

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 15 NOVEMBER 2021 at  
10.30am.

**Present:**

**Item 3**

Councillor Taylor in the Chair

Councillors Bell, Dodds, Flynn, Forbes, Haley, Hunter, Johnson, Keegan, Kilgour, Ord, Samuels, Warne and Woodwark together with Ms. K. McGuinness (PCC).

**Part I**

**Announcements**

The Chair invited the Chief Fire Officer to make some announcements prior to considering the agenda for the meeting.

The Chief Fire Officer drew attention to the finalised Integrated Risk Management Plan 2021-24 document which had been tabled and advised that the document was for Members of the Authority to refer to during the training session at the conclusion of the meeting.

The Chief Fire Office was delighted and proud to announce that the Tyne and Wear Fire and Rescue Service were shortlisted finalists in the categories of 'Emergency Service of the Year,' 'Team of the Year' and 'Project of the Year' at the FIRE Magazine "Excellence in Fire and Emergency Awards" ceremony in London on 3 December 2021. He advised that the nominations were for the TWFRS staging the UKRO Festival of Rescue event in Newcastle and Gateshead in September.

The Chief Fire Officer then invited DCFO Heath to present some preliminary information in relation to the 2021 bonfire campaign and he reported that a full report would be submitted to the next meeting of the Authority.

During the period 1 to 6 November 2021, in the lead up to Bonfire Night there had been a reduction in the number of incidents from 556 pre-covid-19 in 2018/19, to 435 this year. It was reported that this was still 435 incidents too many and more work would be undertaken to educate and share safety messages.

DCFO Heath was saddened to report that there had been 6 attacks on firefighters during the same period and there had been more attacks during the first six months of the year than during the whole of the previous year. He emphasised that attacks on Firefighters were unacceptable and work would continue to take place with Northumbria Police and other partners including schools to educate the community on the impact that antisocial behaviour.

The number of Deliberate Secondary Fires had reduced from 203 to 176. This could be attributed to working with the local authorities to identify and clear areas where inappropriate amounts of rubbish were accumulating which could be used as bonfire material and as far as possible to educate residents on not leaving their wheeled bins out. DCFO Heath thanked the local authorities for their support.

The total number of incidents on Bonfire Night had increased from 175 last year to 182 this year. A number of these resulted in primary fires where bonfires had been located too close to property.

Councillor Haley referred to an incident at a poorly organised firework display which went ahead in Gateshead against the advice of the Council's Safety Advisory Committee. He strongly supported organised events rather than the sale of fireworks to individuals but questioned what could be done to regulate events and discourage those that went against the Safety Advisory Committee's advice.

DCFO Heath reported that the Service continued to work with local authorities and give advice on the sale of fireworks and safety campaigns on the dangers of illegal fireworks. The prevention teams continued to seek to engage with event organisers.

Councillor Woodwork reported that hopefully over time without the need for further legislation, it would become more socially unacceptable to have fireworks other than at organised events. He requested that the statistics to be included in the report should compare with the statistics pre-pandemic to give a more accurate reflection as the last eighteen months had not been the norm. He commented that he was stunned at the shameful level of the attacks on firefighters and more work definitely needed to address this issue.

DCFO Heath agreed that attacks on any emergency worker were unacceptable and he added that fortunately the vast majority of residents of Tyne and Wear supported the emergency services and behaved responsibly, it was a minority committing this anti-social behaviour. He assured Members that the Fire Service would continue to work with the Northumbria Police, enforcement and prevention teams to target these repeat offenders.

Councillor Flynn agreed that Gateshead firework event should not have proceeded and asked where the responsibility for the incident would lie. He added that the Government might still need to change legislation for any changes to take effect.

The Chair then thanked the officers for the update and on behalf of the Authority, congratulated the Service on the awards achieved.

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Burdis and Doyle.

### **Declarations of Interest**

There were no declarations of interest.

### **Minutes**

33. RESOLVED that the minutes of the Authority, Part I held on 11 October 2021 be confirmed and signed as a correct record.

### **Appointment to Authority – South Tyneside Council**

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Deputy Clerk submitted a joint report to advise of a change in Membership to the Authority from South Tyneside Council and consider appointments to Committees with current vacancies.

The Deputy Clerk reported that Councillor Keegan had been appointed by South Tyneside Council to replace Councillor Dick who had resigned on 12 October 2021. She advised that the report proposed that appointments be made to the vacant positions on the Governance Committee, Personnel Appeals Committee and the Pension Board – Scheme Manager Representative (Substitute for Councillor Flynn) previously held by Councillor Dick.

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

34. RESOLVED that the appointment of Councillor Keegan to the Authority be noted and that she be appointed to the Governance Committee, Personnel Appeals Committee and the Pension Board – Scheme Manager Representative (Substitute for Councillor Flynn) previously held by Councillor Dick.

## **Capital Programme 2021-2022- Second Quarterly Review**

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Finance Director submitted a joint report to review the current year's Programme and reflect any changes necessary to those that were presented to the Authority in the First Capital Programme Review on 12 July 2021.

