

Item 3 (i)

Minutes of the Meeting of
the TYNE AND WEAR FIRE AND
RESCUE AUTHORITY held in the
Fire and Rescue Service
Headquarters, Barmston Mere on
MONDAY 6 NOVEMBER 2017 at
10.30am.

Present:

Councillor T Wright in the Chair

Councillors Burdis, Dodds, Flynn, Forbes, Haley, Harrison, Kilgour, Maughan, Oliver, Perry, Pickard and Renton together with Dame Vera Baird DBE.

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Stephenson and Emerson.

Announcements

The Chair announced that the Service ceremonial squad would be travelling to Belgium later in the week to take part in the armistice ceremonies being held there. The Chair would also be attending on behalf of the Fire Authority.

Members of the Authority were informed that Councillor Stephenson was still unwell and the Chair undertook to send another card passing on the best wishes of the Authority.

The Chair advised that the Chief Fire Officer would provide an update on the Firefighters Pension Scheme prior to the formal close of the meeting.

Variation of Order of Business

The Chair referred to item 10 on the agenda 'IRMP Response Review Initial Findings' and reported that it was proposed that this be moved to part one of the agenda and to be considered in public, in view of employee and trade union interest in this matter.

Having considered the proposal, the Authority: -

43. RESOLVED that approval be given to vary the order of business on the agenda to consider the report entitled "IRMP Response Review Initial Findings" as the next item.

IRMP Response Review Initial Findings

The Chief Fire Officer/Chief Executive (the Clerk to the Authority), the Strategic Finance Officer and the Personnel Advisor to the Authority submitted a joint report seeking the Fire Authority's approval to implement the proposal to crew all pumping appliances with four staff.

Prior to the presentation of the report, Russ King, representing the Fire Brigades Union, submitted a number of letters from firefighters expressing their concern with regard to the proposals.

ACFO Robson highlighted the financial position set out in the report and drew Members' attention to the projected revenue budget shortfall of £1.8m, assuming that all actions within the 2013-2017 IRMP actions were delivered as proposed. Members were also aware of the potential pressure on finances resulting from the pension top-up grant issue.

On 20 January 2014, the Authority had approved the proposal to crew pumps at one pump stations with four staff and the Chief Fire Officer was authorised to begin the process of planning implementation over a three year period. At the Fire Authority meeting on 12 December 2016 the Fire Brigades Union (FBU) made a submission which included a request that the extant action of reducing all appliance staffing to four staff be removed from the extant IRMP and included in future reviews. The FBU stated that this action, if enacted, would have an intolerable effect on the health and safety of crews when dealing with incidents.

The Chief Fire Officer had responded that there was no evidence to suggest that this approach would lead to an intolerable risk and recommended that the action be included in the IRMP 2017-2020 response review. Whilst this position was supported at the time, the financial position of the Authority had now changed.

The Tyne and Wear Service operated from 17 community fire stations which were the base for 24 frontline appliances or pumps. The total operational frontline establishment was 533 and there were 105 staff on duty at any one time. As part of the current IRMP response review, the review team had been asked to consider the findings of the previous review and the current and historic information on risk.

The outstanding action point from the previous IRMP was to 'Crew one pump stations with four staff on the appliance'. The previous review had found that the majority of standbys were crewed with four firefighters and no near misses or causes for concern had been raised regarding that aspect of response. The current review analysed the earlier findings and reviewed the risk information relating to the action point.

The review found that the Authority's investment in new firefighting technology had further supported the IRMP action, reducing firefighter risk and improving the chance of survival for those trapped by a fire in their premises. Targeted Response Vehicles had been introduced to deal with lower risk fires whilst maintaining the availability of pumps for life safety and higher risk incidents.

Pre-determined attendances were set using quantitative and qualitative risk management and required a minimum of two, three or four pumps attendance at higher risk fires. This provided a weight of attack of eight, 12 and 16 firefighters respectively and satisfied the requirements of National Operational Guidance, local risk assessment and Critical Attendance Standard. A detailed task analysis had been undertaken and it had found that the speed and weight of attack for the Tyne and Wear Fire and Rescue Service exceeded the national average.

