

Minutes of the Annual
Meeting of the TYNE AND WEAR
FIRE AND RESCUE AUTHORITY
held in the Fire and Rescue
Service Headquarters, Barmston
Mere on MONDAY 18 JUNE 2018
at 10.00am.

Present:

Councillor Curran in the Chair

Councillors Bell, Burdis, Dodds, Duggan, Flynn, Forbes, Haley, Harrison, Kilgour, Oliver, Perry, Pickard, Taylor, Stephenson and Woodwark and also Dame Vera Baird.

Part I

Appointment of Chairman

1. RESOLVED that Councillor Curran be appointed as Chairman of the Authority for the ensuing period until the next Annual Meeting.

Apologies for Absence

There were no apologies for absence.

Appointment of Vice-Chairman

2. RESOLVED that Councillor N Forbes be appointed as Vice-Chairman of the Authority for the ensuing period to the next Annual Meeting.

Declarations of Interest

There were no declarations of interest.

New Members of the Fire Authority were welcomed to their first meeting. All Councillors introduced themselves.

Minutes

3. RESOLVED that:-

- (i) the minutes of the Authority, Part I held on 19 March 2018 be confirmed and signed as a correct record;
- (ii) the minutes of the meeting of the Human Resources Committee, Part I held on 5 February 2018 be noted for information;
- (iii) the minutes of the meeting of the Policy and Performance Committee, Part I held on 19 February 2018 be noted for information; and
- (iv) the minutes of the meeting of the Governance Committee, Part I held on 26 March 2018 be noted for information.

Amendments to Terms of Reference and Standing Orders

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Deputy Clerk to the Authority and the Personnel Advisor to the Authority submitted a joint report to consider an amendment to the terms of reference of the Human Resources Committee in order to provide clarification of the extent of that Committee's role in the consideration of certain types of appeal on personnel-related issues. Additionally Members were asked to approve a change in title of the Personnel Appeals Sub-Committee and the Emergency Sub-Committee.

The Deputy Clerk to the Authority advised Members that by virtue of section 50 of the Pensions Act 1995 and The Occupational Pension Schemes (Internal Dispute Resolution Procedure) Regulations 1996, the Authority was required to have in place a two-stage internal dispute resolution procedure (IDRP) in relation to firefighter pension disputes. Stage 1 of the procedure involved consideration of a disagreement by the Chief Fire Officer. If that failed to satisfy a complainant, there was a right to have the decision of the Chief Fire Officer referred to elected members – as managers of the Pension Scheme –for reconsideration by way of appeal, this being Stage 2 of the IDRP process.

Members were therefore asked to consider an amendment to the Terms of Reference of the Human Resources Committee to expressly confer power upon the Committee to determine all Stage 2 IDRP applications, whether the applicant was a current employee of the Authority or a former employee.

The Deputy Clerk then explained that the Personnel Appeals Sub-Committee and Emergency Sub-Committee had historically been described as sub-committees in the Terms of Reference that formed part of the Standing Orders of the Authority. However, despite their titles, both had operated as full committees and had been treated as such for the purposes of political balance. It was therefore proposed that the name Personnel Appeals Sub-Committee be amended to the Personnel Appeals Committee to correctly reflect its status.

Similarly, the Emergency Sub-Committee was not established as a Sub-Committee of any full committee of the Authority and again, it was proposed that the name of the Emergency Sub-Committee also be amended to the Emergency Committee.

The proposed changes related to a change in title only, to reflect the correct nature of their constitution and involved no other changes to their terms of reference.

4. RESOLVED that:-

- (i) Approval be given to the insertion of an additional paragraph into Section 3 of the Terms of Reference of the Authority and its Committees (Human Resources Committee) as follows:

“To determine all referrals of disagreements relating to firefighter pensions made under regulation 6 of The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 (IDRP Stage 2 applications).”

- (ii) Approval be given to the re-naming of the Personnel Appeals Sub-Committee and the Emergency Sub-Committee as the Personnel Appeals Committee and the Emergency Committee respectively.

