



**Agenda
for the Meeting
of the
Management Committee**

Thursday, 29th July 2021

At

6.30pm

RBFRS Headquarters
Lynda Kenyon Suite
Newsham Court
Pincents Kiln
Calcot
Reading
Berkshire
RG31 7SD

For further information regarding this meeting, please contact:

Committee Team
0118 938 4611

E-Mail at committeeteam@rbfrs.co.uk

Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading, Berkshire RG31 7SD



MEETING: Management Committee Meeting

DATE AND TIME: Thursday, 29th July 2021, at 6.30pm

VENUE: Lynda Kenyon Suite
RBFRS Headquarters
Newsham Court
Pincents Kiln
Calcot
Reading, Berkshire RG31 7SD

S U M M O N S

You are hereby summoned to attend the meeting of the Royal Berkshire Fire Authority at the time, date and venue indicated above, when it is proposed to deal with the business set out in the enclosed Agenda.

A handwritten signature in black ink, appearing to read "Graham Britten".

GRAHAM BRITTEN
Monitoring Officer

To: Members of the Management Committee:

Councillor Jeff Brooks	Councillor Angus Ross
Councillor Dennis Benneyworth	Councillor David Cannon
Councillor Tricia Brown	Councillor Jo Lovelock
Councillor Colin Dudley	Councillor Dexter Smith
Councillor Paul Gittings	Councillor Rachelle Shepherd- DuBey
Councillor Pauline Helliard-Symons	

Copy to: Senior Leadership Team (SLT), Royal Berkshire Fire and Rescue Service

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AGENDA

1. Representative Bodies

Purpose:

The Chairman may, at his discretion, invite the Representative Bodies present to address the Management Committee once on any Part I item, on the prerequisite that the Representative Bodies advise the Chairman at the commencement of the meeting of those Agenda items they wish to speak to.

2. Apologies for Absence

3. Declarations of Interest

Purpose:

To receive Declarations of Interest from Members relating to items to be considered at the meeting, in accordance with the provisions of the Fire Authority's Local Code of Conduct, and any from Officers.

4. Minutes of the Meeting held on 19 April and 30 June 2021 (Pages 7 - 14)

Recommendation:

That the Minutes of the meetings, and any recorded actions, held on 19 April and 30 June 2021 be confirmed as a correct record and signed by the Chairman.

5. Receipt of Announcements

Recommendation:

To receive announcements from the Chairman and / or Chief Fire Officer.

6. Issues arising from the Audit and Governance Committee

Recommendation:

That it be noted that no reports have been referred by the Audit and Governance Committee.

7. Recommendation from Committee

Recommendation:

To note Item 9 has been recommended from Thames Valley Fire Control Joint Committee on 12 July, and Item 10 has been recommended from Audit and Governance Committee on 19 July 2021.

8. Built Environment: Impacts of Legislative Change

Recommendation:

To receive a presentation on the impact of legislative changes on Built Environment.

9. Thames Valley Fire Control Mobilising Requirements (Pages 15 - 22)

Purpose:

To agree to extend the Thames Valley Fire Control Service (TVFCS) Mobilising system contract for one year, and note the projected expenditure from the TVFCS Renewals Account.

10. Guiding Principles for Property Asset Release (Pages 23 - 58)

Purpose:

To approve Appendix A, *Guiding Principles on Property Asset Release*.

11. Unicorn Network Contract Variation & Extension (Pages 59 - 64)

Purpose:

To agree the extension and variation of the existing contract with BT under the Unicorn framework.

12. 2020/21 Provisional Outturn (Pages 65 - 74)

Purpose:

To receive for note the provisional 2020/21 revenue and capital outturn positions.

13. Appliance Availability by Crewing to Meet Corporate Measures 16 and 17
(Pages 75 - 80)

Purpose:

To receive for note the Quarter Four performance on Whole-time Duty and On-Call Appliance Availability.

14. Forward Plan *(Pages 81 - 84)*

Purpose:

To note the Forward Plan.

15. Date of next meeting

Tuesday, 12 October 2021, 6.30pm, Lynda Kenyon Suite at Royal Berkshire Fire and Rescue Service (RBFRS) Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading RG31 7SD.

16. Exclusion of the Public *(Pages 85 - 86)*

Recommendation:

To Resolve that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following Agenda Items on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraph 3 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Categories of 'Exempt Information' under Schedule 12A of the Local Government Act 1972.

17. Part II Minutes of the Meeting held on 19 April 2021 *(Pages 87 - 88)*

Recommendation:

That the Part II Minutes of the meeting, and any recorded actions, held on 19 April 2021, be confirmed as a correct record and signed by the Chairman.

18. Capital Projects - Asset Release Strategy Update - Pangbourne and Dee Road Fire Stations *(Pages 89 - 108)*

Purpose:

To approve the recommendation as outlined in the report.

19. Capital Projects Release Strategy Update - Wargrave Fire Station *(Pages 109 - 120)*

Purpose:

To approve the recommendation as outlined in the report.

MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE



Held on Monday, 19th April 2021, at 6.30 pm
This was a remote meeting.

Members:
(*present)

Councillor Jeff Brooks	* Councillor Angus Ross
* Councillor Tricia Brown	* Councillor David Cannon
* Councillor Colin Dudley	Councillor Jo Lovelock
* Councillor Paul Gittings	* Councillor Dexter Smith
* Councillor Pauline Helliars-Symons	Councillor Rachelle Shepherd-DuBey
* Councillor Graham Howe	

In Attendance: Mark Arkwell (Deputy Chief Fire Officer, DCFO)
Paul Binyon (Area Manager Response and Resilience, AM R&R)
Alex Brown (Head of Capital Projects and Estates, HCP&E)
Conor Byrne (Head of Finance and Procurement, HF&P)
Doug Buchanan (Assistant Chief Fire Officer, ACFO)
Trevor Ferguson (Chief Fire Officer, CFO)
Katie Mills (Director of Corporate Services, DCS)
Becci Jefferies (Head of Human Resources and Learning and Development, HHR&L&D)
Andrew Mclenahan (Head of Facilities, Fleet and Equipment, HFF&E)
Tom Nice (ICT Technical Support Officer, ICT TSO)
James Pinchin (Business Support Lead, BSL)
Jim Powell (Area Manager, Collaboration, Change and Finance, AM CC&F)
Nikki Richards (Deputy Chief Executive, DCE)
Fayth Rowe (Democratic Support Lead, DSL)
Hannah Sheehan (Democratic Support Assistant, DSA)
Tregear Thomas (Area Manager, Prevention and Protection)
Tony Vincent (Head of Business Information Systems, HBIS)

Action

70. REPRESENTATIVE BODIES

There were no questions received from Representative Bodies on any of the agenda items.

71. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Jo Lovelock.

72. DECLARATIONS OF INTEREST

There were no Declarations of Interest from Members relating to items to be considered at the meeting, in accordance with the provisions of the Fire Authority's Local Code of Conduct, any from Officers.

73. MINUTES OF THE MEETING HELD ON 15 MARCH 2021

RESOLVED that there were no actions and that the Minutes of the meeting held on 15 March 2021, be approved as a true and correct record to be signed by the Chairman.

74. RECEIPT OF ANNOUNCEMENTS

The Chairman made the following announcements.

Death of His Royal Highness, The Duke of Edinburgh

Both the Service and the Fire Authority paid our respects to His Royal Highness, Prince Philip, The Duke of Edinburgh, who sadly passed away on Friday, 9 April.

On behalf of the Royal Berkshire Fire Authority, I would like to send our deepest condolences to Her Majesty The Queen and the Royal Family. We pay tribute to His Royal Highness, The Duke of Edinburgh, for his dedicated life of public service to the people of this Country.

Members, can I ask that we pause for a minute's silence, as a mark of respect to His Royal Highness, The Duke of Edinburgh.

[One minute silence was held.]

National Day of Reflection

On Tuesday, 23 March, our Service took part in the National Day of Reflection, a national event to commemorate all those who have lost their lives in, and have been impacted by, the COVID crisis.

At midday, staff and Fire Authority Members observed a minute's silence and in the evening, a doorstep vigil was held, which saw people across Royal Berkshire and around the Country, light up their doorsteps. The day marked a year since the Prime Minister's first stay-at-home announcement.

Purple Plaque Award

In her role as Chief Executive Officer of Autism Berkshire, Royal Berkshire Fire

Authority Member, Councillor Jane Stanford-Beale, has been awarded a Census 2021 Purple Plaque to celebrate her work serving families living with autism during COVID-19.

Councillor Stanford-Beale led this work to move services online during the first COVID-19 wave, which helped to ensure that people with autism and their families in the County still had access to advice and support.

I'd like to place on record my congratulations to Councillor Stanford-Beale for her achievement, which reflects the tremendous dedication in supporting vulnerable communities across Royal Berkshire.

Stonewall Diversity Champion Membership

Members, I am pleased to announce that the Service is now a Stonewall Diversity Champion.

Stonewall is Europe's largest LGBTQ+ charity, founded in 1989, in response to the Section 28 legislation.

As a diversity champion, the Service will have access to a range of services. This includes webinars and conference events, as well as a suite of resources and guidance aimed at making the Service as inclusive as possible.

I'd like to place on record my thanks to all those who are furthering our work in this area, making the Service truly inclusive and representative of the community we serve.

Further information about our Equality, Diversity and Inclusion work can be found on our website.

Changes to Fire and Resilience Director

The Home Office has announced an immediate change in senior leadership on fire and resilience.

Rachel Atkinson has moved over with immediate effect to lead the Fire and Resilience Directorate. Rachel replaces Luke Edwards who has been covering Covid response as well as his fire and resilience role for the last 12 months.

I have arranged an introductory telephone meeting with Rachel Atkinson on 11 May, and look forward to working with her constructively on the important work ahead in the fire and rescue sector.

Departure of Area Manager Paul Binyon

Area Manager, Paul Binyon, will sadly be leaving the Service after he was successfully appointed as Assistant Chief Fire Officer at Cheshire Fire and Rescue Service.

While a leaving date is yet to be confirmed, we will shortly be looking at our interim arrangements to ensure a smooth transition and handover before Paul leaves the Service.

I am sure you will join me in congratulating Paul. We're very grateful for all the contributions that he has made during his time with the Service and wish him all the best in his new role.

Fire Authority Meeting on 28 April

As a reminder, Members will have been contacted recently to advise them that the next Fire Authority meeting scheduled on 28 April, has been cancelled.

The next Fire Authority meeting will be the Annual meeting held on 30 June 2021.

75. ISSUES ARISING FROM THE AUDIT AND GOVERNANCE COMMITTEE

There were no issues arising from the Audit and Governance Committee.

76. WHITE PAPER: PLANNING FOR THE FUTURE - PRESENTATION

Alex Brown, Head of Capital Projects and Estates (HCP&E), provided a brief update on the response by all three emergency services to the White Paper on Planning Reform.

The Ministry for Housing, Communities and Local Government (MHCLG) issued a consultation on proposed reforms to the Planning Act, which was the Planning for the Future White paper. The consultation gave blue light services a unique opportunity to seek to respond to problems within the current planning system.

Blue light services provided a collaborative response developed with the Association of Ambulance Chief Executives (AAACE), the Association of Police and Crime Commissioners (APCC), the National Fire Chiefs Council (NFCC), the National Police Chiefs Council (NPCC) and three Estates groups – National Police Estates, National Fire Estates and National Ambulance Estates.

Alex Brown explained the historic gap in funding to support the provision of emergency services infrastructure within new developments. She discussed the variable success rates in any of the emergency services receiving funding from the existing Section 106 or Community Infrastructure Levy routes in comparison to education, health, housing and transport services.

The combined blue light service response was developed in association with Arup and was being led by the National Police Estates Group.

Following a recent meeting with senior representatives of MHCLG, they were

considering options to take forward for further discussion with Ministers. Alex Brown reported that a formal response was expected in late spring. She also reported that she will inform Management Committee of further updates at a future meeting alongside the Property Development Working Group.

In response to a request made from the Chairman, Trevor Ferguson, Chief Fire Officer (CFO), confirmed that a letter had been sent to all Berkshire MPs on behalf of the Chairman of the Fire Authority.

Councillor Ross requested for a copy of the presentation to be circulated to all Members and asked Trevor Ferguson when could Fire Authority Members contribute to this pressure, alongside blue light services. Trevor Ferguson made reference to a Member / Officers Workshop due to be held after the May local elections to discuss the White paper and funding streams.

DSL

77. FIRE REFORM WHITE PAPER

Katie Mills, Director of Corporate Services (DCS), provided an update on Police and Crime Commissioners Review and the intent by the Home Office to publish a consultative White Paper on fire reform later in 2021. She advised the report was seeking Members to note the report.

The Chairman moved the recommendation and this was seconded by Councillor Cannon.

RESOLVED that the update on the Police and Crime Commissioner Review and the intention by the Home Office to publish a consultative White Paper on fire reform later in 2021, be noted.

78. EMERGENCY CONTRACT WAIVER FOR ROYAL BERKSHIRE FIRE AND RESCUE SERVICE PHONE SYSTEM

Tony Vincent, Head of Business and Information Systems (HBIS), informed Members of the recent Royal Berkshire Fire and Rescue Service (RBFRS) emergency contract waiver under Contract Regulation CR19. The contract waiver approved on 30 March 2021, by Officers of RBFRS in consultation with Royal Berkshire Fire Authority Chairman to engage Vodafone in the update of the existing RBFRS telephone system.

The contract value for the 2021/22 financial year was £67,403.53, comprising £49,460.53 of capital (one-off upgrade/update costs) and £17,943 of revenue (support and subscription costs).

The waiver was required as a combination of circumstances precluded the normal full tender process. Contributory factors included: ICT resources being consumed in response and recovery from the COVID-19 pandemic; and acceleration of key collaboration tools deployment with consequential integration

requirements.

He explained the waiver was for one year, of which RBFRS will carry out a full tender designed to leverage the updated/upgraded telephony system and integrate with Microsoft teams capabilities. This approach will safeguard the capital investment, minimise disruption to the Service, and significantly reduce overall collaborative application integration costs.

The funding sources for both the capital and revenue elements of the contract referenced by the waiver were in place.

Councillor Ross stated that he supported the paper and commended ICT department's good work during the pandemic.

The Chairman echoed that sentiment by stating that the Service could not run effectively without an efficient telephony system.