The implementation of a crewing level of four across all pumping appliances was essential to balance the available resources against community and firefighter risk. The implementation would begin in January 2018 at four stations initially and full implementation would take effect in June 2018 subject to evaluations and reporting. Following full implementation the total operational frontline establishment would be 506.

The proposal had formed part of the extensive IRMP consultation during 2013/2014 and the risk based case for moving to a crew of four on all pumps had been analysed and remained supportive of this action.

The relevant representative body had been consulted and they had responded to say that they believed that "any move to reduce appliance staffing numbers further (would) have an intolerable effect on the health, safety and welfare of all Firefighters within TWFRS". In addition, they strongly rejected the proposed staffing changes and called upon the Service to reconsider the proposal. It was the view of the Service that there was no evidence to suggest that this approach would lead to an intolerable risk to staff as the majority of pumps were crewed with four and there was suitable and sufficient management in place to ensure that activities met the requirements of national guidance and legislation.

Councillor Forbes stated that cuts and austerity could seem to be remote from people but this situation was what it looked like in practice. A significant contributory factor to this position was the scale of Government cuts to the revenue support grant since 2010 which had shifted the blame for reductions onto local authorities. The proposal to crew all pumps with four staff had originally been in the 2013/17 IRMP to be implemented in 2019/2020 but this had been brought forward due to the financial position of the Fire Authority.

Councillor Forbes went on to highlight that the Chancellor would deliver his budget in a few weeks which could have profound implications for the Fire Authority. It was hoped that the Government would understand the importance of the fire and rescue services, particularly in the light of recent events and the Authority itself had a job to do in making them understand the impact of funding cuts on local people and services.

It was acknowledged by Councillor Forbes that Tyne and Wear firefighters had submitted some well-reasoned arguments against the proposal and he would appreciate the opportunity to understand these in more detail. Councillor Forbes therefore proposed that the recommendation at paragraph 10(b) be amended so that the decision would be deferred until the financial position of the Authority was confirmed following the budget on 22 November and until Members had received satisfactory answers to the safety concerns which had been raised by the Fire Brigades Union. Councillor Haley seconded the amendment proposed by Councillor Forbes.

Councillor Maughan said that this seemed to be an eminently sensible approach and asked how the impact of the budget announcement would be measured. Councillor Forbes commented that there were a few issues which would impact on the Authority's finances over the next weeks, including the Local Government Finance Settlement and the public sector pay cap. The Medium Term Financial Strategy would be refreshed as the implications became clearer and it was then a decision for Members to determine whether satisfactory answers had been given to the issues raised about the safety of the proposal.

The Deputy Clerk to the Authority read out the text of the letter that had been submitted by a number of firefighters which expressed their concerns about the proposal and stated that crewing pumps with four staff was a dangerous proposal and would place firefighters and the people of Tyne and Wear at risk of harm or death.

Councillor Haley referred to the new technology available to manage risk and noted that there were some useful videos available showing how this would be used to access a building together with a four staff appliance.

The Chief Fire Officer proposed that a presentation be given to the Authority at the next meeting in December setting out the concerns of the FBU and firefighters and that written answers be provided as part of the report.

Dame Vera Baird commented that she was keen that decisions should not be made without all the information being at the disposal of Authority Members and supported deferring the decision to obtain further information.

Councillor Oliver noted that the lobbying which was taking place with regard to the raising of the fire precept could also have an impact on the Authority going forward.

Councillor Pickard highlighted that the financial position had been bad when the implementation of the 2013/17 IRMP had begun but was even worse now. He stated that he had received a number of emails from people concerned about the safety of the proposal and asked how best to forward these concerns to the Chief Fire Officer. CFO Lowther undertook to provide all Authority Members with an email address to which they could forward any messages they received.

Councillors Burdis and Kilgour expressed their support for the amended recommendation and said that they would not feel comfortable making a decision without the concerns of the FBU being addressed.

Councillor Flynn said that he would like to think that a firefighter had the equipment needed to do their job and wished to have a clear understanding of the safety aspect of the proposal and the current anomaly of having some pumps crewed with four and some with five staff.

Councillor Harrison commented that the recommendation should be for the Authority to seek a 'detailed' response to the concerns of the FBU. He noted that the financial pressures had existed for a long period of time and difficult decisions had to be made.

