CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

13 DECEMBER 2019

PRESENT:

CHAIR
Cllr Paul Kirton – Stockton on Tees Borough Council
HARTLEPOOL BOROUGH COUNCIL
Cllr Tim Fleming
MIDDLESBROUGH COUNCIL
Cllrs Teresa Higgins, Ashley Waters
REDCAR & CLEVELAND BOROUGH COUNCIL
Cllrs Adam Brook, Norah Cooney, Mary Ovens
STOCKTON ON TEES BOROUGH COUNCIL
Cllrs Luke Frost, Andrew Stephenson, William Woodhead MBE
AUTHORISED OFFICERS
Chief Fire Officer, Director of Corporate Services/Clerk, Legal Adviser and Monitoring Officer, Treasurer
BRIGADE OFFICERS
Director of Technical Services

APOLOGIES:
Cllrs Marjorie James, Stephen Thomas - Hartlepool Borough Council
Cllrs Naweed Hussain - Middlesbrough Council
Cllr Billy Ayre - Redcar & Cleveland Borough Council
Cllr Jean O'Donnell - Stockton Borough Council

74. DECLARATIONS OF MEMBERS INTEREST

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

75. MINUTES

RESOLVED - that the Minutes of the Ordinary Meeting on 18 October 2019 be confirmed.

Councillor Fleming queried the reference to the 'original motion' at minute no. 57.1 – Members Allowance Scheme (page 5). The Legal Adviser and Monitoring Officer (LAMO) confirmed this had been encapsulated in the resolution.

76. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Audit & Governance Meeting on 15 November 2019 and Executive Committee Meeting on 22 November 2019 be confirmed.

77. MATTERS ARISING

77.1 CFA Attendance at Events

Councillor Stephenson queried the attendance at recent conferences and events and what the process was for selecting delegates. The Chair confirmed that delegates were chosen for these particular events based on their chairmanship of committees.

78. COMMUNICATIONS RECEIVED BY THE CHAIR

ZOE BILLINGHAM Fire & Rescue Inspection Update
LGA EMP/7/19 – Late Bank Holiday Pay Update

RESOLVED – that the communications be noted.

79. REPORTS OF THE CHIEF FIRE OFFICER

79.1 Grenfell Tower Inquiry: Phase 1 Report Overview

Members considered the Executive Summary Report and the Inquiry Chair's important findings and recommendations (Appendix 1) contained within the Phase 1 Inquiry report on the fire at Grenfell Tower, London on 14 June 2017 which claimed the lives of 72 people.

The CFO reported that Phase 1 of the inquiry considered how the emergency services responded to the incident and the executive summary looked at:

- the limited training London Fire Brigade (LFB) personnel had received on the dangers of combustible cladding
- limited training on evacuating premises of that nature
- how the 'stay put' policy failed and should have moved on to simultaneous evacuation
- serious deficiencies in command and control

The CFO reported that there were key lessons to be learned from this incident and Cleveland had set up an Operational Assurance Team to look at how the findings of the Phase 1 report could be used to improve the safety of high rise buildings across Teesside. Nationally, the CFO confirmed he is working with the National Fire Chiefs Council (NFCC) to ensure a collective and consistent response to the recommendations.

Councillor Stephenson referred to the lack of coordination reported between LFB, the Police and Ambulance Service and asked how Cleveland would have operated in a similar scenario. The CFO reported that the Joint Emergency Services Interoperability Principles (JESIP) outline the set procedure for joint working which in Cleveland is well practiced owing to its industrial footprint. The emergency services would co-locate at Gold/Silver/ Bronze command to ensure the response is well coordinated and this is further supported by a constant exercise regime. The strategic command group is usually chaired by the police although in this scenario the guidance would come from fire. Councillor Stephenson thanked the CFO for giving reassurance.

Councillor Waters asked whether the 'stay put' policy was still in place in Cleveland. The CFO confirmed that across the UK there were 11,000 buildings with ACM type cladding at the current time and whether a 'stay put' policy is applied is the responsibility of the owner / responsible body to determine not the fire and rescue service.

Councillor Higgins stated that she would have expected LFB to have full access to the plan of the building and noted that residents had complained about health and safety aspects to the council, which she hoped would be covered in Phase 2.

Councillor Ovens noted that the building materials used are dictated by building regulations and asked whether more guidance could be available to ensure the cladding is safe. The CFO reported that following the deregulation of borough councils private companies were carrying out that role and fire and rescue services were only responsible for inspecting the common areas such as means of escape and lighting.

