

<b>WYFRA</b>	<b>FULL AUTHORITY</b>	<b>15 April 2011</b>	<b>ITEM</b>
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**REPORT OF:** THE DIRECTOR OF CORPORATE RESOURCES

**PURPOSE OF REPORT:** TO CONSIDER A PROGRAMME OF AUTHORITY AND COMMITTEE MEETINGS FOR 2011 / 2012

**RECOMMENDATION:** THAT THE PROGRAMME OF MEETINGS FOR 2011 / 2012 BE APPROVED.

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#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS**

**EXEMPTION CATEGORY:** None

**ACCESS CONTACT OFFICER:** Nicola Houseman 01274 655740

**BACKGROUND PAPERS  
OPEN TO INSPECTION:** None

#### **SUMMARY**

A new programme of meetings for the forthcoming municipal year has to be agreed by the full Authority prior to it becoming effective immediately following the Annual General Meeting in June.

## **1 BACKGROUND**

- 1.1 It is necessary to give consideration to the programme of meetings for the next municipal year starting in July 2010 based on a five-cycle year. Members will recall the previous decision to reduce the frequency of Audit committee meetings to four per year.
- 1.2 The Executive Committee will meet, if required, on the 3<sup>rd</sup> Friday of the month and Standards Committee will meet on a six monthly basis (October and April)
- 1.3 Accordingly, the following detailed programme is recommended for adoption by the Authority:

<b>FRIDAY PERSONNEL &amp; TRAINING COMMITTEE</b>	<b>FRIDAY FINANCE &amp; RESOURCES COMMITTEE</b>	<b>FRIDAY AUDIT COMMITTEE (quarterly)</b>	<b>FRIDAY AUTHORITY  (24 June 2011)</b>
<b>1 July 2011</b>	<b>8 July 2011</b>	<b>30 Sept 2011</b>	<b>9 September 2011</b>
<b>23 Sept 2011</b>	<b>16 Sept 2011</b>		<b>16 December 2011</b>
<b>11 November 2011</b>	<b>18 Nov 2011</b>	<b>3 February 2012</b>	<b>16 February 2012 (Thursday)**</b>
<b>27 January 2012</b>	<b>20 Jan 2012</b>	<b>20 April 2012</b>	<b>27 April 2012</b>
<b>30 March 2012</b>	<b>13 April 2012</b>	<b>28 June 2012 (Thurs)</b>	<b>29 June 2012 (AGM)</b>

\*\* Due to a clash with a meeting of the LGA Fire Commission, it is proposed that the annual budget meeting of the Authority be held on Thursday 16 February 2012.

<b>WYFRA</b>	<b>FULL AUTHORITY</b>	<b>15 APRIL 2011</b>	<b>ITEM NO</b>
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**REPORT OF:** DIRECTOR OF CORPORATE RESOURCES

**PURPOSE OF REPORT:** TO INFORM MEMBERS OF THE AUTHORITY'S  
PERFORMANCE AGAINST KEY  
PERFORMANCE INDICATORS

**RECOMMENDATION:** THAT MEMBERS NOTE THE REPORT

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#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS**

**EXEMPTION CATEGORY:** NONE

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**BACKGROUND PAPERS:** N/A

#### **SUMMARY:**

This report provides Members with information regarding the performance of West Yorkshire Fire and Rescue Service against targets to enable the Authority to measure, monitor and evaluate performance.

## **1. INFORMATION**

- 1.1 The attached Performance Management and Activity Report outlines the Authority's performance against key performance indicators thereby enabling the Authority to measure, monitor and evaluate performance against targets. These are detailed in three categories as shown below:
- Key Performance Indicators
  - Service Delivery Indicators
  - Corporate Health Indicators
- 1.2 In the report, progressive monthly statistics have been utilised to identify trends in performance with corresponding information regarding any action being taken to address under performance.
- 1.3 The Performance Management and Activity Report is monitored bi-monthly by Management Team and the Full Authority at each meeting.
- 1.4 An abridged version of the Performance Management Report is presented to each Audit Committee highlighting where targets are not being achieved or where comparisons with all Metropolitan Fire and Rescue Authorities identifies West Yorkshire as the worst performance.
- 1.5 A traffic light system is used to provide a clear visual indicator of performance against each specific target and 'direction of travel' arrows indicate whether performance has improved, remained the same or deteriorated compared to the position at the same time in the previous year.
- 1.6 Other performance and activity information is also included within the report.

## **2 FINANCIAL IMPLICATIONS**

- 2.1 There are no financial implications arising from this report.

## **3 EQUALITY AND DIVERSITY IMPLICATIONS**

- 3.1 Measurement against key indicators on equality and diversity are included in the Performance Management Report.

## **4 RECOMMENDATION**

- 4.1 That Members note the report

# West Yorkshire Fire & Rescue Service

## Performance Management and Activity Report 2010/11



Period Covered: 1 April 2010 –  
28 February 2011  
Date Issued: 28 March 2011

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# 1. Introduction/Summary

The purpose of this report is to provide information regarding the performance of West Yorkshire Fire and Rescue Service against selected national and local targets to enable the Authority to measure, monitor and evaluate performance.

The national targets identified in this report are contained within the following performance indicators:

- NI 47: People Killed or Seriously Injured in Road Traffic Accidents
- NI 48: Children Killed or Seriously Injured in Road Traffic Accidents

There are two Key Performance Indicators (KPI) which appear within this report:

- KPI 1: Arson Incidents
- KPI 2: Primary Fires

There are also a number of performance indicators developed by CFOA (Chief Fire Officers Association) which West Yorkshire Fire and Rescue Service has chosen to adopt. Monitoring these indicators is entirely voluntary for Fire Services across the country, but the advantage of adopting some of them is that it may provide scope for comparison with other authorities who have adopted the same indicators.

In this report, appropriate and progressive monthly statistics have been utilised to identify trends in performance, with corresponding information regarding the action being taken to address any areas of under-performance. Information regarding a selection of local performance targets has also been provided in this report and comparisons have been made with the previous year's performance.

All data, unless specified, is for the reporting period 1 April 2010 – 28 February 2011.

A traffic light system has been employed to provide a straightforward visual indicator of performance against each specific target.

Comparative data, in respect of other Fire Authorities, is included in this report, to allow West Yorkshire Fire and Rescue Service to benchmark its performance against those of similar authorities.

Graphical representation of the performance of West Yorkshire Fire and Rescue Service is available via the Performance Management Information (PMI) System, which is accessed via the Service's intranet site.

## 2. Target Summary – Overview

### Legend

	Purple indicates target not applicable
	Red indicates not achieving target
	Amber indicates satisfactory performance (within 10% of target)
	Green indicates achieving or exceeding target
	Grey indicates there is currently no data available for this indicator
	Direction of travel, compared to position at this time last year

### Targets by Indicator Category

Service Delivery Indicators (CFOA reference)	Corporate Health Indicators (CFOA reference)	Other Local Service Indicators
KPI 1 – Arson Incidents	CH 1 – Equality Standard	Special Service Calls
KPI 2 – Primary Fires	CH 4 (CFOA C2) – Sickness	Incidents – 5 Pumps and Above
NI 47 – People Killed or Seriously Injured in Road Traffic Accidents	CH 5 (CFOA A5) – Health & Safety	Home Fire Safety Checks
NI 48 – Children Killed Seriously Injured in Road Traffic Accidents	CH 6 (CFOA E1) – Business Continuity	Compliments/Complaints
SD 1 (CFOA D1) – Accidental Dwelling Fires (Total)	CH 7 – Expenditure per Capita	Violence at Work
SD 2 – Accidental Dwelling Fires (Deaths)	CH 9 – Budget Variance (% Variance against overall budget)	
SD 3 – Accidental Dwelling Fires (Injuries)	CH 10 – Payment of Invoices	
SD 5 (CFOA A2(i)) – False Alarms (Malicious Not Attended)	CH 11 – Capital Payments (£s)	
SD 6 (CFOA A2 (ii)) – False Alarms (Malicious Attended)	CH 13 – Debtors	
SD 7 (CFOA A1) – Automatic Fire Detection – Non Domestic	CH 14 – Customer Satisfaction	
SD 9 – Fires in non-domestic premises		
SD 10(a) – % Fires where Smoke Alarm Fitted		
SD 10(b) - % Fires where Smoke Alarm Faulty		
SD 10(c) - % Fires where Smoke Alarm Correct		
SD 10(d) - % Fires where no Smoke Alarm Fitted		
SD 12 MACC Call Handling Times		

### 3. Key Performance Indicators – Performance

(Figures for the Key Performance Indicators may be subject to slight variation between reports. This is mainly due to the date of completion of the report being before all the auditing of the data is complete.)

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
KPI 1	Arson Incidents (All Deliberate Fires) per 10,000 population	5.78	11.12	15.34	19.72	23.62	27.00	30.44	33.24	34.93	37.13	38.62		↓ (36.22)	63.80	Adjusted targets to be more demanding. A dry April and May saw a spike in activity which has now been corrected.
	Arson Incidents (Deliberate Primary Fires) per 10,000 population	0.74	1.56	2.34	3.04	3.90	4.55	5.24	5.99	6.60	7.24	7.76		↑ (9.11)	14.57	On track to achieve year end target.
	Arson Incidents (Deliberate Secondary Fires) per 10,000 population	5.03	9.56	13.00	16.68	19.72	22.45	25.21	27.25	28.33	29.89	30.86		↑ (45.33)	49.23	Adjusted targets to be more demanding. A dry April and May saw a spike in activity which has now been corrected.

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
KPI 2	Number of Primary Fires per 100,000 population	15.13	32.51	48.28	63.77	79.94	93.95	109.00	125.88	141.96	156.91	168.23		↑ (184.27)	251.47	On track to achieve year end target
	Number of Fire Fatalities per 100,000 population – Accidental Dwelling Fires	0.13	0.13	0.13	0.13	0.13	0.13	0.18	0.27	0.31	0.31	0.31		↑ (0.55)	0.41	On track to achieve year end target.
	Number of Fire Fatalities per 100,000 population – Other Fires	0.00	0.04	0.04	0.22	0.27	0.27	0.31	0.31	0.36	0.36	0.40		↓ (0.09)	No target set	
	Number of Fire Casualties (excluding precautionary checks) per 100,000 population	0.94	1.93	2.96	4.45	5.21	6.33	7.23	8.40	9.93	11.00	11.36		↓ (10.63)	13.59	On track to achieve year end target

Indicator	Description	Cumulative Performance (10 Calendar Year)												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 31 Jan	To 28 Feb	To 31 Mar	To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec			
NI 47*	People Killed or Seriously Injured (KSI) in Road Traffic Accidents			191			431			692				↑ (731)	889	Targets are based on the National Target of 40% reduction on the 94-98 average by 2010.  Figures are for the period Jan – Sep 2010
NI 48*	Children Killed or Seriously Injured (KSI) in Road Traffic Accidents			27			62			101				↑ (122)	135	Targets are based on the National Target of 50% reduction on the 94-98 average by 2010.  Figures are for the period Jan – Sep 2010

\*Note: West Yorkshire Fire and Rescue Service is not directly responsible for performance against the above two indicators. Performance is reflective of the West Yorkshire Local Transport Plan for the reduction of 'Killed and Seriously Injured' and the work done by the West Yorkshire Safer Roads Partnership. West Yorkshire Fire and Rescue Service is a representative of the West Yorkshire Safer Roads Partnership alongside the 5 District Councils, West Yorkshire Police, Yorkshire Ambulance, Highways Agency, West Yorkshire Casualty Reduction (Safety Camera) Partnership and NHS Primary Care Trusts.