The Chairman moved the recommendation and it was seconded by Councillor Ross.

RESOLVED that the contract waiver approved by Conor Byrne and Nikki Richards, in consultation with the Chairman of the Fire Authority, on the 30 March 2021, be retrospectively noted.

79. FORWARD PLAN

RESOLVED that the Forward Plan be noted.

80. DATE OF NEXT MEETING

Thursday, 29 July 2021, at 6.30pm. Venue to be confirmed.

81. EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for Agenda Item 13 on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraphs 3 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(The meeting concluded at 7.10pm)

MINUTES OF THE ANNUAL MEETING OF THE MANAGEMENT COMMITTEE



Held on Wednesday, 30th June 2021, at 7.24 pm

Crowne Plaza Reading East, Eskdale Road, Winnersh Triangle,
Reading, Berkshire RG41 5TS

Members:
(*present)

- | | |
|------------------------------------|--------------------------------------|
| Councillor Jeff Brooks | * Councillor David Cannon |
| * Councillor Tricia Brown | Councillor Jo Lovelock |
| * Councillor Colin Dudley | * Councillor Dexter Smith |
| Councillor Paul Gittings | * Councillor Rachelle Shepherd-DuBey |
| * Councillor Pauline Helliarsymons | * Councillor Dennis Benneyworth |
| * Councillor Angus Ross | |

In Attendance:

- Mark Antell (Communication and Engagement Officer, C&EO)
- Mark Arkwell (Deputy Chief Fire Officer, DCFO)
- Wayne Bowcock (Chief Fire Officer Designate, CFOD)
- Joanna Bromham (Communication and Engagement Lead, C&EL)
- Graham Britten (Monitoring Officer, MO)
- Alex Brown (Head of Capital Projects and Estates, HCP&E)
- Doug Buchanan (Assistant Chief Fire Officer, ACFO)
- Tom Carvell (Senior IT Technical Support Officer)
- Conor Byrne (Head of Finance and Procurement, HF&P)
- Trevor Ferguson (Chief Fire Officer, CFO)
- Helen Finan (Business Support Officer, BSO)
- Becci Jefferies (Head of Human Resources and Learning and Development, HHR&L&D)
- Katie Mills (Director of Corporate Services, DCS)
- Jess James (Area Manager, Resource and Resilience, AM R&R)
- James Pinchin (Business Support Lead, BSL)
- Jim Powell (Area Manager Collaboration and Policy, AM C&P)
- Fayth Rowe (Democratic Support Lead, DSL)
- Nikki Richards (Deputy Chief Executive, Dep ChEx)
- Hannah Sheehan (Democratic Support Assistant, DSA)
- Tregear Thomas (Area Manager, Prevention and Protection, AM P&P)
- Tony Vincent (Head of Finance and Procurement, HBIS)

| Action

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Appendix A

Action

1. ELECTION OF CHAIRMAN FOR THE MUNICIPAL YEAR 2021/22

Councillor Helliard-Symons nominated Councillor Dudley as Management Committee Chairman. This was seconded by Councillor Cannon.

On there being no further nomination for Chairman, it was:

RESOLVED that Councillor Dudley be elected Chairman of Management Committee for the 2021/22 Municipal Year.

2. APPOINTMENT OF THE VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2021/22

The Chairman nominated Councillor Helliard-Symons as Vice-Chairman. This was seconded by Councillor Cannon.

On there being no further nominations, it was;

RESOLVED that Councillor Helliard-Symons be appointed as Vice-Chairman of Management Committee for the 2021/22 Municipal Year.

3. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Brooks, Gittings and Lovelock.

4. DATE OF THE NEXT MEETING

Tuesday 12 October 2021, at 6.30pm at Royal Berkshire Fire and Rescue Service Headquarters, Newsham Court, Pincents Kiln, Calcot, Reading RG31 7SD.

(The meeting concluded at 7.26pm)

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	29 JULY 2021
SUBJECT	THAMES VALLEY FIRE CONTROL (TVFC) MOBILISING SYSTEM REQUIREMENTS
LEAD OFFICER	MARK ARKWELL, DEPUTY CHIEF FIRE OFFICER
LEAD MEMBER	COUNCILLORS ANGUS ROSS AND DAVID CANNON
EXEMPT INFORMATION	NONE
ACTION	DECISION

1. EXECUTIVE SUMMARY

- 1.1 To receive the recommendation from the Thames Valley Fire Control Service (TVFCS) Joint Committee on 12 July 2021, pursuant to the TVFCS partnership agreement, to agree a contract extension of the 'Vision 4' mobilising system of one year from April 2022 – March 2023 and to note the projected expenditure from the TVFCS renewals account.

2. RECOMMENDATION

That the Management Committee:

- 2.1 **AGREE** to extend the TVFCS Mobilising system contract for one year, from April 2022 to March 2023.
- 2.2 **NOTE** the projected expenditure from the TVFCS Renewals Account commensurate with requirements outlined in the Capita 'system report' summarised at point 3.26.

3. REPORT

- 3.1 Thames Valley Fire Control Service (TVFCS) utilises the 'Vision 4' mobilising system which is provided by Capita Secure Solutions and Services (SSS) Ltd.

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Thames Valley partners entered into a contractual agreement for this provision which formally commenced when TVFCS 'went live' in April 2015.

- 3.2 Pursuant to the contract specification, the initial service period was set for seven years, expiring in April 2022, with options to extend service support provision for up to eight years (a maximum total of 15 years).
- 3.3 The duration of the TVFCS partnership agreement (the 'agreement') covers a 15 year period from the commencement date of April 2015, expiring in April 2030. The project team delivered the current Mobilising System contract (the contract) to mirror this arrangement, building in a review at seven years, creating the option for a contract break or contract extension (in single or multiple periods of twelve months, not exceeding eight years).
- 3.4 The contract review point aligns to the requirement of the agreement that "as soon as reasonably practicable following the fifth anniversary of the commencement date...Fire Authorities shall discuss whether the contract should be extended together with any upgrade, modification or refresh to the system." Largely due to the services' responses to Covid-19 and timelines specified within the contract, presentation of these recommendations has not been practicable prior to this meeting.
- 3.5 The control mobilising system is essential to the effective mobilisation of all FRS resources across the Thames Valley, ensuring that the quickest and most appropriate assets can be sent to incidents. It also supports the end to end application of safe systems of work for our staff.
- 3.6 The 'Vision 4' mobilising system procurement consisted of the purchase and supply of Capita SSS specified hardware, the software licence 'in perpetuity' and a maintenance and support service contract.
- 3.7 The service contract fulfils two key services; firstly a technical support element that ensures any system issues, malfunctions or errors are recovered and restored within pre-defined service level agreements. Secondly, it aligns TVFCS to the Vision upgrade pathway, set out by Capita SSS, that ensures TVFCS can utilise the latest technological developments in delivering its service.
- 3.8 In relation to any periods of extension, the service contract requires Capita SSS to provide a 'system report' (the report). The report sets out expected performance levels and recommends hardware upgrade and refresh options that would be necessary for TVFCS to maintain an appropriate, robust and resilient level of technological capability that will ensure the service can continue to take the software upgrades aligned to the Vision pathway. Equally, any hardware upgrades would also minimise risk in relation to issues affecting system stability and reduce the likelihood of experiencing critical system failures.
- 3.9 The report was received, reviewed and challenged by the TVFCS Joint Coordinating Group (JCG), consisting of a Senior Responsible Officer (SRO)

from each service, technical subject matter experts from each service and the TVFCS management team and a final version was agreed in March 2021.

- 3.10 In arriving at the recommendation set out in 2.1, JCG, in consultation with the aforementioned groups, considered a number of factors.
- 3.11 As part of robust business continuity planning, any critical technological system requires an appropriate level of contractually defined technical support to ensure it can maintain service delivery. This level of support could not be provided purely through an 'in house' capability. Having no support mechanisms in place would incur a significant risk of service interruption and therefore not extending the contract, essentially doing nothing, was deemed to be unviable.
- 3.12 TVFCS could, in principle, go to market and tender for a full system replacement. Our own experience, supported by sector wide learning, indicates that a full replacement, tender and implementation project would need to be appropriately resourced and take approximately 2 years. Any change of provider would require significant testing and implementation work. Furthermore, the current 'Vision' system took approximately 18 months to become fully stable after go live. It is possible a tender process may result in the same provider and this could positively, albeit minimally, affect implementation timescales.
- 3.13 The external environment is also a major factor to be considered in relation to the implementation of the Emergency Services Network (ESN, the replacement for the current Airwave communications system). The ESN project timelines have been extended on several occasions and this creates a level of uncertainty for services and in particular control rooms. Vision 4 will fully support ESN going forward and preparation work through software upgrades has already been undertaken. Current planning assumptions indicate that ESN will become fully operational in 2026. Commencing a replacement project at this time would significantly impact available capacity to implement ESN in the coming years, require duplication of work already completed and create an additional level of risk as new systems were implemented.
- 3.14 Ultimately RBFA, through the TVFCS Joint Committee will need to commission a full system replacement project as service contract extension options expire, however at this time such a project could not be completed ahead of the initial service contract end date of April 2022. Therefore, taking into account the points above, undertaking a replacement project at this time was also deemed to be unviable.
- 3.15 Therefore, in order to maintain the necessary technical support arrangements, TVFCS will need to extend the Capita SSS service contract.
- 3.16 In evaluating the optimum extension period it was necessary to consider recent developments in relation to announcements made by Capita in March 2021. Members were informed that Capita had announced a restructuring

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programme that would result in the sale of Capita SSS. This has been captured as a high risk in the TVFCS risk register.

- 3.17 Chief Fire Officer Rob MacDougall is leading a piece of work through the NFCC Strategic Commercial Board to work with Government, FRS and Capita to mitigate this risk and seek assurances on continued service provision, supporting the 60% of UK FRS that use Capita mobilising systems. Capita have indicated that they expect to sell the business within the 2021/22 financial year.
- 3.18 Therefore, to support mitigation of this risk, officers have recommended a one year extension to the contract from April 2022 to April 2023. This will enable the service to monitor and react to the outcome of the sale and consider how to proceed beyond the extended contract finish date. Officers will bring forward recommendations to the TVFCS Joint Committee in July 2022 setting out whether to further extend the contract in line with the agreement or seek to commence a full replacement and will make subsequent recommendations to RBFA.
- 3.19 To ensure TVFCS equipment is reliable, resilient and able to manage increasing demand and maintain a high standard of service delivery and to enable Capita SSS to continue to provide support through any recommended extension period, the report recommends and specifies a refresh and upgrade of all Vision 4 associated hardware.
- 3.20 The report provides estimated costs for the hardware refresh within a 'rough order of magnitude' and are set out at table 1.

Item	Description	Price (Rough Order of Magnitude)
VISION		
1.	Implementation effort, services, project management to support the delivery of VISION Technical refresh and all associated project services.	£223,098
2.	Technical Refresh Hardware and third party software	£175,231

Table 1

- 3.21 These costs would be recalculated at the point Fire Authorities decided to undertake the hardware refresh and, whilst the variance is not expected to be significant, additional budget will be required act as a contingency fund to account for increases in costs relating to current market condition
- 3.22 Furthermore, in order to deliver the Hardware refresh, Capita will appoint a project manager for the duration of the upgrade and there is an expectation, outlined in the report, that TVFCS will have a similar role in place. Current business as usual staffing arrangements do not support provision of this resource and Joint Committee will need to consider recommendations to

appoint a fixed term project manager to be able to effectively deliver the hardware refresh.

- 3.23 The Original hardware and licence costs were funded through capital expenditure as part of project implementation. The agreement makes provision for the Renewals Account for capital expenditure and replacement costs. Partners contribute to the account on an annual basis and this will form part of the Annual Capex Programme considered by the Joint Committee as part of the TVFCS budget setting process in December this year; it is currently set at £50,000 from each Authority. The Joint Committees prudent foresight and astute investment planning has enabled the service to develop a strategic fund that now stands at circa £1.8 million. As per the agreement the account balance is held by Oxfordshire County Council.
- 3.24 To comply with the TVFCS Partnership agreement, RBFA will provide an Annual Capital Expenditure (Capex) Programme for 2022/23 and a Capital Expenditure Forecast (that will cover the life of the agreement), along with the TVFCS Annual Budget, at the TVFCS Joint Committee meeting in December 2021. The Capex programme will provide full detail on expected expenditure in 2022/23 in relation to the hardware refresh costs. The TVFCS budget is presented to RBFA along with the RBFRS budget at the Fire Authority meeting in February 2022.
- 3.25 This will enable the TVFCS Joint committee to access this fund in 2022/23 should a decision be made to further extend the contract, for a period that would necessitate upgrading the system.
- 3.26 At this point, members are asked to note that, should a longer term extension be required, projected expenditure from the Renewals Account, taking consideration of points 3.20 – 3.22, will be in the region of £500,000. This will be brought forward for agreement as part of the Annual Capex Programme described in 3.24.
- 3.27 The contract has an ongoing revenue element and an indicative figure for contract extension is set out in table 2.

Item	Description	Price
3.	Annual support fee to be contracted under current terms with an indexation of 2% per annum	£71,109

Table 2

- 3.28 The service contract is funded by an annual revenue payment that forms part of the base budget each year. This budget line is agreed annually at the December meeting and reported through to members in the quarterly performance and budget monitoring report.
- 3.29 In summary, opting to extend the contract for one year mitigates the risk of negative impacts from the Capita SSS sale by enabling the service to be agile in terminating the contract should it choose to do so. It also supports provision

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of a well formed Annual Capex Programme for 2022/23 and a long term forecast which will enable the appropriate spending should the Committee consider a further, longer term extension suitable based on contracts being novated in full to the new provider. A decision on any further extension will be brought to members in July 2022. This paper has highlighted a broad funding envelope of £500k which provides members with early sight of predicted spend against the Renewals Account.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 2 – We will ensure a swift and appropriate response when called to emergencies.
- 4.2 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications are described within the main body of the report and summarised at 3.26.

6. LEGAL IMPLICATIONS

- 6.1 Royal Berkshire Fire Authority and Oxfordshire County Council are parties to the mobilising system contract. The legal implications of terminating or extending the contract are set out in the contract and procurement teams from each service have been engaged to ensure services comply with the relevant legislation and have indicated that Authorities can proceed as per the terms defined in the contract.
- 6.2 The ‘Mobilising System Contract’ is defined in the TVFCS Partnership agreement as requiring the unanimous consent of the three fire and rescue authorities for its extension or renewal.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications identified at this time.

