



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 20 JANUARY 2020 at
10.30am.

Present:

Councillor Taylor in the Chair

Councillors Butler, Dodds, Forbes, Haley, Hunter, Kilgour, Oliver, Pickard, Purvis, Samuels and Woodwark together with C K McGuinness, PCC.

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Burdis, Duggan, Flynn and Stephenson together with CFO Lowther.

Declarations of Interest

There were no declarations of interest.

Minutes

Councillor Oliver had submitted his apologies to the meeting held on 16th December 2019 and it was agreed the minutes be amended accordingly.

Arising from the minutes of the last meeting, the Strategic Finance Officer reported that the level of the Fire Pension Grant for 2020/2021 had not been confirmed and the allocation was still awaited.

58. RESOLVED that the minutes of the Authority, Part I held on 16th December 2019 be confirmed and signed as a correct record, subject to the above amendment.

Membership of the Pension Board of Tyne and Wear Fire Authority

The Deputy Clerk to the Authority submitted a report which set out a proposal to amend the composition of the Authority's Pension Board. Members noted that at the Meeting of the Authority held in June 2019 appointments were made to the Authority's Pension Board. However, following a number of changes to the eligibility of current representatives to be members of the Board as a result of changes in office/employment or membership of the nominating body and a review of the operation of the Board, it was proposed that composition of the Board be amended as follows:

- Employer Representatives - Three senior Officers or appropriate Grey Book Managers; Peter Heath, John Rawling and Phil Clark be nominated;
- Employee Representatives - Three Pension Scheme Member representatives nominated by the relevant representative body or organised employee group and appointed by the Authority - Wayne Anderson and Chris Smith be nominated and one vacancy remains to be filled;
- Human Resources Committee Observer - Representatives of the Scheme Manager may not be appointed as members of the Pension Board but it is recommended that a member of the Human Resources Committee should attend meetings of the Board in the capacity of observer. It was agreed that this should be Councillor Flynn, with Councillor Purvis as substitute.

59 RESOLVED that:-

- (i) the amendment of Section C Paragraph 10 of the Terms of Reference of the Pension Board to provide for the three Employer representatives appointed to the Board to be made up of three Principal Officers or appropriate Grey Book Managers be agreed;
- (ii) the Terms of Reference of the Pension Board be further amended to include a recommendation that a member of the Authority's Human Resources Committee (or a named substitute) should attend meetings of the Board in the capacity of observer;
- (iii) the Appointment to the Board of the nominees referred to in paragraph 3.1 of the report be agreed;
- (iv) Councillor Flynn be the Human Resources Committee member attending Board meetings as an observer, with Councillor Purvis as substitute;
- (v) a report be brought to a future meeting of the Authority in relation to a wider review of the Terms of Reference of the Pension Board.

Capital Programme 2019-2020– Third Quarterly Review

The Chief Fire Officer and Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report to review the current year's Programme and reflect further changes to those that were presented to the Authority as a consequence of the Second Capital Programme Review on 18th November 2019.

The Strategic Finance Manager advised the Authority that the Capital Programme was showing a reduction in total of £365,277, from £10,464,562 at the Second Review stage, to £10,099,283.

Members were referred to sections 2.4 – 2.12 of the report and noted detail in relation to the following:-

- Estates
- ICT (-£112,277)
- Operational Equipment (-£18,000)
- Control/Mobilising Project
- TSC – Non Vehicle Replacement Programme Items

The Strategic Finance Manager then referred Members to the Vehicle Replacement Programme (-£235,000) and explained the lease for the fireboat had been bought out of £15,000. Owning the boat gives the service the flexibility to carry out the works needed to ensure it can continue to meet the requirements of the Service. It was estimated that works costing £60,000 would extend the life of the boat for a maximum of eight years. As this would not be completed by the end of the financial year, it would need to be slipped into 2020/2021. The remaining budget of £175,000 would also be carried forward until timings and costs to acquire a new replacement boat were agreed. In terms of the current small fleet vehicles, work was ongoing to review and consider options for replacements. Two large cars and two vans had been purchased as deemed essential. Further details on the remaining programme would be reported early in the next financial year.