Following an in depth discussion of the report, it was: -

44. RESOLVED that: -

- (i) the contents of the report be noted;
- (ii) the decision be deferred until Members had received information about the financial position of the Authority following the budget of 22 November 2017 and a more detailed analysis of the safety concerns raised by the FBU; and
- (iii) further reports be received as required.

Declarations of Interest

There were no declarations of interest.

Minutes

45. RESOLVED that the minutes of the Authority, Part I held on 16 October 2017 and the Extraordinary meeting held on 6 October be confirmed and signed as a correct record subject to an amendment to the minutes of 16 October 2017 to clarify that the Fire Commission was being chaired by an independent councillor within the independent group of the LGA.

Review of Members' Allowances Scheme for Financial Year 2017/2018 and 2018/2019

The Deputy Clerk to the Authority and the Strategic Finance Manager submitted a joint report presenting the report of the Independent Remuneration Panel on the review of the Members' Allowances Scheme for 2017/2018 and 2018/2019.

There was a duty on the Authority to review the Members' Allowances Scheme on a regular basis and the Independent Panel had now carried out this review and made a number of recommendations to the Authority. These included a proposed increase

to the basic and Vice-Chair's allowance and some minor changes to the terms and conditions of the scheme. It was proposed that if the amendments were agreed, this would form the scheme for the 2018/2019 and be backdated to 1 April 2017.

Councillor Renton queried the financial implications of the proposed amendments and the Strategic Finance Manager stated that the increase was covered in the budget and the increase had been anticipated for 2017/2018. Councillor Renton stated that he was not sure that he could support the recommendations and felt that it was the wrong time to be making this decision.

Councillor Pickard proposed that the Authority acknowledged that allowances had fallen behind those in similar authorities and that this should be looked at for the beginning of the next financial year when there was further clarity on the financial situation moving forward. Councillor Burdis seconded this proposal.

Councillor Haley supported the amendment and welcomed that the Independent Remuneration Panel had invited Authority Members to submit their views on the allowances scheme.

Councillor Oliver observed that the proposed increase to the Vice-Chair's allowance would take this quite close to the Chair's allowance and this seemed quite unusual. Councillor Haley noted that this allowance included the chairing of the Policy and Performance Committee.

Having considered the report, the Authority: -

46. RESOLVED that: -

- (i) the following technical amendments to the scheme be agreed: -
 - paragraph 2.5 of the scheme should be amended as this no longer reflected the basis for the recommended level of allowances;
 - Section 2.8 of the scheme should be deleted as there was no longer a provision to suspend a Member from duties under the ethical standards regime; and
 - paragraph 5 of the scheme should be deleted as Members are no longer entitled to pensions.
- (ii) the amount paid in respect of carer's allowances should be linked to the National Minimum Wage and National Living wage; and
- (iii) the proposed changes to the allowances scheme be given further consideration with a view to implementation in 2018/2019.

Capital Programme 2017/2018 – Second Quarterly Review

The Chief Fire Officer and the Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report reviewing the current year's Programme and reflecting any further changes necessary to those that were

presented to the Authority as a consequence of the First Capital Programme Review on 19 June 2017.

The position for 2017/2018 was set out at Appendix A and showed a reduction in total of £330,358 from £7,531,223 at the First Review stage to £7,200,865. During the first quarter of the financial year capital projects for 2017/2018 were reviewed and a total of £271,858 had been removed from the Programme across the following projects: -

- Estates – BTC condition survey works (-£23,215)
- Estates – Fire alarm replacement (-£70,422)
- Operational Equipment – Rope rescue and confined space equipment (-£7,721)
- Operational Equipment – Foam and firefighting equipment (-£109,000)
- Community Safety – Smoke detectors (-£5,000)
- TSC –Non Vehicle Replacement Programme Items – BA Compressors (-£2,500)
- Carbon Management Plan – PV cells projects (-£30,000)
- Carbon Management Plan – Vehicle charging points (-£4,000)

Additional savings had also been identified totalling £105,000 which was broken down into £25,000 from Estates, £50,000 from Community Safety, £15,000 from ICT and £15,000 from the Carbon Management Plan.

