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# CLEVELAND FIRE AUTHORITY

## MINUTES OF EXECUTIVE COMMITTEE MEETING

25 SEPTEMBER 2020

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### PRESENT

#### CHAIR

Councillor Paul Kirton – Stockton on Tees Borough Council

#### MIDDLESBROUGH BOROUGH COUNCIL

Councillor Jon Rathmell

#### STOCKTON ON TEES BOROUGH COUNCIL

Councillors Luke Frost, Jean O'Donnell, William Woodhead MBE (sub)

#### REDCAR & CLEVELAND BOROUGH COUNCIL

Councillor Mary Ovens

#### AUTHORISED OFFICERS

Chief Fire Officer, ACFO – Strategic Planning & Resources, ACFO – Community Protection, Legal Adviser & Monitoring Officer, Treasurer

### APOLOGIES:

Councillor Teresa Higgins - Middlesbrough Council

In accordance with Standing Order No. 35 Councillor Woodhead substituted for Councillor Higgins.

### 110. MINUTE SILENCE TO REMEMBER COUNCILLOR NORAH COONEY

Members and Officers paid their respects to the late Councillor Norah Cooney who was a longstanding Member and avid supporter of the Cleveland Fire Authority who sadly passed away in April 2020.

### 111. CONDOLENCES FOR POLICE OFFICER KILLED IN CROYDEN

Members passed on their condolences to the family and colleagues of Sergeant Matt Ratana who was killed on duty at Croyden Police Station earlier today.

### 112. WELCOME FROM LEGAL ADVISOR AND MONITORING OFFICER

The Legal Adviser and Monitoring Officer (LAMO) welcomed Members to the meeting and outlined the process for conducting the meeting on Microsoft Teams.

### 113. DECLARATION OF MEMBERS INTERESTS

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

### 114. MINUTES

**RESOLVED - that the Minutes of the Executive Committee on 6 March 2020 be approved.**

## **115. REPORTS OF THE CHIEF FIRE OFFICER**

### **115.1 COVID-19 BRIEFING - PRESENTATION**

The Chief Fire Officer (CFO) gave Members a detailed presentation reflecting the Brigade's activities and achievements throughout Phase 1 of the COVID-19 pandemic. This covered situational awareness, strategic objectives/intentions, operational response, broader support, resource costs, communications, latest position and preparedness for the second wave. He reported that all objectives had been met and the service had been maintained, highlighting the following key areas:

- Delivered over 3,000 Home Fire Safety Visits to vulnerable residents
- Carried out over 400 Business Safety Audits
- E-learning for staff to compliment face-to-face training to maintain competence at highest level
- Increase in response capability as many Retained personnel were furloughed from their primary employment
- Calls to Control dropped by 20%
- Domestic Dwelling Fires dropped by 2% despite concerns that they would rise as homes were occupied 24/7
- Reduction in attendance at RTCs by 44%
- Broader Support including:-
  - Temperature Testing
  - Training current/ex firefighters to drive ambulances
  - Delivering food parcels
  - PPE training for Care Homes
  - Delivering PPE and Medical Supplies
  - Supporting 'Essential Death Management' (not required)
- Health & Wellbeing for Staff support for staff including:-
  - Vulnerable staff encouraged to shield
  - Agile working to limit spread
  - All buildings Risk Assessed and Covid-Secure
  - Regular up-to-date guidance and advice to staff to ensure they were kept informed on safe working at CFB
  - Enhanced Mental Health Support
  - Retained staff who had been furloughed or lost their primary employment were offered additional work to counteract financial hardship
  - Support staff needing testing
- Two meetings per week with Trade Unions

The CFO reported that the additional costs of COVID-19 had been fully covered by government grant without having to use the Authority's reserves.

The CFO outlined the current COVID-19 position for Cleveland which indicated some areas were close to coming under government intervention with infection rates near to the threshold of 100 per 100,000 population. Due to this the Brigade had moved back from the Recovery Phase to the Response Phase and the Executive Leadership Team is preparing for the second wave by:

### 115.1 COVID-19 BRIEFING - PRESENTATION cont.

- Liaising with Local Resilience Forum (LRF) for pre-planning and coordinated response
- Renewing Business Continuity Plans
- Looking at lessons learned
- Confidential Worst Case Planning Scenarios
- Reviewed Tri-partite Agreements

Councillor Frost applauded the work of all personnel throughout the pandemic and was immensely proud of the Brigade for demonstrating it is a service that is ready, willing and able. He also thanked the outstanding members of the community who have supported the Brigade and shown their appreciation throughout the pandemic, Councillor Ovens echoed these sentiments and thanked the fantastic efforts of all staff who are now preparing for the second wave.

