

LANCASHIRE COMBINED FIRE AUTHORITY

Monday, 17 September 2018 at 10.00 am in Washington Hall, Service Training Centre, Euxton

MINUTES

PRESENT:

F De Molfetta (Chairman)

Councillors

L Beavers	E Oades
I Brown	M Parkinson (Vice-Chair)
S Clarke	M Perks
N Hennessy	J Shedwick
S Holgate	D Smith
D Howarth	D Stansfield
A Kay	G Wilkins
M Khan	T Williams
D O'Toole	

25/18 CHAIRMAN'S WELCOME AND INTRODUCTION

The Chairman congratulated County Councillor Hennessy on her appointment to the Local Government Association (LGA) Fire Services Management Committee for this municipal year.

26/18 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Councillors P Britcliffe, J Eaton, T Martin, M Tomlinson and Councillors S Blackburn, F Jackson and Z Khan.

27/18 DISCLOSURE OF PECUNIARY AND NON-PECUNIARY INTERESTS

None received.

28/18 MINUTES OF PREVIOUS MEETING

RESOLVED: - That the Minutes of the CFA held on 18 June 2018 be confirmed and signed by the Chairman.

29/18 MINUTES OF MEETING THURSDAY, 7 JUNE 2018 OF PERFORMANCE COMMITTEE

In response to a query raised by CC O'Toole regarding clarification for the 4 reasons why crewed Retained Duty System (RDS) fire engines were designated as 'off-the-run' the Chairman of the Performance Committee, CC Holgate reassured Members the Committee had previously requested a more detailed breakdown of the percentages attributed for each reason which would be available for the next Performance Committee meeting.

RESOLVED: - That the proceedings of the Performance Committee held on 7 June 2018 be noted and endorsed.

30/18 MINUTES OF MEETING TUESDAY, 24 JULY 2018 OF AUDIT COMMITTEE

RESOLVED: - That the proceedings of the Audit Committee held on 24 July 2018 be noted and endorsed.

31/18 HER MAJESTY'S INSPECTORATE OF CONSTABULARY, FIRE AND RESCUE SERVICES (HMICFRS) PROGRESS TOWARDS INSPECTION - UPDATE BRIEFING 3

An update was provided to Members on the recent inspection by Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS).

The inspection took place during the week 9th – 13th July 2018 with the HMICFRS team speaking to staff, selected partner agencies, representative bodies, the Executive Board and the Chairman. This was facilitated during the Winter Hill deployment and was managed through staff flexibility. The strategic brief took place at the end of the inspection week to the Executive Board and Chairman. There was feedback on the very positive culture that was found within Lancashire Fire and Rescue Service (LFRS), the 'can do attitude' of staff and that the Service's values were committed to 'making Lancashire safer'. A second data request was received and returned to HMICFRS on 14 July 2018.

A HMICFRS staff survey had been received which asked staff their opinion on working for LFRS. This had been circulated for staff for completion by 30 September 2018.

The HMICFRS Service Liaison Officer role had been handed over to Station Manager I Armistead, who would lead on preparing for the inspectorate as part of his role within corporate planning and would embed this into business as usual. The HMICFRS Service Lead would continue to engage with LFRS to build on his understanding of how we operated, delivered our services and looked after our staff and to ensure that our positive relationship was maintained.

The Deputy Chief Fire Officer advised that information had been received from HMICFRS regarding the inspection regime. The fieldwork for services in tranche one had now been completed and HMICFRS was currently analysing the evidence and drafting service reports. These would be shared on a confidential basis with each Service in late October to check for factual accuracies before publication in early December. The findings of which would be discussed at the next Authority meeting.

County Councillor O'Toole referred to positive feedback received since the inspection was concluded and expressed that the Service should be commended for pressing on with the work involved during the Inspection, which was also during the period of the moorland fires at Winter Hill.

RESOLVED: - That the Authority noted and endorsed the report.

The report set out details of the Government's latest consultation document relating to 2019/20 Local Government Finance Settlement. The Local Government Finance Settlement was the basis by which the Government allocated funding out to individual authorities, as part of the Local Government Finance Settlement. The Ministry of Housing, Communities and Local Government issued a consultation document titled "The 2019/20 local government finance settlement – technical consultation paper" on 24 July, with a deadline for a response of 18 September 2018.

The proposed 2019-20 settlement was framed in the context of the overall Spending Review package. The 2016-17 settlement offered local authorities a four year settlement, giving greater certainty over funding. The Authority was amongst the 97% of local authorities who accepted this offer. It was noted that the proposed 2019-20 settlement funding was therefore allocated in accordance with the agreed methodology announced by the Secretary of State at that time.

