

ESSEX FIRE AUTHORITY

Essex County Fire & Rescue Service



ESSEX FIRE AUTHORITY MINUTES OF THE MEETING OF THE AUTHORITY HELD ON WEDNESDAY 21 APRIL 2010 AT 10:00 HOURS

Present:

Councillor B Aspinell
Councillor S Barker
Councillor K Bentley
Councillor I Harrison
Councillor A Hedley (Chairman)
Councillor A E Holland (Vice-Chairman)
Councillor E Johnson
Councillor C Kent
Councillor J Knapman
Councillor M Miller

Councillor D Morris
Councillor R Pearson
Councillor J Reeves
Councillor J Roberts
Councillor M Skeels
Councillor T C Smith-Hughes
Councillor A Turrell
Councillor E Webster
Councillor P Wexham

The following Officers were present in support throughout the meeting:

The Deputy Chief Fire Officer, Adam Eckley
The Deputy Chief Fire Officer, Gordon Hunter
Finance Director & Treasurer, Mike Clayton
Director Workforce Development, Richard Hopper
Clerk and Monitoring Officer, Philip Thomson
Minute Taker, Trisha Adams

21. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence were received from Councillors Callender, Channer, McEwen, Riley, Walters and White.

Councillor Webster was absent for items 30-33, Councillors Morris and Skeels were absent from item 30.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in respect of items included on the agenda.

23. MINUTES

The Authority received the minutes of the meeting held on 10 February 2010.

Resolved:

That the minutes be confirmed as a correct record and signed by the Chairman.

24. POLICY & STRATEGY COMMITTEE - MINUTES OF THE MEETING HELD ON 17 MARCH 2010

The minutes of the meeting held on 17 March 2010 were received.

25. CHALLENGE & INNOVATION COMMITTEE - MINUTES OF THE MEETING HELD ON 17 MARCH 2010

The minutes of the meeting held on 17 March 2010 were received.

26. CHAIRMAN'S ANNOUNCEMENTS

Disposal of Hadleigh Fire Station

The Chairman asked DCFO Eckley to update Members regarding the sale of Hadleigh Fire Station. DCFO Eckley advised the Authority that the Policy & Strategy Committee had agreed to delegate authority to the Chairman and Chief Fire Officer to achieve best value for the Hadleigh site, it had been sold to Essex County Council (ECC) prior to 31 March 2010, the sum agreed £495k with an overage clause in the contract that should ECC sell the site within 21 years for more than the sum agreed, the Fire Authority would receive 50% of the increase in value. The Chairman advised Members that the sale had been carried out in conjunction with Castle Point District Council, it had been a quick clean disposal.

Councillor Aspinell referred back to the establishment of the Fire Authority when property had been transferred from the ECC. DCFO Eckley confirmed that property had originally been transferred from ECC to the Authority as an asset transfer under statute. The Clerk to the Fire Authority advised that he was not aware of any significant covenants in the property order transfer. It was agreed that the Clerk would advise Members if a covenant existed for disposal of EFA property to ECC in the first instance.

Capital Funding Grant Determination – Diversity Recruitment Target Commitment

The Chairman advised Members that the CLG had approved the Authority's progress in its commitment to higher recruitment targets both for women in the operational sector and Black and Minority Ethnic (BME) staff across the Service and had authorised release of the second tranche of capital funding, £34,482.

Councillor Barker enquired if the grant was dependent on targets. The Director Workforce Development confirmed that the Authority was signed up to achieving targets and had demonstrated its commitment to work towards them.

The Chairman advised Members that four recruits from North Yorkshire F&RS had participated in the latest squad. In response to Councillor Aspinell, the Chairman advised that the purpose of the joint training was sharing resources. The Director Workforce Development said that Officers in North Yorkshire had articulated high regard for the training offered in Essex.

FireBreak and Young FireFighter pass outs

The Chairman had attended FireBreak pass outs at Newport and Maldon, and a Young FireFighter pass out at Basildon. The Chairman advised Members that a FireBreak pass out for young people with Down Syndrome had been attended by personnel from Swindon who were to replicate the scheme in their local area. The Chairman said well done to ECFRS.

Fire Forum and LACC Directors' Meeting

The Chairman had attended meetings of the above.

Naming Ceremony – Essex Auto Group

The Chairman advised the naming of a suite in favour of Essex Auto Group at the Rayleigh Weir Community Fire Station.

