

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 MARCH 2017 at
10.30am.

Present:

Councillor T Wright in the Chair

Councillors Bell, Burdis, Dodds, Forbes, Haley, Harrison, Kilgour, Perry, Pickard, Stephenson and Oliver.

Part I

Announcements

The Chairman announced that the LGA Fire Conference and Exhibition which had taken place on 7th-8th March at the Hilton Newcastle Gateshead had been a tremendous success and the feedback received had been extremely positive. On behalf of the Authority, the Chairman extended his thanks to all staff and volunteers involved.

Due to some apologies for absence, the training session on the Policing and Crime Act would be postponed to a later date.

The Chairman announced that it was CFO Capeling's last meeting of the Authority prior to his retirement on 9th April. The Chairman, on behalf of the Authority, thanked the CFO for his remarkable leadership of the organisation and service to the Authority over the years. CFO Capeling was wished a very long and happy retirement.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Renton and Waller.

Declarations of Interest

There were no declarations of interest.

Minutes

71. RESOLVED that the minutes of the meeting of the Authority, Part I held on 13 February 2017 be confirmed and signed as a correct record.

The Strategic Finance Manager advised Members that late changes were made to both the Authority's Business Rates Share and allocation of the Section 31 grants it was to receive from a number of its district councils once the final settlement had been released.. These changes were, in accordance with the agreed protocol, reported and subsequently approved by the Chairman, Vice-Chairman and Chief Fire Officer on behalf of the Authority. A revised report would therefore be made available electronically. Members were assured that these late changes to the revenue budget for 2017/18 did not affect the precept which had previously been set in February.

Treasury Management Policy and Strategy 2017/2018, Including Prudential 'Treasury Management' Indicators for 2017/2018 to 2019/2020

The Strategic Finance Manager submitted a report to provide the Authority with the proposed Treasury Management Policy and Strategy (including both borrowing and investment strategies) for 2017/2018 and to note the Prudential 'Treasury Management' Indicators for 2017/2018 to 2019/2020 for approval.

Members were reminded that the Authority 'had regard' to the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice and set Prudential (Treasury Management) Indicators for the next three years to ensure that the Authority's capital investment plans were affordable, prudent and sustainable (Appendix 1).

The Act also required the Authority to adopt a Treasury Management Policy Statement (Appendix 2) and set out its Treasury Management Strategy (Appendix 3).

The Strategic Finance Manager then referred Members to Appendix 1 of the report and specifically drew their attention to the statutorily required Prudential indicators that must be approved separately each year which is, namely the Authorised Limit for External Debt which was to be set at £48.859m and the Operational Boundary for External Debt of £43.858m for 2017/2018. The Authorised Limit for External Debt is particularly important as this limit cannot usually be exceeded once approved.

Members were then advised that there were no major changes being proposed to the overall Treasury Management Strategy in 2017/2018 which maintained the prudent and successful approach adopted by the Authority in previous years.

The Authority's performance for 2016/2017 showed that the current average rate of borrowing at 3.33% was low in comparison with other local authorities whilst the current rate earned on investments at 0.41% was much higher than the benchmark figure of 0.23%. Market conditions were also under constant review so that the Authority could take a view on the optimum time to carry out further borrowing or debt rescheduling should it be required. The Strategic Finance Manager reminded Members that reserves were used where necessary on a temporary one-off basis, as

opposed to carrying out borrowing in order to minimise debt charges in the revenue budget.

Councillor Haley commented upon the predicted rise in interest rates and the resultant impact on the PFI scheme and PFI credits and commented that a briefing session would be useful. The Strategic Finance Manager was thanked for his excellent work and agreed to provide a briefing session for Members.

72. RESOLVED that:

- (i) The Annual Treasury Management Policy and Strategy (including specifically the Annual Borrowing and Investment Strategies) for 2017/2018 be approved; and
- (ii) The Prudential 'Treasury Management' Indicators for 2017/2018 to 2019/2020 be approved.

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

The Deputy Clerk to the Authority and the Strategic Finance Manager submitted a joint report advising Members of the outcome of the review of the Members' Allowances Scheme for the financial year 2017/18.

The Deputy Clerk to the Authority advised Members that the Panel had received written submissions from members and met with the Chairman and determined that it would welcome further information before finalising its recommendations. As the Authority was required to determine a Scheme before the 1st April in each year, the Panel had recommended that the terms of the existing Scheme continued to apply during the year 2017/2018, until the review was complete and the Panel was able to report back with its detailed recommendations. Members were referred to the summary of the Scheme, as appended to the report.