Members considered the questions and proposed responses: -

The fourth year of the multi-year settlement offer

The document confirmed that "barring exceptional circumstances and subject to the normal statutory consultation process for the local government finance settlement, the Government intended to present these figures to parliament as part of the 2019-20 provisional local government finance settlement in due course."

The four year settlement showed the Authority's funding being reduced by £5.5m (18%) over this period, although the majority of this reduction had occurred in the first two years of the settlement. Hence, barring exceptional circumstances, the Authority expected to receive £24.0m of funding in 2019-20, a reduction of £0.4m. However, the four year funding settlement was predicated on the Government maintaining its public sector pay cap at 1%. Any pay awards in excess of this would either require additional funding or would directly impact on future council tax levels.

Question 1: Do you agree that the government should confirm the final year of the 4-year offer as set out in 2016-17?

Proposed response

"We welcome the certainty that the four year settlement provided, and support the principle that other than in exceptional circumstances this will not change.

However we feel that the lifting of the 1% public sector pay cap qualifies as exceptional circumstances and therefore believe that the settlement needs to take account of the impact of this on pay awards, in order to ensure that local government funding, and in our case Fire Authority funding, keeps pace with pay increases. As you are aware the Fire and Rescue Services National Employers had made an offer to the Fire Brigades Union of a 2% pay increase in 2018/19. Whilst this offer has been rejected, it is clear that any final agreement will exceed the funded 1% and as such we believe it is essential that additional funding is provided to meet the eventual pay award.

Similarly the next tri-annual review of the Fire Fighters Pension fund will include an adjustment relating to the Pension Discount Factor which is likely to see a significant increase in contribution rates, with current estimates ranging from a 2% to 5% increase in pay costs. We do not believe this was factored into the current four year settlement and hence should be reflected in future funding levels.

We also feel that the current funding settlement will need to be amended to take account of issues likely to come out of the Grenfell Tower tragedy. Within Lancashire we have managed to maintain our Fire Safety Inspectors broadly in line with pre-austerity numbers, however this element of the budget is coming under increasing pressure and may not be sufficient to meet issues around the Regulatory Reform Order in future years.

Lancashire has continued to invest in our workforce and specifically in the Retained Duty System (RDS), which we have funded by recycling savings despite the funding cuts seen in recent years. However despite this we are still faced with increasing difficulties in recruiting and retaining RDS personnel and the additional financial pressures that this brings need to be recognised in future settlements.

Initiatives introduced by the Government place an increasing demand on the Service for which capacity simply doesn't exist within the current funding envelope, as an example the new inspection regime placed a greater onus on the Service in terms of preparing for, responding to and facilitating the process, as well as the additional workload that will undoubtedly arise once the final report is published.

The lack of a capital funding stream is increasingly significant as investment in our asset base has reduced leading to increasing backlog maintenance and limiting our ability to take advantage of new innovations in Fire Fighting techniques/equipment. Whilst we are able to borrow to meet these, this inevitably comes with a capital financing cost which places additional pressure on the revenue budget.”

Council tax referendum principles

The document outlined the following council tax referendum principles, which were consistent with those adopted for 2018/19:-

- a core principle of up to 3%;
- a continuation of the Adult Social Care precept, with an additional 2% flexibility available. This is subject to total increases for the Adult Social Care precept not exceeding 6% between 2017-18 and 2019-20, and consideration of authorities' use of the Adult Social Care precept in the previous years;
- shire district councils would be allowed increase by up to 3% or up to and including £5, whichever is higher;
- Police and Crime Commissioners (PCCs) will be allowed increases of up to £12 in 2019-20, subject to the delivery of clear and substantial progress on productivity and efficiency which will be assessed in advance of the provisional settlement.

This meant that Fire would be limited by the general principle i.e. a council tax increase of up to 3%.

Question: Do you agree with the council tax referendum principles proposed by the Government for 2019-20?

Proposed response

“We believe greater flexibility should be provided to Fire Authorities to increase council tax by up to 3% or up to and including £5, whichever is higher, in line with flexibility provided to Shire District Councils, still significantly lower than the flexibility granted to Police. We believe this should be applied to all Fire Authorities as we all face the same financial pressures, but as a minimum we believe this should apply to all Fire precepts in the lower quartile, who have clearly demonstrated restraint in previous council tax levels.

