



My reference: OB/  
Your reference: CE/DR

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22 July 2009

**Royal Berkshire**  
**Fire Authority**

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Dear Ian

**RE: Sustainable Communities Act 2007 (SCA) – Proposed Application – Transfer of Fire and Rescue functions and powers.**

I write to confirm that I am in receipt of your letter dated 9 July, the contents of which I note, though I am afraid, as I set out below, we disagree upon the approach which the Council has chosen to adopt in relation to this matter.

I refer to the unanswered letter to you from Browne Jacobson dated 15 July 2009. Regrettably the matters raised in that letter have not been addressed by the Council.

Two of my officers attended the Panel of Representatives Meeting on 15 July 2009. They made clear to the Panel the Fire Authority's position as set out in the letter to you from Browne Jacobson.

Unfortunately there has been no attempt at or since that Panel of Representatives meeting to provide the Fire Authority with the relevant and requested documentation. In particular the Council has made reference to a Feasibility Study concerning this proposed SCA application, which has not been disclosed to the Fire Authority.

We note with concern, that the scheduled meetings of your Sustainable Communities Panel due to take place on 20 and 27 July were suddenly changed so that only one meeting of the Panel, according to your website is now due to be held on 23 July.

This we discovered by chance on looking at your website, and we are disappointed that you did not advise us of the change, although you were and are aware of our substantial interest in this matter. We feel this is symptomatic of the apparent reluctance to engage with us in a proper discussion.

Accordingly, quite simply, the Council has wholly failed to provide the details of its proposals and to provide the Fire Authority with a reasonable period to consider such details.

Without such details and a reasonable period within which to consider them the Fire Authority is not in a position to respond to the proposed SCA application.

We maintain that your Authority, has in our view, wholly failed to fulfil its obligation under section 2 of the SCA, namely to consult the Fire Authority, the body seized of the powers, the subject of the application.

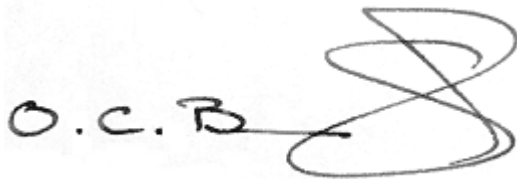
In paragraphs 3.1 and 3.3 of the current draft of the proposed SCA application you assert that there has been compliance with the consultation obligations in the SCA, please confirm that you will amend this paragraph to include a statement that RBWM are on notice that the RBFA do not consider they have been properly consulted under the SCA and that RBWM have not in the Fire Authority's view complied with the requirements of that Act.

We would be obliged if you would confirm receipt of this letter, and place it before each of the attendees at the meetings of the Sustainable Communities Act Panel and Cabinet when they meet on 23 July prior to discussion of the proposal concerning the transfer of fire authority powers.

We would further be obliged if you would confirm to us when a final decision has been made and provide a copy of the Minutes of the meeting making the decision.

Assuming that the decision will be to submit an application, please confirm that this letter and the letter from Browne Jacobson to you dated 15 July 2009 will be included in your submission documentation, a final copy of which together with the supporting documentation I should be obliged to receive at your earliest convenience.

Yours sincerely

The image shows a handwritten signature in black ink. The signature consists of the initials 'O.C.B.' followed by a large, stylized, circular flourish that loops back to the end of the initials.

Olaf Baars

Deputy Chief Fire Officer

(in the absence of the Chief Fire Officer)

Cc:, RBFA Management Committee

Clerk and Monitoring Officer, Caroline Redzikowska