



**MINUTES OF THE CHESHIRE FIRE AUTHORITY held on Wednesday 14 April, 2010 at Fire Service Headquarters, Winsford at 10.30 a.m.**

**PRESENT:** Councillors M Biggin, P Booher, J Crockatt, B Crowe, R I Fletcher, E Johnson, J Joyce, B Livesley, G Merry, H Mundry, K Musgrave, A Needham, S Nelson, C Oliver, R K Polhill, L Redhead, T Sherlock, G Smith, C Thorley, D Topping, J Weatherill and N Wright.

**APOLOGIES:** Councillor M Simon

A minute's silence was observed before the meeting commenced in memory of the tragic deaths of James Shears and Alan Bannon, the two firefighters who lost their lives whilst trying to contain a fire in Southampton.

**PART 1 – MATTERS CONSIDERED IN PUBLIC**

**1 PROCEDURAL MATTERS**

**A APOLOGIES FOR ABSENCE**

Apologies were received from Councillor M Simon

**B DECLARATION OF MEMBERS INTEREST**

There were no declarations of Members interests.

**D URGENT BUSINESS – STANDING ORDER 3.84-3.86**

Members were asked to note the actions taken in respect of an Urgent Decision made for the Authority to award a contract to upgrade the Service ICT network.

**E MINUTES**

Members were asked to confirm the minutes of the Fire Authority meeting held on 10 February 2010 and receive, for information, minutes of the Policy Committee, Standards Committee and the notes of the Member Training and Development Group meeting.

**RESOLVED:** That

- [1] the action taken under Urgent Business (Standing Order no 3.84 to 3.86) be noted;
- [2] the Minutes of the meeting of the Cheshire Fire Authority held on 10 February 2010 be confirmed as a correct record; and
- [2] the Minutes of the following Committee meetings be received:
  - Policy Committee – 17 March 2010
  - Standards Committee – 31 March 2010
  - Notes of the Members Training and Development Group Meeting – 31 March 2010.

## **F MATTERS ARISING**

### **Questions from Members of the Public**

Members of the Public had submitted a number of questions in accordance with Standing Order no 3.59 to 3.67 and the following questions were asked and responded to at the meeting.

**Mike Evans: Would Cheshire Fire Authority be prepared to allow the full Fire Authority and the public an open debate on the proposed change in status of Birchwood Fire Station from wholetime to part time?**

The Fire Authority has approved its Integrated Risk Management Plan for 2010/11 (IRMP7) and all of the proposals within it following detailed discussion and debate. This included Fire Authority meetings on December 10 2009 and February 10 2010 as well as Member involvement in lengthy public consultation meetings in Birchwood before the Policy Committee meeting on March 17 2010. The decision on Birchwood Community Fire Station does not change its status – cover in the daytime remains unchanged, in the evening it will become retained.

**Lesley Marshall: What consideration was given to the opinion of the 14,434 signatures from people opposed to the cuts at Birchwood Fire Station? These were obtained in a very short space of time by a very small number of people, clearly demonstrating the strength of public opposition.**

The petition was considered by Members of the Policy Committee before they approved IRMP7 at their meeting on March 17 2010. The petition and all other feedback received by the Fire Authority during its 12 week public consultation on IRMP7 were considered by Members before signing off the Plan.

In accordance with the Constitution the questioner asked a supplementary question summarised as follows:

**Was it felt that due consideration was given by the Policy Committee when receiving the petition and what percentage of objectors would be considered enough for the Authority to review the proposal?**

The Chair explained that the petition was presented and considered at the Policy Committee meeting. The Vice-Chair (who chaired the Policy Committee on 17 March) added that he had made a statement at the Policy Committee meeting that Members were fully conversant with all the proposals in the IRMP7 and were already aware that there had been a number of objections received to the specific proposals for Birchwood.

**Lynne Greenhalgh: What is Cheshire Fire Authority's policy for publicising public consultation meetings?**

The Authority uses a range of publicity and communication channels dependent on the nature and scope of the consultation being carried out. For IRMP7 this included direct mail shots, press releases, use of the Service's website and social networking channels, posters and in specific instances, such as Birchwood, delivery of leaflets to householders.

In accordance with the Constitution the questioner asked a supplementary question summarised as follows:

**The consultation report for IRMP 6 when you proposed the same changes at Wilmslow fire station states clearly that leaflets summarising the proposals were distributed to 14,000 homes in Wilmslow. How many homes are covered by Birchwood fire station and how many of these were leafleted by Cheshire Fire Authority? The questioner also requested a copy of the leaflet that was distributed.**

The Head of Communications responded that the Wilmslow leaflet had been distributed to give factual information about the project and to raise awareness about employment opportunities on the new Retained Duty System and not as publicity for specific consultation events. There had been approx. 3,000 leaflets distributed in the immediate vicinity of Birchwood Fire Station. A written response, including a copy of the leaflet distributed in Birchwood would be provided for the questioner.

