

ESSEX FIRE AUTHORITY

Essex County Fire & Rescue Service



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

Present:

Councillor B Aspinell	Councillor M Miller
Councillor S Barker	Councillor R Pearson
Councillor K Bentley	Councillor J Reeves
Councillor R Callender	Councillor C Riley
Councillor P Channer	Councillor J Roberts
Councillor I Harrison	Councillor M Skeels
Councillor A Hedley (Chairman)	Councillor T C Smith-Hughes
Councillor A E Holland (Vice-Chairman)	Councillor A Turrell
Councillor E Johnson	Councillor R Walters
Councillor C Kent	Councillor E Webster
Councillor J Knapman	Councillor D White
Councillor G McEwen	

The following Officers were present in support throughout the meeting:

The Chief Fire Officer , David Johnson
The Deputy Chief Fire Officer, Adam Eckley
The Deputy Chief Fire Officer, Gordon Hunter
Finance Director & Treasurer, Mike Clayton
Assistant Chief Fire Officer, Stewart Thomson
Director of HR & Workforce Planning, Richard Hopper
Clerk & Monitoring Officer, Alex Hallam
Minute Taker, Trisha Adams

1. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence were received from Councillors Morris and Wexham.

2. DECLARATIONS OF INTEREST

The Chairman and Vice-Chairman declared a personal interest in item 13 FiReControl Project in respect of their appointment by the Fire Authority as Directors of the Regional Control Centre Company.

3. MINUTES

The Authority received the minutes of the meeting held on 9 December 2009.

Resolved:

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

4. POLICY & STRATEGY COMMITTEE - MINUTES OF THE MEETING HELD ON 13 JANUARY 2010

The minutes of the meeting held on 13 January 2010 were received.

5. CHALLENGE & INNOVATION COMMITTEE - MINUTES OF THE MEETING HELD ON 13 JANUARY 2010

The minutes of the meeting held on 13 January 2010 were received. Councillor Barker, Chairman of the Challenge & Innovation Committee advised the Authority that there had been fewer Member attendees at the meeting due to snow.

6. CHAIRMAN'S ANNOUNCEMENTS

Christmas Carol Service 2009

The Chairman congratulated the staff who had organised the ECFRS Carol Service, he said that it had been very enjoyable. Councillor Roberts agreed that it had been an excellent Service.

FireBreak and Young FireFighter Pass Outs

The Chairman had attended six FireBreak and two Young FireFighter pass outs, he said that these were a worthwhile area of community action.

Interviews for Deputy Chief Fire Officer

On behalf of the Authority the Chairman warmly congratulated DCFO Eckley and DCFO Hunter on their promotions.

Meeting with Councillor Castle and Councillor Challis

The Chairman advised a meeting that he had had with Councillors Castle and Challis regarding disposal of the Hadleigh fire station site.

Casualty Reduction Board

The Chairman advised his attendance at the above.

Middleware Business Case – IT Project, Cambridge

The Chairman advised his attendance at a meeting regarding the regional IT project, he advised that a report would be brought to the Authority in due course.

IRMP Update Meetings

The Chairman advised his attendance at the above.

National Fire Sprinkler Network Seminar

The Chairman advised his attendance at the House of Lords for the above seminar, he advised that 20 years previously when both had been employees of an insurance company he had trained the main speaker, the Head of Customer Risk Management AXA Insurance. The Chairman said that the seminar had been very worthwhile.

Kelvedon Park Development Programme Board

The Chairman attended a meeting of the above.

7. TREASURER'S REPORT ON BUDGET 2010-11

Report EFA/019/10 by the Finance Director & Treasurer provided a review of the 2010/11 budget.

Councillor Smith-Hughes said that the adequacy of the reserves was well laid out in the report and in his view gave Members the assurance required for a sound budget. Councillor Knapman asked how confident the Authority could be about 1% inflation, he suggested that since most of the inflation was usually wages the assumption could be on the low side. The Finance Director & Treasurer advised that the local government employers had already announced there would be no pay inflation for support staff in 2010-11 and since the Government desired low pay increases it was likely to be similar for firefighters. The Finance Director & Treasurer said that utilities' contracts had been renewed giving certainty in that area; the main area of uncertainty was fuel. The Chief Fire Officer advised the Authority that the inflationary pressures had benchmarked against assumptions in other fire authorities, he suggested they were as robust as could be.

