



Tuesday, 6 December 2022

**(1) MEMBERS OF THE AVON FIRE AUTHORITY**

Councillors B Massey, D Davies, A Ali, J Ashe, S Bromley, E Brown, N Butters, R Eddy, P Goggin, B Hopkinson, R Jacobs, Y Kumar, Y Mohamud, A.Monk, B Nutland, R Payne, S Smith, R Tucker, A Varney and D Wilcox  
Independent Person: J Mason

**(2) APPROPRIATE OFFICERS**

**(3) PRESS AND PUBLIC**

Dear Member

You are invited to attend a meeting of the **Avon Fire Authority** to be held on **Wednesday, 14 December 2022** commencing at **14:00 hrs.**

The meeting will be held at **Severn Park Fire & Rescue Training Centre, Smoke Lane, Avonmouth, Bristol, BS11 0YA.** Parking is available on site.

In order to ensure COVID-19 guidance is adhered to risk assessments have been undertaken for live meetings to identify and put in place, the measures required ensuring that meetings take place safely. Further information is available on our website [Avon Fire Authority](http://www.avonfire.gov.uk).

Please note that this meeting will be video recorded and published on our YouTube channel (see the Notes on the next page).

Yours sincerely

**Amanda Brown**  
Clerk to the Fire Authority

**PROVIDING AVON FIRE & RESCUE SERVICE**



Clerk to Avon Fire Authority  
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## **Notes**

**Attendance Register** – Attendance will be recorded by the Democratic Services Assistant and recorded within the Minutes of the Meeting.

**Code of Conduct – Declaration of Interests:** any Member in attendance who has a personal interest in any matter to be considered at this meeting must disclose the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. A Member having a prejudicial interest must withdraw from the meeting room or meeting whilst the matter is considered.

**Contact:** for any queries about the Meeting please contact Democratic Services on 0117 926 2061 ext. 231; or by e mail at [the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk); or in person at Police and Fire HQ, Valley Road, Portishead, Bristol, BS20 8JJ (by appointment during normal office hours only).

**Emergency Evacuation Procedures:** these will be advised at the start of the Meeting if appropriate.

**Exempt Items:** Members are reminded that any Exempt Reports as circulated with this Agenda contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Clerk at the conclusion of the Meeting for disposal.

**Inspection of Papers:** any person wishing to inspect Minutes, Reports, or a list of the background papers relating to any item on this Agenda should contact Democratic Services as above.

**Public Access:** under Standing Order 21 and providing 2 clear working days' notice has been given to the Clerk ([the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk)) any resident or representative of a business or voluntary organisation operating in Bristol, South Gloucestershire, Bath and North East Somerset or North Somerset Council may address the Fire Authority or one of its Committees (for no more than 5 minutes) by submitting a written petition or statement. If preferred, the Chair or Clerk can read out a written statement on the individual's behalf. There is a time limit of 30 minutes for all Public Access statements.

**Reports:** reports are identified by the relevant agenda item number.

**Substitutes (for Committees only):** notification of substitutes should have been received from Group Leaders by the Clerk prior to the meeting.

**A G E N D A - Avon Fire Authority**  
**Wednesday, 14 December 2022 14:00**

**Pages**

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| <b>2.</b>  | <b>Emergency Evacuation Procedures</b>  |           |
| <b>3.</b>  | <b>Declaration of Interests</b>   |           |
| <b>4.</b>  | <b>Public Access</b>  |           |
| <b>5.</b>  | <b>Chair's Business</b>   |           |
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| <b>7.</b>  | <b>Minutes of Committee Meetings</b>  |           |
| 7.1        | Ordinary Meeting of People & Culture Committee held on 9 June 2022                                      | 17 - 26   |
| 7.2        | Ordinary Meeting of the Audit, Governance & Ethics Committee held on 29 June 2022                       | 27 - 34   |
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| <b>13.</b> | <b>Immediate Detriment - LGA and FBU Memorandum and Framework Adoption</b>                              | 97 - 130  |
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| <b>15.</b> | <b>Date of next Meeting - 17 February 2023</b>  |           |

**16. Exclusion of the Press and Public**

To resolve that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**17. Confidential Minutes of the Fire Authority held on 5 October 2022** 139 - 144

*Exempt Paragraph 3*

17.1 Confidential Minutes of the Ordinary Meeting of Avon Fire Authority held on 5 October 2022

**18. Confidential minutes of Committee Meetings**

*Exempt Paragraph 3*

18.1 Confidential minutes of the Ordinary Meeting of the People & Culture Committee held on 9 June 2022 145 - 150

18.2 Confidential minutes of the Ordinary Meeting of the Audit, Governance & Ethics Committee held on 29 June 2022 151 - 154

**19. IT Services Contract Award** 155 - 172

*Exempt Paragraph 3*



## **AVON FIRE AUTHORITY**

**5 OCTOBER 2022**

**Present:** Councillors S Bromley, E Brown, D Davies, B Hopkinson, B Massey, P May, Y Mohamud, A Monk, B Nutland, R Payne, S Smith, R Tucker and D Wilcox.

The meeting began at 14.20hrs.

### **25. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs A Ali, J Ashe, N Butters, R Eddy, P Goggin, R Jacobs and A Varney and J Mason, Independent Person.

### **26. EMERGENCY EVACUATION PROCEDURE**

Members were advised by the Chief Fire Officer (CFO) that in the event of an emergency, to exit the engine bay at the rear of the building and congregate in the car park.

Members were reminded that the meeting was being held in Hicks Gate Fire Station, a working fire station and the crews could be called out at any time. The meeting would be paused in the event of a call out.

### **27. DECLARATION OF INTERESTS**

None advised.

### **28. PUBLIC ACCESS**

None received.

### **29. CHAIR'S BUSINESS**

The Chair welcomed everyone to the meeting and drew attention to the following:

1. The Chair confirmed that the meeting would take place as a face-to-face meeting. The meeting had been recorded for the public to view.
2. The Chair thanked the Station Manager and crews at Hicks Gate Fire Station for their help in accommodating the meeting.
3. The Chair thanked Vaughan Jenkins and Dave Pike for stepping up to support the Authority and Service whilst the ACFO recruitment process was undertaken.

4. The Chair advised that the Treasurer, Danielle Neale, had announced that she would be leaving Avon Fire Authority (AFA) on 31 December 2022 and she was wished the best for the future. In addition, the Clerk would raise an item of urgent business after Item 15 in the agenda, before going into exempt session.
5. Members and Officers introduced themselves.
6. The voting arrangements for the meeting were as follows:
  - The Chair to ask for any votes against.
  - The Chair to ask for any abstentions.
  - The Chair to ask for a show of hands for Members voting “for”.

### **30. MINUTES OF THE ORDINARY MEETING OF AVON FIRE AUTHORITY HELD ON 22 JUNE 2022**

The minutes were moved by Cllr Massey and seconded by Cllr Davies.

**It was RESOLVED that the minutes of the ordinary meeting of the Avon Fire Authority held on 22 June 2022 be signed by the Chair as an accurate record of the meeting.**

### **31. MINUTES OF COMMITTEE MEETINGS**

7.1 Minutes of the Ordinary Meeting of the Audit, Governance & Ethics Committee held on 11 February 2022.

The minutes were moved by Cllr Payne and seconded by Cllr Tucker.

**It was RESOLVED that the minutes of the ordinary meeting of the Audit, Governance & Ethics Committee held on 11 February 2022 be signed by the Chair as an accurate record of the meeting.**

7.2 Minutes of the Ordinary Meeting of the Local Pension Board held on 25 February 2022

The minutes were moved by Cllr Smith as the only member of the Local Pension Board available at the Fire Authority meeting today (noting that both elected members who participated in the Local Pension Board meeting on 25 February 2022 had since left the Fire Authority).

**It was RESOLVED that the minutes of the ordinary meeting of the Local Pension Board held on 25 February 2022 be signed by the Chair as an accurate record of the meeting.**

7.3 Minutes of the Ordinary Meeting of the People & Culture Committee held on 4 March 2022.

The minutes were moved by Cllr Wilcox and seconded by Cllr Massey.

**It was RESOLVED that the minutes of the People & Culture Committee held on 4 March 2022 be signed by the Chair as an accurate record of the meeting.**

7.4 Minutes of the Ordinary Meeting of the Performance, Review & Scrutiny Committee held on 21 April 2022.

The minutes were moved by Cllr Payne and seconded by Cllr Nutland.

**It was RESOLVED that the minutes of the ordinary meeting of the Performance, Review & Scrutiny Committee held on 21 April 2022 be signed by the Chair as an accurate record of the meeting.**

### **32. URGENT ACTION BY THE CLERK UNDER STANDING ORDER 4.1**

The Clerk advised that she had taken urgent action on behalf of AFA under Standing order 4.1.

The Microsoft licencing contract was approved by the Fire Authority at their AGM in June 2022, but during the contract award process it became apparent that the bidder had submitted incorrect figures, which they would not commit to. The Procurement department, therefore requested a revised quote from the bidder, re-evaluated all bids and applied the new scoring.

In consultation with the Chair of the Fire Authority, Vice Chair of the Fire Authority, the CFO and the Chair of the Performance, Review & Scrutiny Panel, the Clerk approved the award of the Microsoft Licencing Contract to the new highest scoring bidder. A paper would be brought to the Fire Authority later in the exempt part of today's meeting.

The Occupational Health contract was due to be discussed at the Extraordinary AFA meeting scheduled for 16 September 2022, which was postponed due to the period of official mourning. As the Occupational health contract was due to expire, and Members had already seen the exempt paper, the Clerk consulted Members by email and asked for any objections to her granting the contract under her urgent action on 16 September 2022 – no objections were received.

It was noted that the Clerk, at the request of the CFO and in consultation with the Chair of the Fire Authority agreed to award the Occupational Health Contract in accordance with the recommendation made in the report from the postponed meeting of 16 September 2022. A paper would be brought to the Fire Authority later in the exempt part of today's meeting.

A Member queried the value of the AFA 'rubber stamping' a procurement process and awarding a contract, which had followed the appropriate procurement rules. The Clerk confirmed that this would be reviewed including the level at which the AFA needed to be involved, as part of a proposed Local Government Association (LGA)/peer review of AFA governance.

### **33. APPOINTMENT OF NEW ASSISTANT CHIEF FIRE OFFICER**

The Clerk presented the report which summarised the recruitment process for a new Assistant Chief Fire Officer (ACFO), which process concluded on 9 August 2022. The paper sought AFA ratification of the appointment made by the People and Culture Committee in line with the Constitution.

The recommendation was moved by Cllr Massey and seconded by Cllr Wilcox.

**It was RESOLVED that the Fire Authority:  
Formally appoint Mr Richard Welch as the new Assistant Chief Fire Officer for Avon Fire & Rescue Service, such appointment to take effect on 17 October 2022.**

### **34. REVENUE 2022/23 BUDGET MONITORING REPORT**

The Head of Finance presented the report which provided the AFA with an update on the 2022/23 Revenue Budget and other key financial information for the period 1 April 2022 to 31 July 2022.

The July 2022 revenue budget results projected that there would be no annual forecast variance. This was a positive financial position for the Authority and the details were shown within Appendices 1 and 2.

It was confirmed that although the current position is break-even there are a number of cost pressures which are yet to be quantified within the report, that should be considered. It was clarified that the break-even position does include the Service utilising the contingency reserves set within the budget this year, in their entirety.

Members were advised that there were large contracts being awarded and budget adjustments would be made. An updated position would be reported to AFA in December.

A Member advised that they were concerned that reported figures were static. The Head of Finance advised that the results were quite early within the financial year. However, adjustments would be made going forward, but it is early within the year and difficult to predict expenditure.

A Member advised that they understood that the Service was using contingencies to achieve a balanced budget and had indicated that new contracts would be received but to achieve a balanced budget, would we be using all of the reserve funds in the contingency budget and what was the view of the Head of Finance on the final position at the end of the year. The Head of Finance advised that the Service had allocated all contingencies within the report but had actually spent only £127k. The Service would review whether to allocate more in relation to expected costs due to inflation and pay awards but would still leave the Service with contingency to cover other costs. The Service also had specific reserves to cover other funding i.e., pensions and other big projects such as Transformation. The Head of Finance added that the Service would look to use that contingency,



which would potentially mean that the Service could retain its reserves that would be required for next year.

**It was RESOLVED that Avon Fire Authority:  
Noted the latest Income and Expenditure forecast on the Revenue Budget**

### **35. 2022/23 CAPITAL PROGRAMME UPDATE**

The Fire Authority received a report from the Head of Finance who provided an update on the 2022/23 Capital Programme, operational updates and additional context on the 2022/23 projects.

The Capital Programme approved for 2022/23, included adjustments for the final 2021/22 carry over of £7.741m. Costs for Premises and Fleet were both expected to be in line with the budgets already set.

The Control function projects currently within the Capital Programme are for a Dispatch Communication Server (DCS) and the replacement of the mobilising system hardware and software. This would now be expected to be higher than the figures indicated in the initial requests (£450k of which £350k is for mobilising hardware and software refresh, and £100k for DCS) which were based on initial costings provided by the supplier. However, these projects had now been delayed and expenditure is expected to start in 2023.

It was pointed out that in Appendix 3, within the Operational Summary for Avonmouth, the 'k' was missing and the expenditure to date should be £1,988k.

A Member asked for clarification of paragraph 5.7 responses (point 4), it has been stated that there would be an overall increase in revenue spend but this would still be within budget. The Head of Finance advised that this referred to her earlier comment and that there would be a contingency within the overall budget to cover this increase.

It was asked how variants in the value of the pound would change the budget and if the Service purchased items from abroad. The Head of Procurement advised that it would likely impact the Service but it would be difficult to provide details. The Service purchased a number of items in pounds, especially related to IT and construction, which are manufactured abroad but sold in dollars. This situation was expected but had not arisen yet as the Service was currently protected by fixed price contracts.

A Member asked about the re-design of Bath Fire Station, including working with the police and likely timescales for redevelopment of the site. The Director of Corporate Services (DoCS) confirmed that a decision was awaited from the police and once received, it was anticipated that an update would be brought to the AFA meeting in December 2022.

**It was resolved that the Fire Authority:  
Noted the latest expenditure position on the 2022/23 Capital Programme  
and reviewed any key issues to provide the required assurance on the  
approved Capital Programme.**

### **36. FORWARD PLAN 2022/23 - KEY DECISIONS**

The Clerk presented a revised Forward Plan of Key Decisions, which set out the anticipated major decisions and key papers to be delivered in 2022/23.

**It was RESOLVED that the Avon Fire Authority:  
Noted the revised Forward Plan 2022/23.**

### **37. LOCAL PENSION BOARD ANNUAL REPORT 2021-22**

Cllr May declared an interest in this item as a Member of the Board of the Avon Pension Fund.

DoCS presented the report which outlined that at its meeting on the 20 July 2022, the Local Pension Board (LPB) approved a draft Annual Report summarising the work of the Board over the previous year.

The production of an annual report is to ensure that the AFA (as Scheme Manager) was kept informed about the activities of the LPB over the previous year. It serves to communicate to the Fire Authority, the activities of delegated officers and the Local Pension Board and provided transparency and information to scheme members and the public.

This report, which is the second Annual Report of this Board, reflected the agreements made in the January 2021 meeting with reference to content. There are no material changes to the structure since the 2020-2021 report.

It was confirmed that the LPB were involved with the Immediate Detriment issue, scrutinising on behalf of and taking recommendations to the AFA. There had been an increase in training focus within the LPB and a new independent Chair had been appointed.

**It was RESOLVED that the Avon Fire Authority:  
Noted the Local Pension Board Annual Report 2021-22, prior to its  
publication.**

### **38. SERVICE ROUND-UP**

The Fire Authority received an information report from the Assistant Chief Fire Officer, Service Delivery (ACFO, SD) who highlighted areas of good work across AF&RS, which had taken place between June and September 2022 including:

1. The Business Fire Safety Unit had produced an online video learning tool aimed at small and medium businesses, which had been adopted by the National Fire Chiefs Council (NFCC) on their website.

2. The Service had been recognised for its outstanding contribution to Bristol's Stepping Up Programme. In addition, Richard Stokes, AF&RS Diversity and Inclusion Manager was awarded a 'Rising Star Award' for his work in changing the face of diversity both within the Fire Service and in the wider community. The Chair asked that the AFA's congratulations be passed onto Richard.

Cllr Nutland mentioned the recent series of 'Summer of Safety Sessions' which had taken place at Yate Fire Station. He advised that the sessions were very well received and wished to pass on his thanks to the Children and Young Persons Team.

**It was RESOLVED that the Avon Fire Authority:  
Noted the report.**

### **39. IMMEDIATE DETRIMENT UPDATE**

DoCS started her presentation by correcting a couple of typing errors in the report. In paragraph 3.6 the number in the fifth line should be '22' and not '23'. In addition, at paragraph 5.20 Autumn/October 2023 should read '2022'.

DoCS then outlined the current position of the AFA on Immediate Detriment (ID) and that they had previously deferred a decision on whether to adopt the Local Government Association (LGA) and Fire Brigades Union (FBU) Memorandum of Understanding (MOU) and Framework pending further information and clarification of the financial implications.

In June 2022, the AFA made the decision to pause ID processing for forthcoming retirees apart from a small number of pipeline cases, while the estimated cost liability for the Authority was calculated using a 'ready reckoner' provided by the LGA. Since June 2022, work had taken place with HR, Finance and Payroll as detailed in paragraph 4.9 and the potential cost to the AFA to resume ID for those aged 50 or above with 30 years' service was estimated to be approx. £500,000 including costs incurred since the removal of Home Office guidance and funding. If those aged 50 with 25 years also sought to retire under Immediate Detriment further costs would be incurred as outlined in the paper (paragraph 4.97).

DoCs added that the basis for these costs was set out in paragraph 4.5 - the LGA had provided a ready reckoner to assist Scheme Managers to review potential ID costs. There are three areas of potential financial risk to FA budgets which were included in the calculation, namely: compensation for a contribution holiday, removal of tax relief for FPS 2015 contributions and additional charges paid to administrators to process ID cases. The figures in paragraph 4.9 were described as worst-case scenario because the costs may not all be incurred and not all of the predicted 44 staff may choose to retire over the next year.

It was advised that the costs had already been incurred between November 2021 and June 2022 when the Home Office removed funding but ID processing continued.

In terms of potential funding for these costs, the pensions reserve has been identified as an option. The reserve currently contains £577k, however there are implications of using this reserve, as it is in part set aside to cover the cost of Ill Health Retirements above the number profiled each year. Therefore, if used in full for ID the AFA would have potentially no resilience for other costs, which would have to be funded by the local revenue budget.

There were potentially other costs implications of not resuming ID due to the increased risk of legal action due to arrangements not being in place to address the age discrimination finding. This would also increase the risk of multiple Internal Dispute Resolution Procedure (IDRP) complaints.

Those affected would receive a lower pension until the Government resolution. This would be backdated and could have an impact on their decision about whether to retire. The resolution in 2023 would include backdating.

The Pensions Ombudsman (TPO) had issued a fact sheet in July, which set out their position for dealing with complaints and disputes about the age discrimination remedy. It was confirmed that their general position, is that they would not investigate complaints or disputes in relation to remedy. However, they would look at the facts of each case and investigate carefully.

Following this factsheet, on the 30 September 2022, the LGA reminded scheme members of the Ombudsman's powers to investigate and order compensation payments of up to £2,000 per individual.

DoCS reminded Members that they had agreed to revisit the potential adoption of the LGA/FBU framework and suggested that in their meeting in December, the framework may have changed or further information may have been received.

The Clerk recapped the legal position within this process. She reminded Members that she had instructed a QC, who advised that the Government had left FRSs in an awkward position and they should only process the least controversial and simple cases. The legal advice had been given when the Home Office Guidance was still extant. That guidance had now been withdrawn, which resulted in financial risk to the AFA. The Clerk decided not to seek further legal advice at this stage, as we had seen a summary of the legal advice provided to the Police Chiefs Council and legal advice was likely to be that we should wait for the new legislation.

DoCS stressed that the decision was for the Scheme Manager (AFA) to make. The CFO drew Members attention to paragraph 4.9 which outlined that there could be potentially 58 retirements up to October 2023. The CFO explained that if those aged 50, with 25 years' service decided to retire on ID we would need to find additional funding from our revenue budget. If those aged 50 years and with 30 years' service retired this could be afforded by utilising all of the pension reserve but there were potential implications on the revenue budget.

The CFO warned that the potential would be over two financial years and it would be reasonable to assume that there would be a hit to potential revenue in next

year's budget. The DoCS agreed but confirmed that the Service could use the 'ready reckoner' to establish the worst-case scenario.

A Member added that the situation seemed to be no clearer than in June, when the AFA had agreed to continue the pause and look at cases in hand rather than second guess for the future. This conclusion appeared less detrimental to the AFA and members of the scheme. The Clerk agreed that the AFA were still no further forward and that it would be prudent to continue the pause as the risks were still very uncertain.

Following Member discussion, DoCS summarised that the TPO position is that if we decided to continue the pause we should, where requested, look at each case on its merits. It was recommended that if Members chose the option to continue the pause in ID processing, then this should be done in line with case-by-case consideration.

The Clerk reminded Members that all ID calculations would likely need to be recalculated once new legislation is in place, which puts uncertainty on the AFA and for firefighters regarding tax and other liabilities. All legislation should be completed by October 2023.

The CFO advised that in respect of other FRSs, some are processing Category 1 cases, some Category 1 and Category 2 and some Services have paused ID altogether. He added that managing potential financial risk and the cost around the number of potential retirements would be very difficult.

A Member asked if the AFA decided not to remove the 'pause', would those who had their pensions paused have a legal case against the AFA? The DoCS advised that potentially that was the case, however she was not aware of any potential claims, but this would be part of the risk.

As the recommendations included alternative options, Members decided to vote by show of hands on both Options B and C.

The vote on Option B (resuming ID processing with immediate effect) was voted in favour by Cllrs Smith and Hopkinson.

The vote on Option C (to continue pausing ID processing) was voted in favour by 11 councillors and therefore it was agreed that Option C was carried by majority vote in favour, as the decision of the Fire Authority.

Members then agreed unanimously to approve recommendation A (review the potential implications and costs of pausing or resuming ID processing) and recommendation D (to note the developments since the Fire Authority meeting on 22 June 2022).

**It was resolved that the Fire Authority:**

- a) Reviewed the potential implications and costs of pausing or resuming ID processing for forthcoming retirees, together with funding options and noted the caveats contained in the paper.**

- b) **Decided to continue pausing ID processing pending any changes (legislative or otherwise) which would reduce the financial impact on local budgets and, in the interim, noting the position of The Pensions Ombudsman (TPO), signpost forthcoming retirees to how they raise exceptional issues, such as severe financial hardship, for the initial consideration of the Chief Fire Officer/Chief Executive Officer (CFO/CEO) and Director of Corporate Services (DoCS), on a case-by-case basis.**
- c) **Noted the developments since the Fire Authority meeting on 22 June 2022, most notably the factsheet from The Pensions Ombudsman (TPO) dated July 2022, which outlines their approach to ID cases.**

#### **ADDITIONAL AGENDA ITEM**

The Clerk announced that in light of the Treasurer's decision to leave the Service on 31 December 2022, the People & Culture Committee which had met that morning, had asked the Clerk to raise urgent business with the Fire Authority and they asked the Fire Authority to vote on 'determining to undertake a recruitment process (in accordance with para 2.1 of the Officer Employment Procedure Rules on page 88 of the Constitution) for a new s151 Officer (under the Local Government Act 1972)'.

That new resolution was proposed by Cllr Monk and seconded by Cllr Massey.

**It was resolved unanimously that the Fire Authority: Should undertake a recruitment process for a new s151 Officer. It was noted that the People & Culture Committee would undertake the actual recruitment process.**

#### **40. DATE OF NEXT MEETING**

**It was RESOLVED that Avon Fire Authority noted the date of the next meeting as being 14 December 2022 at 14.00hrs.**

#### **41. EXCLUSION OF THE PRESS AND PUBLIC**

The recommendation was moved by Cllr Massey and seconded by Cllr Wilcox.

**It was RESOLVED that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

Cllrs Nutland, Smith, Brown and May left the meeting prior to going into the exempt session.

**42.1 CONFIDENTIAL MINUTES OF THE ORDINARY FIRE AUTHORITY MEETING HELD ON 22 JUNE 2022**

Confidential minutes of the ordinary meeting of Avon Fire Authority held on 22 June 2022.

The minutes were moved by Cllr Massey and seconded by Cllr Davies.

**It was RESOLVED that the confidential minutes of the ordinary meeting of Avon Fire Authority held on 22 June 2022 be signed by the Chair as an accurate record of the meeting.**

**43.1 CONFIDENTIAL MINUTES OF THE AUDIT, GOVERNANCE & ETHICS MEETING HELD ON 11 FEBRUARY 2022**

Confidential minutes of the ordinary meeting of the Audit, Governance & Ethics committee held on 11 February 2022.

The minutes were moved by Cllr Wilcox and seconded by Cllr Tucker.

**It was RESOLVED that the confidential minutes of the ordinary meeting of the Audit, Governance & Ethics committee held on 11 February 2022 be signed by the Chair as an accurate record of the meeting.**

**44 MICROSOFT LICENCING CONTRACT UPDATE**

The AFA received a report from the Head of Procurement which outlined that the AFA's contract for the provision of Microsoft Licencing had been due for renewal in April 2022.

**45. OCCUPATIONAL HEALTH CONTRACT**

The Head of Procurement presented the report to the AFA which outlined that the AFA's contract for the provision of Occupational Health services expired on 31 October 2022.

**46. STAGE TWO INTERNAL DISPUTE RESOLUTION PROCEDURE**

The Clerk presented the report to the AFA which outlined information of a Stage Two Internal Dispute Resolution case.

