

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

***Monday, 14 February 2011 at 12.30 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 22 February 2011 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

February 2011

Contact Officer: Julie Dean
Tel: (01865) 815322; E-mail: julie.dean@oxfordshire.gov.uk

Note: Date of next meeting: 11 April 2011

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 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 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. South East Fire Control Centre Ltd (Pages 1 - 4)

Forward Plan Ref: 2011/023

Contact: Colin Thomas, Deputy Chief Fire Officer, Tel: (01865) 855206

Report by Deputy Chief Fire Officer (**CMDSSC4**).

To seek endorsement of actions necessary to formally dissolve the South East Fire Control Centre Ltd and for Oxfordshire County Council to cease to be a Corporate Member of the company.

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

- a) ***direct the nominated representative, representing Oxfordshire County Council as the Corporate Member, to endorse the winding up of the company by way of dissolution at the next SEFRCC Board meeting; and***
- b) ***direct the Monitoring Officer and Head of Law and Governance to provide advice and support as necessary to avoid any ongoing Company liabilities transferring to the County Council or the Nominated Director.***

5. Consultation on the Future of Fire Control Services in England
(Pages 5 - 10)

Forward Plan Ref: 2011/015

Contact: Colin Thomas, Deputy Chief Fire Officer Tel: (01865) 855206

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

To seek formal endorsement of the approach to the response to the Department of Communities and Local Government consultation released as a consequence of the termination of the Regional Fire Control project (FiReControl).

The Cabinet Member is RECOMMENDED to:

- a) ***endorse the indicative responses to the above consultation questions;***
 - b) ***delegate to the Chief Fire Officer authority to make any non material amendments and additions to allow submission by the due date; and***
 - c) ***require the Chief Fire Officer to ensure that any material amendments and additions made to the CLG submission will be subject to further consultation with the responsible Cabinet Member.***
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**CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES
14 FEBRUARY 2011**

South East Fire Control Centre Ltd

Report by Chief Fire Officer

Introduction

1. On 20 December, Fire Minister, Bob Neill announced the cancellation of the National FiReControl Project following agreement between the Department for Communities and Local Government (DCLG) and the main IT contractor, Cassidian (formerly EADS), that the requirements of the project could not be delivered to an acceptable timeframe. The contract was terminated with immediate effect and the project closed down.
2. CLG published a consultation paper on the future of fire and rescue control services on 14 January. The consultation paper invites views on the priorities for control services in the future and the allocation of any funding that may be available from central government and which will be influenced by decisions on the use of control centre buildings and moving to shared control services. The consultation paper can be accessed from the CLG website here: <http://www.communities.gov.uk/publications/fire/fireandrescuecontrolservices>
3. South East Chief Fire Officers have discussed the implications of the cancellation of the project and the removal of the former mandatory requirement to transfer their functions into the regional control centre. The professional view of the Chief Fire Officers was that there is little ongoing interest in pursuing a regional solution. As a result it was recognised that there was no remaining need or role for the Local Authority Controlled Company (South East Fire and Rescue Control Centre Limited (SEFRCC)).
4. The January SEFRCC Directors meeting received reports from the Chief Executive relating to the current situation and details of winding up options. Directors noted that DCLG have given clear information of the termination of the current 'New Burdens' funding for regional companies which fund company costs.
5. The Company Secretary highlighted the importance of ensuring the Company did not continue in business if there was no prospect of having sufficient funds to meet liabilities. He also alerted directors to their responsibilities and potential liabilities.
6. There was a consensus of directors that there was no option but to cease the Company's business and that, in the expectation of a formal resolution to close being made at the next Board meeting on 18 February, measures should be put in place straight away to enable an orderly and solvent closure

to be achieved. It was noted that that winding-up of the company required the consent of all constituent Fire and Rescue Authorities.

7. This report is designed to allow a formal decision to be taken as to the winding up of the company. The nominated representative, representing Oxfordshire County Council as the Corporate Member will be directed to endorse the winding up of the company by way of dissolution at the next SEFRCC Board meeting.