Young Essex Assembly at Towerlands, Braintree

The Chairman advised his attendance, along with Councillors Hume and Walters at the above event, he said that the discussions with young people concerning traffic accidents had been a moving experience; the DVDs were a powerful tool explaining to young drivers the consequence of thoughtless actions.

New Recruits

The Chairman had visited the recruit squad on pass out day.

Meeting with Essex Police

The Chairman advised a meeting with the Chief Fire Officer, the Chairman of the Police Authority and the Chief Constable to discuss ways forward regarding collaborative working.

National Olympic Security Oversight Group

The Chairman advised his attendance at the above.

Interview with the Audit Commission

The Chairman advised his attendance at the above.

Meeting with the High Sheriff

The Chairman advised his attendance at the above.

Kelvedon Park Development Programme Board

The Chairman advised updates regarding the above were sent to Members.

Briefing with Essex MPs

The Chairman advised the Authority that the Strategic Management Board had travelled to Portcullis House, Westminster for a briefing to which all Essex MPs had been invited to attend. Bob Spinks MP had attended the briefing.

Fire & Rescue Service – Equality & Diversity Awards

The Chairman congratulated the Youth Engagement Team who had been runners up in the above awards for their pioneering work with young people who have Down Syndrome.

Essex Casualty Reduction Board

The Chairman had attended meetings of the above.

27. INDUSTRIAL RELATIONS UPDATE

The Chairman asked DCFO Hunter to update Members regarding industrial relations. DCFO Hunter advised that there had been a series of meetings with the FBU which, to avoid external pressure had not been publicised; he said both the Service and the FBU had been working to reach an agreement. On 24 March the FBU negotiating team had been happy with guarantees offered by the Service which it was acknowledged were better than those offered by other Services. The negotiating team agreed to recommend ECFRS' proposed settlement to the FBU Brigade Committee, and Service negotiators made clear that if the FBU Brigade Committee did not agree to recommend the settlement to its membership the offer would be withdrawn.

DCFO Hunter advised that the FBU Brigade Committee had attached strings to its acceptance of the offer; as a goodwill gesture Service managers said that the offer would remain on the table until 19 April but there should be clear understanding that if it was not

accepted by that date it would be withdrawn. The FBU requested details on arrangements for four areas before they would agree to cease the industrial action, DCFO Hunter advised Members that those details required a due process of consultation, and that it would not be appropriate to consult whilst the FBU continued its industrial action.

On 19 April the FBU rejected the proposed settlement unless they could negotiate on the four points, DCFO Hunter advised Members that the FBU knew that the Service would be consistent with its proposed action and the offer would be withdrawn. DCFO Hunter advised that an unofficial ballot by the FBU had voted to increase the industrial action and that the Service had implemented its contingency plan, operation GIAN. DCFO Hunter restated that the negotiating team had accepted the offer that had been rejected by delegates at the branches, he said that historically the FBU would attach strings to any agreement as a dispute neared conclusion.

DCFO Hunter referred to defamatory FBU rhetoric about management, and Members viewed a leaflet received by the Service. DCFO Hunter was of the view that some watches were more militant than others, he said that some people just wanted the industrial action to end, further that other Services could not believe ECFRS' commitment.

DCFO Hunter advised Members that they had received copies of all correspondence between the FBU and management over the last 48 hours.

Councillor Aspinell said that he had been invited by watches onto stations, he said that personnel had told him that negotiations had failed because management had refused to explain guarantees to the staff on fire stations, the FBU told them that the guarantees required explanation, yet management was saying that the FBU had introduced four new points. DCFO Hunter advised that two areas for which the FBU said they required extra detail were:

- Pre arranged outduties
DCFO Hunter advised that remuneration for prearranged outduties had to be agreed by a consultation process, the Service had already stated that remuneration would be reasonable.
- Rota day working
The Service had guaranteed that rota day working would be purely voluntary and used sparingly. This had been explained – the minutiae would come out of due consultation.

DCFO Hunter said that the consultation process in Essex needed to move forward, the FBU had agreed nationally that the maximum consultation period was 12 weeks. Councillor Aspinell suggested that there had been a lack of consultation by all involved, he asked what sort of communications there had been. DCFO Hunter advised that every meeting was minuted, that the Media Department had a dedicated section on the intranet which contained detail of all consultation, personnel received updates and Members were given briefings. Further DCFO Hunter said that members of the Strategic Management Board had face to face meetings with personnel on stations, some of whom had said that they received too much information.

