



CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 28 NOVEMBER 2008

- PRESENT:**
- CHAIRMAN:**
Councillor Porley - Middlesbrough
- HARTLEPOOL BOROUGH COUNCIL:**
Councillors Cook, Payne, Wright
- MIDDLESBROUGH COUNCIL:-**
Councillors Ismail, Rogers, Williams
- REDCAR AND CLEVELAND BOROUGH COUNCIL:-**
Councillors Briggs, Cooney, Dunning, Fitzpatrick, Forster, Ovens
- STOCKTON ON TEES BOROUGH COUNCIL:-**
Councillors Beall, Cherrett, Dixon, O'Donnell, Salt, Stoker, Woodhead
- PROPER OFFICERS:-**
Legal Adviser, Treasurer, Deputy Clerk
- FIRE BRIGADE OFFICERS:-**
Chief Fire Officer, Executive Director, Assistant Director of Performance
- BY INVITATION:-**
Mr S Watson, Fire Brigades Union, Firefighter Peter Woodhead
- APOLOGIES FOR ABSENCE**
Councillor Fleming (Hartlepool)
Councillors Clark, Jones (Middlesbrough)

96. **DECLARATIONS OF MEMBERS INTEREST**
It was noted no declarations of interest were submitted to the meeting.
97. **MINUTES**
RESOLVED - that the Minutes of the Cleveland Fire Authority Meeting held on 26 September 2008 be confirmed.
98. **MINUTES OF COMMITTEES**
RESOLVED - that the Minutes of the Executive Committees held on 24 October 2008, the Policy Committee held on 7 November 2008, and the Standards Committee meeting held on 18 November 2008 be confirmed.
99. **COMMUNICATIONS SENT TO THE CHAIRMAN OR CLERK TO THE AUTHORITY**
The Chairman informed Members that since the last meeting the following correspondence had been received:
- Letter from the Clerk tendering his resignation with effect from 31 March 2009
 - Letter from Sadiq Khan, Fire Minister, regarding North East Fire Control
 - Letter from Hartlepool Borough Council's Scrutiny Committee regarding North East FireControl Co Ltd

RESOLVED – that the communications be noted.

100. REPORTS OF THE EXECUTIVE DIRECTOR

100.1 Integrated Risk Management Plan (IRMP) 2008-2011: Consultation on feedback on the IRMP Savings Proposals

The Executive Director outlined the consultation results in relation to the five IRMP saving proposals which were considered by the Policy Committee at their meeting on 7 November 2008. These being:

- Construct an employer's budget which allows for staff turnover of five employees per annum
- Set response time targets and review staffing arrangements for the Environmental Protection Unit (EPU)
- Set response time targets and review staffing arrangements for the Incident Command Unit (ICU)
- Set response time targets and review staffing arrangements for the Hydraulic Platform (HP)
- Undertake an Organisational Review

The Executive Director outlined feedback received from the FBU and a member of staff during the consultation process. He asked Members to consider whether or not the five IRMP saving proposals should be implemented as a means of achieving the 2008/09 budget savings and whether £100,000 of the expected £540,000 efficiency savings from the Organisational Review should contribute to Occupational Health provision (circa £40,000) and to remove the anomaly of A and B pay points caused by the application of 'job sizing' as soon as practicable.

Following discussion by Members, it was agreed to support the five IRMP saving proposals and utilise £100,000 of the expected efficiency savings to contribute to Occupational Health provision and remove the anomaly of A and B pay points.

RESOLVED :-

- (i) that comments raised in the consultation responses on the five IRMP savings proposals be noted
- (ii) that the comments of the Policy Committee from the 7th November 2008 be noted
- (iii) that the five IRMP saving proposals should be implemented as a means of achieving the 2008/09 budget savings
- (iv) that £100,000 of the expected £540,000 efficiency savings from the Organisation Review be utilised to supplement the following two areas; a contribution of circa £40,000 toward the additional costs of an Occupational Health provision and circa £60,000 to remove the anomaly of A and B pay points caused by the application of 'job sizing' following the 2003 pay agreement to be paid as soon as practicable.

