

HUMBERSIDE FIRE AUTHORITY

29 OCTOBER 2013

PRESENT:

Representing East Riding of Yorkshire Council:

Councillors Engall MBE, Hodgson, Ibson, Mole, Moore, Turner and Whittle

Representing Kingston upon Hull City Council:

Councillors Armstrong, Gemmell OBE, Mathieson and Quinn

Representing North Lincolnshire Council

Councillors Briggs (Chairperson), Swift, Waltham and Vickers

Representing North East Lincolnshire Council:

Councillors Baxter, Wallace, Wilson and T. Walker

Deputy Chief Officer/Director of Operations, Secretary/Director of People, Director of Finance & Assets/Section 151 Officer, Assistant Chief Officer/Director of Safety, Committee Manager and Ms J Rae (External Audit - KPMG) were also present.

Mr D Hughes, Chairperson of Governance, Audit and Scrutiny Committee and Mr M Allingham, Mrs G Hardy and Mr C Vertigans (Independent Co-opted Members) also attended as observers.

Apologies for absence were received from Councillors Chapman MBE, Petrini and S. Walker. It was noted that Councillor Vickers was not present at the start of the meeting.

The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 10.30 a.m.

4312 DECLARATIONS OF INTEREST – There were no declarations.

4313 MINUTES – The minutes of the meeting of the Authority held on 27 September 2013 were submitted for approval as a correct record. Councillor Armstrong stated that she had not attended the meeting and had submitted her apologies. A Member referred to Minute 4291 (Operational Efficiency Programme – Options for Formal Consultation) and stated that at the previous meeting the Assistant Chief Officer/Director of Safety, in reply to a question regarding the level of savings had stated that savings proposed totalled £2.7m (Hull (£1.5m); North Lincolnshire £0.1m, and North East Lincolnshire (£1.5m)), whereas the minute recorded savings totalling £4.1m. The Assistant Chief Officer/Director of Safety apologised for any misunderstanding he might have given at the previous meeting and stated that the figures reported in the minute were correct. The Assistant Chief Officer/Director of Safety explained that the Authority was focussing on savings of £2.7m to deal with the budget deficit facing the Authority by 2015/16, but that the approved consultation options could deliver savings totalling £4.1m and that it was expected that a further £2.8m would need to be saved by 2016/17. The Chairperson asked the Assistant Chief Officer/Director of Safety to send an explanatory note clarifying the level of savings to the Member. The Chairperson referred to part (c) of Minute 4291 regarding the date of the proposed Special Meeting of the Authority and reported that the Secretary/Director of People had consulted all Members regarding a date and the clear consensus was that the meeting be held on 31st January 2014.

Resolved – (a) That the comments regarding the accuracy of Minute 4291 be noted;

(b) that, subject to the deletion from the list of Members present of the name of Councillor Armstrong and to the inclusion of her name in the list of Members who had submitted apologies, the minutes of the meeting of the Authority held on 27 September

2013 having been printed and circulated amongst the Members, be taken as read and correctly recorded and be signed by the Chairperson, and

(c) that the Special Meeting of the Fire Authority to consider the outcome of the consultation on the Operational Efficiency Programme Options be held at 10.30am on Friday, 31st January 2013 at Fire Service Headquarters.

(Councillor Vickers arrived at 10.35am.)

4314 PETITIONS AND DEPUTATIONS - The Secretary/Director of People stated that no petitions had been received and no requests for a deputation had been received under Rule 12, Part 4 of the Constitution.

4315 COMMUNICATIONS - The Secretary/Director of People stated that no communications had been received. The Chairperson welcomed the Independent Co-opted Members of the Governance and Scrutiny Committee and Ms J Rae (KPMG) and all other persons present to observe the meeting.

4316 QUESTIONS BY MEMBERS - The Secretary/Director of People stated that no questions had been received from Members in accordance with Rule 12, Part 4 of the Constitution.