Data for this indicator is supplied by West Yorkshire Safer Roads (Accident Studies Unit) on a quarterly basis. The provisional data is produced three months in arrears. The final figures for the full calendar year are validated the following April.

#### 4. Service Delivery Indicators – Performance

(Figures for the Service Delivery Indicators may be subject to slight variation between reports. This is mainly due to the date of completion of the report being before all the auditing of the data is complete.)

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
SD 1	Accidental dwelling fires (per 10,000 dwellings) (CFOA D1)	1.17	2.26	3.13	4.16	5.14	6.16	7.50	8.71	10.17	11.48	12.43		↑ (12.74)	16.8	On track to achieve year end target.
SD 2	Number of deaths arising from accidental fires in dwellings per 100,000 population	0.13	0.13	0.13	0.13	0.13	0.13	0.18	0.27	0.31	0.31	0.31		↑ (0.55)	0.41	Volatile indicator. Difficult to predict performance trend.
SD 3	Number of Injuries arising from accidental fires in dwellings per 100,000 population	0.81	1.62	2.16	3.10	3.50	4.09	4.81	5.75	7.19	8.04	8.35		↓ (6.54)	10.39	On track to achieve year end target.
SD 5	Number of calls to malicious false alarms per 1000 population – not attended (CFOA A2(i))	0.01	0.03	0.05	0.06	0.08	0.09	0.10	0.11	0.12	0.14	0.15		↑ (0.31)	1.12	On track to achieve year end target.

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
SD 6	Number of calls to malicious false alarms per 1000 population – attended (CFOA A2(ii))	0.02	0.05	0.08	0.10	0.13	0.15	0.18	0.19	0.21	0.23	0.25		↑ (0.31)	0.77	On track to achieve year end target.
SD 7	Unwanted fire signals from automatic fire detection equipment per 1000 non-domestic properties (CFOA A1)	4.69	10.51	16.68	22.55	28.84	34.93	41.28	47.68	55.75	60.96	66.14		↑ (77.96)	110.45	On track to achieve year end target.
SD 9	Fires in non-domestic premises per 1000 non-domestic premises	0.58	1.27	2.05	2.52	3.08	3.55	4.03	4.67	5.26	5.73	6.10		↑ (6.26)	10.2	On track to achieve year end target.

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
SD 10(a)	The percentage of fires attended in dwellings where there was a working smoke alarm	57.3%	54.4%	52.3%	50.4%	51.1%	51.9%	52.8%	52.5%	53.0%	53.1%	52.8%		↑ (50.1%)	40.1%	On track to achieve year end target.
SD 10(b)	The percentage of fires attended in dwellings where a smoke alarm, because it was faulty or incorrectly sited, did not activate	9.7%	7.5%	9.1%	9.2%	8.9%	8.5%	8.9%	8.6%	8.3%	8.4%	8.5%		↓ (7.3%)	9.3%	On track to achieve year end target.
SD 10(c)	The percentage of fires attended in dwellings where a correctly sited and working smoke alarm did not activate	13.7%	14.3%	13.8%	15.2%	15.3%	15.3%	15.3%	15.1%	14.9%	15.1%	15.2%		N/A	N/A	This indicator is used to identify where a smoke alarm has not activated for legitimate reasons.
SD 10(d)	The percentage of fires attended in dwellings where no smoke alarm was fitted	19.4%	23.8%	24.8%	25.2%	24.7%	24.3%	23.1%	23.8%	23.8%	23.4%	23.5%		↑ (25.5%)	49.6%	On track to achieve year end target.

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
SD 12	Time taken from accepting a call from the British Telecom operator, to mobilisation of Fire and Rescue Service resources	58.17	58.25	58.58	58.57	58.51	58.54	58.44	58.64	58.48	58.17	57.96		N/A	60 seconds	<p>Performance trend improved consistently during the last year.</p> <p>Performance is measured against an optimum standard of 60 seconds.</p>

## 5. Corporate Health Indicators – Performance

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment	
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar				
CH 1	The level (if any) of the FRS Equality Framework to which the Authority conforms												Excellent		↑ (5)	Excellent	Following a successful assessment WYFRS awarded Excellent in FRS Equality Framework.
CH 4	Average number of working days / shifts lost to sickness (CFOA C2)	0.40	0.87	1.35	1.94	2.47	3.03	3.64	4.19	4.77	5.37	5.94		↓ (5.53)	6.50	Employees no longer being paid by the Authority have been removed in the calculation of this indicator.	

Indicator	Description		Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment	
			To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar				
CH 5	Health and Safety (CFOA A5) (Total injuries)	< 3 days Injuries (Total)	15	34	60	86	104	114	131	150	173	188	206		↓ (182)	204	We have continued to see an increase in minor accidents over the previous quarter, but not so for the more serious major and RIDDOR accidents. It is believed the increase in reported minor accidents is due to the improved awareness of accident reporting procedures which has been achieved through the provision of accident investigation training over the last 12 months. No specific trends have been identified in relation to this increase and OHSU will continue to monitor. Following discussion at March Management Team, further analysis of the < 3 day accidents has been undertaken which has confirmed that the increase in this category is predominantly due to no lost time accidents (i.e. very minor in nature) and supports the believe the rise is due to previously non reported minor accidents	
		< 3 days Injuries (No lost time)	10	27	47	67	82	91	105	118	137	150	168		N/A	163		
		< 3 days Injuries (Lost time)	5	7	13	19	22	23	26	32	36	38	38		N/A	41		
		Fatal	0	0	0	0	0	0	0	0	0	0	0	0		↔ (0)		0
		Major	0	1	1	1	3	3	3	3	3	3	3	4		↑ (4)		Not set
		3 + days	0	7	10	13	16	19	22	24	28	32	32	35		↓ (24)		39

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
CH 6	Business Continuity Planning (CFOA E1)	Self assessment against a business continuity maturity model including 6 measures and 5 levels, giving a maximum score of 100%										76.67%		 (73.33%)	93.33%	76.67% is made up of five Level 4s and one level 3 achieved against the maturity model. Performance reporting is currently under review and will be aligned to reflect the requirements of BS2599 during 2011.
CH 7	Expenditure per head of population on the provision of fire and rescue services											£39.30		N/A	£40.00	The figure reported is taken from the 2010-11 CIPFA Fire and Rescue Services Estimates
CH 9	Forecast Budget Variance (% Variance against overall budget)		0.0%		0.6%						-1.87%			 (1.1%)	<1%	Currently -1.87% Forecast Budget Variance in the first three quarters of 2010/11

Indicator	Description	Cumulative Year to Date Performance -Cost Period Dates Year 2010-11													Target Full Year	Comment
		4 Apr – 25 Apr	2 May – 23 May	30 May – 20 Jun	27 Jun – 18 Jul	25 Jul – 15 Aug	22 Aug – 12 Sep	19 Sep – 10 Oct	17 Oct – 7 Nov	14 Nov – 5 Dec	12 Dec – 2 Jan	9 Jan – 30 Jan	6 Feb – 27 Feb	6 Mar – 31 Mar		
CH 10	The percentage of invoices for goods and services paid by the Authority within 30 days (stand alone month)		97.7%	95.4%	95.4%	95.7%	95.8%	95.7%	95.8%	96.8%	95.8%	95.7%	93.9%		100%	Progressive roll-out of the corporate credit card will increase the proportion of invoices paid within 30 days.
CH 11	Forecast Capital Payments -Actual figures £s	£0.3m (£0.9m)	£1.2m (£1.9m)	£1.9m (£2.8m)	£2.9m (£3.8m)	£3.9m (£4.7m)	£4.5m (£5.5m)	£5.8m (£6.2m)	£6.2m (£6.2m)	£7.1m (£7.0m)	£7.5m (£7.8m)	£8.1m (£8.6m)	£8.6m (£9.4m)	(11.0m)	£11.0m	Targets are based on a profiled spending of the capital plan, Targets for each individual month are in brackets. Figures to be provided on a monthly basis
CH 13	Debtors – Value of debt outstanding which is over 60 days old	£20,562	£35,313	£35,313	£12,952	£10,790	£18,135	£18,470	£30,819	£53,865	£30,016	£44,813			Information Only	Figures to be provided on a monthly basis.

Indicator	Description	Cumulative Year to Date Performance												Direction of Travel compared to position at this time last year	Target Full Year	Comment
		To 30 Apr	To 31 May	To 30 Jun	To 31 Jul	To 31 Aug	To 30 Sep	To 31 Oct	To 30 Nov	To 31 Dec	To 31 Jan	To 28 Feb	To 31 Mar			
CH 14	Customer Satisfaction - % Overall Satisfaction with the service provided:	Quality of Service: Domestic										99.25%		↑ (98.92%)	>95%	Annual Survey. These satisfaction results are obtained through the Opinion Research Survey conducted throughout the year.
		Quality of Service: Non Domestic										98.55%		↓ (100%)	>95%	
		Home Fire Safety Checks										99.53%		↑ (98.73%)	>95%	
		School Fire Safety Visits Performance										99.51%		↓ (99.57%)	>95%	2009-10 Terms 1-3 results. 2010-11 annual results expected August 2011

## 6. Performance Indicators – Comparison with other Fire and Rescue Services

The Metropolitan Fire and Rescue Services share information on a quarterly basis in respect of performance indicators. Information for the third quarter of 2010/11 (1 April 10 – 31 December 10) and positions for the individual indicators are shown below. The information is unaudited and therefore may be subject to minor amendments, but it does allow up to date performance comparisons to be made between WYFRS and similar ‘family group’ FRSs.

Data is also subject to the Fire and Rescue Authorities agreeing to share this data with WYFRS.