101.2 Asset Management

The Executive Director confirmed the announcement by Communities and Local Government (CLG) that £60m has been set aside in PFI credits for the joint Cleveland, County Durham and Darlington and Northumberland proposal for the provision of new community safety facilities as outlined in the 'expression of interest'. He informed Members that initial arrangements have been put in place by the Senior Management Team to ensure effective governance arrangements for the delivery of this project, including the appointment of a Project Director.

101.2 **Asset Management (cont)**

The Executive Director informed Members that the CLG have invited Cleveland, County Durham and Darlington and Northumberland Fire and Rescue Services to provide further details on their proposals through the provision of a mini business case that are required by March 2009, with a full business case being produced 44 weeks from notification of the selected projects.

The Executive Director explained that for Cleveland Fire Authority, the expression of interest relates to capital expenditure of £37.120m and relates to the replacement of the Headquarters and amalgamation of the Learning and Development Centre, Youth Academy and Technical Workshops and Stores onto the Headquarters site. In addition, it related to the replacement of Billingham, Grangetown, Thornaby, Stranton and Headland fire stations; and the amalgamation of Middlesbrough and Marine Fire Stations to be replaced by one community fire station. He stated that the £60m PFI credits translate into circa £40m capex with Cleveland's share being circa £24m. Therefore alternative funding routes will have to be investigated in order to implement the Brigade's Asset Management Plan.

Councillor Payne asked for clarification as to where finances will come from for the provision of a Project Director and Project Manager. The Executive Director stated that an existing member of staff had been appointed temporary Project Director and all expenditure up to the submission of the mini outline business case (March 2009) would be managed ferom within current budgetary constraints. In addition, the Executive Director confirmed that he would provide clarification as to the associated funding arrangements in a future report to the CFA.

RESOLVED –

- (i) **that Members note the CLG's announcement that they have set aside £60m in PFI credits for the joint Cleveland, County Durham and Darlington and Northumberland proposal for the provision of new community safety facilities as outlined in the 'expression of interest' at Appendix 1 of the report.**
- (ii) **That these credits amount to circa £40m (approx £24m capex) for Cleveland Fire Authority and therefore alternative funding routes need to be investigated in order to implement the Brigade's Asset Management Plan.**
- (iii) **That the initial arrangements put in place by the Senior Management Team to ensure effective governance arrangements for the delivery of this project were noted.**
- (iv) **That work will commence immediately on the outline business case and this along with any further developments will be reported to future Authority meetings.**
- (v) **That the Executive Director clarify the associated funding arrangements of the Asset Management project to be reported to a future Authority meeting.**

101.3 **FRS Equality & Diversity Recruitment Targets (Higher Recruitment Targets)**

The Executive Director provided Members with an overview of the Fire and Rescue Service Equality and Diversity recruitment targets and what we are expected to achieve and what our current workforce profile looks like and how these new targets fit with Brigade Strategy. He reported that recruitment, retention and progressions workforce diversity targets for women and minority ethnic staff have to be met by 2013, and there is an opportunity to commit to achieving recruitment targets which are higher than the standard and by committing to these higher targets will give opportunities to access associated funding.

101.3 FRS Equality & Diversity Recruitment Targets (Higher Recruitment Targets) (cont)

Councillor Ismail stated that as Equality & Diversity Champion he welcomed the higher targets and in turn the funding available in order to increase positive action. He referred to his recent letter to Members informing them of the achievement of Level 3 of the Equality Standard for Local Government and encouraged Members to take advantage of development opportunities with regard to Equality & Diversity.

Councillor Payne confirmed that he fully supported this issue but stated that he believed Cleveland Fire Brigade should always employ the best possible staff regardless of their colour, gender and ethnicity and requested assurance that standards would not be lowered in order to 'tick a box'.

