



MINUTES OF THE MEETING OF THE CHESHIRE FIRE AUTHORITY held on Wednesday 19 September, 2012 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 Kerr-Brown, G Merry, H Mundry, S Nelson, B Rudd, T Sherlock, M Simon, A Tate, D Topping, J Weatherill and N Wright.

MINUTES SILENCE

The Chair asked the Authority to stand for a minutes silence in memory of the two policewomen who had tragically lost their lives on Tuesday 18th September 2012.

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Leather, Councillor B Livesley, Councillor R Polhill and Councillor C Thorley.

B CHAIR'S ANNOUNCEMENTS

Fire Services Management Committee

The Chair informed Members that he had attended this Committee together with Councillor Topping on 14 September 2012. He provided a brief synopsis of the content of the meeting which included the following:

Funding update
New National Framework
Sprinkler Campaign
National negotiations
Local Government Arrangements
Road Safety
Equality and Diversity
Partnership Working and Communications
Business Continuity and Resilience

Firefighters Memorial Trust Annual Service of Remembrance and Wreath Laying, London

The Deputy Chair and the Assistant Chief Fire Officer had attended the Memorial Service in London on 16 September 2012. The Deputy Chair thanked the Cheshire Fire Cadets who had also attended and laid the wreath on behalf of the Service.

C DECLARATION OF MEMBERS' INTERESTS

Item 5 – North West Fire Control

The Chair (Councillor Joyce) stated that he sat on the Board of Directors of North West Fire Control. He explained that he supported the project, having been involved in it for many years. However, given his position on the Board he did not propose to take part in the debate, nor vote and would ask his Deputy to take the Chair when this item was considered.

Councillor Topping stated that he also sat on the Board of Directors of North West Fire Control and supported the project. He would also not participate in the debate, nor vote.

D MINUTES OF THE FIRE AUTHORITY

RESOLVED:

That the Minutes of the meeting of the Cheshire Fire Authority held on 13 June 2012 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 20 June 2012 be received, for information.

F MINUTES OF THE POLICY COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Policy Committee held on 12 September 2012 be received, for information.

G MINUTES OF THE CLOSURE OF ACCOUNTS COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Closure of Accounts Committee held on 20 June 2012 be received, for information.

H MINUTES OF THE PERFORMANCE AND OVERVIEW COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Performance and Overview Committee held on 4 July 2012 be received, for information.

I MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Governance and Constitution Committee held on 3 August 2012 be received, for information.

J MINUTES OF THE STAFFING SUB COMMITTEE

RESOLVED:

That the minutes of the meeting of the Staffing Sub Committee held on 12 September 2012 be received, for information.

K NOTES OF THE MEMBER TRAINING AND DEVELOPMENT GROUP

RESOLVED:

That the notes of the meeting of the Member Training and Development Group held on 28 June 2012 be received, for information.

L MATTERS ARISING

Members took this opportunity to congratulate Andrea Harvey, Head of People and Development and Paul Vaughan, Head of Finance whose interim appointments had been approved on a permanent basis at the Staffing Sub-Committee meeting on 12 September 2012.

M QUESTIONS AND PETITIONS BY MEMBERS OF THE PUBLIC

The Head of Legal and Democratic Services provided a reminder of the Authority's procedures for dealing with questions and petitions. He explained that the Constitution stated that questions could be asked if they were received 5 clear working days before the meeting. No questions had been received. However he suggested that Members might want to treat an e-mail sent by the Fire Brigades Union to all Members on 14th September as though it had been submitted as questions in respect of Item 5 – North West Fire Control. If Members were in agreement, the e-mail correspondence and Officer's response could be taken into account and form part of the discussion at the relevant point on the agenda.

The Head of Legal and Democratic Services also informed Members that a petition had been received in respect of Item 5 – North West Fire Control which had been submitted to him on 14th September 2012. He provided procedural advice on the submission of petitions and Members were asked to accept the petition. He reminded Members that they had been provided with details of the preamble to the petition. He stated that the petition indicated that there were 3,765 signatures although Officers had only counted 3,486. The petition was presented to the Chair at this point in the meeting.