### Key Performance Indicators

Indicator	Description	Greater Manchester	London	Merseyside	South Yorkshire	Tyne & Wear	West Midlands	West Yorkshire
KPI 1(i)	Arson Incidents (All Deliberate Fires) per 10,000 population	39.42 (10,253)	7.00 (5,428)	50.58 (6,831)	31.75 (4,183)	45.08 (4,987)	31.04 (8,190)	34.94 (7,780)
KPI 1(ii)	Arson Incidents (Deliberate Primary Fires) per 10,000 population	7.81 (2,032)	Not reporting	8.43 (1,139)	7.39 (974)	14.61 (1,616)	5.74 (1,515)	6.59 (1,468)
KPI 1(iii)	Arson Incidents (Deliberate Secondary Fires) per 10,000 population	31.61 (8,221)	Not reporting	42.14 (5,692)	24.36 (3,209)	30.47 (3,371)	25.30 (6,675)	28.35 (6,312)
KPI 2(i)	Number of Primary fires per 100,000 population	188.86 (4,912)	131.85 (10,223)	193.32 (2,611)	153.50 (2,022)	146.07 (1,616)	151.59 (4,000)	141.96 (3,161)
KPI 2(ii)a	Number of Fire Fatalities per 100,000 population - Accidental Dwelling Fires	0.27 (7)	0.31 (24)	0.30 (4)	0.08 (1)	0.09 (1)	0.34 (9)	0.31 (7)
KPI 2(ii)b	Number of Fire Fatalities per 100,000 population - Other Fires	0.15 (4)	0.21 (16)	0.22 (3)	0.08 (1)	0.00 (0)	0.23 (6)	0.36 (8)
KPI 2(iii)	Number of Fire Casualties (exc. Preliminary Checks) per 100,000 population	15.80 (411)	8.09 (627)	9.11 (123)	4.33 (57)	5.51 (61)	4.09 (108)	9.93 (221)

Accidental dwelling fire deaths for April – September have been at their lowest number ever in 2010-11.

Within this period there have been 3 Accidental dwelling fire deaths and 6 deliberate fire deaths, 3 of which relate to one incident

### Corporate Health Indicator

Indicator	Description	Greater Manchester	London	Merseyside	South Yorkshire	Tyne & Wear	West Midlands	West Yorkshire
CH 8	Expenditure per head of population on the provision of fire and rescue services	£38.20	£52.28	£50.89	£42.48	£52.27	£45.02	£39.30

Note 1: Actual numbers shown in brackets.

Key  1st (Best)  3rd  5th  7th (Worst)

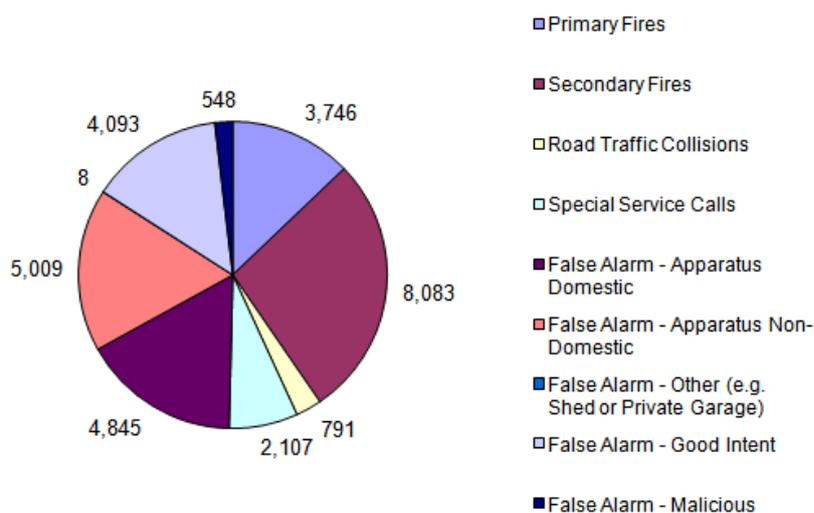
Note 2: Where two FRS's have achieved equal placing, both are shown in the same colour.

 2nd  4th  6th

## 7. Incidents

The table and chart below show the operational activity of West Yorkshire Fire and Rescue Service for the financial year to date, broken down into category of incident. The table also shows a comparison for the same period in 2009 and the total number of incidents for 1 April 2009 to 31 March 2010.

Incident Category	Number of Incidents 1 April 2010 to 28 February 2011	Percentage	Number of Incidents 1 April 2009 to 28 February 2010	Number of Incidents 2009/10
Primary Fires	3,746	12.8%	4,055	4,384
Secondary Fires	8,083	27.7%	9,083	10,009
Road Traffic Collisions	791	2.7%	922	1,025
Special Service Calls	2,107	7.2%	2,038	2,145
False Alarm - Apparatus Domestic	4,845	16.6%	5,010	6,400
False Alarm - Apparatus Non-Domestic	5,009	17.1%	5,874	5,465
False Alarm - Other (e.g. Shed or Private Garage)	8	0.0%	81	90
False Alarm - Good Intent	4,093	14.0%	3,774	4,096
False Alarm - Malicious	548	1.9%	672	713
<b>Total</b>	<b>29,230</b>	<b>100%</b>	<b>31,509</b>	<b>34,327</b>

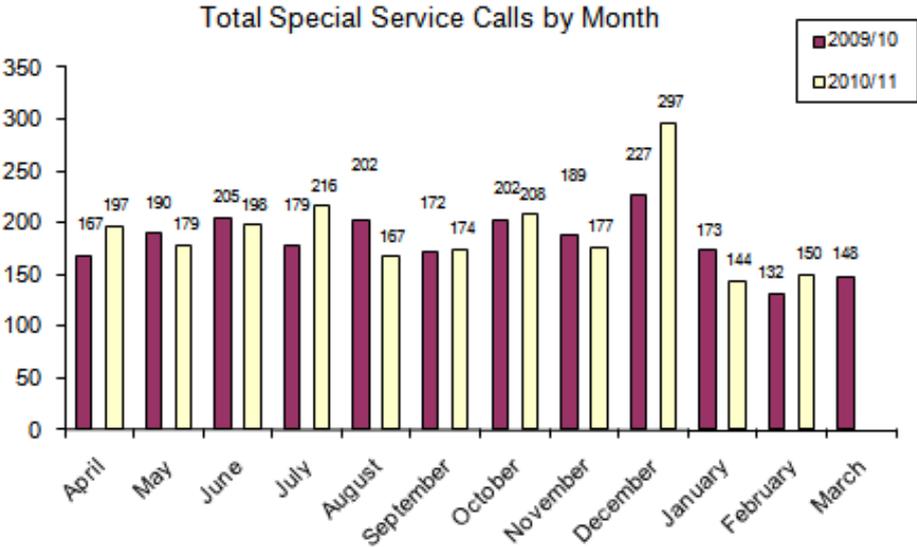


The table below shows the operational activity of West Yorkshire Fire and Rescue Service during 1 April 2000- 31 March 2001

Incident Category	Number of Incidents 2000-01	Percentage
Primary Fires	8,873	23.0%
Secondary Fires	10,046	26.0%
Road Traffic Collisions	823	2.1%
Special Service Calls	2,812	7.3%
False Alarm - Apparatus	9,811	25.4%
False Alarm - Good Intent	3,859	10.0%
False Alarm - Malicious	2,423	6.3%
<b>Total</b>	<b>38,647</b>	<b>100%</b>

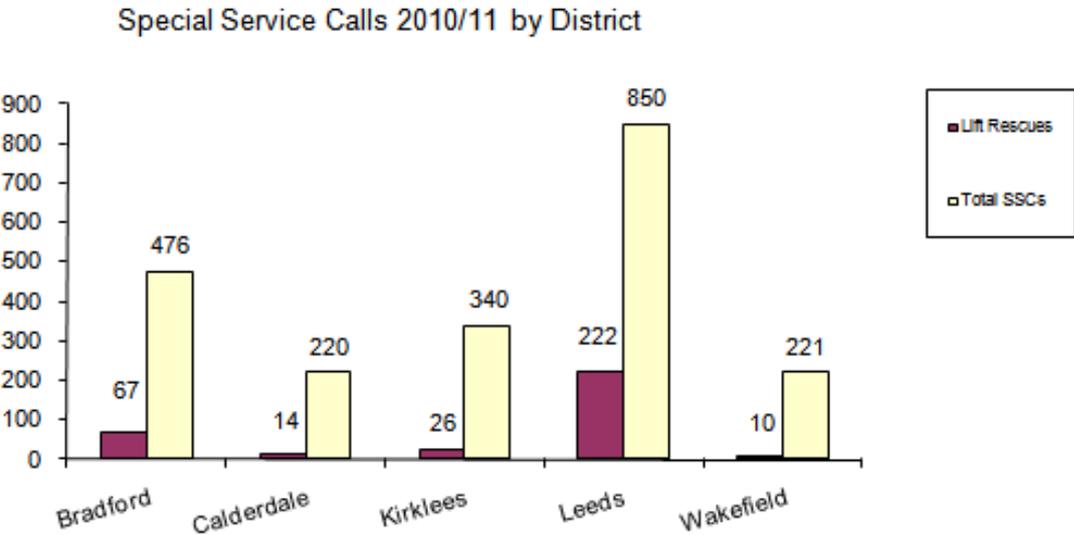
The Fire and Rescue Services Act 2004 sets out the categories of service for which charges can be made by FRA's and the persons who can be charged. However, the Act limits the amount charged to the cost of providing the service and prohibits FRA's from charging for fire-fighting or for the provision of emergency medical assistance. The sum recovered so far for 2010/11 is approximately £168,851 which is mostly comprised of charges for lift rescues (£104,544).

The chart below summarises the number of special service calls (chargeable and non-chargeable) attended by West Yorkshire Fire and Rescue Service for the financial year to date and provides a comparison with the figures for 2009/10.



**Chargeable Special Service Calls – District Performance**

The chart below summarises the performance of special services by each respective district for the 2010/11 financial year to date. Specific information relating to lift rescues has been included, as these incidents occur more frequently than other 'special service' categories.



## 8. 'Five Pumps and Above' Incidents (to 28 March 2011)

### General Commentary

A number of additional pumping and special appliances are often mobilised to these types of incidents to undertake supporting activities.