SEFRCC Ltd

8. SEFRCC was created due to a central government requirement to form a Local Authority Controlled Company to set up and run the regional control centres. This requirement featured in the Fire and Rescue Service National Framework document. The winding up of the company is a direct result of the termination of the project and no adverse views are envisaged from central government relating to this proposal.
9. At the January SEFRCC meeting, following receipt of the Chief Executive's report, the Directors resolved:
 - a) to note the report;
 - b) to note the summary of directors' responsibilities in law were there to be the prospect of the Company having insufficient funds to meet liabilities, as set out in the report; and to note in particular that wrongful trading applies if a company has gone into insolvent liquidation and, at some time before the start of the winding-up, the directors knew or ought to have known that there was no reasonable prospect of avoiding insolvency;
 - c) to note the Chief Executive's report setting out the Company's projected income and expenditure and to request an update at the Board's next meeting to include potential redundancy costs;
 - d) to place on record the Board's intention to avoid a situation in which the Company continues in business in the knowledge that there is no realistic possibility of sufficient income to cover expenditure;
 - e) to ask a commercial law firm to prepare a briefing note on directors' responsibilities and liabilities should there be the prospect of the Company ceasing to trade, and on the process for winding-up or dissolution;
 - f) to advise FRAs as owners of the Company that the Board at its next meeting is minded to resolve to close the Company as soon as practicable through either the dissolution or dormancy routes; and
 - g) to inform West Sussex County Council as the employer of the Chief Executive and other staff of the above resolution.

10. Paragraph g) clearly indicated the Board's intention and paragraph f) indicated that the options available are dissolution or dormancy. As there is no foreseeable future need or desire for a regional company, it is recommended that this authority seeks dissolution. Continuation of Oxfordshire Membership of SEFRCC could lead to liabilities with no commensurate benefits. As other Fire and Rescue Authorities have formally stated that they do not intend to continue their Corporate Membership of SEFRCC, there is, in effect, no other option to present in this paper.

Financial and Staff Implications

11. SEFRCC is currently solvent. Winding up will not require liquidators and if undertaken in the time frames envisaged at the last SEFRCC Board meeting, there will be no outstanding liabilities. As the Board chose to not to transfer the lease of the building to the company, there are no ongoing liabilities concerning this aspect. Costs of redundancy for company employees have been fully allowed for. Any funds remaining at the point of dissolution will be returned to DCLG as they were provided for the running of the company. A further paper detailing the exact financial arrangements will be presented at the next Board meeting.
12. The cancellation of this project will have staffing and financial implications on the Oxfordshire County Council as alternative arrangements for the continuation of a Control Room function will be required. At this time an options appraisal is being undertaken which will lead to recommendations and a subsequent business case. It is therefore too early to give any firm details relating to staffing or finance. Current short term arrangements are adequate and are sufficiently funded.
13. No other liabilities are envisaged at this time but it is essential that appropriate legal advice is undertaken throughout the dissolution process to ensure no transference of liabilities to the County Council or the nominated representative.

RECOMMENDATION

14. **The Cabinet Member for Safer and Stronger Communities is RECOMMENDED to:**
 - a) **direct the nominated representative, representing Oxfordshire County Council as the Corporate Member, to endorse the winding up of the company by way of dissolution at the next SEFRCC Board meeting; and**
 - b) **direct the Monitoring Officer and Head of Law and Governance to provide advice and support as necessary to avoid any ongoing Company liabilities transferring to the County Council or the Nominated Director.**

David Etheridge
Chief Fire Officer

Background papers:
Contact Officer:
01865-855206)

Nil
Colin Thomas, Deputy Chief Fire Officer (Tel:

[February 2011]

Division(s):	ALL
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**CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES
14 February 2011**

