

MINUTES OF THE EXTRAORDINARY MEETING OF THE BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY HELD ON THURSDAY 23 JANUARY 2020 AT 11.00 AM

Present: Councillors Brown, Carroll, Christensen, Clarke OBE (Chairman), Cranmer, Exon, Glover, Hopkins, Lambert, Marland, McCall, McLean, Minns (part), Roberts, and Watson

Officers: J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), M Hemming (Director of Finance and Assets), C Bell (Head of Service Development), D Norris (Head of Service Delivery), S Gowanlock (Corporate Planning Manager) and C Jordan (Team PA)

Paul Kay (HMICFRS Inspector – Service Liaison Lead) in attendance.

Apologies: Councillors Clare and Teesdale

FA28**MINUTES**

A Member requested that a copy of the amendments agreed at the last Fire Authority Meeting to the 2020-2025 Public Safety Plan (FA21) be made available to Authority Members. The Chairman agreed to arrange copies of the amendments be sent to members.

The Chairman asked for an update on FA22 regarding an appeal from the Employment Tribunal. The Director of Legal and Governance confirmed that no appeal had been lodged by Mr Paul Holland. This meant that the provision of £250k set aside for a potential award of damages had been released to the frontline services.

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 18 September 2019, be approved and signed by the Chairman as a correct record.

FA29**CHAIRMAN'S ANNOUNCEMENTS**

Chairman's Announcements had been circulated in advance.

The Chairman thanked everyone involved in the Annual Carol Service in December. The crews involved in the flooding incident in Milton Keynes over the Christmas period, were also thanked for their efforts.

The Chairman informed Members that the Chief Fire Officer and Director of Finance and Assets had held meetings with four of the Buckinghamshire MPs regarding, among other issues, the

financial position of the Service. Other meetings with Milton Keynes MPs were being arranged.

(Cllr Minns joined the meeting)

FA30

HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE AND RESCUE SERVICES (HMICFRS) – BUCKINGHAMSHIRE FIRE AND RESCUE SERVICE (BFRS) INSPECTION FINDINGS REPORT

The Chairman welcomed Paul Kay (HMICFRS Inspector – Service Liaison Lead) and thanked him for attending.

The Chief Fire Officer introduced the report and advised Members that Paul Kay would go through the report by sections and that the Head of Service Delivery would then explain the Authority's responses to the report.

Paul Kay explained the methodology of the report and then proceeded to review the three sections of the report as follows:

Effectiveness

The Service had a good understanding of risk within the local community and was able to pass this on to operational staff well. The Prevention Team communicated national campaigns to the local communities effectively but the number of fire and wellbeing visits were below the national rate. Also, there was no evidence to show that work had been carried out to analyse the findings of the visits and demonstrate how the information could be used in the future. The Protection staff were found to be competent and understood what was required. The Inspectorate found that Fire Risk checks were carried out but the number of visits the Service had committed to could not be completed within the time set.

The Service's Incident Commanders were found to be good at handling assets effectively and keeping the public informed of incidents. Also reviews of incidents, evaluating performance and sharing what had been learnt by staff and other agencies was good. However, due to lack of finance, other than the 12 wholtime appliances committed by the Service, other appliances were not always available. The Service was found to be good at working with other fire and rescue services

The unique risk and demand lead staffing model made it difficult to compare to other fire and rescue authorities and this was mentioned throughout the report, as was the lack of financial resources within the Service.

Efficiency

This section was split into two sections, how the Service manages its budget currently and the future.

The Service shows good working productivity and flexibility, but due to lack of funding this was difficult to maintain. The Service collaborated well and its Business Continuity plans were of a good standard.

Future procurement collaboration and the use of the Fire and Rescue Indemnity Company showed good practice, but the Inspectorate found problems due to the financial restraints on the Service and the uncertainty around 'Section 31 Grant' moving forward.

People

The inspectors had been made to feel welcome across the Service, and this showed how welfare was at the fore front of everything the Service did. It also showed in both written procedures and in testimonies from staff both operational and support. The Service was making good progress in how it recruits with regard to diversity and inclusion across the service. The Service was good at recognising talent but not good at accelerated development.

The Head of Service Delivery outlined the Service's response to the report.

The Chairman asked that an Action Plan be brought to the next Authority meeting.

A Member asked if the Action Plan was made up of genuine improvements or the Service changing the way it worked to obtain a better inspection result. The Head of Service Delivery advised that next year's inspection would take the same format as this one so any issues raised would be included in the Action Plan while simultaneously working towards the commitments in the Corporate Plan and 2020-2025 Public Safety Plan.

The Chief Fire Officer drew Members attention to the overall summary of the Inspection Report which stated that the Service would find it hard to improve without more funding, but with reforming working practices and consulting with staff and the community, it would continue to provide an excellent service.

Paul Kay also added that the Service was not failing but could do more with less financial restraints.

