



NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

MINUTES

of meeting of the Authority held on **16 SEPTEMBER 2011** at Fire and Rescue Service Headquarters, Bestwood Lodge, Nottingham from 10.30 am to 1.35 pm

Membership

Councillor D Pulk	(Chair)
Councillor B Grocock	(Vice-Chair)
Councillor C Arnold	
Councillor S Carroll	
Councillor B Cooper	
Councillor B Cross	
Councillor S Fielding	
Councillor K Girling	
Councillor J Hemsall	
Councillor E Kerry	
^ Councillor J Morris	
Councillor J Packer	
^ Councillor T Pettengell	
^ Councillor K Rigby	
Councillor D Smith	
Councillor T Spencer	
Councillor G Wheeler	
Councillor J Zadrozny	

Members absent are marked ^

26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Morris, Pettengell and Rigby.

27 DECLARATIONS OF INTERESTS

The Chief Fire Officer declared a personal interest in agenda item 13 'Amendment to firefighters pension schemes-consultation' (minute 38) as he was a member of the scheme, but which did not preclude him from speaking;

The Clerk to Nottinghamshire and City of Nottingham Fire and Rescue Authority declared a conflict of interest in agenda item 19, 'Property Negotiations Update ' (minute 42) as he was an officer of Nottingham City Council and stated that he would leave the meeting when this item was discussed.

28 MINUTES

RESOLVED that the minutes of the meeting held on 24 June 2011, copies of which had been circulated, be confirmed and signed by the Chair.

29 CHAIR'S ANNOUNCEMENTS

The Chair reported on the following matters:

- (1) Councillors and officers had been involved in a number of events to commemorate the tenth anniversary of the terrorist attacks on the United States of America:
 - the Chair and John Buckley had attended a service to commemorate both the tenth anniversary of 9/11 and the twentieth anniversary of the Fire Fighters Memorial Trust. It had taken place at St Paul's Cathedral on Sunday 11 September. The service remembered the terrorist attacks on the USA, and the sacrifice that members of the Fire Service had made in the course of their duty. The service was organised in conjunction with the UK Firefighters Memorial Trust;
 - the Chief Fire Officer and a firefighter had attended three ceremonies in the USA as guests of the Gear Up Foundation, marking the tenth anniversary of the 9/11 attacks;
 - Councillor Packer invited donations to the Nottinghamshire Firefighters Memorial Fund which aimed to raise money to provide a permanent memorial to fire-fighters, in or at St Mary's in the Lace Market. Names could be sponsored at £4 per letter. Anyone wishing to make a donation should contact Councillor Packer;
- (2) it was possible that fire fighters and non-uniform staff would join the rest of the public sector on strike on 30 November. A ballot on strike action had yet to be announced by the various unions. As this had serious implications for the Service if the strike went ahead, Councillors would be kept up to date on developments;
- (3) the Fire and Rescue Authority had won a cup at the Truckfest in Scotland with its Specialist Rescue Unit. Councillors were invited to view the vehicle after the meeting;
- (4) former Councillor, Alex Foster had resigned from Nottinghamshire Fire and Rescue Service (Trading) Limited and nominations for a replacement director were to be given to the Chair;
- (5) the report associated with agenda item 18 'Changes to Permanent Establishment' was no longer required to be exempt under section 100A(4) Local Government Act 1972, as the information it contained had already been made available to the public as a result of the discussion of the matter at the Human Resources Committee. The appendices attached to the report would, however, needed to remain exempt. The representative bodies had been advised that the report itself was no longer exempt and had been invited to ask questions on the contents of the report, if Councillors

were agreeable. It was queried as to whether the representative bodies had had sufficient time to consider the contents of the report and the representatives confirmed that they had.

RESOLVED that questions on the report be permitted from the representative bodies.

At the suggestion of Councillor Smith, a one minute silence was observed by the meeting to remember the firefighters who had given their lives in the 9/11 terrorist attacks in the U.S.A.

30 FINAL ACCOUNTS 2010/11

Consideration was given to a report of the Treasurer, copies of which had been circulated, presenting the final accounts of the Fire and Rescue Authority to the full Fire Authority for approval.