**RESOLVED – that the briefing be noted.**

### 115.2 Cleveland Fire Authority's Service Plan 2020/21

The Assistant Chief Fire Officer – Strategic Planning & Resources (ACFO-SPR) informed Members that following key planning activities in February 2020, a new suite of priorities had been established for 2020/21.

These priorities are contained within the Authority's Service Plan 2020/21 (Appendix 1) which was published in April 2020 and aim to:

- further progress the achievement of the Authority's Strategic Goals
- reflect the requirement of the Authority's CIRMP 2018-22 Year 3 Proposals
- address any areas for improvement or development identified from the Authority's HMICFRS Inspection Self-Assessment and Reports 2019

The progress of these priorities was discussed in detail at minute no. 115.3.

Cllr Frost thanked the officers for producing the Service Plan and highlighted the following positive features:

- Introduction by CFO demonstrating the resilience of the Brigade
- Reduction of Carbon Emissions – establish a Climate Change Strategy
- Talent Management Team – One Vision - One Team

**RESOLVED – that Members noted the Authority's Service Plan 2020/21**

### 115.3 Community Integrated Risk Management Plan 2018-22 – Priority Progress Report

The ACFO SPR outlined the progress made to date on the priorities detailed within the Authority's Service Plan 2020/21. She noted that due to the COVID-19 pandemic the Brigade's Executive Leadership Team's focus had been on the planning, response and recovery phases of this major event to ensure the safety of the Brigade's communities and staff and the impact of the significant and unexpected additional workload associated with the pandemic is that the priorities contained within the Service Plan have been re-scheduled. This additional ongoing work must also be recognised and included in the priorities.

### 115.3 Community Integrated Risk Management Plan 2018-22 – Progress Report cont.

The ACFO SPR referred Members to the Corporate Internal Operating Plan 2020/21 attached at Appendix 1 and highlighted the following progress:

#### CSP1 – CIRMP Planning Arrangements

None of this work has been re-scheduled as it is required to underpin the production of the CIRMP. Risk Assessment and Prevention/Protection/ Emergency Response activities underway and all on schedule.

#### CSP2.1 – Undertake Budget and Reserve Adjustments for 2020/21

This work was completed.

#### DSP3 – Key Documents and Policies Support the Best Decision Making

A number of health & wellbeing / equality, diversity & inclusion policies have been reviewed.

#### CSSC1.1 – Implement new professional standards and a competency framework for building safety

The Authority has adopted the NFCC Competency Framework for Business Fire Safety Regulators which would be implemented with the support of the Brigade's Organisational Assurance Team and a peer review would be considered once implemented.

#### CSSC5.1 – Implement policy, procedures and training relating to the National Marauding Terrorist Attack Strategy

This has been achieved and arrangements are in place to carry out multi-agency exercises and ensure staff competency.

#### DSSC1.1 – Evaluate the Unwanted Fire Signal Pilot Study

This was considered in detail at min.no.115.6

Councillor Ovens asked whether the availability of retained crews had been impacted by COVID-19. The ACFO SPR confirmed that some of the retained staff had been furloughed by their primary employers or lost their jobs therefore the Brigade put a plan in place to explore and examine the financial hardship of these people and where possible offered extra work to support the additional activities that were taking place within the community. Recorded availability on Retained Stations during this period was higher than usual.

#### **RESOLVED:-**

- (i) that the re-scheduling of the Service Plan 2020/21 Priorities as a result of COVID-19 major event, be noted.
- (ii) that the progress on the re-scheduled corporate priorities as set out in its CIRMP 2018-22 and on the Directorate Priorities as agreed by the Chief Fire Officer for progression within its Brigade (Appendix 1), be noted.

#### **115.4 Cleveland Fire Authority's Policy Reviews April – August 2020**

The ACFO SPR informed Members that over the period April to August 2020 no new strategic policies were introduced and the following existing policies were reviewed by Senior Managers and approved by the CFO under the Authority's Delegation Scheme:

- Family Friendly Policy & Procedure
- Flexible Working Policy & Procedure
- Health and Fitness Policy & Procedure
- Substance Misuse Policy & Procedure
- Sickness Absence Policy & Procedure

All policy amendments have been made in consultation with the trade unions and the Key Document Framework updated accordingly.

**RESOLVED – that Members endorsed the decision of the Chief Fire Officer to approve the above updated policies, under the Authority's Scheme of Delegation.**

#### **115.5 Unwanted Fire Signals Policy and Strategy - Cost Recovery**

The ACFO – Community Protection (ACFO CP) provided Members with details of the cost recovery arrangements in relation to the Unwanted Fire Signal Strategy and Policy.