4317 ANNUAL CONFERENCE OF COMBINED FIRE AUTHORITIES – The Chairperson reported orally following his attendance at the recent Annual Conference of Combined Fire Authorities. The Chairperson gave a brief summary of the main points arising from the conference speech by Brandon Lewis MP, Minister responsible for Fire and Resilience. The Chairperson considered that the Minister had used his speech to provide a ‘sneak preview’ to the Government’s response to Sir Ken Knight’s May 2012 report looking at efficiencies and operations in fire and rescue authorities in England. The response was expected in the next month. The Minister referred to three key principles to guide the fire and rescue sector and drive government policy:

- ‘The need to put prevention and protection first in all we do.’ – The Minister referred fire incident statistics and stated that attendance at incidents overall had fallen by 46%.
- ‘Delivering efficiency and value for money.’ The significant reductions in call outs and incidents in the last decade had not been reflected by a lowering of expenditure – firefighter numbers had remained broadly the same, which was why Sir Ken Knight was commissioned to look at operational efficiency in his report, ‘Facing the Future’. The Minister highlighted Sir Ken’s affirmation that fire and rescue authorities could not go it alone in delivering the efficiencies and transformational change that the service needed in order to meet the challenges ahead. The Government is still considering its response to Sir Ken’s review but the Minister confirmed that he believed that collaboration was absolutely the key way forward in driving more efficient, joined-up services that deliver real benefits to communities. He confirmed that he wanted to drive these types of collaborations forward by removing barriers and unlocking opportunities which was why in June this year, as part of the Spending Round for 2015 to 2016 the Government had announced a total of £75 million of funding to support transformational change. Examples of wider transformation included:
 - creating more emergency centres to accommodate the three blue lights services; sharing back office functions and running joint response systems
 - significant changes needed to promote efficient and effective service delivery and encourage greater collaboration
- ‘Making local accountability meaningful.’ The Minister emphasised that decisions must be taken locally on how to take advantage of the opportunities for reform and

for efficiency. 'Equally service delivery and resource decisions need to be taken locally and fire and rescue authorities must be held to account by the communities who receive and pay for them.

The Minister also indicated that Sir Ken Knight's Review set a clear challenge on increasing the proportion of on call firefighters and re-iterated his previous statement that there is no doubt that the retained duty system is the backbone of the fire and rescue response in great swathes of the country. Faced with the evidence of falling calls, the Minister challenged Elected Members to address whether more stations could now be crewed by on call firefighters, even in urban areas. The Minister indicated that on call firefighters are part of the solution for the delivery of fire and rescue services in England and a proportionate way to respond in a low-demand environment.

The Chairperson also reported that he had attended a meeting last week regarding the fire brigade dispute and stated that he would report on that meeting later on the Agenda for this meeting.

Resolved – That the report be received.

MINUTES OF COMMITTEES

4318 Governance, Audit and Scrutiny Committee – Mr D Hughes, Chairperson of the Governance, Audit & Scrutiny Committee presented a report summarising the salient points arising from the Governance, Audit & Scrutiny Committee Members' discussion of reports on the Agenda for the meeting held on 14 October 2013. The report was to be read in conjunction with the draft minutes of the Committee. The report drew the attention of the Authority to the discussion by Governance, Audit and Scrutiny Committee Members on the following items:

- Feedback from the Fire Authority (Minute 4300 refers)
- Management Accounts to 31 August 2013 (Minute 4304 refers)
- ISO14001 Environmental Management Standard Re-Accreditation (Minute 4305 refers)
- Venue for Committee Meetings (Minute 4310 refers)
- Community Awards (Minute 4311 refers)

Mr Hughes then presented the minutes of that Committee held on 14 October 2013. The Chairperson of the Fire Authority thanked Mr Hughes for his report.

Resolved – That the report be noted and that the minutes of the Governance, Audit and Scrutiny Committee held on 14 October 2013 be received.