Councillor Fitzpatrick commented on the need to avoid duplication in Equality & Diversity training which is also undertaken in respective councils. Councillor Briggs stated that he believed Equality & Diversity training should be offered in house with the assurance that it will be different from that delivered by respective authorities. Councillor Beall supported Councillor Ismail and reported that there are advantages in a workforce that reflects the community.

The Chief Fire Officer referred to the launch earlier in the week of the five-point Equality & Diversity Charter by the LGA. He stated that although the Brigade does not reflect the community it serves yet, we do deliver a variety of services throughout the community. He reported that the Brigade's commitment to equality and diversity is reflected by the desire to demonstrate a change in our workforce profile and reflects our Corporate Objective to have a diverse workforce and the Brigades internal operating plan references increasing recruitment amongst the hard to reach groups.

Councillor Forster supported the Authority's commitment to Equality and Diversity and informed Members that she had attended the National CFA Equality and Diversity Conference on 25 November 2008 where the five-point Equality & Diversity Charter was announced and informed Members that every FRA has to have an Equality & Diversity Champion and that training for all new Members is to be compulsory. Councillor Forster reported that Sadiq Khan, MP spoke at the conference and commented that low BME numbers can be excused in some parts of the country but there is no excuse for low numbers of women. She also updated Members on the Asian Fire Service Association Conference on 26 November 2008 where Riasat Khaliq our Director of Resilience Management was mentioned by name as one of only 3 senior Asian officers in the country.

Following discussion, Members agreed that development on Equality & Diversity should be undertaken for Members in-house preferably prior to a full CFA Meeting.

RESOLVED:-

- (i) Members pledged their commitment to supporting Cleveland Fire Brigade in achieving the Higher Recruitment targets detailed in Appendix A**
- (ii) that the Chairman and Chief Fire Officer sign the letter of commitment**
- (iii) that development on Equality & Diversity be arranged for Members on an in-house basis prior to a CFA Meeting**

101.4 The 'GO' Award

The Executive Director provided Members with an overview of the Government Office Fire & Rescue Award (GO Award). He explained that the award was launched in March 2008 and has been developed to enable the implementation of the National Strategy for Skills for Life (recommendations with the "Leitch Review 2005"). The GO Award is essentially an implementation plan for Skills for Life strategy and has six main criteria:

- The development of a Whole Organisation Approach
- Working towards the development of a strategy for the organisation
- Developing staff within the organisation to support Skills for Life
- Appropriate identification of staff with Skills for Life needs
- Flexibility in delivery of Skills for Life in the workplace
- Skills for Life development forms part of the wider staff development programme

In order to achieve full award status Members will need to pledge their commitment to support Cleveland Fire Brigade in this endeavour and there is a requirement for "sign-up" by the Chairman of the Fire Authority, the Chief Fire Officer and other key partners.

RESOLVED – that Members pledge their commitment to supporting Cleveland Fire Brigade achieve full award status.

101.5 Executive Directors Information Pack – November 2008

- 101.5.1 Fire and Rescue Service Circulars
- 101.5.2 National Joint Circulars
- 101.5.3 The Audit Commission consultation paper on Comprehensive Area Assessment and the Department for Communities and Local Government (CLG) consultation paper on the National Procurement Strategy (2008-2011)

RESOLVED – that the report be noted

102 NE FIRE CONTROL COMPANY BOARD UPDATE - LACC

Councillor Forster provided Members with a verbal update on progress in respect of the North East Local Authority Controlled Company. She informed Members that following her letter to the Fire Minister in August expressing concerns about the content of the Regional Annexe to the Business Case, she had now received a reply but it did not provide any of the assurances that were sought. Councillor Forster confirmed that clarification has been sought from CLG on all aspects of the security implications of the Regional Control Centre being part of the Critical National Infrastructure and that further guidance should be issued by CLG in the 'near future'. She stated that further visits for Control and FRS staff will be facilitated from early December (once the contractors have left site).