**Russ Bowden: Should the proposals for IRMP7 be implemented Birchwood and Wilmslow will be the only stations in Cheshire with medium risk areas covered solely by a retained crew at night time. How does this level of cover compare to other Fire and Rescue Services in North West England?**

Birchwood and Wilmslow are not the only stations with medium risk areas covered solely by a retained crew at night time. Other areas of Cheshire including parts of Northwich, Congleton (existing day crewed stations), and Frodsham, Tarporley, Malpas and Nantwich (Retained Stations) have medium risk levels which are covered on a retained cover model. The Retained Duty System is used extensively by Fire and Rescue Services in the North West and other areas of the UK.

In accordance with the Constitution the questioner asked a supplementary question summarised as follows:

**At the recent Chief's Question Time event on 24 February 2010 chaired by the President of CFOA, John Bonney and with Chief Fire Officers from Cheshire, Greater Manchester, Lancashire and Merseyside on the Panel it was quite clear that the other regional CFO's believed that the Retained Duty System was at its capacity and they were encountering recruitment difficulties. Why, therefore, is Cheshire proceeding with the Birchwood proposal before demonstrating its effectiveness at Wilmslow?**

The Chief responded that information in respect of the retained cover model in Cheshire had been provided in response to a question from Mr Bowden at the Policy Committee meeting in March. He also commented that there were no difficulties recruiting retained staff in Cheshire and this had been demonstrated by the recruitment of retained staff at Wilmslow. A written response would be provided to the questioner.

**Pauline Nelson: Is there a process the public may use to appeal against Cheshire Fire Authority's decision change the status of Birchwood Fire Station from wholetime to part time?**

As a publicly accountable body in its own right, the Fire Authority can make changes to crewing arrangements and the use of appliances and stations through its Integrated Risk Management Planning processes. It has to notify the Government of any such proposals, which it has done so in this case. As there is no formal appeal process, it would be inappropriate for the Fire Authority to offer guidance on what process people may want to follow to challenge its decisions.

In accordance with the Constitution the questioner asked a supplementary question summarised as follows:

**Are the Fire Authority aware that there are other channels to challenge this decision which the objectors may wish to proceed with?**

The Chair re-iterated the previous response that the Fire Authority could not comment on the process that people may wish to follow to challenge the decision.

#### **Statements from Fire Authority Members**

Following consultation with the Chair, Members of the Fire Authority who represented Warrington were also invited to make a statement in respect of the IRMP7 consultation and decision-making process.

These are summarised as follows:

Councillor Oliver stated that he felt that he had not been able to speak on this issue throughout the process as either a ward Member in one of the wards affected by the Birchwood proposal or as a Fire Authority Member.

Councillor Oliver also made the following points:

- Call-in Procedure – This should be reviewed as he felt it was too restrictive with only Members of the P&O Committee being able to call-in a Policy Committee decision. Councillor Oliver also re-iterated that he, based on advice given, did not feel he could speak on this issue at the Policy Committee meeting as he would jeopardise any chances to speak on this issue in any other forum.
- This was an important decision as the Birchwood people were having a service removed and further consideration should have been given to the petition that was handed in to the Policy Committee.
- Retained Firefighters availability – Councillor Oliver had sat in a recent P&O Committee meeting where the high levels of sickness absence among Retained staff was discussed which gave him concerns in respect of retained firefighters availability.
- Decision-making: The decision to approve the IRMP should be made at the full Fire Authority meeting and not delegated to the Policy Committee.

Councillor Mundry stated the following:

- He considered that there were flaws in the consultation process as the consultation period ended after the decision was made by the Fire Authority to delegate authority to the Policy Committee for final sign-off. He stated that this meant that a number of Fire Authority Members were taken out of the decision-making process before the final approval was made and before the full consultation responses had been received. These Members did not feel that they were given an opportunity to speak further on this issue.
- As the Birchwood proposal included the introduction of a new system it needed to be closely monitored and Councillor Mundry queried whether, if the system was not working, it could be changed back. Other alternative shift patterns were currently being reviewed and the system at Birchwood could be included in this review.

Councillor Biggin stated that he was absolutely convinced that the procedure laid down was followed correctly. However he explained that the four Warrington Fire Authority Members left the Warrington Borough Council meeting when the motion for the Council to oppose the changes at Birchwood was discussed and voted on and this was based on advice provided on pre-determination at the Fire Authority's Standards Committee meeting. He also felt that this precluded the Warrington Members from having the opportunity to speak on this issue.