79.1 Grenfell Tower Inquiry: Phase 1 Report Overview cont.

The CFO confirmed that from Cleveland's perspective the Brigade was confident that it has a bespoke plan for each high rise building to ensure the safety of the residents.

Councillor Frost stated that it was disgraceful that the inquiry led on the fire brigade and asked what the Brigade defines as a high rise building. The CFO confirmed that the Brigade's capability is 18m although if a building is designed, constructed and maintained correctly it will be safe. He praised local social housing providers for being proactive in installing sprinklers in high rise buildings to ensure safety of the residents living in them.

Councillor Frost queried why, on local authority planning committee applications, there is often 'no comment' from Cleveland Fire Brigade and asked whether the Brigade could be more stringent to ensure planning safety is being met. While acknowledging that the Fire Authority / Cleveland Fire Brigade could reinforce its stance more robustly, the CFO referred to the Brigade's well documented campaign for sprinklers and reported that Hartlepool Borough Council had been successful in ensuring all new build schools include sprinkler systems as a planning requirement.

Councillor Higgins suggested changing planning legislation to make sprinklers compulsory in school and high rise buildings. Councillor Stephenson reported that this would need to be done via lobbying parliament. The LAMO noted that as a result of the Grenfell Inquiry it was likely that the government would be consulting on changes to planning legislation which may give the Authority an opportunity to submit its views.

The Chair noted that the high rise flats in Stockton all had sprinklers installed and two in Thornaby were manned 24 hours. Councillor Waters reported that Middlesbrough Council had a strategic partnership with social housing providers Thirteen and was willing to consider installing sprinklers. Councillor Ovens confirmed that the Kirkleatham Sixth Form extension had been fitted with sprinklers and noted that in Wales sprinklers were now mandatory for all residential new builds.

The CFO reminded Members that at present the planning departments do not have to apply the Authority's recommendations as it is not a legal requirement.

RESOLVED:-

(i) That the Grenfell Tower Inquiry's Phase 1 Executive Summary report and the Inquiry Chair's important findings and recommendations (Appendix 1) be noted.

(ii) That Members receive further reports once consideration be given to the wider implications of the recommendations in relation to Cleveland Fire Brigade.

(iii) That Members endorsed the Chief Fire Officer to work with the National Fire Chiefs Council to address all of the operational matters raised in the report.

80. Information Pack

79.1.1 Employers Circulars
79.1.2 National Joint Council Circulars
79.1.3 Campaigns

80. Information Pack cont.

Councillor Frost noted that 4,000 heaters had been loaned out during the Stay Safe & Warm Campaign and asked what further work is done following an assessment. The CFO confirmed that the Brigade's prevention teams worked closely with all four local authorities and operated a referral system to ensure vulnerable people are referred on to other agencies. He added that this innovative, coordinated initiative by Cleveland considered both the safety and wellbeing of its residents.

Councillor Ovens reported an issue with bin lorry fires in Redcar and Cleveland and expected this issue to continue throughout the festive period. She also noted an unprecedented level of anti-social behaviour in some areas. The CFO reported that the Executive Leadership Team would be considering the revised Arson Strategy on 19 December 2019 prior to it going to the Executive Committee on 31 January 2020.

RESOLVED - that the information pack be noted.

81. JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

81.1 Medium Term Financial Strategy 2020/21 – 2022/23

Members considered the Medium Term Financial Strategy 2020/21 – 2022/23, including the 2020/21 Council Tax level, which covered:

- Government Funding - 2013/14 & 2019/20 cash budget comparison
- Spending Review 2020/21
- 2020/21 Council Tax Referendum Limits
- Firefighter Pension Funding
- Financial Position 2021/22 and 2022/23
- Fire Pension Grant impact on Forecast Budget Deficits
- 2020/21 Budget
- 2021/22 and 2022/23 Budget
- Reserves Strategy
- Asset Management Plan (AMP)
- Robustness Advice

The Treasurer acknowledged the degree of certainty from the one year spending review for 2020/21 and noted that this was now subject to the outcome of the General Election. The position for 2021/22 and future years remains uncertain with the CFOs Contingency Plan, supported by the Budget Support Fund, providing longer lead times to manage this situation.