EXTERNAL AUDIT

4319 Annual Audit Letter 2012/13 – Further to Minute 4278 Ms J Rae (KPMG – External Audit) presented the final Annual Audit Letter in respect to the Authority's accounts for 2012/13 indicating that the Audit Commission had issued an unqualified opinion on the Authority's 2012/13 financial statements and the Pension Fund 2012/13 financial statements included in the Authority's Statement of Accounts and had concluded that the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources. Ms Rae referred to the summary with regard to the level of the audit fee compared to the fee in the Audit Plan and stated that he was currently in negotiation with the Director of Finance & Assets/Section 151 Officer regarding some additional work in respect to VAT and the fee for undertaking that work. Ms Rae expressed her thanks to the Director of Finance & Assets/Section 151 Officer and his staff for the help provided during the audit. The letter had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4301 refers).

Resolved – That the Audit Letter be approved.

4320 MANAGEMENT ACCOUNTS TO 30 SEPTEMBER 2013 - The Director of Finance & Assets/Section 151 Officer submitted a report containing the Authority's Management Accounts and Prudential Indicators for the period ending 30 September 2013. The summary estimated outturn position from the Management Accounts and Prudential Indicators was as follows:

- Revenue Budget - £1.069m underspend;
- Capital Programme - £5.242m total expenditure against an allocation of £10.711m;
- Pensions Account - £7.464m deficit

Resolved – That Members take assurance from the report and the Authority's financial position for the period ending 30 September 2013.

4321 ISO14001 ENVIRONMENTAL MANAGEMENT STANDARD RE-ACCREDITATION

- The Director of Finance & Assets/Section 151 Officer submitted a report providing Members with an update on the recent successful re-accreditation inspection undertaken by the external assessors of the ISO14001 Environmental Management Standard. The Authority had long recognised the importance of the environmental agenda and as reported to the Fire Authority in April 2010, the Strategic Plan 2010-13 saw the incorporation of the commitment to implement an Environmental Management System (EMS) as the means by which the Service would reduce its carbon footprint and manage its resources most effectively. The Service subsequently commissioned a specialist external advisor to undertake a gap analysis assessment against the ISO14001 standard and advise upon implementation of appropriate management systems. Based on that the Authority developed and implemented an EMS with the aim of ensuring the Service fulfilled relevant statutory obligations alongside reducing the organisation's carbon footprint, through focussing on energy consumption, recycling facilities and improved management procedures to prevent contamination of the environment. Following the introduction and embedding of the EMS, the Service was formally audited by BSI Management Systems, as certified external assessors in two phases. The Service successfully achieved accreditation to the ISO14001 Standard in October 2010. Since that date a significant amount of work had been undertaken to ensure environmental awareness was embedded right across the organisation, with the Service's Infrastructure Board assuming responsibility for overseeing the environmental agenda. Regular internal audits had also been undertaken and reported back to the Board. On 28 and 29 August 2013 BSI Management Systems undertook their formal three-year re-accreditation inspection. The audit went extremely well, with no non-conformities being identified and as a result BSI Management Systems had awarded the Service re-accreditation to the ISO14001 Standard for a further three-year period. The full assessment report was attached as Appendix 1 to the report. The report indicated that environmental issues remained a key priority for the organisation and the Service's Infrastructure Board would continue to oversee the EMS to ensure the current momentum was maintained and that the necessary requirements of the Standard were adhered to going forward. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4305 refers).

Resolved – That Members acknowledge that the Authority has successfully achieved formal re-accreditation to the Environmental Management Standard ISO14001 and thank all those involved in the work.

