

MINUTES OF A MEETING OF THE EXECUTIVE COMMITTEE OF BEDFORDSHIRE FIRE AND RESCUE AUTHORITY
HELD AT FIRE AND RESCUE HEADQUARTERS ON 7 OCTOBER 2021 AT 10am

Present: Councillors J Chatterley (Chair), K Choudhury and D McVicar
CFO A Hopkinson, Mr J Atkinson and ACO G Chambers
Councillor Headley, Ms S Fecondi and Mrs S Green were present via Teams

15. Apologies

15.1 An apology for absence was received from Councillor Y Waheed.

16. Declaration of Disclosable Pecuniary and Other Interests

16.1 There were no declarations of interests.

17. Communications

17.1 The Chair advised that, as was his usual practice, he continued to circulate all communications to Members of the Authority via email.

17.2 The Chair reported that he had received an anonymous complaint regarding the conduct of an Officer in the Service and this had been forwarded to the Monitoring Officer for further advice.

17.3 Communications had also been received in relation to the Green Book pay award, a letter from the Policing and Fire Services Minister, a letter from HMICFRS on marauding terrorist attack capability and an update on the Emergency Services Network (ESN).

- 17.4 The Chief Fire Officer reported that the transfer from Airwave to the ESN had resulted in an additional £2 million cost which the Home Office was unwilling to fund and would therefore be divided amongst the 43 Fire and Rescue Services. The cost to this Service was not yet known.
- 17.5 In relation to the recommendations arising from the Grenfell Tower Inquiry, the Minister had indicated that a RAG system would be implemented to demonstrate the progress made by Fire and Rescue Services throughout the country in implementing the recommendations. Internal reviews had indicated that this Service had made good progress and a report would be presented to a future meeting of the Authority regarding this.
- 17.6 A public letter had been issued by the Chief Inspector of HMICFRS commenting on proposals by the London Fire Brigade and Greater Manchester Fire and Rescue Service to provide a 2% uplift in pay to firefighters undertaking duties relating to marauding terrorist attacks. The view of the Chief Inspector was that all firefighters should receive a standard level of training on responding to such incidents, as it could be the Fire and Rescue Service was the first service arriving at the scene of the incident and, as such, this should be part of their duties for which they were already being paid.
- 17.7 It was noted that the pre-publication report of the HMICFRS inspection was still awaited.

18. Minutes

RESOLVED:

That the Minutes of the meeting held on 15 July 2021 be confirmed as a true record.

19. Public Participation

- 19.1 Members noted that no questions had been received in accordance with the public participation scheme approved at the meeting of the Fire and Rescue Authority held on 5 April 2000 (Minute 99/fa/94 refers).

20. Scheme of Delegation Review

- 20.1 The Chief Fire Officer submitted his report requesting Executive Members to provide a basis upon which to commence discussions on the scope and timeline for a review of the Scheme of Delegations to the Chief Fire Officer and its Officers. The Scheme of Delegation was structured as follows: Part 1 – ‘Delegation of Powers to the Chief Fire Officer’; Part 2 – ‘General Delegations to the Chief Fire Officer’ (Fire Service Issues, Land, Personnel & General); Part 3 – ‘Delegation to Other Officers of the Fire and Rescue Authority’; and Part 4 – ‘Treasurer’.

- 20.2 The Chair suggested that, as it was common practice for such schemes to be reviewed on an annual or biannual basis at local authority level, it was right that the Executive should request a regular review of the Scheme of Delegation.
- 20.3 Councillor Headley requested that Part 4 be updated to include the powers and responsibilities delegated to the Treasurer. He also requested clarification of delegations to the Chief Fire Officer under the Fire Services Act 2004 and how this was worded in other Authorities' Schemes of Delegation.
- 20.4 The Chief Fire Officer circulated additional information on duties under the Fire Services Act 2004.
- 20.5 Mr J Atkinson, the Secretary and Monitoring Officer advised that the Scheme of Delegation had last been reviewed in 2016. At that time, it was agreed that the Scheme reached the correct balance between broad delegations, which allowed the Chief Fire Officer to have operational control and overall management of the Service, with specific delegations relating to particular matters.
- 20.6 Councillor Choudhury emphasised the importance of a system of checks and balances and expressed the view that it was the role of the Authority Members to hold the Chief Fire Officer to account.
- 20.7 In response to a comment from Councillor McVicar, it was noted that the Secretary and Monitoring Officer roles were both undertaken by the same individual and that it may be prudent to remove Secretary from the post title to avoid confusion.