With regards to prudential indicators, at this stage the Authority was operating within its Authorised Borrowing Limit, which was a statutory limit determined under Section 3 (1) of the Local Government Act 2003. There were no areas for concern or any issues which required any review of the indicators as originally approved.

Members were advised that the revised Capital Programme had been adjusted to reflect the changes outlined in section 2 of the report with the results shown in the table at paragraph 2.1 and in Appendix A.

A risk assessment had been undertaken to ensure that the risk to the Authority had been minimised as far as practicable. The risk to the Authority had been assessed as low utilising the standard risk matrix based on control measures being in place.

Councillor Pickard referred to the fireboat and whether there were back up plans during the refurbishment. He was advised that there were. He then referred to the Capital Programme 2019/2020 to 2022/2023 summary and asked about the difference between the Community Safety smoke detectors and Domestic Sprinkler Partnership Project as detailed in Item 10. ACO Baines explained that they were different programmes.

60. RESOLVED that the reported variations since the Second Quarterly Review and the addition of the new projects be noted, and the revised Capital Programme for 2019/2020, as set out at Appendix A, be approved.

Revenue Budget 2019 -2020 – Third Quarterly Review

The Chief Fire Officer and Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report advising Members of issues relating to the 2019/2020 Revenue Budget at the third quarterly review stage.

Members were advised that the Revenue Budget Second Review reported to Members in November 2019 projected an underspend of £0.888m. Regular monitoring of the Revenue Budget had continued to take place and there was now an underspend of £0.999m projected at outturn.

Members were referred to a summary of the position set out at Appendix A of the report and were asked to note the following variances:-

- Employee Costs - At this stage in the financial year there was a projected net underspend on the overall employees' budget of £0.835m. As reported at second review, this was largely due to the Firefighter establishment currently being significantly under budget and more Firefighters in the development stage than budgeted for, resulting in a reduction in expenditure on salaries and associated oncosts. In addition, savings were being made on employer pension costs arising from the impact of temporary staffing arrangements, transitional movements between pension schemes and employees opting out of the pension scheme. Operational overtime costs continued to be a significant budget pressure and is closely monitored with actions considered and taken to control expenditure as appropriate.
- Premises - An overspend of £20,000 was projected on premises costs, mainly due to a new electricity contract with a higher unit cost than budgeted.
- Transport - The transport budget was projected to underspend by a net £74,000 mainly due to a reduced demand for transport repairs and maintenance from Northumberland Fire and Rescue Service (NFRS) through the Service Level Agreement. This would be matched off by reduced income from NFRS resulting in a neutral impact on the overall budget position. Also, savings continued to be achieved in reduced travelling expenses; these savings could accommodate a predicted overspend on fuel due to increased fuel costs within the overall budget provision.

- Supplies and Services – A net underspend of £49,000 was projected due to saving some ICT running costs, mobile phone contract and continued lower subsistence costs. Costs for protective clothing and uniform acquired during the year had been higher than expected and there had been an increased postage costs.
- Contingencies – The contingencies budget would continue to be monitored and reviewed for any further savings that could be made
- Support Services and Recharges – As reported previously, an in-year saving of £77,000 was projected on the Service Level Agreement with the Lead Authority due to changes made after the budget was finalised.
- Income – A net over achievement of income of £14,000 was projected due to factors detailed in section 2.11 of the report.

Councillor Haley asked how many employees had opted out of the Pension Scheme. He was advised that at least 30 had opted out and Members agreed that the scheme needed to be promoted by TWFA with the new recruits.

61. RESOLVED that the position with regard to the Revenue Budget for 2019/2020, as set out in the report and summarised at Appendix A, be noted.

Schedule of Precept Instalments 2020/2021

The Chief Fire Officer and Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report requiring Members to review and approve the precept instalments for the financial year 2020/2021.

The schedule of precept instalments was detailed within the report.