Fire-related incidents of this type require the attendance of a fire investigation officer to determine the cause of the fire. The cause is included in the table, but in some circumstances, it may be uncertain, as follows:

- Not known - the evidence that remained after the fire was insufficient to determine the cause
- Doubtful - thought to have been deliberate, but an accidental cause cannot be ruled out
- Not yet recorded / Pending Investigation - as stated

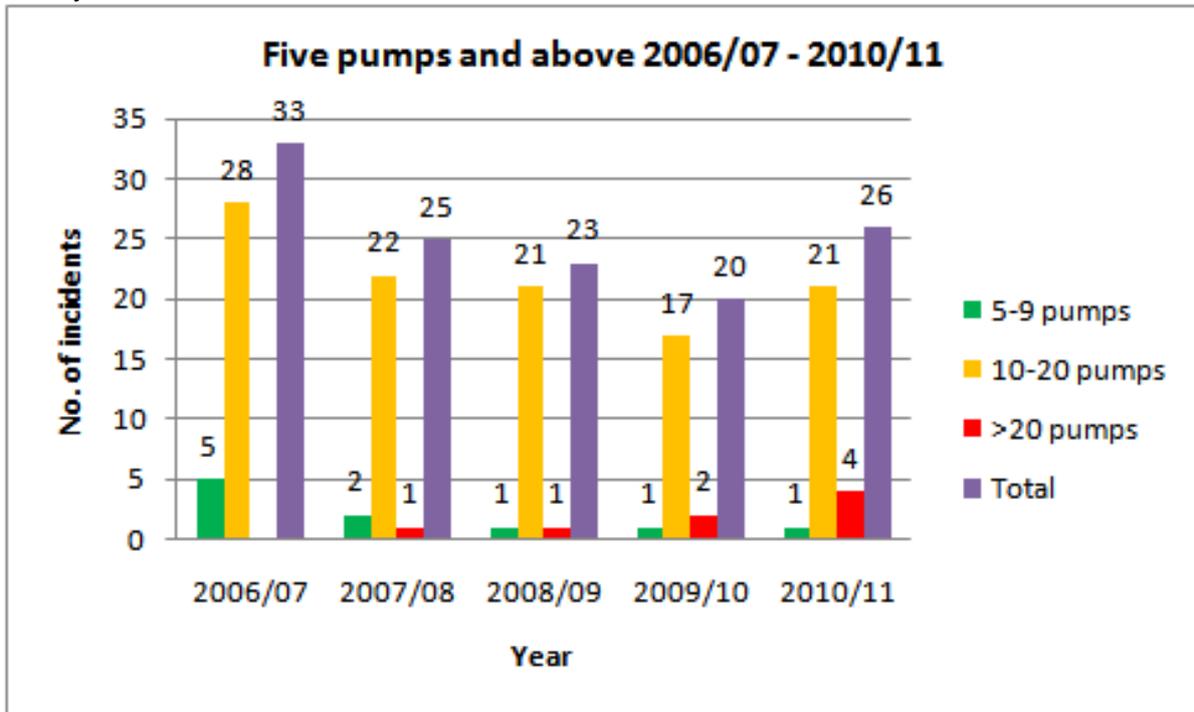
For fires identified as deliberate, we work in accordance with a regionally agreed Memorandum of Understanding with the police, who are responsible for the investigation of all deliberate fires.

Each month, new incidents are added to the top of the table. These are shaded in white.

<b>Date &amp; Time</b>	<b>Address</b>	<b>Premises Use</b>	<b>Station Area</b>	<b>Cause</b>	<b>Pumps Plus Specials</b>	<b>Number of Personnel</b>
13/03/11 13:17	Leeds Paper Recycling, Valley Farm Road, Stourton, Leeds	Industrial	91 (Rothwell)	Not yet determined	16 pumps 6 specials	9 Officers 86 FFs
01/03/11 23:43	Blackshaw Mills, Halifax Road, Buttershaw, Bradford	Industrial	47 (Odsal)	Deliberate	11 pumps 5 specials	8 Officers 61 FFs
19/02/11 17:45	Sheepscar Street North, Scott Hall, Leeds	Derelict Mill	20 (Leeds)	Deliberate	23 pumps 7 specials	9 Officers 125 FFs
01/01/11 18:49	Dalton Mills, Dalton Lane, Keighley	Industrial	46 (Keighley)	Deliberate	20 pumps 7 specials	9 Officers 110 FFs
18/12/10 02:13	Parkham Foods, Haycliffe Lane, Wibsey, Bradford	Industrial	47 (Odsal)	Deliberate	15 pumps 5 specials	9 Officers 81 FFs
02/12/10 07:54	W.E Rawson, Castle Bank Mills, Portobello Road, Portobello, Wakefield	Warehouse	80 (Wakefield)	Electrical appliance	10 pumps 2 specials	7 Officers 53 FFs
05/10/10 18:50	Industrial Pallet and Transport Services Ltd. Kirkhaw Lane, Ferrybridge	Pallet Yard	86 (Knottingley)	Deliberate	15 pumps 4 specials	8 Officers 81 FFs
13/09/10 22:27	Coney Lane Welding, Russell Street, Keighley	Industrial	46 (Keighley)	Electrical appliance	10 pumps 3 specials	8 Officers 52 FFs
03/09/10 22:17	Holme Farm, Soaper Lane, Shelf	Agricultural	47 (Odsal)	Not known	10 pumps 3 specials	8 Officers 52 FFs

<b>Date &amp; Time</b>	<b>Address</b>	<b>Premises Use</b>	<b>Station Area</b>	<b>Cause</b>	<b>Pumps Plus Specials</b>	<b>Number of Personnel</b>
14/08/10 20:22	Ebor Mills, Ebor Lane, Mytholmes, Haworth	Industrial	43 (Haworth)	Radiated heat	15 pumps 5 specials	10 Officers 79 FFs
28/07/10 23:21	Pie Toms, Holme Lane, Tong Street, Bradford	Industrial	47 (Odsal)	Not known	15 pumps 7 specials	10 Officers 103 FFs
10/07/10 12:12	Crow Hill Farm, Crow Hill Road, Hubberton, Sowerby	Agricultural	64 (Halifax)	Spontaneous combustion	9 pumps 1 special	5 Officers 44 FFs
05/07/10 21:54	Hinchcliffe Farm, Netherton Moor Road, Netherton, Huddersfield	Farm Shop	60 (Huddersfield)	Electrical appliance	16 pumps 7 specials	9 Officers 90 FFs
04/07/10 03:27	Methley Road, Whitwood Mere, Castleford	Industrial	82 Castleford	Deliberate	10 pumps 2 specials	9 Officers 52 FFs
01/07/10 00:06	Wastecare, Wakefield Road, Garforth	Industrial	23 (Garforth)	Not known	33 pumps 9 specials	17 Officers 172 FFs
27/06/10 12:53	Sportsman Arms, Kebs Road, Cornholme, Todmorden	Moorland	74 (Todmorden)	Not known	14 pumps 7 specials	9 Officers 79 FFs
25/06/10 17:17	Wellington Street, Laisterdyke, Bradford	Industrial	40 (Bradford)	Deliberate	10 pumps 2 specials	9 Officers 45 FFs
19/06/10 15:25	Horsfall & Sons, Pellon Lane, Halifax	Industrial	64 (Halifax)	Blowlamps /welding	32 pumps 7 specials	20 Officers 164 FFs
18/06/10 01:16	Robin Fuels, Lawkholme Lane, Keighley	Industrial	46 (Keighley)	Deliberate	13 pumps 4 specials	12 Officers 69 FFs
10/06/10 23:43	William Hicks Solicitors, Empire House, 10 Piccadilly, Bradford	Commercial	40 (Bradford)	Deliberate	10 pumps 4 specials	10 Officers 54 FFs
28/05/10 16:40	Natasha's School Wear, 37 Westgate, Bradford	Retail	40 (Bradford)	Electrical	15 pumps 5 specials	17 Officers 78 FFs
24/05/10 01:05	Grosvenor Works, Grosvenor Chemicals, Lees Mill Lane, Linthwaite	Industrial	72 (Slaithwaite)	Not known	32 pumps 8 specials	18 Officers 183 FFs
16/05/10 16:30	Woodhouse Farm, Woodhouse Lane, Emley	Agricultural	71 (Skelmanthorpe)	Deliberate	14 pumps 2 specials	13 Officers 69 FFs
12/05/10 22:35	Flats 1 to 15, Menston House, High Royds Drive, Menston	Residential	50 (Rawdon)	Electrical distribution	12 pumps 5 specials	9 Officers 97 FFs
23/04/10 12:31	Shuttleworth Moor, Widdop Road, Heptonstall	Moorland	74 (Todmorden)	Deliberate	16 pumps 5 specials	9 Officers 81 FFs
07/04/10 00:17	Weeland Road, Knottingley	Warehouse	86 (Knottingley)	Deliberate	16 pumps 5 specials	10 Officers 86 FFs

The follow chart details the numbers and severity of 5 pumps and above incidents over the last 5 years:



**Further Information on the latest “Five pumps and above” incidents:**

#### **Leeds Paper Recycling, Valley Farm Road, Stourton, Leeds**

This incident was in Rothwell station area and involved a single storey building, approximately 75m x 50m, containing a large quantity of paper. 86 firefighters and 9 officers attended and at the height of the incident 12 pumps and supporting resources were in use. 2 aerials, 5 ground monitors, 1 jet, a water curtain and 4 Breathing Apparatus were used to fight the fire and protect surrounding properties on the industrial estate. The fire was successfully contained to 25% of the building with no adjoining properties suffering damage. The first crews to arrive worked quickly and effectively to save a newly installed multi-million pound machine. There was good liaison with the Environment Agency and the building's owners to deal with the environmental impact of water run-off. Damping down operations carried on for some considerable time with the stop message on 16/03/2011, 15:30hrs, and the incident was finally closed on 21/03/2011 at 14:30hrs.

#### **Blackshaw Mills, Halifax Road, Buttershaw, Bradford**

This incident was in Odsal station area and was a fire involving a range of 1 and 2 storey buildings, approximately 30m x 6m. 61 firefighters and 8 officers attended and at the height of operations 8 pumps and supporting resources were used. An Aerial Ladder Platform, 4 jets and 3 Breathing Apparatus were used to fight the fire and successfully protect properties on 2 sides. The stop message was sent on 02/03/2011, 02:33hrs and the incident closed at 04:48hrs.

#### **Sheepscaer Works, Sheepscaer Street North, Sheepscaer, Leeds**

This incident was in an unoccupied, 4 storey mill, in Leeds station area, approximately 100m x 50m. 125 firefighters and 9 officers attended and at the incident height 20 pumps and supporting resources were in use. 2 aerials, 4 ground monitors, 2 jets and a hose reel were used to protect surrounding properties on two sides and deal with the fire. Crews had to deal