8. RISK IMPLICATIONS

- 8.1 The TVFCS risk register has captured the following risk in relation to the sale of Capita SSS:
If Capita SSS is sold and the purchaser makes unfavourable decisions on software development and provision of support, which is likely given commercial uncertainties around the sale, then we can expect TVFCS to experience substantial impacts on their ability to deliver an efficient, effective and resilient service which is significant in respect of delivering our statutory fire and rescue functions.
- 8.2 The recommendation 2.1 of this report seek to address this risk.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 The Thames Valley Fire Control Service is a collaborative shared service between RBFRS, BFRS and OFRS defined in the TVFCS partnership agreement. Officers will review collaborative opportunities with the police and ambulance services for the 'hardware refresh' through the collaboration governance boards.

10. PRINCIPAL CONSULTATION

- 10.1 Chief Fire Officer
10.2 Head of Finance and Procurement
10.3 Monitoring Officer

11. BACKGROUND PAPERS

- 11.1 None.

12. APPENDICES

- 12.1 None.

13. CONTACT DETAILS

- 13.1 Area Manager Jim Powell powellj@rbfrs.co.uk

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ROYAL BERKSHIRE FIRE AUTHORITY



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	29 JULY 2021
SUBJECT	GUIDING PRINCIPLES FOR PROPERTY ASSET RELEASE
LEAD OFFICER	CONOR BYRNE, HEAD OF FINANCE AND PROCUREMENT
LEAD MEMBER	COUNCILLOR ANGUS ROSS
EXEMPT INFORMATION	NONE
ACTION	DECISION

1. EXECUTIVE SUMMARY

- 1.1 The disposal of any property or land, deemed as surplus to requirements, is an important part of the Fire Authority’s drive to create an efficient, fit-for-purpose and sustainable estate that meets future needs. This attached document sets out the principles to be adhered to with regard to property asset release.

2. RECOMMENDATION

That the Committee:

- 2.1 **APPROVE** the attached document (Appendix A) entitled *Guiding Principles on Property Asset Release*.

3. REPORT

- 3.1 Whilst it is essential that the Authority manages its assets efficiently and effectively it is also important that it can evidence that this is the case to stakeholders.
- 3.2 The *Guiding Principles on Property Asset Release* is based on the ethical principles set out in the Core Code for Fire and Rescue Services, which in turn is based on the Nolan Principles. Adherence to the *Guiding Principles*

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document will ensure that transparency and objectivity can be demonstrated throughout any disposal process.

- 3.3 Along with openness and transparency, the guidance also highlights the importance of setting up a disposal team with the right mix of skills and experience to ensure a full consideration of all factors throughout the disposal process.
- 3.4 Any proposals for the disposal of property or land that come before Members will link explicitly to the *Guiding Principles* document. This will provide assurance and evidence that the disposal process is being conducted in line with best practice.
- 3.5 A draft of the *Guiding Principles* document was reviewed and commented upon by our internal auditors, RSM. Their suggestions around the recording of disposals and links to other corporate documents have been incorporated into the final document.
- 3.6 The document has also been scrutinised by the Audit and Governance Committee who recommend that Management Committee approve it.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.

5. FINANCIAL IMPLICATIONS

- 5.1 The Guiding Principles document is fully aligned to the Authority's revised Financial and Contract Regulations (November 2020).

6. LEGAL IMPLICATIONS

- 6.1 The Guiding Principles document is fully aligned to legislation that governs the disposal of local authority assets.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications arising from this report.

8. RISK IMPLICATIONS

- 8.1 Good stewardship of the Authority's assets is only possible if the right governance is in place. The purpose of the *Guiding Principles* document is to reduce risk by ensuring that the highest behavioural standards are introduced and maintained during the disposal process in order to demonstrate best practice in managing valuable public sector assets.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 As part of any disposal process, the Fire Authority consults and works with a wide range of partners to ensure the best possible outcome for the public.

10. PRINCIPAL CONSULTATION

10.1 The Chief Fire Officer has been consulted on the contents of the report.

10.2 The Monitoring officer has been consulted on the contents of the report.

11. BACKGROUND PAPERS

11.1 None

12. APPENDICES

12.1 Appendix A – Guiding Principles for Property Asset Release

13. CONTACT DETAILS

13.1 Conor Byrne
Head of Finance and Procurement
07585 991602

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Guiding Principles for Property Asset Release

July 2021

DRAFT V3



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1. Introduction

Property is a powerful force for organisational change, in identity branding, in inspiring innovation and in encouraging improvements in productivity and service quality. It is an asset which responds only slowly to change, so it is important to build in the flexibility in property asset management to enable change that meets service demand, political direction and/or financial efficiencies.

The disposal of any property or land, deemed as surplus to requirements, is an important part of the Fire Authority's drive to improve its estate management and create an efficient, fit-for-purpose and sustainable estate that meets future needs. This document sets out the procedures to be adopted specifically with regard to property asset release.

The assessment of Royal Berkshire Fire & Rescue Service's property need is borne out of two key documents – the Corporate and Risk Management Plan (CRMP) and the Strategic Asset Investment Framework (SAIF).

The Authority's CRMP sets out the requirement in terms of provision and location of all fire stations across the Royal County of Berkshire to ensure that the Service is able to respond to changing patterns in risk.

The Authority's SAIF sets out the Authority's 15 year capital investment strategy to maintain and renew the vital capital assets necessary to deliver the Prevention, Protection and Response requirements of Royal Berkshire Fire & Rescue Service.

These two key documents underpin strategic property decision making in terms of prioritising refurbishment, replacement, disposal, or identifying the need to seek a new asset location.

This Guiding Principles document is fully aligned to the Authority's revised Financial and Contract Regulations (November 2020) as well as legislation that governs the disposal of local authority assets.



2. Ethical Approach to Property Disposals

2.1. Core Code of Ethics for Fire and Rescue Services

In 1994, the UK Government established a Committee on Standards in Public Life. The remit of the Committee was to make recommendations to improve standards of behaviour in the public sphere. The Committee was chaired by Lord Nolan and the first report of the Committee established The Seven Principles of Public Life (known as the Nolan Principles).

The Core Code of Ethics for Fire and Rescue Services (Core Code) is based on the Nolan Principles and sets out five ethical principles, which provide a basis for promoting good behaviour and challenging inappropriate behaviour.

These principles run through this document to ensure that the highest behavioural standards are introduced and maintained at all times in order to demonstrate best practice in managing valuable public sector assets.

The table below sets out the five ethical principles and what they mean for public servants.

Putting our Communities First We put the interests of the public, the community, and service users first.
Integrity We act with integrity including being open, honest, and consistent in everything that we do.
Dignity and Respect We treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.
Leadership We are all positive role models, always demonstrating flexible and resilient leadership. We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards.
Equality, Diversity and Inclusion (EDI) We continually recognise and promote the value of EDI, both within the Service and the wider communities in which we serve. We stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations, and celebrate difference.



3. Assessing surplus land or property assets for disposal

The Service should look to dispose of property or land assets which are identified as surplus to requirements and should not look to hold land speculatively. HM Treasury (Managing Public Money) advises that surplus land or property assets should ideally be disposed of within three years of being identified as surplus to requirements. In making an assessment to determine whether land or property assets are surplus, consideration must be given to:

- whether the land is currently used/required to deliver operational functions;
- whether there is a clearly evidenced plan to use the land to deliver future operational functions;
- whether the land is held for commercial purposes and/or is integral to continuity of service delivery;
- whether the land is vital for business continuity or contingency, in line with strategic and /or operational plans.

However, land may also be identified as surplus if:

- it is not used for current delivery or required for future delivery of operational functions;
- the Service has no formally approved strategy and timetable for bringing the land or property back into permanent full operational use.

Each case should be assessed on the circumstances associated with the land or property and the Service's overarching strategic plan.

4. Preparing for Disposal

Through the regular refresh of the CRMP, SAIF and Property Asset Management Strategy (PAMS), surplus assets will be identified. When land or property assets are confirmed as surplus and approved for sale on the open market, disposal objectives will be agreed by the Senior Leadership Team and approved by Members of the Fire Authority's Management Committee.

Any single disposal may support multiple strategic and operational objectives. Typical strategic objectives will include:

- supporting a wider change programme following a CRMP consultation;
- consideration of the need to complete the disposal within a specified timescale to fit in with other investments, disposals, acquisitions or relocations;
- budgetary requirements and cash-flow implications;



- carrying out the disposal in accordance with the approved practices as set out within this document, adhering to the Core Code ethical principles at all times.

4.1. Legislation Governing Asset Disposals

Under section 123(2) of the Local Government Act 1972, and by virtue of section 8(3) of the Fire Services Act 1947, the Authority is not permitted to dispose of land 'for a consideration less than the best that can reasonably be obtained', without the consent of the Secretary of State. The 'consideration' is confined to commercial or monetary value. This means that should the Authority wish to consciously pursue disposal strategies that may offer wider community benefits, and in so doing, reduce the potential financial receipt, it may need to obtain consent from the Secretary of State.

There is an extant general disposal consent issued by the Secretary of State: *The Local Government Act 1972 General Disposal Consent (England) 2003* which permits a local authority to dispose of land for less than best consideration without the need for individual consent from the Secretary of State if the local authority considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2,000,000. However, the accompanying guidance cautions that a local authority would need to ensure that its disposal is compliant with state aid rules, would need to have regard to its fiduciary duty owed to the public; ensure that its appointed auditor was well sighted on any proposal to rely on the General Disposal Consent if it is not a local authority with 'well-being powers' or has a 'community strategy' in place under the Local Government Act 2000.

4.2. Authority Regulations

4.2.1. Financial Regulations

Section 2.6 vii of the Authority's Financial Regulations states that *all receipts from the sale of assets which were originally purchased from capital financing will be treated as capital receipts and must be notified to the Chief Finance Officer or Deputy. The Chief Finance Officer or Deputy must be notified of all proposed disposals of assets. All assets with a value over £3,000 must be disposed of by competitive quotations, by auction or by other means, such as land swaps, that have been approved by the Chief Finance Officer and demonstrate value for money. The three Statutory Officers must approve and oversee the process that will be used to dispose of land and buildings.*



4.2.2. Contract Regulations

Section CR26 in the Authority's contract regulations relates to the acquisition or disposal of freehold or leasehold buildings and is set out below.

Prior to any formal commitment being made or signed a report must go to the Management Committee to advise:

- *the estimated value of the land or buildings;*
- *the current or most recent building use;*
- *options considered;*
- *recommendation and disposal route to be followed;*
- *proposed sale value and planned use;*
- *if a disposal is for less than best consideration, the report must say whether consent is needed from the Secretary of State or Home Office.*

Tenders for disposal do not need to be submitted via the corporate E-tendering portal and may be managed by a third party. The three Statutory Officers must approve and oversee the process that will be used to dispose of land and buildings.

4.3. Disposal Team

It is essential that a suitably experienced disposal team is assembled. The team should be established at the outset to provide appropriate in-house, commercial, legal and professional support throughout the disposal process.

The disposal team should include representatives from the Estates and Finance teams. Teams must include the correct mix of the core skills needed to successfully deliver the objectives of the disposal. Teams may typically include advisers such as commercial, legal, and professional consultancy and critically have relevant sales and marketing expertise and an established track record in the market.

The Chief Finance Officer is accountable to Members for the disposal and accordingly will have responsibility for the disposal and oversight of the disposal team.

5. Asset Release Strategy

Once surplus land has been assessed as being suitable for sale on the open market the disposal objectives will be incorporated into an Asset Release Strategy. The strategy should take into account the advice of professional advisers and may be revised following receipt of their advice. This must be reviewed and agreed by the



Chief Fire Officer/Chief Executive, Chief Finance Officer and Monitoring Officer, prior to presentation to Members at Management Committee for their approval.

5.1. Considerations to Inform the Strategy

In developing the strategy, there are various factors that should be considered:

- timing - identifying a desired disposal time and an estimate of lead times required;
- pricing the market - taking valuation and agency advice to establish the likely realisation value achievable;
- determining whether either of the above (timing and price) could be improved by undertaking any minor works to the subject property;
- identifying the most appropriate disposal process (private treaty, tender, auction, etc.);
- identifying marketing and advertising avenues;
- considering the impact on the local (and general) property market if a large number of properties are to be placed on the market at the same time or in close succession;
- considering whether the Authority has a need to sell the land under certain conditions (e.g. in a certain timeframe) as this may impact on the price;
- ensuring that the Project Team understands the disposal strategy and maintains the momentum to complete the process;
- ensuring full alignment to the requirements of the Authority's Financial Regulations;
- ensuring full alignment to the Authority's Anti-Fraud, Bribery and Corruption Policy.

The asset release strategy should provide a clear framework setting out the approach to be taken and the justification behind that proposal.

There are a number of factors that can impact on disposing of surplus land and/or property in an efficient manner. The disposal team should develop the appropriate 'client' brief, ensure the land or property is being disposed of under optimal conditions (e.g. that the correct amount of de-risking has been undertaken), that the right contract has been selected and that the right market has been targeted.

Set out below are matters that, if addressed at the appropriate time, can eliminate many issues that delay disposals.

5.1.1. Legal

Legal due diligence should confirm clean title and discover any relevant legal issues or constraints pertaining to the land or property. Time should be taken to ensure that the disposal is permissible under the terms of any lease that might exist. In many



cases there will be restrictions on the use to which a property may be put, or who might be permitted to occupy accommodation - referred to as “Third Party Rights”. Time should be taken to ensure that it is possible to offer the property to third parties, including confirming whether occupation rights are restricted in any way.

There should not be any debate over the title or the interest which is subject to disposal. Nor should there be any legal obstacle to undertaking the planned transaction.

5.1.2. Physical

Physical due diligence should seek to reconcile the legal position with what is actually occurring on site and identify matters such as contamination, party walls, etc.

5.1.3. Financial

Financial due diligence should include establishing the value of the asset as well as the financial and budgetary impact to the Authority if a disposal is undertaken.

5.1.4. Investment Prior to Disposal - De-Risking Sites

Investment prior to disposal (or de-risking) can help to provide more certainty for potential purchasers for a property and deliver an increased receipt. The case for investment prior to disposal should be considered as early as possible and clearly set out in the Asset Release Strategy.