Resolved:

That Members;

1. Noted the report by the Treasurer
2. Had regard to the report in approving a budget for 2010/11; and
3. Approved the target for general reserves in the range 4.0% to 7.2% of net expenditure

8. BUDGET 2010-11

The Chief Fire Officer and the Finance Director & Treasurer's report EFA/020/10 provided an update on the revenue and capital budget position for the Authority, reported the final information on the formula grant settlement, made recommendations on the revenue and capital budget and made recommendations on the Council Tax and precept requirements for 2010/11.

Councillor Barker enquired if there had been a delay in receiving the taxbase and collection account, the Finance Director & Treasurer advised that the taxbase had been estimated in November with the final figure received in January, the collection account had been finalised in January, he added that one authority had subsequently changed its figure after January and that as at the County Council the Fire Authority was reliant on the district and unitary authorities for data.

Councillor Barker asked about the provision for interest rates (borrowing and deposit), the Finance Director & Treasurer said that borrowing averaged at 4.5%, his assumption that the rate would remain the same for the following year and determined by the Public Works Loan Board.

Councillor Barker sought confirmation that the budget included a contribution to the CDRPs. The Vice-Chairman advised the Authority's previous decision to allocate funds to each Command for investment in local partnership working, with local Members and Commanders deciding how the funds would be assigned. The Finance Director & Treasurer confirmed continuation of an allocation to each of the community commands. It was Councillor Barker's understanding that the Police Authority had cancelled its funding of CDRPs,

Councillor Smith-Hughes' view was that funding the CDRPs was very important since the work carried out by them was valuable, he suggested that there was a requirement to talk to the Police Authority about the withdrawal of funding.

Councillor Barker referred to the additional posts in IT, she asked if the posts would be permanent or temporary. DCFO Eckley referred to the Policy & Strategy Committee's approval in June 2008 of the Strategic IT Review, he said that benchmarking against other local government ICT services had identified the Service limitations and the IT Transformation Programme had been designed to eliminate them. DCFO Eckley advised that some of the six posts would be managerial and some at a lower level, he added that the proposed structure was not unusual in an organisation the size of ECFRS. In answer to Councillor Barker's enquiry, DCFO Eckley advised that 25 staff were employed directly in IT.

Councillor Bentley referred to the upper table on page 6 of the report, he said that it could be a perception to the reader that reductions in the front-line personnel funded an increase in support staff, he asked if there had been any exploration of out-sourcing IT processes. DCFO Eckley confirmed that the first question explored by the IT review had been whether to outsource IT in part or completely, he said that the conclusion had been that the Service did not have the understanding or capability to outsource intelligently. Councillor Bentley asked if the increase in staff would be permanent or temporary, DCFO Eckley advised that the Service had moved from the consultants (temporary staff) and would be looking to permanent posts, he added that in the current climate the positions would be ring fenced as temporary contracts.

Councillor Smith-Hughes said that the report contained very useful figures, the Authority had kept the Council Tax low over the past few years and the tax payer received a first class service, in his view the balance was correct with efficiency savings not impacting on fire cover. Councillor Smith-Hughes recommended the positive crewing model, he said that the current situation was ridiculous, that there were far too many personnel in certain areas with 1.4 firefighters to every post, the Authority needed to be proactive in demonstrating appliance availability with a new strategic crewing model.

Councillor Smith-Hughes referred to the medium term financial projections, he said that Audit Commission reports had highlighted that fire services in particular would not receive good settlements, the Authority could be looking at having to make savings of £4.5 – 6m in the next couple of years. Councillor Smith-Hughes said that he thought it quite prudent not to have included the sale proceeds of the Hutton site in capital receipts.

The Chief Fire Officer said that the Authority had ample number of personnel to crew the fire appliances, he said that there were more appliances on the streets of Essex covering more services than ever before. The Chief Fire Officer referred to the additional posts within IT, he said that the IT Transformation Programme had to move the department from a very bad place, IT impacted on the front-line service in many ways e.g. maintenance of the vast majority of Community Safety data and its influence on how quickly appliances arrived at incidents. The Chief Fire Officer added that if the economic situation did not improve there would be a requirement to scroll back on the programme.