The meeting closed at 16.20hrs

.....  
Chair

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**AVON FIRE AUTHORITY  
PEOPLE & CULTURE COMMITTEE**

**9 JUNE 2022**

**MINUTES OF MEETING**

**PRESENT:** Councillors Bromley, Davies, Hopkinson, Jacobs, Massey, Monk, Tucker, Wilcox (Chair).

The meeting started at 10.00am

**1. APPOINTMENT OF THE CHAIR FOR THE MUNICIPAL YEAR**

It was proposed by Cllr Davies and seconded by Cllr Monk that Cllr Wilcox be re-elected Chair of the People & Culture Committee for the 2022-2023 municipal year. There was a vote and it was:

**RESOLVED – that Cllr Wilcox be elected Chair of the People & Culture Committee for the municipal year.**

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Brown.

**3. EMERGENCY EVACUATION PROCEDURES**

The emergency evacuation procedures were explained.

**4. DECLARATION OF INTERESTS**

There were no declarations of interest from Members.

**5. PUBLIC ACCESS**

No public access items had been received.

**6. CHAIR'S BUSINESS**

Members and Officers introduced themselves.

1. The Chair confirmed that the meeting would be recorded and uploaded to the Avon Fire Authority (AFA) website.
2. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes for.

## **7. MINUTES OF THE ORDINARY MEETING OF THE PEOPLE & CULTURE COMMITTEE ON 4 MARCH 2022**

Cllr Monk proposed, and Cllr Massey seconded that the Minutes be approved.

### **RESOLVED –**

**That the Minutes of the People & Culture Committee held on 4 March 2022 be approved as a true record and signed by the Chair.**

## **8. DICE STRATEGY PROGRESS REPORT**

The Committee received a report from the Culture and Inclusion Manager (CIM) who provided a progress update on the Diversity, Inclusion, Cohesion, Equality (DICE) strategy for 2019/22.

The key points emphasised were –

1. Since the launch of the current DICE strategy in 2019, the DICE team had experienced several changes to its structure and capacity which had significantly impacted its ability to consistently deliver against the objectives and actions. Recruitment had begun to fill the vacant positions.
2. The DICE unit was currently undertaking a restructure and the CIM was working with Human Resources (HR) and t/ACFO Vaughan Jenkins to recruit new staff members to the team.
3. Following discussions between t/ACFO Vaughan Jenkins and Amanda Mills, Amanda has been appointed to the DICE team on a 50% contract aligned to her facilities time as FBU official. This is seen as an exciting appointment for the team as there are many synergies between the DICE and FBU official role, not least “fairness for all”.
4. The DICE Strategy was currently under review and would be republished by the Autumn 2022, with updated objectives aligned with the recently published Service Plan 2022-2025 DICE objectives, recommendations and areas for consideration from the DICE Internal Audit 2020/2021 and the 2021/2022 Culture Survey reports respectively.

The CIM emphasised that it was intended that the DICE principles would be embedded into every department of the Service which already included the work undertaken with HR and Corporate Communications. This included involvement with events such as Pride and St Pauls Carnival.

The CIM highlighted a number of successes which included:

1. A community and partnership database which contained over 40 key partners, accessible to all staff members and which would lead to a greater route into our communities and key stakeholders.
2. The Service had renewed our Service Level Agreement (SLA) with Stand Against Racism & Inequality (SARI) for a further 3 years. SARI had provided training to HR, the Service Leadership Team (SLT) and on station which has been successful.
3. Work with the Transformation team on DICE policies to ensure they were inclusive and free from equality barriers. Also worked together to develop a digital system would go live in late 2022 and would improve safeguarding along with providing better scrutiny on policies and key areas.
4. Reviewed e-learning programme which was better aligned to the Service Plan, Service Values, Culture Change and Fire Standards. Participation would be monitored by the Learning & Development Unit.
5. Watch Managers training, which consisted of modules on non-violent communication and behavioural aspects of supervisory management from an equality and diversity perspective. This would support and enable managers to help de-escalate situations before they could manifest.
6. Monitored actions from the Culture Change Programme included ensuring that our working environments created 'a better place to work in'.

Arising from Members questions the following points were clarified:

1. A question was asked regarding the plans and progress for the re-organisation of the team. The CIM advised that the recent survey had highlighted emerging themes which need to be addressed by the DICE team and included in the strategy. Therefore, the new occupant of the DICE post would concentrate on engaging with fire station staff along with our key partners within the community.
2. The CIM advised that the Service Cultural journey was ongoing, and the new member of the team would also become involved in encouraging a diverse intake of recruits and committing to more community engagement. For example, contact has been made with young people at a local boxing club which has resulted in genuine interest being shown in the fire service. Collaboration is continuing with Bristol City Council (BCC) and the Department of Work & Pensions, and six recruitment events have been attended this year so far.
3. A Member asked whether any themes had been found following the Home Safety Visits undertaken for the vulnerable in our community. Although the CIM was not involved in such visits, he does work closely with the Risk Reduction, Business Fire Safety and Vulnerable Adults teams. The community partnership database would give these teams access to a wider range of communities and would improve his work with those teams.

The t/ACFO added that the Service had utilised the underspend from the DICE budget to create two new posts to attract diverse applications into the operational recruitment process. These Community Advocate posts have proved successful to date in the recent recruitment process for WDS firefighters and the intention going forward is to continue using these posts for community outreach work in our most underrepresented communities. There is also a desire via a business case which will shortly be presented to SLT to utilise the Stepping Up programme funding plus

an additional amount of budget to create an externally facing DICE role in order to access our wider communities and continue to seek to make Avon Fire & Rescue Service an employer of choice.

**It was RESOLVED –**

**That the People and Culture Committee noted the content of the report and the DICE strategy.**

## **9. EMPLOYMENT CASE UPDATE 2021-22**

The Committee received a report from the HR Manager who provided a summary of formal discipline, grievance and Employment Tribunal (ET) cases for the period 1 April 2021 to 31 March 2022.

Key points highlighted were –

1. Since the Baker report in 2017, scrutiny had improved. A Single Point of Contact (SPOC) has allocated responsibility for cases to ensure they are dealt with appropriately and consistently. The SPOC and HR share learning from cases to help educate Service wide communications, training, changes to policy, processes and behaviours to reduce the likelihood of further cases.
2. Cases are discussed at Service Leadership Team (SLT) meetings as part of regular HR and cultural improvement updates.
3. SLB has drafted a zero tolerance statement which is currently being consulted upon with key stakeholders across the Service.
4. Due to COVID-19 restrictions, HR had not been able to visit Stations/Departments. Visits have now resumed and these help build relationships and help support employee and managers to identify and address inappropriate behaviour at an early stage to reduce the need for formal action.
5. Her Majesty's Inspectorate of Constabulary's and Fire and Rescue Services (HMICFRS) has carried out external scrutiny, meeting with the HR Manager to review discipline and grievance cases and compare against other Services.
6. Members were reminded that the Service has 850 staff, so the percentage of incidents were low, but it was appropriate to review to identify trends.

Arising from Members questions the following points were clarified:

1. In relation to discipline cases, the HR Manager agreed that it was difficult to be open and transparent about specific cases while also protecting employees and victims. The HR Manager asked Members to consider how they would prefer to receive HR information from her especially as she would be limited on how much detail she can provide to them in open reports.
2. Cllr Wilcox, as Chair of the P & C Committee asked for further details to be provided to him.

**It was RESOLVED –**

**That the Employment Case update 2021-22 was noted.**

## 10. CULTURAL CHANGE UPDATE 2022

The Committee received a report of the CIM who provided an update on the results of the focus groups facilitated by Opinion Research Services (ORS) during February and March this year. The focus groups were used to gain a more in-depth understanding of the negativity that, while noting the limited survey response, was reported most in three staff categories; those with 10+ years' service; corporate staff; and those who had experienced discrimination, prejudice, harassment, or bullying. The report proposed the next steps towards progressing our cultural journey following analysis of the data and information collated from qualitative report findings and these focus group sessions.

Earlier this year, the Service commissioned OCR to conduct a second culture survey to provide a snapshot of progress and themes identified in the first survey. The staff focus groups report of findings provides a summary of focus groups and provided an insight into emerging themes. Members had previously reviewed the first report which highlighted movement in progress.

Key points highlighted during COVID-19:

1. Staff attitudes changed, relationships in the organisation became more positive and caring.
2. Senior managers were far more visible and proactively engaged with staff.
3. There was more training and development on offer for staff which in turn had progressed staff promotion and leadership.

Issues identified in the survey included:

1. Consideration – managers should be equipped with better tools to deal with inappropriate behaviour and address issues at an early stage.
2. Zero tolerance approach to bullying and harassment – this was highlighted in particular around race and ethnicity and had not been previously raised in the Baker report.
3. The number of Black, Asian and Minority Ethnic (BAME) staff in the Service is quite low and this would be investigated.
4. Need for better communication around diversity – it appeared that there were still pockets of mistrust around positive action and in particular the attitudes of staff towards female staff on station.
5. Training & Development – more focus was required on supervisors and managers understanding diversity and the barriers to processes.
6. Focus and concern that legacy issues identified in the first survey still remained, including wholtime aspects and a division between operational and corporate staff.

The CIM added that these points would be considered as objectives under the DICE strategy. When he joined the Service in 2018, he felt that the morale was low but since then had lifted and there were 'green shoots for improvement'. He added that colleagues were willing to engage and embed our values. There was still more work to be done, but major improvements had been made.

The CIM confirmed the next steps were:

1. Revise the 'Make Avon a better place to work' document which would result in a new culture change action plan.
2. Continue to promote culture and embed our values
3. Continue to work with and alongside HR including with recruitment
4. Focus on creating safe spaces – the BAME network would be reinstated and menopause and neurodiversity working groups set up.
5. To introduce quarterly snapshot surveys internally.

Arising from Members comments and questions the following points were clarified:

1. Members agreed that it was important that if employees weren't happy, they understood the reasons why so this could be investigated and resolved. The Fire Authority need to make sure that the culture is appropriate, that staff feel valued and wanted them to complete these surveys. It was worrying that there was a low take up. There have been improvements but there was more work still to be done and the AFA should work together to improve this.
2. It was noted that the response rate is low despite receiving reminders, but it could be worse in other public sector organisations. It was asked whether employees felt that there was little point completing the survey as it will take up their time and nothing would happen. Could a question be added to the Personal Development Review (PDR), to ask whether the survey had been completed? The CFO added that survey requests via email was common usage but, in some areas, this was not so appropriate such operational firefighters. It was agreed that the HR Manager and CFO would review this area of the PDR along with objectives including culture.
3. Members raised a query on the progression of staff within Control when applying for other positions within the organisation. The CFO explained that Control was the unique critical first point of contact and critical in terms of resourcing. Opportunities to move for progression could be a point of frustration as it was a small team, however, 2 control room staff had moved and 1 was on secondment.
4. Members referred to sections 1.6 and 1.7 on page 126 and were disappointed that staff were feeling undervalued especially those working in prevention. Members felt that this should be prioritised.
5. Members highlighted sections 1.12 -1.4 around slow decision making and questioned how these processes could be accelerated.
6. The CIM agreed that an action plan will be created for the 'key areas of consideration' highlighted.
7. Members asked whether staff are aware of and had the ability to use the Whistleblowing process? The HR Manager advised that staff were aware of the policy and process but hoped that it would not be necessary to use and that other avenues would be used first.

The CIM highlighted:

1. New recruits – he has been allocated a presenter slot at the wholetime training school. His observations of the recent intake showed an improvement in diversity including women and BAME.

2. Culture Change - there are two main areas which require review - our people and the structure of our organisation. The Transformation Team is working on policies, processes and impact assessments and the changes made will help to make our processes slicker and reduce stress within the workplace.

**It was RESOLVED –**

**That the Culture Change Update 2022 was noted.**

## **11. LEARNING AND DEVELOPMENT QUARTERLY REPORT**

The t/ACFO provided a report to the Committee, on behalf of the Group Manager, Learning & Development, which provided an update on Operational Training and Organisational Development.

The key points highlighted were:

1. The Breathing Apparatus (BA) re-qualification course has moved to Hicks Gate Fire Station and could accommodate up to 40 firefighters a month. It was initially advised that 53 firefighters had an out-of-date BA qualification, but further analysis showed that 17 were booked on a course and 19 firefighters were on modified duties so the position was much stronger than initially thought.
2. Grenfell – the Phase 1 initial training had been carried out and phase 2 will start in mid-June in conjunction with Bristol City Council (BCC) and using high rise buildings in the Avon area.
3. Severn Park – the annual training plan began in April and focused on recruit training. Two wholetime training schools of 24 recruits have taken place along with three on call training schools of 20 firefighters of which AF&RS had 10 places on each course. The transfer of the BA course had allowed training to focus on new recruit training and increased use of large meeting rooms. In addition, SLT and AFA meetings had also made use of the larger rooms available.
4. Hazardous material and malicious threat training, such as marauding terrorist attack training, had taken place alongside South West Ambulance Services Foundation Trust (SWASFT) which included the best possible means to protect staff in these environments. There are also a number of trained speciality teams such as National Interagency Liaison Officers (NILO) at Hicks Gate and Clevedon.
5. National resilience teams are trained at Avon, who could be called to deliver specialty resource elsewhere such as the recent dam burst in Derbyshire.
6. Hazardous detection identification and monitoring capability had been recently assessed. The Service performed well with no improvements identified.
7. Technical rescue – the NFCC has released a rescue boat code. Training was previously provided at the Menai Straits channel. A firefighter has been seconded from Bath Fire station into Learning & Development, will be delivering the same course in the Severn estuary, which has the similar water conditions to the Menai Straits. This had reduced travel time, costs and had less impact on family life and could be offered to other Services in the future.

8. Recruits Training: the first Apprenticeship Course took place earlier this year and was 2 weeks longer than usual to receive the impact/updates from Weston College. All 24 recruits are now on station and would have touch points with Weston College up until their 2-year assessment. The second Apprenticeship Course started in April and HR are currently recruiting for the February 2023 school.
9. Development Pathways was launched in September 2021 – discussions would take place at PDR/appraisal and include where staff hope to be in the future and what actions are required to move themselves forward. There are 35 trained mentors in the Service to help with this progression.
10. Leadership Academy: This is based on Avon & Somerset Constabulary's version and is a suite of development courses for aspiring staff.
11. Mediation skills training for managers had been introduced, with the intention to deal with any issues at the earliest possible opportunity before they escalate.

In answer to Members questions the following points were clarified:

1. Mentoring – the t/ACFO outlined that staff were encouraged to volunteer to become a mentor and take the opportunity to be mentored.
2. The frequency of BA training – the t/ACFO advised that a tool is used to review if staff are out of compliance. Training numbers were restricted whilst at Severn Park, however, when analysed only 17 members of staff had not re-booked their training.
3. Members were pleased with the arrangement with Weston College, it was confirmed that the contract was ongoing.

**It was RESOLVED –  
That the Learning & Development Quarterly Report was noted.**

## **12. GENDER PAY REPORTING**

The Committee received a report from the CIM which provided an update on the Gender Pay Gap 2022.

The AFA as a public sector employer with more than 250 staff is required by law to publish gender pay gap information under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. The gender pay gap shows the difference in the average pay between all men and women in a workforce. It compares hourly rates of pay and any bonuses staff may receive by gender, highlighting any areas of imbalance.

Key points emphasised were –

1. For the first time, there was a positive increase in favour of female staff. It was confirmed that since reporting had begun, there had been a reduction year on year. The Service still had a lower percentage in terms of other Fire and Rescue Services. This is due to an increased female representation in the middle and higher quartile bands. Staff had been given opportunities to progress including



attendance of courses such as Springboard. This was also reflected in initiatives being worked on by DICE and HR.

2. HR had made improvements on recruitment including community and partnership data bases, delivery of unconscious bias training and values-based questionnaire during the application stage. Recruits had mentioned that they had been impressed with the values-based questionnaires.
3. The Service continued to encourage female staff to apply for promotion and progression.

The t/ACFO mentioned that in recognition of his DICE work, the CIM had been awarded a Stepping Up 2022 Award. Many congratulations.

The report was proposed by Cllr Massey and seconded by Cllr Bromley.

**It was RESOLVED –**

**That the Committee noted and approved the content of the Gender Gap Report 2022 and to approve the publication of the Report.**

### **13. DATE OF NEXT MEETING**

The date of the next meeting would take place on 16 September 2022 at 10.30am, at Headquarters.

### **14. EXCLUSION OF THE PRESS AND PUBLIC**

The Chair proposed and Cllr Massey seconded and it was:

**RESOLVED - that the public be excluded from the meeting during the following items of business on the grounds that they contain exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

Cllrs Monk, Tucker, Jacobs, Davies and Hopkinson left the meeting at 11.55hrs whilst Cllrs Massey, Wilcox and Bromley remained.

### **15. CONFIDENTIAL MINUTES OF THE ORDINARY MEETING OF THE PEOPLE & CULTURE COMMITTEE HELD ON 4 MARCH 2022**

Cllr Massey moved and Cllr Bromley seconded that the Minutes be approved.

**RESOLVED – that the Confidential Minutes of the People & Culture Committee held on 4 March 2022 be approved as a true record and signed by the Chair.**

## 16. PENSION DISCRETION CASE

The Committee received a report from the Director of Corporate Services (DoCS) who provided a summary of the case. Officers from the Pension Administrators were available to assist with Member questions.

DoCS provided an overview of the papers provided to Members for a decision on a request from a former employee to exercise a pension discretion:

Two of the report recommendations were unanimously by Members and the Clerk would draft a letter of determination.

The meeting ended at 13.05hrs

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Chair



**AVON FIRE AUTHORITY  
AUDIT, GOVERNANCE & ETHICS COMMITTEE (AGEC)**

**29 JUNE 2022**

**MINUTES OF MEETING**

**PRESENT:** Councillors Ashe, Goggin (Chair), Tucker and Wilcox

The meeting started at 10.30 am

**1. ELECTION OF CHAIR FOR MUNICIPAL YEAR**

It was proposed by Cllr Tucker and seconded by Cllr Ashe that Cllr Goggin be elected Chair of the Audit, Governance and Ethics Committee for the 2022-2023 Municipal year. There were no other nominations.

**RESOLVED – that Cllr Goggin be elected Chair of the Audit, Governance and Ethics Committee for the municipal year.**

**2. APOLOGIES FOR ABSENCE**

Apologies for absence received from Cllrs Brown, Butters and Payne.

**3. EMERGENCY EVACUATION PROCEDURES**

Officers confirmed the emergency evacuation procedure for the venue.

**4. DECLARATION OF INTERESTS**

There were no declarations of interest.

**5. PUBLIC ACCESS**

None received.

**6. CHAIR'S BUSINESS**

Members and Officers introduced themselves.

1. The Chair outlined the continuing need for restrictions due to COVID-19. As no press or public were able to attend in person, the meeting would be recorded and uploaded to the AFA website.
2. The Chair explained the voting system for the meeting, ie votes against a motion would be recorded first, followed by abstentions, then votes in favour.

## 7. MINUTES

Cllr Goggin moved, and Cllr Wilcox seconded that the Minutes be approved as a correct record of the meeting.

**RESOLVED – that the Minutes of 11 February 2022 be approved as a correct record and signed by the Chair.**

## 8. EXTERNAL AUDIT PLAN 2022/23 FOR APPROVAL

The Committee received the External Auditors (Deloitte) Audit Plan for 2022/23.

The Deloitte representative presented the Audit Plan to the AGEC Committee for the 2021/22 audit of Avon Fire and Rescue and drew attention to the key messages in the paper:

1. Audit Plan - planning work had been informed through discussion with the Treasurer, the Finance Team and the review of relevant documentation from across the Authority.
2. Key risks – ‘significant audit risks’ had been identified for the Authority. It was confirmed this was the standard terminology used for all audits and was not specific to this organisation. These risks were presented as a summary dashboard on page 13 of the paper. The risks were based on Deloitte’s risk assessment procedures, incorporating the impact of issues identified in the prior year audit.
3. Regulatory change – the audit was carried out under the Code of Audit Practice issued by the National Audit Office (NAO). Management and the Committee would be kept up to date with sector and technical updates as they arise.
4. The materiality benchmark had used 2% of gross expenditure (total forecast expenditure per the March 2022 Revenue Financial Report) as the benchmark for determining materiality. The audit lead confirmed this materiality level would be updated based on the gross expenditure as per the 2021/22 accounts.
5. Under UK auditing standards there is a mandatory presumed risk of revenue recognition due to fraud. The audit lead confirmed this risk was rebutted for the Avon Fire Authority (AFA), as the majority of income received is from Council Tax & precepts received from the Local Authorities. As such the auditors would review ‘Capitalisation of expenditure’.

6. 'Management override of controls' was a standard risk identified on every audit, was not specific to this Authority and was not a matter of concern but would be looked at and continually monitored.

In response to questions:

7. Contract breaches were more of a Value For Money issue and therefore not considered to be a significant risk to be audited in terms of accounting judgements and journal controls.
8. And Fraud Scope in the plan was about a general standard and not specifically about the AFA.

It was moved by Cllr Goggin and seconded by Cllr Wilcox that the External Auditors Audit Plan for 2022/23 be approved.

On being put to the vote it was unanimously -

**RESOLVED – That the External Auditors Audit Plan for 2022/23 be approved.**

## **9. 2021/22 DRAFT STATEMENT OF ACCOUNTS AND NARRATIVE REPORT**

The Treasurer presented the draft 2021/2022 Statement of Accounts and Narrative Report (Appendix 1), together with a copy of the draft Public Notice requirement (Appendix 2).

Key points emphasised were –

1. The national deadline for the approval of the 2021/2022 Statement of Accounts and Narrative Report had moved from the end of September to the end of November 2022.
2. A report would be submitted to AGEC at its November 2022 meeting, after the External Audit and the statutory Public Notice requirement with the final 2021/2022 Statement of Accounts
3. At the time of producing the draft Statement of Accounts for the June 2022 AGEC meeting, the AFA had not received all the information required for its external property valuation. Therefore, the top-level valuation uplift, of £3.32m, had been reflected within the draft accounts, with the full accounting break-down to be updated when the detailed valuation report was received from the external valuer. This position had been agreed with External Audit, the Fire Authority Chair and the AGEC Chair. It was proposed the draft Statement of Accounts would be updated once this external property valuation had been received, before sharing the draft accounts on the website in July.
4. The Treasurer was pleased to confirm a break-even position had been achieved on the FA's 2021/2022 Revenue budget.

In response to Members questions the following points were clarified –

5. The override provision was there to cover certain costs that could not be borne by the taxpayer.
6. The FA's timeframe regarding decision making in regard to the Estate's Strategy would be set by the full AFA and not AGECE.
7. It was confirmed the draft Statement of Accounts could be scrutinised by the public within the statutory Public Notice period and the period of public scrutiny would commence when the refreshed accounts were published, following the receipt of the external property valuations

It was moved by Cllr Goggin and seconded by Cllr Ashe that the draft 2021/2022 Statement of Accounts and Narrative Report, to enable the Fire Authority to meet its Public Notice requirement, be noted and approved.

**RESOLVED –**

1. **That the draft 2021/2022 Statement of Accounts and Narrative Report, to enable the Fire Authority to meet its Public Notice requirement, be approved.**
2. **That the delay in the receipt of the external property valuation report and the need to include this information in the draft Statement of Accounts, before the draft Statement of Accounts and Narrative Report was shared on the Fire Authority's website in July, be noted.**
3. **That final approval of the draft Statement of Accounts, once updated for this final property valuation, be delegated to the Fire Authority Chair, the AGECE Chair and the Treasurer.**

**10. UPDATE ON INTERNAL AUDIT RECOMMENDATIONS**

The Committee received a report of the Corporate Assurance Manager updating Members on progress with completing Internal Audit recommendations and management actions as approved by The Service Leadership Team (SLT) on 26 May 2022.

**RESOLVED –**

**That the progress made against the Internal Audit recommendations and management actions be noted.**

**11. INTERNAL AUDIT REPORTS (This item Included agenda items 12 and 13 as published on the agenda)**

The Committee received a report from RSM UK Risk Assurance Services LLP (RSM) who are the AFA's Internal Auditors -

1. To summarise the Internal Audit assignments completed since the last AGECE meeting, for 2021/22 from RSM Risk Assurance Services LLP.

2. To present the Internal Audit Annual Report and Opinion for 2021/22.
3. To present for approval the Internal Audit Plan for 2022/23.

Key points emphasised were –

#### Training Report

A further two medium category actions had been agreed around maintenance of skills and training data and evidence retention to provide assurance over the accuracy of data relied upon around Firefighter training and competencies. Noted that the context of the timing of this audit, with the pandemic, had a potential impact on training availability.

#### Transformation Report

A reasonable assurance opinion had been reported and three medium and one low category actions had been agreed with management along with processes in place to ensure continued transparency of delivery.

#### Follow Up Report

Reasonable progress had been made with 60% of actions being implemented in full, and 40% in progress. Seven of the ongoing actions are from advisory internal audit reviews such as Diversity and Inclusion and Risk Management.

#### Annual Report

The report summarised the work of internal audit for the 2021/22 financial year, and internal audit opinion found that the AFA had an adequate framework. However, further enhancements to ensure the framework remained effective had been identified, including Performance Management Training, Fleet Management, Financial Controls, Transformation and the Follow up.

#### 2022/23 Internal Audit Plan

Following the re-tender for internal audit services and the reappointment of RSM as the Service's internal audit provider, the Committee was asked to consider if the proposed plan met its needs and if there were any areas of risk or concern missing from the plan.

#### Internal Audit update

Following the re-tender for internal audit services, RSM had agreed a series of actions with management to further enhance the internal service and experience. This included an SLT workshop on internal audit to improve understanding of the audit process. A programme of 'nugget' training for AGEC Members on topical areas such as risk, effective governance, cyber security would be developed, together with further and more obvious benchmarking in audit reports. Cross cutting themes would also continue to be included in the Annual Report and monthly and quarterly management meetings.

### AGEC Report Streamlining

The Service would continue working with RSM to further streamline reports produced for AGECE, to ensure that Members received the most relevant and key information.

It was moved by Cllr Goggin and seconded by Cllr Wilcox that the Internal Audit reports be noted and approved.