Councillor Payne raised the issue of the 9 month delay in the RCC becoming operational and asked what would happen should the Cleveland Fire Brigade Control Room encounter difficulties between now and the move.

The Treasurer stated that he had asked this question at the last finance working group meeting and was informed verbally by CLG that any additional expenditure regarding the existing equipment would be looked at on a case by case basis.

RESOLVED – that the update be noted

103 OVERVIEW AND SCRUTINY CHAIR INFORMATION PACK

The Chairman of the Overview and Scrutiny Committee reported the issue of violence to firefighters had been scrutinised by Members and had included safety from a managerial, a Trade Union and a Firefighter perspective. Firefighter Peter Woodhead (who had been injured in a recent incident), and Mr Steve Watson the FBU representative had attended the meeting as part of the scrutiny process, and the Committee had recommended the matter be referred to the Authority for their consideration.

The Executive Director referred to the attack in Norton Grange and informed Members that the individuals were caught but disappointingly, the charge was limited to affray as the individuals pleaded guilty. He assured Members that there are measures in place to train staff, develop and implement control measures to reduce attacks and monitor attack rates.

Mr Watson and Firefighter Woodhead both presented their individual perspectives on this issue and a lengthy discussion ensued regarding what action can be taken by Firefighters to defend themselves when they come under attack. Both Mr Watson and Firefighter Woodhead expressed the view that although firefighters are entitled to use reasonable force when under attack, they would not like to see firefighters in an enforcement role.

Councillor Cherrett declared a personal interest as a Member of Tristar Homes and informed Members of further instances of attacks on Firefighters and urged the Authority to support their staff.

The Chairman of Overview and Scrutiny sought Members views and support on the following recommendations of the Overview and Scrutiny Committee

- a) write to Tristar homes (Stockton) and ask them to take any appropriate action regarding their tenants who were responsible for the attacks on firefighters.
- b) inform all councils and outside bodies in this area that these people have been charged with attacking public servants.
- c) ask that tenancy agreements include stronger consequences of anti social behaviour especially against public servants
- d) write to the Home Secretary of our disgust at the way those responsible for the attacks have been let off due to the action of CPS in watering down charges
- e) lobby for changes to the law so that firefighters are protected and treated the same as the police
- f) the CFA, fire minister and all councils have a duty of care regarding firefighter safety - are councils using what sanctions are available to them.

The Legal Adviser advised that:

- it would be appropriate to write to Tristar Homes with a copy to Julie Nixon and Councillor Steve Nelson requesting due investigation by Tristar Homes regarding the concerns raised and whether any action could be taken.
- adequate reporting mechanisms should already be in place with individual councils.
- standard tenancy agreements already include clauses on anti social behaviour.
- the CPS will have had regard to sufficiency of evidence and whether it was in the public interest to proceed with a prosecution. However it would be appropriate for the Chairman to write to the Chief Crown Prosecutor with a copy to the Home Secretary regarding the charging and this particular individual's conviction.
- it was appropriate to lobby the Home Office questioning whether available sanctions are appropriate in today's society.

- councils do have powers notably under the Crime and Disorder Act which provide for a range of sanctions and for organisations and agencies to share concerns and develop working practices.

Councillor Woodhead declared a personal interest as a Member of Tristar Board.

Extensive discussions took place regarding the proposed recommendations and action some of which were not supported unanimously and a vote was taken as follows:

Recommendation a – that the Authority write to Tristar Homes with a copy to Julie Nixon and Councillor Steve Nelson requesting due investigation by Tristar Homes regarding these concerns and any action that can be taken - **15 votes for and 2 against**

Recommendation b - that liaison between other agencies be handled by Officers as a matter of course with regard to the sharing of information - **agreed**

