

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 16 DECEMBER 2013 at
11.00am.

Present:

Councillor T Wright in the Chair

Councillors Bell, Burdis, M. Forbes, N. Forbes, Haley, Mole, Mortimer, Harrison,
Padgett, Price, Renton Stephenson and Stockdale.

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors
McAtominey and Ord.

Declarations of Interest

There were no declarations of interest.

Minutes

43. RESOLVED that: -

- (i) the minutes of the Authority, Part I held on 21 November 2013 be confirmed and signed as a correct record;
- (ii) the minutes of the meeting of the Governance Committee, Part I held on 23 September 2013 be noted for information; and
- (iii) the minutes of the meeting of the Policy and Performance Committee, Part I held on 11 November 2013 be confirmed and signed as a correct record.

Meritorious Conduct Award

The Chief Fire Officer submitted a report for the Authority to recognise the meritorious and brave actions taken by WM Andy Lane during a rescue from a house fire whilst off duty.

Members heard that on 21 November 2013, whilst walking to his car off duty, WM Lane became aware of a fire in a residential dwelling. WM Lane attempted to force entry and instructed a neighbour to dial 999.

Having been unable to gain access WM Lane went to the back of the property and tried to gain access via the rear door which was also locked and could not be forced. As a result, he broke the kitchen window and could see the casualty within the premises who was initially refusing to leave. Entering a smoke filled room, WM Lane rescued the resident, acting selflessly with courage and great professionalism without the support or equipment that firefighters rely on to deal with such incidents.

The Chairman presented WM Lane with an award and commended him on his loyalty carrying out such a brave rescue outside of working hours. He went on to say that he was extremely proud of him and that Tyne and Wear would be too.

WM Lane responded accordingly.

44. RESOLVED that:-

- (i) the Meritorious Conduct Award for WM Andy Lane be noted and endorsed; and
- (ii) WM Lane be congratulated for his actions.

Annual Audit Letter 2012/2013

The Finance Officer submitted a report detailing the Annual Audit letter for 2012/2013 issued by the External Auditor, Mazars LLP, as attached at Appendix A of the report.

Representatives from Mazars were in attendance to outline the report to Members. In doing so they explained that the Annual Audit Letter was very positive, providing a strong endorsement of the financial management and planning, and governance arrangements in place across the Authority.

As a result the external auditor had issued an unqualified opinion on the Authority's financial statements and an unqualified Value for Money conclusion, as detailed within the Audit Completion report.

The External Auditors went on to say that they were extremely grateful for the support received from both TWFRS and Sunderland City Council.

Whilst the approach to the general fund was prudent, with the highest level of reserves across all Fire Authorities, the External Auditors acknowledged that future years were increasingly difficult.

The Vice Chairman commented that confirmation that this was a well run Authority with good value for money was well received and suggested that staff be congratulated.

Councillor N Forbes went on to say that the Authority had generated significant savings over the past 5/6 years whereby every area of service delivery had been explored resulting in highly efficient services. This in turn meant that future years would be increasingly difficult. Earmarked Reserves had been allocated for specific purposes and these were regularly reviewed to ensure that they remained appropriate. Councillor N Forbes commented that whilst the Authority should take pride in the work undertaken to date, it must also acknowledge the extremely difficult decisions to be taken in the future.

45. RESOLVED that the positive comments of the report be noted and endorsed.

Prosecution Update – Fire Safety

The Chief Fire Officer and the Clerk to the Authority submitted a report to inform members of the outcome of prosecutions brought by the Authority during 2012/2013.

The Deputy Clerk to the Authority outlined the report to Members which detailed four prosecutions namely:-

- Prosecution of Angur Miah / Rumana Restaurant
- Prosecution of Amad Ali / Light of India Restaurant
- Prosecution of Manjeet Kaur Lally, Dukhjit Singh Lally and Andrew Chomko / Norfolk Hotel
- Prosecution of Passion Leisure Limited / Butler's Bistro

Mr Miah pleaded guilty to all 16 offences on 13 March 2012 and was fined £37,215 in total.

Mr Miah appealed against the severity of the sentence and his appeal was heard at Newcastle Crown Court on 31 May 2012. Although the condition of the premises was considered to be extremely serious, the fine was reduced to a total of £6,025.

