

Addressed to:

**The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The London Commissioner
The Chief Fire Officer**

Summary of contents in this issue

(The title below is a link to the bulletin page)

[Title: Localism Act](#)

This item provides an update on the Localism Act.

[Title: Capital Grant Consultation Summary](#)

This item provides a summary of the recent Capital Grant consultation.

[Title: Council tax Freeze](#)

This item provides details of help available for local authorities to freeze their council tax in 2012-13.

[Title: Fire Service College – Future Options](#)

This item provides an update on the Future Options of the Fire Service College.

[Title: Fire Safer Cigarettes](#)

This item highlights a new safety standard for cigarettes that applies from 17 November 2011 to all cigarettes sold in the EU.

[Title: Fire Statistics Great Britain, 2010-2011](#)

This item signposts the Department's annual fire statistics publication for 2010-11, which was published on Friday 25 November 2011.

Localism Act

1. Background

Fire and Rescue Service Monthly Bulletin Number 6 issued 4 January 2011 set out the background on the Localism Bill and how proposals would impact on fire and rescue authorities
<http://www.communities.gov.uk/documents/fire/pdf/1808463.pdf>.

Following Royal Assent on 15 November 2011 the Bill became the [Localism Act](#).

2. Localism Act 2011

The Localism Act is wide ranging and the largest piece of primary legislation the Department has delivered since the 1980's. Different parts of the Act will come into force at different stages. Further details of anticipated timetables for implementation will be made available by the end of the year.

The following provisions are of most relevance to fire and rescue authorities:

New General Powers for fire and rescue authorities

The Localism Act includes a general power of competence for local authorities. This gives councils – including county councils that provide fire and rescue services - the legal capacity to do anything that an individual can do that is not specifically prohibited and is designed to allow them to act innovatively without being found by the courts to have acted 'ultra vires'.

The Act also provides stand alone fire and rescue authorities with a similar power to the general power of competence but related to their single-purpose status. With this power single purpose fire and rescue authorities will be able to do anything they consider appropriate for purposes linked to their statutory responsibilities to help deliver innovative and more personalised services to their communities.

These new powers enable both councils and fire and rescue authorities to act innovatively to generate efficiencies and secure value for money outcomes. They will still be subject to statutory limitations and restrictions, and their powers to tax, precept and borrow will remain governed by the existing regimes.

Charging

The Act removes the existing charging (up to full cost recovery of expenditure) arrangements for all fire and rescue authorities. The decision making process on charging for additional activities will be subject to a local consultation, with certain safeguards where charging is not permissible. Whilst the Act repeals section 19 (charging) of the Fire and Rescue Service Act 2004, fire and rescue authorities will continue to be able to charge for activities they can currently charge for, without the need to re-consult.

A new provision of the Act provides fire and rescue authorities with the ability to charge for mobilisation to **non-domestic** premises where there is a persistent false report of fire due to either 'malfunctioning' or 'misinstalled' equipment. This is one option available to fire and rescue authorities to address the issue of persistent false reports. Another is the use of enforcement through the Regulatory Reform (Fire Safety) Order 2005 or both where deemed appropriate.

Fire and rescue authorities will **not** be able to charge for a number of core functions e.g. extinguishing fires or protecting life and property in the event of fire (except at or under the sea), providing emergency medical assistance, or responding to emergencies resulting from events of widespread significance, severe weather, or road traffic accidents.

Community Right to Challenge

The Act enables voluntary and community groups, charities, parish councils and staff of 'relevant authorities' (currently County, District and London Borough's) to express an interest in running existing relevant authority services where they believe they can do so differently and better.

The Act establishes the framework for the Community Right to Challenge and gives the Secretary of State powers to specify details in regulations, including what information will be required in an expression of interest, grounds whereby an expression of interest may be rejected, and services to be exempted from the Right. It also gives powers to add relevant authorities and relevant bodies in regulations.

The 15 county fire and rescue authorities are included as 'relevant authorities'. The consultation on Community Right to Challenge published [4 February 2011](#), said we were minded to extend the definition of relevant authority to single purpose fire and rescue authorities (Metropolitans, London and Combined) and sought views. It remains our intention to include single purpose fire and rescue authorities in the definition of relevant authorities in forthcoming regulations.

We recognise that the Fire and Rescue Services Act 2004 gives fire-fighters employed by fire and rescue authorities a specific set of powers to enable them to carry out certain functions effectively. Following consultation, we are considering which of the services of fire and rescue authorities to exempt from the Community Right to Challenge. Further information on next stages of the Community Right to Challenge including exemptions will follow in early 2012.

