
CLEVELAND FIRE AUTHORITY



MINUTES OF ORDINARY MEETING HELD ON FRIDAY, 26 MARCH 2010

PRESENT:	VICE CHAIR: Councillor O'Donnell – Middlesbrough Council
	HARTLEPOOL BOROUGH COUNCIL: Councillors Flintoff, Lilley
	MIDDLESBROUGH COUNCIL:- Councillors Clark, Rogers, Thompson
	REDCAR AND CLEVELAND BOROUGH COUNCIL:- Councillors Abbott, Briggs, Cooney, Dunning, Forster, Ovens
	STOCKTON ON TEES BOROUGH COUNCIL:- Councillors Beall, Cherrett, Patterson, Salt, Stoker, Woodhead
	PROPER OFFICERS:- Legal Adviser, Treasurer
	FIRE BRIGADE OFFICERS:- Chief Fire Officer, Director of Corporate Services, Director of Business Development, Head of Planning and Democratic Services
APOLOGIES FOR ABSENCE:	Councillor Brash (Hartlepool Borough Council) Councillor Payne (Hartlepool Borough Council) Councillor Porley (Middlesbrough Council)

159. DECLARATIONS OF MEMBERS INTEREST

None declared.

160. MINUTES

RESOLVED - that the Minutes of the Cleveland Fire Authority Meetings held on the 29 January 2010 and 5 February 2010 be confirmed.

161. MINUTES OF COMMITTEES

RESOLVED - that the Minutes of the Policy Committee held on 5 March 2010, the Standards Committee held on 2 March 2010 and Tender Committees held on 1 February and 19 February 2010 be confirmed.

162. TO RECEIVE COMMUNICATIONS RECEIVED BY THE CHAIRMAN

The Vice Chair informed Members that since the last meeting the following correspondence had been received:

- Gavin Barker, Audit Commission regarding Fire Authority Meeting on 27 November 2009
- Barbara Follett MP, Communities and Local Government regarding Council Tax Capping 2010-2011

RESOLVED – that the communications be noted.

163. REPORTS OF THE CHIEF FIRE OFFICER

163.1 Risk Management Policy

The Director of Corporate Services informed Members that the Authority has built up a robust and renowned risk management framework. She reported that with the introduction of CAA, IRMP and the Government's efficiency agenda, a review has been undertaken to ensure our structures, systems, processes and measures are aligned to enable the Brigade to continue to deliver better outcomes for local people. This policy is a Statement of Intent and applies to all employees, managers and Elected Members covering both strategic and tactical levels of the organisation and covers the four stages of traditional risk management cycle: Assess; Evaluate; Manage; and Measure. Members' responsibilities were detailed within Page 4 of the Policy. Councillor O'Donnell reported that as Member Champion for Improvement and Value for Money she fully supported this Policy and Strategy.

The Director of Corporate Services outlined the Risk Management Strategy 2010/14 which supported the delivery of the Risk Management Policy and included an action plan for risk management improvements.

RESOLVED – that the Risk Management Policy as attached at Appendix 1 of the Report be approved.

163.2 Draft Service Plan 2010/11 including integrated Risk Management Plan 2008/11 Year 2 Review

The Chief Fire Officer advised Members that the Authority now has only 2 public facing documents; The Five Year Strategic Plan and the Annual Service Plan. The Service Plan sets out the Authority's achievements and performance from the previous year, and details the priorities and actions to be undertaken for the forthcoming year. The Chief Fire Officer highlighted some of the key achievements in 2009/10:

- The introduction of the 'Concept of Operations'
- The Centre of Excellence at Redcar Fire Station
- The installation of Low Cost Suppression Systems in Social Housing
- The development and implementation of planning arrangements and familiarisation processes at Hazardous Installations
- The first phase of our Energy and Environment Strategy
- The submission of the PFI Outline Business Case

The Chief Fire Officer stated that this Authority has achieved real financial savings whilst continuing to improve the services that we deliver. He advised that not only are services being enhanced but performance is also improving with the emphasis on prevention and protection alleviating the pressure from emergency response. The Chief Fire Officer referred to the recent Budget announcements and informed Members that the only two indicators which were included in the national targets have now been removed, and that Officers were looking into this but there were no further details available at present.

The Chief Fire Officer informed Members that the Brigade had embarked on a Transformational Change Programme to re-evaluate our services which will bring forward service improvements, efficiencies and new ways of working.

