

**BEDFORDSHIRE AND LUTON COMBINED FIRE AUTHORITY**

**9 June 2008**

**PRESENT**

Councillors: R Baker BEM, A Carter, R Davies, A Duggan, M Riaz, D Ross, J Saunders, I Shingler, J Street and S Timoney.

**08-09/fa/001 MEMBERSHIP**

The Secretary formally advised the meeting that Councillor L Singh had been replaced by Councillor N Bullock. In his absence, Members looked forward to welcoming Councillor Bullock to the Fire Authority.

**08-09/fa/002 APOLOGIES**

Councillor Gwynne-Jones had tendered his apologies.

**08-09/fa/003 ELECTION OF CHAIRMAN**

Councillor Baker was elected to preside over this item.

Councillor Duggan was proposed, seconded, and duly elected as Chairman of the Fire Authority.

Councillor Duggan expressed his gratitude for the support given to him in the past year by the Vice Chair, Members and Officers of the Fire Authority.

**RESOLVED:**

That Councillor A Duggan be elected as Chairman of the Fire Authority for the ensuing year.

**08-09/fa/004 ELECTION OF VICE CHAIRMAN**

Councillor Timoney was proposed, seconded, and duly elected as Vice Chairman of the Fire Authority.

Councillor Timoney thanked Members for their support.

**RESOLVED:**

That Councillor Timoney be elected as Vice Chairman of the Fire Authority for the ensuing year.

**08-09/fa/005 COMMUNICATIONS**

The Chairman welcomed Mr. George Dykes, Standards Committee Co-opted Member, who attended the meeting as an observer.

**The Fire and Rescue Service Equality and Diversity Awards 2008**

The Chairman advised of success in the CLG Fire and Rescue Service Equality and Diversity Awards 2008 presented by Fire Minister Parmjit Dhanda.

*Partnership Working - Runners up*

1. Chief Fire Officer Paul Fuller for Bedfordshire and Luton Fire and Rescue Service and Tanja Kuveljic, Managing Director, for b-live.

This project used new technology to engage with young, diverse groups, especially women and ethnic minorities. A business and on-line social networking website helped tap into the 'new generation' and helped raise awareness.

2. Firefighter Danny Roberts, Bedfordshire and Luton Fire and Rescue Service.

Firefighter Roberts had set up sport based work with disabled students with the aim of filtering the fire safety message to a much wider audience. It showed how people from an "at risk" group could be fully engaged by the Fire and Rescue Service (FRS), get involved and at the same time have fun.

*Leadership (Team Award) - Winner*

Lesbian, Gay, Bisexual and Transgender (LGBT) Support Group: Patrick Carberry, Bedfordshire and Luton Fire and Rescue Service.

Starting as a network group 15 years ago it had established itself as the only national organisation which campaigns for LGBT rights in the fire service; working closely with the government and all the UK's fire authorities.

**UNISON**

Chief Fire Officer Fuller advised he had received a letter from UNISON advising of their intention to hold a ballot of their members for industrial action in support of their pay claim.

**Special Fire Authority Meeting: 30 June 2008**

The Chairman reminded Members of the meeting of the Fire Authority to be held at Fire and Rescue Headquarters at 10.30am on 30 June 2008 to approve the Authority's Statement of Accounts for 2007/08.

**Fire Safety in Schools**

It was agreed that the presentation at Item No 9 be deferred until after consideration of Item No 23 on the Agenda.

**08-09/fa/006 DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS**

The Chairman declared a personal interest in Agenda Item No 23 (St. John's Ambulance Accommodation) as he was a Divisional President for Ampthill and Flitwick.

**08-09/fa/007 MINUTES**

**RESOLVED:**

That, the minutes of the meeting of the Fire Authority held on 11 April 2008 be confirmed and signed as a true record.

**08-09/fa/008 PUBLIC PARTICIPATION**

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

### **08-09/fa/009 LOCAL GOVERNMENT REORGANISATION**

The Bedfordshire (Structural Change) Order 2008 replaced Bedfordshire County Council with two unitary authorities - Bedford and Central Bedfordshire.

Under the Order, current County Councillors would cease to hold office from 1 April 2009 and, as a consequence, cease to be Members of the Fire Authority, Standards Committee and Scrutiny Groups. Unless Communities and Local Government were to make transitional arrangements, these Members would also cease to be representatives of the Fire Authority on other bodies, such as the Regional Management Board, etc.

The final meeting of the Fire Authority in 2008/09 was scheduled to be held on 17 April 2009, and Members considered whether to bring this forward to a date in March 2009.