RESOLVED: That:

- [1] the e-mail correspondence and the Officer's response be considered in the deliberations in respect of Item 5 on the agenda; and**
- [2] the Authority acknowledge receipt of the Petition 'Save the Local Fire and Rescue Emergency Control Room'.**

2 ANNUAL GOVERNANCE REPORT 2011/12

The Head of Finance introduced the report and explained to Members that Alan Rawlings, Audit Commission representative was in attendance at the meeting to present the report to Fire Authority Members. The Auditor provided an overview of the content of the report and explained that Members were required to take note of the adjustments to the financial statements set out in the report and approve the letter of representation.

The findings of the report showed that the Authority had maintained high standards for its financial statements and the support provided to the audit process by the Finance Team. The Audit had not identified any material errors and the Auditor expected to conclude that Cheshire Fire Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2012.

Fire Authority Members thanked Officers who had been involved in the production of the Financial and Annual Governance Statements for their hard work in ensuring the positive outcomes to the report.

RESOLVED: That

- [1] the content of the Annual Governance Report 2011/12 be noted (which includes the approval of the letter of representation in appendix 1 of the report).**

3 FINAL ACCOUNTS 2011 -12

The Head of Finance presented the Final Accounts 2011-12 to Members for approval prior to publication before the end of September and explained that the overview of the accounts needed to be considered in conjunction with the Audit Commission Governance report. He informed Members that there was a slight adjustment to the draft accounts that had been published for the web-site but there were no substantial changes.

The final audited accounts showed an underspend on revenue of £1.289m against a budget of £44.328m. The Authority had adopted a financial health target that required the final outturn position to be within 1% of the mid-year review forecast. The mid-year review position reported to Members projected

a slight overspend of £21k. However in order to manage the full impact of the Authority's injury pensions liability, which was estimated to be in the region of £1.2m, the Authority had delayed part of its programme to repay debt and further underspends had been earmarked to ensure that the liability could be accommodated in 2011-12. This had resulted in a larger than target change from the Mid Year position (around 3%) but, given the circumstances, this approach was considered to be prudent.

Officers recommended that £1.211m of the underspend be earmarked to offset the liability in respect of injury pensions and to transfer the balance of the underspend (£78k) to the IRMP reserve for use in smoothing out the impact of the Authority's strategy for improving the Service and cost reduction towards 2021.

The Head of Finance informed Members that the Authority's balance sheet showed a significant liability of £350m as the International Accounting Standard IAS19 required every local authority to estimate all its future pension liabilities. This did not represent an immediate call on resources; rather it was a liability for which the Authority was partially liable over the lifetime of its pensioners and staff.

The reserves position was also highlighted and Members were informed that there was a £6.5m balance in the General Reserve.

RESOLVED: That

- [1] the Final Accounts 2011-12 be approved for publication;**
- [2] the current balances of the Authority's reserves be noted; and**
- [3] the use of part of the underspend (£1.211m) to offset liabilities in respect of injury pensions and the remainder (£78k) for the IRMP reserve be approved.**

4 PUBLICATION OF THE ANNUAL REPORT 2011-12

The Head of Planning, Performance and Communications presented the report to Members which sought approval for the publication of the Service's Annual Report for 2011-12. The draft report incorporated information on the annual Statement of Accounts, summary information about key areas of performance during the last financial year and key safety advice.

Proofs of the newspaper style report had been distributed to Members with the agenda and each Member had received the edition for their particular unitary area. Copies of all four unitary area's reports were also placed in Group Rooms prior to the meeting. The Head of Planning, Performance and Communications explained that, if approved, the Annual Report would be

published on the web-site by 28th September and printed copies would be distributed in early October.

Members discussed the content of the report and a Member queried the comments included in the Annual report in respect of the fall in road fatalities in recent years as he thought that there had been an increase recently. The Head of Planning, Performance and Communications explained that the report would be reviewed to ensure the statement was accurate prior to publication. He also informed Members that if there were any further minor amendments they would need to be fed through to Corporate Communications by 5pm on 20th September 2012.