A Member highlight the growth in Buckinghamshire and Milton Keynes and asked if the Service had the resources to cope with the growth. The Head of Service Delivery informed Members that the Public Safety Plan identified the growth in the area and the impact on the Service and the new infrastructure would be monitored on a regular basis.

A Member raised the issue of past decisions being made regarding turning down additional funding, and was this the right decision. The Member also asked what would happen if the funding issue was not addressed, how long could the Service continue.

The Chairman advised that all local MPs had been lobbied and all government departments involved had been written to asking for a £5 increase in council tax. The cap on an increase in council tax had affected the amount of money the Service received. The Chairman confirmed that she and senior management would continue to lobby for the extra £5 and that a review of funding to

fire services was planned by government following the next spending review which could result in more funding.

A Member asked about apologies for past decisions, the Chairman replied that with all decisions, hindsight can change perspective.

The Chief Fire Office highlighted that the minutes from the meeting which had declined the additional precept stated that the Authority would not take the money at that point, but should it be needed in future, the Authority would lobby government at that time.

A Member asked about the current model used and if it was unique, how could it be compared to other Services. The Member also expressed concern about the level of available staff if a number of major incidents happened simultaneously, would the Service be able to cope.

Paul Kay confirmed that even though the Service's model was unique, the Inspectorate looked at the Service objectively, i.e. looking at risk levels, where the stations were located and response times.

A Member informed the meeting that at the time the decision to refuse the additional funding was made, for a number of years the Service had underspent its budget, sometimes by as much as £1m. Rising costs in the years following were due to unforeseen national issues arising from pension costs.

A Member referred to past decisions and expressed concerns that Buckinghamshire and Milton Keynes residents had been put at more risk because of them.

Paul Kay confirmed that even though the Service's model was unique the Inspectorate looked at the Service objectively, i.e. looking at risk levels, where the stations were located and response times.

The Chief Fire Officer confirmed that the Service had been stretched for a number of years, but had avoided closing any fire stations. The unique way the Service was run meant that firefighters were taking on extra bank shifts so that the Service could maintain good coverage. The Service could continue like this for a few more years but it would be unfair to keep asking staff to continue at the present level of commitment. At some point the Authority was going to have to make some hard decisions about what level of service it would provide. This could mean changing response times, reducing staff or closing fire stations. The way forward was to continue to lobby MPs and Government departments regarding the £5 increase in council tax. Sir Tom Winsor's State of Fire report had also called on the government to give longer term settlements and confirm grants for USAR and Pensions, which at the moment was not known. This would make budgeting over the next few years a lot easier.

A Member raised some concern about the current budget and if it would cover the costs for 2020/21.

The Director of Finance and Assets explained that this year the Finance Team had used a zero based budgeting model to work out the budget for next year. This meant that all costs had been scrutinised and the budget updated to show this. Moving forward, not knowing what grants the Service may receive, had made forecasting difficult especially in terms of pensions costs as the pensions grant was worth £1.2 million.

The Chairman emphasised that she had been assured by both the Chief Fire Officer and Deputy Chief Fire Officer that the service provided was excellent and met the Community's needs.

The Deputy Chief Fire Officer assured Members that even though the staffing model was unique, it had been tested on a number of occasions over the last five years, with high level call outs and although stretched had coped with all incidents.

The Deputy Chief Fire Officer also raised concerns regarding the recent court case involving the 1992 Fire Fighters pension scheme, which had found the government acted in a discriminatory manner regarding changes made to the scheme. The result of this meant that a number of firefighters would be able to retire earlier which could result in a loss of highly skilled firefighters. Measures were in place including an expansion in the apprenticeship programme.

A Member asked what was the time scale for the Action Plan and if the 20 new firefighters being recruited would be apprentices. The Head of Service Delivery confirmed that most of the additional firefighters would come from the apprenticeship pool.

A Member asked about accelerated development and why it was a problem. Paul Kay confirmed it was a problem across a number of other authorities and that it did not affect the scoring.

A Member highlighted that after being on the Authority for a year, it seemed that they were having the same conversation and asked collectively what could be done to move it on.

The Chairman reiterated that the Action Plan would be presented at the next meeting and a number of other issues had been raised and answered including budgets, funding and level of service.

A Member commented on the fact that the Inspectorate awarded 'good' for people, but thought the Service needed to improve the way it recruited and trained staff in preparation for the next two inspections.

The Head of Service Delivery confirmed that planning was in place for next two - four years and with the Action Plan, progress would be made.

A Member expressed concern that improvements would not be in place before the next Inspection. The Chief Fire Officer confirmed that Paul Kay and other members of the Inspectorate would be visiting regularly so would be aware of improvements and as always, the Service would be open and honest about time scales for all improvements.

A Member asked what the inspection had cost the Service in staff hours. The Director of Finance and Assets confirmed that costs were opportunity costs and not formally measured.