Membership of Authority, Appointments to Committees and Appointment of Spokespersons for 2018/2019

The Deputy Clerk to the Authority submitted a report to notify the appointments of the Constituent Authorities to the Fire and Rescue Authority and to consider the appointments to the Committees and the spokesmen for 2018/2019.

Consideration having been given to the report, it was: -

4. RESOLVED that: -

- (i) the membership of the Authority for the Municipal Year 2018/2019 be noted;
- (iii) the Members listed below be appointed to serve on the following Committees of the Authority for the Municipal Year 2018/2019 and be appointed as Chairmen and Vice-Chairmen where indicated: -

(a) Governance Committee

Independent Chairman	(Mr. G. Cook)
Independent Member	(Mr. M. Knowles)
Independent Member	(Ms. G. Goodwill)

Councillors Bell, Burdis, Dodds, Flynn, Kilgour and Woodward.

(b) Policy and Performance Committee

Councillors Dodds, Forbes, Harrison, Perry, Taylor and Duggan.

Chair – Councillor Forbes

Vice Chair – Councillor Perry

(c) Human Resources Committee

Councillors Bell, Curran, Dodds, Flynn, Haley, Pickard, Stephenson and Woodward.

Chair – Councillor Haley

Vice Chair – Councillor Pickard

(d) Appointments Committee

Councillors Burdis, Curran, Forbes, Haley, Pickard, Stephenson and Woodward.

Chair – Councillor Curran

Vice Chair – Councillor Forbes

(e) Disciplinary Appeals Committee

Councillors Curran, Forbes, Haley, Harrison and Oliver.

Chair – Councillor Curran

Vice Chair – Councillor Forbes

(f) Personnel Appeals Committee

Councillors Burdis, Forbes, Kilgour, Perry, Taylor and Oliver.

Chair – Councillor Forbes

Vice Chair – Councillor Burdis

(g) Emergency Committee

Councillors Curran, Forbes and Woodward.

Chair – Councillor Curran

Vice Chair – Councillor Forbes

(h) Pension Board of Tyne and Wear Fire Authority

Employer Representatives

Two Principal Officers or appropriate Grey Book Managers – Alan Robson and Tony Markwell
Councillor Perry (substitute Councillor Flynn)

Member Representatives

Three Member representatives would be nominated by the relevant representative body or organised employee group and appointed by the Authority – Keith Carruthers, Russ King and Chris Moore

- (iv) The following Members be appointed as Spokesmen for the purpose of answering questions from Members of the Constituent Councils on the discharge of the Authority's functions:-

Gateshead	-	Councillor Haley
Newcastle	-	Councillor Forbes
North Tyneside	-	Councillor Burdis
South Tyneside	-	Councillor Flynn
Sunderland	-	Councillor Curran

- (v) The following Members be appointed as Lead Members and Support Members:-

Community Engagement and Partnerships

Lead Member	-	Councillor Burdis
Support Member	-	Councillor Kilgour

Diversity and Equality

Lead Member	-	Councillor Haley
Support Member	-	Councillor Stephenson

Performance Management

Lead Member	-	Councillor Curran
Support Member	-	Councillor Forbes

- (vi) Councillors Curran and Dodds be appointed as the Authority's representatives on the Local Government Association; and

- (vii) Councillors Curran and Dodds, with Councillor Haley as substitute be appointed to the Association of Metropolitan Fire and Rescue Authorities (AMFRA).

Date, Time and Venue of Future Meetings

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Deputy Clerk to the Authority, the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report setting out the proposed dates, times and venues of meetings of the Authority and its Committees, together with training sessions for the Municipal Year 2018/2019.

Councillor Forbes requested that future Annual Meetings be held at 10.30am in line with other meetings throughout the year.

Councillors suggested that the meeting dates be circulated earlier in future years to give members an indication as to when meetings were likely to be held.