62. RESOLVED that the schedule of instalments proposed under paragraph 4(4) of the Local Authorities (Funds) (England) Regulation 1992, as set out in paragraph 2.1 of the report, be approved.

Provisional Local Government Finance Settlement 2020-2021

The Chief Fire Officer and Chief Executive (Clerk to the Authority) and the Strategic Finance Manager submitted a joint report updating members on the implications of the Provisional Finance Settlement for 2020/2021, which was announced by the new government on 20th December 2019. Further detail was set out in Appendix 1 of the report for information. Appendix 6 of the report set out the comments made on the Authority's behalf by the Chair, the Chief Fire Officer and the Strategic Finance Manager in respect of the Government's consultation on the Provisional Grant settlement for 2020/2021 as the deadline for responses was required by 17th January 2020.

The Strategic Finance Manager brought Members attention to amendments in Appendix 1. He explained that section 1.9, first sentence should read 'The government figures assume an overall income from Council Tax of 3.51%...' and that table 1.20, page 35 should read 'Projected Income from Council Tax Precepts (if Members agreed the 1.99% increase). Referring to the information provided in the Settlement, he advised Members that the information was broadly in line with the Chancellor of the Exchequer's Spending Round 2020/21 announced on 4 September 2019. The main changes for the one year settlement 2020/21 were confirmed as follows:

- a) Adult and Children's Social Care Grant Funding increased by £1.0 billion;
- b) An inflationary increase in New Homes Bonus of £20m to reflect housing growth;
- c) Independent Living Fund Grant was to be continued for 2020/21 at £160.6m;
- d) Rural Services Delivery grant was maintained at £81m in 2020/21.

Members were asked to note that none of the above changes would benefit the Authority.

The Strategic Finance Manager then referred Members to section 2.4 of the report and advised that:-

- The government had confirmed the Fire Pensions Grant Funding for 2019/2020 totalling £115m of which the Authority previously received £2.7m, to meet 90% of the increased costs of employer pension contributions because of changes to the discount factor. This was not included within the Finance Settlement but it was expected to be released before the Final Finance Settlement for 2020/21 is announced towards the end of January. Members noted that the future of the grant would be considered as part of the CSR20 and that funding beyond 2020/21 was not known, representing a major financial risk to the Authority's resources in the medium term.
- Council tax figures for 2019/20 and estimates for 2020/21 had been updated in the Settlement and the changes were included in the Authority's revised Core Spending Power figures.

Members were then advised that most of the limits set by the government for council tax increases before a referendum was triggered have been reduced back to their original 2% levels, which meant the Fire Authority limit of 2% included in the Authority's MTFs was accurate for 2020/2021. District Councils were able to increase Council Tax by 2% or a flat rate Band D increase of £5 whichever was greater. The Police and Crime Commissioners criteria was not released. The supplementary 2% increase to help councils pay for Social Care had also been maintained.

The Strategic Finance Manager then referred to the Provisional Local Government Finance Settlement 2020/2021 and explained that draft Revenue Budget 2020/21 was based on the MTFs presented to Members in November 2019. The summary key headline figures for the Authority were set out in Appendix 2.

The impact of increases to grant funding for 2020/2021 were broadly in line with those forecast in November. There was a reduction in both the Top Up Grant of £42,000 and the Revenue Support Grant of £32,000 due to an inflationary increase of 1.63% (when estimates of 2% had been assumed) and an increase in the Compensation for under-indexing Business Rates funding for £114,000. In total, resources had marginally increased by £40,000 in the year as a result.

The Authority's Core Spending Power (CSP) increase in 2020/2021 continued to show that the Authority's resources remained lower than other Authorities with an increase of 2.8% in 2020/2021 compared to the average increase for all local authorities of 6.4%. The net increase in resources shown in the Authority's CSP showed that, in summary, the Fire Authority had continued to see its resources eroded more than the national average of a 3.6% increase.

