

# HUMBERSIDE FIRE AUTHORITY

28 JUNE 2019

## PRESENT

### Representing East Riding of Yorkshire Council:

Councillors Chadwick, Davison, Fox, Green, Jefferson JP, Smith and West

### Representing Hull City Council:

Councillors Chambers, Dad, Nicola, Randall and Singh

### Representing North East Lincolnshire Council:

Councillors Barfield, James and Swinburn

### Representing North Lincolnshire Council:

Councillors Briggs (Chairperson), Grant, Mumby-Croft and Sherwood

### Officers of Humberside Fire & Rescue Service:

Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer/Executive Director Service Delivery, Executive Director of Corporate Services/Section 151 Officer, Director of People and Development, Director of Service Delivery, Director of Service Delivery Support, Monitoring Officer/Secretary and Committee Manager.

### Independent Co-opted Members of the Governance, Audit and Scrutiny Committee:

Mr D Chapman (Chairperson of the Governance, Audit and Scrutiny Committee), Ms A Thomlinson and Mr C Vertigans were in attendance as observers.

The meeting was held at the Humberside Fire and Rescue Service Headquarters.

The meeting commenced at 10.30am.

**20/19 APOLOGIES FOR ABSENCE** - Apologies for absence were submitted from Councillors Bryan, McMurray, Shepherd and Mr K Hunter - Police and Crime Commissioner for Humberside Police.

**21/19 DECLARATIONS OF INTEREST** - Councillor Nicola declared a non-pecuniary interest in Minute item 30/19 insofar as her son was a beneficiary of the Government's failure to obtain leave from the Supreme Court.

**22/19 MINUTES - Resolved** - That the minutes of the Annual General Meeting of the Authority held on 3 June 2019 be received as a correct record and signed by the Chairperson.

**23/19 COMMITTEE STRUCTURE AND COMPOSITION 2019/20 AND MEMBER CHAMPIONS 2019/20** - The Monitoring Officer/Secretary submitted a report updated the Authority on the size and membership of the Appeals and Appointments committees and the appointed Member Champions for 2019/20.

At the Annual General Meeting of the Fire Authority on 3 June 2019 the Authority agreed to change the size of the Appointments Committee from seven to eight Members. Likewise it was agreed to change the size of the Appeals Committee, from three to four Members. It had since been proposed that named substitutes also be appointed to the Appeals Committee.

Member Champion roles were also agreed at the Annual General Meeting of the Fire Authority on 3 June 2019 and it was agreed that Group secretaries would put forward their

nominations for Member Champion roles. The table as set out at Appendix 1 to these Minutes detailed the Member Champion role assigned to each Member.

It was requested that a summary description for the role of Member Champion be shared with all Members and that Directors inform Members of any planned Deliver Area meetings relating to Member Champions' roles.

**Resolved** - (a) That the Authority approves the change to the size of the Appointments Committee from seven to eight Members and that the Constitution be updated accordingly;

(b) that the Authority approves the change to the size of the Appeals Committee, from three to four Members, the requirement for it to have named substitutes as appointed below, and that the Constitution be updated accordingly, and

Appeals Committee		
Political Group	Appointed Member	Named Substitute
Conservative (2)	Councillor Chadwick Councillor Fox	Councillor Smith Councillor West
Labour (1)	Councillor Nicola	Councillor James
Liberal Democrats (1)	Councillor Randall	Councillor Davison

(c) that the appointment of Member Champions for 2019/20 as set out at Appendix 1 of these Minutes be approved.

**24/19 CALENDAR OF MEETINGS 2019/20** - The Monitoring Officer/Secretary submitted a report that updated the Authority on a change of date for a meeting of the Governance, Audit and Scrutiny Committee.

At the Annual General Meeting of the Authority on 3 June 2019 the calendar of its meetings, and those of its committees, for the forthcoming year was approved.

It has been requested that the Governance, Audit and Scrutiny (GAS) Committee meeting of Friday 13 September 2019 be moved to Monday 16 September 2019 in order that it did not clash with the Police and Crime Commissioner Audit Committee meeting of which the GAS Members were also Members of.

**Resolved** - That the amendment to the meeting of the Governance, Audit and Scrutiny Committee from Friday 13 September to Monday 16 September 2019 be approved.

