



MINUTES OF THE MEETING OF THE CHESHIRE FIRE AUTHORITY held on Wednesday 11 December 2013 at Fire Service Headquarters, Winsford at 10.30 a.m.

PRESENT: Councillors M Biggin, D Brickhill, P Carey, D Flude, P Harris, E Johnson, L Jones, J Joyce, J Leather, B Livesley, G Merry, H Mundry, S Nelson, R Polhill, B Rudd, T Sherlock, M Simon, A Tate, D Topping, C Thorley, J Weatherill, N Wright and S Wright.

MINUTES SILENCE

The Chair paid tribute to Nelson Mandela, who died on 5th December 2013, for his outstanding contribution to the peaceful termination of the apartheid regime, and for laying the foundations for a new democratic South Africa. The Authority stood for a minutes silence in his memory.

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

There were no apologies for absence.

B CHAIR'S ANNOUNCEMENTS

The Choir: Sing While You Work

Members expressed their thanks to Cheshire Fire and Rescue Choir for the wonderful performances that they had given on the TV to date and also for the performance that they had given at the Service's Carol Concert in Chester Cathedral on 3 December.

C DECLARATION OF MEMBERS' INTERESTS

Item 7 – North West Fire Control

Councillor Joyce (Chair) and Councillor Johnson declared an interest in this item as they sat on the Board of Directors of NW Fire Control Ltd. Both stated that they would not participate in the debate nor vote on this item. The Chair would ask his Deputy to take the Chair when this item was considered.

D MINUTES OF THE FIRE AUTHORITY

RESOLVED:

That the Minutes of the meeting of the Cheshire Fire Authority held on 18 September 2013 be confirmed as a correct record.

E MINUTES OF THE POLICY COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Policy Committee held on 27 November 2013 be received, for information.

F MINUTES OF THE PERFORMANCE AND OVERVIEW COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Performance and Overview Committee held on 25 September 2013 be received, for information.

G MINUTES OF THE PERFORMANCE AND OVERVIEW COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Performance and Overview Committee held on 4 December 2013 be received, for information.

H MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Governance and Constitution Committee held on 8 November 2013 be received, for information.

I MINUTES OF THE PAY AND PERFORMANCE COMMITTEE

RESOLVED:

That the minutes of the meeting of the Pay and Performance Committee held on 11 November 2013 be received, for information.

J NOTES OF THE MEMBER TRAINING AND DEVELOPMENT GROUP

RESOLVED:

That the notes of the meeting of the Member Training and Development Group held on 26 September 2013 be received, for information.

**K URGENT DECISION – STANDING ORDER 3.84 TO 3.86
RESPONSE TO CONSULTATION – FITNESS AND CAPABILITY**

Members were asked to note the actions taken in respect of an Urgent Decision made to allow a response to be made to a consultation document 'Fitness and Capability', before the closing date.

L MATTERS ARISING

Councillor Tate provided an update for Members following discussions at the Performance and Overview Committee meeting in relation to the fire related injuries resulting from deliberate fires involving wheelie bins. She explained that she had, along with Councillor Norman Wright, pursued this issue within her constituent authority but explained that the planning department was more concerned with the aesthetics of any development rather than the safety aspects. Members discussed the issues with wheelie bin fires and the particular problems with older properties and houses in multiple occupation.

The Deputy Chief Fire Officer explained that a proactive approach was to ensure that any planning permissions included a condition for secure wheelie bin storage. One of the quickest fixes for older properties in particular would be to fit gravity locks. He also explained that the Service used data collected on these fires (i.e. time of day/week and area) as part of its targeting strategy. A report on the information collected and how it was used for targeting would be submitted to Performance and Overview Committee. A Member commented that the Unitary Performance Groups should look at this issue for specific areas.

2 ANNUAL AUDIT LETTER 2012-13

The Head of Finance introduced this item and presented the Annual Audit Letter 2012-13 from the Authority's External Auditors, Grant Thornton for Members information. The Audit Letter provided an overall summary of the Audit Commission's assessment of Cheshire Fire Authority and the Head of Finance drew Members attention to the key messages from the audit. He explained that an unqualified audit opinion had been issued together with an unqualified Value for Money opinion. An unqualified short form assurance statement on the Authority's Whole of Government Accounts submission had also been issued and the Head of Finance advised that the Auditors had no further comments to report.

