CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

14 FEBRUARY 2020

PRESENT:

CHAIR
Cllr Paul Kirton – Stockton on Tees Borough Council
HARTLEPOOL BOROUGH COUNCIL
Cllrs Marjorie James, Stephen Thomas
MIDDLESBROUGH COUNCIL
Cllrs Teresa Higgins, Naweed Hussain, Ashley Waters
REDCAR & CLEVELAND BOROUGH COUNCIL
Cllrs Billy Ayre, Adam Brook, Mary Ovens
STOCKTON ON TEES BOROUGH COUNCIL
Cllrs Luke Frost, Jean O'Donnell, Andrew Stephenson
AUTHORISED OFFICERS
Chief Fire Officer, Director of Corporate Services/Clerk, Legal Adviser and Monitoring Officer, Treasurer

APOLOGIES:

Cllr Tim Fleming - Hartlepool Borough Council
Cllr Norah Cooney - Redcar & Cleveland Borough Council
Cllr William Woodhead - Stockton Borough Council

CANCELLED

99. DECLARATIONS OF MEMBERS INTEREST

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

100. MINUTES

RESOLVED - that the Minutes of the Ordinary Meeting on 13 December 2019 be confirmed.

101. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Executive (Appointments) Committee on 24 January 2020 and Executive Committee 31 January 2020 be confirmed.

102. COMMUNICATIONS RECEIVED BY THE CHAIR

KIT MALTHOUSE MP	Fire & Rescue Inspection Update
LGA	EMP/8/19 – Late Bank Holiday Pay Update

RESOLVED – that the communications be noted.

103. REPORTS OF THE CHIEF FIRE OFFICER

103.1 HMICFRS Inspection 2018/19 - Summary of Findings from Tranche 3 and Cleveland Fire Brigade's Inspection 2018/19

The Chief Fire Officer (CFO) provided Members with a summary of findings from tranche 3 Inspections and presented the outcomes from Cleveland's own inspection which took place in July 2019.

103.1 HMICFRS Inspection 2018/19 - Summary of Findings from Tranche 3 and Cleveland Fire Brigade's Inspection 2018/19 cont.

The CFO reported that the HMICFRS inspection regime had been introduced as part of the Governments reform agenda and was delivered across all Fire and Rescue Services in three tranches, the outcomes of Tranches 1 and 2 previously reported to Members in January and July 2019 respectively. He referred Members to Section 3 of the report which detailed those authorities inspected under Tranche 3 and the overall outcomes of the 2018-19 inspection.

The CFO reported that Cleveland's Inspection Report 2018/19, attached as Appendix 1, was published and distributed to Members in December 2019 and reported that the HMICFRS found that Cleveland Fire Brigade:

- is **'good'** at effectively keeping people safe and secure from fire and other risks;
- is **'good'** at how efficiently it manages its resources; and
- is **'good'** at looking after its people.

Commentary from HMICFRS Chief Inspector Phil Gormley reported that Cleveland Fire Brigade had performed well in each of the main areas of inspection and that this was impressive given that the brigade has faced some of the largest cuts to its government funding. He stated that *'the brigade thoroughly assesses the risk to the community and its average response time to primary fires is faster than other fire and rescue services in England. Cleveland has taken an innovative approach to staff working patterns, which has improved flexibility and productivity of the service'.*

CANCELLED

The CFO reported that in preparation for the inspection the Executive Leadership Team had undertaken a self-assessment of the areas of efficiency, effectiveness and people and the outcomes informed the improvement plan 2019/20. The actions within the plan have been reviewed following inspection and will be progressed through the Corporate Internal Operating Plan 2019/20.

The CFO confirmed that preparations were already underway for the next round of inspections which for Cleveland would involve a discovery week commencing 21 June 2021 and inspection week commencing 12 July 2021. Details on the exact themes were still unknown and updates would be reported to the executive committee.

Councillor Frost noted that equality, diversity and inclusion had been recognised as an area requiring improvement across the whole fire and rescue service and he felt issues regarding lack of 'positive action' in recruitment campaigns for Cleveland was not a fair reflection of the Authority's work. The CFO reported that an Engagement Strategy was being finalised which was aimed at enhancing how the Brigade communicated with staff, partners, businesses and the public moving forward. He confirmed that despite six months of positive action work prior to recruitment, all 16 of the Brigade's new recruits are white males as these were the best candidates for the job. He acknowledged that as an Authority there was more work to be done on positive action.

Councillor James asked whether application forms require applicants to state whether they are an 'ethnic minority' or whether this disclosure is optional as it would be make it easier to track at what stage of the process ethnic candidates drop out. Councillor James also highlighted the fact that the Authority had not recruited any firefighters for over 10 years therefore there had been little scope for the ethnic / gender profile of firefighters to change.

103.1 HMICFRS Inspection 2018/19 - Summary of Findings from Tranche 3 and Cleveland Fire Brigade's Inspection 2018/19 cont.