Councillor Pickard commented that the carers allowance would be below the Living Wage. The Deputy Clerk to the Authority agreed and commented that consideration would be given to this and other terms which required amendments.

Councillor Forbes commented that the Independent Review Panel comprised of the same members used by the Lead Authority (Sunderland City Council) and suggested that consideration be given in future to using a panel drawn from constituent authorities..

73. RESOLVED that the terms of the existing Scheme of Allowances continued to be applied in the financial year 2017/2018, with further consideration being given to the terms of the Scheme following completion of the Panel's Review.

Appointment of Independent Person under the Localism Act 2011

The Deputy Clerk to the Authority submitted a report seeking authorisation to advertise the position of Independent Person (IP) and also to make arrangements for consideration of applications.

Members were advised that the term of office of the current IP, Sheba Joseph would expire in September 2017 and it was therefore necessary for arrangements to be put in place to advertise the vacancy, although the current incumbent may reapply for the post. The Deputy Clerk would therefore arrange to advertise the vacancy and applications would then be considered by the Clerk and Deputy Clerk, in consultation with the Chair of the Governance Committee, following which a recommendation would be made to the Authority. It was also proposed that as a variation from the recommendation set out in the report, the term of office be a 2 year term renewable for a further 2 terms (i.e. a maximum of 6 years in total). An allowance of £200 plus reasonable travel and subsistence would be paid to the IP.

74. RESOLVED that the Deputy Clerk be authorised to advertise the position of Independent Person and make arrangements for consideration of applications as set out in the report.

Director Positions on TWFRS Limited

The Chief Fire Officer/Chief Executive (Clerk to the Authority), Strategic Finance Manager and the Personnel Advisor to the Authority submitted a joint report to inform Members of the termination of appointment of Mr Capeling and to seek approval for the appointment of Mr Lowther as a Director to TWFRS Limited with effect from 9 April 2017.

Members were advised that the Chief Fire Officer had given notice to TWFRS Ltd that he would resign from his role as a Director. CFO Capeling became a Director following the Annual General Meeting of TWFRS Ltd on 15 October 2015.

It was proposed to terminate the appointment of Mr Capeling as a Director of TWFRS Ltd at 23.59 on 9 April 2017.

On 1 February 2017, Mr Lowther was appointed to the post of Chief Fire Officer/Chief Executive (Clerk to the Authority) to Tyne and Wear Fire and Rescue Authority. The appointment would take effect at 00:01 on 10th April 2017, it was therefore proposed to appoint Mr Lowther as a Director of TWFRS Ltd from the 10th April 2017.

75. RESOLVED that:

- (i) The contents of the report be noted and endorsed;
- (ii) The Director changes as proposed in section 3 of the report be approved;
and
- (iii) Further reports be received as appropriate.

Pay Policy

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 seek approval for the revised Pay Policy Statement for subsequent publication by 31st March 2017 in accordance with the Localism Act 2011.

ACFO Baines reminded Members that the Authority was required to produce a Policy Statement setting out authorities' policies for the financial year in relation to the remuneration of their senior staff/chief officers, the remuneration of their lowest-paid employees and the relationship between the pay of chief officers and that of other employees.

Members were advised that the current pay multiples for the Chief Fire Officer and lowest paid employee was 9.99:1 which was 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.

In addition:

- Between the Chief Fire Officer and the lowest paid operational Firefighter the multiple was 4:89:1; and
- Between the Chief Fire Officer and the median earnings the multiple was 4:74:1.

76. RESOLVED that:

- (i) The draft Pay Policy Statement be approved for publication by 31st March 2017; and
- (ii) Further reports be received as necessary.

Emergency Medical Response Trial: Twelve Month Update

The Chief Fire Officer/Chief Executive (Clerk to the Authority) submitted a report to update members with information relating to the Emergency Medical Response (EMR) trial, covering performance and impact upon Service resources in the first twelve months of the trial.

ACFO Lowther advised members that during the first twelve months of the trial (Monday 11th January 2016 – Wednesday 11th January 2017) TWFRS received 1036 requests from NEAS to attend Red 1 or Red 2 incidences. Of these, TWFRS attended 878 incidents. 282 of these attendances were recorded as having 'no service rendered'.

TWFRS had declined to attend 20 incidents and on 138 occasions TWFRS were stood down by NEAS. Of the 1036 requests, 10% were categorised as Red 1 and 90% Red 2. This difference may be explained due to the number and location of NEAS resources in an around the Newcastle area that were prioritised to attend Red 1 incidents.

With regards to response and attendance times the average response time to an EMR incident was 7 minutes and 4 seconds. The average time spent at the scene of an EMR incident by TWRFS crews was 15 minutes 26 seconds.

