



**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM
FIRE AND RESCUE AUTHORITY**

**MINUTES of the meeting held at Fire and Rescue Services HQ, Bestwood Lodge, Arnold
Nottingham NG5 8PD on 28 September 2018 from 10.30 am - 12.12 pm**

Membership

Present

Councillor Brian Grocock (Chair)
Councillor Michael Payne (Vice Chair)
Councillor Andrew Brown
Councillor Eunice Campbell-Clark
Councillor John Clarke
Councillor Sybil Fielding
Councillor Vaughan Hopewell
Councillor Patience Uloma Ifediora
Councillor John Longdon
Councillor Francis Purdue-Horan
Councillor Mike Quigley MBE
Councillor Kevin Rostance
Councillor Mohammed Saghir
Councillor Jonathan Wheeler
Councillor Malcolm Wood
Councillor Yvonne Woodhead
Councillor Jason Zadrozny (minutes 13-27 inclusive)

Absent

Councillor Jackie Morris

Also in attendance

Paddy Tipping, Nottinghamshire Police and Crime Commissioner

Colleagues, partners and others in attendance:

John Buckley - Chief Fire Officer, NFRS
Wayne Bowcock - Deputy Chief Fire Officer, NFRS
Craig Parkin - Assistant Chief Fire Officer, NFRS
Malcolm Townroe - Clerk and Monitoring Officer to the Fire Authority
Charlotte Radford - Treasurer to the Authority
Becky Smeathers - Head of Finance
Catherine Ziane-Pryor - Governance Officer

13 APOLOGIES FOR ABSENCE

Councillor Jackie Morris - personal reasons

14 MEMBERSHIP

RESOLVED

- (1) to note the following changes to appointments to the Fire Authority by Nottinghamshire County Council:**
 - **Councillor Kevin Rostance replaces Councillor John Handley**
 - **Councillor Yvonne Woodhead replaces Councillor Parry Tsimbiridis**
- (2) to confirm the appointments of Councillor Kevin Rostance to the Community Safety Committee and Personnel Committee;**
- (3) to confirm the appointments of Councillor Yvonne Woodhead to the Community Safety Committee, Personnel Committee and Strategic Inclusion Board.**

15 DECLARATIONS OF INTERESTS

Although no declarations of interest were made at this point during the meeting:

- (i) during the item reported as minute 18, 'Business Rate Retention Pilot Bid', members made reference to the Economic Prosperity Committee (EPC). Although not formally required to do so, Councillor Jason Zadrozny declared an interest in that he is the Vice-Chair of the EPC, and Councillor John Clark declared that he is a committee member of the EPC. These declarations did not preclude either councillor from speaking or voting on the item;
- (ii) during consideration of the item reported as minute 30, 'Estates Collaboration', although not formally required to do so, Councillor Michael Payne declared an interest in that he is the Deputy Leader of Gedling Borough Council, and the Authority's discussion included sites within that Council's Boundary. He did not feel that this declaration required him to withdraw from the meeting, nor precluded him from speaking or voting on the item.

16 MINUTES

The minutes of the meeting held on 20 July 2018 were confirmed as a true record and signed by the Chair.

17 CHAIRS' ANNOUNCEMENTS

Councillor Brian Grocock, Chair of the Fire Authority, made the following announcements:

- (a) The newly built Newark Fire Station was officially opened on 5 September 2018 by the Lord Lieutenant Sir John Peace. The investment by this Authority will ensure that high quality services continue to be delivered in that community for many years to come;
- (b) The Chair and Chief Fire Officer attended the Firefighters Memorial event in London on 9 September 2018, to pay tribute to firefighters who have lost their lives whilst on duty. For the first time in several years no new names had been added to the memorial and it is hoped that this continues;

- (c) The Chair has recently written to all local MPs and requested meetings with them to discuss the current issues and concerns facing the Authority. The Chief Fire Officer and Chair have already met with two MPs and other meetings are scheduled during the next few weeks. Issues discussed include funding pressures on the sector, the broadening expectations placed upon the Service, and the pay and conditions of staff;
- (d) An awards ceremony will take place on 16 October 2018 at the Albert Hall in Nottingham to recognise the hard work and dedication of staff, thanking those within the community for their support of the Service, and to recognise outstanding acts of bravery. All members of the Authority are invited to attend;
- (e) Poppy pins, incorporating the Service badge, are now available from the PA to the Chief Fire Officer, for a minimum payment of £7.50. All profits will go to the Royal British Legion.

18 BUSINESS RATES RETENTION PILOT BID

During this item, it became apparent to Councillor Jason Zadrozny and Councillor John Clark that as respective Vice-Chair and Committee Member of the Economic Prosperity Committee (EPC), they should declare an interest in the discussion. They did not believe that this declaration required them to leave the room nor precluded them participating in the discussion.

Becky Smeathers, Head of Finance, presented the report of the Chief Fire Officer, which requests that the Authority note the approval taken through delegated powers to enter into a joint pilot agreement with Nottinghamshire District/ Borough Councils, Nottingham City Council and Nottinghamshire County Council, to take part in the Business Rate Retention Pilot during 2019/2020.