163.2 Draft Service Plan 2010/11 including integrated Risk Management Plan 2008/11 Year 2 Review cont

Councillor Rogers referred to the ongoing investigation into the Warwickshire warehouse blaze in which 4 Firefighters were killed and asked for clarification regarding the areas of personal liability and indemnity. The Legal Adviser informed Members of the Corporate Manslaughter Act and outlined Members responsibilities. It was agreed that a presentation be arranged by Insurers to Members and Officers covering the areas of corporate and personal liability. The Chief Fire Officer informed Members that when the information regarding the Warwickshire incident was released he would bring this to Members.

Councillor Ovens requested clarification regarding partnership working highlighted within the Service Plan regarding Road Traffic Collisions. The Chief Fire Officer explained that this relates to work carried out by the Brigade with Cleveland Police and on a regional level with other Fire & Rescue Services, notably the Learn & Live Campaign.

Councillor Ovens further commented on the Energy Efficiency Strategy and asked if this will be reviewed to capture any further efficiencies. The Chief Fire Officer confirmed that the environmental impact of our services had been identified and recognised as a key priority for the Authority through the Strategic Plan 2009-2014, and an Action Plan is in place with the progress being monitored.

RESOLVED:-

- (i) that the Draft Service Plan 2010/11 as attached Appendix 1 and Integrated Risk Management Plan 2008/11 Year 2 Review as attached at Appendix 2 be approved.**
- (ii) that a presentation by Insurers to Members and Officers covering the areas of corporate and personal liability be arranged.**

163.3 Regional Management Board – Fire Control Project NE Region – Project Update

The Director of Business Development updated Members on the FireControl Project North East Region. He highlighted the Select Committee and National Audit Office Reviews and reported that the Select Committee's Report was due to be released.

The Director of Business Development highlighted key headlines from the National Audit Office Report which was appended at Appendix B as being:

- the department has yet to agree a revised delivery plan for the continued development of the mobilising system with its prime IT contractor, EADS*
- the department believes its prime contractor is in breach of contract for failing to meet key contractual milestones*
- the full and final version of Intergraph product to EADS is due October 2010, the report outlines the Departments contingency planning exercise confirming that a number of fallback options were presented to Ministers in November 2009. The exercise has confirmed that discontinuing the project would cost*

163.3 Regional Management Board – Fire Control Project NE Region – Project Update (cont)

£8 million more than the cost of continuing with the project. To date the Department has not determined the trigger point for fallback options.

He added that CFB Fire Control is due to be transferred to Durham in September 2011 and that work is ongoing with the Unions and Control Room Staff to facilitate this transfer.

RESOLVED - that the RMB – FireControl Project North East Region – Project Update be noted.

163.4 FireControl : Agreement Between LACCS/LFEPA and Communities and Local Government – (Fire Circular 73/2009)

The Director of Business Development updated Members with regard to formal consultation being carried out by CLG regarding the Fire Control Project who were seeking the views of the Authority with regard to the outcomes, approach and timings for an agreement between the LACC, London Fire and Emergency Planning Authority and CLG. He highlighted the response from the Chief Fire Officer to the consultation (Appendix 2) which had already been sent with the caveat that Members may supplement this response with their comments. Members noted the Fire Circular and agreed that no further comments be added to the Chief Fire Officer response at Appendix B of the report.

RESOLVED: –

- (i) that the publication FSC 73/2009 be noted**
- (ii) that no further comment be added to the Chief Fire Officer response at Appendix B**

163.5 Staff Numbers in 2000 and 2009

The Chief Fire Officer reported that as requested by Councillor Payne at the Authority meeting on 27 November 2009, the report detailed the ratio of front line staff to corporate staff in 2000 and 2009. Councillor Thompson asked if it would be possible for a further breakdown of the type of work that has been transferred from uniform to corporate staff. The Chief Fire Officer explained that as the Brigade's role has changed there was a need for recruiting additional and different skills to carry out the new roles. He also reported that there was an economic issue with a saving of £9,000 per post of someone not returning to operational duties. The Chief Fire Officer agreed to present further information analysing the change of the staff profile and this would be included in the End of Year Performance Report.

RESOLVED:-

- (i) that the ratio of front line staff to corporate staff in 2000 and 2009 be noted.**
- (ii) that further information outlining the change of staff profile be included in the End of Year Performance Report.**

163.6 Firefighters Memorial Trust

The Chief Fire Officer informed Members that the Firefighters Memorial Trust had invited Cleveland Fire Authority to become a subscribing member of the Firefighters Memorial Trust at a cost of £475.00 per annum. The Firefighters Memorial Trust was established to recognise and honour the dedication and sacrifice made by firefighters who died in the course of operational duties.

