North Yorkshire Fire and Rescue Authority

Minutes of the meeting held on Wednesday 27 June 2018 at 11.00 am at North Yorkshire Fire Training Centre, Oaklands Way, Easingwold

Present:-

Authority Members:-

City Councillor Tony Richardson (in the Chair); City Councillors Andy D’Agorne (as Substitute for Lars Kramm), Keith Aspden and Danny Myers

County Councillors Val Arnold, David Blades, David Jeffels (as Substitute for Andrew Backhouse), Stanley Lumley, Stuart Martin MBE, Heather Moorhouse (as Substitute for David Ireton), Chris Pearson, Tony Randerson, Helen Swiers, Geoff Webber and Robert Windass

Non-voting Co-opted Members of the Authority:-

Julia Mulligan (North Yorkshire Police and Crime Commissioner (PCC))

Steve Howley (Brigade Secretary, North Yorkshire Branch of the Fire Brigades Union (FBU))

Apology for Absence:-

An apology for absence was received from County Councillor Philip Barrett

Copies of all documents considered are in the Minute Book

65. Minutes

Resolved -

That the Minutes of the meeting held on 16 February 2018 be taken as read and be confirmed and signed by the Chairman as a correct record.

66. Implementation of Authority Decisions

Considered -

The joint report of the Chief Fire Officer/Chief Executive and the Secretary to the Authority which advised of progress in implementing the Authority’s decisions.

The Chief Fire Officer/Chief Executive reported orally that, subsequent to preparation of the joint report, the letter to the Minister of State (Home Office), which advised that the Authority would wish to know, before the Authority’s Reserves were decreased, what financial flexibility the Authority would be given once Reserves had actually reduced, had been sent.

Resolved -

That the report be noted.
67. Declarations of Interest

There were no declarations of interest.

68. Exclusion of the Public

Resolved -

That the public be excluded from the meeting during consideration of each of the items of business listed in column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) Order 2006:-

<table>
<thead>
<tr>
<th>Item number on the agenda</th>
<th>Paragraph Number</th>
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69. Questions or Statements from Members of the Public

There were no questions or statements from members of the public.

70. Notification of Home Secretary's Decision to Transfer Responsibility of Governance of North Yorkshire Fire and Rescue Service to the North Yorkshire Police and Crime Commissioner

Considered -

The report of the Legal Advisor and Secretary to the Authority which provided formal notification to the Authority of the decision of the Home Secretary to transfer governance of North Yorkshire Fire and Rescue Service to the PCC.

Within the report, it was stated that, at the current time, a final transfer date had not been set. Therefore it would be helpful if the Authority could consider, at this meeting, delegating authority to convene a special meeting of the Authority, if necessary, prior to transfer.

Resolved -

(a) That the report be noted.

(b) That authority be delegated to the Chairman to set an Extraordinary Meeting of the Authority if necessary depending on the final date of transfer.

71. Provisional Financial Outturn 2017/18

Considered -

The report of the Section 151 Officer which advised that the provisional budget outturn for 2017/18 showed a small underspend, and reported on the outcome of a review of the local target to measure budget management performance and suggested that instead the annual budget should be the target for expenditure within a financial year.
Resolved -

(a) That the report be noted.

(b) That the local target of 0% overspend to 0.5% underspend cease to be used to measure budget management performance.

72. Current Financial Position 2018/19

Considered -

The report of the Section 151 Officer which advised of the current position on the 2018/19 Revenue Budget.

Resolved -

That the report be noted.

73. Future Budget and Efficiency Plan

Considered -

The report of the Section 151 Officer which:- provided a reminder of the current budget and Medium Term Financial Plan (MTFP) position following the Authority meeting on 16 February 2018; updated on a number of significant changes to the forecast budget and MTFP position; and presented additional items for consideration as part of an interim update on the MTFP and invited consideration of subsequent options.

Resolved -

(a) That the report and the outlined approach to identifying the estimate savings gap be noted.

(b) That officers be authorised to work up firmer proposals which can be included within the 2019/20 budget and updated MTFP in February 2019.

(c) That the revised Capital Plan, as set out at Appendix 2 to the report, be approved to realise the subsequent annual revenue savings estimated at £420k over the period 2019/20 to 2022/23.

(d) That the Section 151 Officer circulate, to all Authority Members and non-voting Members, information to show that this Authority has a low level of Reserves compared to other combined fire and rescue authorities.