#### **RESOLVED:**

That the final meeting of the Fire Authority in 2008/09 scheduled on 17 April 2009 be cancelled and replaced by a meeting to be held at Fire and Rescue Service Headquarters at 2.30 pm on 27 March 2009.

### **08-09/fa/010 AUTHORISATION OF MEMBERS TO REPORT TO THE CONSTITUENT AUTHORITIES ON MEETINGS OF THE FIRE AUTHORITY**

#### **RESOLVED:**

That Councillors Duggan and Timoney be authorised to report to their Constituent Authorities (Bedfordshire County Council and Luton Borough Council respectively) on the meetings of the Fire Authority.

### **08-09/fa/011 DECISION MAKING BETWEEN MEETINGS, BRIEFINGS, ETC.**

#### **RESOLVED:**

That, the Chairman, Vice Chair and the Scrutiny Group Chairs be authorised for the purposes of decision making between meetings, involvement in briefings, Selection Panels and other related matters.

### **08-09/fa/012 EAST OF ENGLAND REGIONAL MANAGEMENT BOARD JOINT COMMITTEE - REPRESENTATION ON JOINT COMMITTEE 2008/09**

The Authority considered a report by the Secretary/Monitoring Officer on the appointment of representatives to serve on the East of England Regional Management Board - Joint Committee.

#### **RESOLVED:**

That the Chairman and Vice Chairman of the Fire Authority be appointed as the Authority's Members of the East of England Regional Management Board, with Councillor Saunders as a named substitute.

### **08-09/fa/013 REPRESENTATION ON STANDARDS COMMITTEE, SCRUTINY GROUPS AND LOCAL STRATEGIC PARTNERSHIPS 2008/09**

The Combined Fire Authority considered a report on representation on the Standards Committee, the various Scrutiny Groups of the Authority and Local Strategic Partnerships for 2008/09.

**RESOLVED:**

That,

1. Councillors Baker, Carter and Riaz be appointed to serve on the Standards Committee for the forthcoming year.
2. Membership of the Scrutiny Groups for 2008/09 be confirmed as follows:

Performance Group	Achievement Scrutiny	Councillor A Carter Councillor R Davies Councillor A Duggan Councillor R Gwynne-Jones Councillor M Riaz Councillor D Ross Councillor J Street
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Integrated Risk Group	Management Scrutiny	Councillor R Baker Councillor N Bullock Councillor A Carter Councillor M Riaz Councillor D Ross Councillor J Saunders Councillor I Shingler
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Human Resources Scrutiny Group		Councillor R Baker Councillor N Bullock Councillor R Davies Councillor R Gwynne-Jones Councillor I Shingler Councillor J Street Councillor S Timoney
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3. Membership of the Local Strategic Partnerships for 2008/09 be confirmed as follows:

Bedford	Councillor R Gwynne-Jones
Mid Bedfordshire	Councillor A Duggan
South Bedfordshire	Councillor D Ross
Luton	Councillor S Timoney

**08-09/fa/014 REPRESENTATION ON LOCAL GOVERNMENT ASSOCIATION (LGA) MATTERS 2008/09 AND LGA 2009 FIRE CONFERENCE**

The Authority considered a report by the Secretary/Monitoring Officer on the appointment of representatives to serve on the Local Government Association General Assembly and the Bedfordshire and Luton Branch of the LGA in 2008/09.

It was noted that Members had previously agreed to appoint the Chairman to serve on the LGA Fire Services Forum

**RESOLVED:**

That,

1. the Chairman, Vice Chairman and Councillor Davies (as balancing member) be appointed to serve on the LGA General Assembly, with the Chairman holding the 11 General Assembly votes and 1 Corporate vote.

2. In addition to the Chairman and the Vice Chairman, Councillor Saunders be appointed as a named substitute to serve on the Bedfordshire and Luton Branch of the LGA, in 2008/09.
3. The Vice Chair be appointed named substitute to serve on the LGA Fire Services Forum.
4. The Chairman, Vice Chair, and the Chief Fire Officer attend the LGA Annual Fire Conference on 10/11 March 2009.

### **08-09/fa/015 STANDARDS COMMITTEE TERMS OF REFERENCE**

Members had previously noted that the Local Government and Public Involvement in Health Act 2007 would require complaints against Members (and Independent Members) under the CFA's Code of Conduct to be made to the Standards Committee.

From 8 May 2008 Standards Committees were required to establish sub-committees to consider the initial assessment of complaints, review the initial decision (at the request of a complainant where it had been decided not to pursue a complaint), and adjudicate following an investigation into whether a breach of the Code of Conduct had occurred in a particular case.