De-Risking activity prior to disposal could include the following:

Planning: pre-application engagement offers potential to improve both the efficiency and effectiveness of a planning application. The approach should be tailored to the nature and potential of the proposed development and the issues to be addressed.

Planning: preparing a development brief, securing a planning allocation or securing outline planning approval. Any decision on planning investment will be influenced by the size of the land offered to the market. It is not always appropriate to seek planning permission prior to the release of a site and this must always be evaluated on the merits of each site.

Technical: producing technical reports and surveys such as ecology, measured surveys, topography and ground investigations.

Prior works: works such as remediation, decontamination and demolition.



Legal: the resolution of title issues.

Consideration should also be given to whether investment will reduce the conditionality of bids and increase the certainty of receipt. The final decision to invest should be based on a robust analysis of the 'return on investment' of a range of options and a clear understanding of the site's viability. Advice should be sought from professional advisers when considering any investment prior to disposal.

5.1.5. Capturing Future Uplift in Development Value

Where a property is being sold with the benefit of the best planning permission reasonably obtainable, or market conditions or other factors indicate that it would be beneficial to do so, the Authority should consider making provision to share in development profit through 'overage' or 'clawback' clauses.

'Overage' means claiming back an element of improved development value where, for example, there is a general uplift in the market, or where the market value of the end development is not known at the time of sale.

'Clawback' refers to claims for all or part of windfall gains resulting from, for example, the purchaser obtaining planning permission for a change of use, or a greater volume of development than anticipated by the planning permission obtained prior to disposal.

Further examples of overage and clawback might include:

- where it is difficult to gauge the commercial potential of a property;
- where a particular type of purchaser may have a better chance of obtaining consent for a development than the Authority;
- where a developer can improve upon a planning permission obtained by the Authority;
- the disposal of a listed building.

However, clawback and overage provisions may be difficult to enforce due to:

- difficulty in monitoring the value of the property when it no longer belongs to the Authority;
- agreeing the increase in value that is due to the agreed event;
- ensuring that payment of the uplift is protected, although contracts and other devices can be used to attempt to enforce the payment of the uplift in value.

Clawback or overage clauses are specialised and may give rise to complex legal issues. The Disposal Team should therefore seek appropriate advice at the outset to determine the best way to proceed. This should include an assessment of the effect of clawback or overage clauses on the sale price. The effect can be explored by inviting offers both with and without clawback or overage provisions. The calculation



to be applied should be clear and explicit in the agreement. Clawback levels are usually designed to diminish over time until they 'expire' and the purchaser is able to dispose of the property without reference to the Authority.

5.1.6. Sitting Tenants

Surplus property earmarked for potential disposal may contain tenants or sub-tenants benefiting from security of tenure and be subject to 'right to buy' which has the potential to discount the value of disposals. An example of this type of property could be investment properties that are occupied by tenants. Occupation of a small area of an otherwise potentially self-contained property, or of a vital area such as a reception hall, may have an effect on the disposal. Disposals of tenanted property should ideally be timed to coincide with a landlord's lease-break option or with the end of the lease to maximise the chance of obtaining vacant possession. If disposal with vacant possession is preferred, then it may be necessary to negotiate with the tenant for a surrender of the lease(s). As tenants have rights to security of tenure under the Landlord and Tenant Act 1954 (unless specifically contracted out in the lease), this can be lengthy and costly.

This is a complex area and property and legal advice should be obtained at an early stage. If vacant possession cannot be obtained, or if the tenant occupies a large proportion of the property, it may be necessary and sometimes preferable to sell the property with a sitting tenant. The presence of an established tenant with immediate rental income could make the property more desirable to potential purchasers.

It is important to seek advice in order to identify:

- how the disposal value will be affected by this situation (valuation advice);
- whether vacant possession is required and how this can be achieved (legal advice).

In cases where the Authority itself holds a lease from a commercial landlord it may sometimes be preferable to surrender the lease to the landlord rather than try to dispose of it to a third party.

5.1.7. Lease Breaks

Where the Authority occupies a leasehold interest in the property identified as surplus, the lease should be reviewed to establish whether there are any break clauses that would allow the Authority to surrender it. Provided a break clause is exercised correctly and there are no severe rental penalties, it may be possible to vacate a property with no further liabilities. Particular care should be taken when exercising break options that any 'conditions precedent' in the lease has been complied with. Failure to fully comply may invalidate the service of a break notice.



There is no de-minimis threshold applied to conditions precedent and the smallest non-compliance may render a break notice invalid.

However, unless contractually excluded, operation of a break-clause will trigger a reinstatement or dilapidations liability. The Authority should take this into account when considering this option. A number of benefits may be achievable by exercising a lease break, particularly where the rent payable is above market value. Notices must be served as required by the lease terms and also by statute, for example, the Landlord and Tenant Act 1954 (Part II). Notices will also need to be served in a specified format and within specified time periods. Failure to adhere to these requirements can result in the Authority being unable to exercise the break.

Break clauses may provide the Authority with opportunities to negotiate existing lease terms, such as rental levels with landlords. A landlord may prefer a rent reduction to a void period. The Authority can also negotiate to exit a lease outside of the lease break options contained within the lease. Officers must take advice on these matters from property and legal advisers.

5.1.8. Vacant Property

The Authority remains responsible for all aspects of stewardship of the property following vacation until disposal, even if not occupying it. If a freehold property, the Authority will remain liable for the capital charge. If it is a leasehold property, then the Authority will remain liable for the covenants under the lease including for the payment of rent. In addition, there will be the normal costs of ownership that accompany any property, such as business rates, insurance and any service charges that might apply. As many of these costs can be mitigated, there may be some advantages in vacating the property. In addition, there may be savings due to not incurring expenditure on energy usage and cleaning costs.

The Authority may also take steps to improve the likelihood of a successful disposal that might not have been possible whilst remaining in occupation such as refurbishment or reinstatement. A risk evaluation should be undertaken to assess the total costs against benefits of the property remaining empty over given periods of time.

5.1.9. Mitigating Costs

There are a number of outgoings that the Authority will remain liable for despite vacating a property. Many of these can be reduced or cut completely.

Rent

This is one cost that cannot be either reduced or avoided. The landlord has a right to receive the rent, whether or not the Authority is in occupation.



Business Rates

The Authority pays business rates on the non-residential properties it occupies. If the property is vacant, an application can be made to the relevant local authority for 'Empty Rates' to be applied. Certain properties are exempt from business rates. The relevant local authority should be advised at the earliest opportunity that a property is vacant. Business rates are not paid on empty buildings for three months, after which most businesses must pay full business rates.

Leases

Leases occasionally include clauses which can indemnify landlords losing the right to rates relief on account of the tenant already having enjoyed such relief. Rating is a specialist area and the Authority should take advice from its rating advisers to ascertain what, if any, relief from business rates will be available.

Insurance and Security

Where a lease contains a specific insurance clause it may be possible to reduce premiums if the property is vacant, provided that the property is adequately secured against illegal entry and potential vandalism.

Utilities

Utilities such as water, gas and electricity can be disconnected, thus removing associated costs. There will be a charge for disconnection, as well as one for re-connection, which may be necessary in order to make a successful disposal. An electricity supply may be necessary if an alarm system is in operation and the Authority decides to maintain that facility.

5.2. Options for asset release strategies

There are various options available for property asset release strategies, such as private treaty, formal and informal tender and public auction. Each release option should be considered in the context of the type of land or property being offered for sale, the nature of the market for that type of land or property at the time of sale, and any specific issues or special characteristics associated with the land or property.

When evaluating options for asset release, the Authority should take advice from its selling agents on the most appropriate disposal route together with advice on costs and associated lead times. Selecting the most appropriate method of sale is vital to achieving a successful value for money sale. The Authority should reserve the right not to accept the highest - or any - offer if there are good commercial reasons for doing so.



5.2.1. Sale by Private Treaty

This is the method most widely used in the United Kingdom. Vendors make it known that a property is for sale, usually through agents who circulate particulars of the property to potential purchasers. Once a potential purchaser has expressed an interest, terms of sale are negotiated. Private treaty relies on an element of goodwill on both sides.

The main characteristics of a sale by private treaty are as follows:

- the timescale for completion of the transaction is not fixed until exchange of contract;
- offers are made 'subject to contract';
- offers are not all received at the same time;
- it is usual for the asking price to be quoted.

The Authority should ensure that the land is fully exposed to all potential purchasers throughout the marketing process to ensure genuine competition. There is therefore the potential for private treaty negotiations to extend over a considerable period of time, either because the purchaser has valid concerns regarding the physical nature of the land or property, or its legal status, or for other reasons such as the purchaser also being interested in another parcel of land.

The steps involved in a private treaty transaction usually include the following:

- openly advertising the land for sale;
- specific markets can be targeted through a choice of advertising media;
- taking offers from interested parties;
- identifying preferred offers, which may or may not be based on the financial levels of the offer;
- managing offers – keeping bidders interested when they are not the 'preferred' bidders, i.e. when there is a better offer but the deal is not yet confirmed;
- negotiating disposal terms;
- agreeing terms, obtaining approval, and proceeding with the legal transaction process.

An example where a private treaty approach might be appropriate would be where a sitting tenant expresses an interest in purchasing the property and is prepared to pay more than the market value. In such an instance, a suitably qualified valuer should give written assurance that the price offered is significantly higher than market value.



Advantages	Disadvantages
The vendor sets the price.	No market testing
The vendor determines the pace of the sale.	May miss out maximising value due to special purchaser.
Special purchaser may bid higher than the market.	There is no firm contract at the point of offer and acceptance.
Marketing costs may be lower.	

5.2.2. Sale by Public Auction

The Disposal team should ensure that suitably qualified professionals are appointed if pursuing a disposal by public auction. A clear advantage of this option is that when the hammer comes down a contract has been created. This focuses everyone's minds, as there is no time to reconsider.

When preparing for a disposal by auction preparation must be meticulous and conditions of sale should be published with the auction prospectus. It is vital that the auction is sufficiently advertised and that the property has sufficient exposure to the market. It is important that the auction prospectus is accurate, as a sale following incorrect auction particulars or misstatements may lead to a rescission or price abatement if the purchaser litigates.

The Authority should decide upon a guide price to assist potential purchasers. The sales agent / property adviser should indicate whether there should be a reserve price on the land or property. Any reserve price should be set close to the time of the auction. This is confidential between seller and auctioneer. Legal advisers should be instructed to draw up conditions of sale in advance of advertising the auction.

If a bid is accepted during the auction then the prospective purchaser must lodge a deposit at the time. Completion follows in accordance with the conditions of the sale issued with the auction prospectus. Professional property advice should be sought to establish whether an auction is the most appropriate method of disposal.

In the case of interest from a special purchaser, a sale by auction should only take place if negotiations with the special purchaser have been unsuccessful.

Advantages	Disadvantages
Quick, certain and fair route to sale, contract is established on the day.	Specialist skills required.
Good for the sale of small, commonplace investment properties or for secondary or tertiary properties where traditional methods of marketing might not attract sufficient interest.	Potential purchasers may have limited time to undertake investigations prior to sale which may lead to more cautious bids.
Interest and competition in the saleroom on the day may generate more interest from potential purchasers and lead to a	Rely on sufficient interest and competition in the saleroom on the day and may miss out on bids from potential special purchasers.



price in excess of the estimated market price.	
Conditions of public accountability are seen to be satisfied.	Some potential purchasers dislike auctions and may be deterred from bidding.
The vender can be satisfied that, on the day, the best possible price was achieved.	Auctions can have high marketing costs.

5.2.3. Sale by Informal Tender

Informal tenders tend to be used in cases where there are either some issues that make either a Private Treaty or a Formal Tender sale difficult, or where demand is likely to be restricted due to the nature of the property to be sold. It is similar to a private treaty sale, except that the land is marketed for a set period of time, after which marketing ends. This allows the vendor to look at a number of bids simultaneously and make a judgement as to which bid to accept.

In an informal tender, bids are usually invited from selected parties, subject to contract. These will be subject to outstanding issues such as planning permissions or details of proposed development schemes being resolved. Bids can also be invited publicly. The vendor is not usually obliged to accept the highest, or any, bid. Offers received will still be ‘subject to contract’. However, provided a number of offers are received, there will be an element of competition, which is of assistance to the vendor in subsequent negotiations.

Advantages	Disadvantages
Increased flexibility to purchaser and vendor over the terms of the offer	The purchaser is not bound to proceed.
Gives vendor the opportunity to share in future uplift in development value through mechanisms such as overage and clawback.	Risk that any accepted offer may not complete as bid may be subject to outstanding issues/conditions.
Allows the parties to clarify and negotiate final terms of the sale, especially useful where overage or clawback provisions need to be negotiated.	

5.2.4. Sale by Formal Tender

Formal tender is a useful method of disposing of land but care needs to be taken to ensure that the land has been given the fullest exposure to the market. Formal tenders tend to be used in order to create certainty in terms of timescales but can be lengthy and costly for prospective purchasers. In a formal tender the ‘Conditions of Sale’ i.e. the contract terms, are sent out with the sales information. Prospective purchasers have to return the entire document, including the conditions of sale,



signed and enclosing a deposit. The vendor then normally has a set period within which to make a decision on the bids received.

Once a bid is accepted and the deposit banked, a contract has been concluded. Prospective purchasers therefore have to carry out detailed investigations into the land prior to submitting an offer without knowing whether they have any real chance of acquiring the land. Unless the market is very strong for the land on offer, the number of bids likely to be received will generally be fewer than if the land was offered by way of informal tender or private treaty.

Formal tenders require specific preparation including:

- property and legal advisers drawing up the 'Conditions of Sale' and tender documents;
- the selling agent or property adviser advising on the reserve price;
- that the land is usually sold to the highest bid above the reserve, although consideration should still be given to lower bids;
- if the highest bid only marginally fails to clear the reserve price, then advice should be sought as to whether it should be accepted;
- the need to thoroughly checking bidders' creditworthiness and sources of finance prior to accepting any bids.

Advantages	Disadvantages
Public accountability is self-evident, clearly demonstrates the sale process has been fair, with the highest compliant bid winning the process.	Time and expense incurred by bidders on detailed investigations without certainty of being successful.
Provides certainty on timing and costs.	Can deter potential bidders and may not be a suitable method in a weak market.
Promotes sale to a wide market, sale above the estimated market value may be achieved.	The tender procedure can involve large numbers of interested parties and can be time consuming and expensive.
Could promote a higher bid from a purchaser with a particular interest (special purchaser).	Difficult to include overage in a formal tender sale.