### **RESOLVED –**

- 1. To note the internal audit reports, the findings and agreed management actions for the following audits:**

**Training – Final version (Appendix 1)**

**Transformation (Appendix 2)**

**Follow Up (Appendix 3)**

- 2. To note the internal audit annual report and opinion for 2021/22 (Appendix 4)**
- 3. To note and approve the internal audit plan for 2022/23 (Appendix 5).**

## **12. CORPORATE RISK REGISTER**

The Committee received a report concerning the Corporate Risks Register (CRR) emphasising that the CRR was a key tool in the effective identification and management of organisational risk.

Members were informed that for this meeting the CRR had been separated into two reports, with four risks needing to be considered in exempt session because there were contractual matters which were pertinent to Member scrutiny of the risk assessments and management actions.

The following corporate risks would be considered in exempt session: CR11 – Financial Systems, CR12 – Cyber Security, CR13 – Loss of IT Systems General, CR15 – Pensions.

Key points made were -

1. The SLT had recently reviewed the breadth of risks captured in the CRR and identified the potential need to add a risk regarding 'Environmental Compliance and Net Zero Carbon' to the CRR.
2. Progress against the Net Zero Fire Authority commitment was being monitored by the SLT, Service Leadership Board (SLB) and Performance, Review and Scrutiny Committee and the Service's scorecard measures and reports on yearly progress towards this target.
3. As the target spanned across multiple years and included cross-Service independencies SLT considered it essential to have further regular



oversight of risks in respect of Net Zero compliance and, more widely, any emerging environmental risk impacting on the Service.

4. SLT were currently in the process of developing and defining the risk ensuring there was no duplication with the current health and safety and premises risk definitions. A proposal would be submitted to a future SLT meeting as a new addition to the CRR.

Members welcomed the CRR update and the improvements that had been made to its format.

It was moved by Cllr Goggin and seconded by Cllr Wilcox that the CRR be noted subject to risk scores in red appearing in bold and an amendment regarding the date the initial risk score was set being added to the CRR in future reports.

**RESOLVED –**

1. That the CRR in respect of the risks in this non-Exempt report and the controls and mitigation in place to manage these risks be noted.
2. That the date that the initial risk scores in the CRR were set be included in future reports.

**13. DATE OF NEXT MEETING**

Moved by Cllr Goggin and seconded by Cllr Wilcox.

**RESOLVED – that the date of the next meeting be held on 22 September 2022 at 10.30am.**

**14. EXCLUSION OF THE PRESS AND PUBLIC**

The recommendation was moved by Cllr Goggin and seconded by Cllr Tucker.

**RESOLVED –**

**That the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part I of the Local Government Act 1972 and that in accordance with Schedule 12A, Part II, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**15. CONFIDENTIAL MINUTES**

17.1 Confidential Minutes of the Meeting held on 11 February 2022.

Cllr Goggin moved, and Cllr Wilcox seconded that the Minutes be approved as a correct record of the meeting.

**RESOLVED – that the Confidential Minutes of 11 February 2022 be approved as a correct record and signed by the Chair.**

**16. CORPORATE RISK REGISTER INCLUDING COMMERCIAL CONTRACTS**

The Committee received an exempt report regarding specific items of the Corporate Risks Register (CRR).

Members were informed that the CRR was not usually an exempt agenda item but on this occasion commercial contract information formed part of the risk assessment and management mitigations in four areas of corporate risk.

After detailed consideration the recommendation of the report was then moved by Cllr Goggin and seconded by Cllr Wilcox, and it was unanimously -

**RESOLVED –**

**That the risk assessment for the four areas of corporate risk, relating to -**

**CR11 – Financial Systems**

**CR12 – Cyber Security**

**CR13 – Loss of IT Systems General**

**CR15 – Pensions**

**and the controls and mitigation in place, as discussed and considered, be noted, and endorsed.**

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Chair

The meeting ended at 12.20 pm



## PERFORMANCE REVIEW AND SAFETY COMMITTEE

15 JULY 2022 at 11:00 am

### MEMBERS PRESENT:

Councillors, Davies, May, Nutland, Payne (Chair).

#### 1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR

It was proposed by Cllr Davies and seconded by Cllr Nutland that Cllr Payne be elected Chair of the Performance, Review and Scrutiny Committee (PRSC) for the 2022-2023 municipal year. There was a vote, and it was:

**RESOLVED – that Cllr Payne be elected Chair of the PRSC for the municipal year.**

#### 2. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Eddy, and Cllr Monk

Noted that Cllr Ali was not in attendance.

#### 3. EMERGENCY EVACUATION PROCEDURES

The ACFO explained the emergency evacuation procedures for the room/building.

#### 4. DECLARATION OF INTERESTS

There were no declarations of interest.

#### 5. PUBLIC ACCESS

None received for this meeting.

## 6. CHAIR'S BUSINESS

1. The Chair made a statement regarding the continuing need to be sensible due to COVID-19. To reduce the need for press or public to attend in person, the meeting would be recorded and uploaded to the AFA website.
2. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes in favour.

Members and Officers introduced themselves.

## 7. MINUTES OF THE MEETING OF THE PERFORMANCE REVIEW AND SCRUTINY COMMITTEE HELD ON 21 APRIL 2022.

It was moved by Cllr Payne and seconded by Cllr Nutland that the Minutes be approved as a correct record.

### **RESOLVED -**

**That the Minutes of 21 April 2022 be approved as an accurate record of the meeting.**

## 8. PERFORMANCE REPORT

The Committee received a report of the Corporate Performance Manager (CPM) outlining the performance of the organisation against targets for the period April to May of financial year 2022/23 and the Performance Report for 2021/22.

The key points summarised in the report were:

### **Prevention:**

1. Two of the four fire indicators are on target. Accidental dwelling fires are meeting target despite high numbers in April. Incidents were lower in May.
2. Deliberate vehicle fires are just off target due to high numbers in May, particularly in the Weston-Super-Mare area.
3. Deliberate secondary fires are just off target due to high numbers in April, however, numbers have reduced in May.
4. Just off target for completing Home Fire Safety Visits and have exceeded target for delivering educational packages. As numbers of visits are increasing there is confidence that the end of year target will be met.

### **Protection:**

1. The targets for call challenging Malicious False Alarms and for reducing attendance at False Alarms in business premises have been met.

**Response:**

1. All response indicators including answering of 999 calls are on target. The number of 999 calls received and the number of incidents attended are both up 4% compared to last year. (95.2% on target).
2. Sickness level for Corporate Staff is on target. Sickness for WT Uniform and Control Staff is off target. In line with national guidance, sickness recording relating to absences due to COVID-19 have been reintroduced and recorded in the reported data. These figures were previously recorded separately, but national guidance is to now include them. As the number of people absent with COVID-19 is still quite high this is adversely impacting on the data.

**Improve our Service:**

1. The Health and Safety and Environmental metrics are reported quarterly, and progress will be updated at the next meeting.
2. The new indicator for Revenue Budget and variance against the Plan is on target with zero % variance.

**Invest in our Staff:**

1. The Performance and Development Reviews (PDRs) for staff are off target with 86% being in date (the target is 95%). A PDR is in date if no more than 365 days have elapsed since it was last completed. A report ran on 1 July for data up to the end of June indicated that 93% (647 out of 697) of PDRs had been completed. It was recognised that this was an area for improvement.

**Performance Report:**

1. The Performance Report has been updated to add more general information about how Avon Fire & Rescue Service (AF&RS) uses its resources. It was highlighted that there two errors in the report on Page 14. The Table title should read 2021-2022, and the section Ensuring Fairness and Promoting Diversity should indicate an upward arrow for requires improvement (not inadequate as presently shown).
2. In response to a note made for recording vehicle incidents at high speed in the meeting 21 April 2022, the CPM presented information relating to two incidents.

Following questions from Members the following points were made/clarified -

1. Vehicle fires are recorded as separate incidents if there is more than one ignition source. If there is only one ignition source that spreads to other vehicles this is recorded as one incident.
2. In response to a question where do targets originate? It was explained that benchmarking is outlined on the scorecard, and it is set in family groups (similar Fire and Rescue Services).
3. Appraisal date process was outlined. It was reported that any development requirements within certain competencies are fed back into the annual planning process to increase training.
4. The attendance response time indicator for non-emergency calls was explained as being achieved so quickly as many of the incidents were in highly populated areas close to fire stations.
5. Home Fire Safety Visits are increasing due to the number of partner agency referrals.

6. There is no data recorded for the number of prosecutions for criminal damage relating to deliberate fires. It was agreed that the possibility of a letter requesting information appertaining to prosecutions could be explored. It was noted that the number of this type of incident is low.

The report was moved by the Chair and seconded by Cllr Davies

#### **Resolved**

1. **That the Performance Report for April to May 2022/23 be noted and approved.**
2. **That the Scorecard metrics for 2022/23 be noted and approved.**

### **9. TRANSFORMATION PROGRAMME UPDATE**

The Committee received a report of the Area Manager, Head of Service Transformation Team (HST) which provided the fifth update on the AFA Transformation Programme.

The key points highlighted were:

1. The Transformation Programme remains on track; however, progress has slowed in some areas. The explanation for the slowing of progress related to the two vacancies within the process and policy teams, the wait for the FireWatch upgrade, and the pending completion of the Office 365 migration.
2. It is noted in Projects Register that there are five work packages that have moved from a RAG status of 'green' to 'amber' (since the last report) and one further work package has been started. Six continue to be 'red', all of which are reliant on the FireWatch upgrade.
3. The Projects Register now contains two additional columns for a Service Leadership Team (SLT) 'Sponsor' and 'Business Lead' to enable closer collaboration between Transformation and key stakeholders. The intention is to document the purpose of each role and propose a stakeholder for each work package, for consideration by the Service Leadership Board (SLB) and SLT. RSM internal report actions 4 completed or near completion.
4. A new Benefits Management Framework has been produced and is now 'live', The Service Transformation Programme is responsible for ensuring that the momentum and corporate synergies already established from the previous successful Improvement Programme continue, so that AF&RS Service becomes a 21st century response, prevention, and protection Service.

Following questions from Members the following points were made/clarified –

1. IT provider has been commissioned to put in place the infrastructure for testing Firewatch, the timeline for testing is outlined in the report. Assurances have been given that the test databases will be up and running by the end of July 2022.

**Resolved - That the report be noted.**

## **10. ROUND 2 HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (HMICFRS) INSPECTION ACTION PLAN**

The Committee received a report of the Service Liaison Officer (SLO) providing an update on HMICFRS Inspection Action Plan. The second 'round 2' HMICFRS inspection report was formally tabled following its publication on 15 December 2021. The latest approved version was included as an appendix.

The key points highlighted were:

1. The version of the plan at Appendix 1 was the same as that tabled as a one off on 22 June 2022 Fire Authority meeting in response to Chair's request for all Members to have visibility of the plan. The absence of any further updates was due to the bi-monthly monitoring by SLT, and the lead time involved in the preparation of Committee papers.
2. Progress against 63 individual actions within the Round 2 plan to address the 22 areas of improvement show 17% completed, 40% on going, and 41% yet to be started.
3. It was reported that in the HMICFRS Round 3 inspection programme due to be undertaken in 2023/24 it proposes to move to a common grading approach across FRSs and police inspections and plans to expand its four-tier grading to five and introduce a new judgment of 'adequate'.

Following questions from Members the following points were made/clarified –

1. It was agreed that in November Members briefing that there will be an update on PORIS software and a demonstration.
2. It was proposed to have a feasibility study on how to reach a judgement of 'outstanding' once the characteristics of good performance are available.
3. SLT are giving this plan sufficient priority.

**Resolved that:**

- 1. The progress made against the most recently approved version of AF&RS's HMICFRS inspection action plan (Appendix 1) be noted.**
- 2. The current HMICFRS inspection activity be noted.**
- 3. A feasibility study be conducted on how to reach judgement of 'outstanding' once the characteristics of performance are available from HMIFCFRS**

## **11. 2021/22 CAPITAL PROGRAMME UPDATE**

The Head of Finance presented the report which provided an overview of the 2022/23 to 20024/25 Capital Programme and operational updates for 2022/23 regarding progress on projects.

The key points highlighted were –

1. Majority of information is as per approved programme, there has been an adjustment as noted previously due to the delay of delivery of ancillary vehicles that were initially expected in the last financial year, now due to be delivered in this financial year (valued at £410,000.00).
2. An insight was given to some capital expenditure that has been made in the first few months for the nearly completed Avonmouth development.

Following questions from Members it was confirmed that:

Figures rolled over from previous financial year have been based on what can be achieved.

**Resolved - That the 2022/23 to 2024/25 Capital Programme and key issues within the update be noted.**

## **12. GRENFELL TOWER INQUIRY PROGRESS UPDATE**

The Committee received a detailed update report on the progress that had been made in respect of the Grenfell Tower Inquiry Phase 1 report and recommendations.

In summary Members noted that:

1. Of the 29 internal actions the overall status remains unchanged with 16 of the internal actions complete and a further thirteen internal actions still in progress. A further review of progress and target completion dates has been completed and seven internal actions have had their target completion dates delayed. Internal action 10 has been delayed by one month until July, whilst the other six have been delayed until December 2022. The primary reason for these delays relates to the procurement and provision of new hardware for the rear of appliances. This device needs to function for several internal departments; therefore, it was important the correct device was chosen as there are significant costs associated. This decision was approved by the ACFO Service Delivery Support at the Incident Command Working Group in April 2022.
2. The second phase of the improved tall buildings training for operational crews has now been completed, with 41 half day sessions having been delivered throughout April and May 2022. This second phase was delivered through face-to-face practical training, with a focus on the new equipment and policies. The third phase of tall buildings training is scheduled for July using local authority high rise residential buildings (HRRB), to provide a realistic environment and bring together the skills and knowledge acquired through phase one (e learning) and phase two (practical input).  
It was reported that some new operational information notes had been released: Fires in Tall Buildings, Stairwell Protection, and Fire Survival.
3. Work with Bristol City Council (BCC) to improve site-specific risk information in relation to HRRBs and more specifically the Computer Aided Design (CAD) plans and Premises Information Plates (PIPs) for these, was paused



- due to our previous CAD technician taking another role, a new full time CAD technician has now been appointed, so this work will now continue.
4. Once phase three of the training for the Operational Crews has been completed, there will be a need for operational assurance to review how well it has been received and implemented.

Following questions from Members clarification was received on the fact that

There has been a delay in progress of at least 6 months due to the lack of a CAD Technician

**Resolved - That the report be noted.**

### **13. ANNUAL ENVIRONMENTAL REPORT 2021-2022**

The Environmental Manager presented the report which provided an update of the Environmental Report 2021-2022.

The key points highlighted were:

1. The Service has fully delivered on the Public Sector Decarbonisation Grant of approximately £824,00.00. Delivering both on time and within budget.
2. Attention was drawn to the key environmental improvements and achievements that are highlighted in the infographics appended to the main Annual Environmental Report on Page 6.
3. During 2021-2022, the Service focused on reducing its carbon emissions in support of the Avon Fire Authority's (AFA) Net Zero Carbon by 2030 commitment, achieving a 21% carbon emissions reduction against the corresponding 20% target for the year.
4. In recognition of achievements the Service has won both the National Clean Energy Award and the National Business Green Leaders Award.
5. The Service has introduced a new Corporate Risk (Environmental Compliance & Net Zero Carbon), which reflects the increasing strategic importance of environmental improvement and protection.
6. Development of an environmental management system which is compliant to ISO14001 which pulls together work strands to ensure they are delivered on time.
7. The impact of the delivered measures is being monitored in accordance with the requirement of the grant. This monitoring will continue for the next three years and will be evaluating the technologies that have been installed, particularly the air source heat pumps, batteries, and solar systems. Early indications are that the predicted energy and carbon reductions are being delivered on, and these are having a significant impact in the overall carbon reductions for this year already.
8. Installation of electric charging points across the estate is nearly complete. The last two sites are scheduled for completion this month.
9. Close to switch on of the district heating supply at Temple Fire Station which has been undertaken by BCC as part of a public sector decarbonisation scheme awarded to them.
10. Continuation of the transition of the fleet to where possible lower emission or zero emission vehicles. There have been significant delays in the global

supply chain around the delivery of electrical vehicles which will impact it slightly.

11. Progressing work to transition the firefighting foam presently used to a more biodegradable and environmentally benign foam.
12. Working to embed environmental protection and best practice at operational incidents and operational response in line with National Operational Guidance.
13. Working with colleagues across the service to develop a combined impact assessment digital tool. This will mean that all future business decisions will be subject to a mandatory series of impact assessments which consider people, data protection, environment, communities, and assurance of legal compliance.

Following questions from Members the following points were made/clarified –

1. It was explained that the foam the Service is intending to use is fluorine free. There is a slight change in performance compared to that presently used, the Technical Services Manager is researching this to ensure that it meets all requirements.
2. In response to a question regarding electric vehicles it was explained that the Service was not looking to procure electric fire appliances in the current budget.
3. It was agreed that both the items relating to single use plastics, and the transition to fluorine free foam should be amended in the report to reference that work had started on these.
4. It was reported that the trajectory will not be linear to reach net zero by 2030.

**Resolved - That the report be noted.**

#### **14. COLLABORATION AND PARTNERSHIP WORKING UPDATE**

The CPM provided the Committee with an update on Collaboration and Partnership working undertaken by the Service since its last submission (January 2022).

The key points highlighted in the report were:

##### **Collaboration Framework and Toolkit:**

1. The Members were informed that the framework underpins the strategy and will detail the approach to collaborative working. There will also be a further underpinning procedural guidance for Collaboration Leads so that activities are planned, evaluated, and closed in a consistent manner.
2. Work is continuing to update the toolkit. Collaboration Leads will no longer have to complete paper, or e-mail forms. They will be able to plan collaborative activities from anywhere on any device.
3. Introduction of metrics to ensure collaborative activities are kept under review.
4. Evaluations will be conducted annually, and the indication status will be published on the collaborative register.
5. Also being published on the register will be the effectiveness rating for each collaborative activity at the point of the last evaluation.

6. A full report of the toolkit will be provided at the next Collaboration & Partnership Working update, scheduled for January 2023.

**Combined Scoping Impact Assessment:**

1. The Combined Scoping Impact Assessment (CSIA) is a digital tool that helps make informed decisions based on the likely impact of work and ensures compliance with our legal requirements. Importantly, it ensures consideration is given to people, the environment, and the communities when key decisions are being made about the work that is done.
2. All future collaborations will include the mandatory completion of a CSIA during the collaboration planning process, this will be written into the new framework.
3. All CSIAs will be reviewed, and where necessary updated during each collaboration's annual evaluation.
4. All existing collaborations will include the retrospective completion of a CSIA during the next formal evaluations, to ensure these collaborations comply with risk assessment requirements.

**Collaborations in Planning:**

1. The Service is currently collaborating with a number of partners on the production of three new Memorandum of Understanding (MOUs) to support Joint Emergency Services Interoperability Principles (JESIP) relating to working at height, the sharing of live information produced by Service drones, and multi-agency cross border exercising.
2. A full update on existing collaborations will be provided to Members in the next Committee meeting papers (January 2023)

**Third Party use of Avon Fire & Rescue Service (AF&RS) premises:**

1. Work is underway to improve how the Service manages its informal collaboration arrangements, including third party use of premises. This will be achieved by ensuring completion of the appropriate documentation, risk assessments and evaluation of these arrangements.

Following questions from Members,

It was confirmed that in the next update there will be more detail regarding digital information.

**Resolved - That the report be noted.**

**15. DATE OF NEXT MEETING**

**Resolved -**

**That the next meeting of the PR&SC take place on 7 October 2022 at 10.30am.**

The meeting closed at 12:35 pm

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**Chair**

## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>The Clerk</b>
<b>SUBJECT:</b>	<b>Request from the Avon &amp; Somerset Police &amp; Crime Commissioner to join Avon Fire Authority</b>

### 1. **SUMMARY**

Soon after his appointment as the Police and Crime Commissioner (PCC) for Avon and Somerset, Mark Shelford, made a request in writing to the Chair of Avon Fire Authority on 20 May 2021, seeking to join the Fire Authority. That request was considered at Avon Fire Authority's meeting on 30 June 2021 and Members decided to defer a decision on the application until their next meeting in October 2021 and invited the PCC to attend the next meeting to give his reasons for wanting to join the Fire Authority and to clarify what he would bring to the role.

Since June 2021 the PCC has been invited to every Fire Authority meeting to pursue his request to join Avon Fire Authority but, due to other commitments, he has not been able to attend until now. The Fire Authority is therefore provided with an opportunity to ask questions of the PCC at their December 2022 meeting and determine this request.

### 2. **RECOMMENDATIONS**

Avon Fire Authority is asked to:

- a) Agree or refuse the application of the Police and Crime Commissioner for Avon and Somerset to join Avon Fire Authority.
- b) If Avon Fire Authority should decide to refuse the application, Members are required to give detailed reasons for their decision so that the Clerk may publish those reasons.

### **3. BACKGROUND**

- 3.1 The Policing and Crime Act 2017 introduced provisions to enable greater collaboration between the police, fire and rescue and emergency ambulance services and enabled relevant Police and Crime Commissioner's (PCC's) to be appointed to a committee which discharges the functions of a fire and rescue authority.
- 3.2 The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 (the 'Regulations') came into effect on the 18 March 2020. These Regulations (available at a link in the 'Background Papers') enable a Fire Authority to appoint a PCC to be a full Member of the Authority following a request from a relevant PCC. However, it is also open to the Fire Authority to agree or refuse a request as it sees fit. A PCC will not receive additional remuneration as a Member of a Fire Authority and can appoint another person to attend on their behalf as a representative. That person may speak, but cannot vote, and is not to be treated as a Member of the Authority for any purposes.
- 3.3 At its meeting on 16 December 2020, the Fire Authority approved the application of the previous PCC for Avon and Somerset (Sue Mountstevens) to join the Fire Authority. The PCC's representation on the Fire Authority related only to their term of office. Members subsequently approved consequential changes to the Fire Authority's Constitution, in order to facilitate the appointment of a PCC to the Fire Authority and to reflect the changes brought about by the new legislation.
- 3.4 Ms Mountstevens completed two terms as Avon and Somerset's PCC and decided not to stand for re-election in May 2021. At the May 2021 elections, Mark Shelford was elected as new PCC for Avon and Somerset. Any newly elected PCC would need to seek permission from the Fire and Rescue Authority (FRA) to join.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 This report has no financial implications. If the application to join the Fire Authority is approved the PCC would not be entitled to an allowance from the Fire Authority and must claim expenses from the office of the PCC.

### **5. KEY CONSIDERATIONS**

- 5.1 Following his election, the PCC wrote to the Chair of the Fire Authority on 20 May 2021 seeking to join the Fire Authority. His letter is at **Appendix 1**. The letter states '*Collaboration between police and fire has never been more important in these challenging times and this seems a good opportunity and I hope you will invite me to join*'.

- 5.2 Members need to consider the application by the PCC for Avon and Somerset, and determine whether to agree the request, and take into consideration the skills, attributes and the likely contribution of the PCC to the Fire Authority, together with any possible detrimental impact. The potential benefits could include exploration and optimisation of collaboration between the local Fire and Police services. Detriment may include possible conflict and disagreement on issues.
- 5.3 The new legislation (link provided at ‘Background Papers’) requires Members to give reasons for their decision, and publish those reasons, although it is advised that this will only be appropriate if the application is refused.
- 5.4 In response to previous questions raised by the Fire Authority about Ms Mountstevens’ application, Lord Greenhalgh, the Minister for State for Building Safety, Fire and Communities, stated in his letter dated 24 September 2020:
- ‘The Government wants to see greater ambition in emergency services collaboration, and I welcome your further consideration of the PCC’s application to join the FRA.’*
- Further, in Lord Greenhalgh’s letter to the Fire Authority dated 27 October 2020, he stated:
- ‘In the spirit of collaboration between the two services, I would strongly encourage you to support the PCC for Avon and Somerset’s application to be represented on the Avon FRA for their remaining term of office.’*
- 5.5 The PCC, if appointed, will have full rights and obligations as a Member of the Fire Authority, and will serve until the end of their term of office. The Home Office would expect the PCC to be bound by the FRA Code of Conduct, which applies to all FRA members. The usual term of office for a PCC is 4 years; however, as the 2020 elections were delayed, the current PCC’s term is only for 3 years, until the next election in May 2024. There is no limit on the number of terms a PCC can serve.
- 5.6 If agreed, the appointment of the PCC would not affect the total number of Fire Authority Members from the Constituent Local Authorities on the Fire Authority.

## **6. RISKS**

- 6.1 Avon Fire Authority needs to ensure effective oversight and governance of Avon Fire & Rescue Service. The Fire Sector is the subject of a Home Office white paper and consultation on proposals for the reform of the fire and rescue services in England, dated May 2022. The consultation ran until 26 July 2022 and the outcome of that consultation is awaited. In relation to governance, the Government is considering ‘Executive Oversight’ in the form of a Combined Authority Mayor, Police, Fire and Crime Commissioner or Executive Councillor,

each with a formal scrutiny panel. There is therefore the risk that a new governance structure will be imposed on Avon Fire Authority once the results of the consultation are published and the Government presents its reform plans for the sector.

## **7. LEGAL/POLICY IMPLICATIONS**

- 7.1 The impact of The Policing and Crime Act 2017 and The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 are set out in the body of this paper.

## **8. BACKGROUND PAPERS**

- a) Paper to Avon Fire Authority dated 30 June 2021 entitled 'The application of the Police and Crime Commissioner for Avon and Somerset to join Avon Fire Authority', at the following link:

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/browse-meetings/avon-fire-authority/modern-council)

- b) The Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020, at the following link:

[www.legislation.gov.uk/ukxi/2020/168/contents/made](https://www.legislation.gov.uk/ukxi/2020/168/contents/made)

## **9. APPENDICES**

1. Appendix 1 - Letter from the Police and Crime Commissioner for Avon and Somerset dated 20 May 2021.

## **10. REPORT CONTACT**

Amanda Brown, Clerk to Avon Fire Authority, Ext. 347.