RESOLVED: That

the draft Annual Report 2011-12 be approved for publication.

5 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 Topping remained in the room for this item but did not participate in the debate or vote.

The Head of Legal and Democratic Services explained to Members that the FBU comments/questions would be dealt with at this point. Copies of an extract from the e-mail which set out the issues included together with the Officer's responses were distributed at this point to allow Members the opportunity to consider the issues raised and Dave Williams, FBU representative was invited to speak.

The FBU representative thanked the Authority for the responses to the issues raised in the e-mail correspondence and commented that the FBU would provide a further response in the fullness of time.

The FBU representative made a statement regarding the proposals for a North West Fire Control (NWFC) and informed Members that the FBU felt that closing the control facility in Cheshire was a step in the wrong direction.

The following points were made in the statement:

No benefits for Cheshire Fire and Rescue Service (CFRS) – Investment in the control centre at Winsford had been made and all technology would be available to CFRS without moving to regional control.

Service provision – This would not be the same level as current provision for firefighters and Members of the Public. A 60% reduction in the number of staff when centralised meant this would be inevitable.

Back-up Arrangements - There was a question over the proposed back-up arrangements which had not been taken into consideration and there was no satisfactory fall-back position.

Project Timescales - There was slippage in the timetable which meant that the project was 2-3 months behind schedule. This would increase costs for the Authorities involved.

Staffing – A number of staff were resigning from control; CFRS had received its second resignation in the last couple of weeks. This meant there were costs for CFRS to pick up and if it continued it could lead to recruitment problems for the project shortly. There had been a position change as the project had not received an overwhelming number of staff wanting to apply for jobs. Staff had received a letter in February 2012 which informed them that they would not have to go to NWFC if they didn't want to. However staff were still awaiting a decision on whether voluntary redundancy would be offered. Following an urgent meeting held two weeks ago a written response had not yet been received even though this was required before the 27 September deadline when staff had to make decisions about their futures.

Travel – Staff were under the impression that they would not be getting any re-imburement for any additional travel if they lived within 35 miles of NWFC. Travel issues would need to be resolved before staff made decisions.

Business Case – The costs and savings included in the final business case were questionable. Greater Manchester control centre restructure had reduced its costs from £2.5m nearer to £1.9m which would affect the savings quoted. As CFRS had taken over responsibility for handling Cumbria's call handling the original savings included were no longer relevant and CFRS would make greater savings staying as it was due to the payments being received from Cumbria.

Technology – There would be no technological advantage as there would be new systems in place at CFRS well in advance of the move.

CLG contract – There were concerns that the 12 months notice in the legally binding contract was not sufficient. Also there was no mention in the Business Case that two thirds of any profit made from renting the building out to a third party would be paid back to CLG.

Local Services – CFRS Control staff also carry out a number of tasks locally that would not be picked up by a Regional Control. The Business Case did not take account of this.

IRMP Survey – The figures from the IRMP survey showed that less than 50% of respondents were positive about the proposals for Regional Control.

Finally the FBU representative stated that the proposals provided no added value for the taxpayer or staff at CFRS. The only benefactor would be the offshore company that owned the building.

Councillor Nelson thanked the FBU representative for his comments.

The Chief Fire Officer presented an overview of the report to Members and explained that the paper followed the format of the presentation given to Members at their recent Planning Day at North West Fire Control. The report provided a summary of progress made on the project since it was last considered by the Fire Authority and also set out the current position.

There were a number of key elements to the Final Business Case which the Chief Fire Officer brought to Members attention. He explained that Government funding provision was detailed in the report and provided a brief overview of the project funding arrangements.

Members' attention was also drawn to the progress made on the procurement of the control and mobilising system. Following a pre-qualification stage which eleven suppliers completed the top five suppliers were invited to tender with tenders being received on 19th July 2012. NW Fire Control Ltd should be in a position to award the contract in the near future.