The Capital Programme and Vehicle Replacement Programme for 2017/2018 had been amended to include additional projects costing £50,000. These were for a replacement programme for flat lay hose estimated at £20,000 and £30,000 to purchase a suitable vehicle to transport the K9 search dog which was being acquired to assist with Urban Search and Rescue in accordance with Home Office requirements.

With regard to the Vehicle Replacement Programme, an overall saving was expected and would be quantified at the third review when all deliveries were complete. The leasing arrangement on the water tenders had been bought out with a saving of £23,500.

The Strategic Finance Manager assured Members that every opportunity was being taken to reduce the spending on the Capital Programme when possible. It was confirmed that the Authority was within the Prudential Indicators which were agreed in February 2017.

Having considered the report, it was: -

47. RESOLVED that: -

- (i) the reported variations since the First Quarterly Review and the addition of new projects be noted; and
- (ii) the revised Capital Programme for 2017/2018 set out in Appendix A be approved.

Revenue Budget 2017/2018 – Second Quarterly Review

The Chief Fire Officer and the Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report advising Members of issues relating to the 2017/2018 Revenue Budget position at the half way point of the financial year.

The Strategic Finance Manager advised that the present position for the Revenue Budget was almost neutral which was reassuring for the Authority. It was highlighted that there was a projected overspend in the Employee's budget of £120,000 arising from an issue with overtime costs. It was expected that this would be alleviated by some of the actions from the IRMP response review once these were implemented. The spend against the overtime budget was being very closely monitored.

There was a projected net overachievement of income of £103,000, due to a combination of the following factors: -

- one-off income of almost £55,000 from the sale of vehicles and equipment;
- additional income of £38,000 from Sunderland City Council for Phoenix course;
- additional income of £5,000 from the collaboration arrangements with other blue light services; and
- additional miscellaneous income of £5,000.

There was some concern around the fire revenue grants as the second instalment of the New Dimensions grant was less than expected. This was self-contained within the New Dimensions budget but a review of the Service's capability compared to the funding being received was underway to assess the impact of this funding being continually eroded.

Authority Members were advised that the general fund balance of £3.943m was within reasonable and agreed tolerances.

48. RESOLVED that the position with regard to the Revenue Budget for 2017/2018 be noted.

Budget Planning Framework 2018/2019

The Chief Fire Officer and the Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report which: -

- identified the key factors influencing the development of the Authority's financial plans into the medium term and sets out the specifically the Budget Planning Framework for 2018/2019;
- provided an update on the current Medium Term Financial Strategy and set out the headlines and context for the Medium Term Financial Strategy 2018/2019 to 2021/2022 which would be formally considered later in the budget cycle; and
- provided an update on performance against the four year Efficiency Plan 2016/2017 to 2019/2020.

The Strategic Finance Manager stated that the budget planning process for 2018/2019 was now underway, however there was a lot of uncertainty and many elements would hinge on the budget on 22 November 2017.

The Medium Term Financial Strategy had been approved in February 2017 and was continually updated to reflect changing circumstances and the latest known information. The projected funding gap of £1.8m would still be in place by 2019/2020 and could potentially increase to £2.7m in 2020/2021. The projected shortfall of £1.8m was also predicated on £2m being achieved through IRMP actions.

In relation to the national economic context, the Authority had to meet inflationary costs and did experience pressures from all sides. Based on the indicative budget allocations in the 2017/2018, Government funding was forecast to reduce overall by £1.559m in 2018/2019 and this was already reflected in the Medium Term Financial Strategy.

The Authority would welcome some flexibility with regard to Council Tax moving forward and it was highlighted that the LGA and National Fire Chiefs Council had requested a minimum flat rate increase of £5 per household. If that increase was approved, it would provide an additional £1m for the Authority. Through the Business Rates Retention Scheme the Authority was due to receive £1.4m and the proposed move to have 100% Business Rates retention had been delayed further, potentially until 2020/2021 so the current Medium Term Financial Strategy was secure.

Turning to spending pressures and commitments, provision for the impact of a 1% pay award had been included within the budget planning, however the settlement had not yet been received for firefighters and the provision would have to be substantially greater if the award was for more than 1%. The Government may also require the Authority to fully fund pay awards.

The rise in the national living wage would also provide an additional cost pressure and those arising from the Apprentice Levy were included in the Medium Term Financial Plan. A prudent view had been taken on energy prices but these could be revised upwards due to inflation.