Following discussion regarding the legal position of an annual subscription being paid to the Firefighters Memorial Trust, Members approved a one off payment of £500.00 to support the Firefighters Memorial Trust and agreed that Ministerial approval be sought regarding the payment of subscriptions to the Trust and a report be brought back to the Authority.

RESOLVED:

- (i) that a one off payment of £500.00 be made to the Firefighters Memorial Trust**
- (ii) that Ministerial approval be sought regarding annual subscriptions to the Firefighters Memorial Trust and reported back to Members**

163.7 Chief Fire Officer Information Pack

163.7.1 Fire and Rescue Service Circulars

163.7.2 NE Regional Management Board Meeting – 2 March 2010

The Chief Fire Officer informed Members of the tragic death of John Adamson, Director of Operations at County Durham & Darlington FRS. He confirmed that condolences had been sent from Authority and provided details of funeral arrangements should members wish to attend.

RESOLVED – that the report be noted.

164 TO RECEIVE THE REPORTS OF THE DIRECTOR OF CORPORATE SERVICES 164.1 Cleveland Fire Authority Meetings 2010/11

The Director of Corporate Services asked Members to consider the schedule of Cleveland Fire Authority Meetings 2010/11 as attached at Appendix 1. Members considered the implications and variations of the schedule as outlined within the report and agreed to the 2010/11 schedule.

RESOLVED - that the Cleveland Fire Authority meeting schedule for 2010/11 as attached at Appendix 1 of the report be approved.

164.2 Corporate Governance Information Pack

164.2.1 Standards Committee

164.2.2 Cleveland Fire Authority Strategies

164.2.3 Fire Conference – 9-10 March 2010

164.2.4 Fire Improvement Group

164.2.5 Boundary 500

164.2.6 Learn & Live

RESOLVED – that the report be noted.

165 TO RECEIVE THE REPORT OF THE LEGAL ADVISER

165.1 Appointment of North East Fire Control Local Authority Controlled Company (LACC) Director

The Legal Adviser informed Members that Councillor Payne is no longer one of the Cleveland Fire Authority representatives on the NE FireControl Local Authority Controlled Company and requested a nomination from Members for a replacement Director to represent the Authority on the Board. Members agreed that Councillor M Stoker be nominated as Director to the LACC Board and that Councillor P Porley be nominated as Alternative Director.

RESOLVED :

- (i) that Councillor M Stoker be nominated as Director representing Cleveland Fire Authority on the NE FireControl Local Authority Controlled Company**
- (ii) that Councillor P Porley be nominated as Alternative Director representing Cleveland Fire Authority on the NE FireControl Local Authority Controlled Company**

165.2 Local Democracy, Economic Development and Construction Act, 2009

The Legal Adviser informed Members that Royal assent relating to this particular legislation was obtained on 12th November 2009 and that certain 'duties' to promote local democracy are placed upon a 'principle local authority' to 'promote understanding' amongst local people of: its functions as an authority; its democratic arrangements and how members of the public can take part in those democratic arrangements and what is involved in taking part. The Legal Adviser stated that of particular interest to the Cleveland Fire Authority, is that each 'principle local authority' is given a similar duty to promote such understanding of its 'connected authorities' and that this includes Fire Authorities.

The Legal Adviser also confirmed that from 12 January 2010, the threshold for defining politically restrictive posts as introduced under the Local Government and Housing Act, 1989 has been removed. He added that the Standards Committee has a statutory role in determining applications from Officers for exemption from such political restrictions.

Members agreed to amend the remit of the Standards Committee to include the power to grant and supervise applications for exemptions from political restrictions in respect of all relevant posts.

RESOLVED – that the remit of the Standards Committee be amended to include the power to grant and supervise applications from exemptions from political restrictions in respect of all relevant posts.

166 JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

166.1 Statement of Policy Regarding the Exercise of Discretion with regard to the Local Government Pension Scheme Regulations

The Treasurer sought Members views regarding the statement of policy on the exercise of discretion to the application of the Local Government Pension Scheme Regulations. He advised that the employer must formulate, publish and keep under review a statement of their policy and if the employer decides to amend the policy, no change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- Have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- Be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs

RESOLVED – that the Statement of Policy as outlined at Appendix 1 of the report be approved.

167 REPORT OF THE TREASURER

167.1 Proper Officer Arrangements

The Treasurer asked Members to consider the appointment of a Deputy Treasurer on the retirement of the Chief Financial Officer of Hartlepool Borough Council who currently undertakes the role. Members agreed to approve the appointment of Mr Chris Little, the Chief Finance Officer of Hartlepool Borough Council, to the role of Deputy Treasurer to the Cleveland Fire Authority as this arrangement has worked well in the past and strengthens the link between statutory responsibility and the day to day oversight of financial arrangements.