**25/19 QUESTIONS BY MEMBERS** - There were no questions.

**26/19 PETITIONS AND DEPUTATIONS** - No petitions or requests for a deputation had been received under Rule 13, Part 4 of the Constitution.

**27/19 COMMUNICATIONS** - The Chief Fire Officer/Chief Executive provided the following communications:

- (i) **Sprinkler Correspondence** - Following a call for evidence for a technical review of *Building Bulletin 100: Design for safety in schools*, the Service had submitted a response to the consultation. Members endorse the response submitted by the Service.
- (ii) **Building Regulation Consultation** - the consultation document was release on 6 June 2019 with the deadline for consultation response submissions being 31 July 2019. The Government was proposing new building regulations for buildings over six stories high and proposals for better duties for responsibility holders which the Service was supportive. The consultation also proposed for a national Building Safety Regulator to be set up. A draft response would be submitted to the next meeting of the Authority on 29 July 2019 for approval.

**(iii) Pensions dispute between the Government and Fire Brigades Union (FBU) -**

Transitional protection was given to fire and rescue personnel that did not fit into the scheme, however, following the FBU taking this to tribunal, it had been found to be age discriminatory. The Supreme Court had ruled that the Government could not appeal the decision. A further employment tribunal, which was estimated to take up to two years to conclude, would consider what remedy action needed to be undertaken.

**28/19 ANY QUESTIONS BY MEMBERS ON THE LATEST NEWSLETTER** - There were no questions.

**29/19 MINUTES OF THE GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE -**

Mr D Chapman, Chairperson of the Governance, Audit and Scrutiny Committee presented the draft minutes of the meeting of the Committee held on 14 June 2019, drawing Members' attention to the following:

- (i) Phishing Exercise (Minute 4/19 refers) - the outcome of the phishing exercise would be reported to a future meeting of the Authority as a confidential item;
- (ii) Work Programme - The Committee had undertaken a workshop to determine future topics for scrutiny.

**Resolved** - That the minutes of the Governance, Audit and Scrutiny Committee held on 14 June 2019 be received.

**30/19 ANNUAL STATEMENT OF ACCOUNTS 2018/19 - UNAUDITED** -

The Executive Director of Corporate Services/S.151 Officer submitted a report that contained the Authority's full unaudited Statement of Accounts for 2018/19 and also highlighted the key aspects of revenue and capital outturn for the year.

The Accounts, as set out at Appendix 1 of the report, were subject to audit by Mazars in their role as the Authority's external auditor. The draft unaudited Statement of Accounts for 2018/19 was published on the Authority's website on 28 May 2019. The intention was that the audited Statement of Accounts would be approved by the Authority by 31 July 2019.

The revenue budget contained all of the Authority's day-to-day expenditure for the financial year. The outturn position for the revenue budget for 2018/19 was a £162k underspend. This compared well to the period end of February 2019 projection in the Management Accounts of a £24k underspend.

The outturn for the Capital Programme showed spend of £2.971m and was set out in more detail at the table in Appendix 3 of the Annual Accounts. Across the categories of the capital programme the picture was broadly as follows:

- (A) Estates: Main expenditure has been BA Training Refurbishment (£368k) and Dignity Works (£146k);
- (B) Vehicles: Main expenditure has been fleet replacement (£1.756m);
- (C) Plant and Equipment: Main expenditure has been the Core IT replacement programme (£334k).

The schemes that had not completed in 2018/19 proposed that the following allocations be re-phased into the 2019/20 Capital Programme as follows:

Project	2018/19		
	Allocation	Actual	Proposed Slippage into 19/20
	£'000	£'000	£'000
<b>Buildings</b>			
Invest to Save	142	-	142
Goole	100	-	100
Scunthorpe	100	-	100
Clough Road Training	566	13	553
Bridlington	450	-	450
BA Training Refurbishment	391	368	23
HQ Phase 2	420	2	78
HQ OTC	150	18	132
Dignity Works	382	146	236
Co-Location	50	-	50
Brough	-	12	-
ARK	-	36	-
<b>Vehicles</b>			
Operational	1,533	1,556	-
Support	329	200	129
<b>Plant and Equipment</b>			
IT Equipment	810	334	251
Equipment	237	286	-
	<b>5,660</b>	<b>2,971</b>	<b>2,244</b>

The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 9/12 refers).