The current policy of limiting increases for Fire Authorities seems unjust and penalises Fire Authorities compared with other classes of organisations, despite the fact that Fire Authorities have the lowest average precept of any principal authority (£75 compared with Shire Districts of £184 and PCCs of £190).

Lancashire Fire and Rescue Authority (FRA) has shown significant restraint regarding council tax increases, having the lowest increase of any FRA between 2011/12 and 2018/19, an increase of just £3.81 (6.0%), and if you look at increases over the period of the four year settlement the same restraint has been shown, with Lancashire increasing council tax by just 4.0% compared with the maximum permissible under the referendum principles of 7.0%. In order to put this into context for Lancashire each additional 1% increase in pay equates to £0.4m. Had we known that the pay cap would not be maintained throughout the four year settlement we would not have shown the restraint that we have demonstrated. As a result we feel that maintaining the referendum limit at 3% is inequitable, penalising those Authorities who have shown restraint. It is also worth noting that the Fire Authority precept makes up a very small percentage of the overall council tax bill, approx. 4% in Lancashire, therefore any increase in our element of council tax has a relatively low impact on the overall council tax bill. Despite making up such a low amount of the overall council tax bill the cost of holding a referendum is far more significant than for any of the local councils, including the Unitaries and Lancashire, as our referendum would need to cover the whole of the County, at a cost which is estimated in the region of £1.5m. This compares with a £5 increase in council tax generating £1.3m more funding than the proposed referendum limit of 3%, as such it is impossible to justify the cost of holding a referendum to the local public.

If the Government do not intend to revisit the overall funding level to take account of the various cost pressures, including removal of the pay cap, then the relaxation of the referendum level is even more important. Authorities simply do not have the scope to meet current and future cost pressures without additional funding or offsetting the pressure by increasing the precept.”

The Director of Corporate Services advised Members that at a recent meeting of Lancashire Chief Finance Officers the subject of the potential for Lancashire to bid to be in a 1-year pilot pool commencing 1 April 2019 for 75% business rates retention was discussed. If submitted and successful this would potentially equate to £10m additional funding across Lancashire, based on 2018/19 projections. Currently the Authority retained 1% of business rates and in theory under the pilot this would increase to 1.5%, a potential increase in funding of up to £200k. Any bid would include the basis for sharing additional funding which would impact on how much of any potential additional growth the Authority would receive. It was highlighted that

there were risks in supporting any bid as Authorities would be bearing a proportion of each other's risks, however given the fact that the Fire Authority already received a proportion of each councils' business rates it was already sharing this risk. It was also highlighted that the existing safety net would increase from 92.5% to 95% but that this would apply to the bid as whole rather than individual Authorities, hence the risk had changed, although it was considered that the likelihood of the safety net impacting across the bid was low. It was noted that the Lancashire Leaders would be making the decision as to whether to submit the bid or not, and that even if a bid was submitted there was no guarantee of success.

RESOLVED: -That the report be noted and the proposed response agreed as now presented.

33/18 COLLABORATION UPDATE

The Chief Fire Officer gave Members an overview of the collaboration update since the last meeting in June 2018. He reported that only one Fire Authority (Essex) had adopted a Police and Crime Commissioner (PCC) governance model but there had been a further 6 business cases going forward which were the subject of 3 Judicial Review applications. Hertfordshire had discontinued their change to a PCC governance model in favour of collaboration between the PCC and the Local Authority and potentially co-location of premises.

With regard to Lancashire, the sequence of events had been that on 25 July 2018 at Service Headquarters the Chairman, Vice-Chairman, the Leader of the Opposition and Clerk had met with the PCC and his consultant and had been well prepared to challenge the proposal. Shortly after commencing a presentation it became clear that the PCC no longer wanted to pursue taking over the Combined Fire Authority's governance responsibilities but hoped that closer collaboration could be used to achieve common goals for both services.

Having received a letter from the PCC dated 27 July there was growing concern that the proposal made was done so with more conditions than first apparent. The Authority responded on 30 July 2018 and subsequently to seek clarification on a) whether the Commissioner was withdrawing plans to continue with the Business Case; and b) what the new collaboration regime would look like. In one subsequent response the Commissioner stated that 'collaboration was not enough' which led to some further concern. The latest response was sent from the Authority on 30 August 2018 and a further response was awaited. Until a response was received LFRS would continue with its well established collaboration activities and would continue to look for further areas of development.

Sharing the LFRS approach to operations may be beneficial for the Police as currently only 18% of LFRS staff were not involved in frontline delivery of services, whereas by contrast 36% of Lancashire Police staff were not involved in frontline policing services. Clarification on what the PCC sought to achieve was therefore vital.