Members were referred to Appendix 4 and 5 which provided more detail on the comparable CSP information amongst fire authorities for 2020/2021, over the 5 Year period and since austerity began in 2010/11 and also how they compared to the national position across England. Members noted that Tyne and Wear had suffered some of the worst funding reductions since 2010/2011 using the government's own measure of resources. The Strategic Finance Manager highlighted that Tyne and Wear were to experience a 2.8% change in 2020/2021 which was a 0.3% change in the 5 Year Settlement and a -16.3% change since 2010/2011 resulting in them being the third worst affected Metropolitan Authority in the Country. Disappointingly, other authorities for example Bedfordshire and Shropshire had in fact seen increases of 3.8% for 2020/21 and had actually seen growth in their CSP over the 10 year period.

The Authority welcomed the retention of additional funding provided by the government for the increased Pension costs which was worth almost £2.7m last year, although the government had not released the allocations for 2020/21 yet. It remained concerned however that the total cost to the Authority was not being fully funded at a time when it was facing other significant cost pressures that were outside of its control. The Authority needs the government to secure this grant funding on a permanent basis especially in view of the recent firefighter pension scheme remedy ruling on 18 December 2019 which could have a significant potential cost to the fire service as a whole that will need to be funded.

In summary, the Provisional Settlement had confirmed, that there had been a small change to the resources already set out in the Revenue budget for 2020/21, and the position in 2020/21 had improved marginally by £40K.

The Vice-Chairman commented that it was disproportionately unfair to offer a one year draft settlement and that the negative effect of the current governments funding formula on the Authority was devastating and suggested that a strong message needed to be communicated to the Minister. Tyne and Wear, despite using best endeavours in previous years to manage a significantly reduced budget, was being penalised and was once again, one of the worst to be hit with cuts in funding. The Vice-Chairman went on to say that it was impossible to plan for the future without knowing how much income the Authority would receive. These decisions affected people's lives and funds needed to be available to plan services, carry out duties and

protect the residents of Tyne and Wear. It was moved by the Vice-Chairman, and seconded by members that the following recommendations be added:

- D. The disproportionate reduction in Core Spending Power for TWFRS compared to the England average and to most other FRS's;
- E. The subsequent lack of growth to Core Spending power to TWFRS compared to many other authorities, which is not proportionate to the level of risk we continue to face;
- F. The Authority, therefore, request the CFO and Chair raise these structural financial inequalities with Ministers and Senior Civil Servants ahead of publication of the final settlement.

Councillor Butler agreed with the Vice-Chairman and commented on the disparity between the North and South and encouraged Members to raise their concerns with their respective full councils.

Councillor Woodward commented that the funding formula was not fit for purpose. Councillor Oliver agreed with the recommendations of the Vice-Chairman, however commented that the funding formula had been in place for some years.

Ms McGuiness reported that policing had also suffered and that concerns around inequality and a one year budget would be raised with Ministers. It was incredibly damaging to the welfare and safety of the residents of Tyne and Wear and Government should be looking at longer funding periods. She thanked the Strategic Finance Manager for the detailed report.

Councillor Pickard commented on the difficulty for Tyne and Wear to raise large sums of money compared to Southern more affluent areas and agreed that clarification on business rates was required. In reference to the settlement period, he agreed that the Chief Fire Officer needed to lobby ministers on behalf of the Authority.

Councillor Haley referred to the Authority's indicative Core Spending Power in 2020/21 and commented on the unfairness of the government asking local people to pay for public services by way of increased council tax instead of increasing government funding.

The Chairman, on behalf of the Authority, thanked the Strategic Finance Manager and his team for the detailed budget preparations which had been carried out.

63. RESOLVED that:-

- A. the contents of the report which includes the updated Draft Revenue Budget resources position for 2020/2021 taking into account the implications of the provisional local government finance settlement;
- B. the comments made on the Authority's behalf to the government's consultation on the Provisional Grant Settlement for 2020/2021;

- C. that the final Revenue Budget and Precept for 2020/2021 will be presented to the Authority at its meeting in February together with an updated MTFS;
- D. The disproportionate reduction in Core Spending Power for TWFRS compared to the England average and to most other FRS's;
- E. The subsequent lack of growth to Core Spending power to TWFRS compared to many other authorities, which is not proportionate to the level of risk we continue to face; and
- F. The Authority, therefore, request the CFO and Chair raise these structural financial inequalities with Ministers and Senior Civil Servants ahead of publication of the final settlement.

