

MINUTES OF FIRE AND RESCUE AUTHORITY MEETING HELD ON 6 JUNE 2019

Present: Councillors C Atkins, R Berry, J Chatterley (Chair), K Choudhry, P Duckett, J Gambold, M Headley, D McVicar, K Malik, I Shingler and Y Waheed

CFO P Fuller, DCFO A Hopkinson and ACO G Chambers and Mr J Atkinson

19-20/FRA/1 Apologies

An apology for absence was received from Councillor Franks.

19-20/FRA/2 Membership

The Secretary and Monitoring Officer advised that the following five new Members had been appointed to the Authority: Councillors Gambold (Bedford Borough Council), Berry and Shingler (Central Bedfordshire Council) and Choudhry and Malik (Luton Borough Council).

The new Members were welcomed to the Authority.

19-20/FRA/3 Election of Chair 2019/20

In accordance with the Authority's Standing Orders, the Secretary and Monitoring Officer presided over the election of Chair.

Councillor Chatterley was nominated by Councillor Atkins and seconded by Councillor Duckett. There were no other nominations.

RESOLVED:

That Councillor Chatterley be elected Chair of the Fire and Rescue Authority for 2019/20.

19-20/FRA/4 Election of Vice Chair 2019/20

Councillor Waheed was nominated by Councillor Atkins and seconded by Councillor Choudhry. There were no other nominations.

RESOLVED:

That Councillor Waheed be elected Vice-Chair of the Fire and Rescue Authority for 2019/20.

(Note: Councillor Berry left the meeting at the conclusion of this item.)

19-20/FRA/5 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary and other interests.

19-20/FRA/6 Communications

Letter from the Director of Fire and Resilience

A letter had been received from the new Director of Fire and Resilience, Luke Edwards, on the next stage of the spending review. A positive reference to the Fire and Rescue Indemnity Company (FRIC), of which the Authority was a founding member, had been included in the letter and it was suggested that this would lead to additional Fire and Rescue Authorities joining the company.

Trip to Kenya

Members had received an email from the previous Chair of the Fire and Rescue Authority, former Councillor Paul Downing, regarding the trip to Kenya. An update would be submitted to a future meeting of the Authority.

Royal Garden Party

The Deputy Chief Fire Officer had attended the Royal Garden Party on behalf of the Authority. It was noted that, if all Principal Officers had been given the opportunity to attend, the longest serving member of staff was nominated to represent the Authority at the event.

Appointment of Chief Constable

The Chief Fire Officer had been involved in the selection process for the appointment of the new Chief Constable. Deputy Chief Constable Garry Forsyth had been appointed.

Cheering Volunteering

The Chief Fire Officer had attended the "Cheering Volunteering" Awards at Central Bedfordshire Council on 4 June 2019. The Chair and Councillor McVicar had also been present at the event.

The Chief Fire Officer referred to an organisation called "Youth Voice" that was raising awareness about young people affected by knife crime.

Police Service Awards

The Chief Fire Officer had presented an award at the annual Police Service Awards held on 5 June 2019. Councillor Atkins was also present at the event.

Amphill Community Fire Station Open Day

The Amphill Community Fire Station Open Day had been held on 1 June 2019. Over £2000 had been raised for the Firefighter's Charity.

Luton Carnival

The Service had entered a float into the Luton Carnival.

19-20/FRA/7 Minutes

RESOLVED:

That the Minutes of the meeting held on 28 March 2019 be confirmed as a true record.

19-20/FRA/8 Public Participation

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).

19-20/FRA/9 Executive Committee 4 February 2019

Members received the Minutes of the meeting of the Executive Committee held on 4 February 2019 for information.

RESOLVED:

That the Minutes of the meeting of the Executive Committee held on 4 February 2019 be received.

19-20/FRA/10 Governance Review, Appointment of Committees and Other Groups

The Secretary and Monitoring Officer introduced his report requesting the Authority to make arrangements for decision making between meetings and to appoint Members to the Audit and Standards Committee, to represent the Authority on Strategic Partnerships and the Blue Light Collaboration Group and for reporting to the Constituent Councils.

In response to a question, the Secretary and Monitoring Officer confirmed that the terms of reference did not prohibit the Chair and Vice-Chair from sitting on the Audit and Standards Committee, although it would not be appropriate for them to hold the positions of Chair or Vice-Chair.

The structure of Policy and Challenge Groups would be discussed at the Member Development Day with a view to submitting a report to the next Authority meeting on 18 July 2019 and making appointments to those Groups at that time.

It was suggested and agreed that the arrangements be amended from those set out in the report to appoint three Members, one from each Constituent Council, to sit on an interim Executive with the Chair and Vice-Chair in the period until the Executive is appointed at the next Authority meeting.

RESOLVED:

1. That Councillors Chatterley, Duckett, Gambold, Headley, Malik and Waheed be appointed to the Audit and Standards Committee for 2019/20.
2. That Councillor Headley be appointed as Chair of the Audit and Standards Committee in 2019/20.
3. That decisions taken in between times, pending the appointment of an Executive Committee, be taken by the Chief Fire Officer in consultation with the Chair, Vice Chair and Councillors Atkins, Malik and McVicar.
4. That Councillors Atkins, Malik and McVicar be appointed to the Local Strategic Partnerships for 2019/20.
5. That Councillor McVicar be appointed as the Member representative for 2019/20 on the Blue Light Collaboration Group;
6. That Councillors Chatterley, Gambold and Waheed be authorised to report to their respective Constituent Council on the meetings of the Fire and Rescue Authority for 2019/20.