Details of the proposed process are set out in the Community Right to Challenge consultation and a [policy statement](#) published on 12 September.

Community Right to Bid

Under the Community Right to Bid, voluntary and community bodies and parish councils will be able to nominate land and buildings to be listed as 'assets of community value' by their local planning authority. When the listed assets comes up for sale, community groups will then be able to trigger a pause in the sale of up to six months in order to enable them to raise funds to make a bid to purchase the asset. At the end of the pause, owners are free to sell the asset to whomever they wish on the open market.

Local planning authorities are required to consider a nomination from the community against the definition of land of community value i.e. if its principal use furthers the social wellbeing and interests of the local community, or it has done in the recent past and it is reasonable to expect it will continue to do so in the immediate future. 'Social interests' are also defined to include recreational, cultural and sporting interests. Regulations will specify types of land that will be excluded from being listed as assets of community value and we envisage that will include residential property.

Community Right to Bid is primarily aimed at giving local people the opportunity to bid to buy treasured local assets like shops and pubs and maintain them for local community use

Pay Accountability

The Localism Act increases transparency and local democratic accountability over senior pay decisions by ensuring that a senior pay framework is decided by all councillors through the prism of full council, instead of decisions being taken behind closed doors.

In addition to the requirements for each council to set out its policies relating to the remuneration of its chief officers, each council will also be required to set out its approach towards the remuneration of its lowest-paid employees, and its policies relating to the relationship between the remuneration of its chief officers and the remuneration of those employees who are not chief officers.

Those policies will need to be published in an approved pay policy statement for each financial year, beginning with 2012/13.

The Secretary of State has issued guidance on these provisions to which authorities must have regard. The guidance makes clear that, in addition to the requirements in the bill, authorities should include their local policy on the reward of chief officers who are also in receipt of a pension under the Local Government Pension Scheme or relevant Fire Fighter Pension Scheme. Authorities should have an explicit policy in their pay policy statement on whether or not they permit such practices within their workforces.

The guidance was published in draft on 17 November and is available at:

<http://www.communities.gov.uk/publications/localgovernment/draftguidancelocalpay> .

Comments are sought by 16 December.

Right to approve or veto excessive council tax rises

The Localism Act gives local communities the power to decide about council tax rises. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority, (including a fire and rescue authority) proposes to raise taxes above this limit it will have to hold a referendum to get approval for this from local voters who will be asked to approve or to veto the rise i.e. authorities will need to convince local voters, rather than central government of the case for excessive rises in council taxes.

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Capital Grant Consultation Summary

1. Background

The Department for Communities and Local Government (DCLG) consulted on the distribution of capital grant funding from 12 September to 21 October 2011:

<http://www.communities.gov.uk/publications/fire/capitalgrantconsultation>

Current status

Capital grant funding is currently distributed by allocation of a fixed sum to every authority with the balance distributed pro rata according to population. The Department sought views on the proposal that future funding be distributed based on a combination of:

- An efficiency fund, administered via a bidding process; and
- A pro rata distribution using the current distribution method.

Consultation

In total, 44 submissions were received, mainly from Fire and Rescue Authorities and services (41) and organisations representing their interests (3).

Outcome and next steps

Ministers have now considered the views of the sector and have decided to give fire and rescue authorities more time to prepare bids for capital grant funding that can target efficiency savings while demonstrating value for money. As such the current pro rata distribution method will remain in place for 2012 -13. A summary of responses can be found on DCLG website.

However, subsequent to this, the allocation of capital will be a combination of pro rata distribution and bids with a one off bidding round for 2013 - 2015 funds. Detailed guidance for the bidding round will be published in the new year.

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Council Tax Freeze

1. Background

On 14 November the Secretary of State announced details of help available for local authorities to freeze their council tax in 2012-13. This new grant scheme will be open to all billing and major precepting authorities, including fire authorities, which decide to freeze or reduce their council tax next year.

2. Council Tax Freeze

As for 2011-12, this scheme will be voluntary, administered by Department for Communities and Local Government (DCLG) and will apply separately to each billing and major precepting authority in England rather than to each council tax bill issued.

By 'freeze' we mean no increase in the amount of council tax individual taxpayers have to pay, as measured by the basic amount of council tax (Band D) set by participating authorities.

Funding will be supplied by DCLG to participating authorities around 31 March 2012. Unlike for 2011-12, the council tax freeze grant for 2012-13 will involve a single one-off payment and this will not be built into the baseline (i.e. no further grant payments will be made over the Spending Review period).