In response to Councillor Barker's enquiry the Finance Director & Treasurer advised that the table at the top of page 6 of the report was correct showing an increase of 7.9 full time support staff, he advised Members of the six additional posts in IT and three additional posts to support the implementation of the SAP HR project. Further the Finance Director & Treasurer advised Members that the increase in support personnel at Community Commands was due to the transfer of uniformed inspection posts to support staff.

Councillor Bentley restated his earlier observation, he said that the point he was making was that it could be perceived that a major reduction in the number of firefighters funded an

increase in support staff. The Chief Fire Officer said that to contextualise the last 4-5 years there had been an increase in the number of appliances and the public received an excellent 24/7 365 day a year service. He added that there was ample room for further savings and improvements to long-held misconceptions about process and systems. Councillor Smith-Hughes agreed, he said that new appliances were more efficient, things had moved on and there was no requirement for much of the previous equipment. DCFO Hunter advised a report of the special appliances that the Service would be acquiring. Councillor Smith-Hughes said that the information should be publicly available. The Chairman advised Members of discussions that he had had regarding disseminating information to the media outside of the Fire Authority, he agreed that the ALPs were superb kit and should be given publicity. The Chief Fire Officer said that the Service routinely made information available to the press but regrettably more headline was usually given to stories that implied cuts. Councillor Turrell said that the media should be made aware that the Service was not losing 30 uniform posts but using firefighters in a different way. DCFO Hunter confirmed that the media had been given press releases regarding the special appliances but that stories with a negative slant sold more papers. Councillor Walters suggested that the Service produce an Executive Summary of the budget, the Chief Fire Officer agreed that this was a good idea, it would convey the information succinctly to the workforce.

Resolved:

That Members approved

- The revenue and capital budgets for 2010/11 as set out below

	2009/10	2010/11
Net Expenditure	£73,096k	£74,936k
Increase from 2009/10		£1,840k
Precept	£41,285k	£42,565k
Band D Council Tax	£64.62	£66.42
Increase from 2008/09		2.79%

- A net expenditure budget of £75.027m;
- A precept of £42.629m;
- A Band D Council Tax of £66.42 (an increase of £1.80 2.79%)
- The bands of Council Tax are shown in the following table.

Council Tax Band	2009/10	2010/11
A	£43.08	£44.28
B	£50.26	£51.66
C	£57.44	£59.04
D	£64.62	£66.42
E	£78.98	£81.18
F	£93.34	£95.94
G	£107.70	£110.70
H	£129.24	£132.84

- Capital expenditure budget (net) of £15,451m in 2010/11

9. PRUDENTIAL FRAMEWORK FOR CAPITAL FINANCE AND TREASURY MANAGEMENT

The Finance Director & Treasurer's report EFA/021/10 provided an update on 2009/10 and proposed prudential indicators and treasury management strategy for 2010/11.

Councillor Smith-Hughes said that he was happy to support the recommendations contained in the report and that it was quite correct to point out that the Authority did not have large cash balances. Councillor Smith-Hughes queried whether in terms of risk the Authority needed to assess the credit ratings of the two counter parties on the lending list. The Finance Director & Treasurer advised that he would bring proposals to Members to make use of credit ratings.

Councillor Smith-Hughes referred to the table detailing the incremental effect on revenue and Council Tax for three years ahead (page 4 of the report), he was of the view that Council Tax increases should not fund the entire programme. The Finance Director & Treasurer said that the IT Transformation Programme was designed to bring about savings in the longer term, funding increases would be medium term, and he did not expect the burden to fall on the Council Tax.

Councillor Barker queried recommendation (vi) of the report. The Finance Director & Treasurer said that this element was a requirement for the Authority to agree each year, but that the proposal was to adopt the same basis as had been agreed for the current financial year.

Resolved:

That Members ;

1. Approved the Treasury Management Policy Statement 2010/11 at **Annex C** to report EFA/021/10
2. Approved the Treasury Management Practices 2010/11 at **Annex D** to report EFA/021/10
3. Noted the Treasury Management position for 2009/10
4. Noted the performance against the prudential indicators for 2009/10
5. Approved the 2010/11 prudential indicators outlined in **Annex A** to report EFA/021/10 and;
6. Approved the calculation of the minimum revenue provision using Capital Financing Requirement Method (4%) for the balance of the capital financing requirement as at 31 March 2010 and for Government Supported borrowing in 2010/11 and the Depreciation Method for the balance of assets purchased in 2010/11.