The Chief Fire Officer also provided a brief overview of the current position in respect of staffing matters. He explained that staff working in existing control rooms would be covered by the TUPE Regulations 2006. The staffing structure for NW Fire Control Ltd had been finalised and would be 61.5 FTE and the full package of terms and conditions that would apply to staff had been confirmed. The Unions had been consulted on these staffing matters and they had also been discussed at the JCNP in Cheshire. If the Authorities gave their approval to proceed with NW Fire Control the aim was to ensure that existing staff were fully informed about the terms and conditions on offer, the staffing structure and the facilities at Lingley Mere.

Following informal discussions staff had already been approached and preliminary views had been provided. Staff would now be asked to confirm in writing a preference as to whether they wish to pursue a role within NW Fire Control Ltd or seek to take advantage of the voluntary redundancy package that was on offer. This process was due to be concluded by the end of September 2012.

A Member queried whether, if the company could not recruit enough people and had to advertise posts, it would be able to make staff redundant. The Chief Fire Officer stated that exact figures would not be known until the end of the month. As TUPE applied there would be a need to work through the staffing issues in some detail with individual members of staff.

A query was raised in respect of when the other North West Fire Authorities would make decisions. It was noted that Cumbria and Lancashire had already made their decisions to progress with the project to create a shared control and Greater Manchester would be making their decision on 25th September 2012.

A Member also asked about the roster system as it appeared that this was one of the main concerns of the staff. He queried whether there was any flexibility to change the rosters and what the financial impacts of any changes would be. The Chief Fire Officer explained that, following consultations, the number of 12 hour shifts had been increased and this had been agreed. Whilst discussions were continuing further changes could mean that more staff were required and cost savings would be reduced.

The Head of Finance provided an overview of the financial implications. He explained that although there had been changes to some elements in the outline business case these had not affected the projected savings. The company had developed a projected budget for the next 10 years and the total projected savings for Cheshire up to 2023 were estimated to be approx. £3m.

A Member commented that the savings predicted for Cheshire did not take account of the funding that it was receiving from Cumbria FRS to provide its Control room. The Chief Fire Officer explained that the agreement with Cumbria was short-term as Cumbria would transfer to the Regional Control Centre once it was ready and Cheshire would cease to receive any funding.

A further query was raised in respect of financial implications and how Cheshire would balance its budgets if the Authority did not proceed. The Chief Fire Officer responded that the Authority would have to re-assess the proposals and plans detailed in IRMP 10 to deliver the predicted savings outlined in the Medium Term Financial Plan. He also explained that Members may also need to review the Authority's position on compulsory redundancies for grey book personnel.

The Head of Legal and Democratic Services provided further information on a number of the legal issues.

TUPE – As TUPE applied the Service could allow the transfer of all staff to the new Company when it became responsible for handling Cheshire's calls. However this would lead to a long period of uncertainty for staff and would make the management of the project more difficult. The work on staffing structures was brought forward to try to aid the transition. The Authorities were now waiting for staff to indicate their preferences with the intention of filling the staffing structure. If staff were to secure voluntary redundancy they would be required to sign a compromise agreement that would bind them to work until the changes were implemented. Individual circumstances would be considered to seek to secure the best possible outcome.

Contracts – A complex contract would be completed with the chosen supplier. It was noted that it would be based around milestones with financial incentives attached to key stages. This contract would also tie in the operational requirements for the system (availability and performance) and the maintenance and support of the system.

At the same time that the contract with the supplier was entered into, the Authorities would complete a Project Agreement to clarify how they would continue to work together during the implementation phase. Two further agreements would be completed: a Service Level Agreement which governed the relationship between NW Fire Control Ltd and the Authorities and a Co-operation Agreement which governed the relationship between the Authorities after NW Fire Control Ltd had taken over responsibility for handling calls.

Governance – The Authority had an equal share in the Company. It also has the same number of Directors on the Board of Directors as other authorities. The Authorities position is secure.

Following the presentations from Officers Councillor Brickhill made the following statement:

The overall figures would still lead to a £5m cost to tax payers. He stated that keeping the control at CFRS was safer as it was risk free and proven and CFRS would save £275k that would be paid by Cumbria. He commented that there would be very little difference in moving to North West Fire Control or staying as we were. The proposed rosters would mean that staff would have to work 5 consecutive nights at 12 hours and then 1 night at 8 hours which equalled 68 hours in one week, this was wrong. North West Fire Control would not provide the extra duties that were currently provided by staff in Cheshire.

