

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

10 DECEMBER 2021



PRESENT:

CHAIR

Cllr Paul Kirton – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Tom Cassidy, Ben Clayton

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins, Naweed Hussain, Tom Mawston

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Cliff Foggo, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Cllrs Lynn Hall, Steve Matthews, Jean O'Donnell,

AUTHORISED OFFICERS

Chief Fire Officer, ACFO - Community Protection, Legal Adviser and Monitoring Officer, Treasurer

APOLOGIES:

Cllr Tim Fleming - Hartlepool Borough Council

Cllr Jon Rathmell - Middlesbrough Council

Cllrs Billy Ayre, Adam Brook - Redcar & Cleveland Borough Council

Cllr Luke Frost – Stockton on Tees Borough Council

80. WELCOME

The Chair welcomed Councillor Tom Mawston to the Authority who was appointed by Middlesbrough Council following the recent resignation of Councillor Ashley Waters.

81. DECLARATIONS OF MEMBERS INTEREST

It was noted no Declarations of Interest were submitted to the meeting.

82. MINUTES

RESOLVED – that the minutes of the Ordinary meeting of 15 October 2021 be confirmed.

83. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Executive (Appeals) Committee on 8 November 2021, Audit & Governance Committee on 19 November 2021 and Executive Committee on 26 November 2021 be confirmed.

84. COMMUNICATIONS RECEIVED BY THE CHAIR

LGA

Immediate Detriment

Green Book Pay Negotiations

Immediate Detriment

The Chief Fire Officer (CFO) provided an update on Immediate Detriment and reported that since the Executive Committee meeting on 26 November 2021, where Members resolved to adopt the LGA Framework, the Home Office and Treasury had changed their position regarding scheme members due to retire or already in receipt of their pension.

84. COMMUNICATIONS RECEIVED BY THE CHAIR CONT.

The new position is that Scheme Managers should be responsible for determining the way forward. The CFO outlined the dilemma for authorities and the legal, financial, reputational and leadership risks involved. He added that as National Fire Chiefs Council Pension Lead he will be advising fire authorities to take a risk assessed approach before deciding.

Green Book Pay Negotiations

The CFO informed Members that the unions were currently going through a ballot process in respect of the 1.75% pay offer and business continuity arrangements were in place to ensure minimal impact to services from any industrial action.

RESOLVED – that the communications be noted.

85. REPORTS OF THE CHIEF FIRE OFFICER

85.1 COVID-19 Update

The CFO provided Members with a detailed presentation on the latest COVID-19 position, in light of the new variant Omicron. This covered:

- Impact of COVID-19 on the UK
- National Summary
- North-East Local Authorities Infection Rate
- Vaccination Rate
- Staff Wellbeing
- Supporting the Broader Public Sector Response

Councillor Matthews suggested that the Government's Covid-19 figures had been inflated for political reasons to create 'corporate panic'. The CFO noted that while Omicron was believed to spread faster its symptoms appeared less severe than the Delta variant. He added that as a risk management company the Brigade would continue to proportionately apply a risk-based approach to the pandemic.

This approach was welcomed by Councillor Ovens on the basis it allowed the Brigade to continue supporting vulnerable members in the community. She noted that the Brigade had been identified by the Safeguarding Board as a 'good partner' for the safeguarding work it does within the community and asked the CFO to pass on thanks.

Members asked whether the Authority would continue with face-to-face meetings. The Legal Adviser and Monitoring Officer (LAMO) confirmed that the provision for remote meetings expired on 7 May 2021 and there were currently no option for hybrid meetings. The CFO confirmed that further socially distanced arrangements would be in place for future meetings in addition to the Covid secure arrangements.

Members thanked the CFO for the detailed update and expressed sincere thanks to all staff who have volunteered their time over the past year to keep the communities safe.

RESOLVED – that the report be noted.

85.2 FPS Local Pension Board Report cont.

Members considered the Local Pension Board's Annual Business Report which was presented by the Chair of the Board at the annual meeting on 26 October 2021.

The Chief Fire Officer reported that following Councillor Waters resignation, as an Employer Representative and an interest being expressed from a potential Employee representative, Members were asked to nominate and appoint two Employer representatives to the Board. He also informed Members that the Board had discussed the provision and establishment of substitutes to the Board, to strengthen its quoracy and legal obligations and agreed to appoint one substitute Employer and one Employee Representative. The substitutes would be able to act as Board members in the absence of one of the relevant full members, and would also be encouraged to attend board meetings as observers. Substitutes would also be invited to attend training sessions to help improve their knowledge and understanding of pension issues.

The CFO sought nominations for two employer representatives and one substitute Employer representative. Councillor Hall nominated Councillors Clayton and Matthews as Employer representatives and herself as the substitute, which was seconded.

RESOLVED:-

- (i) That Councillors Ben Clayton and Steve Matthews be appointed as Employer Representatives to the FPS Local Pension Board.**
- (ii) That Councillor Lynn Hall be appointed as the Substitute Employer Representative to the FPS Local Pension Board.**
- (iii) That the Chairs Annual Business Report at Appendix 1 be noted.**

85.3 Information Pack

85.3.1 Campaigns

RESOLVED – That the Information Pack be noted.

86. REPORT OF THE TREASURER

86.1 Local Audit & Accountability Act Update

Members considered the issues in relation to appointing an external auditor in respect of the application of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. The Treasurer outlined the proposed timetable for opting in to the procurement arrangements and the associated benefits, which had been scrutinised by the Audit & Governance Committee at its meeting on 19 November 2021.

The Treasurer informed Members that the outstanding Pensions information required by Mazars in order to finalise their audit work had now been received and the Audit Completion Report was expected to be published on the website by the end of December.

RESOLVED - That the continued membership of the Public Sector Auditor Appointments (PSAA) for the provision of external audit services in accordance with the requirements of the Local Audit and Accountability Act, be approved, as recommended by the Audit & Governance Committee on 19 November 2021.

87. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

87.1 Chair of the Audit & Governance Committee

The LAMO provided Members with options for appointing an Audit & Governance Chair following the resignation of Councillor Waters, as requested by the Audit & Governance Committee at its meeting on 19 November. Members considered the options which were to:

- (1) appoint a Member of the Committee as Chair in accordance with the terms of reference
- (2) leave the position vacant and rely on the Vice Chair for the next scheduled meeting
- (3) or for the Authority to delegate to the committee the power to appoint a Chair from amongst its membership then present at its next scheduled meeting.

Councillor Higgins proposed Option 2 and Councillor Clayton seconded this. This was further supported by Councillor Mawston on the grounds that there was only one committee meeting before the Annual Meeting and it was not cost effective to pay a Special Responsibilities Allowance for six months to Chair one meeting. Councillors Hall and Matthews did not support Option 2, which they considered to go against the Authority's Terms of Reference for the Committee.

Following a vote, 7 Members voted in favour of Option 2 and 4 against.

RESOLVED – That the position of Chair of the Audit & Governance Committee remain vacant until the Annual Meeting and the Committee relies on the Vice Chair for the next scheduled meeting in February.

88. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 & 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to an individual; and information relating to the financial or business affairs of any particular person (including the authority holding that information.)"

89. CONFIDENTIAL MINUTES OF MEETINGS

RESOLVED – that the Confidential Minutes of the Executive (Appeals) Committee on 8 November 2021 and Executive Committee on 26 November 2021 be confirmed.

90. ANY OTHER CONFIDENTIAL BUSINESS

90.1 Email to Members

Members updated the CFO on this issue.

**COUNCILLOR PAUL KIRTON
CHAIR**