



CLEVELAND FIRE AUTHORITY

MINUTES OF MEETING HELD ON

FRIDAY, 25 JULY 2008

- PRESENT:**
- CHAIRMAN:**
Councillor Peter Porley – Middlesbrough Council
- HARTLEPOOL BOROUGH COUNCIL:**
Councillors Fleming, Wright
- MIDDLESBROUGH COUNCIL:-**
Councillors Ismail, Jones, Rogers, Williams
- REDCAR AND CLEVELAND BOROUGH COUNCIL:-**
Councillors Briggs, Cooney, Dunning, Forster, Ovens
- STOCKTON ON TEES BOROUGH COUNCIL:-**
Councillors Beall, Cherrett, Dixon, O'Donnell, Salt, Stoker, Woodhead
- PROPER OFFICERS:-**
Clerk, Legal Adviser, Treasurer, Deputy Clerk
- FIRE BRIGADE OFFICERS:-**
Karen Winter, Gary Cawley
- APOLOGIES FOR ABSENCE**
- Councillor Clark (Middlesbrough)
Councillor Fitzpatrick (Redcar & Cleveland)
Councillors Cook, Payne (Hartlepool)

36 DECLARATIONS OF MEMBERS INTEREST

It was noted no declarations of interest were submitted to the meeting.

37 MINUTES

Councillor Cherrett advised she had been present at this meeting.

RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on 6 June 2008 be amended to indicate the attendance of Councillor Cherrett and were then confirmed.

38 MINUTES OF COMMITTEES

RESOLVED - that the Minutes of the Executive Committees held on 27 June and 16 July 2008, and the Standards Committee held on the 15 July 2008 be confirmed.

39 TO RECEIVE THE REPORT OF THE CHIEF FIRE OFFICER

39.1 Fire Fighter Games

The Assistant Director of Performance advised Members of the level of anticipated expenditure associated with representatives of Cleveland Fire Brigade competing in the World Firefighters Games 2008 to be held in Liverpool from the 25 August to 3 September 2008. The Games will play a major role in Liverpool's European Capital of Culture 2008 calendar and are recognized as a prestigious event. The Games will feature 60 sporting events over a period of 10 days, attracting in excess of 5,000 competitors from all over the world. It was anticipated that up to fifteen employees of the Brigade would be competitors in a number of events, and it was proposed to cover the entry fee for each competitor together with the provision of a tracksuit, accommodation and out of pocket expenses, the

total not anticipated to exceed £5,000. If Members agreed to this proposal a World Firefighters Games 2008 Budget of £5,000 would be established supported through virement in accordance with the Chief Fire Officer's delegated powers from the existing Officers Travelling and Subsistence Budget Head to ensure the actual costs incurred are suitably and transparently recorded and are kept within the overall approved 2008/09 Revenue Budget.

Councillor Forster stated she fully endorsed this recommendation this was seconded by Councillor Dunning.

RESOLVED - that the expenses, up to a total of £5,000, associated with the entry fee, accommodation and travelling costs, provision of tracksuits and out of pocket expenses, for those competitors representing Cleveland Fire Brigade at the World Firefighter Games 2008 in Liverpool, be approved and to be provided from within the Fire Authority's approved 2008/09 Revenue Budget .

40. TO RECEIVE THE REPORT OF THE EXECUTIVE DIRECTOR

40.1 Executive Directors Information Pack – June 2008

40.1.1 Fire and Rescue Service Circulars

40.1.2 Employers Circulars

40.1.3 National Joint Circulars

40.1.5 NE Regional Management Board Meeting 1 July 2008

40.1.4 Provision of Occupational Health Service

The Assistant Director of Performance updated Members on the provision of a full Occupational Health Service. Prior to 1 April 2007 the Brigade received a full Occupational Health Service , this service included the provision of a full time Occupational Health Nurse and the services of an Occupational Health Physician on an ad hoc basis. In February 2008 the provision of the Nurse was withdrawn due to resourcing difficulties. Short term emergency provision was obtained from Tyne and Wear Fire and Rescue Service who offered a qualified Occupational Health Nurse for 2 days a week from March 2008, this agreement being for a maximum of 4 months.