5.2.5. Negotiated Disposal

Where there is a clear case that this will result in a better outcome for the Authority, it may be necessary to dispose of an asset on a non-competitive basis (negotiated) basis. Scenarios where this may be appropriate include:

- when there is little interest in an asset;
- when bids fail to achieve minimum quality / output levels;
- when a complex development is envisaged;



- when there is evidence that bids have not extracted the full potential (in terms of value, quality or outputs as appropriate) from the asset.

Negotiated disposals should be at market value, in accordance with *Managing Public Money*. Advice should be sought from professional and legal advisers.

5.2.6. Conditional Sales / Conditional Contracts

Conditional contracts either become binding when some event takes place (conditions precedent), or are terminated when some event occurs (conditions subsequent). Offers that are made for a property 'subject to contract' may also be subject to planning consent, asbestos surveys, site surveys, etc. This means that exchange and / or completion of contracts will be conditional on resolution of the issue(s) of particular concern.

The inherent challenge of a conditional contract for the vendor is what happens when a condition is not satisfactorily resolved from the point of view of the purchaser, for example where a planning consent eventually emerges and is subject to unacceptable conditions. In such circumstances, which may occur some considerable time after the sale or transaction has been completed, the contract conditions may not be satisfied and the disposal may not proceed at all. Alternatively the purchaser may proceed but wish to adjust the terms, including the price, to reflect the problems that have arisen. Contracts may specifically allow for the purchaser to withdraw or to adjust the terms. However, this is a complex area and must be carefully controlled by the disposal team in consultation with the Chief Finance Officer working with legal advisers.

It is important to make sure that any conditions attached to the disposal are explicitly stated in the contract. The term "conditions precedent" should be clearly stated in the contract and in all correspondence with the prospective purchaser regarding the disposal. The Authority should be certain that any conditions attached to the disposal are incorporated into the disposal contract. In addition, the negotiating agent should ensure that all negotiations are undertaken on the premise of conditions precedent.

5.2.7. Joint Ventures

In some cases, the Authority may not realise the full potential land value of a site with development potential through an outright sale. Special participation or profit sharing arrangements may yield a better return. These cases need a greater degree of legal, marketing and monitoring expertise than straightforward sales, and it is essential that appropriate advice is obtained. The Authority can also use Joint Ventures to bring in a partner organisation with suitable skills and expertise to take a disposal forward. Where such an arrangement is considered, it is important to check



that the purchaser is backed by adequate financial resources and offers the best combination of financial status and proven track record of successful development, involving the resolution of planning and other project problems. Joint venture arrangements allow the Authority to benefit from growth in values if a development is highly successful.

The main disadvantage is that negotiation to settle the terms of the arrangement can be complex and time consuming. Care must be taken to ensure that any reduced payment at the outset is more than offset by a realistic estimate of later profits, and that the developers' costs and sale terms are realistic and can be professionally checked to ensure that the predicted profit share is in practice likely to be achieved.

A key element is the agreement of a "base value" which is paid at the outset (or in stages at regular intervals, or as the development proceeds), together with a shared "development profit" (which is the difference between the development value and the development costs) to be shared between the parties in accordance with agreed terms.

5.3. Marketing – Securing Interest

Once a disposal strategy has been approved, the Disposal team and the Chief Finance Officer will be responsible for ensuring implementation of that strategy. Where a disposal is complex it is important to appoint professional advisors who can clearly demonstrate that they have experience of similar complex transactions. Disposal agents and legal advisers should be clearly briefed on the objectives, the processes to be undertaken, and the roles and responsibilities of everyone involved with the disposal. It is essential that the Authority and its advisors are open and transparent in all their dealings in line with the Core Code ethical principles, including fully documenting all advice provided, decisions taken and reasons why a particular sale method has been chosen. Disposal agents should regularly report on progress.

It is common to use performance related fees to incentivise delivery. Agents can be expected to advise on the likely market(s) to target and how they propose to undertake marketing. Agents will also advise on advertising costs so that a budget can be agreed. Agents should be encouraged to identify and target any special purchasers. If more than one potential purchaser is identified, then it is important to maintain interest, even after an acceptable offer has been received. By maintaining a level of market tension the Authority's position can be protected in the event of the sale not proceeding.

5.4. Maximising Disposal Opportunities

Markets for property may depend upon a number of factors, including:



- potential occupants of the property in its present use;
- potential occupants of the property for a different use;
- potential investors looking to secure a suitable tenant.

The Authority and its advisers and agents should carefully assess who to target in the marketing strategy based on the above. For any given property there may be a wide variety of potential purchasers, and a broad overview of the different possibilities should be undertaken before focussing on just one target market.

The success of this stage in the process can be tested through an assurance review. This should ensure that all avenues have been explored and the market thoroughly tested for interest. Approval can then be sought from the Chief Finance Officer to proceed to the next stage of identifying preferred buyers and agreeing terms.

In consultation with property and legal advisers, an asset release strategy should be developed that is most likely to achieve the goals and objectives of the disposal. In doing this, the following should be considered:

- the tenure or interest in the property to be sold;
- characteristics associated with that interest, such as restrictive covenants or length of term;
- the situation in respect of the property, such as whether it has sole occupancy and can offer vacant possession;
- whether there is, or could be, a special purchaser for the property;
- any opportunities for realising latent value, for example, by obtaining planning consent for a change of use;
- constraints such as planning restrictions or the building's characteristics (it may be listed or have an unusual structure);
- any other considerations that may impact on the timeliness and value for money of the disposal.

6. The Sale and Completion Process

In most instances the disposal of land will be undertaken through a direct negotiation with the purchasing party by the disposal team who will have the appropriate experience. Assembling a suitably experienced disposal team with an established track record in negotiating disposals will ensure that all due consideration is given to the disposal before the negotiations are entered into.

6.1. Preparation

The aim of the negotiation phase is to achieve the best consideration for asset disposal terms reasonably obtainable for the Authority. Preparation for negotiations



plays an important role in achieving that goal. Although the Authority's appointed professional consultants are likely to be both skilled and experienced in negotiating disposals, they need to be fully briefed about the Authority's parameters for agreement and its negotiating circumstances.

Key considerations prior to negotiations will include:

- strengths and weaknesses of the Authority's negotiating position;
- an assessment of the parameters within which terms would be acceptable.

6.2. Negotiation

The Disposal team should be clear in relation to the Authority's negotiating objectives. This should be done in consultation with statutory officers.

Consideration should be given to the following:

- where the purchasers are 'special purchasers' such that they would benefit more from the acquisition than other purchasers;
- should there be a shortage of properties similar to the subject property such that potential purchasers may be prepared to pay a premium in order to secure the purchase than they might be at other times;
- where there is a surplus of similar properties available on the market such that the potential purchaser could choose to acquire another similar property on better terms;
- where the Authority is facing a potentially large backlog maintenance cost or other ongoing costs if they retain the property.

The Disposal team should also establish a risk register and consider the risks identified in light of any negotiation or offer, amending the register as necessary to reflect the latest negotiating position.

6.3. Agreement of Terms

It is important that agents negotiating on the Authority's behalf clearly understand the parameters within which they must work and are briefed to enable them to plan their negotiations accordingly. This should form part of the initial brief given upon appointing selling agents and must be fully aligned to the Authority's Financial and Contract Regulations.

The agent representing the Authority must clearly understand the decision making process for agreeing terms. This way, the agent will know when proposals can be agreed in principle and when they cannot. Information is often the negotiator's key



tool, and knowing what can be revealed and when can be important in obtaining the best disposal terms. The Disposal team need to be certain about what levels of delegated authority exist in relation to this disposal so that they know when to refer matters to others for decisions. In order to ensure that offers are passed through to the Authority in an appropriate and timely manner, a reporting and decision making process with delegated authorities should be agreed. The legal advisers' role must also be clear with instructions given at appropriate times in respect of contract preparation and the conveyancing process.

There is no guarantee that negotiations with the preferred purchaser will complete successfully. Therefore, it will be important to identify opportunities for keeping other prospective purchasers involved so that a 'reserve list' can be created.

Where the Authority is letting or subletting property, the Service's property advisers should ensure regular reporting and consultation throughout the negotiation of terms. Lease terms should be drafted with care, as they will bind the Authority throughout the term of the lease.

Negotiating agents and representatives working with the disposal team, should consider any proposed purchasers, assignees or tenants in terms of:

- track records and intentions;
- their commercial standing (including availability of funding for the particular transaction);
- risk assessment;
- state Aid implications;
- certainty of success;
- potential implications of their acquisition.

Once a disposal process reaches the stage of contractual negotiation and exchange, it will be important that there is a high likelihood of a successful completion. In addition, any disposal to purchasers that are found to be taking part in illegal or immoral activities will likely result in a high level of scrutiny being levelled at the Authority.

6.4. Liaison with Legal Advisers

Ideally legal advisers and negotiating agents should be appointed at the same time. Although the negotiating agent will be experienced in these matters, contract terms and conditions should still be discussed with the Disposal team's legal advisers prior to final agreement.



6.5. Sales Subject to Conditions

As a general rule sales contracts should be kept as simple as possible. This helps to minimise costs and reduces the risk of deterring potential purchasers with complex contract terms. In some cases, however, the sale of land may need to be dependent on certain conditions being met, e.g. securing planning consent. The most common way of dealing with this situation is a conditional contract.

6.6. Completing the Deal

When a purchaser has been found and terms have been agreed, there are still a number of activities to be undertaken in order that the disposal should be successful. Legal advisers usually handle exchanging of contracts and completing the disposal. A process of reviewing progress should be put in place to deliver the desired outcome.

The Disposal team should track progress and ensure key activities are completed on time including:

- obtaining the necessary approvals and signatures that will enable exchange to take place, allowing for the lead times associated with this;
- arranging for financial sign off to be obtained and monies to be transferred at the appropriate times;
- if the disposal is a lease assignment or subletting, securing any consent required from the superior landlord and allowing for the lead time associated with this;
- ensuring associated costs have been built into the project's budget;
- ensuring the asset has been removed from the asset management system upon disposal.

A risk assessment of the 'deal' should be undertaken, together with a risk management exercise to identify issues that will require attention in order for the disposal to complete satisfactorily.

It would also be prudent at this stage to undertake a due diligence exercise prior to absolute commitment to a transaction to ensure that:

- the disposal has followed due process and all matters have been addressed;
- the proposed purchaser, assignee or tenant will be suitable, i.e. that they will be able to complete the acquisition and meet future commitments and liabilities;
- the disposal represents value for money in terms of the price achieved and benefits gained.



The success of this stage of the process and readiness to proceed to final completion can be tested through an assurance review. This will help to satisfy the statutory officers that all necessary checks have been completed and that the transaction delivers value for money. Following agreements of the terms of the missives, the contract is concluded by the legal advisors and at that stage becomes binding on both parties. In freehold disposals there is often a delay between completion of a contract and settlement, normally 14 to 28 days, to allow conveyancing to be completed. In a leasehold disposal, the settlement often occurs at the same time as the conclusion of missives, with execution of the lease by both parties taking place shortly thereafter.



7. Appendix A - The Approval Process for Asset Release

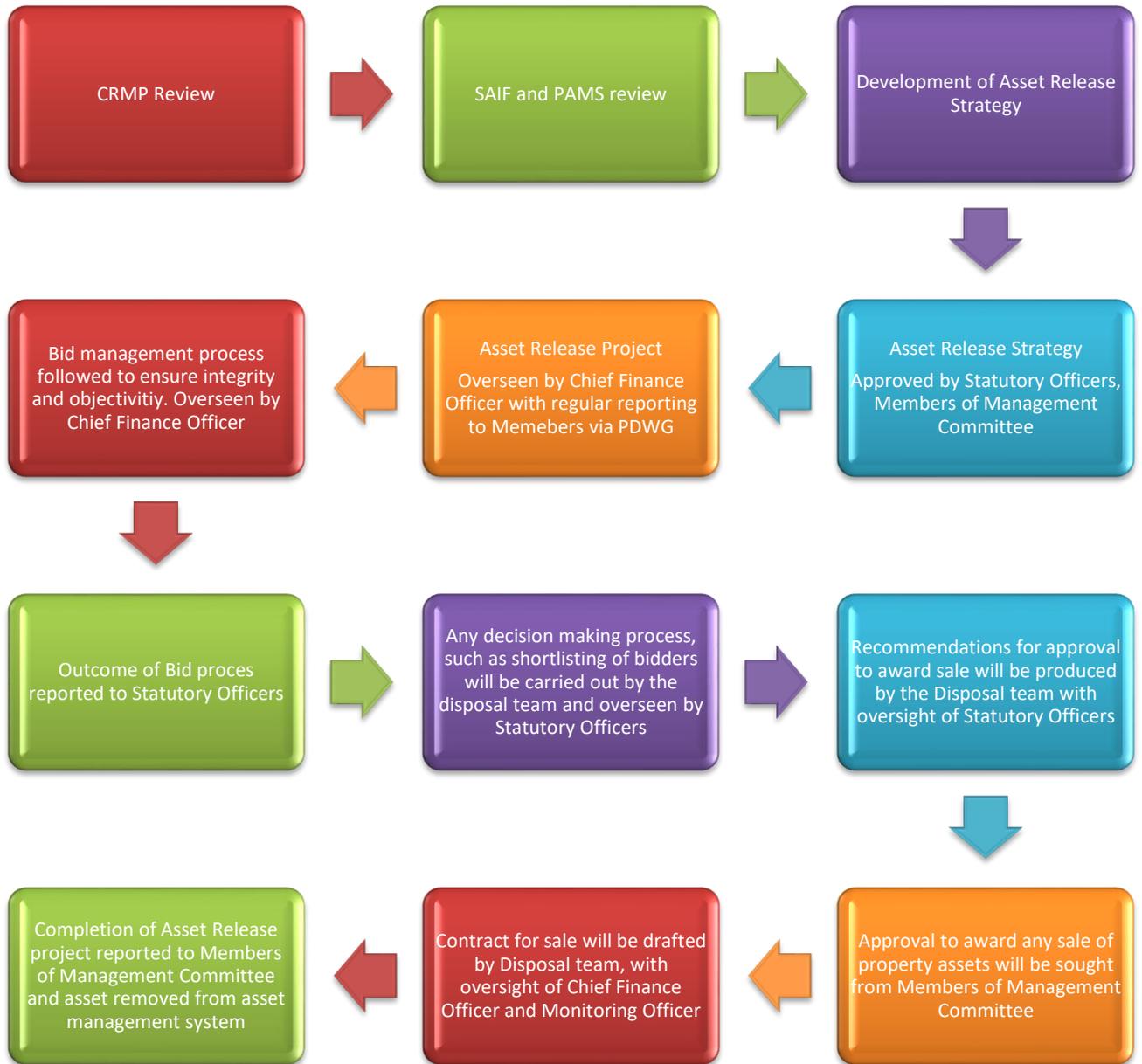
The approval process must demonstrate openness and integrity. Structures should also ensure that power is not overly concentrated in one individual, which can help mitigate any perceived risks. At all times, the decision making needs to ensure a fully transparent process with multiple appropriate decision makers at each stage to clearly demonstrate objectivity. This good governance should promote collective decision making to help the organisation exercise fair and balanced judgement.