Hate Crime Charter

The Chief Fire Officer, Chief Executive (Clerk to the Authority), the Strategic Finance Manager and the Personnel Advisor submitted a joint report which recommended the adoption of a Hate Crime Charter, and requested the Chair of the Authority and the Chief Fire Officer sign the Charter on behalf of the organisation, alongside the officials of the representative bodies.

ACO Baines reported that over the last 18 months a number of collaboration events had been held with partner organisations including Northumbria Police and the North East Ambulance Service NHS Foundation Trust (NEAS) around the topic of hate crime. The events were aimed at improving the general understanding of the definition of hate crime, where responsibility lies for recognising it, reporting it and supporting victims.

ACO Baines explained that a hate crime was any criminal offence which was perceived by the victim or any other person, as being motivated by hostility or prejudice based on an individual's actual or perceived race, disability, religion, sexual orientation or gender identity. A hate crime could involve:

- Physical attacks such as assault, damage to property, offensive graffiti and arson;
- Threat of attack including offensive letters or language, abusive or obscene telephone calls;
- Intimidation and unfounded, malicious complaints, outing or threat of outing.
- Verbal abuse, insults or harassment - taunting, offensive leaflets and posters, abusive gestures; and
- Dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

The Authority was advised that driven internally by the Black, Asian, and Minority Ethnic (BAME) Staff Network, this work had resulted in the adoption of the concept of workplace Hate Crime Champions and there were currently 17 champions within the Service. The second output of this collaborative work had been the drafting of a TWFRS Hate Crime Charter.

ACO Baines brought Members' attention to the proposed TWFRS Hate Crime Charter as detailed in Appendix 1, which if approved and signed, would be communicated and publicised throughout the Service and the communities served. Members noted that the Charter confirmed a zero tolerance approach to hate crime against staff and community members and the following key areas:

- Committed to supporting staff and community members when they are victims of hate crime, or if they witnesses a hate crime;
- Encourage the reporting of the incident to the Police at the time that it occurs, or as soon as possible afterwards;
- Training and awareness among staff that assist in tackling hate crime and the impact upon victims will be supported;
- Workplace Hate Crime Champions throughout the service will be trained and supported; and
- The Service would engage with voluntary groups, local authorities and the police to ensure ongoing work to prevent hate crime.

Members considered the report and commented on the importance of the Charter due to the increasing national hate crime figures. Ms McGuinness thanked the Authority for taking the lead in producing the Charter.

64. RESOLVED that:-

- (i) the contents of the report be endorsed; and
- (ii) further reports be received as appropriate.

Domestic Sprinkler Partnership Project

The Chief Fire Officer and Chief Executive (Clerk to the Authority) submitted a joint report to update Members on the partnership working to install sprinkler protection in dwellings and commercial premises within Tyne and Wear, which would improve the safety of the community.

ACO Baines reported that previous Fire Authority reports had highlighted the National Fire Chiefs Council (NFCC), national sprinkler campaign and outlined details of TWFRS's partnership work. Members were reminded that in April 2010 the Welsh Assembly had implemented an order which required the provision of automatic fire suppression systems in all new or converted houses / flats in Wales with effect from 1 January 2016. However in England, there was no requirement to fit automatic fire suppression systems in new residential premises and the Government appeared reluctant to follow the lead of the Welsh Assembly without new evidence.

The Ministry of Housing, Communities and Local Government (MHCLG) had also reported that the benefit of installing sprinklers in all new housing would not match the installation costs; however, it did state, that a combination of fire prevention, including targeted domestic sprinklers, smoke alarms and education would provide net social benefit. The report suggested that compared to a situation with no sprinklers, a residential sprinkler system *might*:

- reduce fatalities caused by fires by 70% to 100%;
- reduce injuries caused by fires by 30% to 80%; and
- reduce property damage caused by fires by 40% to 90%.