County Councillor O'Toole recalled the considerable degree of agreement during the course of the meeting which he felt had not been reflected in subsequent correspondence from the PCC. He congratulated the Chairman on his replies to the PCC, confirming they had the backing of all Members of the Authority.

RESOLVED: - that the report be noted and endorsed.

34/18 ANNUAL SERVICE REPORT

The Deputy Chief Fire Officer invited Members to view the Annual Service Report which had been prepared as a video. Alongside the video was a supporting document which had also been produced and in order to encourage a wider audience and engagement this was accessible to all members of staff on the intranet and would be available to the public on the LFRS website. The video and report were welcomed by Members.

RESOLVED: - that the report be noted and endorsed.

35/18 MEMBER CHAMPION REPORT

The concept of Member Champions was introduced in December 2007. A review of the areas of focus for member Champions was considered at the Authority meeting held in June 2017 where new areas of responsibility were discussed and agreed as follows: -

- Community Safety – CC Mark Perks;
- Equality, Diversity and Inclusion – Cllr Zamir Khan;
- Health and Wellbeing – CC Tony Martin;
- Road Safety – Cllr Fred Jackson.

Reports relating to the activity of the Member Champions were provided on a quarterly basis to the Authority. This report related to activity for the period up to June 2018. During this period all had undertaken their respective role in accordance with the defined terms of reference.

Community Safety

County Councillor Mark Perks had been visiting various community safety teams based at fire stations across the county to discuss their work and join them on home visits to see how each team acted on requests made to the Service. These covered a wide range of requests from partner organisations, charities such as Alzheimer's Society and the Stroke Association and borough councils etc. CC Perks was impressed with the way the visits were undertaken by officers who took great pride and professionalism in their work in a very sensitive empathic approach. CC Perks thanked staff on behalf of the Authority for their hard work and he was looking forward to continuing his visits to further stations.

Equality, Diversity and Inclusion

Councillor Zamir Khan supported Lancashire Fire & Rescue Service (LFRS) who had joined the Stonewall Diversity Champions Programme. Members of staff had attended Lancaster Pride in May, Blackpool in June, and Manchester in August and were also due to attend Preston in September. A review of LFRS Human Resources policies has been completed to ensure compliance from an LGBT perspective and LFRS was currently exploring options in relation to simple visual symbols to support the LGBT community.

Guidance and information for employees and line managers had been developed to support those applying to join the Service, or who currently worked for LFRS who had dyslexia.

County Councillor Hennessy informed Members that she had recently attended the Local Government Association Equality, Diversity and Inclusion (ED&I) meeting where, with the Chairman's approval and on behalf of Councillor Khan she had offered our facilities to hold a regional event to promote (ED&I) at the Lancashire Fire & Rescue Service Training Centre. Members from North West Fire Authorities would be invited to attend the event.

Health and Wellbeing

On the 10th September County Councillor Tony Martin supported an event at the Service Training Centre for Suicide Prevention Day. The event was held to raise awareness of mental health issues and suicide which was attended by staff who support colleagues at work. The event included presentations from:

- MIND Matters who delivered a session on signs and symptoms and awareness of mental health issues; and
- PTSD999 who are a charity based in the UK that supports all members of the emergency services, both serving and retired, family and friends in the diagnosis, treatment and prevention of Post-Traumatic Stress Disorder.

Contaminants at Fires

It was noted that a project had commenced to look at the effects of contaminants at fires on firefighter's health and how risks can be mitigated. Early work had commenced at the Service Training Centre to reduce contamination at the design stage. The design was to be amended to improve the workflow of managing dirty Personal Protective Equipment (PPE) and Breathing Apparatus (BA) sets to provide dedicated areas to separate clean PPE/BA from those used during training activities. Another benefit of these changes would be to eliminate the storage of BA sets and cylinders within the BA school classrooms, further reducing staff exposure to 'dirty' equipment.

RESOLVED: - That the Authority noted the report and acknowledged the work of the respective Champions.

36/18 MEMBERS' ALLOWANCE SCHEME INDICES AND ELECTRONIC MILEAGE CLAIMS

Members' Allowance Scheme

The Authority has had a Members' Allowance Scheme in place since 2003 in line with the Local Authorities (Members Allowances) (England) Regulations 2003. The Scheme has been amended in line with the Regulations in June 2006, April 2008, April 2012 and June 2016 with the indices last reviewed in September 2014 and in June 2016.