5. RESOLVED that the cycle of meetings 2018/2019 as set out in the report be approved.

Annual Governance Review 2017/2018

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Manager and the Personnel advisor to the Authority submitted a joint report to provide the findings of the 2017/2018 Annual Governance Review and to seek approval of the Annual Governance Statement, which was incorporated into the Statement of Accounts.

The Strategic Finance Manager advised that a review had been undertaken by the Corporate Governance Steering Group (CGSG).

Functional Self Assessments and Area Manager Control Assurance Statements had been examined to ensure that all documents had been completed in full and to identify any issues of significance.

The group had also considered the Internal Audit Strategy Report March 2018 and overall it was considered that throughout the Authority there was substantial assurance regarding the internal control environment.

The Corporate Risk Register had been reviewed in April 2018 and the Chief Fire Officer had developed an Action Plan to manage and mitigate the risks identified.

Members were then advised that a survey of the views of employees was undertaken in relation to a range of issues with an overall response rate was 53.8%.

The CGSG also considered the Annual Audit Letter and Audit Completion Report prepared by Mazars covering 2016/2017 and it was considered that it gave

reassurance that the Authority's overall governance and control arrangements were satisfactory.

Members were asked to note that an 'After the Incident Survey' was undertaken with customers which recorded a score of 100% overall user satisfaction with regards to the services provided.

The Strategic Finance Manager explained that the Annual Governance Statement had been drafted taking into account the findings of the review (attached at Appendix A of the report).

Based on the evidence examined, the Authority had robust and effective governance and internal control arrangements in place and the review had not identified any weaknesses that would need to be highlighted in the Authority's Annual Governance Statement.

A small number of actions had been identified to further develop governance and control arrangements in 2018/2019, as detailed within the action plan attached at Appendix C which also incorporated any actions from the previous plan (Appendix B) that were still being progressed.

Dame Vera Baird commented upon the areas which had been graded as moderate by Internal Audit and commented that further detail in relation to areas falling short of the usual 'substantial' standards of excellent would be useful.

Councillor Oliver referred to the views of employees in particular, that 58% of employees identified that performance was not recognised and rewarded appropriately and 37% thought that TWFRS could work more efficiently.

Councillor Haley questioned whether these views were attributable entirely to the Fire Service or whether it may be public sector in general and suggested a report be submitted to a future Human Resources Committee analysing these findings in more detail.

The Chief Fire Officer agreed and commented that feedback from staff was well received and actions had been or were being taken on the comments which had arisen.

6. RESOLVED that:-

- (i) The revised Code of Corporate Governance be noted;
- (ii) The Annual Governance Statement 2018/2019 be approved; and
- (iii) The Corporate Governance Action Plan 2018/2019 be noted.

Pay Policy 2018/2019

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Manager and the Personnel advisor to the Authority submitted a joint report to seek approval for the Pay Policy Statement for 2018/2019.

Members were advised the Pay Policy Statement had not changed from that previously approved by members. It was drawn from current guidance and references incorporated in the Authority's related policies as appropriate. It also reflected the Authority's practice and position in aiming to be an employer of choice within the context of managing limited public resources. Officers therefore published the Pay Policy Statement by 31st March 2018 deadline required by the 2011 Act, however it still required formal approval by the Authority.

One of the requirements of the Localism Act 2011 was that the Authority had a policy on pay multiples of senior staff. The lowest paid employees were staff employed in jobs which were paid at Scale 1 level (£15,014 per annum for a full time 37 hour week), this being the lowest salary paid to employees other than apprentices.

The current pay multiples for the Chief Fire Officer and the lowest paid employee was 9.75:1. This being well within the Government expectation that the pay multiple relationship should be below 20:1 in local government. In addition, this was below the national average of 15:1 in the public sector and 232:1 in the private sector.

Members were then advised that the 'Hutton Review of Fair Pay' identified that most top to bottom pay multiples in the sector were in the region of 8:1 to 12:1. Therefore when reviewing the salary the following multiples were worthy of note:

- Between the Chief Fire Officer and the lowest paid operational Fire-fighter the multiple was 4.94:1; and
- Between the Chief Fire Officer and the median earnings the multiple was 4.79:1.