For most councils, including those that deliver fire and rescue services along with a range of other services, the grant will be based on an increase of 2.5 per cent of their 2011-12 council tax. Fire and rescue services normally account for a very small proportion of such councils' overall budgets.

Single purpose fire and rescue authorities will be offered funding equivalent to raising their 2011-12 council tax by 3.0 per cent, as will police authorities. The Greater London Authority will get an intermediate offer based on 2.75 per cent, as over half of the non police part of its council tax goes to funding the London Fire and Emergency Planning Authority. The higher rate of grant being offered to single purpose fire and rescue authorities and police authorities reflects the Government's commitment to protecting these frontline emergency services.

For more information please see the press notice which includes an estimate of the awards on offer to each authority: <http://www.communities.gov.uk/news/corporate/2028865>.

Any enquiries please email: counciltax.consultations@communities.gsi.gov.uk or contact David Kelly on telephone 0303 444 2099.

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Fire Service College – Future Options

1. Background

The Government response to the Fire Futures Reports on 12 April 2011 said that the Fire Service College can achieve its full potential only if there is greater involvement from other sectors (whether private, public or voluntary) in its ownership, operation and governance and that we would “explore with the sector and other organisations options to secure the future of the Fire Service College.”

2. Latest position

As covered in Fire and Rescue Service Bulletin 15, the Fire Minister announced on 5 September 2011 a short phase of pre-market engagement to better inform the department’s view of market appetite and viable options which will secure the future of the Fire Service College. The pre-market engagement ended on 31 October 2011.

The response to the pre-market engagement from both the public and private sectors has been very encouraging and a number of private sector companies have expressed an interest in managing the College. The fire sector has also responded positively to the pre-market engagement and their views will be a vital element in our considerations of the future option. We will continue to work closely with both the Local Government Association and the Chief Fire Officers’ Association.

We are now reviewing the responses and these will help inform the next phase of the project which will see the production of the business case and the recommendation to the Minister of the preferred future option.

We expect to be able to confirm the next steps, including the preferred future option, in the new year.

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Fire Safer Cigarettes – New EU safety standard and test method

1. Background

On 17 November 2011, the European Commission referenced a new safety standard (EN 16156) and test method (EN ISO 12863) for cigarettes in the Official Journal of the European Union. The safety standard requires that no more than 25 per cent of tested cigarettes should achieve a full length burn when not being actively smoked. The European Union expectation is that the manufacturers of all cigarettes intended for sale in the European Union will comply with the new safety standard.

2. UK Implementation

The Department for Business Innovation and Skills (BIS) communicated the existence of the new standard for cigarettes through the trading standards Interlink to Local Authority Trading Standards departments. This confirmed the UK Government's expectation that all cigarettes sold in the UK will comply with the new safety standard. As is normal with Reference Standards, BIS have not instructed nor expect Trading Standards to enforce compliance; it is for local Trading Standards departments to determine their role in any monitoring and enforcement activity. The UK tobacco manufacturers have confirmed that all cigarettes being produced for the UK market are compliant with the new safety standard.

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Fire Statistics Great Britain, 2010-11

1. Background

This item signposts the Department's annual fire statistics publication for 2010-11, which was published on Friday 25 November 2011: <http://www.communities.gov.uk/fire/researchandstatistics/firestatistics/>

2. The publication's content broadly follows the format of previous editions of Fire Statistics (UK). For example there is extensive analysis of causes of dwelling fires and of smoke alarm operation.

New content in this edition includes:

- eight maps showing rates of fire incidents and casualties for local authority areas
- a section on numbers of fires in buildings where sprinklers were present
- a section on types of non-fire incidents attended by fire and rescue services and casualties

Producing outputs from the Incident Recording System that were consistent with data produced from the previous system was time consuming. As a result, less new analysis was included in this edition than was planned. It is intended that future editions will contain more new analysis and some rotation of topics. Feedback and requests are welcome¹.

Headline statistics on numbers of incidents and casualties for 2010-11 including tables by fire and rescue authority were published in the Fire Statistics Monitor² in June 2011. Data to 30 September is to be published by the end of January 2012.

¹ <http://www.communities.gov.uk/fire/researchandstatistics/firestatistics/firestatfeedback/>

² <http://www.communities.gov.uk/fire/researchandstatistics/firestatistics/firestatisticsmonitors/>

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¹ <http://www.communities.gov.uk/fire/researchandstatistics/firestatistics/firestatfeedback/>

² <http://www.communities.gov.uk/fire/researchandstatistics/firestatistics/firestatisticsmonitors/>

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