



Hereford & Worcester Fire Authority

Full Authority

Monday, 11 February 2019, 10:30

Minutes

Members Present: Mr R C Adams, Ms P Agar, Mr A Amos, Mr T D Baker-Price, Mr B Clayton, Mr A Fry, Ms K S Guthrie, Mr I D Hardiman, Mr Al Hardman, Mr M Hart, Dr C A Hotham, Mr P Middlebrough, Mrs F M Oborski MBE, Mr R J Phillips, Dr K Pollock, Mrs J Potter, Professor J W Raine, Mr C B Taylor, Mr P A Tuthill, Mr R M Udall, Mr S D Williams

203 Apologies for Absence

Apologies were received from Ms T Bowes and Mrs E Eyre.

204 Declarations of Interest (if any)

Cllr R Phillips declared that he was a member of the Firefighters' Scheme Advisory Pensions Board and an employer member of the Fire NJC.

205 Chairman's Announcements

The Chairman informed the Authority of the following:

- He and the Chief Fire Officer had attended the first Strategic Board meeting between Hereford & Worcester and Shropshire Fire and Rescue Service to discuss efficiencies and savings. The next meeting was to be held at the beginning of March.
- The Judicial Review had now progressed to the 'Warned List' and we were waiting for the Court to set a hearing date.
- The Chief Fire Officer had sent a letter to the Home Secretary explaining the impact upon local services.
- He and the Chief Fire Officer had attended a feedback meeting in London following the first tranche of HMICFRS inspections.
- He had also attended various meetings, including advisory schemes, NJC, Group Leaders and meetings with Officers.

206 Public Participation

Mr Saul Bolton, a retired firefighter and a resident of Malvern requested to speak to the Authority to voice his opposition to Agenda Item 7, the proposed changes to fire cover for the citizens of Malvern.

Mr Bolton expressed his concern over the proposed changes to crewing arrangements and what he saw as a reduction in the number of guaranteed fire appliances at night time. The increased reliance on retained firefighters at night would place additional pressures on them and that in his opinion the retained firefighters were being taken advantage of.

He also argued that the only safe option for Malvern, in his opinion, was to continue the day crewing where crews were guaranteed 100% of the time, 24 hours a day, which is what the firefighters, public and union all wanted.

The Chief Fire Officer clarified to Mr Bolton that day crewing was no longer enforceable and unfortunately due to a local agreement not being agreed with the FBU, day crewed plus was now an unlawful duty system.

Mr Bolton requested answers to the following questions:

- 1) How has the impact of the extra night calls on retained staff and their employers been assessed?
- 2) Why can't day crewing continue at Malvern, Evesham and Droitwich, when staff and unions are willing to broker a local agreement? This is exactly what you asked for on DCP?

The Chairman indicated that as crewing arrangements were being discussed later on the agenda, Mr Bolton's representations would be taken into consideration as part of that item.

The Head of Legal Services subsequently confirmed that a written response to his questions would be provided to Mr Bolton within 14 days.

207 Confirmation of Minutes

RESOLVED that the minutes of the meeting of the Fire Authority held on 19 December 2018 be confirmed as a correct record and signed by the Chairman.

208 Budget and Precept 2019/20 and Medium Term Financial Plan

The Treasurer presented a report recommending the Revenue and Capital Budgets and the Council Tax Requirement for 2019/20, the Prudential Indicators and Minimum Revenue Provision (MRP) Statement for 2019/20, the level of Fees & Charges for chargeable services for 2019/20, potential future resources, their consequential impact on future year budgets and the future Council Tax Requirement (the Medium Term Financial Plan) and Capital, Investment and Reserves Strategies for approval.

The Treasurer announced to Members that the Business Rate Yield data had now been received and although it did not change the precept for 2019/20, it did impact on the technical calculations and also had a ripple through effect into a number of other Appendices. Members were provided with updated Appendices and Recommendations at the meeting.

Members drew attention to the HMICFRS report recommendation that we need to increase our activity in relation to prevention and the need to reflect this in the budget.

In response to questions from Members, the Head of Legal Services provided an update on major property related capital projects as follows:

- Wyre Forest Hub - on track for practical completion 29 November 2019, operational from early 2020.
- Hereford Hub - in conjunction with the Police and Place Partnership, designed and in budget.
- Redditch Fire Station - feasibility study has been commissioned to best accommodate joint Fire/Police station allowing the remainder of the land for sufficient housing.
- The Treasurer confirmed to Members that future income on capital receipt from the Kings Court building had already been factored into the Medium Term Financial Plan and was therefore part of the savings plan.