**Consultation on the Future of Fire Control Services in England
Report by Chief Fire Officer**

Introduction

1. On 20 December, the Fire Minister, Bob Neill, announced the cancellation of the National FiReControl Project following agreement between the Department for Communities and Local Government (DCLG) and the main IT contractor Cassidian (formerly EADS) that the requirements of the project could not be delivered to an acceptable timeframe. The contract was terminated with immediate effect and the project closed down.
2. CLG published a consultation paper on the future of fire and rescue control services on 14 January. The consultation paper invites views on the priorities for control services in the future and the allocation of any funding that may be available from central government and which will be influenced by decisions on the use of control centre buildings and moving to shared control services. The consultation paper can be accessed from the CLG website here: <http://www.communities.gov.uk/publications/fire/fireandrescuecontrolservices>
3. The aim of the consultation paper is to seek views from the fire and rescue community on whether changes are needed to the way control services are currently constructed. The consultation closes on 8 April 2011 and Ministers expect to make an announcement on the way forward quickly following the end of the consultation process.
4. The consultation paper considers the lessons from FiReControl and considers whether the policy objectives which led to the project remain the right ones to shape the future of control services. The consultation paper summarises Government's views on those policy objectives as:
 - Resilience – Government supports the aims of resilience but believes there are alternative approaches that could provide a more proportionate and affordable solution than FiReControl
 - Enhanced Technology – fire and rescue services have continued to develop their technology systems and many of the features that FiReControl would have introduced are already available

- Efficiency – in light of financial pressures, fire and rescue services will be looking for ways to reduce the cost of their control service.
5. The consultation paper goes on to consider alternative scenarios for control services with the aim of decentralising the role as far as possible. The scenarios discussed are:
 - (i) A system of local controls without any central intervention or financial support;
 - (ii) The development of a common set of standards (allowing interoperability between control rooms);
 - (iii) Greater collaboration between fire and rescue authorities with some central intervention or support; and
 - (iv) A standard networked solution.
 6. Government's preferred approach is for (iii) under which they would provide financial support to fire and rescue authorities to improve their existing control services and make the most of FiReControl assets.
 7. The amount of central funding available for upgrading control services is not yet known, but CLG is seeking to achieve a balance between operational need, fairness and value for the tax payer. The consultation paper sets out current thinking on the order of priorities for funding as:
 - Completing the installation of Firelink as the top priority
 - Funding restructuring costs to support shared control services
 - Funding technical enhancements to improve resilience
 - Funding accommodation or control room infrastructure costs arising out of delays to FiReControl

Regional and local consultation responses

8. South East Chief Fire Officers met on 19 January to discuss the consultation and received an oral presentation from Roger Hargreaves, the National Project Director from the Department for Communities and Local Government. It was clear from this that the level of funding available was directly associated with the reduction in DCLG financial liabilities related to the buildings and completion of the required Firelink (digital radio) systems in a large number of control rooms, rather than the previously intended 9.
9. The meeting recognised that in the South East several individual and joint options appraisals were ongoing. It was clear that a reduced number of Fire and Rescue Service (FRS) Control rooms were envisaged in the future.

10. It was agreed that each FRS, on behalf of its Fire and Rescue Authority (FRA), would respond to the consultation but a response from the former region was needed to make clear the commitment to convergence processes and an eventual reduced number of mobilising centres in the south east. This approach will enable south east FRSs to lobby the Government for funding to support the transition process.
11. The next delegated decisions meeting falls after the consultation closes. Extra information from DCLG is emerging as time passes and therefore Oxfordshire is not yet able to finalise the consultation response.
12. However, it is possible to give an indicative response to the specific questions provided and the recommendation seeks to have this approach endorsed and any subsequent non material amendments and additions to be delegated to the Chief Fire Officer to allow submission.