The Chair commented that this was a good news story and thanked the Officers involved.

RESOLVED: That

[1] the content of the Annual Audit Letter 2012-13 be noted.

3 2014-15 DRAFT BUDGET, COUNCIL TAX AND MEDIUM TERM FINANCIAL PLAN

The Head of Finance presented this report which advised Members that the Authority was required to approve a budget and set the Council tax precept for the year commencing 1 April 2014. He informed Members that, for the budget to be approved, the Authority must have regard to all relevant factors. These included the likely impact of policy options on the fire and rescue service, the

prevailing economic climate and the impact of future grant reductions during the current Comprehensive Spending Review period (2011-12 to 2014-15) and beyond. He advised that this was the first of three budget reports, another to be considered at Policy Committee on 29 January and the final report by the Authority on 12 February 2014.

He advised that the report provided background on the financial position of the Authority, referred to the national context and identified some of the risks that the Authority should take into consideration. He brought Members attention to the following key areas within the report:

- Comprehensive Spending Review: The Government announced a revised illustrative settlement for 2014-15 and 2015-16 in July 2013. However the detailed settlement for the Authority is unlikely to be available until late December.
- Medium Term Financial Plans (MTFP): These were detailed as two appendices within the report and showed how the Authority could produce a balanced budget for 2014-15, with the Council Tax Freeze Grant being accepted and without accepting the Council Tax Freeze Grant and assuming a 1.99% increase in precept. He explained that a number of assumptions had been made within the plans but that, whichever option was decided upon by Members, there was a need for savings of circa £8m or £9m to be made over the next four years. It was noted that, whilst savings of around £4m were expected from the Emergency Response Programme (ERP), Officers would need to present options for further cost reductions to produce balanced budgets during the lifetime of the MTFP;
- Council Tax: The Government had indicated that Council Tax Freeze Grant would be available for 2014-15 and 2015-16 and had now stated that the 1% grant for 2013-14 (which the Authority did not accept) would be baselined. The trigger for a local referendum was still assumed to be a proposal to increase a precept by 2% or more.
- Capital programme funding: Members were aware that the Authority successfully bid for £4.5m to help fund the capital element of the ERP. Delays in the implementation of the programme meant that there was some slippage against the use of the grants. The latest ERP plan indicated that all the grants for 2013-14 and 2014-15 would be utilised in 2014-15 and discussions were being held about the delay with DCLG.
- Reserves: As at 1 April 2013 the Authority had a General Reserve of £6.5m. The MTFP, as presented, assumed transfers of funds into an IRMP pump priming reserve during the next 3 years which would help smooth some of the financial challenges facing the Authority. The Head of Finance was currently in the process of assessing the level of General Reserve against risks identified in the Corporate Risk Register. The results of the assessment would be reported to Members in February 2014 but it was likely that the level of general reserve would be deemed sufficient to manage the existing risk profile.

The Head of Finance outlined the risks to the financial scenario presented and explained that the final report would be delivered to the Authority at its February meeting.

The Chair informed Members that the report before them provided an update on the current position and there was no requirement to make any specific decisions at the present time.

Members discussed the report and a Member commented that the Authority's reserve was prudent in the current climate. A Member also reiterated the fact that the Authority would need to save an additional £4m over the next few years and would need to look beyond the current plans to identify the additional savings required.

A Member queried the slippage on the capital programme in relation to the use of grants and it was also noted that this slippage could mean that the timing of the delivery of benefits/savings would also change. The Head of Finance commented that the Service was delivering an ambitious programme and it was being closely monitored to ensure that the financial impact of any changes would be addressed.

RESOLVED: That

[1] the information relating to the setting of the 2014/15 draft budget be noted.

4 FIRE AND RESCUE NATIONAL FRAMEWORK STATEMENT OF ASSURANCE

The Head of Performance, Planning and Communications introduced this report which presented Members with a draft Statement of Assurance for approval. This would fulfil one of the new requirements under the Fire and Rescue National Framework for England (2012).