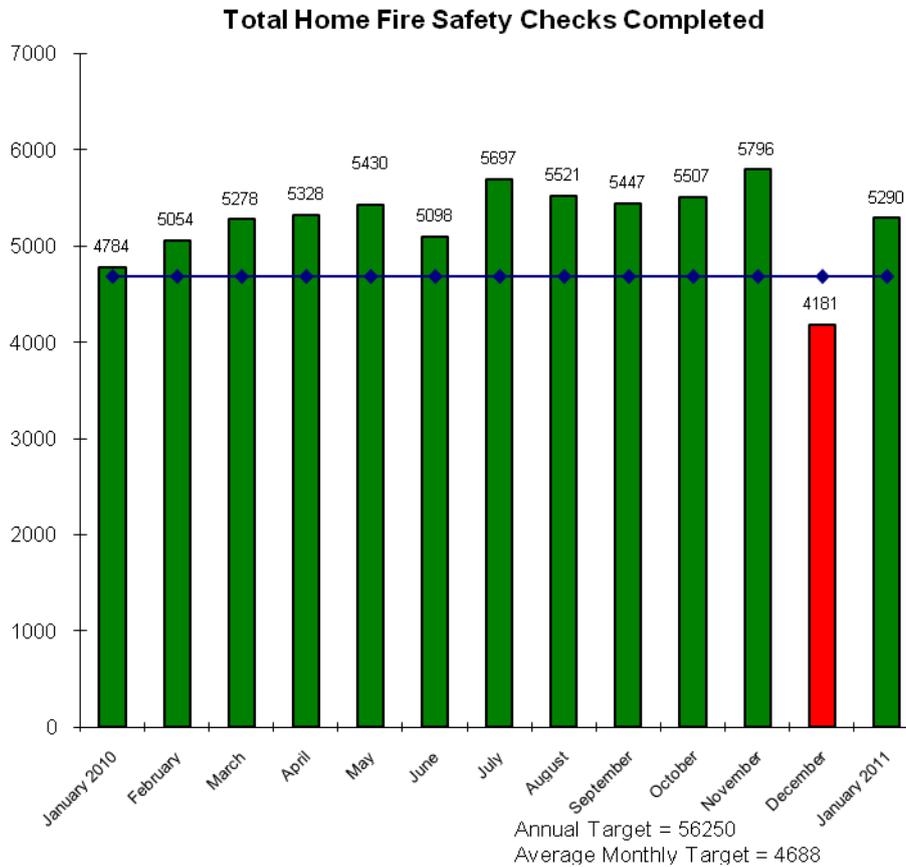
with a fractured gas main and protect an electricity sub-station which was in close proximity, both of which were successfully dealt with. Appliances from all over the authority including Moortown, Leeds, Gipton, Stanningley, Hunslet, Rawdon, Morley, Stanks, Cleckheaton, Ossett, Bradford, Wakefield, Odsal, Cookridge, Batley, Dewsbury and Pontefract attended. Aerials from Leeds and Wakefield, Command Unit, Personnel Welfare Units from Garforth and Illingworth and Hose Layer Unit from Stanningley also attended. The stop message was sent at 22:28hrs and the incident finally closed at 10:21hrs on 21/02/2011.

## 9. Home Fire Safety Checks

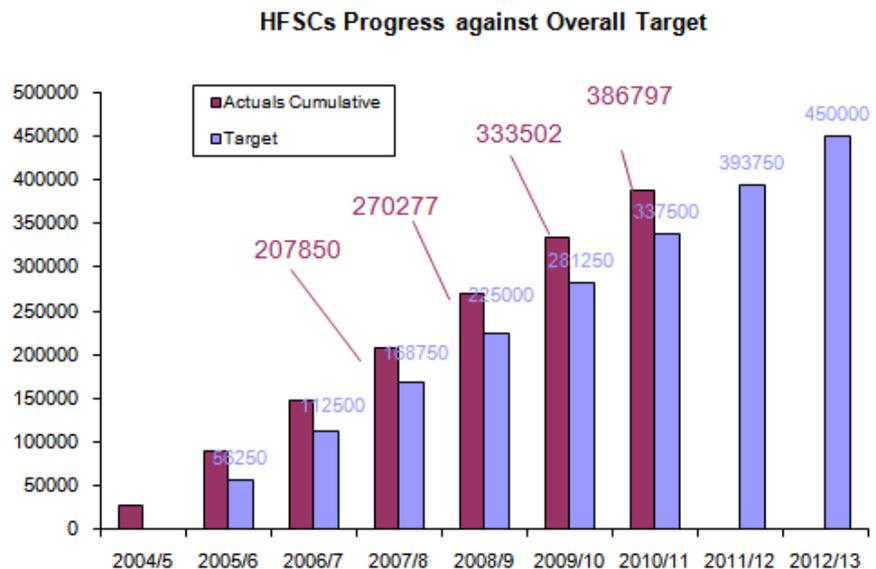
Note: Data for February 2011 is currently unavailable. There is an issue with extracting the data from the old Premises Risk Database. Fire Safety are aware of the problem and are working on getting it fixed.

The number of home fire safety checks in January has been recorded as 5290, which is 602 more than the average monthly target. In twelve months of 2009/10, WYFRS have exceeded the target by 6,975.

The chart shows performance against the average monthly target and is formatted as per the traffic light colour scheme.



The Year 2 IRMP specified a target of 450,000 home fire safety checks to be completed by 31 March 2013. Averaged over the eight-year period, this sets an annual target of 56,250. The number of completed home fire safety checks for 2009/10 was recorded on PIMS as 63,225 which is 112% of this target. This total easily exceeds the 2008/9 total of 62,427. From the beginning of 2004/5 to date, a total of 386,797 home fire safety checks have been completed, representing progress of 86% towards the overall 2013 target of 450,000.



## Smoke Alarm Ownership

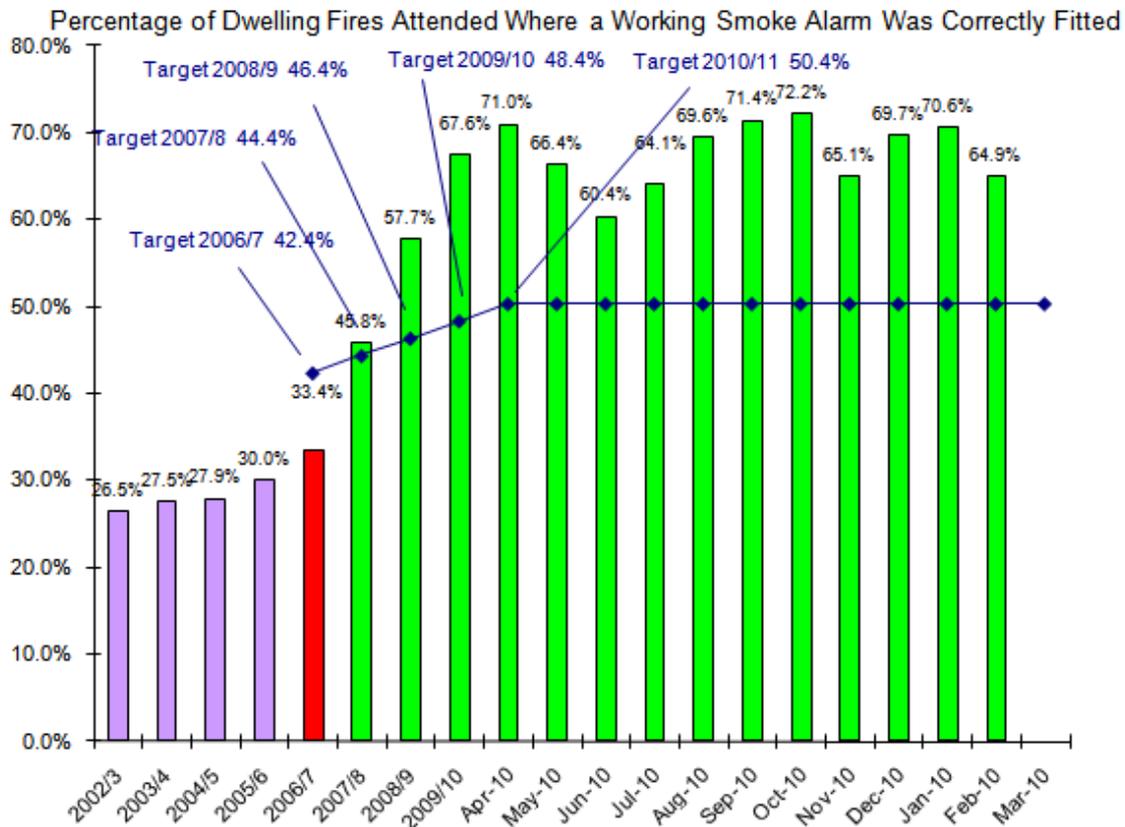
Better performance is indicated by a higher percentage.

Targets were initially set in March 2006, based on the 2005/6 outturn of 40.4%, aiming for an actual increase of 2% each year.

Through analysis of high risk areas and groups, with improvements in partner referrals and the targeting of resources, performance improved considerably during 2009/10, leading to a significantly improved outturn figure of 67.6%, far exceeding the target of 48.4%, and this improvement has continued in the eleven months of 2010/11.

The chart below shows month by month performance against target and is formatted as per the traffic light colour scheme.

Note: Targets differ to those set in indicator SD10.



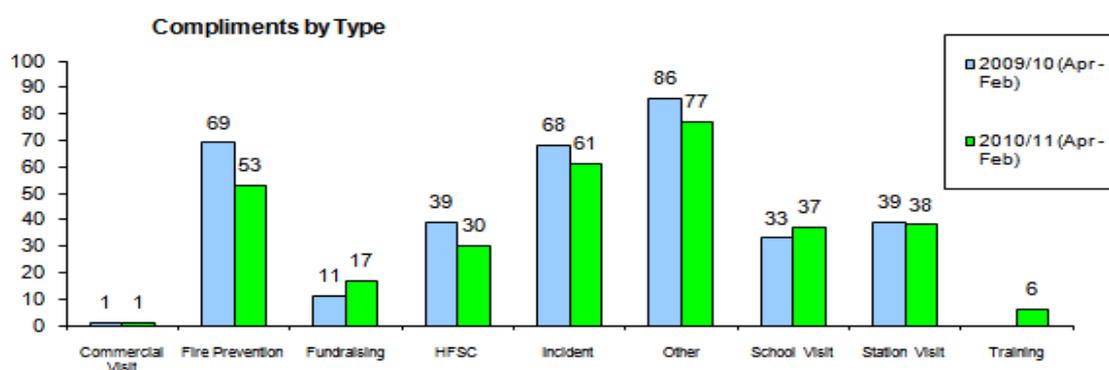
- Purple indicates no target set
- Red indicates target not achieved
- Amber indicates satisfactory performance (within 10% of target)
- Green indicates target achieved or exceeded

## 10. Compliments and Complaints

### Compliments

The charts below show by type the number of compliments and complaints received by West Yorkshire FRS since 1 April 2009, and provide a comparison between the years 2009/10 and 2010/11.

In the first eleven months of 2010/11, West Yorkshire FRS has recorded 320 compliments, which is slightly less than the previous year's average of approximately 32 per month (380 in total).



### Complaints

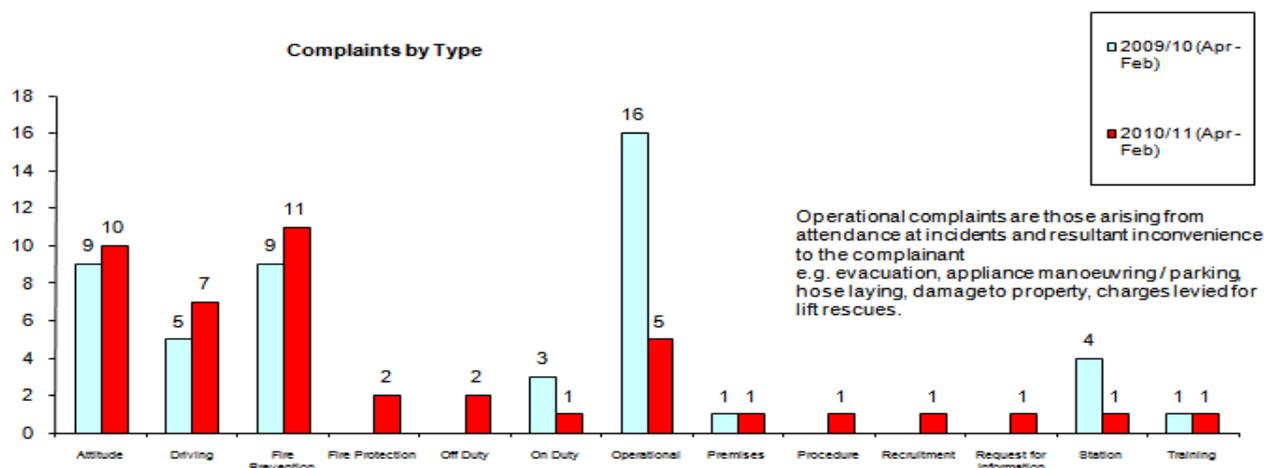
After ten months of the financial year 2010/11, we have received 44 complaints as compared to 48 in the same period during 2009/10.