The Assistant Director of Performance reported the full time tendering process for a full time Occupational Health Service would take up to six months which potentially leaves a period of 6 months without a service other than the current interim arrangements in place with Tyne and Wear. This posed a risk to the Brigade as it is not fulfilling its legal duty to its employees. The FBU has repeatedly registered its concerns as to the lack of a suitable Occupational Health Service and the effect on its members.

Industrial and Organisational Health (IOH) based at Washington are able to offer a full time qualified Occupational Health Nurse for five days a week, and a Physician one day a week, this service being available immediately without prejudice to the future tendering process. In accordance with the Fire Authority's Contract Procedure Rules, Part A,1(3), the Chief Fire Officer had agreed to enter into a short term arrangement with IOH for the provision of an Occupational Health Service for a period of 6 months (with 2 x 3 month extensions if required) which will enable Brigade Officers to undertake a full tendering process during this interim service provision. The costs of the short term arrangements are to be supported from within the existing 2008/09 approved revenue budget.

Councillor Briggs commented concerns had been expressed at the Audit and Governance Committee regarding the levels of sickness, and Members had asked that this be closely monitored. Councillor Briggs added he supported anything that could be put in place to assist.

Councillor Ovens queried how this service from IOH would be delivered. The Assistant Director of Performance advised either the Nurse would be situated in Brigade Headquarters or arrangements would be made for personnel to visit the Physician, these details were yet to be finalised.

RESOLVED -

(i) that the report be noted

41 VERBAL BRIEFING ON THE NE FIRE CONTROL BOARD

The Treasurer briefed Members on Part 1 of the National Business case for the NE Fire Control Board. He informed Members that CLG had set out staffing numbers based entirely on their national model. This included 63 staff during transition and 55 staff when steady state operation is achieved. This was significantly less than the current regional total of 110 staff and CLG have recognised that it is for the North East Fire Control Company to determine the number of staff required to provide the service expected by the four FRS's in the region but there is no indication of how this cost will be covered.

The Treasurer reported that the business case illustrated that on CLG's figures the new system will be more costly than the present system both in the North East and in four more of the nine regions. The indicative extra cost for the North East is £600k. which will be met by a "resilience payment" in the first three years then subject to a review but no details as to how that review will be conducted. The original expectation that the new regional controls would produce savings now only applies in four of the nine regions.

Whilst this element of the national business case is not subject to formal consultation CLG have stated that they would welcome feedback. A response will be sent by the Regional Management Board in respect of the region but Members may wish to respond in respect of the impact on Cleveland Fire Authority and join with the other "losing" regions in making a combined response.

The Assistant Director of Partnerships updated Members on progress in respect of the Regional Control Centre (RCC) Project. Some fifteen months had elapsed since European Aeronautic Defence and Space (EADS) were awarded the Infrastructure Service (IS) contract for the RCC project, and it was becoming clear that progress in key areas of the project are behind scheduled timescales. Whilst strong progress had been made to prepare FRS for the implementation activities in FiReControl, further progress is severely constrained by the absence of information and tools being made available from the national project team. In May EADS undertook an internal Preliminary Design Review (PDR) of the high level design to ensure that the proposed solution meets the contracted requirements and did not consider timescales. The Chief Fire Officers Association (CFOA) senior strategic adviser who was involved in the PDR had prepared a report for the CFOA Board which included the key statement 'whilst it would not necessarily be expected that the high level design would be complete at the PDR stage, there is a considerable amount of development, integration and implementation work still to be completed in order to meet contractual deadlines to deliver an integrated system populated with data'.

Referring to the Local Authority Controlled Company (LACC), the Assistant Director of Partnerships advised that following the Local Government elections there were now five new Company Directors and nominated alternative Directors. The Board had approved recommendations regarding the RCC organisation design, steady state staffing numbers, preferred shift pattern, terms and conditions for RCC staff, recognition of representative

bodies and TUPE 'reasonableness' criteria. Each member of Control has been sent a letter providing a signpost to the current proposals which would be subject to appropriate consultation.