Councillor Joyce stated that assurances were required that reviews of the Wilmslow changes would take place and up-to-date information would be provided for Members prior to the implementation of the Birchwood proposals.

The Chair responded that the decision had been made in accordance with the procedures laid down and the Service had provided additional consultation meetings which were above the standard requirements for Birchwood in response to the level of objections received. He also stated that Fire Authority Members were given the opportunity to speak at Fire Authority and Policy Committee meetings.

In response to the queries on assurances that reviews of the Wilmslow changes would take place before the implementation Members were referred to pages 17 -18 of the agenda and the minutes of the Policy Committee meeting which clearly stated that the implementation date for the new duty system at Birchwood would be January 2011. This would allow the Service sufficient time to evaluate the effectiveness of the new duty system at Wilmslow. The Chair also confirmed that there would be further reports back to the full Authority.

The following comments were received by other Fire Authority Members:

Councillor Nelson explained that he did not support the call-in request because the Performance and Overview Committee would only be able to refer the decision back to Policy Committee and he was satisfied that the procedure had been followed correctly.

Councillor Sherlock commented that there were some lessons to be learnt with the Authority's approach and the importance of people's perceptions when making decisions. The Constitution should be reviewed to ensure that the decisions made were beyond all doubt and that all Fire Authority Members were given the opportunity to make representations at the appropriate times.

The Chair concluded that the Constitution was there to ensure that procedures were followed. He explained the Service's Vision and Mission Statement and that those two statements governed all the decisions the Authority made. He believed that the people of Birchwood had been dealt with fairly and allowed a platform to make their objections known. The decision on IRMP7 and the related proposals for Birchwood had been made and the implementation date was January 2011, subject to the caveats already discussed.

## **G CHAIRS ANNOUNCEMENTS**

### Appointment of ACFO

The Chair welcomed Richard Ost to the Fire Authority meeting. Richard had been appointed as the new Assistant Chief Fire Officer and would start in post on 4 May 2010.

### Incident Report

Members were provided with the latest incident report and the Chair made particular reference to the blaze at Nantwich Road in Crewe. He praised the firefighters involved for the effective response to the incident.

### HQ Progress Report and Official Opening event

An update on the progress of the works at HQ was provided and Members were asked to note the date of the official opening on 4 June 2010.

### Website Award

Cheshire Fire and Rescue Service's website had been highlighted as one of the best in the country in a major IT Survey and Communications staff were congratulated on this achievement.

## Events

Feedback from recent events attended by the Chair and Fire Authority Members was provided. In particular the success of the HSA Safety Day was noted and the two RESPECT graduations. The Chair had also attended the LGA Annual Fire Conference where the main themes of the conference had been the pressures facing the Service in a time of economic downturn and political uncertainty. There was also a debate on the position in respect of the Regional Control Centres and the issue over the rising costs.

The Chair also updated Members on forthcoming events, these included Members Awaydays in July and Fire Service College Weekend dates for 2010. The Chair stated that if any Members had a particular issue they wished to be discussed at the Awayday in July then he would be grateful if they could contact him with the details and, if possible, the item could be added to the programme for the event.

## **2 HIGH-RISE PREMISES ASSESSMENT AND AUDIT**

The Head of Community Fire Protection presented the report to Members which provided details of the key elements of the Service's assessment and audit of high rise premises within Cheshire.

Following the tragic high-rise fire in Camberwell, London which resulted in 6 people losing their lives, Cheshire Fire and Rescue Service carried out a review of its high rise premises. The aim of the review was to determine the overall picture of the fire safety standards of the high-rise premises in the Service's area.

The report provided details of the interim audit and the detailed Fire Safety audits which were carried out. A copy of the leaflet which was distributed to residents in respect of fire safety advice was also provided.

The Head of Community Fire Protection updated Members on the number of Home Safety assessments that had been carried out in high rise premises since July 2009 which now stood at 767. He also explained that Community Fire Protection had hosted a briefing session for all Registered Social Landlords to ensure that a unified and consistent approach to all areas of concern was taken.

Members discussed the requirement for specific training for Members on their responsibilities in respect of fire safety and it was noted that this had been added to the Member Training programme.

Members also discussed the details of the findings of the Audit and a query was raised on whether new build high rise premises were required to fit sprinkler systems in accordance with Building Regulations. The Head of Community Fire Protection explained that none of the current high rise

buildings in Cheshire were covered by the regulations as they were below the specified height.

Members were advised that if they wished to obtain more detailed information on specific cases they should contact the Head of Community Fire Protection and he would be able to provide a more detailed response to any specific queries. It was also suggested that the Unitary Performance Group meetings be used to provide more detailed reports on specific areas.