RESOLVED – that Mr Chris Little, the Chief Finance Officer of Hartlepool Borough Council be appointed to the role of Deputy Treasurer to the Cleveland Fire Authority.

168 VERBAL BRIEFING ON THE NE FIRE CONTROL COMPANY BOARD

Councillor Forster provided Members with an update regarding the NE Fire Control Company Limited. She advised that a written response has been sent to CLG on behalf of the LACC Board to FRS Circular 73/2009 which relates to the draft Agreement between CLG and LACCs. The response supports the broad principles of the Agreement and requests further clarification in a number of areas.

The LACC Governance and Resources Committee met on 11th March to consider revisions to the RCC Organisational Design to reflect requirements for back office support roles and proposals for staff recruitment and selection and pay protection. The NE Fire Control Company JCC Review meetings with the FBU have been scheduled and it is hoped that outstanding issues concerning shift patterns, start and finish times and rationalisation of annual leave can be resolved.

RESOLVED: that the report be noted.

169 REPORT OF THE CHAIR OF AUDIT & GOVERNANCE COMMITTEE

169.1 Information Pack

- 169.1.1 Audit Progress Report
- 169.1.2 Organisational Performance Report 2009/2010 – April to December 2009
- 169.1.3 National Indicator Fire Related Target report April – December 2009/2010
- 169.1.4 Target Setting 2010/11
- 169.1.5 Improvement Action Plans – April – December 2009/10
- 169.1.6 Progress Against Revenue & Capital Budgets 2009/2010
- 169.1.7 Internal Audit Plan 2010/2011
- 169.1.8 Treasury Management Update 2010/2011
- 169.1.9 International Financial Reporting Standards (IFRS) – Priorities for Cleveland Fire Brigade

Councillor Briggs declared a personal non prejudicial interest and informed Members that with regard to the issue of sprinklers being fitted to social housing, his grandson is employed by Coast & Country Housing and is currently involved in a housing development in Redcar where sprinklers are being fitted. Councillor Briggs asked that the contact be made with his grandson to discuss the issue further. The Chief Officer confirmed that we are working with the National Sprinkler Association and are in discussion with Housing Hartlepool with regard to a pilot scheme. He stated that he would provide further information to the Authority regarding sprinklers which links in with “Safer Communities” which is one of our priorities.

RESOLVED:-

- (i) that the report be noted**
- (ii) that further information regarding sprinklers be submitted to the Cleveland Fire Authority**

170 REPORT OF THE CHAIR OF OVERVIEW & SCRUTINY COMMITTEE

170.1 Scrutiny Review of the CFA Decision to Rebuild Skelton Fire Station on the Existing Site

Councillor Cooney informed Members that the Scrutiny Review was carried out on 26 February 2010 and the Overview and Scrutiny Committee recommended that the Cleveland Fire Authority’s original decision to rebuild Skelton Fire Station on the existing site be re-affirmed. Councillor Cooney reported that the Overview and Scrutiny Committee had received information from Councillor B Briggs, Councillor H McLuckie, Mr P Lancaster, Director of Community Protection and Mr S Watson of the Fire Brigades Union. Members, with exception of Councillor Briggs, who abstained, approved the recommendations of the Overview and Scrutiny Meeting.

RESOLVED:-

- (i) that the Cleveland Fire Authority’s original decision to rebuild Skelton Fire Station on the existing site be re-affirmed**
- (ii) that the appropriate level of information is provided to Members to facilitate improved decision making**

171 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 Nos – 172, 173, 174.1 - paragraph 3

Minute Nos - 175.1,175.2 - paragraph 1

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)

172 CONFIDENTIAL MINUTES

RESOLVED - that the Confidential Minutes of the Cleveland Fire Authority meeting held on 29 January 2010 be confirmed.

173 CONFIDENTIAL MINUTES

RESOLVED - that the Tender Committees on 1 and 19 February 2010 be confirmed.

174 JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

174.1 Estates Management – PFI Update

The Chief Fire Officer provided Members with an update of the PFI Project.

The Chief Fire Officer, Director of Corporate Services and the Director of Business Development left the meeting.

175 REPORT OF THE TREASURER

175.1 Brigade Managers Pay Settlement 2010

The Treasurer outlined the report to Members.

176.1 Performance Related Pay

The Treasurer outlined the report to Members.

**COUNCILLOR JEAN O'DONNELL
VICE CHAIR**