# FIRE AUTHORITY

#### CLEVELAND FIRE AUTHORITY

## MINUTES OF ORDINARY MEETING HELD ON

### FRIDAY, 27 JANUARY 2006

**PRESENT: CHAIRMAN** 

> Councillor Payne – Hartlepool Borough Council HARTLEPOOL BOROUGH COUNCIL:

Councillor Waller

MIDDLESBROUGH COUNCIL:-

Councillors Clark, Mawston, Pearson, Porley

REDCAR AND CLEVELAND BOROUGH COUNCIL:-Councillors Blott, Cooney, Dunning, Forster, Jackson, Walker

STOCKTON ON TEES BOROUGH COUNCIL:-

Councillors Leonard, O'Donnell, Roberts, Salt, Woodhead

PROPER OFFICERS:-

Clerk, Legal Adviser, Treasurer FIRE BRIGADE OFFICERS:-Chief Fire Officer, Executive Director

**AUDIT COMMISSION:-**

Lynn Hunt

**APOLOGIES** Councillors Cambridge, Flintoff – Hartlepool

**FOR** Councillor Jones - Middlesbrough

**ABSENCE** Councillors Smith, Walmsley – Stockton

The Chair on behalf of all Members of the Authority wished Councillor Jones a speedy recovery.

#### 83. **MINUTES**

**RESOLVED** – that the minutes of the Meeting held on 25 November 2005 be confirmed.

#### 84. MINUTES OF COMMITTEES

RESOLVED – that the minutes of the Tender Committee Meeting held on 2 December 2005, and the minutes of the Executive Committee Meeting held on 13 January 2006 be confirmed.

#### **85.** REPORT OF THE AUDIT COMMISSION

#### **ANNUAL AUDIT LETTER 2004/05**

Lynn Hunt informed Members of the outcome of the Annual Audit and Inspection work. One of the key messages highlighted in the Annual Audit Letter was the Comprehensive Performance Assessment following which Cleveland Fire Authority was categorised as 'fair'. Members were also informed that the Corporate Performance Assessment examined how well the Authority was being run and was not an opinion on how well the Fire Service responds to emergency incidents. Several strengths were identified in relation to Strategic, Risk and Performance Management for which the Authority have already put together recommendations in its Improvement Plan as part of the 'Journey to Excellence'. The Authority already had in place or was already aware of the recommendations the CPA process identified.

#### 85. REPORT OF THE AUDIT COMMISSION continued

#### **ANNUAL AUDIT LETTER 2004/05**

The second key message identified from the Annual Audit Letter was the Authority's Financial Position. Lynn Hunt reported that the Authority displayed strengths specifically in its Budgets and also within its overall Financial Position and as a result of prudent Financial Management the Authority had increased the level of general reserves to £1.9 million by 31 March 2005. She referred to the proposed changes to the Formula Spending Share and identified Cleveland Fire Authority as not necessarily benefiting from this change. The Audit Commission's response in relation to this Authority was quite positive and any areas highlighted as requiring action would be monitored over the next three or four years under Best Value. The overall standard of the Authority's draft accounts was very good having been signed off one month before the deadline. The overall Corporate Governance arrangements were sound and improving with positive working relationships. Lynn Hunt reported that overall the Authority's Annual Audit Letter was very positive.

**RESOLVED** – that the report be noted.

## 86. REPORTS OF THE CHIEF FIRE OFFICER REGIONAL MANAGEMENT BOARD MEETING – 20 JANUARY 2006

## 86.1 CONSULTATION EXERCISE – NATIONAL FRAMEWORK & STRATEGY FOR CHILDREN & YOUNG PEOPLE

The Chief Fire Officer sought Members views with regard to the Consultation Exercise 2006-2008 – National Framework and Strategy for Children and Young People and advised that there were no outstanding contentious issues to report to Members. He advised Members that the Government were seeking views on the draft National Framework for 2006/08 by 10<sup>th</sup> February 2006.

RESOLVED - that Members considered the recommendations contained within the report.