Table 16.2 of the report displayed Trade Union facilities time and Members noted that that the basic estimate of spending on Unions was £36,187 which was 0.142% of the total pay bill.

Dame Vera Baird commented that any gender pay gap should be mentioned and was advised that the Authority had recently started to disclose this information and that this was published separately. It was agreed to include this information in future Pay Policy Statements.

7. RESOLVED that:-

- (i) The Pay Policy Statement for 2018/2019 be approved; and
- (ii) Further reports be received as necessary.

Revenue Budget Outturn 2017/2018 and Revenue First Quarterly Review 2018/2019

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report outlining the Revenue Budget Outturn 2017/2018 and Revenue First Quarterly Review 2018/2019.

The Strategic Finance Manager advised Members that the Revenue Budget for 2017/2018 was reporting an underspend in total of £1.273m. Most savings were due to planned efficiencies and proactive financial management. Members were reminded however that the Authority had to use almost £0.700 of reserves to balance the budget for 2018/2019 and that it still faced the challenge of addressing a cumulative estimated budget gap of £3.6m by 2021/2022.

The Revenue Budget Outturn for 2017/2018 position was very positive, however, as the underspend had improved and increased by a further £0.626m after year end accounting issues had been completed, this meant that the net underspend for the year was now £1.273m.

The Strategic Finance Manager went on to say that improved financial management throughout the Authority, with tighter budgetary control achieved savings of £0.195m, and at year end this had increased by £0.084m to £0.279m in total. Thanks were extended to all budget holders within the Authority for their continued dedication to realising savings across the whole service.

Insurance services provided by the Lead Authority had been reviewed which had led to a significant year end saving on premiums of £0.153m and the risks of future insurance claims had been reviewed in light of the Authority's low claims which had meant a return of reserves of £0.11m to the Revenue Budget.

The increases in income above budget during the year of £0.182m (excluding government grant changes) helped show that the revised more commercial approach being adopted was starting to bear fruit and income generation was expected to increase in future years as a result. In addition, a review of the property portfolio had identified a number of surplus assets which were being progressed with a view of generating capital receipts whilst also achieving modest revenue budget savings.

The Strategic Finance Manager then outlined subjectively the main budget variations to members for information as follows:-

- Employee Costs (£462k underspend)
- Premises (£21k underspend)
- Transport (£113k underspend)
- Supplies and Services (£228k underspend)
- Contingencies (£221k underspend)
- Support Services and Recharges (£25k)
- Income (£106 overachieved)
- Interest Received (£27 under budget)
- Capital Financing (£115k under budget)

- Reserves and Provisions Appropriations (£9k decrease)

Councillor Taylor questioned the procurement process for vehicles in particular, whether they were leased.

The Strategic Finance Manager explained that a critical cost evaluation exercise was undertaken to determine whether vehicles should be purchased or leased and that options appraisals were carried out for all assets acquired by the Authority.

With regards to earmarked reserves these were categorised as follows:

Reserves to prevent an increase in revenue budgets (£24.349m); and
Reserves to support service delivery requirements (£4.713m).

The bulk of the reserves (£24.349m) were being held to mitigate against known future costs that the revenue budget would otherwise have to accommodate. Members were asked to note however, that reserves were 'reduced' in 2016/2017 by £8.639m for the Pension Top up Grant Issue and had been more of an accounting transaction as the issue had not been resolved at that time. As the Authority had now agreed a longer term repayment schedule with the Home Office, with payments out of the revenue budget, reserves had been adjusted bringing back the amount of £8.639m into reserves as a result.

Members were advised, that subject to their approval, it was proposed to allocate the surplus funds totalling £1.273m as follows:

- Transfer £0.300m of the underspend to the Medium Term Planning Reserve;
- Transfer £0.500m to the Resilience Reserve; and
- Transfer the remaining balance of £0.473m to the Capital Development Reserve.