20<sup>th</sup> May 2021

Cllr Don Davies  
Chair, Avon Fire & Rescue Service  
Police & Fire Headquarters  
Valley Road  
Portishead  
Bristol BS20 8QJ

Dear Don

Following the changes brought about by the Combined Fire & Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 (SI No. 168), which came into force on 18 March 2020, there is now provision for a Police & Crime Commissioner to become a full voting Member of the Authority for the period of their term of office (subject to a request having been made to and approved by the Authority). I would like to request that I could join Avon Fire Authority.

Collaboration between police and fire has never been more important in these challenging times and this seems a good opportunity and I hope you will invite me to join.

I will look forward to hearing from you.

Fare Thee Well



**Mark Shelford**  
Police and Crime Commissioner  
for Avon and Somerset

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## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>The Treasurer</b>
<b>SUBJECT:</b>	<b>Revenue 2022/2023 Budget Monitoring Report</b>

### 1. **SUMMARY**

This report provides the Fire Authority with an updated revenue monitoring report for the current financial year, based upon spending at the end of October 2022.

### 2. **RECOMMENDATIONS**

The Fire Authority is asked to:

- a) Note the forecast spending position against the 2022/23 Revenue Budget.

### 3. **BACKGROUND**

- 3.1 The 2022/23 net revenue budget was approved at the Fire Authority meeting in February 2022. It is important that the Authority receives regular budget monitoring reports which provide a forecast of spending against this budget.
- 3.2 This report provides forecasts of spending against each agreed budget heading based upon spending to the end of October 2022.

### 4. **FINANCIAL IMPLICATIONS**

- 4.1 This latest report forecasts that spending against the net revenue budget will be £30k overspent. This compares to the previously reported break-even position, based upon spending to the end of July 2022, as reported to the Fire Authority meeting held on the 5 October 2022.
- 4.2 Whilst a small overspend is projected, this represents a positive position for the Fire Authority, given the additional pay and inflationary pressures placed upon

the budget, and the fact that these pressures can be mitigated by underspends elsewhere in the budget and avoid the need to utilise Reserve balances to fund these additional pressures.

- 4.3 Forecasts of spending against each of the agreed budget heads are shown within **Appendix 1** and **Appendix 2**.

## **5. KEY CONSIDERATIONS**

### **Explanations of Significant Variations**

#### Income

- 5.1 Income from Central Government and Unitary Authorities is forecast to be in line with budget, however, additional income received from the South West Ambulance Service NHS Foundation Trust has resulted in a forecast over-recovery of £-302k. This is as a result of the continuation of the support provided by AF&RS over and above the confirmed agreement period at the time of budget setting.

#### Employee Costs

- 5.2 Forecasts of Employee costs have now been adjusted to reflect the confirmed pay award for Corporate staff (£190k additional cost over budget) and the proposed increase of 5% for Uniformed staff (£690k additional cost over budget) to give an updated and accurate representation of the impact of these adjustments. The forecast overspend on Corporate Staff of £34k includes an increase in agency use in several areas to support the Service.

#### Premises Costs

- 5.3 It is forecast that net spending against Premises costs will be underspent by £-135k, primarily as a result of savings on cleaning, where costs have reduced in year (£-64k) and utilities where current prices are lower than projected as a result of the government price cap (£-50k).

#### Transport Costs

- 5.4 A net saving of £-63k is forecast from Transport costs primarily as a result of travel journeys not yet increasing to pre-COVID levels, as had been anticipated, and the resultant savings on car allowance payments to Officers.

### Supplies and Services

- 5.5 It is forecast that overall spending on Supplies and Services costs will be overspent by £69k primarily as a result of an overspend on other supplies and services relating to increases in prices across several items (£61k).

### Other Costs

- 5.6 It is currently forecast that costs relating to the collection fund deficit and capital financing costs will be break-even at year end. An additional amount of £250k was added to the investment fund for in-year bids, however at this time there are no commitments against this figure and is not therefore expected to be utilised in this financial year. This underspend is currently being utilised to mitigate against the overspend on Employee costs together with a portion of the contingency (£-88k).

### **In-year Budget Adjustments**

- 5.7 Included in Appendix 1 (column 4) are figures relating to in-year budget adjustments approved by the Treasurer during the year as regulated by the Fire Authority Financial Regulations A15 to A17. Table A below provides details of each of those adjustments.

**Table A – Summary of In-Year Budget Adjustments**

Budget Virement	Budget Head	£000s	£000s	Narrative
Income:				
To	Corporate Staff	82		Two additional posts - Human Resources Business Partners approved by the Service Leadership Board to be funded from the Investment Fund.
From	Investment Fund		-82	
To	Corporate Staff	50		Additional Supplies & Procurement Officer for Procurement and Supplies Team to support increase in workload to be funded from the Investment Fund
From	Investment Fund		-50	
To	Corporate Staff	100		Training manager and administrator post associated with restructure in the Fire Investigation Team to be funded from the Investment Fund.
From	Investment Fund		-100	
To	Corporate Staff	36		Additional Senior Resource Planner associated with restructure in the RPU to be funded from the Investment Fund.
From	Investment Fund		-36	
To	Corporate Staff	42		Additional staffing resource including revised role of Head of Corporate Assurance, Continuous Improvement and Planning as well as additional administrative posts associated with restructure in the Corporate Assurance Team to be funded from the Investment Fund.
From	Investment Fund		-42	
To	Corporate Staff	170		Additional Business Fire Safety Officer posts funded by Central Government protection grant and Business Fire Safety Manager associated with restructure funded from prior year savings in the Business Fire Safety Team to be funded from Reserves.
From	Reserves		-170	
To	Other Supplies and Services	58		Costs associated with the Transformation Project agreed to be funded from Reserves
From	Reserves		-58	
To	Corporate Staff	190		Additional pay costs associated with agreed 2022 pay award for Corporate staff over and above the 2% included in the budget.
From	Contingency		-190	
To	Equipment and Supplies	127		Costs associated with a replacement foam strategy agreed to be funded from Contingency.
From	Contingency		-127	
To	Contingency	-42		Agreed transfer to Contingency as a result of identified savings on cleaning costs.
From	Cleaning and Refuse		42	
<b>Total</b>		<b>813</b>	<b>-813</b>	

## **6. RISKS**

- 6.1 This report primarily relates to Corporate Risk 20 (Funding and Resource Pressure Risk), within the Corporate Risk Register. This risk has been minimised due to the effective budget management of the revenue budgets throughout 2022/2023.
- 6.2 Additional risks are currently being assessed around the impact of industrial action as part of the Industrial Action Planning Group, and the potential increase in utilities costs which is being monitored in collaboration with the Premises team.

## **7. LEGAL/POLICY IMPLICATIONS**

None.

**8. BACKGROUND PAPERS**

- a. AFA Paper – 05.10.2022 – Paper 10 – 2022/23 Revenue Budget Monitoring Report
- b. AFA Paper – 11.02.2022 – Paper 7 – 2022/23 Budget Setting & Precept

**9. APPENDICES**

- 1. Revenue Financial Summary – 1 April 2022 to 31 October 2022.
- 2. Detailed Revenue Financial Summary – 1 April 2022 to 31 October 2022.

**10. REPORT CONTACT**

Claire Bentley - Head of Finance  
Kevin Woodward - Interim Treasurer,

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**AVON FIRE AUTHORITY****Revenue Financial Summary - 1st April 2022 to 31st October 2022**

<b>Income and Expenditure</b>	<b>2022/23 Original Annual Budget</b>	<b>2022/23 Revised Annual Budget</b>	<b>Movement on Annual Budget</b>	<b>2022/23 Forecast Expenditure</b>	<b>2022/23 Forecast Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Income from Councils	-34,803	-34,803	0	-34,803	0
Income from Central Government	-17,215	-17,215	0	-17,215	0
Other Income	-399	-399	0	-701	-302
<b>Total Income</b>	<b>-52,418</b>	<b>-52,418</b>	<b>0</b>	<b>-52,720</b>	<b>-302</b>
Employees	38,770	39,439	669	40,239	800
Premises	2,735	2,693	-42	2,558	-135
Transport	1,464	1,464	0	1,401	-63
Supplies and Services	6,671	6,856	185	6,925	69
Investment Fund	1,000	691	-309	441	-250
Capital Financing Costs	741	741	0	741	0
Collection Fund Deficit	765	765	0	765	0
Contingency	690	415	-275	327	-88
Reserve Transfers	-419	-647	-228	-647	0
<b>Total Expenditure</b>	<b>52,417</b>	<b>52,418</b>	<b>0</b>	<b>52,750</b>	<b>332</b>
<b>TOTAL UNDERSPEND/OVERSPEND</b>					<b>30</b>

**Note: A minus refers to Income budgets and denotes an underspend**

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**AVON FIRE AUTHORITY****Detailed Revenue Financial Summary - 1st April 2022 to 31st October 2022**

Income and Expenditure	2022/23 Original Annual Budget	2022/23 Revised Annual Budget	Movement on Annual Budget	2022/23 Forecast Expenditure	2022/23 Forecast Variance
	£000s	£000s	£000s	£000s	£000s

**SECTION A: INCOME:**

Income from Councils	-34,803	-34,803	0	-34,803	0
Income from Central Government	-17,215	-17,215	0	-17,215	0
Other Income	-399	-399	0	-701	-302
<b>TOTAL INCOME</b>	<b>-52,418</b>	<b>-52,418</b>	<b>0</b>	<b>-52,720</b>	<b>-302</b>

**SECTION B: EXPENDITURE:****1. EMPLOYEE COSTS**

Full-time Firefighters	25,425	25,425	0	25,997	572
Retained Firefighters	2,842	2,842	0	2,906	64
Auxiliary Firefighters	39	39	0	39	0
Control Room Staff	1,922	1,922	0	2,021	99
Corporate staff	5,318	5,987	669	6,022	34
Fire Authority and Chief Executive Office	1,163	1,163	0	1,163	0
Transformation	419	419	0	419	0
Ill Health Retirement Pension Costs	1,607	1,607	0	1,572	-35
Other employee costs - Inc Relocation, Medical Intervention, CRB Checks, Long Service Gratuities	35	35	0	100	65
	<b>38,770</b>	<b>39,439</b>	<b>669</b>	<b>40,239</b>	<b>800</b>

**2. PREMISES COSTS**

Property Repairs, Fees and Security	804	804	0	804	0
Rent and Rates	903	903	0	892	-11
Cleaning and refuse	329	287	-42	223	-64
Utilities	654	654	0	604	-50
Property Insurance	45	45	0	35	-10
	<b>2,735</b>	<b>2,693</b>	<b>-42</b>	<b>2,558</b>	<b>-135</b>

**3. TRANSPORT COSTS**

Vehicle maintenance, fuel, tyres and testing	995	995	0	1,038	43
Vehicle hire	16	16	0	4	-12
Travel costs, inc subsistence & public transport	25	25	0	23	-2
Insurance - Vehicles	112	112	0	104	-9
Car Allowances	316	316	0	232	-84
	<b>1,464</b>	<b>1,464</b>	<b>0</b>	<b>1,401</b>	<b>-63</b>

**4. SUPPLIES AND SERVICES**

Equipment and supplies	1,093	1,220	127	1,196	-24
Fees and Services	1,410	1,410	0	1,419	8
Communications & ICT	2,732	2,732	0	2,765	33
Expenses and allowances	65	65	0	66	1
Scrap Cars & Extrication Challenge	50	50	0	39	-11
Training Costs	691	691	0	691	0
Other supplies and services	630	688	58	749	61
	<b>6,671</b>	<b>6,856</b>	<b>185</b>	<b>6,925</b>	<b>69</b>

**5. OTHER COSTS**

Investment Fund	1,000	691	-	309	441	250
Capital Financing Costs	741	741	-	741	-	
Collection Fund Deficit	765	765	-	765	-	
Contingency	690	415	-	275	327	88
Transfers to/from Reserves	- 419	- 647	- 228	- 647	-	
	<b>2,777</b>	<b>1,965</b>	<b>-812</b>	<b>1,627</b>	<b>-338</b>	

					<b>0</b>
<b>TOTAL EXPENDITURE</b>	<b>52,418</b>	<b>52,418</b>	<b>0</b>	<b>52,750</b>	<b>332</b>
<b>TOTAL UNDERSPEND / OVERSPEND</b>				<b>30</b>	<b>30</b>

Note: A minus refers to Income budgets and denotes an underspend

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## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>Chief Fire Officer/Chief Executive</b>
<b>SUBJECT:</b>	<b>AF&amp;RS Training Estate and Delivery Options</b>

### 1. **SUMMARY**

- 1.1 Operational Training is at the core of our Service and an essential part of our response, preparedness and risk mitigation. We must provide the facilities and resources to ensure this training can be effectively delivered. The majority of our operational training is currently carried out at the Severn Park Joint Training Centre which is a purpose-built facility constructed and managed under a Private Finance Initiative (PFI) contract with Babcock.
- 1.2 This report outlines our current and future operational training needs and presents several high-level strategic options and a recommendation for the future of training provision for AF&RS. This is focussed on our requirement for training facilities to deliver operational fire fighter training beyond the current Severn Park (SP) Joint Training Centre (JCT) Private Finance Initiative (PFI) site contract which ends on 31 March 2028.
- 1.3 The purpose of this report is to seek agreement to our recommended option detailed in section 2 below, and to proceed to a detailed phase of work to prepare for the PFI contract expiry and ensure a timely transition of our training functions to a new delivery model. This will also allow us to more fully assess the potential to move other key functions to a combined site and establish the detailed costs, savings and potential for further Avon Fire & Rescue AF&RS Estate rationalisation and consolidation of Service functions in one location.

## **2. RECOMMENDATIONS**

The Fire Authority is asked to:

- a) Note the report and its recommendations.
- b) Approve Option E - Severn Park Acquisition Model as the preferred option for the provision of operational training at the expiry of the current PFI Contract (March 2028).
- c) If approved, request that the Property Manager and Area Manager of Learning & Development Manager proceed to a more detailed phase of work to plan and implement this option ensuring a timely transition of our training functions to a new delivery model, and more fully assess the potential to move other key functions to a combined site establishing detailed costs, savings and the potential for further AF&RS Estate rationalisation and consolidation of Service functions in one location.
- d) Instruct the Property Manager and Area Manager of Learning & Development to provide assurance that the further development of our existing sites (with potential for expansion and additional outsourcing) will remain under review, in order to maintain operational training capability, should we encounter any fundamental barriers in progressing the Severn Park Option.

### **BACKGROUND**

- 3.1 The Severn Park Joint Training Centre (JTC) Private Finance Initiative (PFI) site contract expires on 31 March 2028. This facility provides operational firefighter training for the three partner Fire & Rescue Services (Avon, Devon & Somerset, and Gloucestershire Fire & Rescue Services). The provisions of this contract dictate that at the end of contract the site is either demolished and returned to Bristol City Council (the owner/freeholder of the site) or the site (subject to an extended or new lease with the freeholder) is assigned to one or more of the PFI partner Fire & Rescue Services. A further outline of the legal and contract considerations is included in Section 7. Legal/Policy Implications.
- 3.2 Operational Training is at the core of our Service and an essential part of our response, preparedness and risk mitigation. There are a number of “core competencies” that an individual firefighter is required to acquire and then maintain throughout their career (e.g., fire ground skills, use of service equipment, working at height, command and control, confined space, breathing apparatus, search & rescue techniques, road traffic collision, medical response, hazardous materials and environmental protection). In addition to this, further specialist training is required depending on a firefighter’s specific role, location and career path (e.g., Water Rescue, Rope / Line Rescue, Road Rail Capability, Turntable Ladder, Animal Rescue etc). Further details of our training needs and the options considered are outlined in Section 5. Key Considerations.

#### 4. FINANCIAL IMPLICATIONS

4.1 Subject to the Fire Authority approving the recommendation in this report, a detailed appraisal of the potential costs and savings associated with the Severn Park Acquisition Model (SPAM) will be developed including an understanding of the site running and facilities management costs, any maintenance backlog, potential lease cost changes, business rates etc. The table below outlines some indicative revenue costs and savings associate with this recommendation, based on current values.

<b><u>A. Revenue impacts:</u></b>		<b>Recurrent £ Total</b>
<b>Potential savings</b>		
Current Severn Park Contribution		-700,000
Estates rationalisation	<i>based on lease / running costs</i>	-450,000
External training providers	<i>Savings from insourcing some training currently provided externally</i>	-250,000
<b>Additional costs</b>		
Severn Park Lease		150,000
Severn Park running costs	<i>will depend on use of building</i>	500,000
Additional staff costs	<i>potential subcontract costs</i>	250,000
<b>Potential savings:</b>		<b>- 500,000</b>

4.2 In addition to revenue costs and savings we need to consider the potential impact on our Capital Programme and borrowing. Our current assumption is that the SPAM will require no/limited capital investment in order to immediately provide the training facilities needed by the Service, and as our training needs develop, a phased approach can be taken, reflecting the affordability of any Capital Investment and borrowing required.

4.3 Some Capital investment would be necessary in order to move other key functions to the SP site; this is likely to be offset by revenue savings on lease costs, existing site/s running costs and disposal income should we rationalise the estate as part of this. Further details of the potential costs and savings associated with this will be developed and evaluated as part of the more

detailed phase of work to plan implementation of the preferred option. Whilst there is some uncertainty over these costs and savings at this stage, we do know that this compares favourably to options which would require capital investment in new facilities, e.g., Option D – New Site Construction, which based on knowledge of other Fire & Rescue Service costs to deliver new training centres would be in the region of £20 – 30m (at today's cost).

## **5. KEY CONSIDERATIONS**

### **Firefighter development and training**

- 5.1 On appointment, and during the first two and a half years of their development a wholetime firefighter will undertake a total of 100 days of training currently provided by either Severn Park, the AF&RS internal training team (primarily based at Hicksgate Fire Station), or the Driver Training Unit (working from Nova Way, Avonmouth). This training represents a significant proportion of a fire fighters' working time during this period and does not include "Maintenance of Skills Training" (MOST) that will be regularly carried out on their station.
- 5.2 Following this and depending upon the specialist appliances, equipment and capabilities at their Station, or the career path that they take, an individual's training requirements will vary. **Appendix 1 – AF&RS Training Courses** shows the training courses that a firefighter may be required to undertake in addition to MOST.

### **Existing Training delivery - Facilities & Locations**

- 5.3 Operational Firefighter training requires a significant range of facilities, from basic structures such as traditional towers for ladder drills, to highly technical sites and buildings including Urban Search & Rescue Facilities to simulate building collapse and dedicated buildings for carbonaceous burning and breathing apparatus training. A significant footprint is required to deliver this training in suitable locations which can provide safe training experiences in locations which are convenient to our Service Area, but also minimise disruption and impact on the surrounding environment and neighbours.
- 5.4 Training is currently delivered in a blended way across a number of locations some of which are owned by AF&RS, others which are outsourced or part of a collaborative arrangements offering a range of different training experiences and capabilities.

### **Severn Park Joint Training Centre (JTC) – Firefighter Recruit Training, Core Competencies**

- 5.5 Severn Park JTC is a collaborative Private Finance Initiative (PFI) between three Fire and Rescue Services: Avon, Devon and Somerset and



Gloucestershire. The facility is run by Babcock (PFI Contractor) with operational training staff provided by the three Fire and Rescue Service Partners and specialist external providers. This is our primary facility for the provision of fire fighter trainee schools, breathing apparatus refreshers, core competencies and a number of leadership, health & safety and other classroom based courses that are delivered by AF&RS staff or external providers. The site also provides meeting and conference facilities, regularly used for Avon Fire Authority and Committee meetings.

### **Severn Park Training Facilities**

- Carbonaceous training units
- LP gas training house and multi- purpose industrial building, where simulated smoke can add to the realism of training
- road system for imitating road traffic collisions, including a ditch which can be filled with water
- driver training area with LGV and skid car training courses.
- 34 en-suite single bedrooms, a restaurant and a gym.
- Lecture rooms, the centre can hold meetings for up to 250 attendees

### **Operational Training**

- 5.6 AF&RS operates an internal training team that work from a number of venues but primarily Hicksgate Fire Station, they provide practical training and support to operational personnel including Breathing Apparatus, Tactical Ventilation and Safe Working at Height. This department also includes the Driver Training Unit who work from Nova Way and deliver emergency response driving to firefighters and flexi-duty officers.

### **Hicks Gate Training Facilities**

- Tactical Vent / Carbonaceous Burn Villa
- Urban Search and Rescue (USAR) facility including building structure, crawl way, confined space training
- External destructive materials training (e.g. timber / concrete cutting)
- Foam Training Capability
- Safe Working at Height Tower (Pitched Roof and Anchor points)
- Additional Internal and External Classroom facilities

### **Incident Command and Operational Assurance Training**

- 5.7 AF&RS provides operational leadership and assurance training for supervisory, middle and senior leaders in the Service. This team also ensures that the Service responds to both national and local learning, to ensure the adoption of best practice. This training is delivered across a number of venues including the South West Command and Development Centre (SWCDC) based at Lansdown, which is used for the majority of Incident Command Training.

### **SWCDC (Lansdown) Training Facilities**

- Multiple lecture training rooms (including lecture space for up to 50 attendees)
- “Hydra” an immersive, scenario-based software tool that enables both operational and corporate staff to undertake a variety of training in a discussion - based environment. It utilises a total of five classrooms
- Incident command training using a dedicated training suite, incorporating state of the art IT / technology to simulate incident scenarios (this can be removed and moved to an alternative location if required)

### **Technical Rescue Training**

- 5.8 Technical Rescue capabilities including: Urban Search and Rescue (USAR), Line Rescue, Water Rescue and Heavy Rescue is delivered across a number of sites including Avonmouth, Hicks Gate and external locations including the Avon & Somerset Constabulary (ASC) Wilfred Fuller Training Centre where we have a Licence to Occupy Agreement in place for limited use of an external area and supporting facilities at a cost of £15K/Yr. A number of training courses are also delivered by external providers.

### **HAZMAT and Malicious Threat Training**

- 5.9 This includes training focussed on hazardous materials, mass decontamination and marauding terrorism. The majority of the training is delivered by external providers at specialist third party locations e.g. Avon & Somerset Police Black Rock Facility and various MOD sites.

### **Internal - Station Based Training**

- 5.10 Regular station-based training is carried out at a firefighters’ “home” station (e.g., RTC, Ladder Drills, pumping appliance/equipment) or alternative stations locations for joint training or where specific training requiring specialist facilities is in place (e.g., BA Crawl Ways, Safe Working at Height, Foam Training).

### **Typical Station Based Training Facilities**

- Training Tower
- RTC Compound
- External Yard
- Lecture Room (up to 15 staff)
- IT and E Learning Capability

### **External - Third Party Location Training and Instruction**

- 5.11 Where additional facilities, equipment or instruction is required the Service also uses commercial facilities such as the Fire Service College and other Fire and Rescue Services (FRS): including Cardiff International White Water facility for water rescue, Devon and Somerset FRS for aspects of Urban Search and Rescue (USAR) training and Lincolnshire FRS for Heavy Rescue Instructor training. In addition to external courses for which we pay commercial fees, the Service also works in collaboration with a number of third parties to set up specific training experiences and scenarios including Bristol Airport, Bristol Port Company, MoD sites.

### **Evolutions and Annual People Training Days**

**There are a total of 100 courses provided by the Service annually, these consist of a total of 807 evolutions (the number of times a course is delivered) and amount to 1614 training days delivered per year**

The annual make-up of this training is as follows:

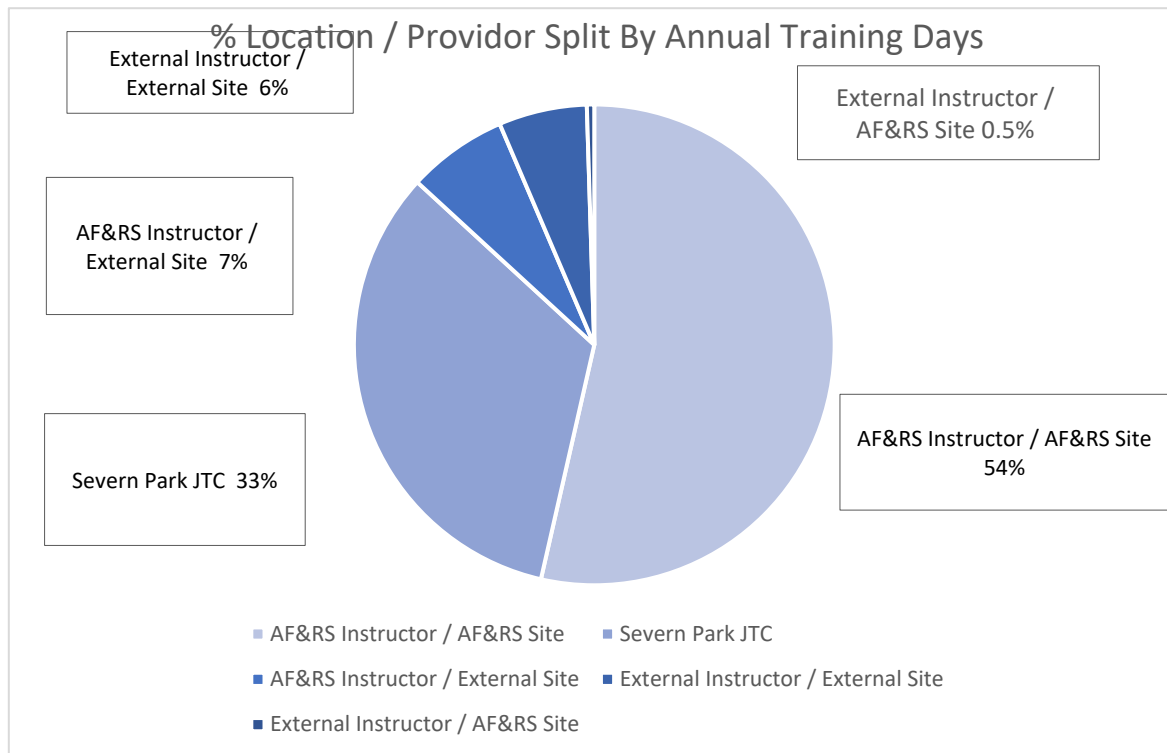
<b>Department / Facility</b>	<b>Courses</b>	<b>Evolutions</b>	<b>Training Days</b>
<b>Severn Park</b>	20	104	543
<b>Operational Training</b>	20	170	180
<b>Driver Training Unit</b>	6	136	436
<b>Incident Command</b>	13	212	136
<b>Technical Rescue</b>	33	104	218
<b>HAZMAT</b>	8	81	101
<b>Total</b>	<b>100</b>	<b>807</b>	<b>1614</b>

- 5.12 As an example a wholetime recruits' course at Severn Park is run twice a year (two evolutions) and is 70 training days in length, this equates to a total of 140 training days per year. Conversely, a road traffic collision operational response course is run twelve times per year (twelve evolutions) and is 1 training day in length, so takes a total of twelve training days per year. This analysis of service training excludes regular station-based training including MOST and any individual Station Capabilities as outlined in section 5.10 Station Based Training.