RESOLVED that:

- i. the Capital Budget and Programme (Appendix 1) be approved;**
- ii. the Revenue Budget (Appendix 11) be approved;**
- iii. the Medium Term Financial Plan (Appendix 12) be approved;**
- iv. the Authority calculates that in relation to the year 2019/20 and set out in Appendix 13:**
 - 1. the aggregate expenditure it will incur will be £34,958,200.00;**
 - 2. the aggregate income it will receive will be £10,523,823.00;**
 - 3. the net amount transferred from financial reserves will be**

£799,000.00;

- 4. the net council tax collection fund surplus is £141,257.00;**
- 5. the net amount of its Council Tax Requirement will be £23,494,120.00;**
- 6. the basic amount of Council Tax will be £84.34 (Band D);**
- 7. the precept demands on the individual Billing Authorities are:**
 - Bromsgrove £3,096,473.87**
 - Herefordshire £5,804,784.08**
 - Malvern Hills £2,610,927.93**
 - Redditch £2,200,935.39**
 - Worcester £2,690,275.80**
 - Wychavon £4,244,165.20**
 - Wyre Forest £2,846,557.73**

v) the Capital Strategy (paragraphs 48-61) be approved;

vi) the Investment Strategy (paragraphs 85-90) be approved;

vii) the Reserves Strategy (paragraphs 67-73 and Appendix 14) be approved;

viii) the fees and charges for 2019/20 (Appendix 8) be approved; and

ix) the Statement of Prudential Indicators and Minimum Revenue Provision Policy (Appendix 9) be approved.

209 Cessation of Day Crewing Plus Duty System and Adjustment of Day Crewing Duty System in Response to Recent Legal Rulings

The Chief Fire Officer presented a report seeking agreement from the Fire Authority to start the process of implementing revised emergency cover arrangements at Hereford, Worcester and Bromsgrove Stations, as soon as is practicable, due to the inability to reach a collective agreement with the Fire Brigades Union (FBU) on the existing Day Crewing Plus (DCP) duty system.

Members were advised that this is a similar situation to other Fire Authorities that have introduced comparable duty systems. In addition, because of a recent EU ruling linked to the Working Time Regulations (WTR), there is now a requirement to adjust the Service's approach to its Day Crewing (DC) Duty System. The implementation of both should take into account recent relevant legal rulings and subsequent legal advice, updated CRMP analysis, original public & staff consultation on 2014 CRMP and requirements for further public & staff consultation based on specific circumstances of the affected communities.

The Head of Legal Services provided Members with a clear legal view of

the issues surrounding the existing crewing systems:

- following the ruling in *Ville de Nivelles v. Matzak*, the on-call element of the DC duty system was no longer enforceable if staff chose not to opt out of the Working Time Regulations (or having opted out, subsequently chose to withdraw that opt-out);
- In relation to DCP, the decision in *FBU v. South Yorkshire FRS* clarified that all of the time spent on duty at the station was "working time" for the purposes of the WTR. This duty system was therefore in breach of those regulations unless there was a local collective agreement in place (which the FBU had refused to agree);

and confirmed that a plan needed to be put into place promptly to avoid possible prosecution.

The Chief Fire Officer confirmed to Members that the 10-hour day duty system had been negotiated and approved by the Technical Advisory Panel (TAP) but had not been agreed locally by the FBU.

The Chief Fire Officer reminded Members that other more expensive options, such as a return to 2-2-4 shift systems would have to be at the expense of other services provided across the two Counties.

Members discussed the option of deferring a decision until the Fire Authority meeting in June but a motion to that effect was lost.

The Police and Crime Commissioner acknowledged the clear advice from the Chief Fire Officer and the Head of Legal Services and agreed that a decision to move to new duty systems had to be made.

RESOLVED that the Authority would prefer to achieve a negotiated way forward with the trade unions but:

(1) Because of the inability to reach a local agreement with the FBU in respect to the existing DCP duty system, standard crewing arrangements on the full-time appliance at Bromsgrove and the second full-time fire appliances at both Hereford and Worcester stations be changed at the earliest opportunity.