In line with the Authority's Financial and Contract Regulations, major financial decisions must be taken by the Members of the Authority based on advice and recommendations from the Disposal team and statutory officers. This ensures that decision makers can be assured of the appropriate breadth of expertise involved at each decision making point through the entire asset release process.

The disposal pathway aligns fully with the Core Code ethical principles as well as the Authority's Financial and Contract Regulations.

At each stage, a written record of any decision making will be maintained and this will be shared with Members via the Property Development Working Group and at a high level with Members of Management Committee as part of regular Capital Projects updates.

Each decision making stage, such as shortlisting of bidders, will be overseen by statutory officers and will follow a process that demonstrates integrity, objectivity, accountability and fairness. The outcome of the asset release process will be reported to Members of Management Committee in order to seek their approval.



Reference to ‘Statutory Officers’ as per the Authority’s Financial Regulations, refers to the Chief Fire Officer/Chief Executive, the Monitoring Officer and the Chief Finance Officer.



8. Appendix B – References

Royal Berkshire Fire Authority, Strategic Asset Investment Framework.

<https://www.rbfrs.co.uk/your-service/transparency-and-governance/financial-transparency/>

Royal Berkshire Fire & Rescue Service, Property Asset Management Strategy

Royal Berkshire Fire Authority, Financial Regulations, November 2020

<https://decisionmaking.rbfrs.co.uk/ecSDDisplay.aspx?NAME=SD321&ID=321&RPID=346831>

Government's Estate Strategy (Cabinet Office 2014):

www.gov.uk/government/uploads/system/uploads/attachment_data/file/360262/Government_estate_strategy.pdf

Cabinet Office Guide for the Disposal of Surplus Land (March 2017)

Transparency - Cabinet Office Report "Making Commercial Terms of Government Land Disposals More Transparent" (December 2016) Government Financial Reporting Manual (2015 - 2016) www.gov.uk/government/publications/government-financial-reporting-manual-2015-to-2016

HM Treasury; Green Book - Appraisal and Evaluation in Central Government:

www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-centralgovernment

HM Treasury; Managing Public Money:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/454191/Managing_Public_Money_AA_v2_-jan15.pdf

Housing and Planning Act 2016: www.services.parliament.uk/bills/2015-16/housingandplanning.

Royal Institution of Chartered Surveyors (RICS) Valuation Professional Standards (The Red Book) <http://www.rics.org/uk/knowledge/professional-guidance/red-book>



Royal Institution of Chartered Surveyors (RICS) Public Sector Property Asset Management Guidelines, Version 2, 2016.

Crichel Down Rules: www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance

Heritage Estate Historic England website: <https://historicengland.org.uk/>

Disposal of Heritage Assets: www.historicengland.org.uk/images-books/publications/disposal-heritage-assets/

Framework agreements Crown Commercial services and Homes and Communities Agency: Homes and Communities Agency:
www.gov.uk/government/organisations/homes-and-communities-agency Crown Commercial Services: www.gov.uk/government/organisations/crown-commercial-service

Planning National Planning Policy Framework (NPPF):
www.gov.uk/government/publications/national-planning-policy-framework--2

National Property Controls: www.gov.uk/government/publications/cabinet-office-controls

Plain English Guide to the Planning System:
www.gov.uk/government/publications/plain-english-guide-to-the-planning-system

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ROYAL BERKSHIRE FIRE AUTHORITY



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	29 JULY 2021
SUBJECT	UNICORN NETWORK CONTRACT VARIATION & EXTENSION
LEAD OFFICER	TONY VINCENT, HEAD OF BUSINESS AND INFORMATION SYSTEMS
LEAD MEMBER	COUNCILLOR ANGUS ROSS
EXEMPT INFORMATION	NONE
ACTION	DECISION

1. EXECUTIVE SUMMARY

- 1.1 This paper is brought to request a decision to allow Royal Berkshire Fire and Rescue Service (RBFRS) to vary and extend an existing contract with BT under the Unicorn framework for the provision of Managed Wide Area Network, Internet, Local Area Network, Wireless Network and Firewall infrastructure and services.
- 1.2 The extension period will be from 1st September 2021 until 31st August 2024, with a retendering process undertaken thereafter in line with Unicorn contract parameters.
- 1.3 The variation will entail increases in resilience and bandwidth of the wide area network, the implementation fully managed local area network devices, the implementation of fully managed wireless infrastructure and the implementation of fully managed firewalls.
- 1.4 Management Committee approval is required as the total contract value if approved is calculated as £2.059m.

2. RECOMMENDATION

That Management Committee:

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- 2.1 **AGREE** to extend and vary the existing contract with BT under the Unicorn framework in order to improve capacity and resilience of network services, in preparation for enablement of critical cloud based services as driven by the current ICT strategy, with the intention of retendering the contract in 2025, in line with the Unicorn Framework arrangements.

3. REPORT

- 3.1 In 2011 an OJEU notice was served by Surrey County Council to tender for a network provision contract to which RBFRS was a participant. RBFRS signed a 3 year contract with the option to extend for a further 6 years for the provision of Wide Area Network services and Internet Access with BT via the Unicorn framework established by Surrey County Council as a result of the tendering process.
- 3.2 This contract had the flexibility to increase the term length and services provided in a flexible manner based on service need. The contract was extended in 2019 to the current contract expiry of the 30th March 2022, and can be extended by a further 3 years without the need for retendering.
- 3.3 The contract variation is required prior to the current contract expiration point in order to ensure that all updates and upgrades are completed within the contract period for continuity of service reasons.
- 3.4 The ICT strategy 2019-2024 was founded on three principles: Simplification, Collaboration and Virtualisation. The strategic action plan driven by these principles had seen significant progress in many user impacting areas.
- 3.5 The COVID-19 pandemic has validated that flexible remote collaboration and the virtualisation of key services into the cloud is key to meeting the needs of the ICT strategy, and RBFRS was able to respond positively to these needs in March 2020. As the pandemic drew on and thoughts turned to recovery, or the “new normal”, it became increasingly apparent that accelerated adoption of remote collaboration tools and virtualised services were vital to maintaining organisational agility, and to build on pandemic learnings regarding ways of working.
- 3.6 As a result, RBFRS brought forward its deployment of Microsoft 365 tools, successfully replacing WebEx with Microsoft teams in July 2021. The next steps in this migration involve mission critical applications such as Email and shared network spaces. As such it's critical that the underlying infrastructure is resilient, fit for purpose and sized appropriately to carry the projected traffic volumes, especially for bandwidth sensitive applications like video and audio conferencing.

- 3.7 RBFRS' current network topology relies on single connections from stations to HQ, with a high bandwidth link from HQ to Whitley Wood, the IT disaster recovery site. All internet bound traffic must travel from station to HQ and out via a single internet link. This places capacity constraints on internet connectivity across the estate and also adversely impacts non-internet traffic between stations and HQ. The single links at each station although largely reliable, are not resilient. In the event of loss of the link, all services at the impact station or stations are lost.
- 3.8 In the case where business critical services are reliant on connectivity between sites and out to cloud services in the internet, the current network topology is insufficiently resilient and lacks capacity. Therefore to implement the next stages of the ICT strategic action plan, a network upgrade is required.
- 3.9 RBFRS' Local area network equipment is ageing and requires replacement to fully support advancements in end-user equipment in the period of time since it was first installed. Current LAN switches were installed when RBFRS first occupied Newsham Court and are currently maintained via a 3rd party maintenance contract. As part of the overall BT Unicorn contract variation there is an opportunity to bring the replacement, management and ongoing maintenance of these devices under a single contract, reducing RBFRS resource effort and allowing increased focus on user impacting services.
- 3.10 Many areas within RBFRS premises experience poor or inconsistent wireless network coverage, with variable or no signal in some cases. The nature of wireless networks means that where coverage is poor, users experience exponentially worse application performance. The introduction of rich media collaboration services to mobile devices, tablet based applications and cloud services accessed via mobile phone mean that significant improvement in Wireless performance across the estate is required. A similar opportunity to refresh and improve RBFRS wireless networks exists if brought under the same contract umbrella as the Local and Wide Area Networks.
- 3.11 Increasing reliance on internet connectivity for accessing cloud services means RBFRS can no longer rely on a single connection point into the internet that services all premises in the estate. The BT Unicorn variation proposal addresses this by providing local internet access at all stations as well as HQ, therefore improving resilience and capacity for all applications, whether cloud based or hosted on RBFRS premises.
- 3.12 From a resilience perspective, each station will benefit from two physical network connections. A primary connection containing two logical links, one direct to HQ and one direct to the internet. The secondary connection will utilise 4g wireless connectivity as a live backup, with seamless failover

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between all three services at stations. Where appropriate, the bandwidth available at stations has been increased to account for future traffic profiles and usage, in order to ensure improved performance of applications at stations.

- 3.13 RBFRS currently contracts with a 3rd party to manage elements of network and security infrastructure, including firewalls. The BT Unicorn proposal includes the provision of firewalls, which will be managed directly by BT Unicorn and configured to RBFRS specification. Within two years from the point of implementation of the proposed firewall solution it is expected that the requirement for 3rd party contract resource will no longer exist, leading to future revenue savings.
- 3.14 The proposed contract variation and extension falls within procurement rules, and has been developed in conjunction with RBFRS procurement.
- 3.15 Finance have been consulted on all cost elements and have agreed that the contract is affordable both from the one-time and ongoing costs perspectives.
- 3.16 The value of the existing contract to the expected variation implementation date has been calculated as £948k, the projected full term contract costs from the point of implementation is calculated as £1,111k. Therefore the total contract value is calculated as £2,059k.
- 3.17 At the end of the proposed contract extension period, it will be necessary to enter into a full tender process for managed network services.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 The delivery of the ICT strategy and enablement of enhanced collaboration capabilities and virtualisation opportunities through resilient and appropriated sized foundation network services enables all staff to undertake their roles and deliver services to the public in the most efficient and effective manner. Consequently, enhancing, updating and strengthening RBFRS network infrastructure supports the following Strategic Commitments:
- 4.2 Commitment 1 – We will provide advice on how to prevent fires and other emergencies.
- 4.3 Commitment 2 – We will ensure a swift and appropriate response when called to emergencies.
- 4.4 Commitment 3 – We will provide advice, consultation and enforcement in relation to fire safety standards in buildings.
- 4.5 Commitment 4 – We will seek opportunities to contribute to a broader safety, health and wellbeing agenda, whilst delivering our core functions.

- 4.6 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.
- 4.7 Commitment 6 – We will work with Central Government and key stakeholders in the interests of the people of Royal Berkshire.

5. FINANCIAL IMPLICATIONS

- 5.1 Contract costs fall into two categories. The first are one-off capital costs for equipment and services to prepare, install and commission this equipment. The one-off costs associated with the variation amount to £375k, for which a provision has been made and approved in the 2021/22 SAIF funding envelope for ICT. Therefore this element is already fully approved.
- 5.2 The second cost element are ongoing service charges associated with the wide area network link rentals and managed service charges. The ongoing costs are £245.5k per annum. This compares to existing annual charges of £181k, an increase of £64k per annum. These figures include an increase due to the commissioning of the Theale Station, but do not include reductions resultant from the closure and decommissioning of Dee Road and Pangbourne. Additional saving via reduction in other maintenance contracts will further reduce the additional costs to approximately £20k per annum. In year 1, therefore, based on an implementation date of 1/09/2021, the resulting half-year pressure is expected to be around £10k. Years 2 to 5 full year pressures will be managed by in-year savings from the ICT baseline budget. This arrangement has been discussed and agreed by Finance.

6. LEGAL IMPLICATIONS

- 6.1 The Authority's Contract Regulations 2020 require that no contract with a value of £1M and above can be awarded without the approval of the Management Committee.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no direct equality and diversity implications.

8. RISK IMPLICATIONS

- 8.1 RBFRS requires network infrastructure to operate. All operational and business processes are reliant on robust networks. The risk of not extending the contract is therefore that some service disruption is experienced during the process of migrating network services to an alternative provider. There is a supplemental risk of significantly increased cost due to engaging with an alternative provider at short notice, reducing commercial leverage.
- 8.2 The risk of not varying the contract to add resilience and capacity to wide area networks and update and improve local area and wireless network and firewalls is of potential significant disruption to operational and business

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activities due to over reliance on a single non-resilient link to the internet, and continued poor performance of collaborative applications through lack of local wireless or internet capacity, thus undermining other elements of the ICT Strategic Action plan.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 The proposed contract extension and variation sits within a collaborative framework established by Surrey County Council.
- 9.2 There are no identified opportunities to collaborate with Police or Ambulance Services associated with this proposal

10. PRINCIPAL CONSULTATION

- 10.1 Lead Member Strategic Assets
- 10.2 Chief Fire Officer
- 10.3 Deputy Chief Fire Officer
- 10.4 Chief Finance Officer
- 10.5 RBFRS SLT
- 10.6 RBFRS Monitoring Officer

11. BACKGROUND PAPERS

- 11.1 ICT Strategy 2019-2024
- 11.2 Strategic Asset Investment Framework (SAIF) 2020-2035
- 11.3 [RBFA Financial Regulations 2020](#)

12. APPENDICES

- 12.1 No appendices

13. CONTACT DETAILS

- 13.1 Tony Vincent – Head of Business Information and Systems
vincentt@rbfrs.co.uk
0118 938 4600

ROYAL BERKSHIRE FIRE AUTHORITY



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	29 JULY 2021
SUBJECT	2020/21 PROVISIONAL OUTTURN
LEAD OFFICER	CONOR BYRNE, HEAD OF FINANCE AND PROCUREMENT
LEAD MEMBER	COUNCILLOR DENNIS BENNEYWORTH
EXEMPT INFORMATION	NONE
ACTION	FOR NOTE

1. **EXECUTIVE SUMMARY**

- 1.1 To inform members of the provisional 2020/21 revenue and capital outturn positions.