The CFO acknowledged that this was a significant matter for the Authority and confirmed that new recruits had the option of ticking a box saying they did not wish to declare their ethnicity. He added that an analysis report was being carried out to identify where people are failing in the process which would be shared with Members once available.

Councillor James suggested that the Audit and Governance Committee review the Brigade's workforce profile at least twice per year to ensure it is moving in the right direction. The CFO acknowledged Members support for achieving a diverse, strong organisation by promoting inclusivity that does not discriminate against anyone who wants to join the Authority.

Councillor Hussain asked if the Brigade was looking at neighbouring fire and rescue services to see if they were in the same position. The CFO confirmed that nationally diversity had not been a priority for a while however this has now become a focus for the service.

Councillor Waters congratulated the Brigade for a fantastic HMICFRS Inspection report. He acknowledged that it was not possible to manufacture the outcomes regarding equality and diversity and that he was confident the Brigade was doing everything possible regarding positive action.

Councillor Stephenson commented on how the funding the Authority had received from central government had been sufficient to deliver services. The CFO reported that it was the issue of 'equity of distribution' which the Brigade was challenging.

CANCELLED

Councillor Higgins commended all staff for the excellent work they have done in very difficult financial circumstances.

RESOLVED:-

That Members noted:-

- **the summary of gradings from Tranche 3 Inspections**
- **the outcomes of Cleveland Fire Brigade's HMICFRS Inspection 2018/19 as detailed in the Report at Appendix 1**
- **that any identified areas of improvement/development are captured within the Brigade's Improvement Plan 2019/20 attached at Appendix 2**
- **that the next inspection discovery week will commence on 21st June 2021 with the inspection week commencing 12th July 2021**
- **a new Service Liaison Lead has been appointed for the Brigade's 2019/20 Inspection.**
- **that further reports on the next round of inspections will be provided as and when details of the arrangements are confirmed by HMICFRS**
- **Members agreed that the Workforce Profile is reviewed by the Audit and Governance Committee at least twice per year.**

103.2 HMICFRS - Public Perceptions of Fire and Rescue Services in England 2019

The CFO updated Members on the outcomes of the HMICFRS Public Perceptions of Fire and Rescue Services in England 2019 as attached at Appendix 1.

The CFO detailed the key findings of the survey for Cleveland at Section 4 of the report which covered the following areas:-

- Overall awareness and views of fire and rescue services
- Local fire and rescue services' activities
- Accessing local fire and rescue services
- Public interest in local fire and rescue services
- Fire safety

The CFO reported that the outcomes from the report would be used to inform the development of the Brigade's Community Engagement Strategy.

Councillor Ovens asked whether the Brigade is reimbursed for carrying out non-statutory services such as bariatric assistance and flooding. The CFO reported that Fire Brigades Union commentary on funding and the ability to deal with flooding indicated there was an expectation that the Brigade would respond should there be a flooding incident. It is currently unfunded but there are moves towards making this a statutory responsibility.

Regarding bariatric and safe and well, he acknowledged that this is in the interest of the community Cleveland serves and adds value, although they are services this Authority bears the financial cost of.

CANCELLED

Councillor James noted that as a fire and rescue service there is a public expectation that they will be rescued, however there were occasions when they could be charged for. The CFO noted the Brigade was a consultation exercise was in place regarding charging for Accidental Fire Alarms (AFAs) the outcomes of which would come back to the Authority.

Councillor Stephenson pointed out that as an emergency service paid for by the tax payer the Brigade had a duty to attend incidents as required. The CFO confirmed that the Brigade would deal with every call it gets however the issue is when does it stop being an 'emergency' situation, such as the recent 42 day incident at SSI which became a 'protective standby' incident at a certain point and a charge was agreed to provide that service.

(3.05pm) Cllr Stephen Thomas left the meeting.

Councillor Ovens confirmed that the public perception for those living close to SSI was that it was reassuring to see the Brigade in attendance.

Councillor Frost suggested the Authority needed to be clear that it would consider charging businesses after an agreed number of offenses. The CFO confirmed that the Brigade's current policy is not to charge for AFAs and Members would have the opportunity to reconsider that position when the consultation is completed.

103.2 HMICFRS - Public Perceptions of Fire and Rescue Services in England 2019 cont.

RESOLVED:-

(i) That the contents of the HMICFRS Public Perceptions of Fire and Rescue Services in England 2019 attached at Appendix 1, be noted.

(ii) That Members noted that the Chief Fire Officer will ensure that the outcomes from the Report will be used to inform the development of the Brigade's Community Engagement Strategy.