**Percentage Split by Delivery Location / Provider**

- 5.13 Training courses are either delivered at Severn Park, or by Specialist AF&RS Teams and external providers both at AF&RS and external sites. A breakdown of this is provided below:

<b>Provider / Location</b>	<b>% by Course</b>	<b>% by Evolution</b>	<b>% by Training Days</b>
Severn Park	20	13	34
AF&RS Instructor & Site	61	75	54
AF&RS Instructor / External Site	9	8	7
External Instructor / AF&RS Site	1	<1	<1
External Instructor / External Site	9	4	5
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



**Future training provision development needs**

5.14 There are a number of areas of training provision which require further development or access to alternative facilities in order to maintain our operational skills and competencies.

**USAR**

5.15 The Service currently has dedicated facilities for USAR at Hicksgate Fire Station, however these do not include all training requirements including a rubble pile, climbing wall and confined space facilities. We currently rely on neighbouring Services to allow us to use their facilities.

**Technical Rescue**

5.16 Technical rescue includes a number of specific requirements, where there are current gaps in provision of adequate training facilities, and we use external facilities to complete training, including:

**5.17 Heavy Rescue**

We currently travel to Lincolnshire Fire and Rescue to carry out instructor qualification, there is potentially space at Severn Park that could be developed to facilitate this and other ongoing heavy rescue competency training.

#### 5.18 **Large Animal Rescue**

We currently use an external local site in order to complete this training, again creative use of space at Severn Park could be used to develop a bespoke area for animal rescue training.

#### **Marauding Terrorist Attacks**

5.19 This training is currently predominantly carried out at the Police's Black Rock Facility in Portishead.

#### **Ship Firefighting**

5.20 Currently there is no bespoke facility to deliver ship firefighting training within our Service, this is carried out utilising other training buildings which are not fit for purpose or designed for this activity, and also a limited programme of attendance at the Fire Service College where facilities are available.

#### **Breathing Apparatus (BA)**

5.21 Individual stations have no facilities to carry out station-based BA training and often have to use rooms and areas on the fire station in order to carry out exercises. They do this by using modified BA facemasks which restrict the users vision. This enables operational personnel to practice room searches but there are no facilities for confined space work.

### **Future Training Demand / Growth**

#### **New Recruits / Projected demand**

5.22 Due to changes in pension arrangements and a high number of personnel reaching the end of their careers, there is an increase in the number of new recruit training schools required by the Service, with two per year currently being delivered. This requirement is projected to continue in the short term, with a likely increase in the medium term as staff on legacy pension schemes retire.

#### **Changing Role of a Fire Fighter / Emerging Risks**

5.23 The role of the firefighter has changed significantly due to a number of factors such as a change in risk e.g., terrorism, new technology, changes in legislation and societal expectation. It can be expected that this change to the role will continue and consideration will need to be given to 'future proofing' facilities and ensuring flexibility to ensure our training delivery can adapt to this and continue to provide the skills and competency our Service needs.

#### **New Technologies**

5.24 It is difficult to predict accurately how new technologies will affect training needs, however an example is the rise in the number of electric vehicles and lithium battery fires which require different methods of firefighting. As technology progresses so will the Fire Service response. A change of response will require a change in the training required and facilities needed to deliver this.

Flexibility in how our facilities can be used will be the essential to ensure that we are able to adapt effectively to advances.

### **Leadership**

- 5.25 There will be a significant and ongoing increase in the amount of command leadership development required to be delivered by the Service with the requirement for Command Continuing Professional Development (CPD) which will affect all commanders from Crew Manager to Chief Fire Officer. Classroom or increased incident command facilities will be needed in order to facilitate this.

### **Growth in Third Party Delivery / Income**

- 5.26 There is potential for the Service to use a facility such as Severn Park to generate third party income by delivering training for other Fire and Rescue Services, other emergency services or private companies. A large, dedicated training facility with multiple classroom spaces, and purpose-built accommodation and facilities clearly provides a significant opportunity should the Service want to develop this as a potential income stream.

### **Training Delivery Options - Summary**

- 5.27 Five options (A-E) for have been considered for the delivery of Operational Training at the end of the current Severn Park PFI contract agreement which are briefly summarised below. Of the training delivery options considered, only one assumes the continued use of the SP site (Option E), the other four options assume that SP is handed back to the landowner (Bristol City Council) at the end of the PFI Contract.

#### **A. Training Hub Delivery Model – AF&RS Estate**

Use of the existing AF&RS Estate to provide training facilities across a range of sites. This option would require the expansion of facilities at Hicks Gate, further development of training capacity at locations where we are planning major development projects (e.g. Weston and) and assessment of capability for further development of a number of other AF&RS locations in order to provide the required capacity. There would also be some ongoing or potentially increased reliance on third party sites and instruction for aspects of training that cannot be accommodated on our own Estate e.g. due to space, planning, environmental permitting and attendee accommodation restrictions.

#### **B. Blue Light Collaboration Delivery Model**

Working with other Fire & Rescue Services and Blue Light partners in collaboration to share existing facilities and capacity, and jointly develop existing sites and facilities to meet facility and capacity needs. This option would also require ongoing use of third party/commercial sites such as the Fire Service College where capacity or specialist facilities do not already exist and need to be developed.

### **C. Outsourcing Delivery Model**

Outsourcing Operational Training to a third part provider(s) on a commercial basis. This could include other Fire & Rescue Services, the Fire Service College and other commercial providers. This includes the potential for Babcock to continue operating Severn Park on a commercial basis after the PFI contract ends, if all PFI parties were in agreement.

### **D. New Site Construction Delivery Model**

Develop a new Training Facility or a brownfield/commercial site within our Service area to provide a dedicated AF&RS central training facility. The scope of a new site would include the facilities currently provided by Severn Park and additional needs as outlined throughout in Section 5.

### **E. Severn Park Acquisition Delivery Model**

Acquire Severn Park at the end of the PFI Contract Agreement (using the provisions of the PFI Contract Agreement and extended site Lease with Bristol City Council). This could be a sole AF&RS venture or in collaboration with one or more of the PFI partner Fire & Rescue Services if they have an ongoing interest in the facility.



## Training Delivery Options – Considerations

Training Delivery Option	Advantages	Disadvantages
A. Training Hub – AF&RS Estate	<ul style="list-style-type: none"> <li>- Bespoke solution providing the facilities we need within our Service area</li> <li>- State of the art facilities could be developed</li> <li>- Some opportunity to develop space at Hicks Gate and Weston sites subject to planning</li> <li>- Accessibility and travel time / cost for operational staff</li> </ul>	<ul style="list-style-type: none"> <li>- Cost to develop</li> <li>- Timescale unlikely to be achievable</li> <li>- Lack of development space on existing sites (especially classroom and accommodation capacity)</li> <li>- Planning restrictions and permits especially for disruptive training facilities</li> <li>- Disruption to existing operational sites</li> <li>- Third party / outsourcing still required</li> </ul>
B. Blue Light Collaboration	<ul style="list-style-type: none"> <li>- Joint development can reduce costs (e.g. compared to Option A)</li> <li>- Strategic approach to training needs across the region and blue light sector which will support closer working, partnership and collaboration</li> </ul>	<ul style="list-style-type: none"> <li>- Experience to date puts this on more of a commercial footing with limited cost efficiencies</li> <li>- Existing Blue Light facilities have limited or no Capacity (e.g. ASC Wilfred Fuller and South Wales FRS Cardiff Gate)</li> <li>- Other Fire &amp; Rescue Services are in a similar position to AF&amp;RS and are seeking</li> </ul>

	<ul style="list-style-type: none"> <li>- Could support future AF&amp;RS Estate Rationalisation</li> </ul>	<p>to develop capacity in their service area to meet local needs</p> <ul style="list-style-type: none"> <li>- Accessibility and travel time / cost for operational staff</li> <li>- Lack of flexibility to meet AF&amp;RS needs</li> <li>- Vulnerability if collaboration is not successful and access to facilities is restricted</li> <li>- Differences in operation structure / crewing models (e.g. On Call Bias within Gloucestershire and Devon &amp; Somerset FRS's)</li> </ul>
<p>C. Outsourcing Delivery Model</p>	<ul style="list-style-type: none"> <li>- Fire Service College capability, state of the art facilities and proven track record</li> <li>- May be an option to maintain use of Severn Park as an outsourced delivery model if Babcock have the opportunity and are interested in an ongoing commercial relationship which would provide continuity</li> </ul>	<ul style="list-style-type: none"> <li>- Options are limited to the Fire Service College and other Fire &amp; Rescue Services</li> <li>- No current viable commercial alternative – this would need to be developed (e.g. Babcock who currently provide the PFI Service at Severn Park and Cardiff Gate)</li> <li>- Ongoing revenue cost will be high and unpredictable</li> </ul>

	<ul style="list-style-type: none"> <li>- Training Staff costs could be reduced</li> <li>- No additional AF&amp;RS Property Costs</li> <li>- Training Providers can offer 3<sup>rd</sup> party accreditation for courses</li> </ul>	<ul style="list-style-type: none"> <li>- Accessibility and travel time / cost for operational staff</li> </ul>
D. New Site Construction	<ul style="list-style-type: none"> <li>- Bespoke solution providing the facilities we need within our Service area</li> <li>- State of the art facilities could be developed</li> <li>- Will provide flexibility, future proofing and the potential to develop for additional needs (e.g. office space)</li> </ul>	<ul style="list-style-type: none"> <li>- Significant cost to develop including land acquisition</li> <li>- Timescale unlikely to be achievable to deliver a facility by 2028</li> <li>- Limited land availability in service which is ready to develop without significant remediation costs</li> </ul>
E. Severn Park Acquisition	<ul style="list-style-type: none"> <li>- Fit for purpose ready to occupy facility, no immediate development needed</li> <li>- Potential for further development and flexibility to respond to additional training needs and</li> </ul>	<ul style="list-style-type: none"> <li>- Clarity over intentions of other PFI Partners</li> <li>- Cost to maintain and run an additional facility as part of AF&amp;RS Estate (although can be offset against estate rationalisation)</li> <li>- Additional Facilities Management Costs associated with operating a training facility</li> </ul>

	<p>incorporating additional AF&amp;RS functions (e.g. Headquarters)</p> <ul style="list-style-type: none"> <li>- Flexibility and potential for phased development of the site in future aligning to Capital Funding availability</li> <li>- Value for money – secures historic AF&amp;RS investment throughout the PFI Contract</li> <li>- Avoids the demolition of a publicly funded facility at the end of the PFI Contract</li> <li>- Offers potential for collaboration with other FRS and Blue Light Partners</li> <li>- Potential for Estates Rationalisation and cost reduction</li> <li>- Potential for the development of a commercial training / conference opportunity and income generation</li> </ul>	<p>(canteen, accommodation, specialist training buildings and facilities)</p> <ul style="list-style-type: none"> <li>- Impact on Carbon Footprint and Net Zero 2030</li> <li>- Bristol City Council long term intentions for the site and surrounding area could impact long term occupation / use.</li> </ul>
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### **Impact on AF&RS Estates Strategy**

- 5.28 Whilst the existing Severn Park JTC contract will provide for our training needs for just over 5 years, a decision and progress on the preferred option is vital in the short term in order to inform our wider Estates Strategy and priorities both now and longer term. If we need to provide additional training facilities throughout our existing estate by 2028, then work needs to commence now in order to ensure facilities are in place at the end of the PFI Contract. There are also wider implications on our strategy if we are able to consolidate further functions at a single site and consider any rationalisation of our Estate.

### **Provision of Training Facilities**

- 5.29 Key existing sites that could provide additional capacity for training are:

- Hicks Gate Fire Station
- Avonmouth Fire Station
- Weston Fire Station (as part of redevelopment)

- 5.30 These sites all have yard space/grounds which could be developed subject to planning approval to provide new training structures and supporting facilities (e.g., classroom space). Whilst this isn't our preferred option, it is prudent to consider this as part of a potential back up plan (in addition to outsourcing) should we encounter any fundamental barriers in progressing the Severn Park Option.

### **Estates Capital Priorities**

- 5.31 Our current Estates Capital Priorities remain as we have previously reported these are:

5.32 **Major Refurbishment of Bedminster Fire Station**

This project is at an advanced procurement stage with construction due to start subject to budget approval in 2023.

5.33 **Redevelopment of Bath Fire Station**

A significant effort to engage with other Blue Light Partners on a Tri – Service Scheme with Ambulance and Police has been made. However this has not resulted in a jointly funded tri-service facility on the Bath station site being feasible for a number of reasons. South West Ambulance Trust (SWAST) has confirmed they are not able to facilitate and we have recently been informed by the Police and Crime Commissioner that a collaborative scheme will not be progressed and they are looking at other options in the city. We already have a standalone Fire Station Design which meets our needs on the site. This will be reviewed including the potential for collaboration with Bath & North East Somerset Council over their CCTV control facility and can then subject to capital funding progress to a more detailed design phase and planning.

### 5.34 **Redevelopment of Weston Fire Station**

Following a review of potential alternative sites meeting our response standards, it has been determined that the preferred option for redevelopment or refurbishment of the Station is on the existing site, which also offers the potential for further training facility development should this be needed. We have a Fire Station Design which meets our needs on the site and, subject to capital funding, this can progress to a more detailed design phase and planning exploration before coming to AFA for approval.

5.35 In addition to these major projects, we are also prioritising the refurbishment of our On Call Stations to provide additional space for Changing and Bathroom Facilities, equipment and PPE storage, exercise and training facilities. A number of sites are also due to benefit from improvement to major building elements e.g., Roof Works, Replacement Boilers/Heat Pumps, Electric Vehicle Charging and additional Renewable Energy Generation.

## 6. **RISKS**

6.1 The fundamental risk associated with this report and its recommendation is the potential impact on our ability to effectively train operational fire fighters after the current PFI Contract for Severn Park JTC ends in 2028. Agreeing a preferred option for the ongoing provision of training will reduce this risk by allowing focussed work to be undertaken on the delivery of a Service wide project to secure the future of training for AF&RS for the long term.

6.2 There are also risks associated with the development of the preferred option, some of which have been highlighted in this report (Section 5 – Training Delivery Options and 7 Legal/Policy Implications). A detailed risk register will be produced as part of the next stage of work to develop this option, with mitigations identified and regular reviews undertaken to reduce any residual risks as far as possible before a final Business Case recommendation is brought back to the Fire Authority.

6.3 In addition to project specific risks, a number of existing Corporate Risks should also be considered. Key Corporate Risks and an initial identification of the potential impacts are summarised below.

Corporate Risk	Description	Impact
<b>CR03 – Response and Rescue</b>	To ensure our statutory responsibilities in respect of firefighting RTCs and other emergencies are achieved.	<ul style="list-style-type: none"><li>- Recruitment and training of Fire Fighters</li><li>- Specialist Training (e.g. MTA, Technical Rescue)</li></ul>

<p><b>CR04 – People Capacity, Capability, and Resilience</b></p>	<p>To enable the Service to recruit and retain experienced personnel and ensure sufficient capacity to meet statutory requirements and organisational priorities.</p>	<ul style="list-style-type: none"> <li>- On Call and Whole Time Recruitment and training</li> </ul>
<p><b>CR08 – Financial Capacity</b></p>	<p>To ensure the Service has the financial capacity to meet Authority and Government objectives.</p>	<ul style="list-style-type: none"> <li>- Financial capacity for Major Projects and Estates Capital Priorities</li> <li>- Financial capacity for Operational Training</li> </ul>
<p><b>CR16 – Health, Safety and Welfare (HSW)</b></p>	<p>To ensure compliance with wider statute and regulations applicable to Avon Fire &amp; Rescue Service, in addition to statutory requirements within the Fire Services Act and the Fire Safety Order.</p>	<ul style="list-style-type: none"> <li>- Training to ensure compliance with regulations, national guidance and best practice</li> </ul>
<p><b>CR20 – Funding and Resource Pressures</b></p>	<p>The Fire Authority receives funding from Councils and central government.</p> <p>Sufficient funding is required to deliver its statutory obligations and key resource pressures.</p>	<ul style="list-style-type: none"> <li>- Capital Programme</li> <li>- Efficiencies and Cost savings</li> <li>- Potential Estates Rationalisation</li> </ul>
<p><b>CR21 – Environmental Compliance &amp; Net Zero Carbon</b></p>	<p>To ensure compliance with all relevant Environmental legislation and regulations.</p> <p>To ensure pollution prevention and environmental protection in operational response</p> <p>To ensure the Service’s goal of Net Zero carbon emissions by 2030 is achieved.</p>	<ul style="list-style-type: none"> <li>- Operational Training for Environmental Compliance and pollution prevention</li> <li>- Net Zero plan incl. energy efficiency, renewables, low carbon technologies</li> <li>- Impact of training facilities e.g. Carbonaceous burn</li> </ul>

## **7. LEGAL/POLICY IMPLICATIONS**

7.1 The Clerk has obtained initial legal advice for AF&RS on our legal options and potential liabilities at the end of the PFI Agreement; that legal advice is not provided as an exempt appendix to this paper (it is legally privileged), but the Clerk is happy to discuss its contents with Members separately.

7.2 The key details relating to the Severn Park Joint Training Centre are as follows:

- The PFI agreement between the three Fire and Rescue Services (Avon, Gloucestershire, and Devon and Somerset) was entered into with the original provider, VT Fire Training (Avonmouth) Limited on 29 March 2001 and related to the design, build, finance, and operation of fire training facilities at the site in Smoke Lane, Avonmouth.
- VT Fire Training (Avonmouth) Limited has subsequently changed its name to Babcock Fire Training (Avonmouth) Limited; they are known as the PFI 'Provider'.
- The three Fire and Rescue Services entered into a Joint Use Agreement on 29 March 2001 (subsequently amended) to record their mutual commitments, such as their respective rights to use the Centre and to use the services and to confirm their respective financial contributions.
- The Joint Use Agreement sets out the Fire and Rescue Services 'usage' of the site and agreed proportion of costs; Avon is the majority partner, as it agreed to pay a 50% proportion of the costs, providing it with 50% usage, the other two fire services each pay for a 25% proportion.
- The Services receive financial support in the amount of £9.5M from the Home Office by way of PFI Credits throughout the PFI term.
- The site on which the training centre is built is owned by Bristol City Council, who granted the Provider a lease to the site; the term of the lease is 35 years from 14 March 2003, therefore expiring on 13 March 2028. The Provider has a right to break the lease at any time after 25 years by giving 12 months written notice to the Council.
- The Council may, under the lease, require the tenant to demolish some or all of the buildings at the end of the 35-year term (clause 3.7 of the lease dated 24 July 2003). This obligation/risk will be assumed by Avon, if it takes an assignment of the lease.
- The PFI agreement itself expires 25 years from the date on which the building works were certified, and we are informed that the expiry date is therefore 31 March 2028.
- The Joint Use Agreement is 'co-terminus' with the PFI and expires on the same date as the PFI.



- 7.3 The legal advice explains that in a number of areas the contractual position is unclear and therefore discussions and agreements would need to be commercially agreed between the parties, however, the Joint Use Agreement does not provide for any payment on expiry of the PFI to the Provider or service partners, save for addressing the ownership of the balance of any monies retained in an 'Equalisation Fund' (into which the Authorities pay for the purposes of making payments under the PFI).
- 7.4 The PFI will automatically expire on the Expiry Date (31 March 2028) without the need to give any notice. However, the Services are required to notify whether they (or any one of them) wish to take an assignment of the lease not later than 9 months before the expiry date i.e., **no later than 31 June 2027**. The Provider is obliged to formally enquire whether the Authorities wish to take an assignment of the Lease no later than 15 months prior to the end of the expiry date i.e., no later than 31 December 2026.
- 7.5 The Chief Fire Officer/Chief Executive has already corresponded with the PFI Provider and Service partners in an attempt to establish their future intentions in relation to the site. Also, initial dialogue with Bristol City Council has indicated a willingness to consider assignment of the lease and potentially an extension of the lease term. More detailed discussions and negotiations will need to take place with all the parties, supported by legal advice, once Members have identified their preferred option for future training provision.

## 8. **BACKGROUND PAPERS**

n/a

## 9. **APPENDICES**

1. AF&RS Training Courses
2. Courses Provided by Severn Park
3. Glossary

## 10. **REPORT CONTACT**

Matt Peskett, Area Manager Learning and Development, Ext 573

Simon Richards, Property Services Manager, Ext 214

## Appendix 1 – AF&RS Training Courses

BA/CFFT	Reserves CPD	
BA/CFFT O/C	RTC DAS	Hot Cutting Operator
RTC	BA DAS	MPV Operator
Ops Response	HAZMAT DAS	MPV Operator Refresher
RTC Ops Response O/C	NFS O/C	Hook Lift Operator
HAZMAT Awareness	NFS W/T	Hook Lift Op. Refresher
Recruits O/C	Heavy Rescue Instructor	USAR 2
Recruits W/T	Heavy Rescue Refresher	HDIM1
BA Instructor	Bariatric Instructor	HDIM2
RTC Instructor	Bariatric Rescue	HDIM3
ICL1	Bariatric Inst. Refresher	HDIM CPD
HAZMAT Supervisory	Rope Rescue Instructor	HMA CPD
AET	RR Operator	MTA Acquisition
CET	RR Inst. Refresher	MTA Non-specialist
NEBOSH	RR Inst. CPD	MTA Refresher & NILO
IOSH	RR Inst. Requal	IC Ops QA Supervisory
Retirement	TTL Instructor	IC Ops QA Middle
Coaching and Mentoring	TTL Operator Refresher	IC Ops QA Strategic
ILM3	TTL Instructor Refresher	L1 Promotion
ILM5	TTL Inst. CPD	L2 Promotion
LGV Basic	TTL Instructor Requal	L3 Promotion
BTACC Weekdays	Large Animal Rescue	SMMI
BTACC Weekends	LAR Refresher	GMMI
RTACC Instructor	Swift Water Rescue L1	L1 Development Day
Trauma CPD	SWR L1 Refresher	L1 CPD Days
Tac Vent Initial	SWR L2	JESIP Commanders
Tac Vent	SWR L2 Refresher	IC DAS
Tac Vent Weekends	SWR L3	IC XVR at SPTC
Simulation Assurance	SWR L3 Refresher	ERDC Initial W/T
Simulation Assurance	Urban Search & Rescue 1	ERDC Initial O/C
O/C	USAR SWAH	ERDC Refresher W/T
BA Instructor	USAR LACE	ERDC Refresher O/C
BA Instructor CPD	USAR Confined Space	ERDB Initial
RTC Instructor CPD		ERDB Refresher
Reserves Initial		

## **Appendix 2 – Courses provided by Severn Park**

**BA/CFFT**

**BA/CFFT O/C**

**RTC Ops Response**

**RTC Ops Response O/C**

**HAZMAT Awareness**

**Recruits O/C**

**Recruits W/T**

**BA Instructor**

**RTC Instructor**

**ICL1**

**HAZMAT Supervisory**

**AET**

**CET**

**NEBOSH**

**IOSH**

**Retirement**

**Coaching and Mentoring**

**ILM3**

**ILM5**

**LGV Basic**

### Appendix 3 – Glossary

AET	Award in Education and Training
BA	Breathing Apparatus
BTACC	Basic Trauma and Casualty Care
CET	Certificate in Education and training
CFFT	Compartment Fire Fighting Training
CPD	Continued Professional Development
DAS	Development Application Session
ERD	Emergency Response Driving
GMMI	Group Manager Managing Incidents
HDIM	Hazardous Detection Identification and Monitoring
ICL 1 to 3	Incident Command Level 1 to 3
IC OPS QA	Incident Command Operational Quality Assurance
IOSH	Institute of Occupational Safety and Health
JESIP	Joint Emergency Services Interoperability Protocol
LACE	Line Access Casualty Extrication
LAR	Large Animal Rescue
LGV	Large Goods Vehicle
MOST	Maintenance Of Skills Training
MTA	Marauding Terrorist Attack
MOC	Maintenance Of Competencies
MPV	Multi-Purpose Vehicle
NEBOSH	National Examination Board in Occupational Safety and Health
NILO	National Interagency Liaison Officer
NFS	National Fire Service
O/C	On Call
RTC	Road Traffic Collision
RTACC	Rescue Trauma and Casualty Care
SMMI	Station Manager Managing Incidents
SWAH	Safe Working At Height
SWR	Swift Water Rescue
TACVENT	Tactical Ventilation
TTL	Turntable Ladder
USAR	Urban Search and Rescue
W/T	Whole Time
XVR	A trade name for a computer simulation tool

## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>14 December 2022</b>
<b>REPORT OF:</b>	<b>Chief Fire Officer / Chief Executive</b>
<b>SUBJECT:</b>	<b>Service Plan Overview and Key Assumptions</b>

### 1. **SUMMARY**

- 1.1 This report updates the Avon Fire Authority (AFA) on the key assumptions and findings identified by the Community Risk Management Planning (CRMP) and Business Planning teams which will inform the updated Service Plan (SP) for 2023-2026.
- 1.2 The key findings were presented and discussed during the AFA Member's Briefing session on 4 November 2022. Therefore, this report provides a further and formal opportunity for consideration.
- 1.3 The [SP for 2022-2025](#) was substantially renewed and consulted upon. Based on key findings and analysis to date, it is anticipated that relatively minor changes and updates to the SP will be implemented for 2023-2026. These changes will likely include updated narrative in relation to key challenges and community risk findings, updated performance metrics and financial information, and recent Service achievements. A final draft of the SP 2023-2026, with accompanying consultation report following a four-week public consultation in January, will be submitted for review and approval by the AFA in March 2023.
- 1.4 Following publication, the Performance, Review and Scrutiny Committee (PRSC) monitors the performance and delivery of the Authority's plans and objectives, and ensures the Authority has an effective performance management framework in place to deliver the Service Plan.
- 1.5 The AFA will be updated annually on progress for each of the objectives within the SP enabling Members to gain assurance that the strategic aims are being met.