**Resolved** - That the Capital Programme 'slippage' be approved and that the work of the finance team in preparation for the audit be thanked.

**31/19 TREASURY MANAGEMENT ANNUAL REPORT 2018/19** - The Executive Director of Corporate Services/S.151 Officer submitted a report that provided Members with a review of the Authority's treasury management activity and Prudential Indicators for the year 2018/19.

The report provided Members with details of the Authority's treasury management activities and Prudential Indicators for the 2018/19 financial year in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIFPA) Code of Practice 2009.

The Authority's temporary investments totalled £4.5m as at 31 March 2019 with a further £0.1m in the Authority's Special Interest Bearing Account (SIBA). In terms of short-term borrowing the Authority sought to minimise the use of short-term borrowing to fund temporary cash shortfalls. The Authority did not undertake any short-term borrowing during the course of the year.

In terms of long-term loans, these were taken out either to replace existing loans which had matured or to fund capital expenditure. Under the Prudential Regime there were no longer centrally imposed limits on borrowing, but individual Authorities were required to determine themselves what was a sustainable and affordable level of borrowing as an integral part of their Medium-Term Financial Planning processes.

The Authority's average level of borrowing was £14.8m for 2018/19, on which £628k of interest was payable. The Authority repaid £0.7m of PWLB debt upon maturity and took new borrowing of £1m at 2.10% over 11.5 years. Closing PWLB debt at 31 March 2019 was £14.9m.

Appendix 1 of the report detailed the agreed Prudential Indicators for 2018/19 and the actual figures for 2018/19. During the financial year the Authority operated wholly within the limits approved.

Based on the Operational Boundary definition, external debt at 31 March 2018 was £9.2m below the agreed Operational Boundary for 2018/19 and the maturity structure for both borrowing

and investments remain within the approved upper and lower limits. Subsequent borrowing or re-scheduling during 2019/20 would take into account prevailing interest rates on offer from the Public Works Loans Board, the current maturity structure of loans, balanced with the need to reduce capital risk by keeping down cash-balances.

The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 10/19 refers).

**Resolved** - That the report be approved.

**32/19 ANTI-FRAUD AND CORRUPTION STATEMENT** - The Executive Director of Corporate Services/S.151 Officer and Monitoring Officer/Secretary submitted a report that proposed the annual Anti-Fraud and Corruption Statement.

In response to a recommendation within the Internal Audit Report 'Counter Fraud Arrangements 2016/17' conducted during the third quarter of 2016/17, the Authority would produce and make publicly available an annual Anti-Fraud and Corruption Statement. The statement would cover key actions taken throughout the year, provide an assurance of the processes in place and provide links to key documents.

Members were reminded that an Internal Audit Review of Counter Fraud Arrangements was conducted, by Mersey Internal Audit, during the third quarter of 2016/17. The review examined the arrangements in place for dealing with any issues concerning countering fraud, bribery and corruption that might arise within the Fire Authority. This included that key policies were in place to embed those arrangements, the promotion of good governance and principles of ethical behaviour/probity, procedures for dealing with allegations of fraud, bribery or corruption, staff awareness of the potential for criminal acts and how concerns might be reported and also any measures taken to promote fraud prevention and increase deterrence against potential frauds.

A specific recommendation was received that, "The Chief Fire Officer and Chief Executive should make a formal statement of the Fire Authority's commitment to anti-fraud, bribery and corruption measures and publish the statement on the official website." The arising draft statement, based upon the Audit Commission checklist for Members and others responsible for governance, was included at Appendix A.

The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 11/19 refers).

**Resolved** - That the Anti-Fraud and Corruption Statement for 2018/19 be approved.

**33/19 HMICFRS TRANCHE 2 INSPECTIONS - HUMBERSIDE FIRE & RESCUE SERVICE AND THE NATIONAL REPORT** - The Chief Fire Officer/Chief Executive submitted to Members Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Tranche 2 Inspection reports.

#### Humberside Fire & Rescue Service Report

The Service was inspected in November 2018 as part of the second tranche of inspections undertaken nationally by HMICFRS.

HMICFRS have reported that the Service was assessed to be 'Good' overall at providing an Effective and Efficient service that kept people safe and secure and made good use of resources, with some improvement required in the protection of people through fire regulation. Within the People inspection area, the Service was assessed as 'Requires Improvement' overall, including:

- How it gets the right people with the right skills;
- How it ensures fairness and promotes diversity; and
- How it manages performance and develops leaders.