A draft statement had been prepared to cover 2012-13 using *Guidance on Statements of Assurance for Fire and Rescue Authorities in England*, issued by the Department for Communities and Local Government. The Head of Performance, Planning and Communications explained that the Authority fulfilled the financial and governance assurance requirements through the process to produce and validate the Annual Accounts and the Annual Governance Statement. The Annual Report also summarised some of these issues as well as providing an account of delivery against each published Integrated Risk Management Plan.

The draft Statement also covered the suggested additional content relating to operational assurance as outlined in the guidance and had been prepared following a comprehensive review of the evidence available to be able to demonstrate compliance with the essential requirements of the Framework.

The evidence that underpins the statement had been verified by the Authority's internal auditors, Baker Tilly.

He concluded that, subject to approval by the Fire Authority, the statement would be published on the Service's website by the end of December 2013 with the relevant links and signposts to evidence of compliance.

RESOLVED: That

[1] the Statement of Assurance 2012-13 be approved for publication.

5 INITIAL FEEDBACK – DRAFT INTEGRATED RISK MANAGEMENT PLAN 2014-15 (IRMP11)

The Head of Planning, Performance and Communications presented the report to Members which provided initial feedback in respect of the consultation programme which was being carried out on 'Making Cheshire Safer', the Authority's draft annual action plan for 2014-15 (IRMP11). He advised that the consultation programme continued until 16 December and the information contained in this report was based on views and comments received up to 29th November 2013.

He informed Members that the programme of stakeholder briefings and community roadshows had been scaled back compared to last year to reflect the more limited scope of the proposals within IRMP11. However, it was still clear that the level of responses would be sufficient to provide a high degree of confidence in results. He informed Members that since the report had been written, the number of responses received from the community had increased to over 500 responses and this would ensure that the final results would provide a confidence level of at least plus or minus 5% - the target set when the programme was developed.

As highlighted at the Members Planning day in November the numbers of staff responses were significantly lower than last year and 110 responses had been received to date, compared to 213 last year. He also advised Members that the local branch of the Fire Brigades Union (FBU) had given some initial feedback which reiterated a number of comments from the formal response submitted last year. Officers would ensure that any feedback received from Union Representatives would be distributed to Members.

In addition to the overall IRMP consultation, additional site specific consultation had been carried out in Penketh and Alsager in advance of the Authority submitting its formal planning applications for the new fire stations. A summary of the feedback received would be included as an appendix to the final consultation report for Members and copies of the full consultation would be submitted to support the planning applications.

The Head of Planning, Performance and Communications highlighted some of the emerging themes from the initial feedback received so far and advised that

full details of all responses received were due to be presented to the Fire Authority on 12th February 2013.

The Assistant Chief Fire Officer provided an update for Members on the proposals for the M53/M56 site which would be reported through Cheshire West and Chester's unitary performance group meetings with a view to presenting a report to the Authority in February 2014.

A Member commented that the Service needed to ensure that Merseyside Fire and Rescue Authority's plans were considered at this Authority's consultation meetings in areas that could be impacted by its plans. The Head of Planning, Performance and Communications explained that the potential impact of neighbouring authority's plans would be picked up as part of the consultation process and included in the final consultation report.

RESOLVED: That

[1] the interim feedback on the consultation programme for the draft 2014-15 Annual Action Plan (IRMP11) be noted.

6 APPROVAL OF REVISED SECTIONS OF THE FIRE AUTHORITY CONSTITUTION

The Head of Legal and Democratic Services presented this report to Members which provided details of the revised sections of the Fire Authority's Constitution for consideration and approval.

He explained that the Governance and Constitution Committee had carried out a fundamental review of the Constitution during 2013 and good progress had been made in the production of a revised document.

The revised Constitution was attached as an appendix to the report and the report provided a narrative in areas where there were substantial changes from the current Constitution. It was noted that the Scheme of Delegation would be brought back to the Fire Authority in the New Year and, at that time, Members would be asked to approve the Scheme of Delegation and adopt the revised constitution.

Members' attention was drawn to the following:

Fire Authority and Policy Committee – the intention was to produce a supporting document that further clarified the responsibilities of these committees and listed those matters that were considered to be 'key' and 'significant'. If there was any doubt over whether a matter was 'key' or 'significant' then the matter would be referred to the Fire Authority.

Staffing Sub-Committee – this would become a Committee in its own right (albeit still drawn from the Membership of the Brigade Managers' Pay and Performance Committee) and would have a broader remit. The reference to

industrial relations would be removed as this was within the remit of the Joint Consultative Committee.