**RESOLVED:** That

the report be noted.

### **3 PARTNERSHIPS POLICY**

The Head of Community Fire Safety presented a report which provided the details of the Partnerships Policy to Members for approval.

He explained that the Local Government and Public Involvement in Health Act supported effective partnership working, encouraged greater service collaboration, consultation with communities and a focus on improving whole areas rather than individual services. The Comprehensive Area Assessment puts an emphasis on the Service's efforts to deliver improvements for the community as well as a formal method of recording partnerships.

The Partnership Policy, which was attached as an Annex to the report, would support employees in putting formal partnership agreements in place and record all partnership activities. Training would be delivered to key partnership co-ordinators in each unitary area and department.

The Chief Fire Officer added that in terms of partnerships Cheshire Fire and Rescue Service were an influential partner in the community and the Partnership Policy would support the Service's role.

A Member requested that Officers ensure that it was clear that the Partnership Policy covered all four unitary areas of Cheshire before being published.

**RESOLVED:** That

the Partnership Policy and related training across the Service be approved.

### **4 DRAFT MEMBER DEVELOPMENT STRATEGY AND IMPLEMENTATION PLAN**

The Democratic Services Manager presented Members with the draft Member Development Strategy 2010-12 for approval. Members had previously agreed that the Member Training and Development Group work with Officers to develop a Member Development Strategy within the Fire Authority.

The Member Training and Development Group had met several times to discuss the content and format of the Strategy and the final draft was

presented to the group on 31 March where they recommended that the Strategy be submitted to the full Authority for approval.

The Strategy was attached as an Appendix to the report and set out how the Fire Authority would develop its Members to ensure that they were effective in fulfilling their roles and responsibilities on the Fire Authority. It would also provide the framework for future Member support and development and ensure that the Member Development programme was developed in a more structured way.

Members attention was particularly drawn to the details of the objective to undertake Personal Development Reviews and they were asked to note the dates scheduled for the interviews to be carried out.

The Chair of the Member Training and Development Group explained that the Group members had volunteered to be the first phase of Members interviewed. He also emphasised the importance of Member participation in Member Development activities.

Members welcomed the draft Strategy as a positive step forward and requested that a statement be added to ensure that it was clear that Members should take responsibility to undertake the training and development activities identified.

**RESOLVED:** That

the draft Member Development Strategy 2010-12 be approved.

## **5 BUSINESS CONTINUITY MEMBERS**

Members had, at the Fire Authority meeting on 10 February 2010, approved the revised Members Allowance Scheme for 2009-10 with a caveat that the Terms of Reference for the role of Business Continuity Member should be submitted to the Authority for approval.

The Treasurer presented a report to Members which provided details of the proposed Terms of Reference for the role of Business Continuity Member and explained how this would be reflected in the Members Allowances Scheme.

The Treasurer explained that it would be made clear, in the revised Members Allowance Scheme, that the allowance was applicable to the two main opposition group leaders, who together with the Chair and the Vice-Chair formed the Business Continuity Committee.

**RESOLVED:** That

the Terms of Reference for Business Continuity Members and the related Members Allowances for Business Continuity Leads be approved.

## **6 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGIES 2010-11**

The Treasurer presented the Treasury Management report to Members which sought endorsement for the Fire Authority's Treasury Management and Annual Investment Strategies for the year 2010-2011. This was in accordance with guidance issued by the Office of the Deputy Prime Minister (now Department of Communities and Local Government) in March 2004.

The report detailed the risk management procedures in place to avoid the Authority suffering loss as a result of its Treasury Management activities. The procedures were based on the principle that security of deposit was paramount, that there was a need to maintain liquidity and that returns should be commensurate with the first two principles.

The Treasury Management Strategy was attached at annex 1 to the report and provided details of the legislative framework in respect of Treasury Management. The Investment Strategy (attached at annex 2) provided explanatory information in respect of the overarching principle to ensure that the Authority was prudent in its investment decisions, whilst trying to maximise returns.

A copy of the revised CIPFA Treasury Management Code of Practice 2009 was also attached at annex 4 and the Authority was asked to adopt the revised code.

### **RESOLVED:** That

- [1] the Cheshire Fire Authority's Treasury Management Strategy for the year 2010-11 be approved;
- [2] the 2010-2011 Annual Investment Strategy be formally adopted and a total limit of £8m be approved for non-specified investments; and
- [3] the revised CIPFA Treasury Management Code of Practice be adopted.

## **PART 2 – BUSINESS TO BE DISCUSSED IN PRIVATE**

**NONE**