

---

# CLEVELAND FIRE AUTHORITY

## MINUTES OF ORDINARY MEETING

31 MARCH 2017



---

**PRESENT:**

**HARTLEPOOL BOROUGH COUNCIL**

Cllrs Rob Cook, Marjorie James, Ray Martin-Wells

**MIDDLESBROUGH COUNCIL**

Cllrs Jan Brunton, Teresa Higgins, Naweed Hussain, Tom Mawston

**REDCAR & CLEVELAND BOROUGH COUNCIL**

Cllrs Neil Bendelow, Norah Cooney, Brian Dennis, Mary Ovens

**STOCKTON ON TEES BOROUGH COUNCIL**

Cllrs Paul Kirton, Jean O'Donnell, Mick Stoker, William Woodhead MBE

**AUTHORISED OFFICERS**

Chief Fire Officer, Director of Corporate Services, Legal Adviser and Monitoring Officer, Treasurer

**APOLOGIES:**

Cllr Gillian Corr – Stockton Borough Council

**104. DECLARATIONS OF MEMBERS INTEREST**

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

**105. MINUTES**

**RESOLVED** – that the Minutes of the Cleveland Fire Authority Meeting on 17 February 2017 be confirmed.

**106. MINUTES**

**RESOLVED** – that the minutes of the Audit & Governance Committee Meeting on 24 February 2017 and the Executive Committee Meeting on 10 March 2017 be confirmed.

**107. COMMUNICATIONS RECEIVED BY THE CHAIR**

- Home Office: Circular – Policing and Crime Act 2017
- Shehla Husain: Issue of Fire Revenue Firelink Grant for 2017-18
- Paul Lincoln: Nominations for Queen's Fire Service Medals – New Years' Honours List 2018
- Chloe Dunnett: The Trade Union Act 2016
- Daniel Greaves: Equipping Ourselves to Deliver Reform

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

**108. REPORTS OF THE CHIEF FIRE OFFICER**

**108.1 Firefighter Apprenticeship Scheme**

The Chief Fire Officer (CFO) reported that one of the Authorities priorities for 2017/18 was to expand its apprentices further by a two-pronged approach which, if approved, would see apprentice firefighters employed by the Authority by June 2017, and a full apprenticeship framework to support its employment models established by March 2018.

### 108.1 Firefighter Apprenticeship Scheme continued

The CFO outlined the proposed scheme in detail which covered:

- Workforce Planning
- Operational Firefighter Apprenticeship Scheme
- Timeline for Operational Firefighter Apprentices
- Financial Implications
  - Salaries & Employment Costs
  - Training
  - Fire Authority Investment
- Legal Implications
- Equality & Diversity Implications

Councillor Bendelow asked if the recruitment of young apprentices would alleviate sickness levels from the Brigade's ageing operational workforce and how confident could the Authority be that these apprentices may end up as firefighter in the future.

The CFO confirmed there were no guarantees in relation to the apprentices achieving future employment either with the Authority or any other organisation but he confirmed they would achieve a qualification which would put them in a good position to join the fire service.

Councillor James moved an amendment that all apprentices be paid the Living Wage and that a further report be brought to the Authority to consider workforce planning arrangements in relation to apprentices going forward as potential trainees. Councillor Cook seconded the amendment.

Councillor Cook asked why only 10 apprentices were being sought, when 58 firefighters posts were expected to be removed from the establishment over the next three years. The CFO confirmed that at present the apprenticeship scheme was not being considered as fundamental part of workforce planning and that the Authority would need to consider with the trade unions how issues of shortfalls in operational staff are addressed in the future. The CFO agreed to bring a report back to the Authority to address how the Workforce Planning dovetails with the apprenticeship scheme approach.

Councillor Cook asked whether an 18 month scheme was long enough to allow the apprentices to develop sufficient skills. The CFO confirmed that apprentice firefighters are able to ride a fire appliance under supervision after 12 weeks training.