Forty-two of the 2010/11 complaints have been resolved at Stage I of the complaints procedure. No complaints are ongoing and eighteen of the complaints were upheld. All complaints are dealt with in a consistent manner, with appropriate remedial action taken where necessary.

One 2010/11 complaint went to stage two but was concluded 19/04/10

One 2009/10 complaint went to stage two but was concluded 11/03/10

One 2009/10 complaint went to stage four but was concluded 14/10/10 by the Local Government Ombudsman's decision that there were no grounds for pursuing the matter further.



## 11. Violence at Work

### Attacks on Personnel

The table summarises the events reported by firefighters and CFS staff. For clarification, 'stoning' covers any thrown object identified as a stone; 'firework' covers fireworks thrown or launched; and 'missile' covers any other object used as a projectile.

Where stations have not reported any incidents of violence to staff, they have not been shown within the table. However, they still contribute to the number of incidents attended figures.

Attacks on Firefighters as a Percentage of Incidents Attended											
District / Station	No. of Incidents Attended	Weapon Brandished	Physical Assault	Missile Thrown	Firework thrown or projected	Stoning	Aggressive Behaviour	Verbal Abuse	Entrapment	Total	Percentage
<b>Bradford District</b>											
Bradford	3116			1	1		1	3		6	0.19%
Bingley	458			1			1	1		3	0.66%
FWG	2009			1	2	1				4	0.20%
Idle	1133			3				3		6	0.53%
Keighley	1270			1	2			5		8	0.63%
Odsal	2034			1		1	1			3	0.15%
<b>District Total</b>	<b>11312</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>12</b>	<b>0</b>	<b>30</b>	<b>0.27%</b>
<b>Calderdale District</b>											
Calderdale District FP										0	
Brighouse	567									0	0.00%
Elland	604						1			1	0.17%
Halifax	1580		1		1	1	2			5	0.32%
Illingworth	635	1		2		3		1		7	1.10%
<b>District Total</b>	<b>3738</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>13</b>	<b>0.35%</b>
<b>Kirklees District</b>											
Kirklees District FP										2	
Huddersfield	2625		1							1	0.04%
Slaithwaite	221						1			1	
<b>District Total</b>	<b>6698</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>0.06%</b>
<b>Leeds District</b>											
Leeds District FP								2		2	
Leeds	3225				2	2	1	1		6	0.19%
Cookridge	671							1		1	0.15%
Garforth	466							2		2	0.43%
Gipton	2714			4		1		1		6	0.22%
Hunslet	2290				1			1		2	0.09%
Moortown	1323				1					1	0.08%
Morley	674							1		1	0.15%
Stanks	778							1		1	0.13%
Stanningley	1660			1	1	1			1	4	0.24%
<b>District Total</b>	<b>15260</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>10</b>	<b>1</b>	<b>26</b>	<b>0.17%</b>
<b>Wakefield District</b>											
Knottingley	363					1		1		2	0.55%
<b>District Total</b>	<b>5991</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0.03%</b>
MACC								1		1	
<b>Totals</b>	<b>43373</b>	<b>1</b>	<b>2</b>	<b>15</b>	<b>11</b>	<b>11</b>	<b>8</b>	<b>27</b>	<b>2</b>	<b>76</b>	<b>0.18%</b>

In the eleven months of 2010/11, there have been 76 incidents of violence reported by West Yorkshire FRS staff, which is an average of 6.9 per month, indicating an increase of approximately 3% on the number of incidents reported for 2009/10 (80 for the full year, at an average of approximately 6.7 per month).

To put the figures into perspective, the previous table shows the number of incidents in which firefighters were subject to violence as a percentage of attendance, by station and by district. Some smaller stations appear to suffer a relatively high percentage of attacks, but this is largely due to the smaller number of incidents attended from such stations.

However, there is a danger that the frequency and severity of the 76 attacks out of 43,373 attendances may seem insignificant when considering these very small percentages (0.18% overall).

Although the number of attacks on firefighters has reduced, the Chief Fire Officer has re-emphasised that one attack is one too many and that every assistance and encouragement will be given to the police to bring offenders to court. Work is continuing with a variety of agencies from the police and district councils to community groups and youth leaders to address these issues.

### **District Actions to Address Violence**

Districts are taking the following actions:

**Bradford:** There remains a small number of incidents in the Bradford District. Both the WYFRS and Police District/Divisional Commanders are personally collaborating to prevent a further rise. Work continues within a number of schools where individuals and target years have received joint awareness training from the Bradford Arson Task Force and Police NPT (Neighbourhood Policing Team).

The recent spike of three incidents in the Thorpe Edge area of Idle have been addressed. Working with the local NPT and schools the individuals have been identified. Warnings and education have been heeded and no further attacks reported.

There was an incident which occurred in Allerton where one arrest was made and the individual was cautioned.

**Calderdale:** The arson task force manager continues to make some very valuable links within the police service. All incidents of violence towards staff are investigated by the Arson Task Force Team working with the Police.

Partnership working continues to reduce the events of violence towards staff, resulting in no reported incidents during February.

**Kirkless:** From a Kirklees viewpoint, the figures are extremely encouraging, these are the lowest recorded in a number of years. During the year, when there have been incidents involving violence to staff, these have been investigated by the police and local housing. In some cases the Crime Stoppers Partner has also been utilised.

The incident at Slaithwaite was an isolated incident, the cause was due to the mental condition of the person, with no conception of the implications of her actions. Crews have been given guidance on how to deal with this type of incident.

**Leeds:** Leeds Arson Task Force work closely with the Police using CCTV coverage in order to try and identify individuals. Wherever possible evidence has been gathered which has

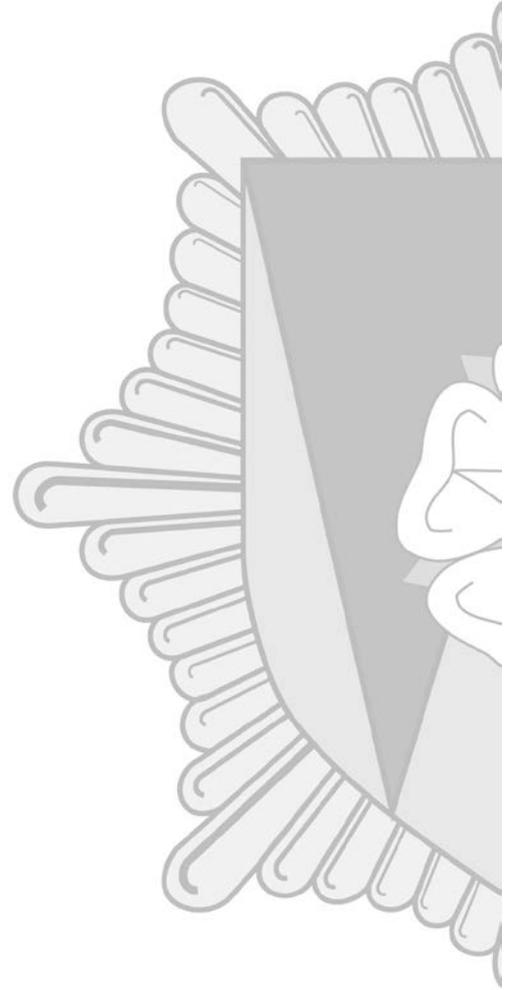
been passed to the Police. Currently the Police, Leeds City Council and the Arson Task Force are involved in a number of initiatives aimed at capturing any offenders utilising various types of CCTV. Work in the community continues to break down any perceived barrier, which is the best way of reducing future occurrences of violence to staff.

From April 11, the District Arson Task Force headed by Graham Heath is embarking on a new initiative. It involves a multi agency response to all the problems surrounding anti social behaviour within the District. The project is called "Quest" and it brings together all the key players from the emergency services and Local Authority to work as a team under one roof. Leeds District has specific targets regarding arson reduction or fire related anti social behaviour and this initiative will significantly contribute towards the positive outcomes we are striving for.

**Wakefield:** Meetings have taken place with the head of youth services and members of the youth services team, to explore and develop joint work streams. One area being developed is to provide engagement opportunities in the event of an attack over and above the work done at Young Firefighter level.

Collaborative work with Wakefield District Housing, NPT and Wakefield District Council is implemented following any repeated incidences of Anti Social Behaviour.

There were a couple of linked incidents in Knottingley's area in January that resulted in police action following damage to the fire station. Two juveniles were arrested for an arson attack at Cedar Walk, Knottingley and are currently on bail and awaiting a decision from the Crown Prosecution Service as to whether they will be charged with the offence. The police are still awaiting forensic evidence before the final decision is made. Once charged the Police are looking at going for a Bolt On Anti Social Behaviour Order. The evidence of the damage to the fire station and an incident prior to Christmas when Knottingley crews attended a fire and were confronted by the same juveniles who stood on hoses and gave verbal abuse will be used as evidence for the Bolt On.



West Yorkshire Fire and Rescue Service  
Oakroyd Hall  
Birkenshaw  
BD11 2DY

<b>WYFRA</b>	<b>AUTHORITY</b>	<b>15 APRIL 2011</b>	<b>ITEM NO</b>
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**REPORT OF:** DIRECTOR OF CORPORATE RESOURCES

**PURPOSE OF REPORT:** TO NOTE THE PROPOSALS IN THE PENDING LOCALISM BILL AND ITS IMPLICATIONS FOR THE AUTHORITY.

**RECOMMENDATIONS:**

1. THAT THE REPORT BE NOTED
2. THAT THE AUTHORITY DETERMINE WHETHER IT WISHES TO RESPOND TO THE COMMUNITY RIGHT PAPER TO CHALLENGE CONSULTATION.

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#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS**

**EXEMPTION CATEGORY:** NONE

**ACCESS CONTACT OFFICER:** M G BARNES  
01274 655710  
[dcr@westyorksfire.gov.uk](mailto:dcr@westyorksfire.gov.uk)

**BACKGROUND PAPERS  
OPEN TO INSPECTION:** LOCALISM BILL

#### **SUMMARY**

The Localism Bill was presented to Parliament on 13 December 2010. It contains a number of proposals which once enacted will affect the Authority. This report summarises these proposals and comments on the ramifications.