## **2. RECOMMENDATIONS**

The Fire Authority is asked to:

- a) Note the emerging community risks and keys findings identified to date in this report.
- b) As these key findings inform the development of the SP for 2023-2026, consider whether there are further priorities or objectives for inclusion in the Plan at this stage and prior to the draft being submitted for review and approval in March 2023.

## **3. FINANCIAL IMPLICATIONS**

3.1 This report has no direct financial implications.

## **4. KEY CONSIDERATIONS**

### **Community Risk Management Planning (CRMP) Findings**

4.1 The Baseline Report 21/22:

- Results show a year-on-year increase across all incident categories, though totals are still below the pre-pandemic five-year average. This indicates a gradual return to pre COVID-19 norms.

4.2 Initial release of the 2021 Census data:

- Above national average population increase across our Service area.
- Nationally, our population is aging. North Somerset has a particularly high population of over 65s.
- Above national average increase in population density across our Service area.
- Significant increase in the number of households in B&NES, South Gloucester, and North Somerset.

4.3 Lithium-ion batteries:

- Significant increase in use from mobile phones, e-scooters, e-bikes and e-cars, both public and privately owned.
- Behaviours, including the use of unregulated products such as chargers and conversion kits pose a particular risk.
- The number of fire incidents involving lithium-ion batteries is an emerging risk nationally.

4.4 Fires in tall buildings:

- Our Service area contains a high number of tall buildings, including commercial, residential, and mixed-use properties.
- Analysis shows fluctuations in the number of tall building fires over the last five years.

4.5 Heatwaves and climate change:

- The unprecedented heatwave in 2022 could indicate an increased likelihood of future extreme weather events.
- Increased likelihood of primary and secondary fires, including a higher risk of wildfires of increased severity.

- Drought conditions and reduced water availability.
- Increased risk of storm conditions and flash flooding.
- Changes to normal patterns of precipitation.
- Disruption to transport networks.
- Increased pressure on partner emergency services.

#### 4.6 Changing economic climate:

- High inflation and rising interest rates driving up the cost of living.
- Potential increase in levels of deprivation, wider areas of deprivation, and increase in fuel poverty.
- Impact on mental and physical health leading to increased pressure on emergency services.

#### 4.7 Community health and wellbeing:

- Increase in diagnoses of depression and anxiety since the start of the pandemic. National Fire Chiefs Council (NFCC), research into the links between mental health and fire risk is upcoming.
- Increased smoking rates in Bristol.
- Increased levels of obesity.

### **Challenges and Themes**

#### 4.8 National and global challenges:

- Increase in the cost of living including escalating energy and fuel prices.
- The war in Ukraine and its impact on financial markets and supply chains.
- Living with COVID-19 and the prolonged impact of the pandemic.
- The changing role of the fire service (based on capacity and capability).
- Climate change emergency.

#### 4.9 Existing themes within AF&RS:

- With uncertainty around funding and increased operational costs, finance and budgets remain a challenge.
- To keep pace with advancements in technology and societal changes and expectations around work, we acknowledge that we must continue to invest in our staff, including opportunities for development, career progression, leadership development, direct-entry, attraction and retention of staff.
- As a public sector organisation, we have a responsibility to demonstrate strong ethical leadership and Corporate Social Responsibility (CSR), including the Service's net zero carbon target for 2030.
- We have committed to investing in digital technology and delivery of the Service's Transformation programme designed to review, develop, and improve policies, processes, and systems across all areas of the Service.
- Our cultural journey continues, recognising that the communities we serve are diverse, and ensuring that Diversity, Inclusion, Cohesion and Equality (DICE) is embedded in the Service's organisational culture and decision-making.

## **5. RISKS**

- 5.1 The Fire Authority is responsible for putting in place a sound system of control, including arrangements for the governance of its affairs, and facilitating the effective exercise of its functions, including arrangements for the management of risk.
- 5.2 The Corporate Risk Register includes a specific corporate risk CR14 – Governance, which is monitored and reported to the Service Leadership Team (SLT) each month. The Corporate Risk Register is presented to the Audit, Governance and Ethics Committee twice yearly for scrutiny and approval.

## **6. LEGAL/POLICY IMPLICATIONS**

- 6.1 The requirement for an Integrated Risk Management Plan (IRMP), is included in the Fire and Rescue National Framework for England, which was given statutory effect by the Fire and Rescue Services Act 2004.
- 6.2 Section 4.6 of the National Framework states that consultation must '*reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners*'.
- 6.3 There is a well-defined set of legal principles (known as 'the *Gunning Principles*') for a lawful public consultation process:
- The consultation must be at a time when proposals are still at a formative stage.
  - The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response.
  - Those consulted should be aware of the criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance at the end of the problem.
  - Adequate time must be given for consideration and response.
  - The product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- 6.4 The AFA can be assured that the consultation process for the Service Plan 2023-2026 will comply with the *Gunning Principles*.

## **7. BACKGROUND PAPERS**

- Service Plan 2022-2025 – [Modern.Gov](#)
- Baseline Risk Report 2021 – [Modern.Gov](#)

## **8. APPENDICES**

None.

## **9. REPORT CONTACT**

Caroline Taylor, Head of Corporate Assurance, Planning & Continuous Improvement. Scott Ward, Corporate Assurance & Business Planning Manager.



## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>The Clerk</b>
<b>SUBJECT:</b>	<b>Fire Authority meeting dates 2023/24 and Forward Plan 2022/23</b>

### 1. **SUMMARY**

The purpose of this report is to present for Fire Authority approval the proposed schedule of meetings for the Municipal Year 2023/24.

In addition, the report presents a revised Forward Plan of key reports which will be considered by Members at the next iteration of Fire Authority and Committee meetings.

### 2. **RECOMMENDATIONS**

The Avon Fire Authority is asked to:

- a) Approve the proposed Schedule of Meetings for the Municipal Year 2023/24.
- b) Note the revised Forward Plan for the remainder of the 2022/23 Municipal Year.

### 3. **BACKGROUND**

- 3.1 Every year proposed meeting dates for the next Fire Authority Municipal Year are published as early as possible; to give Members sufficient notice of their diary commitments. Those dates have been fixed to ensure that they align with key financial and other deadlines and may be subject to amendment to avoid clashes, once all the unitary authorities have published their Municipal Year meeting dates for 2023/24.

#### 4. **FINANCIAL IMPLICATIONS**

4.1 This report has no financial implications, as the cost of community venues for meetings will be met from existing budgets.

#### 5. **KEY CONSIDERATIONS**

5.1 The proposed dates for the Municipal Year 2023/24 are set out in the table below:

<b>Meeting</b>	<b>Jun 23</b>	<b>Jul 23</b>	<b>Aug 23</b>	<b>Sep 23</b>	<b>Oct 23</b>	<b>Nov 23</b>	<b>Dec 23</b>	<b>Jan 24</b>	<b>Feb 24</b>	<b>Mar 24</b>	<b>Apr 24</b>	<b>May 24</b>
<b>AFA</b>	Wed 21 AGM				Wed 4		Wed 13		Fri 16	Wed 20		
<b>AGEC</b>	Tues 27			Wed 20		Wed 22				Fri 15		
<b>LPB</b>		Thu 20						Thu 25				
<b>P&amp;C</b>	Fri 30			Wed 13			Fri 8			Fri 8		
<b>PRSC</b>		Thu 27			Tue 10			Tue 30			Thu 18	
<b>MEMBER BRIEFINGS</b>		Fri 7			Fri 27			Fri 19			Fri 12	

5.2 The dates and timings follow the previous arrangements with the Fire Authority meeting on a Wednesday and committee meetings later in the week, where possible. Member briefings/training will take place on separate dates to enable sufficient focus on key issues for individual and organisational development.

5.3 Most meetings will take place either at the main conference room at Police & Fire Headquarters in Portishead, or at the training facility in Severn Park, as those venues are the most cost-effective. However, where possible, other venues will be considered across the Authority area (subject to room availability, capacity, and cost) and will include at least one meeting at a Fire Station to ensure that Members have the opportunity to experience a working Fire Station.

5.4 The proposed dates will be checked against the key meetings of the Unitary Authorities when these are available to avoid any clashes, with any necessary adjustments reported to a future meeting of the Fire Authority.

5.5 The Forward Plan highlights key reports and decisions that need to be discussed in the immediate future and is subject to an element of flexibility regarding contents (**Appendix 1**).

## **6. RISKS**

6.1 Ensuring that Members have sufficient notice of meeting dates and key decisions which need to be taken ensures that there is effective governance and manages any risk that governance is not sufficiently robust.

## **7. LEGAL/POLICY IMPLICATIONS**

7.1 The meeting schedule and Forward Plan ensures that key dates in the annual governance cycle are met, and robust and transparent governance arrangements are in place.

7.2 Under Standing Orders, the Fire Authority shall meet at least once a quarter and the Annual Meeting of the Fire Authority shall be held each year after the annual meetings of the constituent Authorities and within a month (paragraph 1.1.2 on page 30 of the Constitution).

7.3 Appropriate measures will be taken to ensure that venues have suitable access for those with a disability who need or wish to attend Fire Authority or Committee meeting.

## **8. BACKGROUND PAPERS**

None.

## **9. APPENDICES**

1. Forward Plan 2022/23.

## **10. REPORT CONTACT**

Amanda Brown, Clerk to Avon Fire Authority, ext. 347.

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**Avon Fire Authority****Forward Plan 2022-23 - Key Decisions****1. Fire Authority**

<b>Meeting Date</b>	<b>Item / issue requiring decision</b>	<b>Exempt Item? (Yes/No/Part)</b>	<b>Contact Officer for Further Details</b>
17 Feb 23 (Extraordinary meeting)	Revenue Budget and Council Tax Levels 2023-24	No	Treasurer
	Medium Term Financial Plan 2023 to 2027	No	Treasurer
	Capital Strategy (including Capital Programme 2023-24 to 2026-27)	No	Treasurer
	Treasury Management Strategy (including Prudential and Treasury Management Indicators 2023-24 to 2026-27)	No	Treasurer
29 Mar 23	Annual update of Service Plan including IRMP	No	Chief Fire Officer/Chief Executive
	Annual Review of Service Charges 2023-24	No	Treasurer
	Members' Allowances Scheme 2023-24	No	Clerk
	Approval of Pay Policy Statement	No	Clerk
	Annual review of remuneration of the CFO/CE		Clerk

**2. Audit, Governance & Ethics Committee**

The lead Director for this Committee is Angie Feeney, Director of Corporate Services, who is the contact for reports, unless stated in the final column below.

<b>Meeting Date</b>	<b>Item / issue requiring decision</b>	<b>Exempt Item? (Yes/No/Part)</b>	<b>Contact Officer for Further Details</b>
22 Mar 23	2021/22 Statement of Accounts – Report of the Treasurer/External Auditors ISA 260 Report	No	Treasurer

	External Audit Value for Money Report 2021/22	No	Treasurer
	Final Annual Governance Statement	No	
	External Audit Planning Report 2023/24	No	
	Internal Audit Planning, Progress and Reports	No	
	Corporate Risk Register Update	No	

### 3. People & Culture Committee

The lead Director for this committee is ACFO Richard Welsh, Director Service Delivery Support, who is the contact for reports, unless stated in the final column below.

Meeting Date	Item / issue requiring decision	Exempt Item? (Yes/No/Part)	Contact Officer for Further Details
Dates TBC	Shortlisting and interviews for Statutory Finance Officer	Yes	Chief Fire Officer/Chief Executive (Lead Officer for recruitment process)
03 Mar 23	HR & Recruitment update	No	Clerk
	Annual Equality Objectives Report	No	
	Pay Policy Statement 2023/24	No	
	Annual Health and Safety Report	No	
	Quarterly Training Report	No	Clerk
Performance Appraisal of the CFO/CE	Yes		

#### 4. Performance, Review & Scrutiny Committee

The lead Director for this committee is ACFO Steve Imrie, Director Service Delivery, who is the contact for reports, unless stated in the final column below.

<b>Meeting Date</b>	<b>Item / issue requiring decision</b>	<b>Exempt Item? (Yes/No/Part)</b>	<b>Contact Officer for Further Details</b>
18 Jan 23	Performance Report	No	Chief Fire Officer/Chief Executive
	Transformation Programme Update	No	
	Round 2 HMICFRS Inspection Action Plan	No	
	2022/23 Capital Programme Update	No	Treasurer and Directors
	2022/23 Revenue Budget Monitoring Report	No	Treasurer
	Grenfell Tower Inquiry Progress Update	No	
	Collaboration and Partnership working update	No	

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## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday 14 December 2022</b>
<b>REPORT OF:</b>	<b>Chief Fire Officer/Chief Executive</b>
<b>SUBJECT:</b>	<b>Immediate Detriment Update</b>

### 1. **SUMMARY**

Immediate Detriment (ID) has previously been discussed with the Avon Fire Authority. The latest position, as of the Fire Authority meeting on 05 October 2022, is that ID processing for impacted staff wanting to retire before October 2023 (Government remedy) remains paused, but with a provision for individual representations to be made, and considered, in certain circumstances.

This report considers the position for those in the ID category who have already retired ('retirees') without ID applied. A processing mechanism for these individuals has been proposed in a Fire Brigades Union (FBU) and Local Government Association (LGA) Framework which is included in the **Appendix**.

The recommendation is that the Authority continues to defer a decision to adopt this Framework but applies the same 'case by case' provision to impacted staff who have retired without ID.

### 2. **RECOMMENDATIONS**

Avon Fire Authority is asked to:

- a) Note the current position with the FBU and LGA Framework.
- b) Consider the potential implications and costs of adopting the Framework for those in the ID category who have already retired.
- c) Continue to defer a decision on adopting the Framework pending any changes (legislative or otherwise) which would reduce the financial impact on local budgets.
- d) Agree that, in the interim, representations from impacted individuals who have already retired (without ID applied) can be made to, and determined by, the Chief Fire Officer/Chief Executive Officer (CFO/CEO) and Director of Corporate Services.

### **3. BACKGROUND**

- 3.1. As previously reported to the Authority, the Government is taking steps to address the age discrimination which occurred due to the method of transition from the 1992 firefighter pension scheme to the new scheme in 2015.
- 3.2. The Government continues to indicate that the timescale for resolution is in, or before, October 2023. The delay is due to the primary and secondary legislation required, the need to change aspects of pension administration and develop software to process the remedy electronically, and to ensure the provision of detailed information to scheme members about options. Consultation has started on the secondary legislation with HM Treasury issuing a consultation on 24 November 2022. The latter is being reviewed by the relevant bodies and tax specialists to provide a summary and advice to Scheme Managers.
- 3.3. In some situations (called Immediate Detriment or ID) there is a financial impact on individuals while they await the Government remedy.
- 3.4. The October 2022 report to the Authority focused on impacted/ID staff who could retire before October 2023.
- 3.5. This report focuses on impacted staff who have already retired (retirees) but are not yet receiving their full pension benefits under ID. There are approximately 36 previous members of staff in this position. These individuals may have retired before the Authority initially decided to apply ID and/or may have had complexities which previously couldn't be resolved manually.
- 3.6. While these retirees will be in receipt of a pension and, in most cases, will have decided to retire based on income without ID applied, they will be receiving a lower pension until the Government resolution. That situation can feel unjust and impact on family income. Previous reports to the Authority have given an illustration of the difference in pension for a firefighter retiring at 50 (with 30 years' service) with, and without, ID applied.
- 3.7. The Government have confirmed that, upon remedy, retrospective payments will be made to impacted individuals and, for those who have already retired, this will include interest. It is the LGA's understanding that an interest rate in a range between base rates and inflation is under consideration by Government and this was originally estimated to be around 3% per annum. There is possibility that the final interest rate payable will increase depending on the final methodology the Government use and in view of current interest and inflation rates.
- 3.8. In October 2021 a Framework was developed and agreed by the LGA and FBU to provide, if adopted, a process for impacted scheme members (retiring and retired) to receive their full benefits prior to all remedying legislation being force. The Framework included a mechanism to remedy the lump sum and pension payments and address compensatory matters, such as interest for retirees.

- 3.9. The Framework was also presented to avoid additional legal claims being lodged against Authorities and reduce the period for which interest is payable. Further information on the Framework, its purpose and content can be accessed in the background papers.
- 3.10. Adoption of the Framework was considered by the Authority in December 2021. Members agreed to defer a decision on formally adopting the Framework until further legal advice and clarification on funding but to revisit this decision in 2022 and signpost an intention to adopt it as fully as is practically and financially possible.
- 3.11. Since then, the Framework has been updated to reflect the withdrawal of the Home Office guidance, and funding, for ID processing and the concerns raised by HM Treasury regarding the tax complexities. From previous reports, Members will be aware of the issues which have been raised by HM Treasury and the consequent costs which could fall to local budgets. For transparency, the updated Framework is provided in the **Appendix**; the recent amendments have been marked up in track changes.
- 3.12. The LGA continues to explore with the FBU, and respective legal representatives, what, if any, amendments could be agreed to the Framework to minimise risk to the Authority and scheme members and thereby, further assist with its adoption. This work remains in progress and no timeframe has been provided for completion.
- 3.13. There are also separate national court proceedings on the pension scheme transitional protections in respect to injury to feelings compensation. However, the employment tribunal hearing due to take place 14-28 October 2022 was vacated following agreement in principle as to issues of non-financial loss, and to provide further time to negotiate a full settlement. The cost of this compensation will be fully met by the Government, and further information is awaited on who it applies to and how and when it will be paid.
- 3.14. ID is a complex and dynamic matter and the full detail of the situation and matters considered by the Authority at their 15 December 2021, 30 March 2022, 22 June 2022 and 05 October 2022 meetings are available on the Avon Fire Authority website. It is recommended that Members revisit these reports, and appendices:

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 As previously reported, until the required legislation is in place, there is no legal mechanism to pay ID pension cases without potential financial risk to both firefighters (retired and retiring) and the Fire Authority.

- 4.2 There has been no change to the Home Office position on funding and therefore adopting the Framework for retirees potentially creates an additional pressure for local budgets in future financial years. The basis for the potential costs have been outlined in previous papers to the Authority. However, it remains uncertain whether, to what extent and when these costs would be applied by Government.
- 4.3 When the legislation is passed, ID cases will also need to be re-assessed as there is likely to be a difference between the assumptions being made about what the legislation may contain, with what it does contain once enacted.
- 4.4 As was the case for forthcoming retirees, while the LGA 'ready reckoner' has been used to run cost estimates, it is not currently possible to undertake a fully accurate or robust assessment of the likely financial implications of processing retirees under ID. For retirees who have complex situations, case specific knowledge, confirmation of member choices and technical input on tax would be needed to fully determine the costs and some members would potentially need to re-open divorce settlement agreements. Therefore, the costings in this paper are further caveated.
- 4.5 The potential funding identified remains the pension reserve of £577k. As previously reported, while the Authority have not needed to use the pension reserve in recent years, £230k of this reserve has already been allocated to cover additional ill health retirement costs. Therefore, using the reserve for ID has potential direct, and indirect, implications for the local revenue budget.

<b>A. Cost liability based on the LGA ready reckoner*:</b>		<b>Total</b>
<b>Revenue:</b>		
<b>Potential cost of processing impacted retirees under the Framework (noting caveats)</b>	<b>Non-recurrent expenditure</b>	<b>£323,000</b>
<b>B. Proposed funding:</b>		
<b>Baseline Budgets</b>		<b>N/A</b>
<b>Reserves</b>		<b>£577, 000</b>
<b>Other – please specify</b>		
<b>Total funding available:</b>		<b>£577,000</b>
<b>Balance</b>		<b>£254,000</b>

## **5. KEY CONSIDERATIONS**

- 5.1 The potential costs of adopting the Framework to process impacted retirees under ID, have been outlined in section 4 of this report together with the funding options and implications.

- 5.2 If not adopted, there remains a risk of considerable legal fees if claims are brought against the Authority for not processing ID cases. The FBU's position is that it will pursue legal action if ID issues cannot be resolved in a timely manner including using the Framework.
- 5.3 While the Authority has not yet received a claim, the possibility exists that claim(s) will be received, and it is more likely to occur if ID processing is not taking place in any form. Claims are being raised against some other Fire Authorities and, while it would be difficult to provide an estimate, legal costs can be significant. The risk of claims from forthcoming retirement cases may also increase if, in contrast, existing retirees are all being processed under ID.
- 5.4 This pension matter remains of significant importance to individuals impacted and their families and is becoming more so in view of the rising cost of inflation and the cost of living.
- 5.5 With reference to the exceptional 'case by case' mechanism agreed by the Authority in October 2022 for forthcoming retirements, at the time of writing, three representations had been made to the Chief Fire Officer and Director of Corporate Services. One has been approved for processing based on financial hardship, the other two were not approved with information on their next options provided. It is recommended that, if the Framework is not adopted, the Authority extends this mechanism to impacted retirees.

## **6. RISKS**

- 6.1 The Firefighter Pension Scheme risk register informs the overarching Corporate Risk Register at CR15 Pensions and, when applicable, CR04 People, Resources, Capacity, Capability and Succession Planning. The risk rating of CR15 is currently high due to the ID issue which impacts on compliance, funding, employee relations and increased risk of litigation.
- 6.2 The Corporate Risk Register is regularly reviewed and scrutinised by the Service Leadership Team, Service Leadership Board and the Audit, Governance and Ethics Committee with scrutiny applied to ensure the controls and planned mitigations are sufficient to reasonably manage the level of risk.

## **7. LEGAL/POLICY IMPLICATIONS**

- 7.1 The legal implications, and risks, in respect of processing, and not processing, ID cases have previously been provided to Members and can be accessed through the background papers.
- 7.2 It is also noted that the Framework does not currently contain a provision to only apply it in part. Therefore, there may be an increased risk of litigation from forthcoming retirees if the Framework is applied only to those who have already retired.

- 7.3 In November 2021 the FBU indicated that scheme members whose cases are not processed in line with the Framework may be assisted in submitting complaints to The Pensions Ombudsman (TPO), where compensation would be sought for distress and inconvenience caused by late or non-payment.
- 7.4 Members are reminded of that, in July 2022, TPO confirmed their approach in respect of age discrimination cases as follows. Their position has informed the recommendation of a case-by-case provision.

*'Presently TPO's general starting position, is that it would not investigate complaints or disputes relating to remedying age discrimination in public sector schemes, but it will carefully look at the facts of each case before making any decision. Examples of where TPO may investigate include, allegations of maladministration, like, failure to explain what is going on and/or engage properly with the member; or investigate where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements to address the injustice within a reasonable period. Any complaint or dispute will be subject to TPO's usual jurisdictional checks, for example, whether court proceedings have started which are the same as the complaint.'*

- 7.5 If the recommendation to provide case-by-case consideration is agreed, if any retirees are dissatisfied with the AFA position, the process and/or the outcome of their representations, they can complain under the scheme's Internal Dispute Resolution Procedure (IDRP) and, if still unresolved, contact TPO.

## **8. BACKGROUND PAPERS**

- Fire Authority Papers - 30 June and 15 December 2021; 30 March; 22 June 2022 and October 2022.

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

## **9. APPENDICES**

1. Immediate Detriment Framework (IDF) Guidance for Fire and Rescue Authorities in their role as scheme managers. Note this appendix has been provided with the tracked changes made following the Home Office and HM Treasury statements.

## **10. REPORT CONTACT**

Angela Feeney, Director of Corporate Services, Ext. 284

# Immediate Detriment Framework (IDF) - Guidance for Fire and Rescue Authorities in their role as scheme managers

Version number	Date of publication
1. <del>32</del>	<del>17 December 2021</del> <u>30 September 2022</u>

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## Background

The IDF ~~has been~~was developed and agreed by the LGA (in line with the decisions of the Steering Committee specifically set up to deal with matters arising from Sargeant) and the FBU based on the ~~current~~ understanding of the provisions contained for remedy in the [Public Service Pensions and Judicial Offices Bill 2021 \(the “Bill”\) as at October 2021](#). Its purpose is to provide a framework under which members in scope can receive benefits prior to all remedying legislation being in force, therefore avoiding significant additional numbers of Immediate Detriment legal claims as a result of the [Sargeant age discrimination case](#).

This document makes reference to Category 1 (Cat 1) and Category 2 (Cat 2) cases. These are respectively those members who have not yet had benefits brought into payment and those who have had benefits brought into payment. For the avoidance of doubt, Category 2 includes members under the age of 55 who have a pension in payment under the FPS 1992 and a deferred pension under the FPS 2015. The exception is members who did not qualify for ill-health retirement under the FPS 2015 and are not currently in receipt of benefits and are applying for FPS 1992 ill-health benefits, who are treated as Category 2.

All active scheme members are now accruing service in the FPS 2015 from 1 April 2022. Only benefits accrued up to 31 March 2022 can be paid under legacy scheme terms. Benefits accrued after that date are paid as FPS 2015 benefits or deferred as such if the member is under age 55.

For the purposes of the IDF, FPS 2006 special members should be treated in line with FPS 1992 members.

Payments made under the IDF will either be a scheme payment and therefore from the pension fund account or an employer payment which cannot be met from the pension fund account. The table in [Annex 1](#) sets out which payments are from the pension fund account, and which are not. The table was amended in April 2022 to provide further clarification against each element.

It is for each Fire and Rescue Authority (FRA) as the relevant [scheme manager](#) within the Firefighters Pension Scheme (FPS) to adopt the IDF. FRA’s are encouraged to do so particularly given the breadth and complexity of the matters covered, which will support a consistent approach across FRAs.



In considering its decision an FRA will also wish to take into account the risks in terms of potential legal claims should they not do so, given the FBU has previously indicated its intention to bring claims should it feel a case has not been dealt with correctly.