2. **RECOMMENDATION**

- 2.1 That the Management Committee **NOTE** the report.

3. **REPORT**

Commentary on Revenue Outturn

- 3.1 The 2020/21 Revenue Budget was set at £35.263m, with expenditure anticipated to exceed income by £284,000, resulting in the Fire Authority being reliant on its reserves to balance the budget.
- 3.2 The actual Revenue outturn for 2020/21 is shown in **Appendix A**. The outturn position for the year shows a deficit of £49,000 which is being funded from reserves.
- 3.3 The impact of COVID-19 has had a profound impact on the way budget lines have been spent in 2020/21. The Authority experienced significant financial pressures as it dealt with the ramifications of COVID-19. In recognition of these additional costs, the Government provided grants worth £904,000 to support COVID-19 expenditure. In addition, the Authority was successful in bidding for a specific grant (£101,000) to enhance IT capabilities around remote working which will be delivered in 2021/22.

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- 3.4 Robust budget monitoring throughout the year ensured that COVID-19 related expenditure was managed and prioritised to keep within the parameters of grants received. In addition, the financial impact of the emerging pressures have been offset by savings to ensure the use of the financial resources available meets the Authority's priorities. The main savings and pressures are set out below.
- 3.5 Savings of £137,000 on the *Stations* line mainly relate to the decision to close Wargrave Fire Station. However, this saving was partly offset by the 2.75% pay award for green book staff. The budget assumption was for a 2% pay increase leading to an additional pressure of £55,000.
- 3.6 Whilst the impact of COVID-19 resulted in much additional expenditure, it also brought about different ways of working and reduced activities in certain areas, resulting in the following savings:
- Training courses reduced in scope/attendance or cancelled £39,000;
 - Printing, photocopying & stationery £29,000;
 - Catering & conferences, £54,000 (under *Supplies Other*);
 - Travel & subsistence £65,000.
- 3.7 Savings on fuel were offset by higher costs on vehicle repair and maintenance. It is anticipated that the investment in renewing the white fleet, which Members approved as part of the 2021/22 Budget, will depress repair and maintenance costs going forward.
- 3.8 In addition to the Covid-19 related savings, there were some other savings against budget. The annual increase in Firelink Airwave radio charges from the Home office was less than budgeted which led to a saving on the *Communications* line. Also, cross border costs were less than budgeted and gives rise to the variance on the *Contracts* line of £30,000.
- 3.9 However, the savings detailed above were not sufficient to balance the budget due to significant budget pressures in other areas.
- 3.10 The Authority's Strategic Asset Investment Framework highlights that fire stations are in need of significant investment. This is borne out by the pressures on the *Repairs & Maintenance* line, with expenditure exceeding the budget by £64,000. Over the latter part of the year, various unplanned emergency works were required to maintain what is an ageing estate.
- 3.11 The Fire and Rescue Indemnity Company (FRIC) went to the market to retender for liability reinsurance. In general, the market is wary of COVID-19 related claims which has had an impact on liability insurance prices. As a result, the Authority's contribution to FRIC has increased, resulting in an additional cost of £20,000.
- 3.12 The most significant financial pressure, however, relates to pension costs. Members are aware of the general complexities surrounding pension administration, but in particular, the fallout from the McCloud judgement. Dealing with these issues has resulted in expenditure outstripping the budget

by £157,000. These additional costs arose from the need to account for liabilities arising from split pension calculations as well as setting aside provisions in the accounts to deal with issues that have arisen to date from the McCloud judgement.

- 3.13 Finally, Government grants and precept income was £134,000 higher than budget due to an additional £56,000 from Business rates Pooling and higher than expected NNDR section 31 Grants of £78,000. The initial budgets on these are based on estimates provided by the local authorities within Berkshire prior to the year commencing, with in-year variances reflecting the adjustments made to reflect actual data.

Capital

- 3.14 Capital expenditure in 2020/21 was £6.513 million. Progress against individual projects is shown in **Appendix B**.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.

5. FINANCIAL IMPLICATIONS

- 5.1 Both the revenue and capital outturns remain provisional as EY have yet to undertake their audit of the statutory accounts.

- 5.2 There has been a requirement to draw down £49,000 from the Budget Contingency Reserve to support revenue expenditure in 2020/21.

6. LEGAL IMPLICATIONS

- 6.1 Expenditure complies with the Authority's Financial Regulations.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications arising from this report.

8. RISK IMPLICATIONS

- 8.1 The revenue and capital outturns are consistent with the financial risks as set out in the Corporate Risk Register and the planning assumptions in the Authority's corporate planning documents.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 The duty to collaborate is considered as part of the procurement process for both revenue and capital expenditure.

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10. PRINCIPAL CONSULTATION

10.1 The Chief Fire Officer has noted the contents of the report.

11. BACKGROUND PAPERS

11.1 Agenda and Minutes, Royal Berkshire Authority: 14 February 2020.

12. APPENDICES

12.1 Appendix A – Revenue Outturn

12.2 Appendix B – Capital Outturn

13. CONTACT DETAILS

13.1 Conor Byrne
Head of Finance and Procurement
07585 991602

	Annual Budget £'000	Annual Outturn £'000	Variance £'000
EMPLOYEES			
STATIONS	16,870	16,733	(137)
NON-STATIONS	10,852	10,917	65
TRAINING	464	425	(39)
OTHER	241	240	(1)
	28,427	28,315	(112)
PREMISES			
REPAIRS & MAINTENANCE	824	888	64
RATES	904	920	16
CLEANING	293	310	17
UTILITIES	452	440	(12)
	2,473	2,558	85
SUPPLIES			
INSURANCE	335	355	20
EQUIPMENT	632	647	15
IS EQUIPMENT & LICENCES	765	761	(4)
CLOTHING/PPE	299	300	1
COMMUNICATIONS	803	781	(22)
OCCUPATIONAL HEALTH	187	185	(2)
PRINT/STATIONERY/PUBLICATIONS/SUBSCRIPTIONS	161	132	(29)
COMMUNITY FIRE SAFETY SUPPLIES	62	62	0
SUPPLIES OTHER	182	123	(59)
	3,426	3,346	(80)
CONTRACTS			
CONTRIBUTION TO TVFCS & COLLABORATION	892	885	(7)
LEGAL	50	48	(2)
CONTRACTS (incl Professional Services)	672	642	(30)
	1,614	1,575	(39)
TRANSPORT			
VEHICLE RUNNING COSTS	728	716	(12)
TRAVEL	322	257	(65)
	1,050	973	(77)
PENSIONS			
PENSIONS	421	578	157
	421	578	157
INCOME			
GRANTS	(3,214)	(3,225)	(11)
RENTAL INCOME	(183)	(198)	(15)
TVFCS RECHARGE INCOME	(308)	(308)	0
INCOME OTHER	(351)	(364)	(13)
	(4,056)	(4,095)	(39)
NET COST OF SERVICES	33,355	33,250	(105)
DEBT CHARGES INTEREST	392	392	0
INVESTMENT INTEREST	(27)	(23)	4
REVENUE FUNDING OF CAPITAL	600	600	0
APPROPRIATION TO/(FROM) RESERVES	824	824	0
FINANCING COSTS	412	412	0
REVERSAL OF ACCRUED HOLIDAY PAY	(9)	(9)	0
NET EXPENDITURE	35,547	35,446	(101)
GOV GRANTS/PRECEPTS	(35,263)	(35,397)	(134)
(SURPLUS)/DEFICIT BEFORE USE OF RESERVES	284	49	(235)

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Active Capital Projects	Total Project Budget £000's	Actual Spend in Prior Years £000's	Actual Spend in 20-21 £000's	TOTAL	Total	Commentary
				Estimated Project Spend to Completion £000's	Estimated Project Spend £000's	
New tri-service community fire station - Theale	9,220	1,665	4,351	3,204	9,220	The delivery of the new tri-service community fire station at Theale continues to progress slightly ahead of programme due to dynamic working practices. The first phase of site occupation is for the station crew to move from Dee Road to Theale and we expect them to be fully operational from their new home from 1 st October 2021. Further stakeholder moves have been programmed to take place between November 2021 and February 2022. This project is therefore on target to deliver a fully operational site, with all users in occupation, by spring 2022.
Major redevelopment - Crowthorne (capital and decant costs)	2,056	1,760	320	0	2,080	This project is now complete. We are currently within the standard 12 month defect period which concludes in May 2021. Assuming that any and all defects have been satisfactorily resolved, then the financial aspect of this project will be concluded with the payment of any retention monies due to the main build contractor, Knights Brown
Fire stations - Minor Capital Works Programme	1,250	0	2	1,248	1,250	As Members are aware, the construction stage of this project has been pushed back into the new financial year. Work on design development and route to market has still continued and is making good progress. The design and procurement works fall within the feasibility stage, hence all spend is currently against Revenue budgets. It is clear that there is much to do on our fire stations and the budget is not sufficient to resolve all issues. The focus at this time is therefore on priority areas to improve the working environment of our front line firefighters. It will be essential to secure funding to continue a Minor Capital Works programme through future phases of the Strategic Asset Investment Framework until significant further capital investment can be secured to progress with the major capital works projects already identified.

Active Capital Projects		Total Project Budget £000's	Actual Spend in Prior Years £000's	Actual Spend in 20-21 £000's	TOTAL Estimated Project Spend to Completion £000's	Total Estimated Project Spend £000's	Commentary
Fleet & equipment	New Fire Appliances	4,860	2,691	1,296	873	4,860	Following manufacturing delays due to COVID-19, four new appliances arrived in Service in February. These appliances have been deployed to Langley, Wokingham Road, Bracknell and Ascot fire stations. Following training and familiarisation, these appliances are scheduled to be fully operational by the end of April 2021. This will mean that all whole-time stations will have a new type Volvo fire appliance. At Fire Authority in February 2020, approval was given to purchase another four main pumping appliances, delivery of these vehicles is expected in Autumn 2021. Once these vehicles are in Service, this will mean that 19 new type Volvo appliances will have been brought into service since 2017. Budget allocation shown covers the expected requirements for the period April 2019 - March 2024.
	Aerial Ladder Platform	740	579	179	0	758	Acceptance and delivery of the new vehicle has been completed. The vehicle arrived into Service in March ready for commissioning to begin. Driver training is taking place in April with maintenance and operator training scheduled to take place in May. Once this has been completed ALP instructors will delivery training to the users at Whitley Wood. It is anticipated that the vehicle will become fully operational by Summer 2021.
	4x4 Fire Appliance at Maidenhead	175	0	75	100	175	At Fire Authority in February 2020 approval was given to replace the 4x4 fire appliance at Maidenhead and renew the Water Rescue vehicle. Following engagement with end users, the fleet and equipment team have finalised specifications for the replacement 4x4 fire appliance at Maidenhead. The vehicle is in-build and is anticipated to arrive in Service by summer 2021. Initial end user engagement has been undertaken regarding the replacement of the Water Rescue vehicle. However progression of this work (alongside the Water Rescue IRMP review) has been impacted by staff being redirect to Covid-19 related activity. Completion of requirements is now anticipated in 2021/22.
	Water Rescue Vehicle	110	0	0	110	110	
	8x 4x4 Utility Crew-cab Vehicles	160	0	110	50	160	Other Ancillary Vehicles – Having reviewed our requirements the purchase of six 4x4 utility vehicles was undertaken and vehicle delivery was accepted in February. The vehicles were then fitted out and deployed to fire stations. Accessing additional used Volvo pumping appliances has been challenging with other services delaying auctioning of used appliances. This was likely due to delays in receiving new vehicles from suppliers or internal prioritisation of activity, with both these factors being a consequence of Covid-19. Available used vehicles were assessed by the fleet team however, following a cost benefit analysis it was decided not to pursue the option of purchasing used appliances any further.
	6x Used Volvo Pumping Appliances	120	0	0	120	120	

Active Capital Projects	Total Project Budget £000's	Actual Spend in Prior Years £000's	Actual Spend in 20-21 £000's	TOTAL	Total	Commentary
				Estimated Project Spend to Completion £000's	Estimated Project Spend £000's	
ICT - helpdesk system	45	29	0	16	45	Upgrade to version 10.2 is in plan for Q2 2021-22.
ICT - Sage 1000 upgrade	65	17	41	7	65	Phase 1 of the upgrade to Sage 1000 has been successfully implemented. Phase 2 is made up of six projects and will complete by the end of 2022/23.
ICT - Learning Management System	7	0	8	0	8	The Learning Management System has been live for a number of months and has been well received.
Prevention - New Ways of Working	106	0	11	95	106	Safe & Well tablet now live – the project is under budget as delivery was achieved within existing ICT resources.
ICT - asset replacement / licences	1,070	210	120	740	1,070	The client hardware refresh has been completed ahead of schedule and will not require additional capital investment until 2022/23 financial year. Focus therefore will shift to investment in foundation network connectivity and equipment to ensure that RBFRS' environment is fit to support increased use of cloud based services (e.g. Microsoft 365) in line with the ICT strategic action plan.
TOTAL	19,984	6,951	6,513	6,563	20,027	

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ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	MANAGEMENT COMMITTEE
DATE OF MEETING	29 JULY 2021
SUBJECT	APPLIANCE AVAILABILITY BY CREWING TO MEET CORPORATE MEASURES 16 AND 17
LEAD OFFICER	JESS JAMES, AREA MANAGER RESPONSE AND RESILIENCE
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	TO NOTE

1. EXECUTIVE SUMMARY

- 1.1 This report provides information on Quarter 4 (Q4) performance with supporting narrative on the Whole-time Duty System and the On-Call (previously referred to as the Retained Duty System) appliance availability.
- 1.2 Whole-time appliance availability through crewing for Q4 was **98.9%** across the Service. This represents an excellent achievement by staff and managers in the Hubs given the challenges of the Covid pandemic and the additional support the Service provided to partners.
- 1.3 On-Call appliance availability through crewing for Q4 was **59.1 %** across the Service. This also represents an excellent achievement by staff and managers.