Recommendation c – **no action required**

Recommendation d – that the Authority write to the Crown Prosecution Service with a copy to the Home Secretary raising concerns regarding the nature of this individual's conviction, Councillor Dixon also requested an addition be made to the letter asking for witnesses views be taken into consideration if a guilty plea is submitted – **15 votes for and 2 against**

Recommendation e – that the Authority lobby the Home Office questioning whether available sanctions are appropriate in today's society and that Firefighters be afforded similar protection to the Police - **15 votes for and 2 against**

Recommendation f - Councils do have powers notably under the Crime and Disorder Act which provide for a range of sanctions and for organisations and agencies to share concerns and develop working practices - **15 votes for and 2 against**

RESOLVED:

- (i) **that the Authority write to Tristar Homes with a copy to Julie Nixon and Councillor Steve Nelson requesting due investigation by Tristar Homes regarding these concerns and any action that can be taken.**
- (ii) **that liaison between other agencies be handled by Officers as a matter of course with regard to the sharing of information**
- (iii) **that the Authority write to the Crown Prosecution Service with a copy to the Home Secretary raising concerns regarding the nature of this individual's conviction.**
- (iv) **that the Authority lobby the Home Office questioning whether available sanctions are appropriate in today's society and that Firefighters be afforded similar protection to the Police.**

104 REPORTS OF THE CLERK TO THE AUTHORITY
104.1 Fire Conference 2009 – 12 to 14 May 2009

The Clerk sought Members wishes in respect of Member attendance at the Fire Conference 2009 which is to be on 12-14 May 2009 in Birmingham. After discussion Members agreed that the Chairman, Vice Chair and a minority group member attend this event.

RESOLVED – that the Chairman, Vice Chair and a minority group member attend the Fire Conference to be held on 12-14 May 2009 in Birmingham

104.2 LGA Fire Services Forum Membership 2008/2009

Members views were sought regarding nominating additional representatives to the LGA Fire Services Forum. After discussion Members agreed that Councillor B Forster should be nominated as an additional representative to the LGA Fire Forum whilst undertaking RMB and LACC Chairs duties.

RESOLVED – that Councillor B Forster should be nominated as an additional representative to the LGA Fire Forum whilst undertaking RMB and LACC Chairs duties.

104.3 Nominations to the North East Improvement & Efficiency Partnership Community Engagement & Empowerment Programme’s Member Sounding Board

RESOLVED – that Members confirmed the nomination of Councillor Forster as the CFA representative on the North East Improvement and Efficiency Partnership Community Engagement and Empowerment Programme’s Member Sounding Board.

104.4 CLERK’S INFORMATION PACK

- 104.4.1 Icelandic Banks
- 104.4.2 LGA Fire Forum
- 104.4.3 Delegation to Houses of Parliament – 29/10/08
- 104.4.4 Newsletters
- 104.4.5 Feedback from Conferences
- 104.4.6 Standards Committee

RESOLVED - that the report be noted.

105 REPORT OF THE LEGAL ADVISER

Assessment Criteria – Assessment/Review Sub Committees

The Legal Adviser outlined the Assessment Criteria for the Assessment/Review Sub-Committees of the Standards Committee which had been considered at the Standards Committee meeting on 18 November 2008. He informed Members that following the introduction of the Local Assessment and Determination process relating to allegations of Member misconduct it is necessary for the Standards Committee to have criteria in place in order to correctly identify and consider a complaint. Assessing all new complaints by established criteria should ensure fairness for both the complainant and the subject Member and will also protect the committee members from accusations of bias.

RESOLVED – that the Assessment Criteria for the Assessment/Review Sub-Committees be approved.