The Authority had previously agreed a Four Year Efficiency Plan identifying savings totalling £8.248m and this had now been updated as the savings associated with the Organisational Management Review had been achieved earlier than expected. Members were aware of the ongoing issue in relation to Fire Injury Pensions and until a position was agreed, no provision had been made for these in the Medium Term Financial Strategy.

There remained a number of uncertainties in relation to budget planning, including: -

- The Chancellor's Budget Statement in November 2017;
- The Local Government Finance Settlement for 2018/2019, which would probably not be available until late December;
- Potential impacts of Brexit and future Government austerity measures following the June 2017 Government election, which would not be made until the Chancellor's Budget Statement in November;

- The Government plans in relation to Business Rates reform;
- Confirmation and update on IRMP savings assumptions;
- Results of negotiations with the Home Office regarding the injury pension issue;
- The general economic position and public sector finances;
- Pay awards and who will fund them; and
- Impact of further roll out of Universal Credits on Council Tax income.

It was proposed that the budget planning framework set out below be adopted: -

- Budget planning to be based on the high level position outlined at paragraph 2 and updated in light of the Autumn statement due in November 2017 and the Local Government Finance Settlement expected in December 2017;
- Provision for spending commitments to be included at this stage on the basis set out at section 7 and kept under review;
- Budgets to be prepared on the basis that all spending pressures not specifically identified above as commitments be accommodated within existing budgets;
- The position regarding the Council Tax Precept increase of 1.99% per annum for the next two years to 2019/2020 would need to be kept under review and if there was a relaxation of the reference limit, any increased flexibility would need to be fully considered by Members as part of the budget setting cycle with confirmation of these proposals being sought as soon as practically possible; and
- Commitments against general balances and earmarked reserves to be reviewed and updated as necessary throughout the budget process.

Upon consideration of the report, it was: -

49. RESOLVED that: -

- (i) the contents of the report and the estimated funding gap based on the most up to date information be noted;
- (ii) the proposed Budget Planning Framework summarised at Section 11 of the report which would guide the preparation of the Revenue Budget for 2018/2019;and
- (iii) the updated current Medium Term Financial Strategy be noted and that the full Medium Term Financial Strategy 2018/2019 to 2021/2022 would be presented to the Authority in February 2018.

Community Safety Strategy 2017-20 – Report of Consultation

The Chief Fire Officer and the Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report providing Members with the results of the consultation exercise undertaken in respect of the draft Community Safety Strategy 2017-2020 and seeking approval for the publication of the strategy.

Members were reminded that in September they had approved the release of the draft Community Safety Strategy for consultation and this had been forwarded to partners and key stakeholders. Respondents were encouraged to complete an online survey consisting of quantitative and qualitative questions or provide an email or hard copy response.

Responses showed that the strategy had been well received and where suggested improvements were made, these were carefully considered and included where possible. A number of amendments were made to the strategy following the consultation, including expanding the 'Our Challenges' section to include more information on economic pressures and the focus on 'collaboration and partnership' being enhanced. References had been added to terrorism and its threats to ensure that enough cognisance was taken of these issues. The outcomes of the strategy had also been mapped across the priorities, goals, mission and vision of the Service to demonstrate the 'golden thread'.

Councillor Burdis commented that it was a very good report and that as it was a five year strategy, it might be necessary to review it on a yearly basis. ACFO Robson stated that this was a level two strategy which drove policies and procedures and would be reviewed every year as part of the performance management arrangements. The strategy would be brought back to the Authority if any changes were proposed.

Having considered the report, the Authority therefore: -

50. RESOLVED that: -

- (i) the contents of the report be noted;
- (ii) the amended content of the draft Community Safety Strategy be noted;
- (iii) the Community Safety Strategy be approved;
- (iv) the publishing and marketing of the Community Safety Strategy to communities, partners and stakeholders be approved; and
- (v) further reports be received as appropriate.

Local Government (Access to Information) (Variation Order) 2006

51. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to any individual or which was likely to reveal the identity of an individual or information relating to the financial or business affairs of any particular person (including the Authority holding that information) or information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2, 3 and 5).

(Signed) T WRIGHT
Chairman

Note:

The above minutes comprise those relating to items of business during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.