Pleasingly the Service was assessed as 'Good' at promoting the right values and cultures, through Wellbeing, Health and Safety and Values and Culture activities.

A Service Improvement Plan was currently being developed in response to the areas identified in the HMICFRS report. The development of the Plan would not be done in isolation but would involve consultation by all staff.

### National Report

Until HMICFRS had completed its inspection of every fire and rescue service, it would not have a complete national picture, this is expected in December 2019. Some themes, however, had emerged following the inspection of 30 of the 45 fire and rescue services in England, resulting in two recommendations:

- Recommendation one related to four priority areas where there would be immediate benefits to the public if a consistent approach was adopted by all fire and rescue services across England.
- Recommendation two related to fire and rescue services nationally having very limited resources and access to the skills and expertise it needed to bring about change. Without access to this support, the Government's fire reform programme might be in jeopardy and therefore as part of the next Spending Review, the Home Office, in consultation with the Fire and Rescue Sector, should address the deficit in the Fire Sector's national capacity and capability to support change.

All officers involved in preparing for the inspection and responding to the draft report were thanked for their efforts. The next Member Day would detail the developing action plan in response to the HMICFRS findings.

It was important to recognise the Service's position in relation to the Service and National reports and on balance it was felt the Service report was good and positive but that some areas of the Service had been overlooked.

**Resolved** - That Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Tranche 2 Inspection reports be received.

**34/19 UNITED NATIONS HERFORSHE UPDATE** - The Director of People and Development submitted a report that updated on the HeForShe United Nations (UN) Women's agenda to address gender inequality as a human rights and societal issue that required the full participation of both women and men.

There was a stated willingness to engage men as allies and partners to address the inequalities that affected women and girls globally. The Movement hoped to mobilize one billion men as advocates and agents of change for gender equality. It was about bringing together one half of humanity, which was men in support of the other half of humanity, which was women, for the benefit of all. Historically, humanity had progressed tremendously by working together.

The Service recognised that its current workforce was not representative of the community it served in relation to gender. Data observatory information detailed the gender split of the communities of Kingston upon Hull, East Riding, North and North East Lincolnshire was broadly speaking 50/50 men to women. A Service workforce report for 2017 detailed the workforce as being made up of 82 percent men, 17 percent women with 1 percent of gender undeclared. The Service needed to actively and positively increase representation of women in the service in its recruitment, retention and promotion processes.

To facilitate the required workforce changes, it was culturally imperative to gain the commitment and support of the men in the Service at all levels. Two key objectives were identified to support the cultural shift required:

- by advocating the United Nations HeForShe Movement, and
- implementing a Positive Action Campaign to start addressing the workforce gender imbalance.

The vision of the Service was to not only achieve our own commitments to the Movement and achieve gender equality for all, but also to “light small fires” and spread the message through Fire and Rescue Services nationally and through Local Government organisations and beyond. The Service led the way for 27 other fire and rescue services so far to sign up to the Movement, along with the National Fire Chiefs Council, with Women in The Fire Service UK and the Asian Fire Services Association also expressing interest in doing so. Presentations had been given to the Local Government Association and East Riding of Yorkshire Council, who were considering whether to make their own pledges.

The Chairperson of the Authority and Chief Fire Officer/Chief Executive signed the pledge to the HeForShe Movement on 25 September 2017 on behalf of the Service. The Service’s HeForShe pledge had two commitments:

1. To do our best to increase the numbers of women both applying for and being recruited to firefighter positions in our Service, and to better understand the reasons why they don’t apply or are not successful when they do
2. To improve the engagement, experience, development and promotion opportunities of and for the women in our workforce

To fulfil its HeForShe pledge commitments the Service had engaged staff in a variety of ways. The Service had just commissioned a film promotion on HeForShe and was looking to launch it at the event in November. It was agreed that this be shared with Members once produced.

**Resolved** - That the report be received.

**35/19 PUBLIC SECTOR EXIT PAYMENTS CAP GOVERNMENT CONSULTATION** - The Director of People and Development submitted a report that provided a summary of the Public Sector Exit Payments Cap Government consultation and the proposed regulations for all local government employers, which included Fire Services.