Members were advised that the Capital Programme was showing an increase in total of £2,888,871, from £14,959,288 at the First Review stage to £17,848,159. Attention was drawn to the variations in the Capital Programme and the reasons for delays due to external factors.

The Finance Director referred to the additional £2,450,000 investment which was approved at the Authority meeting in July for the development of Hebburn Station. He explained that this recognised that this would be a tri station housing three emergency services rather than a simple replacement fire station and as such the design was much bigger and costlier than the original plans.

Authority Members were advised that an additional £121,000 was required to the accommodate improvements to the Urban Search and Rescue (USAR) training facilities to include a new extension to create a state-of-the-art sub-surface training facility and search area and improvements to welfare and storage facilities. However, this would be offset by income generated from subsequently being able to host the full range of national resilience USAR related courses.

An additional £53,000 was required for development of the former MRU suite, to accommodate Sunderland City Council's CCTV monitoring team, as the scope of the CCTV development works had increased due to ISO accreditation. This exciting project was the first collaboration of its type and all costs of the project were being fully funded from a contribution from Sunderland City Council. It was expected to be complete and become operational in November.

The Finance Director then drew attention to a number of additional projects to be added to the Capital Programme which included a replacement high level glazed atrium for the Brigade Training Centre and the replacement Fire Behaviour demonstration units which were more environmentally friendly with carbon capture capability.

The Capital Programme was set in February with an additional £0.850 million for a number of business critical, invest to save schemes that were slipped from 2021/2022. Plans for the two projects, repairs to Barmston Mere Training Centre and relocation of Safetyworks, were currently in progress.

Turning to the vehicle replacement programme, Authority Members were advised that the first batch of ten fire appliances which had slipped from 2020/2021 had now been delivered. An order had been placed against the new contract approved by Members in July for the next ten appliances and delivery was expected in late Autumn 2022. This would mean the whole fleet of 24 fire appliances would have been renewed by the end of the financial year, 2022/23.

The Finance Director concluded by assuring Authority Members that the Prudential Indicators continued to be managed within the Authorised Borrowing Limits and monitored on a daily basis.

The Police and Crime Commissioner commended the investment in the carbon neutral development of the Hebburn tri service station which was a credit to the forward thinking of the three services.

DCFO Heath informed Members that a report on the replacement appliance clean cab technology would be submitted at a future meeting. He briefly explained that the vehicle cabs had gas detection technology installed and would raise an alarm if any gas was detected. In addition, no dirty kit would be permitted in the cab of the appliance. He also outlined that the replacement Fire Behaviour demonstration units had low carbon technology with hoods to capture and filter the smoke from fire demonstrations.

Councillor Woodward welcomed the proposals for the replacement of the vehicle fleet and possible use of the electric vehicles. He enquired if any of the atrium replacement would be covered under the PFI contract which the Finance Director confirmed was the responsibility of the Fire Authority. He then drew attention to the Government led Emergency Services Mobile Communications Project and expressed concern where this was leading and if funding would be required further down the line as a consequence of national decisions not being taken. The Finance Director advised that a report on this matter would be submitted to the December Authority meeting and at present although there was mention in the Comprehensive Spending Review there had been no detail on the distribution of the funding.

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

35. RESOLVED that the reported variations since the First Quarterly Review and the addition of the new projects set out in the report be noted and the revised Capital Programme for 2021/2022, as set out at Appendix A, be approved.

### **Revenue Budget 2021-2022 – Second Quarterly Review**

The Chief Fire Officer/Chief Executive (Clerk to the Authority) and the Finance Director submitted a joint report to advise on issues relating to the 2021/2022 Revenue Budget position at the half-way point of the financial year.

The Finance Director highlighted that regular monitoring of the Revenue Budget continued to take place and, at this half way stage in the financial year, variances had been identified which projected an underspend/savings at outturn of £0.703 million. He reported that through careful management of employee costs a saving of £0.575 million and a net underspend of £0.585 million had been achieved. He explained that vacancies to the establishment were being filled as quickly as possible and the projection also took into account the Grey Book pay award.

Authority Members were advised that operational overtime costs continued to be a budget pressure, particularly working with a reduced establishment. The costs had however reduced in recent months after trainees had been allocated to watches on stations. The savings in salaries and pensions were currently absorbing the increased costs of overtime which continued to be very closely monitored, with actions considered and taken to control expenditure as appropriate. It was anticipated that as a result of further trainees graduating onto stations in the coming months, the reduction in overtime costs would be sustained, resulting in additional projected savings against employee budgets.

The Finance Director reported that unsurprisingly, premises utility costs had escalated with the electricity contract unit costs being higher than budgeted for and resulting in an overspend of £15,000. He drew attention to the combination of factors which had led to a net over achievement of income of £77,000 which included rebates of business rates of £76,000, a PFI Authority Support repayment of £21,000, £23,000 income from sales of vehicles and equipment. The only reduction being caused by a Government adjustment reducing the Firelink Grant allocation for 2021/22 by £50,000 as this had been overpaid in error in 2020/21.