The attention of FRA's is drawn to the note on late lump sums in [Step 6](#) which applies only to Category 2 members who left the scheme more than 12 months ago. This note does not impact on any other part of the framework, nor does it prevent or impinge on the preparatory work needed for late lump sums.

The FBU are of course party to the Memorandum of Understanding (MoU) which contains the Framework agreement and in that MoU they agree that where a member receives a remedy/compensation under the IDF they will not provide any financial or other support to the member to bring legal action relating to such remedy/compensation (they can of course back action where there is a dispute about whether the Framework has been applied correctly).

In the joint statement of 19 November 2021, the FBU indicated that members whose cases are not processed in line with the terms of the Framework may be assisted in submitting complaints to the Pensions Ombudsman (TPO), where compensation would be sought for the distress and inconvenience caused by late payment or non-payment.

More information on such awards can be found in the Ombudsman's [redress for non-financial injustice factsheet](#).

On 29 November 2021, the Home Office withdrew its informal and non-statutory guidance on processing certain kinds of immediate detriment case ahead of legislation, with immediate effect.

The rationale for the decision to withdraw the guidance was indicated as being based on HM Treasury's current best assessment on the advisability of processing immediate detriment cases<sup>1</sup>. The Home Office has stated that, although the decision remains for scheme managers to make, it does not advise schemes to process any immediate detriment cases before legislation is in place, given in its view the risk and uncertainty of correcting benefits before the Public Service Pensions and Judicial Offices (PSPJO) Bill, scheme regulations and relevant tax legislation are finalised and all come into force in or before October 2023.

Although the MoU and the accompanying framework is separate from, and is not subject to or dependent on, any guidance issued in relation to immediate detriment before the legislation comes into force, HMT's note is a cause of concern to FRAs who: (a) are considering adopting the framework; or (b) who have already adopted the framework (but have not reached a final settlement with individual scheme members pursuant to the framework on or before 29 November 2021).

HMT's note suggests that Section 61 cannot be relied upon to fully rectify a member's benefits and may have unintended and adverse tax consequences. It also

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<sup>1</sup> [HMT withdrawal of Home Office immediate detriment guidance](#)

indicates that members may face multiple corrections to their benefits once legislation is in place.

Concerns have also been raised regarding the Home Office's latest position on funding for immediate detriment, which was communicated with the Treasury's note:

"... As the Government does not advise that immediate detriment cases should be processed in advance of the legislation coming into force, we will not be in a position to provide any additional funding for those costs which are paid outside of the pension account. These costs include payments that are not considered to be legitimate expenditure under the pension scheme regulations and any associated administration costs including any charges from your pension administrator. These will need to be funded locally by your fire and rescue authority from local budgets.

In relation to immediate detriment costs paid from the pension account in the course of processing pipeline cases, FRAs will need to ensure that these payments comply with the financing regulations of the pension scheme. If they are considered to be legitimate expenditure then they will be considered for payment as part of the established processes for claiming the AME top up grant."

There has never been a guarantee that costs arising from the Sargeant legal judgment would be covered by government. However, the FRAs position has long been that the government must fund all the costs of remedy, and we have always made that clear in our discussions with government. Further the LGA has been working with Bevan Brittan for some time on recovering costs for FRAs, including under the New Burdens doctrine.

**If you are taking decisions on immediate detriment cases, you should speak to your Nominated Contact.**

[Following the withdrawal of the Home Office guidance, the Scheme Advisory Board wrote to HMT outlining the challenges faced by FRAs and requesting more information on the risks and uncertainties mentioned in their assessment.](#)

[On 23 March 2022, HMT provided a response outlining the factors behind the withdrawal in more detail. The response highlights that Section 61 of the Equality Act 2010 does not, in HMT's opinion, allow for amendment of a member's tax position. The response details several tax complexities which have been identified and will be dealt with through legislation.](#)

[While the Board welcomed the response, members were not content that all of the questions raised had been addressed satisfactorily, and that the tone of the letter was inconsistent – varying between what the implications 'would' or 'could' be. A further letter was submitted to HMT on 15 June 2022 seeking further clarity. A response is still awaited as at September 2022.](#)

[The LGA is continuing to explore with the FBU and respective legal representatives what, if any, amendments could be agreed to the Framework to minimise risk to FRAs and scheme members in light of recent statements from the Home Office and HMT, and which would further assist FRAs in being able to process immediate](#)

detriment cases under that Framework. This includes seeking specialist legal advice where necessary.

As previously advised, the FBU's position has long been that it will pursue legal action if immediate detriment issues cannot be resolved in a timely manner including using the MoU and Framework that were agreed in October 2021.

We are aware that FRAs may be receiving correspondence/ queries from scheme members or representative bodies regarding immediate detriment and future legal action by the FBU. We ask FRAs to be alert to the receipt of future claims brought on behalf of scheme members, and to inform the LGA immediately on such receipt.

TPO issued a factsheet on McCloud remedy in July 2022 which gives a useful insight into the Ombudsman's current position on immediate detriment related complaints.

## Adoption of the Framework

In considering the adoption of the IDF, the FRA should undertake the following steps ~~immediately on the announcement of the framework agreement:~~

1. Obtain the necessary FRA agreement to make use of the IDF, involving the FRA's Nominated Contact for the purposes of the transitional protections claims. Although we understand that the FBU will be communicating the details of the IDF to their members, FRAs should ensure that they communicate the timeframe for this decision to all scheme members.
2. To assist FRAs with their decision on whether to adopt the IDF, the LGA pensions team has worked together with the NFCC to develop a modeller to forecast an FRA's potential financial liability when processing immediate detriment cases. Guidance on using the spreadsheet has been published, along with template spreadsheets, and is available to access via the age discrimination page in the member protected area of the FPS Regulations and Guidance website.
3. The spreadsheet has been designed to provide FRAs with a basic estimate of their financial exposure. It does not cover every eventuality and it is based on the LGA's current understanding of what the main financial liabilities could be, taking into account the recent statements from the Home Office and HMT. FRAs will need to carry out their own calculation of the actual sums due to any member wishing to adopt the Framework in respect of which the LGA assumes no liability.
4. Notify their administrator of their intention to make use of the IDF and the timescales contained.
5. **The FRA will need to discuss with the administrator the necessary resourcing and/or re-prioritising or work to ensure the IDF can be**

**delivered or if this is not possible arrange for alternative resourcing to deliver the IDF.**

6. If the decision is that the IDF will not be adopted, it will be for the FRA to make their own arrangements with regard to any claims and payments made by/to members in this area.
7. Once the IDF is adopted, scheme members should be made aware of their right to apply under the IDF and the local process for doing so through an appropriately widespread and proven means of communication. Such communications could include, for example, a note on payslips of all post 2015 pensioners and a page on the intranet for active members. They should also indicate that the scheme member will need to sign the Compensation Record (set out at Annex 3 of the MoU).
8. These communications should include at least the following information/options:
  - i. The dates and rules for being in scope.
  - ii. The process for applying under the IDF – for example in writing/ by email/ completion of a form, and what information is required within the application. This could include the member's personal details, date of joining, FPS scheme they were a member of, any previous public service pension membership, and the basis for the application i.e. ill-health pension not in payment, or revision of normal retirement.
  - iii. The potential for delay if incomplete or inaccurate information is supplied by the member (for example, if the member has public service pension membership that has not already been notified to the FRA).

## Implementing the framework

Once the FRA has adopted the IDF, the steps below will need to be undertaken in respect of members who apply under it. Although some of these steps will be undertaken by the appointed scheme administrator on behalf of the FRA, the FRA as scheme manager is responsible in law for managing the scheme and paying benefits and as employer for the payment of any compensation.

This document should be read in conjunction with the IDF, and particular attention is drawn to timescales in Annex 2 of the IDF.

### **Step 1 Collect the data required to assess if member is in scope of the IDF**

1. Date of commencement in the FPS.
2. If the date of commencement is after 31 March 2012 and before 1 April 2015, the date of leaving any public service pension scheme in condition iii. below prior to the date of commencement in the FPS (the member will have to provide this if there is no record).

3. If the member is applying for retrospective ill-health benefits under the FPS 1992 the original report of the Independent Qualified Medical Practitioner's (IQMP) report (Cat 2 only). Note that FRAs were advised in [FPS Bulletin 28](#) to obtain IQMP assessments against both final salary and CARE schemes for current and new ill-health cases.

## **Step 2 Determine if member is in scope of the IDF**

1. To be in scope a member must meet all of the following conditions:
  - i. They must have pensionable service under FPS 2015 in the period beginning 1 April 2015 and ending 31 March 2022 (the remedy period).
  - ii. That service would have been pensionable service under FPS 1992 or FPS 2006 but for the person's failure to meet the condition relating to the person's attainment of normal pension age by a specified date. (i.e., they are unprotected or tapered members).
  - iii. They must have been, on 31 March 2012 or any earlier day, in service in any employment or office that is pensionable service under:
    - a) a public service legacy scheme,
    - b) a judicial legacy scheme or
    - c) A local government legacy scheme.
  - iv. There must not be a continuous break of 5 years or more without any pensionable service in the schemes listed in condition iii., from the last day of pensionable service in condition iii. to the first day of pensionable service in condition i.
2. If the member is applying for retrospective ill-health retirement under the FPS 1992, in addition to meeting the conditions above, they must also meet the qualifying conditions for ill-health retirement in that scheme.
3. If a Category 1 member meets each of the conditions above, they should be informed within 14 days of application that they are in scope of the IDF and that their options and figures will be available at the time they take their benefits. Although the steps below are not immediately required in these cases, FRAs are advised to begin the process set out in step 3 to ensure they have the necessary data in place when the member does take their benefits. The remainder of the steps should be followed once the member has notified the FRA of their intention to retire.
4. If a Category 2 member meets each of the conditions above, they should be informed within 14 days of application that they are in scope of the IDF and that their options and figures will follow.
5. If the member does not meet the conditions above, they should be informed within 14 days of application that that they are not in scope of the IDF and the conditions which they did not meet.

### Step 3 Data required for calculations of ID

FRAs are advised to read this section in conjunction with the [Age discrimination remedy data collection guidance for administrators and FRAs](#).

1. Obtain a breakdown of the original benefit calculation to include:
  - i. The FPS 2015 pension and lump sum
  - ii. The total pensionable service, pensionable pay, commutation decision, pension, and lump sum in respect of the FPS 1992 or FPS 2006.
2. Determine the pensionable service which would have been accrued under the FPS 1992 or FPS 2006 during each year of the remedy period (the “remediable service”). For further information on pensionable service please see the [Age discrimination remedy data collection - Guidance for administrators and FRAs](#).
3. Determine the appropriate pensionable pay and any Additional Pension Benefits (APBs) due for each year of remediable service. Any entitlement to a two-pension award should also be determined at this point. For further information on pensionable pay and two pensions please see the [Age discrimination remedy data collection - Guidance for administrators and FRAs](#).
4. Determine the total gross contributions which were paid by the member during each year of remediable service
5. Determine the FPS 1992 or FPS 2006 employee contribution rates applicable to each year of remediable service as per the tables in the following links:  
  
[FPS 1992 contribution rates 2015/16 - 2021/22](#)  
  
[FPS 2006 \(standard\) contribution rates 2015/16 - 2021/22](#)  
  
[FPS 2006 \(special\) contribution rates 2015/16 - 2021/22](#)
6. Determine to what extent the member would have qualified for a contributions holiday during the remedy period. For further information on contribution holidays please see the [Age discrimination remedy data collection - Guidance for administrators and FRAs](#)
7. If the member is applying on health grounds, determine if they would have qualified for ill-health retirement under the FPS 1992. See [FPS Bulletin 28](#) for more information on assessing current/ new or retrospective ill-health applications.
8. Obtain details of any transfers into the FPS 2015 scheme.



9. Obtain details of any contract in place to pay contributions for additional pension in the FPS 2015.
10. Obtain details of any divorce pension debit or scheme pays deductions in place.

#### **Step 4 Determine any change in Annual Allowance (AA)**

For some members the impact of treating them as if they had never left their previous final salary scheme might mean that they would have breached the annual allowance limits in former pension input period years.

1. For each pension input period calculate the opening balance and closing balance in respect of each year in the remedy period as if the member had remained in their relevant legacy scheme (FPS 1992 or FPS 2006).
2. Calculate the excess, if any, of the growth in each year (the difference between the opening and closing balance) over the relevant Annual Allowance limit including any carry forward.
3. Do the same calculations for the member based on the current mix of FPS 1992 or FPS 2006 plus FPS 2015 pension (the transitional benefits) and compare the two sets of values.
4. Further information on the Annual Allowance, including pension input periods, opening and closing balances, and carry forward can be found on the [Annual Allowance page](#) of the FPS member website or in [HMRC Tax Manual PTM051100 - Annual allowance: essential principles](#).

#### **Step 4A Determine the extent of an FPS 1992 or FPS 2006 breach of the AA limit**

5. If the Annual Allowance limit is breached (or the breach is increased) because of FPS 1992 or FPS 2006 benefits calculate the relevant amount of new or increased pension deduction under mandatory scheme pays or voluntary scheme pays using the relevant scheme factors. Note that the member is only liable for any charge that would have arisen if they had remained in their legacy scheme throughout the remedy period.

#### **Mandatory scheme pays (MSP)**

6. Section 237B of the Finance Act 2004 allows MSP where:
  - i. the tax charge is over £2,000, and
  - ii. the individual is subject the standard annual allowance (currently £40k)
  - iii. this relates to a single scheme and to the immediately preceding tax year.

7. If the conditions are met, then the scheme administrator becomes jointly and severally liable (with the member) for the annual allowance charge and must pay this to HMRC within a given timescale. They must also make a consequential adjustment to the member's pension savings or their benefits under the pension scheme.
8. MSP can only apply to the immediately preceding tax year, so MSP cannot be used to pay breaches of annual allowance in previous years within the remedy period.
9. For periods within the statutory time limits, where an individual has already used MSP, pension debits for previous years can be adjusted to accommodate any revisions to the annual allowance charge owed.

### Voluntary Scheme Pays (VSP)

10. Where in certain circumstances an individual cannot use MSP to pay a relevant HMRC tax charge, they may be able to use VSP, so called because the scheme can agree to voluntarily pay the tax charge and deduct from the member via the debit.
11. As a voluntary arrangement there are no conditions attached to it other than the scheme agreeing they can pay it.
12. However, under VSP the member is individually and solely liable and the charge must be paid within the normal HMRC rules for paying tax (31 January following the year of tax charge).
13. In May 2017, following legal advice a [technical note](#) was issued to confirm that FRAs were able to utilise VSP to pay tax charges on a member's behalf, and guidance was subsequently issued with [FPS Bulletin 4](#) including election forms for the member and scheme manager.
14. FRAs may now wish to re-visit the decisions they made about allowing VSP, to amend the conditions they apply to payments under VSP.
15. For more information on calculating the scheme pays debit see the [Tax charge debits \(scheme pays\) page](#) on the FPS Regulations and Guidance website

### **Step 4B Determine the extent of an FPS 2015 breach of the AA limit**

16. If the Annual Allowance was breached under the FPS 2015 benefits but is not breached or the breach is less under FPS 1992 or FPS 2006 benefits calculate any new amount of reduced pension deduction under mandatory scheme pays or voluntary scheme pays using the relevant scheme factors.
17. For more information on calculating the scheme pays debit see the [Tax charge debits \(scheme pays\) page](#) on the FPS Regulations and Guidance website.



18. If applicable, calculate the amount of compensation equal to the excess scheme pays deductions made as a result of 16 above since the member took their benefits.

### **Step 5 Calculate the difference in benefits payable (Category 2 only)**

1. Calculate FPS 1992 or FPS 2006 pension and any lump sum as if the member had continued in that scheme until the date they retired.
2. These calculations should be performed using the original commutation decision made by the member. Note that the effect of the Bill provision is understood to effectively return the member back to immediately prior their benefits coming into payment so they could, if they wish, revisit the commutation decision made at the time and should be informed accordingly as set out below.
3. If the member has applied to have their ill health decision and/or benefits revisited under the IDF then the FRA should reassess the qualification for ill health under the FPS 1992, including obtaining an IQMP determination if this is not already available, and if appropriate calculate the amount of benefits payable under that scheme.
4. If the FPS 1992 or FPS 2006 benefits are higher than those currently in payment, calculate the amount of arrears of pension and lump sum due.
5. Calculate interest on the arrears of benefits payable to the member at a rate of 3% per annum simple. Note this interest will be subject to tax at 20%, and the FRA will need to deduct that on paying it to the scheme member. Interest on pension arrears must be calculated for each month or part month at 3% simple (without compounding), for the period between the date of the original monthly pension payment and the date of the arrears payment.

### **Step 6 Calculate the lump sum unauthorised payment charge and compensation**

The process set out below was based on the proposal for remedy, as set out in the draft Bill, i.e. to compensate for the unauthorised payment charges on late lump sums. Since the publication of the framework, HMRC published a [policy document](#) and [Finance \(No.2\) Bill](#) which both indicated a move towards making payments of late lump sums authorised.

[The Finance Act 2022 received Royal Assent on 24 February 2022 and came into force on 6 April 2022. Sections 9 and 11 will have consequential impact on the 2015 Remedy for the FPS:](#)

[Section 9: Annual allowance deadlines. Deadlines for electing for scheme pays and associated payment and reporting deadlines will be extended for certain members who are informed of a change in pension input amount for a past pension input period.](#)

Section 11: Powers to change tax rules related to the McCloud remedy. The Act provides HM Treasury (HMT) with wide powers to make regulations to address tax impacts that arise as a result of implementing the McCloud remedy. Different regulations may apply to different public service pension schemes. The regulations may have retrospective effect.

Any measures will require secondary HMT legislation to implement, which is not anticipated to be consulted on until later in 2022. It is also expected that secondary scheme legislation will be needed to enact the amendments i.e. the tax rules will not be able to operate in isolation.

We ~~are currently seeking~~ have sought clarification on the extent and timing of the changes and therefore strongly recommend that FRA's do not make or commit to make any late lump sum payments while such clarification is being obtained. They should though continue to make the calculations for those lump sum payments and provide them to the member.

1. Calculate the revised unauthorised payment charge in respect of the arrears of lump sum relating to the excess over 25% (maximum tax-free cash).
2. Calculate the unauthorised payment charge in respect of late payment of the arrears of lump sum (if payable more than 12 months after the original date that the benefits came into payment).
3. The amount of unauthorised payment charge compensation payable to the member is equal to the amount in respect of late payment but not that in respect of exceeding 25%.
4. The LGA's current understanding is that compensation for unauthorised payment charges in relation to late payments is not subject to tax and should therefore be paid without a deduction for tax. It is anticipated that legislation will confirm the position on tax in relation to compensation for unauthorised payment charges. Should this compensation be determined, either by legislation or HMRC prior to the laying of legislation, to be taxable the FRA will be required to further compensate the member for any tax which becomes payable.
5. The unauthorised payment charge deducted from the lump sum arrears and the associated scheme sanction charge should be paid over to HMRC in line with normal payment schedules.

#### **Step 7 Calculate contributions owed by the member – FPS 1992 (ignoring any contribution holiday)**

1. For each year of remediable service calculate the gross employee contributions due under the FPS 1992 using the appropriate pensionable pay and contribution rates. The effect of any contribution holidays should be ignored as any overpayment will be compensated for later in the process.
2. Compare the result with the actual gross contributions paid under the FPS 2015.

3. If the amount paid is less than amount due the member will owe an amount equal to the difference which they may elect to be deducted from any arrears of lump sum. If no lump sum is payable, the member will need to pay any contributions owed from their own resources and to be given a reasonable time to pay based on their individual circumstances.
4. Category 1 members can pay arrears through their pay or as a deduction from their pension commencement lump sum (PCLS).
5. Where an employee has contributed to the FPS 2015 but now owes additional contributions as a result of being treated as if they are in the FPS 1992, there appears to be two different ways FRAs are approaching category 1 cases:
  - i. Working out the net additional contributions due and deducting this from the employee (either through payroll or from the employee's<sup>2</sup> lump sum)
  - ii. Reimbursing the 2015 employee contributions (either as a refund or compensatory payment) and then deducting the gross 1992 employee contributions due.
- 4-6. The intention of the IDF is that FRAs apply a 'netting-off' approach, as refunding the contributions would constitute an unauthorised payment. This is consistent with the principles of the Bill (now the Public Service Pensions and Judicial Offices Act 2022).

### **Step 8 – Calculate compensation for an amount equivalent to net contributions overpaid by an FPS 1992 or FPS 2006 member**

1. It is important to be aware that this part of the process does not impact whatsoever on the amount of contributions paid into the scheme and does not constitute either a refund of contributions or a reconciliation of tax as if the contributions had not been made. It is designed to compensate the member for contributions which were overpaid and will remain so.
2. **The amount calculated in 8A and 8B below is payable as compensation for overpaid contributions NOT as a refund of contributions.**

### **Step 8A – Calculate contributions owed to the member – FPS 2006**

3. For each year of remediable service calculate the gross employee contributions due under the FPS 2006 using the appropriate pensionable pay and contribution rates.
4. Compare the result with the actual gross contributions paid under the FPS 2015.
5. If the FPS 2015 contributions are greater than the FPS 2006 contributions, calculate a best estimate of the net amount of contributions overpaid. This

should be done using the marginal rate for the member at the time the contributions were deducted.

6. Calculate the gross compensation necessary to achieve the net figure in 5 above when applying the current marginal rate. If both rates are 20% the gross compensation will be the same as the gross contributions. If not, the gross compensation will need to be adjusted to result in the correct net outcome – see example below.
7. The amount deducted from the compensation should be withheld until the tax position of compensation is clarified by legislation. If this does not happen before the tax becomes due, the FRA should contact the member to agree that it should be paid to HMRC on their behalf to avoid any tax liability falling on the member.

### Examples of compensation calculation

#### Example 1

The member paid a gross excess contribution of £100 in a period when the member's marginal rate was 20%. The net overpayment was therefore £80.

The member's marginal rate now is also 20% so the amount of gross compensation required to achieve an outcome after tax of £80 is also £100

#### Example 2

The member paid a gross excess contribution of £100 in a period when the member's marginal rate was 40%. The net overpayment was therefore £60.

The member's marginal rate now is 20% so the amount of gross compensation required to achieve an outcome after tax of £60 is £75

#### Example 3

The member paid a gross excess contribution of £100 in a period when the member's marginal rate was 20%. The net overpayment was therefore £80.

The member's marginal rate now is 40% so the amount of gross compensation required to achieve an outcome after tax of £80 is £133

### Step 8B – Contributions holiday for an FPS 1992 member

8. Under the terms of the FPS 1992 the maximum pensionable service that a member can accrue is 30 years' service, while the earliest point at which they can retire is at age 50. This means that some scheme members – mainly those who joined before age 20 – must continue to pay employee contributions beyond the point of accruing maximum pensionable service but before they are able to retire.

9. For example, if someone joined the scheme at 18 and paid contributions for 30 years by age 48, they would have accrued maximum pensionable service in the pension scheme yet could not retire until age 50.
10. The government introduced an employee contributions holiday for FPS 1992 members who accrue the maximum 30 years' pensionable service prior to age 50. This applies from the point of accruing maximum pensionable service in the scheme until the member's 50th birthday.
11. Calculate the gross amount of contributions which would have been payable by the member under the FPS 1992 including the effect of their contributions holiday during the appropriate years of remediable service.
12. Compare the result with the actual gross contributions paid under the FPS 2015.
13. If FPS 2015 contributions are greater than FPS 1992 contributions including the effect of the contributions holiday, then calculate a best estimate of the net amount of contributions overpaid and gross compensation using the same method as shown above for an FPS 2006 member.
14. The amount deducted from the compensation should be withheld until the tax position of compensation is clarified by legislation. If this does not happen before the tax becomes due, the FRA should contact the member to agree that it should be paid to HMRC on their behalf to avoid any tax liability falling on the member.

**Step 9 – Inform the member of their options (including mandate for deducting unauthorised payment tax from lump sum and scheme pays) and await a decision**

1. The member should be notified of the results of the calculations and their options within 62 days (unless a revised medical opinion is required) of the date of application, in particular:
  - i. A statement of the benefits available under the FPS 1992 or FPS 2006, to include any dependents benefits available.
  - ii. The amount of arrears of pension and lump sum if the FPS 1992 or FPS 2006 benefits are higher than those currently in payment (Cat 2 only).
  - iii. Their right to revisit their original commutation decision, noting that such a revisit will delay the process as new calculations will be required (Cat 2 only).
  - iv. The amount of any unauthorised payment charge due to exceeding the maximum tax-free lump sum.

- v. An estimate of any new, or increase or decrease in any existing, breach of the Annual Allowance together with any scheme pays deduction.
  - vi. The amount of underpaid gross contributions which will be deducted from the arrears of lump sum (or PCLS for Cat 1 members).
  - vii. The amounts of any compensation for late payment of lump sum unauthorised payment charges, overpaid contributions, or excess scheme pays deductions.
  - viii. The amount of interest on the appropriate elements of the above amounts.
2. The member should also be provided with:
- i. The option to elect for benefits under the IDF and the Compensation Record (set out at Annex 3 of the MoU).
  - ii. A mandate for deducting unauthorised payment charges from the lump sum arrears.
  - iii. The option to deduct any underpaid gross contributions from the arrears of lump sum or PCLS. If the member does not elect for this, they must be informed that they will be required to pay the gross amount of contributions to the FRA directly.
  - iv. The option to confirm no change to the original commutation decision. If the member wishes to change their commutation decision, they should be notified that further calculations will be required which will delay the payment of arrears.

### **Step 10 – Payment of sums due**

The process for payment will depend which category the member is in.

#### **Step 10A – Business as usual (Cat 1)**

1. Category 1 members making a benefit election shall be processed as business as usual in line with an FRAs normal timescales/ dates for payment.

#### **Step 10B – Revise the pension in payment (Cat 2)**

2. Category 2 members making an election for legacy scheme benefits will have their pension in payment adjusted from the next pension payroll date, at least one month after the FRAs receives the election.