#### 86.2 COMMON AND SPECIALIST SERVICES - REGIONAL FIRE INVESTIGATION PROJECT

The Chief Fire Officer sought Members views with regard to the proposals for, and financial implications of, the Business Case for the Common and Specialist Services – Regional Fire Investigation Project, for 2006/07 and 2007/08. The Chief Fire Officer advised Members that he would, in principle, support the report and stated that Officers of the Brigade would carry out assessments toward determining the relevance of any expenditure for the establishment of a Regional Project Team and the provision of specialist learning and development training opportunities for staff in the four constituent authorities.

RESOLVED - that Members considered the recommendations contained within the report.

#### 86.3 REGIONAL PROCUREMENT STRATEGY – USE OF CONSULTANTS

The Chief Fire Officer sought Members views with regard to the payment of fees to external Consultants by Durham and Darlington Fire and Rescue Authority in respect of a study undertaken in relation to the future delivery of the Regional Procurement Strategy. He informed Members that approval was given to a Regional Procurement Strategy at the RMB meeting on 26 August 2005 where the Consultants presented their report and findings to Members. The RMB requested that the expenditure incurred by Durham and Darlington of £21,456 be supported by each of the constituent Fire Authorities on an equal basis (£5,364 for each Authority). He referred Members to the RMB meeting of 4 November 2005 where Members agreed to continue with the current methodology.

Members discussed the situation with regard to the expenditure incurred by Durham and Darlington in respect of the use of external consultants and expressed their disappointment that they had not been consulted earlier on this issue. Members unanimously agreed that Cleveland Fire Authority do not approve funding for the use of Consultants in the sum of £5,364.

- (i) that the report be noted.
- (ii) that the situation in respect of expenditure incurred by Durham and Darlington in respect of the use of external consultants be noted;
- (iii) that Members unanimously agreed that the funding for the use of Consultants in the sum of £5,364 for Cleveland Fire Authority not be approved.

## 86.4 FIRE CONTROL PROJECT – FUTURE FUNDING AND GOVERNANCE ARRANGEMENTS

The Chief Fire Officers sought Members views in proposing a methodology and funding structure to ensure that the constituent authorities collectively are able to effectively and efficiently deliver the regional control centre. He asked Members to accept continued updates detailing the consequences and implications for Cleveland Fire Authority with regard to the Fire Control Project.

#### **RESOLVED** –

- (i) that Members considered the recommendations contained within the report.
- (ii) that the Chief Fire Officer continue to provide Members with updated reports.

#### 86.5 NEFRA PFI PROJECT OUTLINE BUSINESS CASE

The Chief Fire Officer advised Members of the latest progress with the NEFRA PFI Project. He advised Members that prior to the submission of the Outline Business Case to the Government's Project Review Group it is required to be considered and approved by the Regional Management Board and the Authorities which constitute the NEFRA Project. The approval of the Outline Business Case is required to enable consideration of the NEFRA Project by the Government Project Review Group.

**RESOLVED** – that Members considered the recommendations within the report.

#### 86.6 REGIONAL MANAGEMENT BOARD - REPORTS FOR INFORMATION

The Chief Fire officer outlined the Regional Management Board Minutes of 4 November 2005 which were for Members information

**RESOLVED** – that the minutes be noted.

#### 87 REPORTS OF THE EXECUTIVE DIRECTOR

#### 87.1 CFA CORPORATE RISK REGISTER

The Executive Director sought Members approval of the Cleveland Fire Authority Corporate Risk Register for use in the business planning process. He advised Members that Cleveland Fire Authority has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness, thereby implementing the principles and responsibilities of effective corporate governance arrangements. The framework and toolkit in use by the Fire Authority have been acknowledged as national and good practice by the I&DeA.

#### **RESOLVED** -

- (i) that the report be noted.
- (ii) that Members approved the Authority's Corporate Risk Register as an informative tool to be used in the business planning process.
- (iii) that the Corporate Risk Register continued to be reviewed on a quarterly basis through the Performance Scrutiny Committee and reports be made to the Fire Authority on any matters of a significant nature.

#### 87.2 BUSINESS CONTINUITY STRATEGY AND PLAN

The Executive Director sought Members approval of the CFA Business Continuity Management Strategy at Appendix 1 of the report and the CFA Business Continuity Plan at Appendix 2 of the report. He informed Members that the Authority is a Category one responder and the impact analysis and risks identified within the report detailed the critical functions of Cleveland Fire Authority business services.