He reported that the Authority's current position is not to attend Automated Fire Alarms (AFAs) to low and medium risk premises unless a confirmation of fire is received from the premises via a 999 call. High risk, special risk and domestic properties (as defined in section 4 of the report) will receive one fire appliance to the AFA address, unless a risk assessment or back-up call determines otherwise.

In February 2020, the Brigade undertook a consultation exercise to obtain the views from communities on levying a charge for attending premises with repeat UwFS, as defined in the 4 stage approach at Section 5 of the Cost Recovery Strategy (Appendix A). The results from the general public demonstrated a strong support for implementation.

The ACFO CP reported that the updated calculation for the cost per incident was £354 + VAT (P14) and that cost recovery was now £26,550 (P17).

He reported that the introduction of a charging mechanism is primarily to encourage a positive behavior change in business/property owners who will be encouraged to work with the Brigade to reduce the number of mobilisations of UwFS. He informed Members that in 2019/20 there were 40 chargeable offenses which would have recovered costs circa £26k had the Brigade had a mechanism in place to pursue them. He also added that the Brigade's new approach to UwFS was consistent with the approaches of regional counterparts.

Councillor Frost fully supported the strategy as a means to encourage people to take responsibility and support the work the Brigade does.

**RECOMMENDED – that the introduction of cost recovery arrangements in relation to the Unwanted Fire Signals Policy and Strategy be recommended for approval at the CFA meeting on 16 October 2020.**

#### **115.6 HM Treasury Public Services Pension Schemes: Changes to the Transitional Arrangements to the 2015 Schemes Consultation July 2020**

Members received details of the HM Treasury's proposals in regard to Public Pension Schemes: Changes in transitional arrangements.

The CFO reported that on 16 July 2020 a consultation was launched on the HM Treasury's proposals regarding changes in transitional arrangements of the Public Pension Schemes following the result of the McCloud/Sergeant case by removing the age discrimination resulting from the limitations of the protections to older members, together with an update on the employer cost cap process.

The CFO referred Members to the Chief Secretary to the Treasurer's Statement (Appendix 1), Consultation Questions, (Appendix 2), Frequently Asked Questions (Appendix 3), Cost Control Element (Appendix 4), Schemes Advisory Board (SAB) technical questions (Appendix 5) and the collaborative pre-consultation response to the HM Treasury by SAB, LGA and NFCC (Appendix 6).

The CFO reported that the consultation covers all members who were in a scheme on 31 March 2012 and the remedy period covers April 2015 to March 2022, when it is proposed a new scheme will be introduced – (although no details are yet known about this scheme).

He reported that scheme members will have two options: stay in the 2015 Scheme or be put back into their previous scheme. This decision can either be made immediately (within 12 months) or be deferred to the point of retirement. This creates the potential for dual administration systems for every scheme member. There are also tax implications and administration cost to put this right.

The CFO sought Members views and confirmed that he is currently working with NFCC to put together a joint response with stakeholders submitting their individual responses. As the consultation closes before the CFA meeting on 16 October, it was agreed that the Chair and Vice Chair approve the draft response and it be circulated to all Members for their information.

#### **RESOLVED:-**

- (i) that Members forward their views to the Chief Fire Officer for inclusion in the draft response to HM Treasury.**
- (ii) that the Chair and Vice Chair approve the draft response prior to its submission on 10 October 2020**
- (iii) that the consultation response be circulated to all Members for their information.**

### **115.7 Draft Building Safety Bill/Fire Safety Order Consultation**

The CFO updated Members on the Draft Fire Safety Bill published by the Government in the wake of the Grenfell Tower Tragedy. The Bill covers a wide range of changes to law covering building safety during design, construction and occupation and the creation of a new regulatory framework for high-rise residential buildings.

The CFO reported that the Government had also published a consultation on changes to the overlapping Fire Safety Order which covers safety in workplaces and other premises.

He referred Members to the Executive Summary at paragraph 3.2 of the report and outlined the Building Safety Bill Key Issues and the General Changes to Building Safety Framework detailed at section 4.

The CFO noted the impact on local authority planning departments under the new proposals as building approval would lapse automatically after three years and there would be new safety liabilities on corporate directors who could be held accountable. The new regime in high rise compliance involves additional responsibilities and clear, open, transparent information from design to occupation for anyone who may require it. There also needs to be certification to demonstrate the fitness of occupation of these buildings.