## 1. BACKGROUND

- 1.1 On 13 December 2010 The Localism Bill was introduced to Parliament with the House of Commons debating the main principles on 17 January 2011 at which time it decided that it should be given its Second Reading. The Bill was then sent to a Public Bill Committee for scrutiny. It is anticipated that it will receive royal assent in the autumn of 2011 and come into force two months later.
- 1.2 In presenting the Bill, the Government has made clear its view that central government has become too big, too interfering, too controlling and too bureaucratic. It considers this has undermined local democracy and individual responsibility, and stifled innovation and enterprise within public services. The Government wants to see a radical shift in the balance of power and to decentralise power as far as possible, involving individuals, neighbourhoods, professionals and communities as well as local government and other institutions.
- 1.3 The Bill proposes changes and new initiatives to strengthen local democracy and empower communities. In a wide range of provisions, the Bill also includes changes to the law affecting Fire and Rescue Authorities (FRAs). This report focuses on those provisions in the Bill which affect FRAs.

### The Government's Proposals

#### General Power of Competence v Wider FRA Powers

- 1.4 The Bill introduces a "general power of competence" for local authorities – but not including FRAs – i.e., a power to do "anything that individuals generally may do". The power is very broadly worded and includes the ability to act for, or otherwise than for, the benefit of the authority, its area or its residents, and to do so in the UK or elsewhere. The power is subject to certain restrictions and, for example, cannot be used to overcome specific limitations on an authority's powers that are set out in other legislation.
- 1.5 Although the general power of competence would apply to councils, it would not be extended to FRAs, however, FRAs will be granted wider powers to undertake activities in connection with their existing core functions.
- 1.6 S.5 of the Fire and Rescue Services Act 2004 currently enables an FRA to do "anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions". Case law has had the effect of limiting the range of activity that can be undertaken within this power. While it would cover, for example, activities incidental to the promotion of fire safety, it would not include activity that is itself incidental to those incidental activities. This can create uncertainty as to whether particular activities can be undertaken lawfully.
- 1.7 However, the new powers would address this by permitting an FRA to do anything it considers appropriate for the purposes of the carrying-out of any of its functions, including anything it considers appropriate for purposes directly or indirectly incidental to its functions "through any number of removes".
- 1.8 The main difference between the proposed wider powers for FRAs and the general power of competence for councils is that, unlike councils, FRAs would

not be given new powers to undertake activities that are wholly unrelated to existing core functions such as fire safety, fire-fighting and rescue from road traffic accidents.

- 1.9 The Chief Fire Officers' Association has lobbied for FRAs to be included in the general power of competence. The significance to future business of being excluded from the general power will depend largely on whether the FRA would ever wish to venture into new unrelated areas of service provision, as opposed to concentrating on core functions. At the present time it is unlikely to create any difficulty.

#### Commercial Activities

- 1.10 The Bill's provisions include an ability to set up a trading company to do "for a commercial purpose" anything which the FRA is otherwise empowered to do. For example, a FRA is already empowered to provide training for its own personnel. The Bill would enable such provision to be developed, with a training consultancy established through a company, marketing services to a wide range of customers not restricted to the public sector.
- 1.11 The availability of a power to trade for an FRA is not in itself new, as the Local Government Act 2003 already enables the Secretary of State to authorise best value authorities (which include FRAs) to trade in function-related activities through a limited company. However, in keeping with the principles of localism, the Bill proposes to remove the need for Secretary of State involvement, enabling FRAs to determine for themselves whether and in what circumstances they should undertake trading activities.
- 1.12 The power to trade would not enable an FRA to begin charging for things which it has a basic statutory responsibility to do for example putting out fires and rescuing people from an RTC. However, in incidental and discretionary areas of activity, the power may be regarded as creating income generation opportunities that are worth exploring, particularly in the current financial climate and this can only be welcomed.

#### Charging

- 1.13 Under current law, the Secretary of State may authorise FRAs to recover charges for certain prescribed services. Once again, in keeping with the principles of localism, the Bill proposes to remove the need for Secretary of State involvement – it would be for an FRA to decide as to the circumstances in which charges should be made for action taken.
- 1.14 The Bill is very clear that charges will not be permitted for any of the following:
- Extinguishing a fire (other than one at sea);
  - Rescuing individuals in an emergency;
  - providing emergency medical assistance;
  - Responding to an emergency resulting from events of "widespread significance", severe weather or road traffic accidents;
  - Enforcement activity under fire safety legislation.
- 1.15 A charge will be allowed for responding to a call for assistance at non-domestic premises, where this turns out to be a false alarm as a result of persistent malfunctioning of fire detection equipment.

- 1.16 Subject to the above limitations, an FRA would be at liberty to introduce charges for its services. Any charging regime would be set by the FRA after public consultation. Income from charges must not exceed the cost of taking the action for which charges are imposed, i.e., non-profit making.

#### Member Conduct

- 1.17 The Bill contains provisions abolishing the current standards regime governing the conduct of members. These are summarised in Appendix 1. It is intended to refer these issues to the Standards Committee for preliminary consideration.

#### Mutual Insurance

- 1.18 The Bill has no effect on the continuation of powers in the Local Democracy, Economic Development and Construction Act 2009 enabling FRAs and other public bodies to entering into mutual insurance arrangements. It should be noted however that although these powers are on the statute book, they have not yet been brought into effect. The Authority did not seem to participate in the previous FRA Mutual insurance Scheme promoted by 'Firebuy' as it was not cost effective.

#### Pay Accountability

- 1.19 FRAs are included along with the councils in the Bill's provisions promoting greater accountability for senior officer pay. A senior pay policy statement will need to be prepared annually by an FRA, commencing in 2012-13, setting out policy on the remuneration of its most senior officers. This must include level and elements of remuneration, increases, bonuses and performance-related pay, and policy on terms and conditions. It must be approved by a resolution of the full authority before the start of the financial year in which it applies. Pay decision in that financial year would then need to comply with the statement.

#### Council Tax Referendum

- 1.20 With regard to Council Tax precepting, the Secretary of State will have the power each year to determine principles for local authorities, including FRAs. Any authority planning an excessive Council Tax precept increase will be required to prepare a 'shadow budget' based on the maximum non-excessive precept increase, conduct a referendum of all registered local electors and then notify the result to the Secretary of State.
- 1.21 If the proposed rise in precept were rejected, the relevant authority would immediately adopt the shadow budget and transfers from the Collection Fund would be reduced accordingly. This process will replace the need for 'capping'.

#### Community right to challenge

- 1.22 Chapter 3 of the Bill sets out powers for various community groups to express an interest in providing or assisting with the provision of a service on behalf of a relevant authority. There is an obligation on an authority to consider the expression of interest. This aspect is detailed in Appendix 2. CLG are

consulting on whether these provisions should be extended to FRAs but appear minded to do so.

## **2. EQUALITY AND FAIRNESS IMPLICATIONS**

2.1 None arise.

## **3. FINANCIAL IMPLICATIONS**

3.1 There are two issues which may have some significant financial impact on the Authority charging for automated smoke alarms and local referendums.

3.2 Automated fire alarms

In the last 12 months the Authority attended over 5,700 automatic fire alarm activations of which 50% could fall into this category. Based on the current special service charge of £418 per incident this could generate over £1m of additional income.

Whilst it would be imprudent to bank on such significant levels of income the threat imposition of such charges would certainly assist in driving down the number of these calls.

3.3 Council Tax Referendums

This provides the Authority with the opportunity to increase precepts above the level set by central government, providing it can obtain public support. However, this would require a referendum in each of the 5 districts with the LGA estimating that such a referendum could cost between £0.2m and £0.4m per district.

## **4. HEALTH AND SAFETY IMPLICATIONS**

4.1 None arise.

## 1. INFORMATION

1.1 The existing ethical framework and standards regime for local authorities in England is governed by Part III of the Local Government Act 2000. These cover;

- Standards for England (formerly the Standards Board for England)
- Local authority Standards Committees
- The general principles of public life
- Code of Conduct for Members
- Disclosure and registration of Member's interests
- The local assessment and review of complaints against Members

1.2 In accordance with these requirements, the West Yorkshire Fire and Rescue Authority has been operating Standards Committee (and associated sub-committees) on the basis of three elected members and three independent members.

## 2. PROPOSED CHANGES IN LOCALISM BILL

2.1 Schedule 4 of the Localism Bill will repeal the provisions of Part III of the Local Government Act 2000. This will mean that ;

- Standards for England will be abolished
- The general principles of public life and model Code of Conduct (which includes the existing provisions in relation to the registration and disclose of Members interests) will be repealed
- The power for the Secretary of State to issue a model Code of Conduct will be removed
- There will be no requirement for a local authority to have a Standards Committee in the future and the position of voting independent member will be abolished
- All the provisions which relate to local assessment and review of complaints against Members and the powers of Monitoring Officers in relation to the investigation of complaints will be removed
- There will no longer be a requirement for each member to formally agree to abide by the Code of Conduct as part of their acceptance of office and any declaration previously made will cease to apply when the Code of Conduct is abolished

2.2 The new arrangements proposed by the Localism Bill are as follows;

### **(a) Duty to promote and maintain high standards of conduct**

A new duty on local authorities to promote and maintain high standards of conduct by councillors and co-opted members.

There are no further details at this stage regarding how this duty is to be fulfilled or what it will entail.

### **(b) Voluntary Codes of Conduct**

Local Authorities will be able to adopt a Code of Conduct to apply to Members and co-opted members whilst they are acting in that capacity. The Authority could choose to;

- (i) Revise the existing Code of Conduct
- (ii) Adopt a new Code of Conduct to replace the existing one
- (iii) Withdraw the existing Code without replacing it

### **(c) Investigation of breach of Code of Conduct allegations**

Should the Authority choose to continue to have a Code of Conduct for Members and co-opted members (as appropriate), it will have to consider whether to investigate written allegations that a Member or co-opted member has failed to comply with the Code of Conduct. If the Authority decides that an investigation is appropriate, it will then have to investigate the allegation in such a manner as it thinks fit. If, as a result of such an investigation or otherwise, the Authority finds a Member has failed to comply with the Code, it may have regard to the failure in deciding;

- (i) Whether to take action against the Councillor or co-opted member; and
- (ii) What action to take

There are no further details at this stage of what actions might be appropriate, although it is clear that there will be no powers to suspend, partially suspend or disqualify a Member.