- (i) that the report be noted.
- (ii) that the Cleveland Fire Authority Business Continuity Management Strategy as outlined at Appendix 1 of the report be approved.
- (iii) that the Cleveland Fire Authority Business Continuity Plan as outlined at Appendix 2 be approved.

#### 87.3 STRATEGY FOR CHILDREN AND YOUNG PEOPLE

The Executive Director informed Members of the publication of the ODPM draft Fire and Rescue Service Strategy for Children and Young People and asked Members to forward their comments for inclusion in the consultation process which ended on 10 February 2006. He sought Members approval that the response be approved by the Chairman.

#### **RESOLVED** -

- (i) that Members note the draft Fire and Rescue Services (FRS) Strategy for Children & Young People.
- (ii) that Members comments be forwarded to the Executive Director as soon as possible for inclusion in the CFA response.
- (iii) that Members agreed that a response on the draft Fire and Rescue Services (FRS) Strategy for Children and Young People be forwarded to the ODPM by 10 February 2006 following the Chairman's approval.

#### 87.4 DRAFT NATIONAL FRAMEWORK 2006/08

The Executive Director informed Members of the publication of the ODPM draft National Framework for 2006/08 and asked Members to forward their comments for inclusion in the consultation process which ends on 10<sup>th</sup> February 2006.

#### **RESOLVED** -

- (i) that Members noted the draft National Framework 2006/08.
- (ii) that Members comments be forwarded to the Executive Director.
- (iii) that Members agreed that a response on the draft National Framework 2006/08 be forwarded to the ODPM by 10 February 2006 following the Chairman's approval.

#### 87.5 HEALTH AND SAFETY POLICY

The Executive Director sought Members approval to the introduction of the reviewed Health & Safety Policy for application by the Brigade. The Executive Director advised Members that specific obligations in relation to Health & Safety Legislation were outlined in the Policy statement and that this Policy applied to all Members of staff within the Fire Brigade and Fire Authority.

The Executive Director advised that Cleveland Fire Brigade recognises its duty to comply with Health & Safety Legislation and accepts responsibilities for the health, safety and welfare at work of all its employees and others who may be affected by their operations and activities. It was the aim of the Fire Authority to meet the legal obligations by conducting its business in a safe and healthy working environment. In addition is also aimed to promote a positive health and safety culture, achieved by the suitable and sufficient management of risk.

#### **RESOLVED** -

- (i) that the reviewed Health and Safety Policy be approved.
- (ii) that the reviewed Health and Safety Policy be applied within the Brigade with immediate effect.

#### 87.6 ENVIRONMENTAL POLICY

The Executive Director sought Members approval to the introduction of the Environmental Policy for application by the Brigade. He reported that the brigade recognise that our activities have an effect on the local, regional and global environment. Therefore, we are committed to minimising the impact of our operations on the environment by means of a programme of continuous improvement in environmental performance and the prevention of pollution. Environmental regulations, laws and codes of practice will be regarded as setting the minimum standards of environmental performance. Members requested that the Environmental Strategy be brought back to a future Fire Authority meeting.

- (i) that Members noted the Environmental Policy.
- (ii) that Members agreed that the Environmental Policy be applied to the Brigade with immediate effect.
- (iii) that the Environmental Strategy be brought back to a future Fire Authority meeting.

#### 87.7 LEADERSHIP & DEVELOPMENT IN THE FIRE & RESCUE SERVICE

The Executive Director provided Members with a synopsis of a consultation document on Leadership and Development in the Fire Service and sought Members views towards a collaborative response on behalf of the four North East Brigades.

Councillor Waller enquired if Leadership and Management was in respect of uniformed or non uniformed staff and asked if there was any relevant training available for Members? The Executive Director replied that this would be added as part of the single collaborative response but as far as he was aware, Leadership and Development in the Fire and Rescue Service did not deal with the strategy involvement of Members.

#### **RESOLVED** –

- (i) that Members note the contents of the consultation paper.
- (ii) that Members agreed to a single collaborative response on behalf of the four North East Brigades.
- (iii) that Members be included in the Leadership and development proposals as part of the consultation process.
- (iv) that Members agreed to receive the response to the consultation document on Leadership and Development in the Fire Service as part of a future Information Pack.