Councillor Wheeler asked for his concerns about the consultation process relating to the Fire Cover Review (page 42 of the agenda) to be noted and for the fact that the Chief Fire Officer was aware of these concerns to be noted. The Chief Fire Officer confirmed to the meeting that he had discussed the issue with Councillor Wheeler and that measures were being put in place to address those concerns.

It was requested that more detailed, separate, confidential notes relating to exempt items on Fire Authority agendas be produced for Councillors. The Clerk advised that this was in hand in relation to this meeting.

The Clerk advised the meeting that a report on the revised governance arrangements would be available at the December meeting of the Fire Authority.

RESOLVED that:

- (1) the amended Annual Governance Statement for 2010/11 contained within the Statement of Accounts be approved;**
- (2) the Statement of Accounts for 2010/11 be approved;**
- (3) the financial results for the first seven months trading by Nottinghamshire Fire and Rescue Service (Trading) Limited be noted.**

31 EXTERNAL AUDITORS' GOVERNANCE REPORT 2010/11

Consideration was given to a joint report of the Chief Fire Officer and the Treasurer, copies of which had been circulated, presenting the external auditors' Governance Report to Councillors and seeking approval of the management representation letter to the external auditors. The report was presented by John Cornett and Flora Smith of the External Auditors.

The financial year 2010/11 had seen significant changes in accounting practices across all local government bodies with the implementation of International Financial Reporting Standards. This change, together with the introduction of a new finance system in the same year had had a significant impact on the ability of staff to deliver completed and accurate financial statements to the external auditors on the timescales agreed previously. Any errors had been rectified and the Auditor commented that there had been less of an impact than in some other authorities and asked that his thanks to the Finance Team be recorded.

The Chair thanked the external auditors for their positive comments and asked the Head of Finance and Resources to pass the thanks onto the Finance Team. The Chair went on to thank the external auditors for their assistance.

RESOLVED

- (1) that the contents of the external auditor's Governance Report be noted;**
- (2) that the management representation letter to the external auditors as set out in Appendix B to the report be approved.**

32 TREASURY MANAGEMENT OUT-TURN 2010/11

Consideration was given to a report of the Treasurer, copies of which had been circulated, providing an update on treasury management activity during the 2010/11 financial year.

RESOLVED that the contents of the report be noted.

33 BUDGET GUIDELINES 2012/13

Consideration was given to a joint report of the Chief Fire Officer and the Treasurer, copies of which had been circulated, informing members of the Fire and Rescue Authority of the likely budget for 2012/13 and requesting that the Authority set general guidelines from which the Finance and Resources Committee would develop a detailed budget proposal for 2012/13 and 2014/15.

Councillor Zadrozny requested that the decision not to allow non-members to speak at meetings be changed, particularly at the Finance and Resources Committee. The Chair advised that the discretion was in the hands of the Chair of each meeting and that a general ruling could not be made.

RESOLVED that, subject to the percentage in section (ii) being amended to read 0%-3% (instead of 3%), the guidelines set out in paragraph 2.16 of the report be approved as a framework for the Finance and Resources Committee to develop the Fire Authority's draft budgets for 2012/13 and 2014/15 and to make recommendations to the Fire Authority.

34 FUTURE FIRE CONTROL SERVICES

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, containing a recommendation for submitting a bid to the Future Fire Control Services Scheme. The Government was making available £1.8 million for each authority and plans had to be put forward by 4 November 2011 which would be assessed for value for money and resilience improvements. A collaborative approach with neighbouring authorities was being planned on a hub and client basis.

RESOLVED

- (1) that the report of the Chief Fire Officer on the Future Fire Control Services Scheme be accepted;**
- (2) that the hub and client approach to future control services be supported if a collaborative bid could be achieved;**

- (3) **that the Chief Fire Officer be tasked with submitting to the bidding process with those services willing to engage in the project.**

35 PROVIDED CAR SCHEME

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, on the current position with regard to the introduction of a provided car scheme for officers and essential car users.

RESOLVED that the process of implementing the provided car scheme which had previously been approved at the December 2009 meeting be discontinued for the reasons set out in the report.

