Kidlington	110	82	74.55%	105	95.45%
7.Bicester	238	153	64.29%	198	83.19%
8.Deddington	28	9	32.14%	19	67.86%
9.Eynsham	58	40	68.97%	55	94.83%
10.Witney	132	107	81.06%	125	94.70%
11.Burford	25	16	64.00%	19	76.00%
12.Bampton	44	25	56.82%	40	90.91%
21.Rewley Rd	539	527	97.77%	536	99.44%
22.Abingdon	180	135	75.00%	170	94.44%
23.Faringdon	95	57	60.00%	79	83.16%
24.Wantage	81	52	64.20%	65	80.24%
25.Goring	38	13	34.21%	18	47.37%
26.Henley	124	58	46.77%	81	65.32%
27.Thame	69	55	79.71%	66	95.65%
28.Wheatley	65	27	41.54%	50	76.92%
29.Watlington	103	53	51.46%	83	80.58%
30.Slade	803	759	94.52%	794	98.88%
31.Wallingford	94	45	47.87%	81	86.17%
32.Didcot	272	219	80.51%	258	94.85%
Totals	3605	2852	79.11%	3318	92.04%

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