#### 87.8 INFORMATION PACK NO. CFA 60 – JANUARY 2006

82.8.1 Fire Brigades National Employers Circulars

82.8.2 Fire Service Circulars

82.8.3 Vehicle Contract Hire Agreement

82.8.4 Mapping Service Agreement (MSA)

**RESOLVED** – that the report be noted.

## 88 REPORT OF CHAIRMAN OF SCRUTINY (SERVICE DELIVERY) COMMITTEE SCRUTINY OF CO-RESPONDER SCHEME

The Chair of the Scrutiny (Service Delivery) Committee presented the Committee's findings and proposals on the Co-responder Scheme and its expansion to the whole of the Cleveland Fire Authority area. The Chair of the Scrutiny (Service Delivery) Committee thanked everyone who had taken part in the Scrutiny process. He highlighted a potential problem for the Scrutiny of the Co-responder Scheme being the likelihood of Tees and North Yorkshire Ambulance Service becoming part of the North East Ambulance Service which could potentially result in industrial action. Councillor Waller expressed concerns that if this happened the Fire Brigade would be used as a substitute for the Ambulance Service.

A lengthy discussion ensued regarding the membership of the Scrutiny (Service Delivery) Committee with regard to the Executive Committee arrangements and the "call in" procedure operated within Councils. The Clerk informed Members that Council meeting procedures are different to Fire Authorities as Executive Committee arrangements are a legal requirement within Councils. He informed Members that the Regulations do allow Fire Authorities to operate this way but this will form part of the annual review of Governance arrangements. It was also confirmed that a meeting had been arranged with the Chief Fire Officer/Executive Director, Chair of Scrutiny and himself.

Councillor Cooney informed Members that she had spoken to the Chair and Officers of the Redcar & Cleveland Health Scrutiny Committee with regard to conducting an independent Scrutiny of the Co-responder Scheme and they hoped to hold a meeting within the next fortnight. Councillor Cooney was hopeful that the independent Scrutiny of the Co-responder Scheme by Redcar & Cleveland Council would be completed within the six month timeframe.

Members enquired if the Co-responder was being suspended until the Scrutiny Committee had completed the scrutiny of the Co-responder Scheme. The Executive Director confirmed that the Co-responder Policy continued to be carried forward. He stated that he had had recent discussions with the Fire Brigades Union regarding the Co-Responder process.

## 88. REPORT OF CHAIRMAN OF SCRUTINY (SERVICE DELIVERY) COMMITTEE SCRUTINY OF CO-RESPONDER SCHEME continued

Councillor Waller enquired as to what extent the Firefighters are trained to enable them to carry out Coresponder duties. The Executive Director replied that the Firefighters are trained to a specific standard which includes preparing them for all types of emergencies and trauma care and to enable them to carry out Coresponder duties.

With the Chairman's permission Steve Watson, of the Fire Brigades Union outlined the FBU concerns to Members. Steve Watson thanked Members for the opportunity to express the FBU concerns on the Coresponder scheme. The FBU main concerns were training and costs; future of TENYAS; evidence of real benefit and the implications on Brigade targets. He also expressed concern regarding the S I P proposal of the loss of 66 operational firefighters. Steve Watson also informed Members of an impending Court case between the FBU and Lincolnshire and Nottingham Fire & Rescue Authorities on whether Co-responder duties are part of a firefighter's contract of employment.