(2) Proportionate public and staff consultation be undertaken in respect to future emergency cover arrangements at Hereford, Worcester and Bromsgrove, including the option to move the existing DCP appliances to a

Day-Duty type system in line with the Fire Authority's original 2014-2020 Community Risk Management Plan (CRMP) recommendation and/or the latest CRMP analysis.

(3) In light of recent Court decisions, staff currently working the Day Crewing duty system be requested to individually opt-out of the Working Time Regulations in respect to the 48 hour working week limit.

(4) If the FBU continues to refuse to enter into a local agreement on a suitable Day-Duty type system, the Service progress with the use of its agreed 7-day Flexible Day Duty system, as well as with its proposed 10-Hour Day Duty system, as the latter has recently been confirmed by the NJC Technical Advisory Panel (TAP) as being both Grey Book and Working Time Regulations (WTR) compliant.

(5) Officers be authorised to secure full implementation of the 10-Hour Day Duty system (or a suitable alternative) into the contracts of all relevant operational personnel by imposition if necessary and/or the use of a dismissal/re-engagement process, as and when required.

[A comfort break was taken at 12:05].

210 HMICFRS – Inspection update

[The meeting continued at 12:10].

The Chief Fire Officer and Deputy Chief Fire Officer updated Members on the HMICFRS inspection and the preparation of an improvement plan.

Members were advised that the inspection report highlighted a number of areas for improvement. A draft Improvement Plan had been prepared which focussed on the areas for improvement highlighted in the inspection report and also added a number of other areas, where further improvements could be made.

Members were assured that the Improvement Plan would be owned by senior managers and would be regularly updated and published as progress was made throughout the year ahead.

The Chairman expressed his concern regarding the results of a national survey of Fire and Rescue Services in which some 25% of respondents reported bullying of staff.

A Member asked if regular staff surveys took place in the Service and the Chief Fire Officer assured him that these were being looked into along with revising IPDRs.

The Chairman assured Members that they would be kept up to date with the improvement plan and suggested that this be discussed at the next Group Leaders Meeting in March.

RESOLVED that Members note the findings of the HMICFRS inspection and the proposed improvement plan.

211 Pay Policy Statement

The Assistant Chief Fire Officer presented the Pay Policy Statement for 2019/20 to Members for approval for publication on the Service's website.

[Mr Campion left the meeting at 12:38].

Members were reminded that it is a requirement that the Authority's approach to pay is accessible for citizens and enables local tax payers to take an informed view of whether local decisions on all aspects of remuneration are fair and make best use of the public funds.

RESOLVED that the Pay Policy Statement and supporting information be approved for publication.

212 Members Allowances Scheme 2019/20

Members were presented with a report to consider whether to make any alterations to the Members' Allowances Scheme for 2019/20 in light of the change in the Consumer Price Index to November 2018.

RESOLVED that there be no change to the existing allowances for 2019/20.

213 Disposal of Kidderminster, Bewdley and Stourport Fire Stations

The Head of Legal Services requested authority to dispose of the existing Bewdley, Kidderminster and Stourport fire stations once the new Wyre Forest Emergency Services Hub is completed.

Members were informed that all three existing fire stations at Bewdley, Kidderminster and Stourport would be surplus to requirements once the Wyre Forest Hub became operational in early 2020. Marketing of the sites is intended to commence as soon as possible in order to minimise any

delay once the buildings are vacated.

RESOLVED that Officers be authorised to proceed with the marketing and subsequent sale of the existing Bewdley, Kidderminster and Stourport Fire Stations, each on terms representing the best price reasonably obtainable and to be agreed by the Chief Fire Officer in consultation with the Treasurer, Head of Legal Services and Chairman of the Authority.

214 Fire Authority and Committee Dates 2019/20

Members were presented with the Fire Authority and Committee meeting dates for 2019/20.

It was suggested by a Member that in future the annual meeting in Hereford be moved to the Summer. The Head of Legal Services agreed to look at this when setting future years' meetings.

RESOLVED that the meeting dates for 2019/20 be noted.

215 Minutes of the Audit and Standards Committee

The Chairman of the Audit and Standards Committee presented the minutes of the Audit and Standards Committee meeting held on 22 January 2019.

RESOLVED that the minutes of the Audit and Standards Committee meeting held on 22 January 2019 be received and noted.

The Meeting ended at: 12:40

Signed:.....

Date:.....

Chairman