Consultation Questions and indicative responses

13. The following indicative responses are proposed:

Consultation Question	Indicative response
Section 3 – Lessons from FiReControl	
Q1 Do you agree with the assessment of FiReControl set out in Section 3? What lessons do you think we can learn from FiReControl, both positive and negative?	Broadly the issues highlighted of IT delivery, early decision taking and relationship issues with the Fire and Rescue community are supported. In addition, there was a fundamental failure in the project management of the overall contract with the IT supplier which will be highlighted in the response
Section 4 – Defining the policy objectives	
Q2 Are resilience, enhanced technology and efficiency still as important today as they were when the FiReControl project was initiated? If not what has changed?	The three items are agreed as still fundamentally important. The concept of efficiency as measured by calls handled per operator shift is not considered to be of prime importance as the wider command and control functions of existing controls were never and appear still not to be understood by those carrying out the consultation. Command and control and supporting administrative activities integrated with effective call receipt and mobilising functions create opportunities which complement the localism approach.
Q3 Which aspects of resilience described in Section 4 are most important for control services?	The consultation recognises that arrangements with more than the 9 regional controls are likely to have less capacity in spate conditions.

Are there other aspects which are not mentioned here?	However, the need to be able to answer high volumes of calls, or have the ability for a triage stage to identify life risk calls from high volumes of lower risk calls is considered to be the most important aspect of resilience in the future.
Q4 Do you think that there is a role for central government in supporting technical enhancements in fire and rescue control rooms – and, if so, what should this be?	Yes. The role should be to promote a common set of technical standards in future control functions to allow interoperability and increased capacity and ultimately resilience.
Q5 Do you think that there is a role for central government in helping fire and rescue authorities to achieve greater efficiencies in the delivery of control services – and, if so, what should this be?	Yes. The role should extend to the provision of framework contracts from a variety of suppliers from which FRAs can source appropriate systems in a cost effective manner. In addition there is still a role for central government as the 'Authority' in holding the national Fire contract with MMNO2 Airwave for digital radio provision.
Section 5 – Central government support	
Q6 Which of the approaches (or combination of approaches) for the delivery of control services set out in Section 5 would provide the best outcome for the fire and rescue community and the public? Please give reasons for your choice.	At this time due to emerging information it is not yet clear what is fully meant by each option. However, the approach required should allow local determination, be developed against common technical standards and allow increased collaboration between FRAs (or other appropriate partners). Central government support by developing common technical standards, letting framework contracts and providing financial support during transition is considered desirable.
Section 6 – Funding choices	
Q7 Do you agree that the right funding priorities are set out in Section 6 and do you have any comments on the order in which these are presented?	Oxfordshire are concerned that the volume of support available to FRAs is being limited due to the intentions to minimise the legacy effects of the buildings (with their apparently unbreakable contracts) and the need to complete increased number of installations for the Airwave radio system in current controls. These aspects appear to be dictating the long term future for FRS mobilising systems. This said the funding priorities appear to have some merit.
Q8 Which of the technical options for Firelink (see Annex C) would best meet fire and rescue service needs? Please give reasons for your choice.	A technical assessment of the implications regarding the three options available to FRAs in the south east (option 4 is not available as use of the existing regional control centre will not occur). An oral update will be given to the delegated decisions meeting.

14. The above responses can be supplemented by a general statement that at this time an options appraisal is being undertaken which will identify credible alternatives for the future. These can then be assessed in greater detail.

Financial and Staff Implications

15. There are no direct financial effects from this consultation response. However, there will be effects in both areas following the determination of a way forward. It is not possible at this time to quantify these.

RECOMMENDATION

16. **The Cabinet Member is RECOMMENDED to:**
- a) **endorse the indicative responses to the above consultation questions;**
 - b) **delegate to the Chief Fire Officer authority to make any non material amendments and additions to allow submission by the due date; and**
 - c) **require the Chief Fire Officer to ensure that any material amendments and additions made to the CLG submission will be subject to further consultation with the responsible Cabinet Member.**

David Etheridge
Chief Fire Officer

Background papers: DCLG Consultation 'The future of fire and rescue control services in England'.

Contact Officer: Deputy Chief Fire Officer, Colin Thomas (Tel: 01865-855206)

February 2011

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