10. PRINCIPAL OFFICERS' PAY AWARD/REVIEW

Chief Fire Officer's report EFA/022/10 referred to a decision by the Association of Principal Fire Officers (APFO) not to seek a national wage settlement in 2010 in light of the current financial pressures in the public sector and in recognition of a tough year ahead for fire and rescue authorities. The report advised that the Service's Management Team also believed that it would be prudent and correct to decline a locally negotiated award.

Councillor Walters said that it was a very good decision and set a good example, he said that it should be reported in the Executive Summary that had been agreed earlier in the meeting. Councillor Bentley concurred, he said that the Executive Summary should highlight that it was the second successive year that the Senior Management Team had not sought an increase in remuneration.

Councillor Aspinell asked how many Officers were affected by the decision, the Chief Fire Officer advised that it affected the senior management team (six personnel), that conditions

of service for staff lower in the chain of command were set out in the grey book, and their pay settlements were negotiated by the FBU.

Resolved:

That Members of the Essex Fire Authority endorsed the position adopted by the Service's Management Team.

11. INDUSTRIAL RELATIONS UPDATE

Chief Fire Officer's report EFA/023/10 updated Members regarding the ongoing industrial action commenced by the Fire Brigades Union.

The Chairman advised Members that he had regular briefings with the Chief Fire Officer regarding the effect of the industrial action, he had suggested the report come to the Authority with statistical data and it was his intention to convene a small cross party Task & Finish Group (T&FG) to scrutinise the financial impact and the impact on availability of the previous six months.

Councillor Johnson referred to the analysis of availability, he said that the Service was not currently where it wanted to be. The Chief Fire Officer advised that other Fire Services identified holes in crewing levels prior to start of shifts and arranged for staff to work at different stations to cover gaps, staff were remunerated for extra travelling time. DCFO Hunter advised the current system in Essex, he said that firefighters arrived at their base station at start of shift, Control telephoned all stations to identify absences and then arranged outduties/standby and ALP movements, that this took a period of time. DCFO Hunter added that prior to the industrial action firefighters would standby awaiting the next duty, the Chief Fire Officer advised that the FBU had disbarred Members from doing so during the dispute, and he explained that firefighters on outduty could return to home stations before the end of shifts, effectively taking appliances off the run.

Councillor Kent asked if there had been any major incidents when there had not been enough firefighters at the local station. DCFO Hunter advised that appliances went off the run but overall the Service had never gone below minimum crewing levels, it had capability and there was resilience within it. Councillor Kent referred to letters received from the FBU, she enquired if a fresh approach could resolve the dispute, as a forward looking Service all should work together. The Chief Fire Officer advised that in such a situation neither side ever revealed the final offer first, he said that the Service had guaranteed not to change the preferred shift system, had introduced increased training for retained personnel and agreed a further 30 areas of assurances requested by the FBU, however the FBU had not moved from its stance that no change was acceptable unless they agree it first. The Chief Fire Officer said that the FBU was seeking to have the dispute referred to the NJC, however the Service had no more ground to give, nothing was being withheld, officers had already done what the Joint Secretaries would have asked through the assurances. In the Chief Fire Officer's view the FBU should bag up all the assurances as a victory and advise their Members accordingly.

The Chief Fire Officer referred to correspondence received from the FBU that morning, he said it contained untruths:

- That personnel speaking to the press were subject to disciplinary process, the Chief Fire Officer confirmed that individuals were entitled to write to the press, however an employee of the Service writing to the press openly criticising the Fire Authority would receive management advice, but that no personnel had been subject to disciplinary process.