Councillor Dennis asked whether the recruitment of apprentice firefighters would diminish the number of trainee firefighters. The CFO confirmed that due to financial cuts, the Authority had not recruited whole time firefighters since 2009 and the workforce had diminished from 600 operational staff to less than 350.

#### **RESOLVED:-**

- (i) That the report be noted.**
- (ii) That all new apprentices be paid at a commensurate rate in line with the National Living Wage.**
- (iii) That the investment in the Operational Firefighter Apprenticeship Scheme (paragraph 8.10) to bring new entrants into the Service and to maintain momentum in delivering effective Apprenticeship schemes across the organisation in future years be approved.**
- (iv) That a report be brought back to a future Authority meeting detailing the impact of the Firefighter Apprenticeship Scheme on work force planning.**

## 108.2 Information Pack

- 108.2.1 Employers Circulars
- 108.2.2 National Joint Circulars
- 108.2.3 Campaign Launches

**RESOLVED – that the information pack be noted.**

## 109. REPORT OF THE CLERK

### 109.1 Cleveland Fire Authority Meetings 2017/18

Members considered the proposed schedule of Cleveland Fire Authority meetings for the municipal year of 2017/2018. The Clerk confirmed that the dates were aligned with the Authority's business planning calendar and all meetings would commence at 2.00pm at Cleveland Fire Brigade Training and Administration Hub in Hartlepool.

**RESOLVED - that the Cleveland Fire Authority dates outlined at paragraph 3.2 be approved.**

## 110. REPORT OF THE TREASURER

### 110.1 Strategy for Managing Income Risks

The Treasurer reported that the Government had confirmed the four year settlement allocation, including the reductions in Revenue Support Grant for 2017/18 to 2019/20 built into the Medium Term Financial Strategy. This would mean that the combined value of this funding in 2019/20 would have reduced to £12.524m compared to £18.488m in 2013/14 when the current national funding system, based on 50% Business Rates Retention, was introduced.

He reported that by 2019/20 the overall funding will have reduced by £5.964m, a reduction of 32% from 2013/14, as detailed in Table 2 of the report.

The Treasurer outlined the other financial risks in detail in Section 3 of the report and outlined a strategy for managing these income risks which was a combination of:

- Allocation of 2016/17 Managed Revenue Budget Under spend - £0.34m and 2016/17 Collection Fund surplus - £0.126m
- Reviewing the Capital Funding Strategy - £2.2m

The Treasurer concluded that in light of the financial uncertainty, the establishment of a Budget Support Fund for 2020/21 and future years will put the Authority in a much better financial position than would be the case without this funding.

The Treasurer highlighted to Members a small risk that some of the recommended Budget Support Fund may need to be used over the period 2017/18 to 2019/20 if there were significant successful appeals against the 2017 Business Rates valuations, or unanticipated budget pressures arose.

## 110.1 Strategy for Managing Income Risks continued

### RESOLVED:-

- i) That the financial risks and uncertainty detailed in the report be noted.
- ii) That the proposal to use £2.2m of Prudential Borrowing to release £2.2m of the Capital Funding Reserve to create a Budget Support Fund for 2020/21 and future years be approved.
- iii) That changes to the Prudential Borrowing limits to reflect approval of recommendation (ii) be approved.
- iv) That the proposal to allocate the 2016/17 forecast managed under spend of £0.466m towards the creation of a Budget Support Fund for 2020/21 and future years be approved.
- v) That the repayment costs of using £2.2m of Prudential Borrowing be funded from within the existing budget provision/interest rates savings already achieved and will not increase the budget deficits forecast for 2017/18 to 2019/20 be noted.
- vi) That the small risk that some of the recommended Budget Support Fund may need to be used over the period 2017/18 to 2019/20 if there are significant successful appeals against the 2017 Business Rates valuations, or unanticipated budget pressures be noted.