The national project team had undertaken transition visits to each of the FRSs in the North East to enable CLG to be assured on progress within the region and to consider and understand FRSs major concerns and issues. Positive feedback had been received from CLG on this region and the progress of the FRS to date. Two informal meetings have been held with the FBU regional officials. It was envisaged that these meeting will form the basis for formal consultation in due course.

The Assistant Director of Partnerships reported that at the conclusion of the initial fit out of some vehicles and appliances, a serious radio problem became evident. This issue is so serious that control has been vested in a senior Airwave Director to ensure a resolution is reached. A temporary resolution to the problem appears to have been found, although the root cause has not yet been isolated. This had resulted in a further delay to the roll out of the next stage of the implementation plan which is envisaged not to commence until August 2008 at the earliest.

RESOLVED - Members resolved to note the briefing and agreed to both a response from Cleveland and to join with the other regions facing additional costs from this project in a joint response to CLG.

42 TO RECEIVE THE REPORTS OF THE AUDIT AND GOVERNANCE CHAIR

42.1 The Chair of the Audit and Governance Committee outlined the Audit and Governance Forward Work Plan for 2008/09. He informed Members that the FWP would remain flexible to enable referrals throughout the year.

RESOLVED - That the Audit and Governance Committee Forward Work Programme 2008/09 be approved.

42.2 AUDIT & GOVERNANCE CHAIR'S INFORMATION PACK

The Chairman informed Members that at the meeting of the Audit and Governance Committee held on the 4 July 2008, Members had scrutinised the progress against revenue and capital budgets which was reported up to 31 May 2008. The overall position showed a favourable variance of £212,000. The Projected outturn was expected to be within budget, therefore there would be no impact on the level of reserves. Referring to the annual performance summary report 2007/2008, the Chairman reported the Brigade's annual performance against best value performance indicators and corporate objectives and priorities from April 2007 to March 2008 was presented to Members who had requested that sickness levels be closely monitored at each meeting.

Councillor Forster queried why Co-responder provision had suddenly happened. In a joint reply from the Chairman and the Legal Adviser, Members were advised that the Co-responder scheme had been withdrawn due to the issues of potential clinical negligence liability and indemnity insurance cover for firefighters undertaking this work, however these issues had now been resolved resulting in the scheme being operational once more.

RESOLVED - That the report be noted.

43 TO RECEIVE THE REPORTS OF THE OVERVIEW & SCRUTINY CHAIR
43.1 Forward Work Programme

This agenda item was withdrawn.

43.2 Overview & Scrutiny Chairs Information Pack

The Overview & Scrutiny Committee Chairman informed Members that at the meeting of the Overview and Scrutiny Committee held on the 18 July 2008, Members were presented with a detailed background of all current and potential scrutiny reviews. Two new referrals had been received, one regarding Violence to Firefighters which all Members agreed should be the No 1 priority on the Forward Work Programme, the second referral was referred from the Audit and Governance Committee regarding the Brigade's Environmental Footprint. After detailed discussion it had been agreed the Executive Director and the Deputy Clerk would collate Members recommendations and present a revised FWP to the next meeting of the Overview and Scrutiny Committee on the 29 August 2008. For this reason the Forward Work Programme as an agenda item had been withdrawn from today's meeting.

Regarding Protected Pay Points, following a communication from Councillor Dunning the Executive Director had updated Members on the progress made both nationally and locally regarding former Station Officers on protected pay points since 30 November 2007. Members were informed that discussions on this matter with the Fire Brigades Union were still ongoing.

Councillor Dunning queried if it was known when this matter would be finally resolved. The Overview & Scrutiny Chairman advised the Executive Director had stated that the matter was close to conclusion.

The CFA Chairman referred to the Overview and Scrutiny Committee reverting back to monthly meetings, and queried if this matter would need to be referred to the Independent Remuneration Panel (IRP) regarding the allowance paid to the Chairman of this committee. The Treasurer advised the remit of the IRP was to make recommendations to the Fire Authority whose responsibility it was to decide whether to take such recommendations on board.

RESOLVED - That the report be noted.