19-20/FRA/11 Representation on Local Government Association (LGA) Matters

The Secretary and Monitoring Officer introduced his report on the appointment of representatives to serve on Local Government Association (LGA) groups and to consider representation at the LGA Annual Fire Conference in March 2020.

RESOLVED:

1. That the Chair, Vice Chair, Councillor Atkins and Councillor McVicar be appointed to serve on the LGA General Assembly.
2. That the Chair be appointed as the Fire and Rescue Authority's representative on the LGA Fire Services Commission.
3. That the Chair, Vice Chair and Chief Fire Officer attend the LGA Annual Fire Conference on behalf of the Fire and Rescue Authority in March 2020.

19-20/FRA/12 Member Development

The Chief Fire Officer presented his report on the arrangements for Member development, including station visits, in 2019/20. He reminded Members that they were able to request items for discussion at the Member Development Days on 2 July 2019 and 29 October 2019.

It was agreed that all reports relating to the governance review be circulated to new Members of the Authority for information prior to the Member Development Day on 2 July 2019.

Consideration would also need to be given to attendance at the annual full Combined Fire Authorities' conference which was being held in Milton Keynes on 10 October 2019. As in the past, it was suggested that all Members were given the opportunity to attend the day event, with the Chair and Vice Chair nominated to attend the whole event.

RESOLVED:

1. That the arrangements for Member development in 2019/20 be confirmed.
2. That Councillors Berry, Choudhry, Gambold, Malik and Shingler be nominated to attend the LGA Fire Leadership Essentials Programme.
3. That the Chair and Vice Chair be nominated to represent the Authority at the full Combined Fire Authorities' conference in Milton Keynes on 10 October 2019 with all Members being given the opportunity to attend the day event.

19-20/FRA/13 Information Bulletin

Members received the information bulletin for 1 January to 31 March 2019.

The Chief Fire Officer reported that, in addition to the information bulletin and the blue bulletin, Members were also provided with a daily incident report via email. As Members had confirmed the value of receiving this information, the Chief Fire Officer advised that Members would continue to be advised of incidents but that the format may change.

In response to a question from the Chair on establishment numbers, the Chief Fire Officer advised that the staffing profile was actively managed and reviewed on a monthly basis. The numbers had decreased slightly in anticipation of the recruitment programme that would conclude in the Autumn.

The Chief Fire Officer also reported on a body recovery from the River Ouse that had been carried out by Bedfordshire Police using equipment installed by the Fire and Rescue Service.

Councillor McVicar suggested that a Member visit to the Fire Services College be arranged to coincide with the training of the new recruits.

RESOLVED:

That the information bulletin be received.

19-20/FRA/14 Audit and Standards Committee 12 April 2019

In discussing whether to pass the following resolution, Councillor Headley requested that his vote against excluding the public be recorded.

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 Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act (as amended)

Members received the Minutes of the meeting of the Audit and Standards Committee held on 12 April 2019, along with the report submitted to that meeting and a statement prepared in consultation with the Chief Fire Officer and the external auditor following the meeting of the Committee.

The Secretary and Monitoring Officer reported that, at the request of the Committee, a meeting had been arranged between the Executive and the Chief Fire Officer to discuss this matter. Arising from this meeting, a statement had been produced for publication. This statement had been discussed with the Chief Fire Officer and the external auditor who had agreed its terms.

The Chair advised that the Audit and Standards Committee had been considering the issue for some months and that the new Members on the Authority had not been provided with the historical documentation relating to the investigation. It was acknowledged that this placed new Members of the Authority in a difficult situation, as they were being asked to make a decision without full knowledge of the background. However, given the length of time that had passed since the first consideration of this matter, Members agreed that they wished to reach a conclusion at this meeting.

As the Chair of the Audit and Standards Committee, Councillor Headley introduced the Minutes and expressed his disappointment in the statement that had been produced and queried why the Authority was not being asked to approve the report agreed by the Committee for external publication. He expressed the view that, whilst the decisions made were marginally legal, it could be that, after ratifying the decisions that had been made in 2010 and 2012, the Authority may wish to seek to negotiate future arrangements with the Chief Fire Officer, taking into account the Government guidance on the abatement of pensions.

Members had a lengthy discussion about the implications of pursuing various courses of action, including whether the Authority could be

vulnerable to a claim of unfair dismissal and its duty of care as an employer, as well as the governance failings which had led to the decisions being taken at that time and the measures that had since been put in place to improve the governance and decision making of the Authority, including the establishment of the Executive as a formal committee and the arrangements for recording decisions taken by the Executive Committee.

RESOLVED:

1. That the following past decisions of the Authority be acknowledged:
 - a. the decision taken by the Chair of the Authority (with the support of the Executive) to use the pensionable salary received by the Chief Fire Officer during his last full year of service as the basis for abating his pension when he retired and was re-engaged in February 2010.
 - b. the decision taken by the Chair of the Authority on 30 May 2012 (supported by the Executive and with the agreement of the Chief Fire Officer) to extend his fixed-term contract and apply abatement to the Chief Fire Officer's salary rather than his pension.
2. That the report prepared by the Secretary and Monitoring Officer for the meeting of the Audit and Standards Committee on 12 April 2019 be approved for publication, along with the statement regarding the pensions investigation that was agreed with the Chief Fire Officer.
3. That the Minute of this discussion be made public.

(Note: The Chief Fire Officer was not present during the consideration of this item).

The meeting ended at 12:42 pm