The move would lead to using the same standards and systems and would be a step towards a regional Fire Service. There would be an immediate loss in local autonomy and CFRS would only have one vote in four in respect of Control.

He concluded that CFRS could keep its own control, its own building at no extra cost rather than replacing this with an additional building with associated costs and a loss of local autonomy and services. The Service was sacrificing being the best Fire Service for no savings, no public backing and a great deal of additional risks.

Another Member commented that the report was presented very professionally and there was a one-off advantage of the Government subsidy which made the business case a viable option. He felt that the financial and technical aspects of the case had been covered comprehensively and

supported the proposal. He stated that the issue over re-imbursement for travel should be addressed, however this was a matter for NW Fire Control Ltd to resolve.

Members then proceeded to the vote. 18 Members voted in favour of the recommendations with 1 vote against. Councillor Brickhill requested that his vote against the recommendations be recorded in the Minutes.

RESOLVED: That

- [1] the project to create a shared control should continue and move to the implementation phase;**
- [2] the Chief Fire Officer be authorised to notify North West Fire Control Ltd that the Authority is satisfied with the final Business Case in order that the company can proceed to award a contract for a new control and mobilising system, (provided that the other three North West Fire and Rescue Services involved in the project also confirm that they wish to proceed and approve the award of contract);**
- [3] the Chief Fire Officer and Head of Legal and Democratic Services be authorised to settle the terms of and complete a Project Agreement between the Authority and the other Authorities involved in the project; and**
- [4] the Head of People and Development be instructed to work with colleagues from the other services and North West Fire Control Ltd to secure the best outcome for staff affected by the project.**

6 ANNUAL ACTION PLAN – INTEGRATED RISK MANAGEMENT PLAN 2013-14 (IRMP10)

In December 2010 the Authority had approved a Four Year Strategy covering the period 2011-2015 and also agreed that detailed proposals for each year would be contained in a series of annual action plans (Integrated Risk Management Plans - IRMPs)

The Head of Planning, Performance and Communications presented the report which sought Members approval for the action plan for 2013-14. The report outlined proposals for the next financial year and also set out future options for the way in which frontline services could be delivered which would take a number of years to fully implement. Copies of the draft plan had been distributed with the agenda.

The key issues in the draft IRMP were highlighted for Members. It was explained that the IRMP proposals had been the subject of presentations and discussions at Members planning days and the main focus had been the

Emergency Response Review. The comprehensive proposals covered a number of options including proposals for new fire stations, changes to response standards and alterations to how some stations were crewed. These proposals had been developed in line with the key principles set out in the Authority's four year strategy to maintain improvements in fire safety and response standards and avoid compulsory redundancies where practical.

Other proposals included:

- Management – respond to issues highlighted in the 2012 Operational Assessment and Peer Review
- Value for Money (VFM) Reviews – complete the three-year programme
- ICT – development of in-house software systems
- Community Budgets – support the 'Altogether Better' project in Cheshire West and Chester
- Campaigns – increase the Service's support and lobbying around two key campaigns
- False Alarms – formally review the effectiveness of the Service's new policy
- Response Standards – move to a new 'blanket' response standard of 10 minutes for all house fires and road traffic collisions
- Shift Systems – review options and implement outcomes of the review
- Vehicles – implementing the outcome of the review of specialist vehicles
- North West Fire Control Centre

The Head of Planning, Performance and Communications explained that the Service would be undertaking a comprehensive consultation programme and it was noted that the formal consultation period would run from 24 September to 17 December 2012. Members would receive a summary of the feedback received to date at the Fire Authority meeting on 12 December 2012 and the final report would be submitted to the Fire Authority at its meeting on 13 February 2013 along with the 2013-14 Budget for approval.

The Consultation project plan was set out in Appendix 2 of the report and had been developed in conjunction with the Consultation Institute. The Institute offered a Compliance Assessment Scheme through which they would assess the consultation process. The overall consultation project plan was one of the key elements and had been assessed as meeting their best practice criteria. The Institute would provide support throughout the consultation and the production of the final report.