44 TO RECEIVE THE REPORT OF THE CLERK TO THE AUTHORITY
44.1 LGA Annual Fire Conference, Bristol 10-11 March 2009

The Clerk sought Members wishes in respect of Member attendance at the LGA Annual Fire Conference to be held in Bristol on 10-11 March 2009. After discussion Members agreed that the Chairman, Vice Chair and one minority member attend this event.

RESOLVED – that the Chairman, Vice Chair and one minority Member attend the LGA Annual Fire Conference in Bristol on the 10 – 11 March 2008.

44.2 CLERK'S INFORMATION PACK

44.2.1 Delegated Powers

Executive Committee 16 July 2008:

The Clerk informed the meeting that, following the resignation of Councillor Cook as Director of the NE Fire Control Local Authority, an urgent Executive Committee meeting had been held on the 17 July 2008, at which Councillor Brenda Forster was appointed as a Director to represent Cleveland Fire Authority on the NE Fire Control Local Authority Controlled Company.

Executive Committee – 27 June 2008

As resolved at the Annual Meeting of the 6 June 2008, the Executive Committee approved the Annual Report 2007/08 which included the Best Value Performance Plan and the 2007/08 Outturn Position and 2007/08 Statement of Accounts, meeting the statutory deadline of 30 June 2008.

44.2.2 Fire Centennial Conference, London – 10 June 2008

Councillor Forster updated Members on this conference, stating that Simon Weston had been inspirational and the presentations very informative.

44.2.3 Fire Improvement Group 9-10 July 2008

Councillors Brenda Forster, Norah Cooney and Maelor Williams updated Members on the content of the meeting. Councillor Forster stated the event was one of the best she had ever attended and had been very informative. Discussion had taken place around widening the group to include West Yorkshire at the next meeting. Councillor Williams stated there was good practice to be learned from Merseyside Fire and Rescue Service who had achieved Beacon status. Councillor Cooney agreed with the comments of her fellow Members, adding this had been an excellent event from which she hoped the ideas put forward and discussed during the event could be put into practice.

RESOLVED - That the report be noted.

45 TO RECEIVE THE REPORTS OF THE LEGAL ADVISER

45.1 Anti-Fraud & Anti Corruption Strategy

The Legal Adviser outlined the amended Anti-Fraud and Anti Corruption Strategy to Members, drawing particular attention to the Fraud Response Plan; General Principles of Public Life; Whistle Blowing; Prosecution Policy and Gifts and Hospitality. He informed Members of Public Concern at Work, an independent authority on public interest whistle blowing, who have published, in collaboration with the British Standards Institute, "Whistleblowing Arrangements – Code of Practice" which is available at www.bsigroup.com or www.pcaw.co.uk. The Legal Adviser advised the Standards Committee had reviewed this Strategy and made recommendations on actions to be taken.

RESOLVED – that the amended Anti-Fraud and Anti Corruption Strategy be approved and the following actions be endorsed:

- (i) that the Anti Fraud and Anti Corruption Strategy (which includes the whistle-blowing policy) be communicated annually throughout the Authority.**
- (ii) that the Anti Fraud and Anti Corruption Strategy be communicated to those parties contracting with the Authority.**
- (iii) Ethical training be undertaken on an individual needs basis for all Members and Senior Officers**
- (iv) Ethical training be undertaken on an individual needs basis for all staff.**

- (v) **Undertake a consultation exercise with staff and staff within contracting organisations to ascertain whether they have confidence in the whistle blowing arrangements and if they feel safe to make a disclosure**

45.2 Amendments to Standing Orders and Contract Procedure Rules

The Legal Adviser proposed an amendment to the current Authority Contract Procedure Rules by including a section on partnerships, and updating the current Authority Standing Orders to reflect the establishment of an Audit and Governance Committee as detailed in Appendices 1 and 2. Under Standing Order No 27 any motion to add to, vary or revoke these Standing Orders other than for the purpose of compliance with any statutory requirements shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

RESOLVED:

- (i) **Members approved the updated Contract Procedure Rules**
- (ii) **Members approved the updating of the Authority's Standing Order No 41 and Annex**
- (iii) **That under Standing Order No 27 the amendments will stand adjourned without discussion to the next ordinary meeting of the authority**
- (iv) **That responsibility for the amendment be delegated to the Deputy Clerk to the Authority**

46 MEMBERS ALLOWANCE SCHEME

The Treasurer presented the recommendations of the Independent Remuneration Panel (IRP) who had undertaken a review of the Members Allowances Scheme . The current Members Allowances Scheme had been approved by the Authority on the 1 June 2007 and continued to operate in the financial year 2007/08 until any amendments to the scheme are approved.