In 2015 the Government first announced plans to introduce a cap on exit payments in the public sector. The cap included any pension strain cost. The cap was legislated for in the Enterprise Act 2016, which amended the Small Business, Enterprise and Employment Act 2015, but required secondary legislation to be introduced.

On 10 April 2019, HM Treasury opened a consultation on draft regulations, directions and guidance to implement the exit cap. The consultation would run for 12 weeks and would close on 3 July 2019. The Local Government Association (LGA) would be responding formally to the consultation ahead of the 3 July deadline.

The exit payment cap was set at £95,000. Although regulation 153A(9) of the Small Business, Enterprise and Employment Act 2015 allowed for Regulations to be introduced which changed the cap, under the proposed Regulations there was no provision for the cap to be index linked.

In relation to those employed in local government, it was noted that the group that was most likely to be affected by the cap was those over age 55 who were members of the Local Government Pension Scheme (LGPS) or another public sector pension scheme.

Her Majesty’s Treasury (HMT) Directions set out the circumstances in which the exit payment restrictions had to be relaxed (mandatory cases) and the circumstances when they might be relaxed (discretionary cases), a crucial part of the consultation.

A proposed response to the consultation was outlined at paragraph 39 of the report for the Authority's approval. It was agreed that once the Government's view was made clear a further report would be brought back to the Authority.

**Resolved** - That the proposed response to the consultation, as outlined at paragraph 39 of the report be approved.

**36/19 EXCLUSION OF THE PRESS/PUBLIC - Resolved** - That the press and public be excluded from the meeting for consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 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.

**37/19 COURT CASE** - The Director of People and Development submitted a verbal report to brief Members on an upcoming court case following an accident whereby a tactical response vehicle had gone through a red light and collided with a vehicle, causing injury to the persons in that vehicle.

**Resolved** - That the update be received.

**38/19 ON-CALL FIREFIGHTER TRIBUNAL** - The Director of People and Development submitted a verbal report briefing Members on an employment tribunal relating to minimum wage payments historically for on-call firefighters.

**Resolved** - That the update be received.

*Meeting closed at 12.35pm.*



**Member Champions 2019/20**

<b>Role</b>	<b>Director</b>	<b>Delivery Area</b>	<b>Appointed Member</b>
Service Delivery	Paul McCourt	<b>Emergency Response and Public Safety (8)*</b>	Councillor Barfield (North East Lincolnshire) Councillor James (North East Lincolnshire Council) Councillor Green (East Riding of Yorkshire Council) Councillor Smith (East Riding of Yorkshire Council) Councillor Sherwood (North Lincolnshire Council) Councillor Mumby-Croft (North Lincolnshire Council) Councillor McMurray (Hull City Council) Councillor Singh (Hull City Council)
Service Delivery Support	Steve Topham	<b>Emergency Response Preparedness (1)</b>	Councillor Randall (Hull City Council)
		<b>Public Safety Central Support (1)</b>	Councillor Shepherd (North East Lincolnshire)
		<b>ICT (1)</b>	Councillor Davison (East Riding of Yorkshire Council)
		<b>Estates (1)</b>	Councillor Swinburn (North East Lincolnshire)
People and Development	Miriam Heppell	<b>HR (1)</b>	Councillor Nicola (Hull City Council)
		<b>Organisational Development (1)</b>	Councillor Bryan (East Riding of Yorkshire Council)
		<b>Mental Health and Wellbeing (3)</b>	Councillor Chambers (Hull City Council) Councillor Fox (East Riding of Yorkshire Council) Councillor Jefferson (East Riding of Yorkshire Council)
		<b>Operational Training (2)</b>	Councillor West (East Riding of Yorkshire Council) Mr K Hunter (Police and Crime Commissioner)
Service Improvement	Niall McKiniry	<b>Corporate Assurance (2)</b>	Councillor Grant (North Lincolnshire Council) Councillor Dad (Hull City Council)
		<b>Health &amp; Safety (1 Member)</b>	Councillor Chadwick (East Riding of Yorkshire Council)

\* Two Members for each Local Authority area.

East Riding of Yorkshire Council = 8 Champions

Hull City Council = 6 Champions

North East Lincolnshire Council = 4 Champions

North Lincolnshire Council = 3 Champions\*

Police & Crime Commissioner = 1 Champion

\* NB The Chairperson of the Fire Authority does not hold a role of Member Champion