2. RECOMMENDATION

That the Management Committee:

- 2.1 **NOTE** the 2020/21 Q4 performance of **98.9%** appliance availability of the Service's 14 Whole-time appliances in line with Corporate Measure 16¹.
- 2.2 **NOTE** the 2020/21 Q4 performance of overall On-Call appliance availability of **59.1%** against the Service target of 60% in Corporate Measure 17².

¹ Corporate Measure 16: Achieving the sufficient minimum number of qualified firefighters (4 personnel) on all Whole-time appliances (fire engines) through Q2 2020-21

² Corporate Measure 17: Percentage of hours per month where there is adequate crewing on all On-Call appliances (fire engines) through Q2 2020-21

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3. REPORT

- 3.1 This report provides the **2020/21 Q4** update of performance against Corporate Measure 16; to ensure 100% of full shifts where there is adequate crewing on all Whole-time frontline pumping appliances.
- 3.2 The report also details performance against Corporate Measure 17, which sets a target of 60% of hours where there is adequate crewing on On-Call frontline pumping appliances (based on 24/7 crewing).
- 3.3 These Corporate Measures were approved at the Fire Authority meeting of 25 June 2020.
- 3.4 RBFRS employ a lean operating model in terms of our Whole-time Duty System provision. With an establishment of 324 staff, maintaining sufficient minimum numbers of qualified firefighters requires effective management combined with good support, plus flexibility and commitment from staff. Performance is reported through the Service's Strategic Performance Board (SPB) and the Audit and Governance Committee (A&G) on a quarterly basis, in addition to this report to Management Committee.

Whole-time Duty System Appliance Availability – Q4 2020-2021 (Corporate Measure 16)

- 3.5 The availability of the Service's 14 Whole-time appliances is measured by the percentage of shifts (day and night) that appliances are available with appropriately qualified firefighters. There were 90 days in Q4; the total number of day and night shifts for Q4 therefore equates to 180. The measure allows for a two-hour period for any necessary moves of operational personnel between stations. This is known as a critical stand-by move and is usually employed to cover short notice sickness.
- 3.6 Performance of appliance availability across the Service's 14 Whole-time appliances for Q4 was **98.9%**. The overall performance for 2020-2021 was **96.8%**. This demonstrates great management and commitment in an unprecedented year, especially as the Service have released staff to partner agencies to support the wider Covid response, with duties such as ambulance driving, PPE distribution and establishing testing sites.
- 3.7 There were two instances of crewing unavailability outside the two hour buffer period in Q4:

On the 6th of March JY17P2 was taken off the run at 10:48 for six hours and fifteen minutes, this was due to a crewing deficiency caused by sicknesses at Langley and Maidenhead, this resulted in the crew being redeployed as directed by the Duty Officer.

On the 12th of March JY14P1 was taken 'off the run' at 09:12 for eight hours and forty seven minutes. On the day red watch detached 3 x personnel to Lee Valley for Mod 2 water refresher training, due to insufficient crewing through one sickness and 2 FF's on annual leave. They had endeavoured to crew the

appliance through PAOT or Hub detachments and were unsuccessful. The Duty Officer took the decision.

**On-call Appliance Availability – Q4 2020-2021
(Corporate Measure 17)**

3.8 The overall availability for On-Call appliances in Q4 was **59.1%** an improvement on the **53.3%** in the previous quarter and a significant improvement from **34.7%** in the same quarter last year. The overall performance for the year was **56.7%**, which demonstrates some really strong performance.

3.9 The table below provides a breakdown of appliance availability based on station and month and the quarterly total:

Station	Availability target	Jan 21	Feb 21	March 21	Q4
Hungerford	70%	71.5%	64.7%	60.6%	65.7%
Lambourn	40%	16.4%	30.3%	42.9%	29.9%
Pangbourne	30%	12.9%	16.8%	11.2%	13.5%
Mortimer	70%	89.1%	84.2%	81.3%	84.9%
Crowthorne	85%	91.5%	94.8%	93.1%	93.1%
Maidenhead	70%	70.4%	68.7%	63.2%	67.4%

The variations between stations are indicative of their differing establishment profiles (the number of individuals at each station, the qualifications and skillsets held, and the amount of operational cover each individual can provide).

3.10 As RBFRS look forward to realising the benefits of the Fire Authorities IRMP decisions, and significant investment in our new community fire station at Theale, we will see the closure of Pangbourne Fire Station. Whilst not undermining the contribution of the staff at Pangbourne, if it were excluded from current figures, the remaining On Call stations would have an overall availability for **Q4** of **68.2%**.

3.11 At the end of Q4, the On-Call establishment numbered 69 (includes 23 individuals with dual-contracts), a decrease of five firefighters from the establishment figure of 74 recorded in the previous Quarter.

3.12 The COVID-19 pandemic had continued to exert a positive impact upon On-call appliance availability; On-Call team members may continue to be furloughed or to work from home placing them in a position where they can increase their On-Call availability and therefore enhancing appliance availability.

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- 3.13 Looking to 2021-22, the Service will need to address some challenges in relation to the continued success of On-call availability. As we enter the “new normal” it is likely that some On-call staff will return to full time workplaces, thus reducing the ability to provide cover. Additionally, there will be a short term impact of ensuring last year’s statutory leave allocations are taken (as some staff sacrificed leave in 2020 to support Covid availability).
- 3.14 Hub-based management teams continue to provide support to all On-Call station-based teams to promote and increase the availability of On-Call fire appliances across the Service.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 2 – We will ensure a swift and appropriate response when called to emergencies.
- 4.2 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.

5. FINANCIAL IMPLICATIONS

- 5.1 The use of pre-arranged overtime (PAOT) continues to be an effective way of maintaining the sufficient minimum number of qualified firefighters and therefore appliance availability whilst also maintaining flexibility in other areas, eg: annual leave, thereby demonstrating efficient and effective use of the Fire Authority’s financial resources.
- 5.2 The use of PAOT through Q4 continues to enable the Service to maintain full operational availability, capability and operational effectiveness throughout the ongoing COVID-19 Coronavirus pandemic.

6. LEGAL IMPLICATIONS

- 6.1 None identified.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 None identified.

8. RISK IMPLICATIONS

- 8.1 The provision of sufficient minimum qualified firefighters and therefore appliance availability is listed as a corporate risk under risk number 681. It is monitored by the Deputy Chief Fire Officer and, as necessary, treatments are reported to the Senior Leadership Team and the Audit and Governance Committee.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 None identified.

10. BACKGROUND PAPERS

- 10.1 21 June 2020 – Fire Authority Paper, Annual Plan 20/21.
- 10.2 14 October 2019 – Management Committee Paper, 2019-20 Q1 Appliance Availability Report
- 10.3 06 February 2018 – Management Committee Paper, Review of Underpinning Assumptions of 2015 Crewing Strategy and Quarter 3 Appliance Availability Update.

11. APPENDICES

- 11.1 None

12. CONTACT DETAILS

- 12.1 Mark Arkwell – Deputy Chief Fire Officer, Service Delivery 07785 573363
- 12.2 Jess James – Area Manager, Response and Resilience 07776 335485

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ITEM	DECISION BODY	NEXT REPORTING DATE	REPORTING FREQUENCY	RECOMMENDED ACTION	LEAD OFFICER	LEAD MEMBER	PART I / II
Budget Monitoring Q1	Management Committee	12.10.21	Annual	Note	HF&P	Budget and Income Generation Lead	Part I
Appliance Availability Q1	Management Committee	12.10.21	quarterly	Note	AM (R&R)	N/A	Part I
External Audit report	A&GC	20.10.21	Quarterly	Note	HF&P	N/A	Part I
Internal Audit report	A&GC	20.10.21	Quarterly	Note	HF&P	N/A	Part I
Q1 Performance Report	A&GC	20.10.21	Quarterly	Note	HCS	N/A	Part I
Member/Officer Protocol Review	A&GC	20.10.21	every four years	Agree	DCS	N/A	Part I
Planning assumptions - Presentation	A&GC	20.10.21	Ad-hoc	Note	HF&P	Budget and Income Generation Lead	Part I
Lead Member Reports Six Month Update	Fire Authority	02.11.21	Bi-annual	Note	Lead Officers	Lead Members	Part I
Annual Treasury Report	Fire Authority	02.11.21	Annual	Note	HF&P	Budget and Income Generation Lead	Part I
TVFCS Joint Committee six month update (21/22)	Fire Authority	02.11.21	Bi-annual	Note	ACFO	Collaboration Lead	Part I
Pensions Update	Fire Authority	02.11.21	Ad-Hoc	Note	HHR&L&D	N/A	Part II
Budget Monitoring Q2	Management Committee	07.12.21	Annual	Note	HF&P	Budget and Income Generation Lead	Part I
Appliance Availability Q2	Management Committee	07.12.21	quarterly	Note	AM (R&R)	N/A	Part I
TVFCS Quarterly Performance Report/Budget Monitoring	TVFCS Joint Committee	16.12.21	Bi annual	Note	AM C&P and HF&P	N/A	Part I
TVFCS Proposed Budget 2022/23	TVFCS Joint Committee	16.12.21	Annual	Note and recommend	HF&P	N/A	Part I
Emergency Services Mobile Communication Programme	TVFCS Joint Committee	16.12.21	Annual	Note	ACFO (OCC)	N/A	Part I
Statement of Assurance	A&GC	24.01.22	Quarterly	Note and Recommend	HCS	RBFA Chairman and A&GC Chairman	Part I
Statement of Accounts	A&GC	24.01.22	Annual	Agree	HF&P	Budget and Income Generation Lead	Part I
Budget and Medium Term Financial Plan Assumptions	A&GC	24.01.22	Annual	Note and Recommend	HF&P	Budget and Income Generation Lead	Part I

ITEM	DECISION BODY	NEXT REPORTING DATE	REPORTING FREQUENCY	RECOMMENDED ACTION	LEAD OFFICER	LEAD MEMBER	PART I / II
Pension Board Six Month Update	A&GC	24.01.22	Bi-annual	Note	Pension Board Chair	N/A	Part I
Pay Policy Statement	A&GC	24.01.22	Annual	Note and Recommend	HHR&L&D	N/A	Part I
Internal Audit report	A&GC	24.01.22	Quarterly	Note	HF&P	N/A	Part I
External Audit report	A&GC	24.01.22	Quarterly	Note	HF&P	N/A	Part I
Q2 Performance Report	A&GC	24.01.22	Quarterly	Note	HCS	N/A	Part I
Emergency Services Mobile Communications Programme- Presentation	A&GC	24.01.22	Bi annual	Note	HBIS	N/A	Part I
Budget Monitoring Q3	Management Committee	03.02.22	Annual	Note	HF&P	Budget and Income Generation Lead	Part I
Scheme of Member Allowances Annual Review	Management Committee	03.02.22	Annual	Note and recommend	MO	N/A	Part I
Appliance Availability Q3	Management Committee	03.02.22	Quarterly	Note	AM (R&R)	N/A	Part I
Pay Policy Statement	Fire Authority	15.02.22	Annual	Agree	HHR&L&D	N/A	Part I
Built Environment Presentation	Fire Authority	15.02.22	Ad-hoc	Note	ACFO	N/A	Part I
Scheme of Allowances Annual Review 22/23	Fire Authority	15.02.22	Annual	Agree	MO	N/A	Part I
Core Code of Ethics for Fire and Rescue Services (England)	Fire Authority	15.02.22	Ad-hoc	Agree	DSS	N/A	Part I
Annual Budget 22/23, Medium Term Financial Plan & Strategic Asset Investment Framework and TVFCS Budget	Fire Authority	15.02.22	Annual	Agree	HF&P	Budget and Income Generation/ Collaboration and Strategic Assets Lead	Part I
Statement of Assurance	Fire Authority	15.02.22	Annual	Agree	HCS	RBFA Chairman and A&GC Chairman	Part I
Pensions Update	Fire Authority	15.02.22	Ad-Hoc	Note	HHR&L&D	N/A	Part II
Internal Audit Report	A&GC	23.03.22	quarterly	Note	HF&P	N/A	Part I
External Audit Report	A&GC	23.03.22	quarterly	Note	HF&P	N/A	Part I
Gender Pay Gap	A&GC	23.03.22	Annual	Note	HHR&L&D	N/A	Part I
Annual Report on Members Development	A&GC	23.03.22	Annual	Note and Recommend	HCS	Organisational Development Champion	Part I
Annual report on Governance / Members attendance and allowances	A&GC	23.03.22	Annual	Note and Recommend	HCS	A&GC Chairman	Part I
Annual Plan 2022/23	A&GC	23.03.22	Annual	Note and Recommend	HCS	N/A	Part I
Quarter 3 Performance Report	A&GC	23.03.22	Quarterly	Note	HCS	N/A	Part I
Corporate Calendar 2021/22	Fire Authority	28.04.22	Annual	Agree	DCS	N/A	Part I
Lead Members Annual Reports	Fire Authority	28.04.22	Annual	Note	Lead Officers	Lead Members	Part I
Member Champion Annual Reports	Fire Authority	28.04.22	Annual	Note	Lead Officers	Member Champions	Part I

ITEM	DECISION BODY	NEXT REPORTING DATE	REPORTING FREQUENCY	RECOMMENDED ACTION	LEAD OFFICER	LEAD MEMBER	PART I / II
Pensions Update	Fire Authority	28.04.22	Ad-Hoc	Note	HHR&L&D	N/A	Part II

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**Categories of “Exempt Information”
under Schedule 12A of the Local Government Act 1972**

	Category
	[For each of nos 1 - 7, see <u>Qualification 1</u> below]
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information). [see <u>Qualification 2</u> below]
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority purposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications:

- (1) Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
- (2) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (3) Information which -
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of the two preceding paragraphs
 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest

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in disclosing the information.

Interpretation:

- (4) "*Employee*" means a person employed under a contract of service;
- (5) "*Financial or business affairs*" includes contemplated, as well as past or current, activities;
- (6) "*Labour relations matter*" means -
 - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992[10] (matters which may be the subject of a trade dispute, within the meaning of that Act);
or
 - (b) any dispute about a matter falling within paragraph (a) above;and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
- (7) "*Office-holder*", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;
- (8) "*Registered*" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

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