74. Integrated Risk Management Plan - Update

Considered -

The report of the Assistant Chief Fire Officer (Service Development) which advised of the work which officers were undertaking in respect of the next Integrated Risk Management Plan (IRMP) with a view to implementation from April 2020.

City Councillor Keith Aspden asked for it to be recorded that, given the future growth planned for the City of York and the challenges around the ring road, amongst other
things, he could not see himself supporting any reduction in fire cover in York, were any such reduction to be proposed. City Councillor Keith Aspden also highlighted paragraph 6.4 of the report which stated that a significant amount of stakeholder engagement would be needed, including specific engagement with Councillors from the City of York Council.

Other Members from the City of York Council raised questions about the evidence which suggested that York was over-resourced in terms of fire cover.

In response to a question from City Councillor Danny Myers, the PCC advised that she had been adamant all along that everything possible would need to be done to avoid cuts in fire cover.

Co-opted Member Steve Howley (FBU) advised that the FBU were very much opposed to any cuts in fire cover. He suggested that local politicians needed to lobby Government to make that point.

Resolved -

That the analysis that officers have done to date be noted.

75. Annual Integrated Risk Management - Action Plan

Considered -

The report of the Assistant Chief Fire Officer (Operations) which set out the annual Integrated Risk Management Action Plan. The Action Plan made proposals in respect of the Lofthouse Volunteer Fire Station and the Ripon Fire Station.

County Councillor Stanley Lumley:- acknowledged that achieving sufficient commitment from the Lofthouse community was a challenge; commented that the state of the building did not encourage local residents to volunteer; and suggested that an ultimatum needed to be given to the local community because they might not have fully understood that the Lofthouse Volunteer Fire Station would close if sufficient commitment was not forthcoming from the local community.

The Chief Fire Officer/Chief Executive highlighted that the level of interest from the local community needed to be on-going and that Lofthouse was a Volunteer Unit rather than a typical fire station, eg it did not have its own area and it was not required for NYFRS emergency response purposes.

Following further discussions, which included reference to the terms of the existing lease for the Lofthouse Volunteer Fire Station property, the proposals set out below were agreed.

Resolved -

(a) That, in respect of the Lofthouse Volunteer Fire Station:-

(i) This Authority engage in a consultation with the Lofthouse local community saying that the Authority is minded to close the Lofthouse Volunteer Fire Station unless there is some guarantee and commitment from the community by a certain date, that date to be decided by the Chief Fire Officer/Chief Executive.
(ii) The consultation at (i) above make it clear that the Authority would bring the Volunteer Unit property up to minimum standards.

(iii) A report be submitted to the Authority’s meeting to be held on 28 September 2018 with the outcome of the consultation at (i) above and the feedback of the Lofthouse local community.

(iv) The report at (iii) above include detailed information about the overall costs involved in bringing the property up to minimum standards.

(b) That, subject to part (a) of this Resolution, the Annual Integrated Risk Management Action Plan, as set out at Appendix A to the report, be approved.

76. Annual Governance Statement

Considered -

(a) The report of the Section 151 Officer seeking approval of a 2017/18 Annual Governance Statement.

(b) A revised version of the report at (a) which reflected the recently notified decision of the Home Secretary to transfer governance of North Yorkshire Fire and Rescue Service to the PCC. Copies of the updated version of the report were circulated at the meeting.

Resolved -

That the Annual Governance Statement, as set out and appended to the revised report circulated at this meeting, be approved for publication alongside the Statement of Final Accounts for 2017/18.

77. Appointments by the Authority

Considered -

The report of the Secretary to the Authority which invited the Authority to appoint to various positions.

Resolved -

(a) That the Authority’s Chairman and Vice-Chairman be appointed to the Informal Working Group to Appraise the Chief Fire Officer, to serve until either the Authority’s meeting to be held in June 2019, or the governance of the Fire and Rescue Service is transferred to the PCC, whichever is the sooner.

(b) That the under-mentioned NYFRA Members be appointed as Lead Members, to serve until either the Authority’s meeting to be held in June 2019, or the governance of the Fire and Rescue Service is transferred to the PCC, whichever is the sooner.

- Risk Assessment - Chairman of Audit and Performance Review Committee
- Equality and Diversity - City Councillor Danny Myers
- Health and Safety - City Councillor Tony Richardson
- Collaboration - County Councillor David Blades
(c) That the Members named in the table below be appointed as the Authority’s representatives on outside bodies, to serve until either the Authority’s meeting to be held in June 2019, or the governance of the Fire and Rescue Service is transferred to the PCC, whichever is the sooner.