It is noted that the deadline for the bid application required a decision on behalf of the Authority to be made prior to this meeting.

If the bid application is approved then the Authority will lose the 2019/20 Revenue Support Grant, but will retain 75% of business rates, which will provide an increase of funds.

The Vice-Chair, Councillor Michael Payne queried whether in joining the arrangement and presumably the EPC funding pool, the Authority should be allowed to either take part or feed its views into the EPC, which promotes economic growth. As there are proposals for 30,000 new dwellings to be built within the county over the next few years, such changes to population will impact on the demands of the Service so it is reasonable that the Authority has some level of involvement.

It is noted that in entering into this agreement, the Authority will not be contributing to the EPC funding pool (to which the councils contribute 50% of their business rate income), and therefore it is unlikely that there is justification for the Authority to become involved in how EPC funding is spent. However, further clarity will be sought and reported to members by Malcolm Townroe, Clerk and Monitoring Officer to the Authority.

RESOLVED

- (1) to endorse the approval through delegated powers of the inclusion of the Authority in the Nottinghamshire Business Rates Pilot Bid 2019;**

- (2) **for Malcolm Townroe, Clerk and Monitoring Officer to the Authority, to seek clarity on the potential involvement of the Authority with the EPC and report his findings to members.**

19 TREASURY MANAGEMENT ANNUAL REPORT 2017/18

Becky Smeathers, Head of Finance, presented the report of the Chief Fire Officer which provides the Authority with an update on Treasury Management activity during the last financial year against the Prudential Indicators (PIs).

It is noted that no concerns have been raised and all activity remains within PI parameters, including borrowing which currently stands at 5.5%, within a maximum limit of 8%.

RESOLVED to note the report.

20 TAX REVIEW OUTCOMES

John Buckley, Chief Fire Officer, presented the report which informs members on the outcome of the recent tax review.

The following points were highlighted and members' questions responded to:

- (a) Following changes in legislation around taxation of vehicles, the Authority engaged specialist tax consultants, PSTAX, to review the procedures and processes in place and ensure that the Service is compliant with all current employment tax and VAT regulations;
- (b) Some gaps in policy and procedure have been identified, however with regard to vehicle and travel expenses some historic errors around the interpretation of requirements (dating back to 1998) have been found;
- (c) These errors relate to lease cars, essential user lump sums, temporary postings, principal officer cars, and home to base mileage payments;
- (d) Members are assured that by November all gaps and errors identified in policies and procedures will have been addressed and will be fully compliant;
- (e) PSTAX will negotiate with HMRC on behalf of the Authority, and judging by previous results, as the Service instigated the audit of its taxation policies and procedures and has been transparent about the findings, it is hoped that HMRC will not request that the tax due for the last seven years of errors is paid, and will only seek to recover the last four years of tax owed, without penalty. This is yet to be confirmed;
- (f) It is anticipated that if four years back dated liabilities are required to be paid to HMRC, the cost to the Authority will be between £225,000 and £250,000;
- (g) As the fault is that of the Authority and not of the employees concerned, it is not believed to be appropriate nor efficient to try and retrieve the correct tax owed from the affected employees, so the funds will be drawn from the Authority's reserves.

The Chair of the Finance and Resources Committee, Councillor Malcolm Wood, expressed great disappointment at the situation and the substantial funding required to address it, particularly at a time when funds are precious. Assurance is sought that safeguard systems are embedded in policies and procedures to ensure that no similar errors can occur in future.

Councillor Andrew Brown thanked the Chief Fire Officer for his honesty and requested consideration of a full policy setting review, the results of which should be reported to the Finance and Resources Committee, to assure members that nothing like this can happen again.

Councillor Brian Grocock, Chair of the Authority, noted the concerns of members, the disappointment that this position had arisen, and the actions taken by the Chief Fire Officer to address and prevent future errors. Whilst a thorough review has been undertaken by PSTAX around taxation requirements, and appropriate responses applied where fault has been found, a full review of policy setting is not considered appropriate at this time. However, a more detailed update on the review will be submitted to the Finance and Resources Committee where it will also be accessible to all members of the Authority.

RESOLVED

- (1) to agree that a maximum of £250,000 is made available from reserves to meet the cost of the previous tax liabilities identified within the report;**
- (2) for an update on the review to be submitted to the Finance and Resources Committee.**

21 ANNUAL STATEMENT OF ASSURANCE 2017-18

John Buckley, Chief Fire Officer, presented the report which provides the Statement of Assurance 2017-2018 document, as is required by the Fire and Rescue Service National Framework, to provide assurance of financial governance and operational matters.

The statement includes information on the following areas:

- (i) financial performance;
- (ii) governance statement;
- (iii) services to the community
- (iv) framework requirements;
- (v) planned improvements;
- (vi) community engagement.

RESOLVED to approve the Annual Statement of Assurance 2017-2018.

22 INTEGRATED RISK MANAGEMENT PLAN

John Buckley, Chief Fire Officer, presented the Integrated Risk Management Plan which identifies risks and how the Service will aim to prevent or mitigate those risks.