- (i) that the report be noted.
- (ii) that the Scrutiny (Service Delivery) Committee withhold their judgement (with no recommendation) on the Cleveland Fire Authority policy of the Co-responder Scheme until such time (a maximum of 6 months) that the full information in points a) f) below have been made available to Members:-
  - (a) Redcar & Cleveland Health Scrutiny Committee to be approached to conduct an independent Scrutiny of the Co-responder Scheme covering the areas of patient reaction and public opinion, and that the results of the Scrutiny be provided to Cleveland Fire Authority Scrutiny (Service Delivery) Committee as soon as is practicable.
  - (b) TENYAS and Cleveland Fire Brigade to provide evidence that expansion into the more urbanized regions of the Authority's area would be of benefit to the public.
  - (c) A defined and robust audit process, including both financial and operational performance monitoring and regular assessments of the Co-responder Scheme against best practice, to be developed, agreed and implemented. The process should have a wider remit than purely clinical issues ensuring that all areas of concern are dealt with promptly and effectively with corrective action identified and implemented as is practicable. The Co-responder User Group may be best placed to undertake this activity, with outcomes and performance monitoring information forwarded to the Performance Scrutiny Committee on a regular basis.
  - (d) A report on the ongoing costs of the Co-responder Scheme in terms of resources, training, equipment maintenance, depreciation, fuel, officer's time and other related financial and resource issues, as well as any impact of the Co-responder Scheme on the operational targets of the Brigade, to be developed and submitted to Members of the Performance Scrutiny Committee to assess and agree content and regularity of issue.
  - (e) A system to be developed to ensure that the Cleveland Fire Brigade Risk Assessment and Standard Operating Procedure for 'Incidents Involving Dealing with Medical Emergencies as a Co-responder' is automatically reviewed following any operational changes to the Scheme. This would be in addition to the annual review, the next one of which is scheduled for February 2006.
  - (f) A full review of the training currently provided to enable firefighters to carry out Coresponder duties to be undertaken, and the results of the review provided to Members.
- (iii) In addition to the above recommendations Members also advocate that any changes to the structure and geographical area covered by TENYAS be monitored, and that any impact on the agreement with Cleveland Fire Authority be brought to the attention of Members.
- (iv) that a review of the Scrutiny Membership and regulations be undertaken prior to the annual meeting.

#### 89. REPORTS OF THE CLERK TO THE AUTHORITY

#### 89.1 LOCAL STRATEGIC PARTNERSHIP BOARDS

The Clerk informed Members of the response to the Authority's request for representation on the four Borough Council Local Strategic Partnership Boards and asked that they consider the responses from each Council.

Councillor Waller has now been appointed to the Hartlepool Partnership Board; Middlesbrough Partnership do not have any available places but the Executive Director already has a place on the Board and is substituted by Councillor Jones. Redcar & Cleveland are currently reviewing their Membership and Stockton Renaissance is constituted differently but felt that the Authority was represented by the District Manager of Stockton.

Members requested that two substitutes be made available to attend Partnership meetings. It was agreed that Councillor Porley substitute for Councillor Jones on the Middlesbrough Partnership Board.

Councillor Waller suggested that the Fire Authority request places on the LAA Boards and that the Audit Commission be informed of response regarding Members representation on Local Strategic Partnerships.

Councillor Pearson enquired how feedback from the Safer Partnership and Local Strategic Partnership meetings came back to the Authority. The Clerk reported that quarterly briefing meetings are held and a progress report would be presented to the next Cleveland Fire Authority meeting.

#### **RESOLVED -**

- (i) that the report be noted.
- (ii) that Councillor Porley be the second substitute on the Middlesbrough Partnership Board.
- (iii) that the Fire Authority write to the Audit Commission informing them of feedback from the Local Strategic Partnership Boards.
- (iv) that a place for the Fire Authority be requested on the Local Area Agreement Board.

#### 89.2 CLEVELAND FIRE AUTHORITY MEETINGS 2006/07

The Clerk sought Members approval of the Cleveland Fire Authority Meetings for 2006/07 as outlined at Appendix 1 of the report.

#### **RESOLVED** -

- (i) that Members approved the Cleveland Fire Authority Meetings for 2006/07 as outlined at Appendix 1 of the report.
- (ii) that Members approved a Member Development Day be held on 14 July 2006.

#### 89.3 CLERKS INFORMATION PACK – JANUARY 2006

- 89.3.1 LGA Fire Forum
- 89.3.2 <u>Members attendance at Conferences:</u>

Modernisation at the Fire Service – Are we There Yet? – Birmingham

- 89.3.3 Appointment of Relationship Manger to Cleveland Fire Authority
- 89.3.4 CFA Website
- 89.3.5 Councillor Waller informed Members that he had attended the LAA Seminar on 11 January 2006 with the District Manager of Hartlepool. He found the Seminar useful and worthwhile but questioned how we managed resources if other departments are cutting funding to our partners. Hartlepool Borough Council have now signed an LAA where funding will be delivered to partnership areas.