Councillor Haley welcomed the Statement of Earmarked Reserves detailed at Appendix B of the report and commented that it was transparent and showed a very accurate picture of what reserves were required for.

The balance of the general fund as at 31st March 2017 was expected to remain at £3.943m on the basis that this was viewed as an appropriate level of general Fund Balance for the risks faced by the Authority.

Councillor Oliver referred to the decision of the Authority of riding 4 on all appliances and commented that it was pleasing to see that this was operating well with no near misses, with the recent Alex Smiles fire being a testament to that.

8. RESOLVED that:-

- (i) The Revenue Budget Outturn position for 2017/2018, set out at paragraphs 2.3 to 2.7 be noted;
- (ii) The position with regard to the Revenue Budget for 2018/2019 detailed 5.1 be noted;
- (iii) The General Fund position detailed at paragraph 4.1 be noted; and
- (iv) The proposed transfers to reserves as set in paragraph 2.10 be approved.

Capital Budget Outturn 2017/2018 and Capital Budget First Quarterly Review 2018/2019

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to present the capital programme outturn for 2017/2018, highlighting the main variances from the 2017/2018 Third Quarterly Review; and to review the current year's programme which reflected the implications of the 2017/2018 outturn position and other changes proposed since the original programme for 2018/2019 was approved by members.

The Strategic Finance Manager referred Members to table 2.1 and reminded them that the Authority originally had a Capital Programme for 2017/2018 totalling £7,301,432, which was subsequently revised down to £2,920,908 when the Third Quarterly Review was reported to members. The main reason for this reduction was attributed to the fact that the Authority had slipped the costs of £4,250,000 expected in 2017/2018 for the proposed new Hebburn Fire and Community Station into 2018/2019.

At the end of the financial year, the Capital Programme outturn however reflected a further reduction in total spending of £1,356,905 from the £2,920,908 reported to Members in January 2018 to £1,564,003 in total at Outturn arising from the following variations:

- A net underspend of £105,877 mainly from savings made on the Vehicle Replacement Programme;
- A requirement to accelerate £28,900 from the 2018/2019 Capital Programme for the purchase of smoke detectors;
- Further slippage of £1,279,928 on the following projects:-
 - Estates (£31,810)
 - Operational Equipment (£29,480)
 - IT (£1,127,138)
 - TSC Non Vehicle Replacement Programme (£89,000)
 - Vehicle Replacement Programme (£2,500)

Members were then advised that the Capital Programme for 2018/2019 had increased by £1,251,028 from £6,982,767 (as approved by Members in February 2018) to £8,233,795. This was made up as follows:

Slippage from 2017/2018 into 2018/2019	£1,279,928
Acceleration in to 2017/2018 from 2018/2019	-£28,900
Net Increase in Capital Programme	£1,251,028

Members were also advised that all related Prudential indicators in respect of both Capital Programmes (2017/18 Outturn) and (2018/19 - First Review) were well within the agreed tolerances and there were no issue to report.

9. RESOLVED that:-

- (i) The actual outturn position for 2017/2018 be noted;
- (ii) The transfer of the anticipated slippage in 2017/2018 of £1,279, 928 into 2018/2019 be approved;
- (iii) The revised Capital Programme for 2018/2019, as set out at Appendix A, be approved, in light of the capital outturn position for 2017/2018.

Independent Review of Building Regulations and Fire Safety Final Report – Dame Judith Hackitt

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to provide Members with a summary of findings of the final report of the Independent Review of Building Regulations and Fire Safety (the review) chaired by Dame Judith Hackitt.

ACFO Robson reminded the Authority that the interim report identified that the current system of building regulations and fire safety was not fit for purpose and that culture change was required to support the delivery of buildings that were safe, both now and in the future.

The final report had found that a new regulatory framework was required and outlined recommendations. Adopting the framework would provide a stronger focus on creating and maintaining building safety. The framework would also reassert the role of residents, giving them a 'no-risk' route for redress, greater reassurances about their safety and a greater understanding of their role in maintaining the safety of the building.