Financial Regulations - Members had approved the revised financial regulations at the Authority meeting in September 2013. However there was one issue that had not been covered when the Regulations were approved. This was the amount above which Member approval would be required in relation to sponsorship that was received by the Authority. Members were asked to agree the amount and it was suggested that it should not exceed £20k which was consistent with other parts of the Financial Regulations.

The Head of Legal and Democratic Services concluded by outlining the next steps. The Service Management Team would develop the documents that would further clarify the responsibilities of the main decision-making bodies and this would be shared with Members in the New Year. The Scheme of Delegation would also be developed with a view to reporting to the Governance and Constitution Committee in January.

Members queried the wording in Section 3 – Decision-Making Bodies in relation to Unitary Performance Groups (UPGs). It was noted that the wording for UPGs had not been amended from the previous constitution and Members requested that the wording should be reviewed.

The Chair of the Governance and Constitution Committee informed Members that the Committee had met on several occasions and worked with the Head of Legal and Democratic Services on the revision of the documents. He commented that this approach had worked very well and it was hoped that the revisions made the Constitution clearer and more accessible.

Members thanked the Head of Legal and Democratic Services and the Governance and Constitution Committee for the work that had been put into the review.

RESOLVED: That

- [1] the revised Sections of the Constitution contained in the appendix be approved with a view to adopting them once the final Section of the Constitution is completed and ready to be adopted;**
- [2] a sum of £20,000 be agreed to be inserted in paragraph 97 of the Financial Regulations in relation to Sponsorship received by the Authority (as set out in paragraph 23 in this report);**
- [3] the Head of Legal and Democratic Services be authorised to make such drafting amendments to the Sections of the Constitution which are approved, as are necessary to give effect to the intentions of the Authority; and**

[4] the next steps to complete the revised Constitution and intended timescale be noted.

7 NORTH WEST FIRE CONTROL

In line with the declarations made at Agenda Item 1C – Declarations of Members Interests the Chair handed over responsibility for chairing the meeting to his Deputy, Councillor Stef Nelson during the consideration of this item. Both Councillor Joyce and Johnson remained in the room for this item but did not participate in the debate or vote.

The Chief Fire Officer introduced this report which provided Members with an update about progress with the project and outlined the governance arrangements that would apply once NW Fire Control Limited had begun to deliver services on behalf of the Authority. It also sought authority to enter into the necessary legal agreements.

Members' attention was drawn to the latest position on the delivery of the ICT solution, the workforce, business case benefits (non-financial) and revised transfer dates. An update on the delivery of financial benefits (savings) and the proposals for the governance arrangements was also provided.

The Head of Legal and Democratic Services provided an update on the legal position and governance arrangements. He explained that there would be four separate Agreements for Services with the company, one for each authority. The Agreements would be practically identical and would contain similar provisions to those that would be expected in a client/contractor relationship. A Co-operation Agreement was also being drawn up, which effectively replaced the existing Project Agreement which would define the relationship of the Authorities once the Company was delivering the services. The Members (Owners) Agreement was also being redrafted and would continue to consolidate the relationship between the Authorities setting out processes concerned with the ownership and operation of the Company.

Members discussed the information provided and a number of queries were raised.

A Member asked whether the revised transfer dates would affect the financial position and was assured that they would not.

A Member was concerned that the governance arrangements would remove the Company from the democratic process and wondered whether it would be useful to appoint independent members to provide additional scrutiny.

The Chief Fire Officer explained that he was currently fulfilling the duties of Executive Director on an interim basis but that this would be changing once the project was completed and the Company was supplying the services to the Authorities.

A Member asked if the Authority's share of the running costs was 'set in stone'. The Head of Legal and Democratic Services explained that it had been acknowledged previously that respective shares may need to change to reflect population and call volume ratios for the participating authorities. In addition, he explained that the cost to the Authorities would be reduced if income was forthcoming should the Company expand its remit and provide services to third parties.