36 NOTTINGHAMSHIRE FIRE AND RESCUE SERVICE ANNUAL REPORT 2010/11

Consideration was given to the report of the Chief Fire Officer, copies of which had been circulated, together with the draft 2010/11 Annual Report updating the community and stakeholders on the Service's activities during the previous year and updating on Nottinghamshire Fire and Rescue Services performance information and a financial summary.

The Chair agreed to the deletion of the word 'all' on the first line of the foreword on page 3 at the request of Councillor Kerry.

RESOLVED that the 2010/11 Annual Report be approved.

37 EQUALITIES REVIEW

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, seeking endorsement of the Equalities Review and amendment to the Equalities Section of the Fire Authority Committee template.

Councillor Wheeler asked the Assistant Chief Fire Officer to pass on the meetings thanks to Matt Sismey, the Equality and Diversity officer, for the work undertaken to date.

RESOLVED that the following be approved:

- (1) **the review, inclusive of revised Local Performance Indicators to be reported to the Performance Monitoring Committee and the revised objectives within the Equalities Action Plan (Appendix C);**
- (2) **the revised Equalities Section (section 5) of the template for Authority/Committee reports (Appendix D).**

38 AMENDMENTS TO FIREFIGHTERS' PENSION SCHEMES- CONSULTATION

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, informing members of the Fire and Rescue Authority of the current consultation document recommending changes to both fire-fighters pension schemes.

RESOLVED that the responses set out in the body of the report be approved and the concerns expressed by Councillors on the commutated aspect be noted and Officers

be requested to seek guidance in relation to the abatement of pensions when retired staff took up employment with other public bodies.

39 GOVERNMENT PROPOSALS FOR BUSINESS RATES RETENTION

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, setting out the Government's proposals for the local retention of business rates and the potential effect of those proposals on the Fire and Rescue Authority.

RESOLVED that the contents of the report be noted.

40 STRATEGIC EQUALITIES BOARD OUTCOMES

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, reporting on the business and actions of the Strategic Equalities Board meeting held on 24 June 2011.

RESOLVED that the report and the business undertaken by the Board be noted.

41 COMMITTEE OUTCOMES FOR NOTING

Consideration was given to reports of the Chairs of the following committees, copies of which, including minutes of those meetings, had been circulated:

- (a) Policy and Strategy Committee - 29 July 2011;
- (b) Performance Monitoring Committee - 29 July 2011
- (c) Finance and Resources Committee - 8 July 2011
- (d) Community Safety Committee - 15 July 2011
- (e) Human Resources Committee - 22 July 2011

RESOLVED that the reports and the business undertaken by the Committees be noted.

42 CHANGES TO PERMANENT ESTABLISHMENT

Further to the Chairs announcement at minute 29(5) above, consideration was given to a report of the Chief Fire Officer, copies of which had been circulated, seeking approval from the Fire and Rescue Authority for the deletion of nine vacant posts and to disestablish the post of cook from all whole time fire stations as previously endorsed by the Human Resources Committee.

A representative of the Fire Brigades Union (FBU) stated that he thanked and respected the Chair's decision to reconsider the originally exempt agenda item and the resulting ability for the union representatives to ask questions regarding this, which suggested openness on his behalf. He then went on to ask the following questions of the Chair regarding this item;

Question 1, "Option two from the Fire Cover Review paper which is currently out for consultation (as amended) until the end of October, recommended the deletion of a number

of posts including seven Station Manager (42 hours per week) to zero in financial years 2012 – 2015. Can the Chair confirm that the uniformed posts recommended for deletion (Changes to Permanent Establishment, 2.1) are inclusive or exclusive of the posts outlined above? The FBU are of the opinion that no decisions on deletion or otherwise of any posts shall occur until full consultation has been completed.”

The Chair responded to the question as follows:

”I can confirm that these posts are exclusive of those proposed within the Fire Cover Review.

The establishment of Station Managers (42 hours) at the beginning of this calendar year was 9 posts across the organisation. The number of Watch Managers was 100 and the number of Crew Managers 81. Following the budgetary announcement from DCLG on 13 December 2010, the Chief Fire Officer urgently reviewed the number of vacant posts within the organisation.