On 11 April 2008, Members had agreed that, from 1 June 2008, membership of the Standards Committee should consist of seven Members, comprising four Independent Members (including its Chairman) and three councillors (two from the County Council and one from Luton Borough Council). The meeting also agreed the appointment of four Independent Members for a term of three years from 1 June 2008, and the amendment of Standing Order 4.1 and the Note to Standing Order 26.3 to accommodate the revised role and function of the Standards Committee.

A revised Terms of Reference for the Standards Committee was submitted for Members' approval. The Terms of Reference were essentially as agreed in January 2002, with revisions to include the agreed change in composition and initial assessments and an addition to accommodate a new provision relating to political restrictions on officers.

#### **RESOLVED:**

That, the submitted revised Terms of Reference for the Standards Committee of the Combined Fire Authority be agreed.

### **08-09/fa/016 A CENTRE FOR EXCELLENCE FOR THE FIRE AND RESCUE SERVICE – CONSULTATION SUMMARY OF RESPONSES**

On 26 October 2007, the Government had issued a consultation on proposals for establishing a Centre of Excellence for the Fire and Rescue Service in England (CoE).

The consultation set out options for the role, functions, status and governance of a CoE and associated costs and possible funding arrangements. It also made it clear that a CoE would only be established if it had the support, including financial support, of Fire and Rescue Authorities (FRAs) and other key stakeholders.

CFO Fuller advised Members of the consultation outcomes included in Fire Service Circular 21-2008 which, essentially, advised that in view of FRAs' acceptance of the idea but not clarity of support, the CLG did not intend to establish a CoE at the present time but might consider this as an option in the future.

#### **RESOLVED:**

That, the report be noted.

## **08-09/fa/017 REVENUE BUDGET AND CAPITAL PROGRAMME – 2007/08 – CLOSURE OF ACCOUNTS**

Work was currently on-going to close the accounts for 2007/08 which were required to be completed by 30 June 2008. A number of issues remained to be resolved before a definitive outturn figure could be reported but, overall, it was anticipated that there would be an underspend to carry forward by way of ear-marked reserves and/or to general reserves.

Members were reminded that a Special Combined Fire Authority meeting had been arranged for 30 June 2008 to approve the Statement of Accounts, with the new Annual Governance Statement being considered, as required by Audit, by the Performance Achievement Scrutiny Group at its meeting on 11 June 2008.

### **RESOLVED:**

That, the report be noted.

## **08-09/fa/018 REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING – 2008/09**

On 8 February 2008 the Authority had approved its 2008/09 Revenue Budget of £27,792,367. It had previously endorsed the proposal that a regular monitoring report should be submitted to each of its meetings. This was the first such report for 2008/09.

The budget included a Pay and Prices Contingency of £642,600, which included an estimated 2.5% increase for non-uniformed staff from 1 April 2008, an estimated 2.5% increase for firefighters and Control staff from 1 July 2008 and provision for a 2.5% increase in Prices

To date only £2,400 had been allocated from the Contingency and no agreement had been reached on the APT&C Staff pay award due on 1 April 2008.

The Fire Authority was one of the founding members of FRAML, the Fire and Rescue Services 'mutual' insurance company, established by Firebuy Ltd in the autumn of 2007, with a view to moving the Authority's insurance cover to the Company from 1 April 2008. A projected saving of £30,800 plus inflation had been anticipated and the 2008/09 Revenue Budget reduced accordingly.

Premiums had since been received resulting in further savings of £10,900 to the Service but, as a result of a legal challenge to the London Authorities Mutual, FRAML had decided to make alternative interim arrangements for insurance cover until 31 August 2008. The cost of this, to the Authority, totalled £12,400 which would utilise all of the additional saving referred to above, together with £1,500 from the Prices Contingency.

A further report in this regard was to be presented to the Special Combined Fire Authority meeting on 30 June 2008.

Since the last meeting, one short-term investment for £750,000 had matured in April 2008, generating interest of £10,509 spread between 2007/08 and 2008/09 financial years. As a result of funding the Authority's annual insurance premiums during April and the on-going capital payments for the new Dunstable Station, it had not been possible to re-invest this sum.

Members approved the Capital Programme for 2008/09 on 8 February 2008 in the sum of £2,478,000, to be financed from loans. As reported to the meeting on 11 April 2008 two other projects had slipped from 2007/08.

**RESOLVED:**

That the report be noted.

**08-09/fa/019 AUDIT AND INSPECTION PLAN 2008/09**

Unfortunately, Mr. Blayden, Audit Manager of the Audit Commission, was unable to attend the meeting to present the Plan to Members.

The Treasurer introduced the Plan and Members noted that the original fee had been reduced by reducing the number of days of audit.

**RESOLVED:**

That the Audit and Inspection Plan for 2008/09 be noted.