103.3 HMICFRS – State of Fire and Rescue: Annual Assessment of Fire & Rescue Services in England 2019

The CFO informed Members of the State of Fire and Rescue: Annual Assessment of Fire and Rescue Services in England Report, Appendix 1, which draws on findings from inspections in the 45 fire and rescue services in England to provide an overall view of the state of the fire and rescue sector

Members considered the three parts of the report which were:

(1) Her Majesty's Chief Inspector of Fire and Rescue Services assessment of the state of fire and rescue services in England, drawing on the inspections carried out between June 2018- August 2019.
(2) Overview of the gradings and findings from the first round of inspections
(3) Full list of HMICFRS fire and rescue reports and other inspection reports for 2018/19

CANCELLED

The CFO referred members to Section 5 of the report which detailed the following key findings requiring some significant reform:-

- 'lack of consensus over what the role of a firefighter is and what the role of a fire and rescue is responsible for'
- 'discussions between the sector, employers and, more recently, central government having been going on for several years. Everyone, not least fire and rescue employees, would benefit from these being satisfactorily resolved'
- 'Trade Union influence is not always in the best public interest'.
- 'Chief Fire Officers should have operational independence to run their services effectively and efficiently to meet the priorities and commitments in their integrated risk management plans'

The CFO detailed the four recommendations contained within the report and gave assurance that all areas for development highlighted would be captured within the Authority's Internal Operating Plan for 20/21 onwards. In addition, the Executive Committee would receive update reports in connection with the next round of inspections when the information becomes available.

Councillor James queried the key findings in relation to trade unions and CFOs having operational independence and said she believed the Brigade's CFO has operational independence. The CFO reported that the reference to trade unions was a reflection of the non-agreement of Broadening the Role aspect of Emergency Medical Response and that in Cleveland the CFO achieves operational independence via the delegation scheme.

103.3 HMICFRS – State of Fire and Rescue: Annual Assessment of Fire & Rescue Services in England 2019 cont.

RESOLVED:-

(i) That the contents of the State of Fire and Rescue: Annual Assessment of Fire and Rescue Services in England Report attached at Appendix 1 was noted.

(ii) That Members noted the that Chief Fire Officer will ensure that all areas for development highlighted within the Report, as set out in Section 5, are captured within the Authority's Internal Operating Plan for 2020/21 onwards.

103.4 Local Pension Board – Annual Report

The CFO updated members on the activities of the Local Pension Board for the period covering September 2018 – August 2019, as detailed in the Annual Report at Appendix 1.

He reported that under delegation he was Scheme Manager of the Board with the responsibility of:

- Managing Risks and ensuring there are adequate internal controls
- Keeping records and ensuring the quality of member data
- Ensuring the correct contributions are paid to the scheme
- Managing conflicts of interest
- Publishing information about the board
- Communicating information to members
- Resolving disputes and reporting certain breaches of the law

CANCELLED

He thanked Cllr Higgins and the Board for their support and reported that pensions was a significant issue and recent findings from the FBU claim for firefighters from the old scheme regarding age discrimination would incur significant financial burden on central governments and fire authorities.

Councillor James suggested that for resilience and learning purposes Authority Membership to the Board should be increased to two. The CFO confirmed that the issue of Membership could be revisited at the Annual Meeting in June. Councillor James suggested it would be useful for all Members to received basic pension knowledge.

RESOLVED:-

(i) that the report be noted.

(ii) That Authority Member representation on the Local Pension Board be increased to two at the Cleveland Fire Authority Annual Meeting in June 2020.

103.5 Information Pack

103.5.1 Employers Circulars
103.5.2 Campaigns
103.5.3 Events

RESOLVED - that the information pack be noted.

104. JOINT REPORT OF THE CHIEF FIRE OFFICER & TREASURER

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

The Treasurer presented Members with a tabled update of the Statutory Budget and Council Tax Calculations to support the report at Appendix 1 which had been considered by the Executive Committee on 31 January 2020.

The Treasurer reported no significant changes and that in line with the recommendations approved by the Authority on 13 December 2019 the resources detailed at Section 4 of the report would be transferred to the Budget Support Fund and a strategy for using these resources will be developed as part of the 2021/22 budget process.

Councillor James asked whether the rise in living wage had been factored into the budget. The Treasurer confirmed this would not affect this Authority as the basic rate was above the living wage and that the Budget was predicated on a 2% pay rise across the board.

A vote was taken and Members unanimously voted in favour of the tabled Statutory Budget and Council Tax Calculations and the Asset Management Plan for 2020/21 to 2025/26.

RESOLVED:-

(i) That as recommended by the Executive Committee on 31 January 2020, Members approved the Statutory Budget and Council Tax Calculations tabled at the meeting.

(ii) That the updated Asset Management Plan for 2020/21 to 2025/26, as detailed in Annex 1 – Appendix A, be approved.

CANCELLED

105. 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.

106. CONFIDENTIAL MINUTES

RESOLVED – that the confidential minutes the Executive (Appointment) Committee on 24 January 2020 and Executive Committee on 31 January 2020 be confirmed.

COUNCILLOR PAUL KIRTON
CHAIR