The Treasurer highlighted the Authority's difficulty to fund local services from Council Tax and acknowledged that while it was high risk, it had a low ability to fund services from Council Tax owing to the low Council Tax base (i.e. higher than average proportion of properties in Council Tax bands A and B).

The CFO reinforced the level of financial uncertainty for the future and the impact of the Pension Grant coming back as an Authority liability. He acknowledged that resources were already being stretched trying to meet an expanding workload.

81.1 Medium Term Financial Strategy 2020/21 – 2022/23 cont.

Councillor Stephenson asked what level of interest the Authority is paying on its debts. The Treasurer confirmed that this detail would be included in the Treasury Management Strategy going to the next Authority meeting on 14 February 2020.

Councillor Frost confirmed that as an Independent Councillor he did not object to setting a 1.9% council tax for 2020/21 and highlighted that anything above this would trigger a council tax referendum.

Councillor Stephenson raised a question relating to a senior officer's salary and tax. The Chair confirmed that this query had been raised and answered on numerous occasions before and was not relevant to this meeting. He emphasised that this question would not be responded to again and if the questioning continued Councillor Stephenson would be asked to leave the meeting.

The LAMO outlined the code of conduct and gave Councillor Stephenson the opportunity to withdraw an inappropriate comment he had made. Councillor Stephenson withdrew the comment. The LAMO confirmed he was available to discuss any issues of conduct and procedures with all Members. Councillor Stephenson noted he was there to represent Stockton Council and ask questions. The LAMO reminded Members that in the Standing Orders a Member can be requested not to be heard or asked to leave if Members need an element of restraint and that ultimately the Chair governs the meeting.

The Chair moved that Members do not listen to any more questions from Councillor Stephenson. Members voted 8 for and 2 against. The LAMO informed Councillor Stephenson that he should not be further heard for the rest of the meeting. Councillor Stephenson stated that if he could not ask any more questions he would leave.

(1505) Councillor Stephenson left the meeting

RESOLVED - that as recommended by the Executive Committee, Members:

(i) Noted the report which replicated the information reported to the Executive Committee on 22 November 2019;

(ii) Noted that 2020/21 Provisional Local Government Finance Settlement will not be issued until after the General Election, which it is anticipated will confirm indicative grant funding and the 2% Council Tax referendum limit set out in the Government's Technical Consultation for 2020/21;

(iii) Approved a 2020/21 Council Tax increases of 1.9% increase, which is below the 2% Government Council Tax referendum limit, and noted that this provides recurring addition funding of £237,000, which permanently protects whole time firefighter posts, and will result in the following Council Tax levels:

81.1 Medium Term Financial Strategy 2020/21 – 2022/23 cont.

2019/20		2020/21		
Weekly Council Tax £	Property Band	Annual Council Tax £	Weekly Council Tax £	Annual increase £
0.99	A	52.55	1.01	0.98
1.16	B	61.31	1.18	1.14
1.32	C	70.07	1.35	1.31
1.49	D	78.83	1.52	1.47
1.82	E	96.35	1.85	1.80
2.15	F	113.87	2.19	2.13
2.48	G	131.38	2.53	2.45
2.98	H	157.66	3.03	2.94

63% of households are in Band A or B

(iv) Noted that recurring savings of £221,000 will be achieved through contract negotiations in relation to ICT hardware and software and building security and cleaning to address the residual 2020/21 forecast deficit;

(v) Noted that any variation in the final 2020/21 Government Grant allocation, Council Tax base, or final Collection Fund figures will be managed via the Budget Support Fund and details will be reported to the full Authority on 14 February 2020;

(vi) Noted the significant financial risks and uncertainties facing the Authority from 2021/22 and that further updates will be provided when more information is available;

(vii) Noted the robustness advice detailed in section 8.

82. ANY OTHER BUSINESS

82.1 HMICFRS Tranche 3 Inspection

The CFO informed Members that the results of the Authority's inspection were due to be published under embargo on Monday 16 December 2019 and would be forwarded to members once received.

83. 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 and 4 below of Part 1 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; information relating to any financial or business affairs of any particular person (including the authority) holding that information; and information in relation 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.

84. CONFIDENTIAL MINUTES
RESOLVED – that the confidential minutes the Minutes of the Ordinary Meeting on 18 October 2019 be confirmed.

85. CONFIDENTIAL MINUTES OF MEETINGS
RESOLVED – that the confidential minutes of the Executive Committee on 22 November 2019 be confirmed.

COUNCILLOR PAUL KIRTON
CHAIR