DCFO Eckley advised that the FBU had clearly specified that it would not consider a move away from the industrial action until all detail had been negotiated, he said that the Service was being held over a barrel, that there could not be an arrangement for a consultative partnership approach only at the point where you agree with an outcome and dissolved when there was disagreement. DCFO Eckley said that Members had asked the management team to deliver change, that the mandate of the Authority was to change how risk was managed in the community.

DCFO Eckley said that the management team had been employed from different professional fields and other Fire & Rescue Services, yet the FBU rhetoric had not changed. Councillor Aspinell said that he took issue with DCFO Eckley's comments regarding FBU rhetoric as it was not what the staff on stations had been saying to him. DCFO Eckley said that he referred to the hard-nosed FBU leadership, he did not condemn the station personnel who were receiving communications from the FBU that they did not believe. The Authority acknowledged it had no control over the communications between the FBU leadership and its members. The Chairman said that he had met with the FBU initially but that they had not asked to see him in the previous 6-9 months, he was happy to meet with FBU representatives anytime. DCFO Hunter reminded Members that the management board had offered to have a recorded and unedited open discussion with FBU representatives, but the FBU had declined the offer unless FBU conditional strings were attached. Further DCFO Hunter said that the FBU had accused senior management of lying to Members, but Members had been told the facts.

Councillor Morris referred to the defamatory leaflet which had been circulated, he said that that the language was unhelpful and he expressed surprise that it was headed up with an ECFRS logo, he asked who would have sent it out. Councillor Smith-Hughes said that it had been made clear that such material should not be placed on noticeboards, in his view the correspondence was not being circulated by an individual maverick. Councillor Bentley's opinion was that the FBU would be horrified by the leaflet and that it was a great shame that negotiations had fallen apart, he said that the leaflet did not assist in the matter and that the Fire Authority should reject its contents. Councillor Bentley was of the view that things were moving very quickly and that there was a lot to keep pace with, he said that the Service should up its game with the media to explain to the public what was going on, that the East Anglian Daily Times would be astonished. Further he added that it was crucial to break the stalemate and get talking. DCFO Hunter said that the Service had a highly professional media department, the press were kept informed of every aspect of the dispute. He asked Members if they wanted management to capitulate to the FBU. Councillor Bentley restated that the media course of action should be reviewed. Councillor Wexham asked what the Service and the FBU should do to get back around the table, he said the Service needed to move forward. DCFO Hunter said that the FBU should have a clear mandate that what was agreed at the table should be accepted by the FBU Brigade Committee, the dispute should be stopped and then details could be subject to the consultation process. DCFO Eckley said that it was a matter of entrenchment and absolute intransigence by the FBU historic to Essex Fire Authority, but at some point the Authority required a different model. The management team had thought the dispute would be brought to an end when it had reached agreement with the FBU negotiating team. The Chairman said that what was clear was that the FBU negotiating team did not have authority to draw up the agreement, that the FBU was digging a hole. The Director Workforce Development endorsed all the Deputy Chief Fire Officers had said, he said that the FBU negotiating team had been a team without a mandate, and that the expiry date for the settlement proposal of 19 April had been to stop the negotiations drifting, he said that the Service negotiating team needed to talk to an FBU negotiating team with a mandate. Councillor Knapman asked whether drifting was a negative, he suggested that the agreement should be left on the table (without compromise), that the Authority would not show weakness but retain the moral high ground. Councillor Barker was of the view that there was a risk the FBU may reject the offer but she was also minded that previously despite FBU objections to the crewing at Ongar, changes to crewing of the ALPs and the move of Headquarters to Kelvedon Park, firefighters had not left the Service in droves, she said that people adapted and accepted change.

DCFO Eckley said that the Service would avoid any potential for strike, but that it was necessary to put plans in place pending a ballot for strike action, he said that dialogue had not stopped.

28. FUNDING REQUIREMENTS FOR OLYMPIC SUPPORT POST

Report EFA/037/10 informed Members on the current position regarding resource implications for the Service in the build up to the 2012 Olympic Games. The report contained a recommendation to fund from reserves a Group Manager level post for a fixed 30 month period.

The Chairman referred to his participation at NOSOG meetings, he said that the mantra from those meetings was that £600k was available to be drawn on as required but that there would be no additional funding since the Government was of the view that it would be business as usual and Fire Authorities were expected to fund the additional responsibility from existing budgets. The Chairman's view was that he was not happy to take funds from reserves at this time, he added that it was always his natural inclination to support officers but he was not prepared to support taking money out of reserves to fund the extra workload required by central Government.