### **(d) Disclosure and Registration of Members' Interests**

The Secretary of State will be able to make regulations which will require Monitoring Officers to establish and maintain a register of Members' interests. These regulations may;

- Specify the financial and other interests that are to be included in the register
- Require any Member who has an interests of a specified kind to disclose that interest before taking part in business of the authority relating to the interest
- Prevent or restrict the participation of a Member in any business of the Authority to which their interest relates
- Make provision for the Authority to grant dispensations in specific cases

- Make provisions about sanctions (not to include suspension, part suspension or disqualification) that the Authority may impose on a Member (or co-opted member) for failure to comply with the regulations
- Require an Authority to make copies of the register available to the public and to inform the public that copies are available

Failure to comply with obligations under these regulations will make the Member liable for criminal offence with the penalty imposed by the Magistrates Court (fine of up to £5,000 or disqualification for up to 5 years)

#### **(e) Pre-determination**

The Bill clarifies the existing position regarding predisposition, bias and pre-determination.

In effect this means that, whereas previously Standards for England advised that bias and predetermination may make a Member open to the accusation of briefing their office or authority into disrepute, this charge will be removed thereby allowing Members who have campaigned or expressed views on local matters, to vote on the item should it form part of the Authority's business requiring a decision.

### **3. IMPLEMENTATION**

3.1 The Localism Bill was published on 13 December 2010. It contains clauses and schedules covering the Government's six essential actions to:

- Lift the burden of bureaucracy
- Empower communities to do things their way
- Increase local control of public finance
- Diversify the supply of public services
- Open up government to public scrutiny
- Strengthen accountability to local people

The Bill has completed its first and second readings in the House of Commons and is now at Committee stage. Given the wide scope of the Bill's proposals it is not anticipated that it will pass through both the house of Commons and the House of Lords and achieve Royal Assent until late 2011 with many of the provision not being implemented until 2012.

#### **4. CONSIDERATIONS**

- 4.1 Having regard to the proposals contained with the Localism Bill and the current position of Councils and Fire and Rescue Authorities in the region (detailed at annex 1), the Authority will need to consider its new duty and powers in relation to promoting and maintaining high standards of conduct and the introduction of a Code of Conduct (local or otherwise).
- 4.2 Members will also have to consider the future role of the Standards Committee (obliged to continue in its current format until the enactment of the Localism Bill) and the involvement, or otherwise, of its independent members who will, in any event, not be able to have a voting role on any future committee arrangements as required by the Local Government and Housing Act 1989).
- 4.3 Annex 2 comprises a useful note prepared for Leeds City Council Members.
- 4.4 Annex 3 comprises views expressed by the Association of Council Secretaries and Solicitors.

**The Localism Bill and the future of the standards regime  
(prepared by Leeds City Council)**

**1. Introduction**

- 1.1 The Localism Bill was presented to Parliament for its first reading on 13<sup>th</sup> December 2010. At this stage the proposals in the Bill are subject to change, and the Bill is not expected to come into force until the beginning of 2012. However the main provisions of the Bill which relate to standards are outlined below.

**2. Proposed changes to the current regime**

- 2.1 The current standards regime, which includes Standards for England (formerly known as the Standards Board), local standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, codes of conduct for councillors, and the general principles of public life, will be abolished.
- 2.2 In its place, Regulations will require the Monitoring Officer to establish and maintain a register of Member's interest, and to make this available to the public. The Regulations will require Members to register their financial and other interests, to declare these interests in meetings, and in certain circumstances, will prevent Members from taking part in the decision-making process when they have an interest in the decision. Failure to comply with the Regulations, without reasonable excuse, will be a criminal offence. The penalty that the Magistrates' court may impose upon conviction is a fine of up to £5,000 and disqualification for up to five years.
- 2.3 The Localism Bill proposes that there will be a general duty to "promote and maintain high standards of conduct by members and co-opted members" of the authority. The Council may also adopt a voluntary code of conduct to apply to Members when they are acting in their official capacity. The Council can choose to revise the existing code of conduct, adopt a new code to replace the existing one, or to withdraw the code altogether without replacing it.
- 2.4 If the Council does choose to continue to have a code of conduct in place, then it must consider whether to investigate written allegations that a Member or co-opted member has failed to comply with its code of conduct. If the Council decides that investigation is appropriate, it must investigate the allegation in such a manner as it thinks fit. However, the sanctions available to the Council would not include suspension or disqualification.

### **3. Consultation questions**

3.1 In order to help facilitate discussions around what local arrangements, if any, Members may wish to establish in Leeds, the following questions are posed to Members:

1. Should Leeds City Council adopt a voluntary code of conduct?
  - a. If yes, should the Council:
    - revise the existing code of conduct<sup>1</sup>; or
    - adopt a completely new code of conduct to be drafted locally?
  - b. If the Council wishes to adopt a completely new code of conduct, what types of behaviour / situations should this cover?
2. If a code is to be introduced, should there be different processes for dealing with differing types of complaints, namely:
  - Member against Member;
  - officer against Member; and
  - member of the public against Member?
  - a. If yes, how should these processes differ?
3. Should the Council have a separate 'Standards Committee' (or another name) to carry out any of the above functions, or instead give the function to an existing committee exercising Council functions?
  - a. If an existing committee is preferred, which committee would be the most appropriate?
  - b. Alternatively, would the Council prefer to delegate some of these functions to an officer?
4. Would there be value in retaining the facility to have a co-opted independent member(s)<sup>2</sup> on any committee dealing with complaints of member misconduct and if so, might that co-opted members have a role in chairing consideration of complaints against Members under any of the options shown in Question 2 above?
5. Is there an appetite for having a regional Standards Committee?

### **4. Proposed consultation process**

4.1 The Chair of the Standards Committee and the Monitoring Officer will be consulting the Leaders of all political groups through their regular

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<sup>1</sup> At the least the Council would need to remove the reference to the General Principles which will be revoked, and the requirements regarding the registration and declaration of interests as these will be covered in separate Regulations.

<sup>2</sup> The position of Independent Member as it currently stands will be abolished, but the Council could choose to co-opt someone onto the committee to fulfil a similar function.

quarterly meetings. In addition, the Corporate Governance and Audit Committee and the Standards Committee will be consulted at their meetings in February. Finally it is proposed that the Whips, on behalf of all Members, will be consulted on the above questions at their meeting on 22<sup>nd</sup> February 2011.

- 4.2 After initial responses to the above questions have been collated it might be necessary to carry out further consultation with Members on the specific details of the proposed arrangements. Any final decision on local arrangements would need to be made by full Council following a recommendation by General Purposes Committee, although the Bill is not expected to come into force until early 2012.

## Annex 2

### Comments of the Association of Council Secretaries and Solicitors (ACSeS) on the provisions of the Localism Bill

#### Pre-determination (para 2.2 (e) refers)

The provisions seemed essentially to reflect the current caselaw position. “The Courts have in fact matured the law on predetermination into a commonsense acknowledgement of the democratic role of councillors. So, as now, specific evidence of a closed mind is required to justify a claim of unlawful determination. For (as the bill indicates), predetermination will not be established “just because” the local authority decision-maker had previously indicated a view on the matter”.

#### Standards in public life

The Association said it welcomed any simplification and streamlining of the present regime, but felt that the Bill’s conduct proposals were “so permissive as to be practically ineffective”. ACSeS therefore recommended a national Code of Local Government Conduct (similar to that which existed before the arrival of the present Standards regime) and the enshrinement in statutory order of the principles of public life. It added that a unified code and principles applicable to Councillors are both necessary and desirable if the generally high reputation of local government is to be maintained.

## APPENDIX 2

### Community Right to Challenge – Implications for the FRAs

#### 1 CRC - What is it?

A Coalition Programme for Government proposal set out in the Localism Bill currently before Parliament to give communities in the form of voluntary or community bodies the right to take over local state run services – linked with it is another proposal to give public sector workers the right to form employee owned co-operatives and bid to take over services they currently deliver. These are described as relevant bodies (RBs) - voluntary or community bodies or trusts which must be either charitable purpose or not carried out for profit although surpluses are allowed so long as they are invested in the community / applied for the purpose of the activities.

The pending primary legislation as originally introduced did not include FRAs within the definition of “relevant authority” (RA) but subsequently CLG indicated an intention to review this exclusion and to bring FRAs within the RA definition.

The Government is currently consulting on its proposals via a Consultation Paper (CP) published in February with a closing date of 3 May 2011

#### 2 CRC – How will it operate?

The necessary detail is yet to be published and will take the form of secondary legislation in the form of statutory regulations which will set out a procedure and timetable for the expression of interest by local community bodies and their consideration by the RA currently providing the service. It is anticipated that relevant authorities will be able to set timetables within prescribed periods for receiving an expression of interest and deciding to accept modify or reject such an expression with a requirement to publish reasons for any rejection. If an expression of interest is accepted the relevant authority must still carry out a procurement exercise appropriate to the value of the contract ie a competitive procedure where that is required by the Public Contracts Regulations 2006 must still be followed in relation to advertising tendering and awarding contracts. Greater flexibility will apply for service contracts below the £156,000 PCR threshold. The CRC does not therefore provide a right to deliver the service even if the expression of interest is accepted but it would be difficult to refuse if it was to meet competition and capability standards requirements.

#### 3 CRC – Which services are open to challenge?

The Bill applies CRC only to services provided by RAs – it does not apply to functions of RAs – the distinction being that a function is a duty or power that requires decision making by a RA whereas a services does not. A RA would

take all the necessary decisions to set out in documentation the extent and type of service it wishes to contract out.

#### 4 CRC – FRS - which services will be exempt?

Section 2 of the Consultation Paper indicates that because in some cases existing legislation requires services to be delivered by the authority these will be listed as excluded services in regulations – For the FRS the following activities will definitely be excluded from the CRC :

\*Fire-fighting / Fire rescue

\*FRS response to road accidents

The Government is still considering whether to exclude other particular activities due to their integration with other services eg FRS response to other types of emergencies such as collapsed buildings and hazardous materials.

FRS Monthly bulletin No 8 / 7<sup>th</sup> March 2011 asserts that the CRC will only apply to back office processes but not to functions and examples Regulatory Reform Order enforcement as an excluded function

#### 5 CRC – CP Key immediate consultation paper questions for FRAs

\*Should CRC be extended to all FRAs? - The CP appears to seek to justify the post Bill publication extension to all FRAs simply because County Council FRAs will be covered because they are part of a larger local authority (RA).

\*Are there specific services which should be exempted from the CRC – if yes why?

\*Are there any general principles that should apply in considering which services should be exempt?

#### Commentary:

It would seem appropriate that all statutory function activity prescribed in the FRSA 2004 and any other legislation such as the RR (FS) Order 2005 and the Civil Contingencies Act 2004 should be excluded. The FRS response capability is integrated and any fragmentation of that response capability is unlikely to serve the public interest or be cost effective.

The considerations for exposure of back office or non- statutory function activities are different in nature but it is unlikely that local non-profit community bodies (as distinct from worker co-operatives) will have the technical skills and capability to deliver many of the highly technical and specialist professional “back office” services each FRA needs to enable it to function effectively. There are of course less technical services such as catering and cleaning services which are in many instances already outsourced on a competitive contract award basis – CRC would merely provide a potential extra form of

competition in these cases. In addition there are other activities such as the installation of smoke detectors and related provision of fire safety advice which may be amenable to CRC provision subject obviously to costs and standards issues.