Authority Members were advised that grant allocations totalling £1.483 million were received by the Authority during 2019/20 and 2020/21 to help meet the financial burden and budget pressures that the COVID-19 pandemic was having on public sector organisations. Of this, TWFRS had spent £1.329 million by the end of September, with £0.008 million of the remainder committed to be spent by the end of November. It was proposed that the remaining balance of £0.146 million of this grant be transferred to the General Fund to increase this reserve to £4.089 million and which would incur any additional Covid-19 related costs should they be required.

The Finance Director having reported that it was proposed to transfer the projected revenue savings against the 2021/2022 Revenue budget, subject to Members' approval, to the Transformation and Reform Reserve to be used at a future date for initiatives planned under the TWFRS 2025 Programme, it was:-

36. RESOLVED that:-

- (i) the mid year position with regard to the Revenue Budget for 2021/2022, as set out in this report and summarised at Appendix A, be noted;
- (ii) the proposed transfer of £0.146 million, being the balance of Covid Grant funding as shown in paragraphs 3.1 and 5.1 to the General Fund, be approved; and
- (iii) the proposed transfer of £0.700 million to the Transformation and Reform Reserve, as recommended in paragraph 4.1 in the report, be approved.

## **Immediate Detriment Framework**

The Finance Director submitted a report to approve the adoption of an agreed Framework for pension scheme members affected by Immediate Detriment which has been drafted by the Local Government Association (LGA) on behalf of all Fire Authorities.

The Finance Director highlighted that the main thrust of the report was to consider adopting the Memorandum of Understanding (MoU) agreed between the LGA and the FBU which provides a mechanism to calculate pensions and compensation payments which would minimise risk to FRAs of acting outside of the legislation whilst it was still being drafted.

The Authority was advised that on application from retired members, the service would have 62 days to provide the pension scheme member with figures in relation to their re-calculated pension, contribution history, and tax adjustments. The FRA would have 28 days to then make payment on the revised calculation, making it a 90 day process.

The Finance Director reported that this time frame was very challenging. He advised that the Finance department had held discussions with the LGA and WYPF to understand whether the time frames were achievable and the implications if they were not met. He hoped that a pragmatic approach would be undertaken. He explained that there were financial risks referenced within Annex 1 of the MoU in relation to compensatory payments such as, but not limited to, 3% interest on pension and lump sum arrears, compensation for annual allowance breaches as a result of moving back to the FPS1992, and compensation for taxation on all unauthorised payments. He added that there would be a number of technical issues to deal with notwithstanding the taxation on unauthorised payments would be due if the member was receiving an additional lump sum payment that was 12 months later than when they received their first lump sum payment. He advised that it was understood the LGA would be requesting new burdens funding from the government for any costs that were incurred by each FRA that was a direct result of applying remedy. However, this funding was not guaranteed, nor was it guaranteed to cover the full cost, should funding from the government be made available.

The Finance Director reported that Authority Members needed to be aware that the FBU could take any FRA to High Court if they did not comply with the legislation. He explained that if the MoU was adopted and signed, the Authority would be liable to pay these additional costs and if they did not sign, they would risk High Court action and its associated cost. From discussions with the LGA, it was felt that on balance, there was a chance that the government would provide additional funding but this would not cover the taxation element. Nor was it guaranteed.

The Finance Director advised that unfortunately at this stage the potential costs could not be identified. He explained the pension scheme members would be provided with options for the two pension schemes and it would be up to them to decide what benefitted them the most. He commented that on initial examination of the pension scheme members affected, it was likely that they would choose the FPS1992 scheme. He therefore recommended the adoption of the MoU as being the best of the two alternatives.

Councillor Haley agreed that it was clear the Authority would need to adopt the MoU. He enquired what the sanctions would be imposed if the Authority breached the time frame to provide the pension scheme member with the information. The Finance Director advised that this had been discussed with the LGA and he hoped that if the Authority was actively pursuing the remedy claims that the FBU would understand that they were acting with their best endeavours to achieve the challenging timescales. He added that the LGA would continue to review the MoU every five weeks to examine its operations and hopefully extend those deadlines. He commented that he hoped the FBU would take a pragmatic view and be put off from preparing and lodging a High Court action as by that time the pensions remedy information would be provided to the pension scheme member.

Councillor Woodward sympathised with the position and the challenging timeframes. He added that whilst it was disappointing that estimates could not be provided at this stage to give a true context, he felt that the framework was best for all parties as its general principles were fair and open.

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

37. RESOLVED that:-

- (i) the Framework, as agreed by the LGA and FBU in the Memorandum of Understanding on the 8 October 2021, be adopted; and
- (ii) the Chief Fire Officer/Chief Executive (Clerk to the Authority) be authorised to take all action associated with implementation of the Framework on behalf of the Authority.

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

38. 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 the financial or business affairs of any particular person (including the Authority holding that information) (Local Government Act 1972, Schedule 12A, Part 1, Paragraph 3). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) T. TAYLOR,  
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.