RESOLVED:

That the Monitoring Officer be asked to undertake a review of the Scheme of Delegation, with particular focus on the delegations to the Chief Fire Officer under the Fire Services Act 2004 and the delegations to the Treasurer as set out in Part 4, and report back to a future meeting of the Executive Committee.

21. Home Office Immediate Detriment Guidance Update

- 21.1 The Chief Fire Officer introduced a report providing an update on the guidance released by the Home Office in respect of immediate detriment. The latest informal guidance proposed a methodology for removing the age discrimination suffered by some Firefighters who were members of the 1992 or 2006 Firefighter Pension Scheme (FPS) when the Government introduced public sector pension changes on 1 April 2015.

- 21.2 Having carefully balanced the risks and benefits of applying the informal guidance, the report recommended an approach that would allow eligible Firefighter Pension Scheme members, due to retire before October 2023, a choice of retiring under their legacy pension scheme regulations. Each case would be assessed and signed off by the Assistant Chief Officer.
- 21.3 Due to the change in guidance, the recommendation set out in (d) of the report to include within the proposals to the Local Pension Board the agreement to offer those members who have yet to lose their tapered protection the option to remain within their legacy scheme if they so chose, was no longer required.
- 21.4 There were currently 8 individuals in the Service that were deemed to be Immediate Detriment cases (likely to retire before October 2023) with one of those being eligible to retire during October 2021.
- 21.5 The Chief Fire Officer advised that one complaint had been submitted via the Internal Disputes Resolution process. This may result in appeal to a Member panel.
- 21.5 The Voluntary Scheme Pays Policy would need to be updated if the proposals were agreed.
- 21.6 In response to questions about the Local Pension Board, the Executive was advised that the Board's role was to scrutinise the proposals. The implementation of the proposals, if agreed, would be conducted internally, with the Assistant Chief Officer responsible for making decisions on a case by case basis.
- 21.7 Both Ms S Fecondi and Mrs S Green supported the proposals.

RESOLVED:

- 1. That the report and supporting appendices be noted, giving particular note to the risks and benefits identified.
- 2. That the Chief Fire Officer be supported to progress proposals to enable the Authority to implement the updated HO Immediate Detriment informal guidance and offer those FPS members in scope a choice of retiring under their legacy scheme regulations provided that any member who wished to take up this option in advance of the required additional guidance(s) becoming available, must sign a personal 'waiver statement' to acknowledge they understand the risks involved.
- 3. That the Chief Fire Officer submit the final proposals to the FPS Local Pension Board for review and sign off.
- 4. That the Chief Fire Officer be authorised to sign the administrative waiver required by the Authority's pensions administrator, Local Pensions Partnership Administration Limited (LPPA).

22. Portfolio Lead Updates

- 22.1 The Chief Fire Officer suggested that each Portfolio Lead be given a five minute slot at full Authority meetings to provide an update on their Portfolio areas. A brief slideshow could be prepared by the Lead Officer to assist. It was hoped that these could form the basis of additional information to provide to the constituent authorities along with the Record of Decisions and Information Bulletin.
- 22.2 In response to a comment about the number of Blue Light Collaboration Board meetings that had been cancelled, the Chief Fire Officer provided an update on discussions that had taken place at and after the recent Bedfordshire Chief Executives Forum and with the new Police and Crime Commissioner for Bedfordshire. There was a renewed emphasis to work more closely together.

RESOLVED:

That it be agreed that Portfolio Leads be given a five minute slot at full Authority meetings to provide an update on their areas of responsibility.

23. Work Programme

- 23.1 The Executive received its updated work programme.
- 23.2 It was agreed to receive the outcome of the Monitoring Officer's review of the schemes of delegation at the 20 January 2022 meeting of the Committee.
- 23.3 The Chief Fire Officer suggested that the Executive may wish to discuss any implications of the forthcoming White Paper prior to the submission of a report to the full Authority.

RESOLVED:

1. That the Work Programme be received and the cyclical agenda items be noted.
2. That the outcome of the Monitoring Officer's review of the scheme(s) of delegation be added to the Work Programme for the 20 January 2022 meeting.

24. Local Government Act 1972, Schedule 12A, Paragraph 1 of Part 1: Exclusion of the Public

RESOLVED:

That, pursuant to Sections 100A(2) and 100A(4) of the Local Government Act 1972, the public be excluded from the discussion of the following item on the grounds that the matters to be discussed involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act (as amended):

Item

Abatement Discussion

The meeting closed at 11.02 am