Members were advised that the majority of incidents attended, where action was taken involved patients complaining of either breathing difficulties/impairment or respiratory arrest or chest pain/cardiac arrest/heart condition. 16 EMR incidents resulted in a fatality.

Statistics indicated that TWFRS had been able to meet the requirements of the trial effectively for the first twelve months and impact on medical emergencies. TWFRS were contributing to the national NJC evaluation, and additionally an external, regional evaluation of the EMR trial, co-ordinated by Cleveland Brigade. This evaluation was being conducted by Teesside University and results were expected in early 2017.

In response to a question from Councillor Forbes asking how this had been received by the workforce, ACFO Lowther explained that whilst views were mixed prior to the trial, TWFRS followed regional guidance and interacted constantly with staff. ACFO Lowther went on to say that staff had naturally struggled with 'no not resuscitate' advice however staff had access to an excellent Trauma Support Team. Overall, staff understood the value of this EMR trial and even believed it was a natural part of their Firefigther role.

Councillor Kilgour advised Members that she had recently visited Byker Community Fire Station and commented that it was very humbling to hear how embraced officers were in this trial.

In response to a question from Councillor Oliver, ACFO explained that if this initiative was to be rolled out across Tyne and Wear, six locations had been identified as beneficial. TWFRS had proven that the trial was successful and also that it was of benefit to the community.

Councillor Oliver questioned concerns raised by the FBU and was advised that these related to pay negotiations in terms of Firefigthers own pay.

Upon detailed discussion, it was:

77. RESOLVED that:

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

Policing and Crime Act 2017

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Deputy Clerk to the Authority submitted a report to update members on the changes introduced as a result of the new Policing and Crime Act 2017 and its implications for the Authority. In addition, it informed members of a request made under the Policing and Crime Act 2017, by the Police and Crime Commissioner, for a seat on the Fire Authority.

The Chief Fire Officer advised Members that there was a new duty on police, fire and rescue, and English emergency ambulance services to collaborate by way of a

formal collaboration agreement where it was in the interests of their efficiency or effectiveness. The Minister of State for Policing and the Fire Service had recently announced that this duty would come into force in April 2017.

In addition, the Act makes provision for Police and Crime Commissioners (PCCs) for an area, to be the fire and rescue authority for that area, where a local case was made. PCCs would take on the responsibilities of a Fire and Rescue Authority and mayors of combined authorities who exercise both police and fire functions, could delegate fire and rescue functions to a single chief fire officer for police and fire, where a local case was made.

Members were advised that where a PCC had not become responsible for fire and rescue, the PCC could be represented on their local Fire and Rescue Authority with voting rights, where the Authority agreed. Such an appointment could only be made in response to a request by the PCC, which the Authority was required to consider and also give reasons for the decision.

The Chief Fire Officer explained that Dame Vera Baird, Northumbria PCC had made a request to be appointed to the Fire Authority. It was anticipated that a commencement order would shortly be made to bring the relevant provision of the Act into force, at which time the Authority must consider this request.

Councillor Forbes commented that whilst the PCC had indicated that they did not currently have an appetite to take over the responsibilities of the Fire and Rescue Authority or submit a business case, there clearly was an interest in collaboration. If a formal request was received once the duty had come into force, consideration would need to be given as to whether the Authority stipulate that the position was solely for the PCC herself, and not a representative and also whether the appointment should be re-considered following each PCC election. Clarification would need to be sought in relation to this, once the legislation had been interpreted and clarified.

The Act also introduced an independent inspection regime for fire and rescue in England, to inspect and report on the efficiency and effectiveness of English fire and rescue authorities. The Secretary of State was to determine the number of inspectors to be appointed, one of whom was to be appointed as Chief Fire and Rescue Inspector for England.

Councillor Forbes commented that the peer review of the inspection framework indicated that it had worked well and was also a more productive way of managing performance. The Authority should therefore help shape the national framework and consideration also needed to be given to the financial liability.

A discussion ensued in relation to the request received from Dame Vera Baird and the Authority acknowledged that as the legislation was not yet in force it would only be appropriate to consider observer status on a temporary basis, at the present time, whilst the formal legal position was being clarified.

78. RESOLVED that:-

- (i) The contents of the report be noted;
- (ii) The request from the PCC be noted and observer status on a temporary basis be offered;
- (iii) A review of the governance arrangements be undertaken in light of the review; and
- (iv) Further reports be received as appropriate.

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

80. 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 contain information relating to any individual or information which was likely to reveal the identity of an individual or to consultations or negotiations in connection with labour relations matters arising between the Authority and employees of the Authority (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(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.