- That Fire Authority Members were receiving a one-sided view of the dispute. The Chief Fire Officer said that briefings from FBU meetings were sent to all Members.
- The Chief Fire Officer advised that the FBU **had** received assurances on retained staff pay and conditions
- Training for Retained Personnel – the Service **had** offered a 50% increase in training time.
- The FBU had raised issues about whole-time staff hours and pay but this was four months after the dispute had begun
- The FBU had raised issues about restructure related to consultation, the Chief Fire Officer advised that internal auditors had reviewed the system of FBU facilities, FBU representatives had accumulated some 500 hours of time off in lieu, approximately a £500k burden for the tax payer. Further FBU participation in the internal committee structure where representatives had been invited to have input on items such as the purchase of new equipment had often resulted in a protracted process delaying implementation, the Chief Fire Officer said changes enabled FBU participation to continue but reduced opportunity to draw out process. The Service continued to 50% fund a full-time FBU post in the Health & Safety department.

The Chief Fire Office advised Members that the industrial action had to date saved a significant amount of money, he said it raised questions regarding overtime payments. The Chairman advised the Authority that a tranche of the money saved had funded training.

Councillor Riley said that he supported the Chief Fire Officer's comments, he asked that Members receive again the tabulated responses to FBU issues. Councillor Riley asked Officers if the industrial action had impacted on training. The Director Workforce & Development said that it only impacted insofar as if courses overran it was an irritation to the individual who had to return to complete the course at a later date. Training for the new ALPs had not been affected.

The Chief Fire Officer highlighted an opportunity that due to ongoing industrial action Essex FBU had turned down, to assess a better level of fire kit that ten Services were working in partnership to trial before purchase.

DCFO Hunter agreed with Councillor Kent, he said Essex was a forward looking Service and inherent to being forward looking there would be problems, he added that management was looking to end the dispute and that personnel on stations were starting to see that management spoke the truth. The Chief Fire Officer was concerned that people did not appreciate the contention of the dispute, he advised Members that he had offered to hold a public and televised debate with Essex FBU leadership in front of all firefighters and officers, but his offer had been declined by the FBU if the Joint Secretaries were not invited, the FBU had further alleged the televised recording would be edited. Councillor Smith-Hughes agreed that the Service was forward looking, he said that it sought to do better, the FBU sought to ensure that nothing could be changed without its agreement, he added that disputes were to be referred to the NJC by the agreement of both parties, a dispute could not be referred because one of the parties said it did not like what the other was doing. Councillor Smith-Hughes said that the FBU saying no to doing certain tasks meant that individuals were losing money but saving the Authority money. Councillor Smith-Hughes said that he believed that the Authority was being reasonable, changes in crewing were not radical, the Service had resources but they were in the wrong place, there was nothing that the FBU was disputing which had not already been implemented by other Services.

The Vice-Chairman said that many Authority Members had received letters from members of the FBU suggesting that they did not hear the other side of the story, the Joint Consultative Committee remained in the Authority's constitution, however previously the FBU had refused to sit with other representative bodies.

Councillor Aspinell agreed that it was essential to organise a Members' T&FG without delay. The Chairman said that the FBU was the Service's workforce and both parties needed to move forward, his primary objective was to deliver a first class service to the people of Essex, he would prefer to work with the FBU. Councillor Knapman agreed that the T&FG was a good idea, he was of the view that it would probably lead him to fully support the Authority's stance but transparency would confirm that it was being totally fair, a T&FG would have an element of objectivity. Councillor Knapman added that the dispute made no sense, he could not see why the FBU was continuing with it. The Chairman said that the T&FG would be given terms of reference.

Councillor Callender asked if it was a case of a small dispute having got to a stage where the FBU had gone so far that it could not find a way out for itself. The Chief Fire Officer's view was that Councillor Callender was correct, he said that the Essex FBU had previously won disputes and therefore found it difficult to back down. Councillor McEwen said that it all appeared to be going round in circles and needed to be solved, he said that management should speak directly with uniformed personnel, he did not think the FBU representatives were looking after their Members very well. The Chief Fire Officer said that 52% had voted for the industrial action in the FBU ballot, a ballot responded to by just 45% of the workforce.

Resolved:

That Members of the Essex Fire Authority noted the report

12. STRATEGIC MANAGEMENT BOARD REVIEW

Members received Chief Fire Officer's report EFA/024/10 which provided the background to the recent restructure of the Senior Management Team.