<table>
<thead>
<tr>
<th>Outside Body</th>
<th>Number of Seats</th>
<th>2017/18 Representative</th>
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<tbody>
<tr>
<td>Yorkshire and Humber (Local Authorities) Employers’ Association</td>
<td>1</td>
<td>Chairman of the Authority</td>
</tr>
<tr>
<td>North Yorkshire Police and Crime Panel</td>
<td>2 (non-voting)</td>
<td>Chairman and Vice-Chairman of the Authority</td>
</tr>
<tr>
<td>LGA’s Fire Commission</td>
<td>1</td>
<td>Chairman of the Authority</td>
</tr>
<tr>
<td>Craven (Community Safety) Local Delivery Group</td>
<td>1</td>
<td>County Councillor David Ireton</td>
</tr>
<tr>
<td>Hambleton and Richmondshire (Community Safety) Local Delivery Team</td>
<td>1</td>
<td>County Councillor David Blades</td>
</tr>
<tr>
<td>Harrogate District Community Safety Group</td>
<td>1</td>
<td>County Councillor Stuart Martin MBE</td>
</tr>
<tr>
<td>Ryedale (Community Safety) Local Delivery Team</td>
<td>1</td>
<td>County Councillor Val Arnold</td>
</tr>
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(d) That this Authority agrees to pay the travel and subsistence costs which Councillors Keith Aspden and Danny Myers incur in attending meetings and briefings of the LGA’S Fire Commission, and which Councillor Keith Aspden incurs in attending meetings and briefings of the LGA’s Fire Services Management Committee and briefings as the Deputy Chair of the LGA’s Fire Services Management Committee, subject to the following:-

(i) The maximum amounts set out in NYFRA’s Members’ Allowances Scheme.

(ii) This approval relates to the period of each Member’s current term of appointment on the North Yorkshire Fire and Rescue Authority ie until the City of York Council’s Annual Meeting in May 2019, or until the governance of NYFRS is transferred to the PCC, whichever is the sooner.

Note: City Councillors Keith Aspden and Danny Myers abstained from voting on the decision recorded at part (d) of the Resolution to Minute 77.

78. Appointments to Pension Board

Considered -

The report of the Chief Fire Officer/Chief Executive which invited the Authority to approve changes to the Employer Representative members on the Authority’s Pension Board and to appoint a Chair to the Board.
Resolved -

(a) That Marc Warren be appointed to replace Jez Rushworth as Employer Representative and Carl Boasman be appointed to replace Dave Dryburgh as Employer substitute member.

(b) That Jonathan Foster be appointed as Chair of the Pension Board, to serve until June 2019.

79. Fire and Rescue National Framework for England

Considered -

The report of the Assistant Chief Fire Officer (Service Delivery) which provided an overview on the new Fire and Rescue National Framework for England. The report included the statement that, during July and August 2018, officers would undertake a gap analysis against the requirements in the Framework and an update would be provided to the Authority’s meeting to be held on 28 September 2018.

Resolved -

That the report be noted.

80. Community Safety Update

Considered -

The report of the Assistant Chief Fire Officer (Operations) which provided an update on Community Safety and Service Delivery activities for the period 1 January 2018 to 31 March 2018.

During debate:-

- The PCC congratulated the Assistant Chief Fire Officer (Operations) on NYFRS’s work with the Alzheimer’s Society.

- City Councillor Keith Aspden asked for Members to be provided with further information about how data from road safety speed data loggers was used by local community safety groups in deciding on the locations at which vehicle activated speed signs would be sited. The PCC highlighted that the Police were just about to publish a report concerning road traffic safety and that Members might find that report to be helpful. She also highlighted that the local community safety groups were partnerships and the information from the speed data loggers was only a first step in the process.

- County Councillor Tony Randerson asked to be advised of the date when the next fire safety education session would be provided at Overdale School because he would be interested in attending.

- A clarification was provided that no response had been received to date subsequent to the letter which had been sent on behalf of the Authority which lobbied for some of the money from fines from successful prosecutions by Fire and Rescue Services to be returned to the local Fire and Rescue Service.
City Councillor Tony Richardson asked for it to be recorded that he thanked NYFRS for its professionalism and conduct with members of the public in relation to a recent substantial fire at York.

Resolved -

(a) That the report be noted.

(b) That information regarding the use of data from road safety data loggers, together with the road traffic safety report which the Police will be publishing shortly, be circulated to Authority Members.