The Treasurer informed Members the IRP had considered the current level of allowances, roles, duties and responsibilities, and the views of Members given via a questionnaire which had achieved a response rate of 47%. The IRP had looked at the role, responsibility and attendance of all CFA Members under the new Governance arrangements, and had also considered the amounts paid by other authorities.

The Panel confirmed that the Special Responsibilities Allowances were appropriate for the Chair and Vice chair of the Fire Authority and discussed at length the changes of remit, responsibility and frequency of meetings of the former Chairs of the Performance Scrutiny and Service Delivery Scrutiny Committees. The Overview and Scrutiny Committee had moved from monthly to bi-monthly meetings and the remit of the Audit and Governance committee had increased. As a result of these changes it was considered responsibilities for these Chairs were equal. Consequently it was recommended that the SRA for the Audit and Governance Chair be increased to 1.25 x basic allowance and the SRA for the Overview and Scrutiny Chair be reduced to 1.25 basic allowance. The Treasurer stated Members may wish to consider the recent decision that the Overview and Scrutiny Committee would revert back to monthly meetings.

The Treasurer informed Members that the IRP had recommended a 3.8% inflation increase be added to the basic and special responsibility allowances and if approved be backdated to 6 June 2008. the recommendations were as follows:

Basic Allowance	£2128 per annum
Audit & Governance Chair	£2660 per annum,
Overview and Scrutiny Chair	£2660 per annum
Vice Chairman	£4256 per annum
Chairman	£8511 per annum

Councillor Dunning moved and it was seconded that the recommended basic and special responsibility allowances be approved.

Councillor Williams queried if the choice of inflation index was the one traditionally used. The Treasurer advised this was the index agreed when the scheme came into being and it was agreed it would remain in force subject to 3-yearly reviews. Councillor Williams referred to Appendix 2 point 6.5. The Treasurer explained that there are statutory requirements that have to be adhered to, and one of these is that if SRAs are in pay then they have to apply across parties.

RESOLVED – Members approved the amended Members Allowances Scheme as under:

- (i) that the SRA of the Audit and Governance Chair be increased from £1025 pa to £2660 pa
- (ii) that the SRA of the Overview and Scrutiny Chair be reduced from £3587 pa to £2660 pa
- (iii) that a 3.8% inflation increase be added to the basic and special responsibility allowances resulting in the following:

Basic Allowance	£2128 pa
Audit & Governance Chair	£2660 pa
Overview and Scrutiny Chair	£2660 pa
Vice Chairman	£4256 pa
Chairman	£8511 pa
- (iv) that the basic and Special Responsibility Allowance be backdated from 6 June 2008
- (v) that a Special Responsibility Allowance be paid to at least one member who is not a member of the ‘controlling’ group to facilitate compliance with statutory requirements
- (vi) that the IRP review the Members Allowance Scheme in 12 months time or earlier if required.

47 ANY OTHER BUSINESS

47.1 CPA Self Assessment Approval

The Clerk sought Members wishes regarding the approval process of the Use of Resources and Direction of Travel following its scrutiny by the Overview and Scrutiny Committee on the 29 August 2008.

RESOLVED –

- (i) that the approval of the Use of Resources and Direction of Travel be delegated to the Executive Committee
- (ii) that a meeting of the Executive Committee be called on 5 September 2008

48 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 of Schedule 12A to the Act namely information relating to an individual”.

49 CONFIDENTIAL MINUTES

RESOLVED – that the minutes of the Executive Committee meeting held on the 27 June 2008 be approved.

**COUNCILLOR PETER PORLEY
CHAIRMAN**