Resolved:

That Members noted the content of the report

13. FIRECONTROL PROJECT- AGREEMENT BETWEEN LACCS AND CLG

Members considered Chief Fire Officer's report EFA/025/10 which asked Members to agree the response to questions contained in the Fire & Rescue Service Circular 73/2009, FiReControl - agreement between the Local Authority Controlled Companies/LFEPA and the CLG.

Resolved;

That Members;

1. Agreed the suggested reponse to questions contained in the recent Fire and Rescue Service Circular 73/2009 covering the proposed "agreement" to be established between the LACCs and the CLG
2. Instructed the Chief Executive to respond on behalf of the Board

14. REVIEW OF ECFRS DISCIPLINE CASES 2009

Report EFA/026/10 by the Chief Fire Officer contained information on disciplinary matters over the 12 month period January – December 2009.

In response to Councillor Barker's enquiry, the Director of Workforce & Development advised that there was no delay in availability when firefighters received a first written warning.

Resolved:

That Members noted the contents of the report.

15. ONGAR FIRE STATION

Report EFA/027/10 by Councillor Barker and the Chief Fire Officer provided the findings from a Challenge & Innovation T&FG which had reviewed the project outcomes of changing the crewing arrangements at Ongar fire station. Councillor Barker thanked officers for the large amount of data that T&FG members had been given, she said that if the Authority faced financial cuts and this action had to be repeated elsewhere it was important that the community received direct investment in community safety.

The Chairman said that he was keen to replicate the T&FG exercise in a year's time in relation to the changes in Hadleigh and Rayleigh.

Resolved:

That Members of the Essex Fire Authority noted the contents of the report and had recognition of the successful delivery of a strategic proposal which had been identified within the Integrated Risk Management Plan 2004/05 and the positive outcomes. Members noted that the proposal made by the management of the Service involved a change to local crewing arrangements and had resulted with/in many benefits for both the Service and the local Community.

16. OPERATIONAL INCIDENTS REPORT APRIL TO NOVEMBER 2009

Chief Fire Officer's report EFA/028/10 provided Members with information on the number and type of operational incidents that the Service had attended from April to November 2009.

Councillor Riley was of the view that the report's contents demonstrated the importance of community safety work.

Councillor Bentley said that the report was excellent, he asked how roadworks affected the Service's response. DCFO Hunter advised that Highways communicated planned roadworks to the Service and that jointly emergency services pre-arranged systems of work, further he highlighted the importance of skilled Service drivers. Councillor Aspinell spoke of a presentation at Brentwood Council by the Highways Agency, he suggested that the emergency services made joint presentations with the Highways agency at area forums.

Resolved:

That Members noted the contents of the report

17. YOUNG ESSEX ASSEMBLY

Chief Fire Officer's report EFA/029/10 informed Members of further developments in the engagement with young people, combined with the Service's continued efforts to reduce the impact of Road Traffic Collisions on the young people of Essex.

The Chairman advised an invitation to a symposium event on 23 February 2010 at Towerlands, Braintree.

Councillor Barker said that the Young Essex Assembly was a very good item to appear on young people's portfolio for university.

Councillor Smith-Hughes and Councillor Bentley both agreed that the report was a good news story.

Councillor McEwen advised that he had launched the Young Essex Assembly when he was Chairman of Essex County Council; that it was pleasing to see an aspect of it at the Fire Authority and to be applauded.

Resolved:

That Members;

1. Noted the contents of the report and
2. Would continue support for our partnership work, in helping to keep the young people of Essex safe.

18. REPORT TO CONSTITUENT AUTHORITIES

Resolved:

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

- Budget 2010-11

19. EXCLUSION OF THE PUBLIC

That the public (including the Press) be excluded from the meeting during consideration of minute no. 20 on the grounds that it involved the likely disclosure of exempt information as specified in paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972.

20. ANY OTHER PART 2 BUSINESS

Any Other Business (Part II)

The Chief Fire Officer brought to Members' attention that offensive and defamatory material was being circulated, aimed at members of the Service's Management Team. Members were unanimous in denouncing this conduct which could amount to gross misconduct if it was proved to be carried out by an employee. The Chief Fire Officer undertook to write to Matt Wrack, FBU General Secretary with the Authority's full support in relation to the employment law aspect.

Signed
Chairman, 21 April 2010