As these posts were vacant, the proposals to delete them were discussed with the FBU at a specific meeting conveyed and chaired by the Industrial Relations Officer on 14 December 2010. No specific responses were received and the proposals were subsequently tabled with the Human Resources Committee. The anticipated savings from these posts have subsequently been earmarked as being achieved within the current financial year.

At this time, the Fire Authority had not received the outcomes of the Fire Cover Review so any proposals to reduce the establishment further had not been considered. This could only be proposed once the Fire Authority had agreed and set its budget as well as having considered fully the outcomes of the Fire Cover Review.

When the Fire Authority agreed to consult on option two of the Fire Cover Review following its amendment, the proposals to reduce the establishment by the numbers quoted were in addition to these previously discussed with the Human Resources Committee and the FBU.

In respect of the current consultation process regarding the Fire Cover Review, within its amended recommendation, the Fire Authority agreed the following:

- 10.4 that the Chief Fire Officer is tasked with beginning internal consultation on any managerial changes contained within the Fire Cover Review;
- 10.5 consultation within the wider public stakeholders begins at the earliest opportunity and runs for a period of no less than 12 weeks.

As the FBU will be aware, the wider public consultation process has already commenced with regard to the proposals agreed for consultation by the Fire Authority.

I am informed by the Chief Fire Officer that the managerial changes will form part of an amendment to the management structure of the organisation and, as agreed by the Fire Authority, these will be subject to internal consultation. No formal process with regard to this aspect, as yet, has commenced as the outcomes of the Fire Cover Review process will have an influence on any decisions made”.

Question 2 ”Item 1.3 (Changes to Permanent Establishment) addresses the need to protect front line delivery and to ensure that any impact on the public is kept to a minimum. The

FBU welcome that but wish to confirm that, in regard to front line delivery, the Combined Fire Authority (CFA) have given full consideration to the impact of the following issues:

- officer resilience;
- future ability to provide the functions of command and control;
- fire ground health and safety;
- the correct application of the organisations standard operating procedures at incidents.

The opinion of the FBU is that to reduce Officer numbers will have a detrimental impact on all of these functions.'

The Chair responded to the question as follows:

"I refer to my answer to question one asked at the meeting on 24 June 2011 at which the almost identical question was tabled. The question and my response to it form part of the minutes of that meeting which have today been approved by this meeting".

Question 3 "Are the CFA members, especially those residing on the Human Resources Committee confident that all information including consultation with the representative bodies regarding the cooks role and possible ramifications of their demise, especially on fire-fighter welfare has been forthcoming and fully assessed?"

The Chair responded to the question as follows:

"The Fire Authority is fully aware of the impact on this organisation of reductions in establishment. It is regrettable that such decisions have to be considered, however, the FBU will note that the Service has to reduce its budget over the next two years with a 12% reduction in our grant.

When approving its amended budgets on 25 February 2011, the Fire Authority agreed to savings of £140,000 from its catering arrangements and £56,000 from removal of its catering subsidy.

As Members will be aware, the removal of the subsidy closed the facility with effect from April 2011.

The remainder of the savings can now only be achieved by the removal of cooks from fire stations.

I am assured by the Chief Fire Officer that his officers are asking for alternative proposals and arrangements should the reduction in establishment be approved. However, for him to formalise these proposals to the FBU would be to pre-empt the decision of this Authority and this is beyond his remit at present.

Rest assured the Fire Authority will remain interested in any proposals that the Chief Fire Officer may make and will look for some assurance that the welfare needs of those at work an operational duty are met within the budgetary constraints of the Authority".

RESOLVED that the following be approved:

- (1) the decision of the Human Resources Committee to delete nine vacant posts from the establishment;
- (2) the decision of the Human Resources Committee to disestablish the post of cook on all wholetime fire stations.

43 EXCLUSION OF PUBLIC

RESOLVED that, pursuant to section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the remaining items on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, as defined in paragraphs 1 and 3 of schedule 12A to the Local Government Act 1972 (as amended). The detailed minute on this item is set out in a separate exempt appendix but set out below is a summarised versions of these.

44 PROPERTY NEGOTIATIONS UPDATE

Consideration was given to a report of the Chief Fire Officer, copies of which had been circulated.

RESOLVED that the following be noted:

- (1) the outline chronology of events relating to the case;
- (2) progress to date with the negotiations.