Issues for the FRS:

- FRS is now part of the new regulatory framework for approvals
- It will impact on demand on the FRS to carry out a risk based inspection programme
- Secretary of State will have powers to direct FRSs to scrutinise certain types of buildings. In relation to high rise residential there are currently 11k of these in England with cladding still in place.
- Training staff will have cost implications to the Authority to meet this new standard. The CFO confirmed the Authority was already progressing this.
- More powers to carry out detailed checks on lifts, dry risers, smoke control systems, fire doors on buildings above 11m and balconies.

The CFO reported that he had drafted a complex 100 page response to the consultation which he would forward to the Chair and Vice Chair for approval and circulate to all Members for their information.

Councillor Frost stated that the proposed fire safety measures were a step in the right direction but lacked clarity and detail. The CFO confirmed those views were echoed across the fire service.

#### **RESOLVED:-**

- (i) that the report be noted and any views be forwarded to the Chief Fire Officer for inclusion in the Authority's consultation response.**
- (ii) that the Chief Fire Officer forward the draft response to the Chair and Vice Chair for approval.**
- (iii) that the response be circulated to all Members for information.**

### **115.8 HMICFRS: FRS Inspection Programme 2020/21 & COVID-19 Inspection 2020**

Members received an update on the HMICFRS Fire and Rescue Service Inspection Programme which had been temporarily suspended in March by Sir Thomas Windsor as a result of the COVID-19 pandemic.

The CFO informed Members that the second round of inspections for the FRS will still focus on the three key pillars of Effectiveness, Efficiency and People with Cleveland's expected to commence in 2021, with the inspection focus captured in the table at paragraph 3.8 of the report. He reported that the first inspection outcome rated Cleveland as 'Good'.

The CFO reported that in addition to the round two inspections, the Home Secretary had commissioned the Inspectorate to carry out an inspection in response to COVID-19, the approach, scope and purpose of which is outlined at section 4 of the report. The timetable of the COVID-19 inspection is as follows, and captured in detail at Appendix 1:

- August 2020 – 3 weeks pre-inspection
- October 2020 – National Interviews
- w/c 9 November 2020 – CFA Inspection
- December 2020 – Publish National COVID-19 report and FRS Service letters

The CFO noted that the COVID-19 Inspection reports will be a narrative assessment rather than graded judgement and the Brigade will not have the opportunity to view and challenge the outcome prior to publication.

Members raised the issue of the COVID-19 inspection being an untimely and unnecessary drain on resources at a time when the Brigade is busy preparing for a second wave of the pandemic.

The CFO advised that it was about lessons learned and asked Members was there anything they wished to change in the approach to Member communications throughout the pandemic (this included weekly catch-ups with the Chair and daily/weekly briefings to Members via email as required). Members were asked to forward their comments to the Chief Fire Officer.

#### **RESOLVED:-**

- (i) that the report be noted and Executive Members monitor future progress.**
- (ii) that any comments on how communications with Members throughout the COVID-19 pandemic could have been improved be forwarded to the Chief Fire Officer.**

### **115.9 Government Review: Review of the Police and Crime Commissioner Model**

Members received an update on the Review of the Police and Crime Commissioner Model aimed at considering how this model, introduced in 2012, can be evolved to ensure strong, visible leaders in the fight against crime and have the legitimacy and tools to hold their police forces to account effectively.



### **115.9 Government Review: Review of the Police and Crime Commissioner Model contd**

The CFO reported how on 22 July 2020, Kit Malthouse, Minister of State for Crime, Policing and the Fire Service set out to Parliament, details of a two-part internal review committed to strengthening the accountability of PCCs and expanding their role, as detailed in section 4 of the report. He referred Members to Appendix 1 which outlined the NFCC's response to the Home Office research questions, which he supported, in connection to Part 1 of the review.

Following the PCC Elections in May 2021, Part 2 of the review will commence looking at the longer term reforms and efficiencies to be made within the system with a view to implementation ahead of the 2024 elections.