4322 GUIDANCE: DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT - OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS

–The Secretary/Director of People submitted a report with regard to guidance issued by the Department for Communities & Local Government (DCLG) in September 2013 in respect to Councillors' personal interests to specifically include union membership (Openness and transparency on personal interests). A copy of the Guidance was attached at Appendix 1 to the report. Members were reminded that the Authority had adopted a Member Code of Conduct in July 2012. A copy of that Code was attached at Appendix 2 to the report. The Code included the

declaration of personal interests, which included any political party or trade union membership. That was included in the annual Declaration of Member Interests (which all Members were asked to complete in readiness for the Annual General Meeting of the Authority (or as soon as possible thereafter). Within the local government community, the revised Guidance had caused some debate around the need for the Guidance, particularly in respect to disclosure of trade union membership. On the face of the Guidance, there were no immediate issues for the Authority. During 2013/14 there would be a review of the Code of Conduct in any event. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4306 refers). The Secretary/Director of People reminded Members that at the meeting in July 2013 the Authority had received a report on guidance published by the DCLG called 'Your council's cabinet – going to its meetings, seeing how it works' (Minute 4237 refers). Whilst that guidance was aimed directly at local authority 'Cabinet' governance structures (and therefore more relevant to the four constituent authorities) the report stated that Members should be aware of the Guidance, how it might apply to the Fire Authority and to what extent the Authority should give further consideration to the following themes:

- Exempt Information
- Filming of Meetings
- Tweeting/Blogging

The Secretary/Director of People stated that it had come to his attention that there was a late amendment to the Local Audit and Accountability Bill going through parliament to allow Tweeting/Blogging and recording of meetings and that if enacted consideration would be given to any necessary amendments to the Authority's Constitution.

A Member commented that the latest guidance only referred to declaration of membership of a trade union and yet made no requirement in respect to groups such as being a freemason and suggested that clarification should be sought from the DCLG. In response to a question by a Member, the Secretary/Director of People reminded Members that the Authority could adopt its own Code of Conduct and stated that he would seek clarification from the DCLG of the issue raised.

Resolved – That the report be noted.

4323 COMMUNITY SAFETY – EVENTS / DEVELOPMENTS OF SPECIAL INTEREST - The Assistant Chief Officer/Director of Safety submitted a report outlining details of recent events and developments relating to the safety of the Authority's communities.

A Member referred to the event 'safeguarding Train the Trainer' and asked whether the Authority received any income from the Service's involvement. The Assistant Chief Officer/Director of Safety stated that the involvement was on a reciprocal basis. A Member referred to the event '12 months without a preventable domestic fire death' and a recent incident in Leicestershire and queried the safety implications of moving to a 'riding 4' system for crewing appliances. The Chairperson reminded Members that the options under the Operational Efficiency Programme would be considered at the Special Meeting of the Authority on 31st January 2013.

Resolved - That Members note the content of the report as an update of community safety events and developments of special interest.

4324 EXCLUSION OF PRESS AND PUBLIC – Resolved – That the press and public be excluded from the meeting during consideration of the following items (Minutes 4325-4327) on the grounds that it is likely to involve the disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

(In making its decision the Authority confirmed that having regard to all the circumstances it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

4325 INDUSTRIAL ACTION UPDATE – The Deputy Chief Officer/Director of Operations reported orally that the Chief Fire Officer & Chief Executive and the Chairperson had attended a recent meeting in London to discuss the latest offer regarding the retirement of firefighters on pension and that subsequently the Chief Fire Officer & Chief Executive had circulated a brief note to all Members of the Authority. The Fire Brigades' Union had now announced two further strike dates (Friday 1st November 2013 (6.30pm to 11.00pm) and Monday 4th November 2013 (6.00am to 8.00am). The Deputy Chief Officer/Director of Operations read out a letter dated 25th October 2013 from the Minister for Fire and stated that the service was now gearing up the normal contingency arrangements.

Members suggested the need to issue press releases calling for increased vigilance by businesses/individuals during the strike action. The Deputy Chief Officer/Director of Operations stated that press releases were part of the contingency arrangements. A Member queried why the press had been excluded from the meeting for this item. The Deputy Chief Officer/Director of Operations stated that the Authority had been asked to consider excluding the press as there might be details of resilience planning that it would not wish to divulge. The Secretary/Director of People stated that it was the Authority's decision whether or not to exclude the press. He said while this was a verbal update, there may be confidential information released in respect to resilience planning, hence why Officers had recommended excluding the press and public from any discussion concerning the dispute. A Member expressed concern at the safety implications associated with the lead-up to bonfire night. The Deputy Chief Officer/Director of Operations stated that press releases regarding the need for extra vigilance will be issued and assured Members that all calls will be responded to although the standard response times will be suspended during the duration of the strike action and responses will be determined according to risk to life.