106 REPORTS OF THE TREASURER TO THE AUTHORITY

106.1 Treasury Management

The Treasurer reported that the Authority has taken a prudent approach in managing its investments and has had good returns on them. He reported that whilst existing investment arrangements are robust it is appropriate in the current climate to examine alternative arrangements for safeguarding the Authority’s investments and asked Members to consider proposals for revising the existing Treasury Management Strategy. Three alternative options for managing the Authority’s investments were discussed:

- Continue current stand alone arrangements
- Use investments to repay debt and/or delay new borrowings
- Pool investments with another Local Authority

The Treasurer reported that Treasury Management has always been a key area of financial management and an area which directly impacts on an organisation's financial health. This area is now a high profile issue for authorities as a result of the credit crunch and the situation with the Icelandic banks. Therefore, Treasurers and public bodies need to not only manage their Treasury activities effectively and prudently, but be seen to do so and this Authority currently achieves both objectives.

The report suggests that further improvements could be made by pooling the CFA's investments with Hartlepool Council which will spread the risk wider than we currently can. If Members approve this proposal the appropriate arrangements will need to be agreed with Hartlepool Council.

Following detailed discussions Members agreed that the favoured option would be Option 3.

RESOLVED:

- (i) **that the proposal to establish a pooled 'investment fund' with Hartlepool Borough Council be approved**
- (ii) **that authorisation be given to the Treasurer and Legal Adviser to complete the necessary legal arrangements for operating this fund**

106.2 Medium Term Financial Strategy 2009/2010 – 2011/12

The Treasurer informed Members that a review of the Authority's Medium Term Financial Strategy (MTFS) had taken place and there had been significant international and domestic changes since the current years budget was set. Many of these changes have been unprecedented and have resulted in the major economies of the world facing the most challenging position for many years. He advised that the CFA is largely insulated from these issues in the short-term owing to multi-year grant settlements and has benefited from higher investment income in the current year. In the Medium Term the CFA and public sector bodies will be affected by the recession and the impact will likely be delayed until the next Comprehensive Spending Reserve which will determine grant allocations for 2011/2012 onwards.

The Treasurer reported that the next Comprehensive Spending review will produce lower increases in public expenditure. For this Authority this is likely to mean a continuation of cash increases in grant of only 0.5%, or even cash frozen grants. At the same time the Authority will have less local flexibility as it will have used up its surplus balances to support the revenue budget. It is therefore essential that the Authority achieves planned efficiency savings of £1.75m by 1st April, 2010 and begins to develop a strategy for achieving further efficiencies in 2011/2012 and beyond.

The Treasurer reported that with regard to the 2009/2010 budget and proposed Council Tax level there have been no changes to the previous planning assumptions. The key aspect is the achievement of the 2009/2010 efficiency target and a detailed report will be submitted to the Authority in January 2009 to enable Members to set the 2009/2010 budget and Council Tax.

RESOLVED – that the report be noted.

107 ANY OTHER BUSINESS

Councillor Forster wished to place on record her thanks to the crew from Redcar Fire Station who attended a fire in her ward and rescued a woman who was unconscious.

108 LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) (VARIATION ORDER) 2006

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 the paragraphs below of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006,

Minute No. 109 - Paragraphs 1 and 3

Minute No. 110 – Exec Minutes Paragraph 1, Policy Minutes Paragraphs 3 and 4

Minute No. 111 – Paragraph 3

Paragraph 1 – namely information relating to any individual

Paragraph 3 – namely information relating to the financial or business affairs of any particular person (including the authority) holding that information

Paragraph 4 – namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or a Minister of the Crown and employees of, or office holders under, the authority.

109 CONFIDENTIAL MINUTES

RESOLVED – that the Confidential Minutes of the Cleveland Fire Authority meeting held on 26 September 2008 be confirmed.

110. CONFIDENTIAL MINUTES OF COMMITTEES

RESOLVED – that the Confidential Minutes of the Executive Committee meeting held on 24 October 2008 and the Policy Committee Meeting held on 7 November 2008 be confirmed.

111. CONFIDENTIAL REPORT OF THE EXECUTIVE DIRECTOR

111.1 Outcome of the Feasibility Study into Outsourcing Technical and Support Services

Members noted the report and recommendations of the Policy Committee.

**COUNCILLOR PETER PORLEY
CHAIRMAN**