Members' attention was brought to the tragic consequences that had resulted from significant fires in high-rise premises and the recommendations of the Coroner to give consideration to the retro-fitting of sprinklers in high-rise residential buildings.

ACO Baines advised that in December 2019, the NFCC published a positioning statement for Automatic Fire Suppression Systems which covered the following areas:

- Mandatory in all new residential buildings with a storey of 11m (or 4 floors) and above and recommended in all new sleeping risk buildings
- Mandatory requirement to retrofit in all high-rise residential buildings over 30m that are served by a single staircase
- Mandatory requirement to retrofit where buildings currently exceed 30m (when these buildings are scheduled to be refurbished)
- Mandatory requirement to retrofit in all residential buildings with a storey of 11m (or 4 floors) and above, on a risk assessed basis
- Mandatory in all new schools
- Mandatory in all student accommodation
- Mandatory in all new residential care premises and specialised housing
- Open sided car parks to protect property, including the fabric of the building
- AFSS in facilities providing waste management and recycling
- AFSS in timber framed buildings

Referring to Section 3, Domestic Sprinkler Project, ACO Baines reported that the Service used the 'Ultimate Protection' Policy, an intelligence led targeted methodology, to identify vulnerable households. Installation of sprinklers had commenced with a project at High Street Jarrow together with installations of portable misting systems and a project at Regent Court Gateshead which had demonstrated the benefits of retro fitting sprinklers in high rise residential buildings. The Service had hosted seminars to promote the benefits of sprinklers, together with work to develop the second 'Sprinkler Good Practice Guide', which also included on-domestic premises. The engagement plan had been successful in stimulating on-

going dialogue and as a catalyst for increasing the numbers of sprinkler systems. Members noted that TWFRS had worked in partnership to secure sprinklers in a school in Gateshead which had been planned to be built without the provision and also taken part in a consultation with MHCLG part of which considered an amendment to Approved Document B to reduce the height requirement for mandatory sprinkler installation.

In summary ACO Baines reiterated that 2047 dwellings across Tyne and Wear had been fitted with sprinklers, of which the Authority had funded 251 between 2014 and 2017 amounting to £305,000. A further 577 installations were being planned and Officers continued to work in partnership to further expand the number of homes and non-domestic premises protected by sprinkler systems.

Councillor Oliver referred to the Local Authority Update, section 4, and why only two high rise premises had been protected by sprinklers. He was advised that installation was carried out on a risk basis however work was ongoing with Gentoo and domestic sprinklers remained a focus across the region.

With reference to 2.5, Councillor Woodwark was disappointed that nationally, there could potentially be high rise premises without sprinkler systems, despite the tragic consequences at Grenfell Tower.

Councillor Pickard referred to 8.3 regarding the re-allocation of the Community Safety Reserve to the Capital Development Reserve. He was advised that the Authority was not being asked to fund the project and that recommendation C, to support the continuation of this project supported by the Community Safety Reserve be removed. ACO Baines reported that the Fire Safety Teams continued to work with partners to install sprinklers in high risk premises, however, Local Authority Policy states the mandatory installation of sprinklers in all new buildings. Members were invited to a Sprinkler Seminar which would be held later in the year.

Members discussed the benefits of a Public Information Campaign to raise public awareness of the benefits of sprinklers and address misconceptions.

In response to questions from the Chairman, ACO Baines explained that the project was funded by a balance of resources across Tyne and Wear and agreed to forward the details to the Chairman, if buildings are sold evidence would be available to show that sprinklers had been installed for public safety and not to increase value and regular legionella testing is undertaken by the installer.

65 RESOLVED that:-

- (i) the contents of the report be noted; and
- (ii) the installation of Sprinklers in each LA area be championed.

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

66. 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 relating to consultations/negotiations in connection with any labour matter arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2, 3 and 4).

(Signed) T. TAYLOR
Chair

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.