The Head of Planning, Performance and Communications informed Members that a significant element of the consultation would be community roadshows and briefings for key stakeholders. He explained to Members that a summary document had been produced which provided a concise overview of the proposals. Members would be invited to attend one of their local community roadshows and copies of the summary document would also be provided for Members.

A Member commented that the reduction in the number of incidents attended by firefighters and consequentially the fact that the vast majority of firefighters time was not spent fighting fires should be highlighted in the document. The Chief Fire Officer informed Members that approximately only 5% of firefighters time was spent at incidents and this fact would be incorporated into the public consultation.

RESOLVED: That

- [1] the draft Annual Action Plan (IRMP10) 2013-14 be approved for formal internal and external consultation; and**
- [2] the consultation project plan set out at appendix 2 be approved.**

7 JOINT USE OF POYNTON FIRE STATION

The Assistant Chief Fire Officer introduced this report which provided Members with detailed information relating to a proposal to introduce the joint use of the site at Poynton Fire Station by the Service and Cheshire Constabulary. He explained that Members had received details of a number of outline proposals concerning joint use of Authority premises/sites. A paper had been submitted to Policy Committee on 20th June 2012 which provided details of the specific proposal relating to Poynton Fire Station. Members of the Policy Committee agreed to authorise officers to further develop the proposals and to present a more detailed paper to the full Authority.

Members attention was drawn to the key points of the report which explained the proposal in detail together with the anticipated benefits, risks, finance and governance arrangements.

A Member requested that the Service ensured that discussions were held with relevant stakeholders before the proposal proceeded e.g. Poynton Town Council.

RESOLVED: That

- [1] the implementation of the proposal for the joint use of Poynton Fire Station, subject to agreement on detailed terms be approved;**
- [2] the Assistant Chief Fire Officer and Head of Legal and Democratic Services be authorised to conclude appropriate contractual and practical arrangements to protect the Service's interest's; and**
- [3] Officers ensure that appropriate discussions take place with interested parties before the Authority becomes bound to proceed, such discussions to be promoted and led by Cheshire Constabulary.**

8 THE FIRE AND RESCUE NATIONAL FRAMEWORK 2012

The Chief Fire Officer presented the report which provided details of the new Fire and Rescue National Framework for England which had been published by the Department of Communities and Local Government (CLG) on 11th July 2012.

The new framework had been developed in a partnership between Government, the Chief Fire Officer's Association and the Fire Industry and its partners. Members were asked to note that the Framework provided overall strategic direction for the fire and rescue service but did not direct the detailed form that services should take as this was for local Members to decide. The Framework also outlined the requirement for the Fire Authority to have effective mechanisms in place to hold the Chief Fire Officer to account for the delivery of a fire and rescue service.

It was noted that the full Framework was available on the CLG website and the link to the document would be distributed to all Members.

RESOLVED: That

[1] the key issues in the report and the contents of the new Fire and Rescue National Framework 2012 be noted.

9 PROCEDURE FOR HANDLING COMPLAINTS ABOUT A BREACH OF THE MEMBERS' CODE OF CONDUCT

The Head of Legal and Democratic Services introduced this report which provided an updated version of the Procedure for Handling Complaints about a Breach of the Members' Code of Conduct which took account of decisions made at the Governance and Constitution Committee held on 3rd August 2012. A copy of the revised document was attached as an appendix to the report and Members were asked to decide whether they wished to adopt it.

He explained that the revised document now included the facility to appeal a decision. The Governance and Constitution Committee decided that the procedure should be changed to:

- i) Allow Members the option of a hearing in all cases;
- ii) Allow Members to appeal in limited circumstances, namely if it was alleged that the procedure had not been followed, or there was evidence of bias on the part of one or more of the decision-makers.

The Committee also decided that an appeal should be dealt with by the Group Spokespersons of the Fire Authority (unless any of them were the subject of the complaint).

RESOLVED: That

- [1] the revised Procedure for Handling Complaints about a Breach of the Members Code of Conduct be adopted.**