81. Professional Standards Update

Considered -

The report of the Assistant Chief Fire Officer (Operations) which provided an update concerning Professional Standards activities.

During debate, in response to a Member’s question, the Chief Fire Officer/Chief Executive advised that NYFRS would be happy to showcase the rehabilitation unit to local councils.

Resolved -

That the report be noted.

82. Committee Meetings

Considered -

The Minutes of the following meetings:-

- Collaboration Committee meetings held on 15 February and 12 April 2018
- Audit and Performance Review Committee meeting held on 25 April 2018
- Appointments Committee meetings held on 30 April and 18 May 2018

Resolved -

That the Minutes be noted.

83. Pension Board

Considered -

The Minutes of the meeting of the Authority’s Pension Board held on 23 April 2018.

Resolved -

That the Minutes be noted.

84. Questions from Members of the Authority in accordance with Standing Order 5

No questions were received.
85. Item of Urgent Business – FBU Substitute on NYFRA and Collaboration Committee

Note: The Chairman announced that this item of business would be considered at this meeting due to special urgent circumstances, namely, the FBU’s wish to change its Substitute on NYFRA and Collaboration Committee with immediate effect and prior to the Authority’s next scheduled meeting on 28 September 2018.

Considered –

The report of the Secretary to the Authority which advised that the North Yorkshire Branch of the FBU had advised that it wished to replace Adam Lee with Simon Wall as the FBU Substitute on NYFRA and the Collaboration Committee.

Resolved –

(a) That Adam Lee be replaced by Simon Wall as the FBU non-voting Substitute on NYFRA and the Collaboration Committee.

(b) That the appointment approved at part (a) of this Resolution be for the period ending on the day prior to the Annual Meeting of North Yorkshire Fire and Rescue Authority to be held in December 2018.

The following items were considered in private and the public has no right of access to the related reports

86. Proposed Senior Management Structure

Note: Julia Mulligan (North Yorkshire Police and Crime Commissioner) was invited to be present, and participate in discussion, concerning this item of business.

Considered -

The report of the Chief Fire Officer/Chief Executive which set out a proposed interim senior management structure.

The report documented that the proposed interim senior management structure would make a significant contribution to the overall budget savings requirement and provide the necessary continuity until such time as a substantive senior management structure was introduced and associated appointments made.

Resolved -

(a) That the report be noted and the proposed interim senior management structure, as set out in section 3 and Appendix B to the report, be approved.

(c) That the existing arrangements for the Section 151 Officer role, as set out in paragraph 3.3 of the report, be extended for the period documented in paragraph 3.3 of the report.
87. **Options regarding the Home Secretary’s Decision to Transfer Governance of NYFRS to the Police and Crime Commissioner**

Considered -

The report of the Legal Advisor and Secretary to the Authority which invited the Authority to consider whether it wished to bring and fund judicial review proceedings against the Home Secretary’s decision to transfer governance of NYFRS to the Police and Crime Commissioner.

Members discussed the various consequences of challenging the Home Secretary’s decision.

Members requested a recorded vote on this item of business.

The following motions were put to the vote in the order set out below:-

1. **Motion:** “That the Authority commence legal proceedings by writing a pre-action protocol letter and then issuing proceedings, if appropriate.”

   Members voted as follows:-
   - In favour of the motion:- Councillors Keith Aspden, Andy D’Agorne, Danny Myers, Tony Randerson, Tony Richardson, Geoff Webber (6)
   - Against the motion:- Councillors Val Arnold, David Blades, David Jeffels, Stanley Lumley, Stuart Martin MBE, Heather Moorhouse, Chris Pearson, Helen Swiers, Robert Windass (9)
   - Abstained from voting:- Nil

   The motion “That the Authority commence legal proceedings by writing a pre-action protocol letter and then issuing proceedings, if appropriate” was declared lost.

2. **Motion:** “That the Authority accept the decision of the Home Secretary and take no further action”.

   Members voted as follows:-
   - In favour of the motion:- Councillors Val Arnold, David Blades, David Jeffels, Stanley Lumley, Stuart Martin MBE, Heather Moorhouse, Chris Pearson, Helen Swiers, Robert Windass (9)
   - Against the motion:- Councillors Keith Aspden, Andy D’Agorne, Danny Myers, Tony Randerson, Tony Richardson (5)
   - Abstained from voting:- Councillor Geoff Webber (1)

   The motion “That the Authority accept the decision of the Home Secretary and take no further action” was declared carried.
Resolved -

That the Authority accept the decision of the Home Secretary and take no further action.

RAG/JR