Resolved – That the report be noted.

4326 HFR SOLUTIONS' CIC MANAGEMENT REVIEW - The Deputy Chief Officer/Director of HFR Solutions and Secretary/Director of People submitted a report reminding Members that at its meeting of 17 April 2012 the Authority agreed to review the management arrangements of its community interest company (CIC) HFR Solutions after a period of 18 months. The review period ends in October 2013. The report now submitted set out the views of both the Corporate Management Team (CMT) and the current Board of HFR Solutions regarding its activities and working arrangements in managing the company since its inception. The report also took into account the desire of the Authority to have a greater involvement with HFR Solutions in some capacity and made recommendations in that regard. The report also acknowledged the success of the company in only its second year of trading and sought to build on that success by recommending changes which would strengthen the governance of the company and support its management structure to deliver further success into the future. The current management structure of the company was shown at Appendix 1 to the report and briefly consisted of a Board of Directors made up of two members of CMT (Deputy Fire Officer/Director of Operations and Assistant Chief Officer/Director of Safety) and a day to day management role which was performed as part of the portfolio allocated to the Area Manager/Head of Operational Training. With that structure the Board reports into CMT on a regular basis where it can gain reassurance, as necessary, and advice from the Chief Fire Officer & Chief Executive, Secretary/Director of People and Director of Finance & Assets/Section 151 Officer with regard to the future direction of the company as a whole as well as individual contract negotiations.

As Members were aware the performance and activity of HFR Solutions was reported both to the Governance, Audit and Scrutiny Committee and the Authority on a quarterly basis, in line with the performance reporting cycle. The report outlined the normal arrangements for meetings of the Board in terms of Agenda, frequency and duration. At the last Board meeting it was agreed that in order to strengthen governance and timeliness of reporting that arrangements for the production of meeting minutes and their formal presentation to CMT would be improved. It was further agreed that the Board meeting minutes for the quarter would be made available to Members under the 'additional papers'

section of the quarterly performance reports which would further improve the transparency of company business to the Fire Authority. The Board had noted the interest of Members in becoming more closely involved with HFR Solutions. Members were reminded that the advice of the Secretary was to avoid any potential conflicts of interest and his view, supported by the Governance, Audit and Scrutiny Committee, had been that Members should hold the Board to account (given that HFR Solutions is a local authority controlled company) through the existing Fire Authority governance structure, rather than Members becoming Directors of the Company. That fitted the new governance structure of the Authority. The suggestion therefore had been to strengthen reporting and for Members to freely attend as observers at HFR Solutions meetings. However, it was accepted that this was a matter for the Authority to decide, but that Members needed to consider the advice and the potential liability of being a Director before agreeing the nature and type of their representation. Members had indicated at recent Members Days their preference to be more involved in a Director capacity and as such, the report outlined how that might take place. Indeed, there was now a number of Fire Authority trading companies (almost half) that had Elected Members as Directors. The report included in the body of the report and at Appendix 2 to the report a broad outline of the role of a Member Director so that Members had a clearer indication as to what the position involved. The report also set out at paragraph 14 a number of matters which the Authority should consider and take a view upon.