## 111. REPORTS OF THE LEGAL ADVISER AND MONITORING OFFICER

### 111.1 Pay Policy Statement 2017/18

The Legal Adviser & Monitoring Officer (LAMO) reported that in line with the provisions set out in the Localism Act 2011, the Authority had a statutory duty to prepare a Pay Policy Statement for each financial year relating to:

- the remuneration of its chief officers
- the remuneration of its lowest paid employees
- the relationship between:
  - the remuneration of its chief officers and
  - the remuneration of its employees who are not chief officers

The LAMO reported that the Executive Committee had considered the Pay Policy Statement 2017/18 at its meeting on 10 March 2017. He referred members to Appendix 1 which highlighted the remuneration of the lowest paid employees which was:

- Firefighter (Development) - £23,162
- Non-operational employees Grade B (Development) - £16,123

He reported that in April 2016 the Government's National Living Wage was to become law and the minimum wage for all workers aged 25 years and over would be £14,470, which was lower than the Authority's lowest paid employees.

**RESOLVED - That Cleveland Fire Authority's Pay Policy Statement 2017/18 be approved and published by the Authority.**

### **111.2 Re-engagement of Senior Fire Office Post Retirement**

The LAMO reported that the Home Office had set out for consultation a change to the Fire and Rescue National Framework on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. He referred Members to Section 4 of the report which detailed that this practice was common amongst Chief Fire Officers, mainly members of the Firefighters Pension Scheme 1992, and was deemed to stoke a perception that there was one rule for rank and file firefighters and another for senior officers who were able to circumvent the intention of the regulations.

The LAMO reported that this practice had generated considerable public interest and was deemed to have potential to damage the trust between regular firefighters and senior officers. In response to these concerns, the Government proposed to revise the National Framework to include guidance making it clear exactly what is expected of FRAs, namely:

- 1) FRAs must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety.
- 2) Any such appointment must be transparent, justifiable and time limited.
- 3) In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority.
- 4) FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.
- 5) The officer's pension must be abated until they cease to be employed by a FRA.
- 6) All principal fire officer posts must be open to competition nationally.

The LAMO referred Members to Appendix 2 which detailed the Chair's response to the consultation on behalf of the Authority.

Councillor James queried point No. 3 above and requested that in Cleveland's case this should be subject to the vote of all elected Members of the Fire Authority. The LAMO confirmed that this would be the case and that '*a decision by the appropriate elected representative of the Fire and Rescue Authority*' would be relevant for FRAs governed under a cabinet /mayoral system or a Police & Crime Commissioner. Councillor James asked if that line could be deleted as it was not relevant to Cleveland. The LAMO confirmed this was wording from the Home Office which was designed to cover all FRAs and also the potential for future governance changes. Councillor Ovens agreed that the wording gave the Authority the flexibility to apply whatever was relevant at the moment and it was clear what was pertinent to the Authority as it stands.

**RESOLVED – that the Chair's response to the Government's consultation on Re-engagement of Senior Fire Officers Post-Retirement, as detailed at Appendix 2, be approved.**

### **112. JOINT REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER AND CLERK 112.1 Cleveland Fire Authority Appointment of Chair & Vice Chair**

The LAMO sought Member's approval for an amendment to the Authority's Constitution with regard to the appointment of the Chair and Vice Chair of Cleveland Fire Authority. He explained that the current arrangement was to rotate the roles across the constituent Authorities on a two yearly basis and the proposal was to change this so that the Chair and Vice Chair are appointed by the Fire Authority at the Annual General Meeting following a vote of Members, but without reference to a rota.

### 112.1 Cleveland Fire Authority Appointment of Chair & Vice Chair continued

The LAMO reported that the amendment was being sought to ensure the Authority had well planned, stable approaches to service provisions delivered by consistent and experienced leadership which would be essential for the fast paced delivery of the Government's Reform Agenda. The LAMO also detailed the following planned significant changes that would require the Chair and Vice Chair to have an extensive knowledge and understanding of firefighters' terms and conditions of service and working practices:

- the introduction of the Home Office Inspection Regime
- the development of the Authority's new Community Integrated Risk Management Plan 2018-2022
- the widening roles of fire and rescue service personnel
- the review of the National Joint Council Scheme of Conditions of Service 'Grey Book'
- the introduction of the Policing and Crime Act 2017
- the progression of the inclusivity agenda

Councillor Martin-Wells commented that he understood the report was suggesting that keeping with the current Chair and Vice Chair would be helpful in situations where vast experience was needed but he would struggle to support the amendment.

