

**MINUTES OF A MEETING OF THE EXECUTIVE COMMITTEE OF BEDFORDSHIRE FIRE AND RESCUE AUTHORITY
HELD AT FIRE AND RESCUE HEADQUARTERS ON 11 OCTOBER 2022 AT 9.30 AM**

Present: Councillors P Duckett (Chair), J Chatterley, K Choudhury, M Headley and Y Waheed
CFO A Hopkinson, DCFO C Bigland, ACFO A Kibblewhite, ACO G Chambers, Mr G Britten and Mr S Frank
Ms S Fecondi and Ms S Green were present via Teams for Minute No. 21

13. Apologies

13.1 There were no apologies.

14. Declaration of Disclosable Pecuniary and Other Interests

14.1 There were no declarations of interests.

15. Communications

15.1 The Chair advised that a meeting with the Police and Crime Commissioner would take place later on that day. Topics for discussion included the Estates Strategy and the use of Toddington Community Fire Station.

15.2 The Chief Fire Officer reported that he had attended the national BA competition at the Fire Services College on 8 October 2022. The Service had come in seventh out of twenty-three services and there had been many learning points.

15.3 Open Days were going to be held at Harrold Community Fire Station on 15 October 2022 and Toddington Community Fire Station on 16 October 2022.

16. Minutes

RESOLVED:

That the Minutes of the meeting held on 22 June 2022 be confirmed as a true record.

17. Public Participation

17.1 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).

18. LGA Independent Review of Governance Update

18.1 The Chief Fire Officer provided a summary of the main points that had emerged from the governance session and workshop that had taken place the previous week. A roadmap would be produced and submitted to the next meeting of the full Authority on 31 October 2022. A copy of the slideshow presented by the LGA would be circulated to Members for information.

18.2 Areas to be progressed included: clarifying the role of the Monitoring Officer, strengthening the oversight and scrutiny function, considering extending the tenure of the Executive Chair to provide greater continuity, providing a clear CPD programme for Members, including induction programmes for Members newly appointed to the Authority, and redefining and clarifying the role of Executive Lead Members.

18.3 Areas of good practice had also been identified, including the content of the Member Handbook.

18.4 Members discussed how the scrutiny role could be strengthened. The only Members who did not have Executive responsibilities were those who sat on the Audit and Standards Committee. This Committee was also a decision making body so it would not be appropriate to add the scrutiny function to this Committee's terms of reference. However, the Members of the Committee could sit on a separate Scrutiny Committee to undertake this role.

18.5 Arising from the afternoon session, the Chief Fire Officer reported that a very experienced individual had been appointed to the Performance & Insight Manager post, and would help shape a new team to lead in this area.

18.6 The provision of a joint training centre was being progressed with Buckinghamshire and Northamptonshire Fire and Rescue Services, with the expectation that the facility would be made available, at cost, to other blue light partners.

- 18.7 In relation to the discussion around workshops, the Chief Fire Officer invited Members to visit the workshop at Headquarters at the end of the meeting so that Members could view the level of investment required. Work around the three station sites discussed was also being progressed.

RESOLVED:

That the update be received.

19. Community Risk Management Plan (CRMP) Update

- 19.1 It was noted that proposed Community Risk Management Plan (CRMP) consultation questions would be presented to Members at the next Authority meeting, with a draft version of the CRMP being submitted to the meeting of the Authority in December, with a view to the final version being presented in February 2023 for adoption.
- 19.2 The Assistant Chief Officer and Treasurer provided an update on the slightly different approach being taken to the budget-setting process for 2023/24, with all revenue and capital bids being analysed by the Corporate Management Team before they were presented to Members at the forthcoming Member Budget Workshops. There would be a particular focus on income generation, as there were fewer opportunities for savings and efficiencies as most of these had already been explored and/or implemented. There was a possibility that the Government would mandate reductions in funding across the public sector in its next budget announcement.

RESOLVED:

That the update be received.

20. Response Standards – Options for Developing a Framework for Discussion

- 20.1 Members considered a report on how best to scrutinise the performance indicators relating to the Authority's emergency response standards.
- 20.2 It was proposed that, in light of the ongoing governance review, and as the Authority did not currently have an agreed call-in process, a Task and Finish Group be constituted of non-Executive Members of the Audit and Standards Committee to undertake a deep dive of performance. This would most likely involve inviting the relevant Portfolio Lead, Councillor Chatterley, and senior Officers to produce a detailed report with a number of options for the Task and Finish Group to consider, ensuring that the scoping questions contained within the report were responded to.

- 20.3 It was noted that Task and Finish Groups could meet informally and would not be subject to the requirements of the Local Government Act 1972, with the findings of the Task and Finish Group would be presented to the full Authority.
- 20.4 Members considered the current roles of the Portfolio Leads and the Chair, recognising that these were different than those of the constituent authorities and other Fire and Rescue Services that were not combined authorities. Concentrating the power in the position of an Executive Chair, as proposed in the White Paper, was more difficult in combined authorities and would require a concerted effort of the part of the Chair to liaise with all constituent authorities.
- 20.5 It was agreed that a hybrid of Option 2 and 3 be presented as the way forward to Members at the meeting of the Authority on 31 October 2022, and it was suggested that the Chair may wish to brief non-Executive Members prior to that meeting.

RESOLVED:

That the contents of the report be received and that Members of the Audit and Standards Committee be asked to appoint a Task and Finish Group to undertake the 'performance call-in' of service performance against the Authority's emergency response standards.