A Member referred to paragraph 8 of the report and expressed concern at the use of the term 'approvals' and suggested that as an independent body the company should not be receiving approvals from the parent company. The Secretary/Director of People stated that HFR Solutions is a local authority controlled company. CMT considered key decisions for approval in order to strengthen accountability and gain appropriate advice. The alternative would be key advisers also attended Board meetings of the Company. The Member stated that he wished the term 'approvals' to be softened. The Secretary/Director of People stated that in order for the company to function it needed legal/financial advice and this could be considered further. A Member suggested that there was a need for a stringent procedure for the appointment of Members of the Authority as Directors of HFR Solutions. The Secretary/Director of People stated that he shared that view and explained that Appendix 2 to the report was intended as a brief outline of the role and the skills that would be required. A discussion then took place about how Member Directors might best be identified and selected. The Secretary/Director of People suggested that the respective Group Secretaries of the Conservative and Labour groups, using Appendix 2, should discuss within their Groups and agree a nomination. The Group Secretaries would discuss with the assistance of the Secretary to see if there could be North and South Bank representation, if possible, depending on the nominations made. The Secretary/Director of People further clarified that the title Member Director was simply an indication but no legal distinction existed and that a Member Director might be a Member of the Fire Authority.

Resolved – (a) That the Fire Authority takes assurance from the report that HFR Solutions has developed into a successful business, which is capable of effectively supporting Humberside Fire & Rescue Service's operational and community protection and prevention service delivery requirements;

(b) that the Fire Authority endorses the governance arrangements for HFR Solutions as set out in paragraph 11 of the report now submitted;

(c) that the Fire Authority agrees that there shall be 2 Directors appointed to the HFR Solutions Board from Members of the Fire Authority and that the Chairperson of the Fire Authority shall not be considered for appointment as a Director, and

(d) that the Authority confirms its views on the following matters as indicated below:

<u>Subject</u>	<u>Authority's View</u>
a) HFR Solutions should be treated formally as a committee of the Authority (in terms of reporting, minutes, support, procedure etc);	No
b) Political proportionality should be applied to representation to HFR Solutions;	Yes, 1 Director each shall be nominated by the two largest groups on the Authority
c) The number of Member Directors should be two (as discussed at a recent Member Day) and how those Directors are to be identified and appointed;	Yes, the Group Secretaries of the two largest groups will liaise in making their nominations and if possible look to achieve representation from both North Bank and South Bank Members.
d) Confirmation that the Member Code will apply;	Yes, Directors shall abide by the Authority's Member Code of Conduct
e) Given the frequency of meetings, it is appropriate to consider a special allowance payable to Members (as part of the review planned during 2013/14 in respect to Allowances);	For the time being no special responsibility allowance will be paid to Directors but Directors will be permitted to claim travelling/subsistence allowances in accordance with the Authority's Scheme of Allowances.
f) A role description should be further developed to that outlined in Appendix 2 to the report;	Yes, to be used to identify Member Directors and developed as Members' see fit
g) Going forward, appointments to HFR Solutions should be made in the normal way at AGM, except in urgent cases, such as resignation;	Yes, initial appointments will be up to end of May 2014 (AGM)
h) The term of office as a Member Director be coterminous with being a Fire Authority Member;	Yes
i) Additional training and support would be welcomed generally and specifically for any Member Directors;	Will be considered dependent on who are appointed Directors
j) Member Directors (if this is the decision of the Authority) should report back to the Authority, using minutes and a Member Directors report.	The Directors who are Members of the Authority will report back to the Authority.

4327 POLICE, FIRE AND AMBULANCE WORKSHOPS UPDATE – The Director of Finance & Assets/Section 151 Officer and Deputy Chief Officer/Director of Operations presented a report by the Chief Fire Officer & Chief Executive reminding Members that in September 2013 the Authority had given approval to officers to deliver a vehicle and equipment workshop in partnership with Humberside Police and Yorkshire Ambulance Service (YAS). The report provided an update on the good progress made so far. Given the timescales involved there was now a need to seek clear delegated authority to enter into contractual commitments that will allow the project to progress on schedule.

Members asked questions regarding staffing implications and also the maintenance priority of vehicles and appliances in a joint facility which were answered by Officers. The Chairperson stated that there would be regular reports back to the Authority.

Resolved – That Members note the good progress being made and give delegated authority to the Chief Fire Officer & Chief Executive, in consultation with the Chairperson of the Authority, to enter into the contractual commitments necessary to allow the joint workshop project to continue on schedule.

Meeting closed at 11.44 a.m.