The Authority is requested to approve that public consultation on the Plan can take place for a period of 12 weeks between 28 September 2018 and 21 December 2018, during which time focus groups will be held with the aim to further strengthen the Plan, with the final document

presented to full Authority in February 2019, requesting approval for implementation on 1 April 2019.

Having expressed concern that the consultation may not engage some communities, councillors were assured that Matt Sismey, Equalities and Diversity Officer, is working proactively to engage harder to reach communities. However, the assistance of councillors in promoting the consultation to all communities would be very much appreciated, as would ensuring that the consultation is promoted on the website of each council.

RESOLVED for the draft IRMP to be subject to public consultation for a 12 week period.

23 REVIEW OF STATEMENT OF INTENT

John Buckley, Chief Fire Officer, presented the report which informs the Authority that the service's written safety policy statement of intent has been reviewed as a result of changes in the responsibilities of the Deputy Chief Fire Officer and Assistant Chief Fire Officer.

Members questions responded to as follows:

- (a) The reaction to fire service operations during the Grenfell Tower fire has not influenced the statement of intent, but has influenced how fire services will deal with high rise building incidents, so it will have an impact on the Integrated Risk Management Plan as a fire service risk. Any further information or recommendations resulting from the Grenfell Tower incident will be carefully considered;
- (b) With regard to the mental health impact on firefighters particularly highlighted as a result of attending the Grenfell Tower incident, there is growing awareness of mental health issues and the impact on firefighter's mental health in addition and not just physical wellbeing following a serious incident. Mental health remains a priority. Councillors may wish to further consider the issues around sustaining the good mental health of colleagues who put their lives at risk every day.

RESOLVED to endorse the revised statement of intent.

24 ANNUAL REPORT OF INFORMATION GOVERNANCE

John Buckley, Chief Fire Officer, presented the report which updates the Authority on the information governance activity during the past year.

The following points were highlighted and members' questions responded to:

- (a) Members have previously requested a report to the Fire Authority outlining the staff and resources impact of responding to Freedom of Information (FOI) requests;
- (b) Between April 2017 March 2018, 112 FOI requests were received by the Service which related to a wide range of information including high-rise inspections, wildfires, fleet lists, and ICT contracts;
- (c) 93% of requests were responded to within 20 days;
- (d) It is noted that the Service does provide as much information as feasible on its website and as a result it appears that this has reduced the number of FOI requests;

- (e) Many requests relate to national data research undertaken by partners;
- (f) A generic website, probably to be called 'Fire England' is to be established and will provide the majority of statistical information from across National Fire and Rescue Services;
- (g) With regard to the General Data Protection Regulations (GDPR), the Service generally only holds personal information relating to current staff and service pensioners;
- (h) Data sharing agreements with other organisations are being reviewed. With the potential of a £20 million fine if a data breach occurs, the Service has engaged an officer to undertake a dedicated role to ensure current and continued compliance in every area;
- (i) To date there have not been any vexatious claims although it is obvious sometimes that the information requested may be used to support specific points of view. Where it is not clear precisely what information is required, officers engage with requestors to ensure the required information, in context, can be provided by the Service.

RESOLVED to note the report.

25 INSPECTION OF FIRE AND RESCUE SERVICES IN ENGLAND

John Buckley, Chief Fire Officer, presented the report which updates the Authority on Her Majesty's Inspectorate for Fire and Rescue Services (HMIFRS) schedule to inspect the Service.

The Chair welcomed Davinder Johal from Derbyshire Fire and Rescue Service, who is the newly appointed Service Liaison Lead (SLL) to help prepare the Service for inspection.

The Service is due to be inspected during January and February 2019, following which the Chief Fire Officer will be able to check the inspection report for accuracy prior to its publication. The public release of the inspection outcome is anticipated during spring 2019.

Since the initial intention to inspect was announced, the Chief Fire Officer is now confident that HMIFRS now has a better understanding of the sector and will provide a fair assessment.

RESOLVED to note the report and accept further reports once the initial inspection has been completed.

26 COMMITTEE OUTCOMES

John Buckley, Chief Fire Officer, presented the report which provides the minutes of the following sub-committees:

Community Safety Committee 22 June 2018
Finance and Resources Committee 29 June 2018
Policy and Strategy Committee 06 July 2018
Human Resources Committee 13 July 2018

RESOLVED to note the report.

27 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining items in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

28 AMENDMENTS TO THE PERMANENT ESTABLISHMENT

John Buckley, Chief Fire Officer, presented the report.

RESOLVED to approve the recommendations are set out in the report.

29 CONTROL COLLABORATION

John Buckley, Chief Fire Officer, presented the report.

RESOLVED to approve the recommendations as set out in the report and added to in the meeting.

30 ESTATES COLLABORATION

During consideration of this item, although not formally required to do so, Councillor Michael Payne declared an interest in that he is the Deputy Leader of Gedling Borough Council, and the Authority's discussion included sites within the Council's Boundary. He did not feel that this declaration required him to withdraw from the meeting, nor precluded him from speaking or voting on the item.

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RESOLVED to approve the recommendations as set out in the report and added to in the meeting.