Councillor James said she was opposed to the removal of the rotation system and the onus was on professional officers to ensure all CFA Members were given equal levels of knowledge to allow them to participate if required.

Councillor Ovens supported the change and agreed that there was sound reason for looking at the system and that it was time for continuity for the Authority.

Councillor Cook asked for clarification on what the rule would be if the rotation system was changed. The LAMO confirmed that the system was open to Members to review and reminded Members that the rotation had been altered in 2015 when the then Chair failed to be re-elected to his constituent council. He confirmed that any agreed changes to the rota would always require the election to the position of Chair and Vice Chair at each Annual Meeting of the Authority. The report noted that Members could revisit the position of the rota at some future date, if they felt it necessary or expedient to do so.

Councillor Cooney supported the recommendations adding that there had been difficult times for the Authority which had been handled well with guidance from the Chair. Councillor Cook asked if the proposed changes would affect the Audit & Governance Chair. The LAMO confirmed it was only relating to the Chair and Vice Chairmanship.

Members voted 12 in favour, with Hartlepool Councillors Cook, James and Martin-Wells voting against, the recommendation to remove the rotation for the Chair and Vice Chair of the Authority.

#### **RESOLVED:-**

- (i) **That the following arrangements be adopted for the appointment of the Chair and Vice Chair of Cleveland Fire Authority:**

***The Chair and Vice Chair of the Fire Authority should be appointed by the Fire Authority at the Annual General meeting following a vote of members.***

- (ii) **That the Constitution be amended to reflect the above arrangement.**

**113. ANY OTHER BUSINESS**

**113.1 EMP/3/17 – Fire Brigades Union Recall Conference**

The CFO tabled the National Joint Council circular ‘EMP/3/17 – Fire Brigades Union (FBU) Recall Conference which agreed the extension of the Emergency Medical Response (EMR) trial until November 2017. He reported that an action plan had been established to address issues in relation to the cost of continuing the trial until November and these would be discussed with the Clinical Care Commissioners as a matter of urgency.

Councillor Ovens confirmed that these issues reflected Members concerns and that they had been assured the Brigade’s firefighters would get training and support. Councillor James suggested Members put this issue on the agenda of their constituent councils’ Health & Wellbeing Boards and Health Scrutiny Boards.

Councillor Martin-Wells highlighted that NEAS currently pay St John’s Ambulance and British Red Cross for responding to their calls. He added that he would not want the Authority to stop carrying out this vital service, particularly in the rural areas and agreed with Councillor James’ suggestion that the best move was to take this through the four district authorities.

Councillor Cook noted that this service was currently being delivered by firefighters on a voluntary basis and he would be concerned that if the Authority was commissioned to deliver it some shifts would not volunteer. The CFO reported that both the FBU and the Authority was encouraging firefighters to take on this work and in general, those saying no were doing so collectively. He agreed that it was not ideal doing it on a voluntary basis and that after the trial it will be a union position to incorporate it into the role of a firefighter.

**RESOLVED – that the position relating to the EMR trial be noted.**

**114. 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 3, & 4 and 5 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 any financial or business affairs of any particular person (including the authority) holding that information and namely information relating 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 and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

**115. CONFIDENTIAL MINUTES**

**RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority Ordinary Meeting on 17 February be confirmed.**

**116. CONFIDENTIAL MINUTES OF COMMITTEES**

**RESOLVED – that the confidential minutes of the Executive Committee Tender Awarding meetings on 10 March 2017 be confirmed.**

**117. CONFIDENTIAL REPORT OF THE TREASURER**

- 117.1 Loan Agreement between Cleveland Fire Authority and Cleveland Fire Brigade Risk Management Services Community Interest Company (CFBRMS C.I.C.)**  
Members received an update on the financial arrangements between the Authority and the C.I.C.

**COUNCILLOR JAN BRUNTON  
CHAIR**