**RESOLVED – that the report be noted and the Executive Members monitor future progress and potential reform issues.**

(1249) Councillors O'Donnell and Rathmell left the meeting

### **116. JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER**

#### **116.1 Medium Term Financial Strategy 2021/22 – 2022/23**

The Treasurer updated Members on the Authority's financial position for the current year and financial outlook for 2021/22-2022/23. The report covered:

- Background
- National Issues
- 2020/21 Budget Position
- Financial Impact of COVID-19 on Service Expenditure / Resources
- 2021/22 Budget and Financial Outlook
- Reserves

The Treasurer noted that prior to 2020/21 the Authority had managed nine years of austerity and cuts in Government grant funding. As the majority of the budget is spent on front line services the Authority has made significant changes, including reductions in the number of wholtime firefighter posts, as detailed in section 3. He reported that the financial environment facing local government and FRAs is probably the most uncertain the sector has ever faced. The list of uncertainties is a significant challenge to budget planning and the key issues are:

- the outcome of the 2020 Spending Review
- the impact of delayed major reforms of the funding system until 2022/23
- the impact on the collection fund of the pandemic in the current year
- the impact on both the council tax base and business rates base of the economic down turn
- the overall level of grant funding in the settlement for 2021/22
- the trigger level for the 2021/22 council tax referendum limits
- the possibility of a second COVID-19 wave locally or nationally
- the size and shape of the economic recovery, both nationally and locally

### **116.1 Medium Term Financial Strategy 2021/22 – 2022/23 contd**

The Treasurer reported that the Authority had previously set aside one-off resources in the Budget Support Fund and Collection Fund Deficit reserves to manage financial risks and uncertainty. He added that the recommended strategy is to use some of these reserves to support the 2021/22 budget and the reductions in Council Tax and Business Rates income arising from the economic impact of COVID.

The Treasurer reported that this strategy is an appropriate way of managing financial uncertainty and income reductions, which are outside the Authority's control. However, Members need to recognise that using reserves is not sustainable and the strategy is designed to provide a longer lead time to manage the budget position. It therefore remains appropriate for the Chief Fire Officer to develop a contingency plan to address a current forecast deficit between £0.547m and £1.487m for 2022/23.

The CFO asked for clarity on whether there were limits on how much could be taken out of reserves if the Authority approves this strategy to take it out of the Budget Support Fund.

The Treasurer advised Members that Council Tax levels should be increased in line with the government recommended referendum limits for FRAs to protect the recurring resource base of the Authority, but council tax income could be down by 5–10%. He recognised that there was scope potentially to take further funds from reserves for one year but the Authority would need a clear mandate that recognised this did not solve the problem and if there was a bigger deficit there would need to be a clear timetable to develop a savings plan identified for 2022/2023 to ensure it could recover the position on a sustainable basis.

The Treasurer stated that the Authority had a good level of reserves which would be increased this year giving potential scope to take more from reserves as long as it was fully recognised that it would be more difficult to implement reductions in future years by doing it all at once.

The CFO noted that the current CIRMP runs to 2022 and the strategy the Treasurer outlined aligns fully with the risk management planning to enable the Authority to determine how it will keep Cleveland safe with potentially a lot less money.

Councillor Frost asked if this item could be deferred to allow for an informal meeting to ask questions and gain a greater understanding. The Treasurer noted that this report would be considered by the CFA on 16 October 2020 prior to approval which would give Members further opportunity for questions. He added that as the position gets clearer any new information can be shared with Members via the Chair.

**RECOMMENDED:-**

- (i) that the report be noted and further updates be received later in the year to enable Members to determine the recommendation to be referred to the Authority to manage the forecast Collection Fund deficit and set the 2021/22 budget and Council Tax level.
- (ii) that the report be considered by the Authority at its meeting on 16 October 2020 for information and to seek approval to include budget provision for increased Fire Protection Capacity in the 2021/22 budget, noting this slightly increased the total forecast deficit for 2021/22 and 2022/23 from £446,000 to £547,000.

**117. 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 item of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 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 and information relating to any financial or business affairs of any particular person (including the authority) holding that information."

**118. CONFIDENTIAL MINUTES**

RESOLVED - that the Confidential Minutes of the Executive Committee held on 6 March 2020 be confirmed.

**119. CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER**

**119.1 Procurement Progress Report 1 April – 3 September 2020**

Members received details relating to contract letting procedures, exemptions to contract procedure rules and future procurement plans.

**120. CONFIDENTIAL REPORT OF THE TREASURER**

**120.1 Agreements between Cleveland Fire Authority and Cleveland Fire Brigade Risk Management Services Community Interest Company (CFBRMS CIC)**

The Treasurer updated Members on the agreements between the Authority and the CFBRMS CIC.

(1325 hrs) CFO and ACFOs left the meeting.

**121. ANY OTHER CONFIDENTIAL BUSINESS**

**121.1 National Joint Council Consultation on Brigade Managers Pay Claim 2020**

The Chair asked Members to consider the consultation on Brigade Managers Pay Claim.

(1330 hrs) CFO returned to the meeting.

**121.2 Firefighter Update**

The CFO gave an update to Members.

**COUNCILLOR PAUL KIRTON  
CHAIR**