RESOLVED: That

- [1] the progress on the North West Fire Control project be noted;**
- [2] the situation concerning the business case and savings be noted;**
- [3] the Chief Fire Officer, Head of Legal and Democratic Services and Head of Finance be authorised to settle and enter into legal agreements which will safeguard the Authority's position and provide suitable governance arrangements; and**
- [4] performance in relation to the services to be provided by NW Fire Control Limited be reported to Performance and Overview Committee.**

8 TWELVE MONTH REVIEW OF THE UNWANTED FIRE SIGNALS (UwFS) POLICY

The Head of Community Fire Protection presented this report which provided an update following the Performance and Overview Committee Meeting held on 25th September 2013 which had considered the first twelve month's performance of the revised Unwanted Fire Signals (UwFS) Policy. The report provided a summary of the performance data presented to the Committee and also the request from the Committee for a specific paper to the Authority in respect of the proposal for an amendment to the UwFS Policy.

The amendment was proposed as a result of lessons learnt and would mean a move to non-attendance at (non sleeping risk) commercial buildings between 09.00 and 17.00 hours. The report presented to the Authority provided further rationale for this proposal and also detailed the proposed reductions that could be secured if the proposed changes were implemented. A list of the buildings that would be excluded from the non-attendance approach was included as an Appendix to the report and it was noted in the report that COMAH sites would be added to this list.

Members discussed the proposed changes and a number of queries were raised in relation to specific buildings and the timings. A Member commented that one of the concerns when the Policy was first introduced was whether it could damage the Service's reputation. It was noted that, as far as Officers were aware, there had not been any adverse publicity since the policy had been implemented.

RESOLVED: That

- [1] the content of the report be noted; and**
- [2] the implementation of the policy change proposal of non attendance to (non sleeping risk) commercial buildings between 09:00 and 17:00 hours be approved.**

9 PROGRAMME OF MEMBER MEETINGS 2014/15

The report provided Members with details of the programme of meetings for the Fire Authority and other Members Decision-Making bodies for the municipal year 2014-15.

Meetings were scheduled to tie in with relevant dates for budgetary and policy requirements. The 2014-15 timetable also includes dates for a number of additional Member meetings and planning days to assist with diary planning for the coming year.

The date of the annual meeting of the Fire Authority had been provisionally scheduled for 18 June 2014 (a week later than normal) as the local elections in 2014 had been moved back to 22 May 2014. It was possible that the meeting might need to be moved back a further week but this would be dependent upon the timing of annual Council meetings of the constituent authorities. Democratic Services would be consulting with the constituent authorities and the date would be confirmed once they had agreed annual Council meeting dates.

RESOLVED: That

- [1] the programme of Member meetings for 2014-15 be approved.**

10 SMOKE ALARM CAMPAIGN

The Deputy Chief Fire Officer introduced this report which provided an update on progress made by the Service's project group which was working on a campaign to pursue legislation requiring landlords to fit and test smoke alarms in rented properties. The report included details of recent successes in terms of changes to legislation and outlined the next steps required to help achieve the campaign's aims.

Since the summer members of the project team had been holding regular discussions with officials from the Department for Communities and Local Government and working closely with MPs and Peers to consider where it might be possible to introduce an amendment about smoke alarms into an existing bill being considered by Parliament. Recently, such an opportunity presented itself during consideration of the Energy Bill in the House of Lords; during the Bill's Third (and final) Reading the Government tabled an amendment, which would allow the Secretary of State to bring forward a legal

requirement for landlords to fit smoke alarms and carbon monoxide detectors. It was supported by Peers on all sides of the House.

The Deputy Chief Fire Officer thanked both Members and the Officers on the project team for their input and commented that this was a huge achievement as it was widely considered that getting something onto the statute book would be the most difficult part of the campaign. However, whether or not DCLG decided to pursue this by way of secondary legislation once the Energy Act was law, would depend upon the outcome of a six month review of the private rented sector, which was announced at the same time. This review was expected to begin in December and the project team were working with the University of Manchester to prepare and submit evidence that clearly demonstrated the link between rented accommodation and heightened fire risk.

Members commended Officers on the progress made to date and thanked the Officers involved for their continuing good work in pursuing this objective.

RESOLVED: That

- [1] the progress with the Smoke Alarm Campaign, including the passing of legislation to allow for a requirement on landlords to fit smoke alarms to be introduced, be noted; and**
- [2] Members support the campaign and the work being done in support of evidence for the review of the private rented sector.**