**08-09/fa/020 2009/10 REVENUE BUDGET STRATEGY**

Members considered proposals for preparing the 2009/10 Revenue Budget in context of the Authority's Medium-Term Financial Plan 2008/09 – 2010/11.

Following the success of recent years' budgetary process it was suggested that the Service's Functional Command Team should again comprise the internal revenue budget scrutiny body. A review meeting had already taken place and a number of scrutiny 'awaydays' had been booked to review the draft budgets prepared by Budget Managers. However, this year it had been agreed that a smaller panel, consisting of a Principal Officer, the Head of Finance and Corporate Support and the relevant Functional Command Team member, should initially carry out preliminary budget scrutiny process.

In addition, it was proposed that the Service's HR Planning Group will consider any staffing budget bids, before they are considered by the Service's Functional Command Team.

It was proposed to report the draft budget to the Combined Fire Authority meeting on 6 February 2009 and, as for the past three years, to hold two Budget Workshops for Members prior to that. It was proposed that the first of these should be held on 12 December 2008 following the Combined Fire Authority meeting.

It was further recommended that the following strategy should be approved for 2009/10:

- Officers to review their budgets on the principle of a 'roll-forward' approach, which had been adopted in the past few years, subject to the caveats below.
- Any identified areas of over-provision in 2008/09 to be deleted from budgets.
- One-off expenditure approved in 2008/09 to also be deleted from budgets.
- Any areas where Budget Managers believe that additional resources were required, due to service pressures, should be separately identified and reported to the Combined Fire Authority.

Members considered the proposals and were of the opinion that any increase in Council Tax levy for 2009/10 should be in line with the Medium-Term Financial Plan 2008/09 – 2010/11.

**RESOLVED:**

That, the submitted 2009/10 Revenue Budget Strategy be approved.

**08-09/fa/021 RETAINED FIREFIGHTERS AND THE PART-TIME WORKERS (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS: EMPLOYMENT TRIBUNAL 2007**

Circular EMP/03/08 had been reported to Members on 11 April 2008, who noted that the Employment Tribunal, in January 2008, agreed that the application for Review should succeed to the extent that paragraphs 15 – 22 of the original Reasons should be set aside and replaced by the findings and conclusions noted below:

- i. The Tribunal finds and declares that the Claimants were engaged in broadly similar work as their named comparators.
- ii. The Claimants were treated less favourably than their named comparators in respect of access to pension rights and payment for sickness absence.
- iii. The Respondent's arguments of justification are dismissed.
- iv. The Claimant's claim for increased pay for additional responsibilities is adjourned for eight weeks.

Circular EMP/05/08 had since been received advising that all parties to the test cases had supported a request to the Tribunal for a stay of these proceedings until the end of September 2008 to allow the parties to seek to resolve the issues raised by this litigation through negotiation.

**RESOLVED:**

That the report be noted.

**08-09/fa/022 ST JOHN'S AMBULANCE – USE OF ACCOMMODATION, AT DUNSTABLE FIRE STATION**

Members received a revised report. The Chairman had earlier declared a personal interest in the item and CFO Fuller declared a personal interest as a member of the Council of St. John.

DCFO Smith presented the report to Members, who were reminded that, at their meeting on 2 April 2004 they had agreed, in principle, to enter into discussions for the possible relocation of Luton Branch of St John's Ambulance Headquarters to Luton Fire Station.

The proposed relocation did not, in the event, take place but in further discussions it had been recognised that it would be helpful for St. John's Ambulance (Dunstable Branch) to have access to the facilities at the new Dunstable Community Fire Station.

The Service was in negotiation with St. Johns Ambulance and the exact terms would be agreed and reported through the IRMP Scrutiny Group.

Dunstable Community Fire Station was at the heart of community life and other groups would be encouraged to use the facilities and engage with firefighting personnel to explore partnership opportunities.

**RESOLVED:**

That the report be noted.

**08-09/fa/023 FIRE SAFETY IN SCHOOLS**

Group Commander Tim Birchall gave a presentation on Fire Safety in Schools.

In summary, Members noted the following key facts:

- Building Bulletin 100: Design for safety in schools is the most up to date guide detailing fire safety requirements.
- The guide provides tool kits to assess the risk from fire and the cost benefit of installing sprinklers.
- The Minister of State for Schools' expectation is that in the majority of cases assessment will lead to the installation of sprinklers.
- The cost of installation is 2% - 5% of the total build cost.
- Losses from fires in buildings with sprinklers are estimated to be only one tenth of those in unprotected buildings.

### **08-09/fa/023 INFORMATION BULLETIN**

The Combined Fire Authority received a bulletin containing information on various matters relating to the Fire and Rescue Service.