#### **RESOLVED** – that the report be noted.

## 90. REPORT OF THE LEGAL ADVISER TO THE AUTHORITY

#### PERSONAL LIABILITY OF FIRE BRIGADE OFFICERS

The Legal Adviser sought Members views regarding the extension of indemnities to Officers as permitted under 2004 order. He asked Members to agree in principle the extension of indemnities to Officers and direct the submission of a further report following detailed discussion with the Authority's insurers, the Senior Management Team and the Brigade representatives. The Legal Adviser informed Members that his report responded to issues brought by the Chief Fire Officer highlighting the risks of Personal Liability to Senior Fire Brigade Officers.

The Legal Adviser informed Members that Appendix 1 of his report was a lengthy and complex report prepared by Solicitors in the Private Sector ("the Potential Liability Report"). The report provided advice and guidance and a draft fire authority policy for the indemnification of Senior Fire Brigade Officers in respect of personal liability incurred in the course of the discharge of their duties. Since the original report was prepared, a few years ago, there have been significant legislative changes namely, the Fire and Rescue Services Act 2004 and the Local Authorities (Indemnities for Members and Officers) Order 2004. The provisions of the report questions the ability of the Authority to provide for indemnities for its Members and Officers and indemnities towards costs incurred by Officers defending Civil and Criminal proceedings. The initial report addressed issues concerning only Senior Fire Officers so therefore this required amendment to be applied throughout the Brigade. The report however, did not conclude the matter around Personal Liability of Fire Brigade Officers.

#### **RESOLVED** -

- (i) that the report be noted.
- (ii) that the Authority agree in principle the extension of indemnities to officers as permitted under the 2004 order and direct the submission of a further report following detailed discussion with the Authority's insurers, the Senior Management Team and the Brigade representatives.

## 91. REPORT OF THE TREASURER TO THE AUTHORITY INDEPENDENT REMUNERATION PANEL

The Treasurer informed Members of the recommendations of the Independent Remuneration Panel (IRP) following the meeting on 9 December 2005. As a result of membership changes to the Regional Management Board in September 2005, the Independent Remuneration Panel had been asked to consider the issue of Special Responsibility Allowances (SRA) for representatives of the Regional Management Board. The IRP recommended that no SRA is payable at this time and that the position be reviewed in May 2006.

#### **RESOLVED** -

- (i) that the report be noted.
- (ii) that the Special Responsibility Allowance be reviewed at the next review scheduled for May 2006.

#### 92. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED - "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 7 and 9 of Schedule 12A to the Act namely information relating to; a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under the authority; information relating to the financial or business affairs of a particular person (other than the Authority); any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition/disposal of property or the supply of goods or services."

#### 93. MINUTES

**RESOLVED** – that the Confidential Minutes of the Meeting held on 25 November 2005 be confirmed.

#### 94. MINUTES

RESOLVED - that the Confidential Minutes of Tender Committee - 2 December 2005 be confirmed.

#### 95. REPORT OF THE CHIEF FIRE OFFICER

95.1 REGIONAL MANAGEMENT BOARD – 20 January 2006

RESOLVED – that the minutes of 4 November 2005 Part II be noted.

#### 95.2 NEFRA PFI PROJECT – 4ps Gateway Review 1 – Business Justifications

The Chief Fire Officer sought Members view on the summary of the Gateway Review Report and its recommendations and asked Members to consider the RMB recommendations contained within the report.

#### **RESOLVED** -

- (i) that Members noted and considered the RMB recommendations contained within the report.
- (ii) that Members agreed to receive further reports as appropriate.

#### 96. MINUTES

**RESOLVED** – that the Confidential Minutes of Committee: Executive Committee – 13 January 2006 be confirmed.

# 97. REPORT OF CLERK TO THE AUTHORITY MANAGEMENT CONTINUITY PRESENTATION

The Clerk sought Members considerations on the Management Continuity.

# COUNCILLOR ROBBIE PAYNE CHAIRMAN