#### **Step 10C – Arrears of pension and lump sum (Cat 2)**

3. Arrears of pension and lump sum should be paid to the member within 28 days of their election.

4. The amount payable in respect of arrears of pension shall be made up of the total of pension underpaid relating to the remediable service plus interest at 3% simple less any new or increased deduction for scheme pays. Where possible this should be paid via the payroll in order to ensure the correct tax is taken. If this is not possible the member should be informed that they must declare the arrears as taxable income.
5. The amount payable in respect of lump sum shall be made up as follows:
  - i. The amount of underpaid lump sum
  - ii. Plus interest at 3% simple
  - iii. Less any mandated unauthorised payment deductions
  - iv. Less any amount of underpaid gross contributions
  - v. Plus any compensation

## Governance

1. FRAs will need to ensure that the details of calculations, how they applied before remedy, and the underpinned benefits on the reformed basis are properly recorded to enable any rectification needed or answer questions once the legislation comes into force.
2. Local Pension Boards (LPBs) may want to consider what assurances they can seek that additional processes are in place to check decision making.
3. LPBs will also want to assure themselves that TPR requirements are being complied with. Particularly to ensure:
  - i. The policies in place to support the [six key processes](#) TPR use to measure performance are updated to ensure they take account of immediate detriment decision making and payments.
  - ii. How [breaches of law](#) will be recorded and reported to TPR.
  - iii. How immediate detriment data will be measured as part of the TPR [data scoring requirements](#), without automated systems, and methods to record the data.

## FAQs

**Q1: Why does the IDF apply to retrospective retirements when the Home Office guidance indicates that these should be excluded from scope?**



A1: The three High Court test cases that were brought by the FBU all related to retrospective retirements (see 4.2 of the MoU), as could future claims. Therefore the Framework needed to make provision for members who have already retired to have their benefits remedied. This is consistent with the application of section 61 of the Equality Act 2010 which means that individuals have the right to be treated as though they have been in service in their legacy scheme since 1 April 2015, if that is what they want and they inform the scheme of this.

It should be noted that the information provided by the Home Office is informal guidance only and as per clause 2.2 of the MoU, it is “separate from, and is not subject to or dependent on, any guidance issued in relation to “Immediate Detriment” before the Remediating Legislation comes into force”.

**Q2: Where the IDF is adopted, does it apply to all eligible scheme members regardless of trade union membership?**

A2: The Framework discussions initially arose from the High Court cases brought by the FBU. Where an FRA adopts the Framework it can be applied to all affected people regardless of any union membership, subject of course to an affected individual also undertaking the responsibilities applicable to them such as signing the Record of Compensation at Annex 3 of the MoU.

**Q3. How was the interest rate of 3% simple on sums due to members arrived at?**

A3. Our understanding is that a range between base rates and inflation is under consideration by government as the basis for interest in the remediating legislation. According to the Office for National Statistics, RPI increased by around 3% pa since 2015 but obviously base rates were lower, so there is a possibility that the interest will be over that required by legislation.

While there is inevitably some uncertainty, importantly FRAs adopting the Framework will reduce the period for which interest is due when making payments, as well as reducing the risk of future legal action against them and the significant cost associated with that.

**Q4. Does the withdrawal of the Home Office informal guidance on 29 November 2021 affect the application of the Framework?**

A4: If you are taking decisions on immediate detriment cases following the withdrawal of the guidance, you should speak to your Nominated Contact.

**Q5. Is there any clarification on what is treated as “legitimate expenditure” for the AME top-up grant process?**

A5: Legal advice has not been sought on what would be considered legitimate expenditure for the AME top-up grant process. The Home Office has been clear that it is for FRAs to determine what are legitimate pension costs based on their interpretation and application of the scheme regulations and associated finance



guidance<sup>2</sup>. All costs will be captured under the AME top-up grant if they are considered legitimate pension expenditure. Our understanding remains that this includes arrears of pension and lump sum where they are paid under section 61 of the Equality Act 2010, which allows individuals to be treated as having remained in their legacy scheme and having a benefit paid under those regulations.

**Q6. Does the MoU cover Cat 1 cases retiring after 31 March 2022 as they will not be able to take full benefit from legacy scheme?**

A6: As detailed above, transitional members will be able to draw all benefits accrued up to 31 March 2022 from the relevant legacy scheme. Benefits built up from 1 April 2022 can be paid under the FPS 2015 if the member is aged 55 or over, otherwise they will become deferred. Note that members who were fully protected and remained in their final salary scheme until 31 March 2022 do not meet condition ii, and are therefore not in scope of the IDF.

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<sup>2</sup> [Guidance for FRAs on new financial arrangements for firefighter pensions with effect from April 2006](#)

## ANNEX 1 payments

Issue	Category 1 cases	Category 2 cases	Payment type	<u>Technical/ practical issue and proposed resolution (if any)</u>	<u>Potential risk and liability to FRA</u>
Shortfall in retirement lump sum and past pension payments	Retirement lump sum and benefits paid on retirement through Legacy scheme (so that no shortfall arises).	Pay as lump sums (comprising pension lump sum and arrears lump sum likely made in two payments) through the 1992 scheme (as arrears). Pension arrears will be subject to PAYE, but if any additional income tax is payable by the member that would not have been payable if the member had never been treated as a member of the 2015 Scheme, the FRA will compensate the member for that tax liability.	Scheme benefit payable from the pension fund account under Section 61 Equality Act	<p><u>Member may have a different tax code in force than when employed due to other income. Arrears of pension may push member into a higher tax bracket. Member may receive compensation from FRA and then also seek to recover from HMRC through self-assessment (would only be able to apply for in-scope years).</u></p> <p><u>FRA to provide breakdown of arrears relating to respective years, if requested. Member to evidence that they have paid more tax than otherwise would have been the case.</u></p>	<p><u>Cat 1: Payment of pension should provide least financial risk as no tax issues are involved. Likewise payment of lump sum.</u></p> <p><u>Cat 2: Payment of pension arrears could pose risk to FRA's that any income tax compensated for may not be recoverable.</u></p> <p><u>Likewise, payment of lump sum arrears is complicated by UPC if relevant date is more than 12 months ago.</u></p> <p><u>Potential liability is 55% of lump sum arrears.</u></p>

Interest on shortfall in retirement lump sum and past pension payments	No interest due because correct lump sum and pension benefits will be paid on retirement.	Interest paid at 3% p.a. simple, from the date lump sum / benefits should have been paid.	Non scheme benefit. Compensation for loss payable under section 92 of the Local Government Act 2000 and Article 7(7) of The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.	<u>Inconsistency in application</u>  <u>As member benefits will have to be revisited under final remedy, interest to be corrected on a consistent basis at that time.</u>	<u>Significant financial risk to FRA of not being able to recover amounts paid as compensation. –</u>  <u>Potential liability is amount of interest paid</u>
Employee contributions: 1992 Scheme	Member pays shortfall (since 2015) through pay or as a deduction from retirement lump sum.	Member pays any shortfall (since 2015) as a deduction from retirement lump sum. If no lump sum is payable, the member will need to pay any contributions owed from their own resources and to be given a reasonable time to pay based on their individual circumstances.	<u>Net additional contributions due from the employee are to be credited to the pension account. There are no payments to be made from the pension account as employee contributions to FPS 2015 are to be treated as if they had been made to the FPS 1992.N/A</u>		<u>FRA may become liable to compensate the member for any tax charge imposed by HMRC.</u>  <u>Potential liability is 20% (minimum) of total contributions paid to FPS 2015.</u>  <u>Potential tax risk to member of contributions being deemed as not attracting tax relief.</u>

Employee contributions: 2006 Scheme	Compensation for excess contributions to be paid on retirement. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	FRA to pay compensation for excess contributions. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	Non scheme benefit. Compensation for loss payable under section 92 of the Local Government Act 2000 and Article 7(7) of The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.		<p><u>Significant financial risk to FRA of not being able to recover amounts paid as compensation.</u></p> <p><u>FRA may become liable to compensate the member for any tax charge imposed by HMRC.</u></p> <p><u>Additionally, potential tax risk to member of contributions being deemed as not attracting tax relief.</u></p>
Tax relief on employee contributions	<p>Process through PAYE to the extent possible if time/amount allows. If time does not allow, then any tax relief not collected through PAYE will be calculated and paid when the remedying legislation is in force.</p> <p>FBU and FRAs will encourage members to give as much notice of retirement as possible to</p>	Compensation for any tax relief foregone will be paid to the individual when the remedying legislation is in force. So, for now, individuals will pay the gross amount of contributions due.	N/A – will be dealt with when legislation is available		<p><u>FRA liable to compensate member for any adverse tax consequences.</u></p> <p><u>Potential risk to member if PAYE position is altered.</u></p>

	facilitate payment through PAYE.				
Interest payable on adjusted employee contributions (1992 Scheme)	Interest to be paid by the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation). If tax relief was not processed through PAYE (because time/amount did not allow), where the individual is due to receive a future payment to compensate him or her for the tax relief foregone, the interest amounts will be deducted from that payment.	Interest to be paid by the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation).Where the individual is due to receive a future payment to compensate him or her for the tax relief foregone, the interest amount will be deducted from that payment.	N/A		<u>N/A</u>

Interest payable on adjusted employee contributions – compensatory amount (2006 Scheme)	Interest to be paid to the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation).	Interest to be paid to the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation).	N/A – will be dealt with when legislation is available		<u>N/A</u>
Contribution holidays: excess employee contributions	Compensation for excess contributions to be paid on retirement. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	FRA to pay compensation for excess contributions. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	Non scheme benefit. Compensation for loss payable under section 92 of the Local Government Act 2000 and Article 7(7) of The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.		<p><u>Significant financial risk to FRA of not being able to recover amounts paid as compensation.</u></p> <p><u>FRA may become liable to compensate the member for any tax charge imposed by HMRC.</u></p> <p><u>Additionally, potential tax risk to member of contributions being deemed as not attracting tax relief.</u></p>
CETVs and added pension	If an issue arises, then look at it at that point. Individual and FRA will work together to agree a holding compromise that the CETV/added pension will stay in the 2015 scheme until the legislative	Deal with as and when arises.	N/A		<u>N/A</u>

	solution arrives.				
Annual Allowance charges	<p>Recalculate pension input amount for each year of remedy.</p> <p>If an annual allowance charge would have arisen if the individual had not been transferred to the 2015 Scheme, the charge remains payable by the member (through scheme pays or otherwise).</p> <p>If an annual allowance charge would not have arisen (or a lesser charge applied) if the member had not transferred to the 2015 Scheme, the member will pay that charge and the FRA will compensate the member for the annual allowance</p>	<p>Recalculate pension input amount for each year of remedy.</p> <p>If an annual allowance charge would have arisen if the individual had not been transferred to the 2015 Scheme, the charge remains payable by the member (through scheme pays or otherwise).</p> <p>If an annual allowance charge would not have arisen (or a lesser charge applied) if the member had not transferred to the 2015 Scheme, the member will pay that charge and the FRA will compensate the member for any annual allowance charge that is demanded (or any excess over the lesser charge that would have applied).</p>	<p>Non scheme benefit.</p> <p>Compensation for loss payable under section 92 of the Local Government Act 2000 and Article 7(7) of The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012. Only relates to compensation for AA charges that would not have arisen save for the discrimination.</p>		<p><u>Significant financial risk to FRA of not being able to recover amounts paid as compensation.</u></p> <p><u>Potential liability is amount of compensation paid.</u></p> <p><u>Risk to member that any overpaid AA charges for out-of-scope years will not be compensated until legislation in place.</u></p>

	charge that is demanded (or any excess over the lesser charge that would have applied).				
Scheme pays (MSP/VSP)	Member pays tax through VSP for statutory taxyears for which it becomes due.	Member pays tax through VSP for statutory taxyears for which it becomes due.	N/A		<p><u>Risk to member of interest charged for late payment of AA charges.</u></p> <p><u>FRA may become liable to compensate the member for any interest charged.</u></p> <p><u>Risk mitigated by The Registered Pension Schemes (Miscellaneous Amendments) Regulations 2022.</u></p>
Converting scheme pays debits	FRA to recalculate the pension debit as if taken at time of original scheme pays election using actuarial factors applicable at time.	FRA to recalculate the pension debit as if taken at time of original scheme pays election using actuarial factors applicable at time.	N/A	<p><u>If a breach didn't originally exist but there is now a breach on a legacy basis, use factors in force at time that breach would have occurred and member's age at that point.</u></p>	N/A
Converting pension sharing debits	Deal with on a case-by-case basis as issues arise.	Deal with on a case-by-case basis as issues arise.	N/A	<p><u>Members may have a part or full share awarded against FPS 2015 benefits and these will no longer exist. Benefits are actuarially calculated</u></p>	<p><u>Members may have a part or full share awarded against FPS 2015 benefits and these will no longer exist. Benefits are actuarially calculated and taken into account by</u></p>



				<p><u>and taken into account by court as part of wider settlement. Additional costs incurred by members if need to reopen divorce proceedings</u></p> <p><u>Only an issue where share is specified to be deducted from FPS 2015. Ex-spouse should receive the benefit of higher CETV. Refer member back to solicitor with revised CETV to determine redress, as FRAs do not have legal powers to amend terms of court order. The costs of that would be a loss flowing from the discrimination so part of consequential loss in the ET proceedings.</u></p>	<p><u>court as part of wider settlement. Additional costs incurred by members if need to reopen divorce proceedings</u></p> <p><u>Only an issue where share is specified to be deducted from FPS 2015. Ex-spouse should receive the benefit of higher CETV. Refer member back to solicitor with revised CETV to determine redress, as FRAs do not have legal powers to amend terms of court order. The costs of that would be a loss flowing from the discrimination so part of consequential loss in the ET proceedings.</u></p>
Dependents	Deal with on a case-by-case basis as issues arise (and in accordance with the timeframes set out in Annex 2	Deal with on a case-by-case basis as issues arise (and in accordance with the timeframes set out in Annex 2 where reasonably practicable).	Scheme benefit payable from the pension fund account under Section 61 Equality Act		<u>N/A</u>

	where reasonably practicable).				
Taper members	Tapering to stop (because that is the only step that is consistent with the ET decision).	Tapering to stop (because that is the only step that is consistent with the ET decision).	N/A	<u>All members will now have tapered.</u>	<u>N/A</u>
Unauthorised payments	N/A	The FRA will compensate the member for unauthorised payment charges which the member has had to pay and which he or she would not have had to pay if the member had not transferred to the 2015 Scheme.	Non scheme benefit. Compensation for loss payable under section 92 of the Local Government Act 2000 and Article 7(7) of The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.		<u>Significant financial risk to FRA of not being able to recover amounts paid as compensation.</u>  <u>Potential liability is 55% of lump sum arrears.</u>  <u>Await legislation to implement powers provided by FA 2022.</u>

## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 14 December 2022</b>
<b>REPORT OF:</b>	<b>Chief Fire Officer/Chief Executive</b>
<b>SUBJECT:</b>	<b>Service Round-Up</b>

### 1. **SUMMARY**

This report is to highlight the areas of good work across Avon Fire & Rescue Service (AF&RS), which has taken place across October and November 2022.

### 2. **RECOMMENDATIONS**

The Avon Fire Authority is asked to note the report.

### 3. **BACKGROUND**

This report aims to give an overview of the work across Service Delivery, Service Delivery Support, Corporate Services and other proactive communications activity, project or teamwork.

### 4. **FINANCIAL IMPLICATIONS**

This report has no financial implications.

### 5. **KEY CONSIDERATIONS**

#### **Business Fire Safety (BFS)**

- 5.1 Following two high profile and significant fires involving high rise buildings, members of the BFS team have been engaging with the local authority to provide support and advice around implementation of national guidance and suitable control measures. Prevention and Protection staff have been actively engaging with residents at community meetings providing reassurance around alarm systems, stay put or simultaneous evacuation procedures, home fire

safety advice regarding charging of lithium batteries and external wall systems (cladding).

- 5.2 Applications are being received from the National Fire Chief's Council (NFCC) to backfill the nominated post to assist the new Building Safety Regulator and to be part of a multi-disciplined team that inspect high rise buildings throughout the South West. This post is Government funded as part of the Hackett review and recommendations.
- 5.3 Following a meeting and request from Councillor Evans, the Head of Private Housing for North Somerset, the team provided home fire safety advice in a short article, to be published in the Somerset Life magazine (an online subscription magazine).
- 5.4 In the lead up to Christmas, the BFS team will be interacting with business owners about how they manage extra stock and the need to train staff on fire safety at this busy time, as well as providing advice around temporary outdoor attractions and venues.

### **Vulnerable Adults**

- 5.5 During October the Vulnerable Adults team conducted 8 fire safety talks / adult education inputs to various organisations. These included attending the Memory Café's, which is a space where those living with and caring for people with Dementia can go to meet up and socialise, we also attended the Making Space's meeting which is a local organisation that works with those who hoard and their families. The team have also been involved in attending; Home Instead Information Day, Making Space Volunteer Awayday, National Anti-Hate Awareness Week held at Cribbs Causeway, the Hong Kong Community Event (held at Concorde Museum) and a Brace Conference.
- 5.6 The team also responded quickly and appropriately to the need for community engagement sessions in the aftermath of the Twinnell House fire, providing support to Bristol City Council's engagement sessions, including a talk to concerned parents at a local primary school. The team continue to support local communities following the incidents by supporting community engagement events and continuing to offer home fire safety visits and advice.

### **Children and Young Persons (CYP)**

- 5.7 The CYP team supported Bath Rotary's Firework Safety Poster competition; judging entries and hosting the winners at Bath fire station on Saturday 12 November.
- 5.8 Our Firesetter's Lead delivered sessions at the NFCC Firesetter Practitioner Development Day. Organised and facilitated by the Core Team this was a national CPD and networking event attended by around 90 Firesetter

practitioners from across the UK. The event hosted guest speakers discussing topics around the current challenges and concerns for children and young people and the work that we can do to support them. Attendees were also able to network, receive support on resources from the core team and complete workshops to help shape the future of Firesetter work nationally.

- 5.9 The team have engaged local subject matter experts in the field of Special Educational Needs provision to develop provision for children and young people with additional needs to ensure equity of access to safety messaging. The focus initially is on our Key Stage 1 package (children aged 5-7), with scope to work up through each of the department's packages to build a collection of accessible resources. Additional training in the delivery of these resources will be given to the CYP team members and cascaded where needed through our operational staff.

### **Black History Month**

- 5.10 To mark Black History Month 2022, the Service have worked with award-winning contemporary digital illustrator, Parys Gardener, to produce a design installed onto the side of Bedminster's fire truck.
- 5.11 The artwork celebrates black history with a nod to the Windrush Generation, featuring colourful illustrations. It is designed to open a dialogue on the importance of representing your local community and celebrates what it means to be a firefighter today.
- 5.12 The truck wrapping, designed in collaboration with staff from across the Service and in particularly Bedminster fire station, is part of a wider scheme of work as the Service works to improve its representation of the community.

### **Save Safely Campaign**

- 5.13 In response to the rising cost of living, the Service has launched a campaign to help residents who are looking to save money on energy bills, to do so safely. This includes issuing advice and providing safe energy saving tips for anyone looking for alternative and cost-effective ways to heat your home.
- 5.14 The campaign is in response to concerns for the safety of residents, who may resort to an increased reliance on portable heaters, electric blankets and open fires in the coming months – all of which come with a fire risk if not used correctly and carefully.

### **Community Check-in**

- 5.15 On Monday 17 October, Chief Fire Officer Simon Shilton, Risk Reduction Manager Nikki Rice and Drone Lead, Watch Manager Sean Perry were live on Facebook giving local people an insight into the Service.

- 5.16 During the session, those who tuned in found out more about roles across the Service, given advice on how to stay safe and had the opportunity to ask questions of the presenters. This included finding out more about home fire safety visits as well as how we're using drone technology to keep our communities safe.

### **National Festival of Rescue**

- 5.17 Across the weekend of Friday 30 September, AF&RS firefighters and officers took part in the United Kingdom Rescue Organisation (UKRO) National Festival of Rescue, this year hosted by West Midlands Fire and Rescue Service.
- 5.18 Hundreds of firefighters from across the UK and beyond competed in a bid to be crowned 'the best of the best' in a myriad of rescue skills: rope rescue, extrication, water rescue, trauma and Urban Search & Rescue (USAR).
- 5.19 During the event, our crews had the following successes: first place in the Helm, Water Rescue Challenge, second place in the USAR Challenge and third in the HGV Extrication Challenge. The Service's technical rope rescue team also took part in their first national challenge and took sixth place.

### **Avonmouth Fire Station**

- 5.20 With work having begun in 2020, the two and half year long redevelopment of Avonmouth's new fire station has been completed.
- 5.21 Soon after work began, the redevelopment project faced a national lockdown, putting barriers in the way of progress. However, despite working with restrictions in place, Knights Brown alongside the Major Project Manager and our Property Services Team managed to keep the project going, resulting in the project's completion.
- 5.22 Now finished, the station will be formally opened by the Lord Lieutenant at an official opening ceremony in the New Year.

### **Remembrance truck wrapping**

- 5.23 Staff from across the Service have worked together to come up with a new, striking poppy truck wrapping design to commemorate all those who have given the ultimate sacrifice.
- 5.24 The artwork features firefighters, soldiers, poppies, ships and planes flying overhead and has been placed on a Kingswood's fire engine, to visibly reflect all aspects of remembrance.

**6. RISKS**

This report has no operational, financial or reputational risks.

**7. LEGAL/POLICY IMPLICATIONS**

This report has no legal or policy implications.

**8. BACKGROUND PAPERS**

This report has no background papers.

**9. APPENDICES**

Appendix 1 – Press releases and incident report of note October – November 2022.

**10. REPORT CONTACT**

Amber Foreman, Head of Corporate Communications , extension 390.

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## Press releases and incident reports of note

### Press releases

- Kingswood fire crews mark remembrance with commemorative truck design – *7 November 2022*
- Helping you save safely as energy prices soar – *8 November 2022*
- How could a carrot help keep you safe on Bonfire Night? – *1 November 2022*
- Welcoming five new on-call firefighters – *31 October 2022*
- Simple swaps for a safer spooky season – *26 October 2022*
- Caution urged on candle safety week - *25 October 2022*
- Celebrating Control Firefighters on Internal Control Room Week – *24 October 2022*
- Binning batteries safely saves lives – *14 October 2022*
- Diplodocus disaster: Firefighters extinguish dinosaur blaze – *13 October 2022*
- Bedminster fire crews unveil their newest fire engine artwork – *12 October 2022*
- We're going live on Facebook to answer your questions – *7 October 2022*
- Success at National Festival of Rescue – *3 October 2022*

### Incident reports

A total of 62 incident reports were uploaded to the website during this period.

- Crews called to Weston-super-Mare beach – Knightstone Causeway, Weston-super-Mare – *15 November 2022*

Crews from Weston-super-Mare fire station were called at 20:25 to reports of a person stuck in the mud at Knightstone Causeway. On arrival, firefighters found a female casualty stuck in the mud close to the slipway. Crews rescued her using the hovercraft and transported her back to safety. The police and coastguard were also in attendance.

- Crews called to house fire – Great Pulteney Street, Bathwick – *4 November 2022*

We were called at 13:07 to reports of a fire on Great Pulteney Street, Bathwick. Crews from Bath and Kingswood responded to the incident and found a fire in a five-storey residential property. Six firefighters wearing breathing apparatus for safety used three high pressure hose reels, one 70mm safety jet, thermal imaging cameras, ventilation fans and small tools to extinguish the fire and clear smoke. Firefighters rescued one dog from the property. The cause of the fire is thought to be accidental.

- Crews mobilised to barn fire – Westerleigh Road, Pucklechurch - *4 November 2022*

We were called at 22:31 to reports of a barn fire on Westerleigh Road, Pucklechurch. Fire engines from Kingswood, Yate and Hicks Gate attended

the incident and found the fire affecting a building being used as a paddock and workshop. Crews used two 45mm jets and two high pressure hose reels to extinguish the fire, before using thermal imaging cameras to check for hotspots while damping down the area. The cause of the fire is thought to be deliberate ignition.

- Crews attend house fire – Ridgeway Road, Long Ashton – *28 October 2022*

Crews from Temple, Kingswood, Bedminster, Nailsea and Avonmouth were called to reports of a house fire at 12:34. On arrival, crews found a fire in the loft space of a semi-detached house. The fire further affected the roof space of the adjoining property. With eight firefighters wearing breathing apparatus, crews used two turntable ladders, four high pressure hose reels and one 45mm jet to extinguish the fire. Also in use were thermal imaging cameras and gas monitors to check the safety of the scene. Crews continued to monitor the scene for some time. The cause of the incident remains unknown.

- Emergency Services respond to Bristol tower block fire – Barton Hill, Bristol City Centre – *20 October 2022*

At 06:08, emergency services were called to a fire in a block of flats in Barton Hill, Bristol. The fire was on the first floor of Eccleston House on Aiken Street and spread to the outside of the building, so the decision was taken to evacuate.

Multiple fire crews were committed to the building wearing breathing apparatus for protection to extinguish the fire. Fire crews also carried out a full search of the building, with all persons accounted for. Ambulance, Police and Bristol City Council colleagues were also on the scene.

There were six casualties affected by the incident with burns and/or smoke inhalation, three who have been conveyed to hospital and three were treated at the scene by ambulance.

A rest centre was established since the early hours at St Patrick's Catholic Church, as well as a community-led one at the Tawfiq Masjid and Centre. Both sites provided welfare support for around 40 people in total. Council-led teams worked to help residents with food, clothing, access to medicines and other welfare and care needs, and some residents were housed in temporary accommodation for the evening.

A full investigation into the fire has been carried out and the cause is thought to be deliberate ignition.

- Crews attend fire at recycling centre – Church Town, Backwell – *18 October 2022*

Crews from Nailsea, Bedminster, Yatton and Paulton were called at 10:19 to reports of a fire at a recycling centre in Backwell. On arrival, firefighters found a large skip measuring six by four metres, well alight. Crews used a 45mm jet, 70mm jet and a high pressure hose reel to extinguish the blaze. The cause of the fire is thought to be accidental ignition.

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