On 25th May 2012, at Newcastle Magistrates' Court, Mr Amad Ali pleaded guilty to 12 breaches of the Regulatory Reform (Fire Safety) Order 2005 however the Magistrates' Court considered that their powers of punishment were insufficient to deal with the matter and the Defendant was committed to Newcastle Crown Court. The Defendant was fined a total of £3,000 and ordered to pay prosecution costs of £3,500.

With regards to the Norfolk Hotel, guilty pleas were entered by all Defendants to all charges on 9 August 2013. Mr and Mrs Lally were both fined the sum of £5383.13 and Mr Chomoko £290.00.

A prosecution was heard by Newcastle Magistrates' Court on 18th and 19th November 2013 against Butler's Bistro. Two offences were not proved therefore the Defendant was fined a total of £12,510 for the remaining offences in which guilty charges were made.

The Deputy Clerk explained that a notice of appeal had been filed therefore the matter would now be referred to the Crown Court. Members would be advised of the outcome in due course.

Councillor Stockdale commented upon the fines which were subsequently reduced and questioned whether there was any right of appeal in relation to this. The Deputy Clerk explained that there were limited grounds for appealing decisions and if there had been scope for challenging the reduction in fines, they would have been advised accordingly by counsel.. In response to a supplementary question from Councillor Stockdale, the Deputy Clerk confirmed her understanding that the Authority's representatives were present during appeals, but that she would check this..

Councillor Renton then asked whether re- inspections were carried out and was advised that yes, often numerous inspections were undertaken once a premise had been identified as a risk and that a risk based inspection programme was in place.

46. RESOLVED that the contents of the report be received and noted.

Fireworks and Bonfire Incidents 1st- 6th November 2013

The Chief Fire Officer submitted a report to inform Members of the incident activity levels, intervention programmes and instances of Anti-Social Behaviour (ASB) within the Service area over the Bonfire Period 1st to 6th November 2013.

Members were advised of the activities undertaken as part of the Darker Nights Campaign and were then referred to the following statistics:-

- 7% reduction in the total number of calls received by Service control
- 6% reduction in the total number of incidents attended
- 3% reduction in the number of deliberate ASB secondary fires
- There was 1 firework related property fire on 2013, compared to 0 in 2012
- Northumbria Police reported a 38% decrease in the number of firework/bonfire related incidents attended and there were only 2 arrests.

Hospital A&E departments reported that 11 people were treated with related injuries and the number of attacks on firefighters had remained the same. Where offenders are apprehended, they are dealt with by the full force of the law and the Police use their best endeavours to prosecute. They adopt a zero tolerance approach and ensure that there is a strong Police presence in high risk areas.

Councillor Burdis asked whether the attacks on firefighters occurred in the same location as in previous years and was advised that attacks often occurred in deprived and high risk areas therefore schools in these areas were targeted for prevention measures.

A discussion then ensued in relation to organised events and Councillor Mole suggested that Authorities be contacted and asked to consider this when setting their budget. Where organised events were not supported it was suggested that sponsorship should be sought and innovative solutions examined.

47. RESOLVED that:-

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

Joint Emergency Services Interoperability Programme (JESIP)

The Chief Fire Officer and the Clerk to the Authority submitted a joint report providing an update for Members regarding the Joint Emergency Services Interoperability Programme (JESIP) and the progress TWFRS had made towards compliance with central government requirements.

Members were advised that to achieve the best possible outcomes, all responders needed to be able to work together effectively as soon as they arrived at the scene. Interoperability was defined as the extent to which organisations could work together coherently as a matter of routine.

With appropriate training and exercising between the emergency services, as well as other category 1 and 2 responders, the joint response would be significantly more effective in saving lives and reducing harm. TWFRS trainers were now working with police and ambulance partners to deliver joint training at a local level.

Councillor Stephenson thanked the staff for the work undertaken to date and commented that recognition should be received for leading the way and demonstrating excellent performance.

48. RESOLVED that further reports be received as appropriate.

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

49. 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 an individual, which was likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the Authority holding that information) 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, Paragraph 1, 2, 3 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.