Councillor Barker enquired as to why the funding of the Group Manager post had not been considered during the budget setting process by the Policy & Strategy Committee. The Chairman advised that prior to the report the Service had been bidding for funding from central Government. Councillor Barker suggested that it was more appropriate that the Policy & Strategy Committee consider the matter of funding.

The Vice-Chairman advised the Authority that she had discussed funding with Sir Ken Knight, Chief Fire and Rescue Adviser, he had indicated that Essex' funding bids were over ambitious

Councillor Wexham suggested that personnel from London and the Home Counties should work as a team to resolve issues related to the Olympics. The Chairman confirmed that there was national collaborative working.

Councillor Smith-Hughes was of the view that it would be easy for the Authority to say that it would not approve funding from reserves for the Group Manager post but the work had to be carried out, Essex butted onto London and the security risk could not be opted out of. Councillor Smith-Hughes said that the Authority was responsible for ensuring that the preparatory work was carried out, there was potential for a terrorism attack, further that he did not believe that the Service could fund the work out of existing resources. Councillor Johnson's view was that naturally the Service would carry out the work, although it may be a stretch. Councillor Bentley said that in his opinion there was a great tendency to increase bureaucracy, he asked what Essex Police and colleagues in Hertfordshire and London Brigades were doing, he queried whether ECFRS would be replicating work, Councillor Bentley said that he did not feel that he had all the information he required to approve the recommendation. DCFO Hunter advised Members that the Service had been doing its best to manage the additional workload from existing resources; he referenced previous reports in April and December 2007 which had identified the requirement for additional human resources. DCFO Hunter advised that the Service was working with Police colleagues by way of the Essex Resilience Forum, further that the Police Service had received substantial funding. DCFO Hunter said that London was the hard target, Essex could be viewed as a suburb, Essex was viewed as a fulcrum of all that happened in Britain, it had more critical national infrastructure than any other county and most of the metropolitan areas. DCFO Hunter that he was happy to put more information into a report to the Policy & Strategy Committee if required, that in his professional opinion the Service required extra resources, if funds could not be available from the Authority's reserves, another of the Service's activities would have to be curtailed. Councillor Smith-Hughes agreed that it would be good to clarify, simplify and summarise all the information that had been relayed previously.

Councillor Aspinell asked about the cutover to regional control, the Chairman advised that the Service had made clear to the Government that if the Regional Control Centre was not up and running by 2011, Essex would not cutover in the Olympic year.

DCFO Eckley supported DCFO Hunter's view, he said that Olympic planning was an activity that the Service could not avoid and that the post would have to be funded from reserves or by halting another activity.

Councillor Aspinell enquired if there was a specific fire overview and scrutiny group for the Olympics. DCFO Hunter advised that Special Branch identified risks and likelihoods and information was disseminated to the Essex Resilience Forum, he restated that ECFRS must respond.

In answer to Councillor Barker's enquiry DCFO Hunter confirmed that he had not yet advertised the post pending Authority approval.

Councillor Bentley moved and Councillor Pearson seconded that the decision to agree proposed funding be referred to the Policy & Strategy Committee for further consideration. The motion was unanimously carried.

29. EFA AND COMMITTEE GOVERNANCE ARRANGEMENTS

Chief Fire Officer's report EFA/038/10 contained the Grievance, Discipline and Remuneration Group for Principal Officer's final report on the most recent governance review.

Councillor Barker said that she was pleased to see the report but disappointed regarding the length of time that it had taken to be presented to the Authority. The Vice-Chairman advised that it had been difficult to convene meetings due to committee members' diary commitments. Councillor Barker thanked the Vice-Chairman for chairing the group and maintaining a small Audit Sub-Committee which Councillor Barker felt was more productive than a larger committee. Councillor Barker suggested that a report be brought to the June AGM detailing Members' Allowances, Terms of Reference and workplans for the three committees.