Annual adjustment changes were made in line with the Authority's approved indices as follows:-

- Basic, Special Responsibility and Co-optees' Allowances are index linked on an annual basis in line with the annual Local Government National Pay Award for green book staff at point 49;

- Subsistence Allowances are reviewed annually (with effect from 1 April in every year) in line with the Consumer Price Index (all items) published in November of the preceding year;
- Travel Allowances mirror the County Council's rates which are revised annually with effect from 1 April in every year in accordance with the maximum allowance for Income Tax purposes, as determined by HM Revenue and Customs (HMRC).

To ensure the Authority complied with the regulations to have regard to the recommendations made by the independent remuneration panels of its home authorities s19 (2), the current indices used by home authorities were considered by Members as now presented. Members considered the indices used remained appropriate, reasonable and transparent.

Electronic submission of mileage claims

Members noted that the Member Training and Development Working Group had considered whether the Authority should adopt a process for the electronic submission of mileage claims. The Chairman of the Member Training and Development Working Group, Councillor Smith asked the Authority to consider whether to adopt this practice from an agreed date and after Members have received appropriate training.

Full training would be available by Finance and Democratic Services Officers. The process would be more efficient enabling Members' payments to be processed quicker. Members would be able to access their records on line at any time (including viewing payslips, P60s etc which would also enable LFRS to move away from manually printing and posting payslips). It would be necessary however, for the Authority to adopt this as a single system from an agreed date, after which paper copies would no longer be accepted.

RESOLVED:-

- i) That the Authority continued to use the existing indices for a further four-year period;
- ii) That the Authority approved the use of electronic mileage claims with effect from 1 April 2019.

37/18 FIRE PROTECTION REPORTS

A report detailing prosecutions in respect of fire safety management failures and arson related incidents within the period 1 June 2018 to 31 August 2018 was provided by Deputy Chief Fire Officer Johnston. The report set out a number of investigations that were taking place that may lead to prosecution under the Regulatory Reform (Fire Safety) Order 2005.

Fire protection and business support information was provided. Members received an update on the risk-based inspection programme, the business support website, business safety and the Primary Authority Scheme. Deputy Chief Fire Officer Johnston confirmed there had been a Fire Safety Week held during the period and that there were now 10 partners under the Primary Authority Scheme.

Five cases of arson convictions were reported during the period.

RESOLVED: - That the Authority noted and endorsed the report.

38/18 COMMUNITY FIRE SAFETY REPORTS

This report included information for the 2 Unitary and 12 District Authorities relating to Fire Safety Initiatives and Fires and Incidents of particular interest.

As part of the report members received a presentation by Assistant Chief Fire Officer, David Russel on the Service's response to Winter Hill.

Following the presentation Members asked that the Authority's thanks be passed onto all those involved during the Winter Hill major incident, including our partner agencies. County Councillor O'Toole added that a number of Members, including himself had attended during the incident to see the hard work at first hand.

The Chief Fire Officer confirmed that the Service had organised a Winter Hill 'Thank-You' event for all the partner agencies involved on 25 September 2018 to recognise their contribution and the assistance they provided during the incident. The Fire Minister and others from central government had also been complimentary about the level of hard work involved in the incident.

Members expressed that they had been encouraged by the hard work and resilience of the Service and would welcome the opportunity for the video to be circulated to a wider audience which would include organisations and schools.

In response to a question raised by Councillor Smith, the Assistant Chief Officer confirmed that the Service was in the process of completing a full debrief for the incident and he reassured Members that going forward the Service had commenced meetings with agencies and organisations who managed the land.

In response to a question raised by County Councillor Wilkins, the Chairman confirmed that firefighters on all stations had access to flood suits.

RESOLVED: - That the Authority noted and endorsed the report.

39/18 MEMBER COMPLAINTS (STANDING ITEM)

The Monitoring Officer confirmed that there had been no complaints since the last meeting.

RESOLVED: - That the current position be noted.

40/18 DATE OF NEXT MEETING

The next meeting of the Authority would be held on Monday 17 December 2018 at 10:00am at the Training Centre, Euxton.

41/18 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: - That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that

there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act 1972, indicated under the heading to the item.

42/18 RE-APPOINTMENT OF CLERK TO THE AUTHORITY

(Paragraphs 1 and 2)

RESOLVED:- That the Authority approved the re-appointment of Mr Mark Nolan as Clerk and Monitoring Officer to the Lancashire Combined Fire Authority for a period of twelve months, to the September meeting of the Authority in 2019.

M NOLAN
Clerk to CFA

LFRS HQ
Fulwood