21. Pensions Immediate Detriment Update

- 21.1 The Assistant Chief Fire Officer introduced a report providing an update and seeking agreement from Members on the way forward following developments since the meeting of the Executive in May 2022, concerning the treatment of Firefighters' Pension Scheme members who had (or would) suffer an "Immediate Detriment" by reason of their retirement (or impending retirement), following the decision made by the Court of Appeal on 20 December 2018 and the Employment Appeal Tribunal on 12 February 2021. The current position was that Immediate Detriment was not being applied within the Service.
- 21.2 Additional guidance had been issued on 30 September 2022 following the preparation of the report and the view was expressed that a decision could not be made at the meeting. It was proposed that a further report be presented to the next meeting of the Executive and any decisions made could then be submitted to the meeting of the full Authority in December 2022. This report would include updated calculations. The cost of processing Immediate Detriment claims was estimated to be between £1200-1500 each.
- 21.3 The Assistant Chief Officer and Treasurer reported that the guidance appeared to mitigate against the risks of contribution refunds.

- 21.4 In response to a question, Ms Green advised that Category 1 related to all members of the relevant Pension Scheme members who were due to retire up to October 2023 (of which there were currently 9) and Category 2 related to members who had already retired. The remedy period was from 2015, when the new Pension Scheme was introduced, to 2022. For this period of time, members were able to choose which Pension Scheme, the 1992 scheme or 2015 scheme, would be more financially advantageous for them. If this was the 1992 scheme, the contributions that had been made into the 2015 scheme would be refunded and the member would be expected to make the contributions for the 1992 scheme. It was this risk, that the Service may need to cover the cost of if a member did not make the contributions, that appeared to be mitigated in the most recently issued guidance.
- 21.5 There was also the issue of unauthorised payment charges, for which the Service would be liable, and other additional tax charges that would have to be taken into account by both the Service and the individuals concerned. A judgement from a case that had been submitted by a Category 2 member in Manchester to the Pensions Ombudsman was awaited as this may provide additional clarity.
- 21.6 The Service was one of several that was listed as a respondent to a claim put forward by the FBU on behalf of 750 members. Ms S Fecondi, the Head of Human Resources, advised that the case had been stayed, with no further action being taken until November 2022. As the response was being co-ordinated by the Local Government Association (LGA), she would chase the LGA for an update.
- 21.7 The Assistant Chief Officer and Treasurer added that Immediate Detriment was being discussed at the Annual Fire Finance Conference he was attending the following day, with a presentation being given by the Fire Pensions Adviser.
- 21.8 In response to a suggestion that external legal advice should be sought, Mr G Britten, the Monitoring Officer, advised that he was aware that other Fire and Rescue Services had obtained legal advice in relation to the application of Immediate Detriment and, as Bedfordshire was named as a respondent in a claim, obtaining legal advice could be considered subject to discussions with the Chair, the Assistant Chief Officer and the Chief Fire Officer.
- 21.9 It was agreed that a briefing should be provided to Members prior to the next meeting of the Executive, for Members to be fully briefed on the issue before having to make a decision.

RESOLVED:

1. That the report and the implications and risks associated with adopting the LGA/FBU Immediate Detriment Framework be noted.

2. That a decision as to whether to apply Immediate Detriment within Bedfordshire Fire and Rescue Service be deferred.
3. That the principle of obtaining external legal advice on the application of Immediate Detriment be agreed.
22. Targeted Use of Abatement
 - 22.1 The Assistant Chief Fire Officer presented a report proposing the potential targeted application of the Abatement and Re-engagement Policy to re-engage to roles that had proven hard to fill due to the specialist skills and experience required, the length of time it took to develop them, and the limited numbers available to recruit from in the market.
 - 22.2 Members were advised that the Abatement and Re-engagement Policy had been updated and this had been approved by the Audit and Standards Committee, noting that this would have to be ratified by the full Authority at its next meeting. This clearly set out the processes to be followed when re-engaging previous members of staff. This would primarily relate to on-call roles, or areas of specialist skill such as Fire Safety and driver training. Abatement did not apply to the 2015 Firefighter's Pension Scheme.
 - 22.3 The Chief Fire Officer referred to the commutation scheme that was now in operation in Scotland whereby the cap on lump sums had been increased for those who retired early and the impacts that this may have on the Service.
 - 22.4 Members were supportive of the targeted use of abatement, recognising the difficulties in recruiting and retaining qualified and experienced staff. The potential cost savings were also recognised, as the Service would only have to pay the part of the salary that was not abated.
 - 22.5 In response to a question, the Assistant Chief Officer and Treasurer advised that the Audit and Standards Committee had added clarification to the Abatement and Re-engagement Policy so that it was the final permanent salary that was used in the abatement calculations.

RESOLVED:

That the targeted use of the Abatement and Re-engagement Policy for roles that prove hard to fill due to the specialist skills and experience required and the time it takes to develop them be approved.

23. Work Programme

- 23.1 The Executive received its updated work programme.

23.2 It was noted that the results of the scrutiny exercise would be reported back at a future meeting. The newly appointed Business Manager would be populating the remaining meetings with appropriate items following the previous week's workshop session.

RESOLVED:

That the Work Programme be received and the cyclical agenda items be noted.

24. Local Government Act 1972, Schedule 12A, Paragraphs 4 and 5 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 items on the grounds that the matters to be discussed involve the likely disclosure of exempt information as defined in Paragraphs 4 and 5 of Part 1 of Schedule 12A to the Act (as amended):

Item

24. Legal Challenge to EEAST Collaboration

The meeting closed at 11.26 am