Resolved:

Members agreed that;

1. The name of the Challenge & Innovation Committee should be changed to the Audit, Governance & Review Committee
2. Clear terms of reference should be developed for the Fire Authority, setting out its role and also its relationship with the Policy & Strategy and Audit, Governance & Review Committee
3. A new set of terms of reference, as set out in report EFA/038/10 should be agreed for the Audit, Governance & Review Committee
4. A sub-committee of the Audit, Governance & Review Committee, entitled the Audit Sub-Committee should be established and consist of no more than seven members of the parent committee

5. The terms of reference for the Policy & Strategy Committee should be amended to reflect changes necessary following adoption of new terms of reference for the Audit, Governance & Review Committee
6. The Authority produce an annual business schedule which encompasses the full Fire Authority, the Policy & Strategy Committee, Audit, Governance & Review Committee and Audit Sub - Committee.
7. The Authority's annual business schedule should set out the links between itself, its two Committees and Sub-Committee and include core business activity, clear timescales and scheduled dates for reports.
8. The Audit, Governance & Review Committee and its Audit Sub-Committee should not be able to self-refer work. Business for this Committee/Sub-Committee should be referred either from the Policy & Strategy Committee, full Fire Authority or should constitute part of an Authority agreed business schedule.
9. The Audit, Governance & Review Committee should be able to seek support from either the full Fire Authority or Policy & Strategy Committee for specific, non-planned items of work, setting out clear reasons why it should be undertaken.
10. Development of terms of reference for the Fire Authority and Audit Sub-Committee should be delegated to the Chief Fire Officer, in close consultation with relevant members, and should be reported back to the full Fire Authority for formal approval.
11. The Fire Authority's constitution should be amended accordingly.

30. CHARGING

Members considered Chief Fire Officer's report EFA/039/10 which reviewed the arrangements for charging for the provision of specific services and sought approval for amended charges from 1 May 2010.

Councillor Bentley enquired about Press use of ECFRS' media images. The Chairman introduced Christine Connor, Head of Corporate Communications & Media (HCC&M). The HCC&M advised Members that high resolution images were available on ECFRS' website for media agencies to download. The media was allowed to use the images free of charge if ECFRS was acknowledged as the source, DCFO Hunter advised that in providing images the Service was being proactive, it generated PR. In answer to Councillor Bentley's enquiry the HCC&M advised that the Service monitored the use of its images. The Finance Director & Treasurer advised Members that approval of the charge would enable the Authority to legally enforce request for payment if a media agency did not acknowledge the image source. Councillor Knapman asked if there was a negative side to the media using Service images. DCFO Eckley advised that the intellectual property rights of images were retained by the Service.

Councillor Johnson asked why the Service was looking to reserve the right to make a charge for rescuing animals. The Finance Director & Treasurer advised that some circumstances may clearly be brought about by the negligence of animal owners and it may be appropriate for the Service to have the ability to charge those owners.

The Chairman requested that charges were subject to review on an annual basis.

Resolved:

That Members;

1. Agreed the areas where charges would be applied; and
2. Agreed the proposed tariff and charging arrangements for implementation from 1 May 2010

31. KELVEDON PARK DEVELOPMENT PROGRAMME PROGRESS REPORT

Members received Chief Fire Officer's report EFA/040/10 which provided Members with an update on the progress of the Kelvedon Park Development Programme.

Resolved:

That Members of the Essex Fire Authority noted the report

**32. OPERATIONAL INCIDENTS REPORT AND INCIDENTS OF NOTABLE INTEREST
APRIL 2009 TO FEBRUARY 2010**

Report EFA/041/10 provided Members with information on the number and type of operational incidents that the Service had attended from April 2009 to February 2010.

In answer to Councillor Barker's enquiry DCFO Hunter confirmed that ECFRS used a thatch lance when tackling thatched roof fires. DCFO Hunter highlighted the review of water demand and supply at incidents.

Resolved:

That Members noted the content of the report

33. OPERATIONAL RESILIENCE- ANNUAL UPDATE

Chief Fire Officer's report EFA/042/10 provided Members with the annual report of significant issues concerning Operational Resilience.

Councillor Smith-Hughes referred to the Olympics update in the appendix to the report; he acknowledged the considerable workload generated by this priority work stream. DCFO Hunter said that resilience exerted a demand on the Service that had not existed until recent years.

**34. MINUTES OF THE REGIONAL MANAGEMENT BOARD MEETING- MINUTES OF THE
MEETING HELD ON 27 JANUARY 2010**

Chief Fire Officer's report EFA/044/10 provided the Authority with the minutes of the Regional Management Board of 27 January 2010.

Resolved;

That Members of the Essex Fire Authority noted the report.

35. REPORT TO CONSTITUENT AUTHORITIES

Resolved:

That the following items comprise the report to the Constituent Authorities:

- Operational Resilience Annual Update
- Kelvedon Park Development Programme- Progress Report

Signed
Chairman, 9 June 2010