ACFO Robson went on to say that there were a number of buildings within the Authority's area that had combustible cladding and officers were working with the landlords of these premises to ensure that the cladding was removed and replaced with suitable systems, whilst ensuring that buildings and residents were safe in the interim.

At present Tyne and Wear had 117 buildings (10 story) and 206 (6 and above story's) which fell into the HRPB category which the new regulatory framework focused on at present.

To date, 12,300 individual property's had been visited by TWFRS which had had a resultant impact in relation to the Fire Safety Teams workloads which was only to increase further with the new regulatory framework.

Councillor Dodds expressed his concerns in relations to the challenges of the proposed JCA which comprised the Local Authority Building Standards, Fire and Rescue Authorities and the Health and Safety Executive and in particular how these teams would work together. He commented that this required a significant investment in relation to time and resources and that funding and training was required.

Councillors Dodds then questioned how fire deaths were reported if the person was not at the scene and was advised that this was determined by the Coroner.

Councillor Stephenson commented that funding to stringently follow the guidance was imperative and also to ensure that inspections were carried out in a way in which they once were. Enforcement was also an area which required finances as cladding was still found on some buildings.

Councillor Woodward agreed and commented that Government may impose duties on local authorities however no funding was forthcoming to support this.

Councillor Forbes explained the huge amount of work required by Tyne and Wear to ensure necessary systems were in place and the significant amount of resource that was required of the public sector and went to say the improved regime and high levels of intervention and enforcement needed to be appropriately funded.

Councillor Taylor referred to Tyne and Wear's approach to inspect buildings 6 story high and above and questioned whether this included university halls of residence.

ACFO Robson explained that part of the programme of works looked at building specifications with aluminium composite for example cladding which included the NHS and Universities and that remedial works were undertaken to ensure that the buildings were safe.

10. RESOLVED that:-

- (i) The contents of the report be noted; and
- (ii) Further reports be received as appropriate.

Local Government Association Fire Vision 2024

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report setting out the Local Government Association's (LGA) 'Fire Vision 2024'.

ACFO Baines advised the Authority that at the annual fire conference in March 2018, the LGA launched its six year vision for fire and rescue services entitled 'Fire Vision 2024' (attached at Appendix A of the report).

Members were advised that the Authority's Strategic Community Safety Plan 2017-2020 (SCSP) was already closely aligned to the LGA's Vision 2024. As part of its own strategic planning, the Authority sought to, for example, maximise its impact on

community protection and deliver the public benefits of collaboration. The Authority also valued transparency and had embraced the challenges of the new Inspection regime looking to learn from others to improve.

These themes were developed within the Authority's Community Safety Strategy, Organisational Development (OD) Strategy and Medium Term Financial Strategy.

ACFO Baines explained that the National Fire Chiefs Council (NFCC) would progress the detailed work needed to take the Vision forward. LGA Fire Commission Members would sit on NFCC working groups where appropriate.

11. RESOLVED that:

- (i) The contents of the report be noted;
- (ii) The LGA's Fire Vision 2024 be supported; and
- (iii) Further reports be received as appropriate.
- (iv)

Asian Fire Service Association Award

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report to provide Members with an update on the Authority being recognised by the Asian Fire Service Association (AFSA) highlighting the Authority's longstanding commitment and support to AFSA.

ACFO Baines reminded Members that the Authority had received this latest award in recognition of ten years of on-going support of AFSA and also being a founder member since 2008; highlighting the continued commitment to the equality journey; specifically race equality.

Organisations selected for the awards had shown outstanding contribution to race equality within their workforce, actively taking the lead to highlight the business case for diversity within the sector.

12. RESOLVED that:-

- (i) The contents of the report be noted;
- (ii) The drive to continuously improve equality, diversity and inclusion within the Service and the community of Tyne and Wear be supported; and
- (iii) Further reports be received as appropriate.

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

13. 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) (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 3).

(Signed) B. Curran
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.