A Member asked if the Service was collaborating with other services outside the Thames Valley, ie Northamptonshire and Bedfordshire. The Chief Fire Officer confirmed that most of the collaboration would continue to be centred on the Thames Valley, but he was happy to write to other services that shared a border to see what other collaboration opportunities were possible.

The Chairman recommended if Members had not already done so, that the 'State of Fire' report was worth reading; and that if Members had any other questions that both the Chief and Deputy Fire Officers could be reached via e-mail.

Members requested that the Action Plan be brought to the Authority for approval.

RESOLVED –

That the HMICFRS report and the Service's approach to addressing the report findings be noted.

FA31

FIRE PROTECTION BOARD

The Director of Legal and Governance advised Members that the purpose of the report was to apprise Members of the establishment of a body called the 'Fire Protection Board' and recent correspondence received by the Chairman and the Chief Fire Officer about the Fire Protection Board's so-called 'assurance framework'. The Board comprised of representatives from the MHCLG, the Home Office, and the National Fire Chiefs Council; and was chaired by the Chairman of the National Fire Chiefs Council.

The Director of Legal and Governance outlined the reasons why he had written the report, rather than the Chief Fire Officer or an officer with operational involvement in Fire Safety.

The Director of Legal and Governance summarised the letter sent to the Chief Fire Officer by the Chairman of the National Fire Chiefs Council dated 21 November 2019 that required the Chief Fire Officer to return a completed assurance questionnaire to the Fire Protection Board by the 31 December 2019; and to copy the completed questionnaire to the Chairman; and that this obligation created potential performance management responsibilities imposed on the Chairman without any prior consultation with her or with the Chief Fire Officer. The letter also purported to notify the Chief Fire Officer that the Fire Protection Board was copying the letter to his governance body so that the Authority would be aware of its Chief Fire Officer's new assurance obligations.

The Chairman wrote to the Chairman of the National Fire Chiefs Council on 10 December 2019 asking for further details about the 'assurance framework' and the Fire Protection Board and its Terms of Reference. The Chairman of the National Fire Chiefs Council replied to the Chairman on 18 December 2019. The

letter included a copy of the Fire Protection Board's Terms of Reference.

Members were asked to note that the Fire Protection Board stated that it will initially focus its so-called 'assurance regime' on residential ACM-clad buildings of 18 metres and above; and that it would consider extending the assurance regime to other buildings.

Members were informed that to provide the level of assurance required by the Fire Protection Board in its 'underpinning assurance' questionnaire would have significant resource implications for the Authority; as it does not have the capabilities to undertake the engineering and design testing of ACM cladding or other external wall systems on high rise buildings.

The Director of Legal and Governance explained that assurance questionnaires would be more sensibly addressed directly from the Fire Protection Board to the owners of the high risk buildings due to the fact that much of the information was within their knowledge and were primarily responsible for assuring the safety of the buildings through compliance with their statutory duties under the Regulatory Reform (Fire Safety Order) and other legislation including the Housing Act 2004.

The Housing Act 2004 gave considerable powers to local housing authorities to compel owners of high-risk residential premises to remediate fire hazards. Evidence of that was the Improvement Notice which Aylesbury Vale District Council had served on the owner of Friars House. Members were informed that officers from the Service had worked closely with AVDC officers, the owner of Friars House and residents.

The final status of the assurance framework was still uncertain. The copy of a letter from the Chairman of the National Fire Chiefs Council sent to all Chief Fire Officers on 23 December 2019 in which the Chairman of the National Fire Chiefs Council indicated that the reservations expressed to him by the Chairman were shared to various degrees by other Chief Fire Officers about the concept of Chief Fire Officers having to provide 'assurance' when not equipped to do so.

The Chairman of the National Fire Chiefs Council's only concession to these concerns was to extend the deadline for the return of completed questionnaires to 31 January 2020.

RESOLVED –

1. That the establishment of the Fire Protection Board (FPB), its membership and its current terms of reference be noted.
2. The exchange of correspondence between the Chairman of the Authority and the Chairman of the FPB be noted.
3. That the content of the assurance questions (i.e. question 1 and question 2) required to be answered by the Chief Fire Officer and returned to the FPB be noted.

An amendment having being moved and seconded it was RESOLVED -

4. That it be noted that any responses made to the assurance questions by the Chief Fire Officer must be caveated and be dependent on the actions taken by the 'responsible person' in relation to the Improvement Notice served by AVDC.

FA32 EXEMPT MINUTES

RESOLVED -

That the Exempt Minutes of the meeting of the Fire Authority held on 18 September 2019, be approved and signed by the Chairman as a correct record.

FA33 DATE OF NEXT MEETING

The Authority noted that the next meeting of the Fire Authority was to be held on Wednesday 12 February 2020 at 11am.

THE CHAIRMAN CLOSED THE MEETING AT 12:45 PM