

MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY HELD REMOTELY ON WEDNESDAY 9 DECEMBER 2020 AT 11.00 AM

Present: Councillors Carroll, Christensen (part), Clarke OBE (Chairman), Cole, Exon, Hopkins, Lambert, Marland, McCall, McLean, Mills, Minns (part), Stuchbury and Walsh

Officers: J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), D Norris (Head of Prevention, Response and Resilience), G Britten (Director of Legal and Governance), M Hemming (Director of Finance and Assets), A Hussain (Deputy Director of Finance and Assets), C Bell (Head of Protection & Assurance), P Mould (Group Commander Protection), A Chart (Health and Safety Manager), S Wells (Area Commander) and K Nellist (Democratic Services Officer)

Apologies: Councillors Hall, Hussain and Mallen

Live webcast broadcast:

<https://www.youtube.com/channel/UCWmIXPWAscxpL3vIiv7bh1Q>

The Director of Legal and Governance confirmed the webcast was live.

The Director of Legal and Governance welcomed Members to the December Meeting of the Buckinghamshire & Milton Keynes Fire Authority and confirmed that the meeting was being live streamed on the Buckinghamshire Fire & Rescue Service YouTube channel. Following the meeting, a recording would continue to be available on this channel and it was also being recorded, should there be any technical difficulties.

FA24

MINUTES

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 14 October 2020, be approved and signed by the Chairman as a correct record.

A Member asked for an update on the Grenfell Inquiry now that it had gone into Phase Two and was advised by the Chief Fire Officer that the investigation was continuing, and evidence was still being gathered from witnesses. Phase Two was how the cladding came to be on the building, the manufacturing process, the certification process etc., as soon as a report was published, it would be brought to Members' attention.

The Deputy Chief Fire Officer advised Members that following the Phase One recommendations, the Fire Safety Bill had passed through the House of Lords, two weeks ago. This was a positive outcome and progress was being made operationally and regarding fire safety.

The Chairman advised Members that on Page 16 of the Minutes there had been a question regarding 'The Gables' and 'Mellish Court' in Milton Keynes and invited Councillor Marland the Leader of Milton Keynes Council to update Members on the latest position.

Councillor Marland advised Members there were two tower blocks in Milton Keynes, predominately council housing, The Gables in Wolverton had around 60 flats and Mellish Court in Bletchley had around 140 flats, 200 flats overall. Both were built in the mid-1960s. There had been a history of small bin fires in the basements of the buildings and Milton Keynes Council had undertaken a very stringent fire review in light of Grenfell. There was no cladding on the buildings, but what the fire inspection found were a number of issues with the buildings, the materials they were constructed of, and the compartmentalisation had been breached in several ways. The

buildings were no more dangerous today or yesterday than they were thirty years ago, but the Council had taken immediate action and put in 24 hour waking watches on those buildings and a proper fire safety system.

Councillor Marland advised Members that in the meantime, the Council had been working on what it wanted to do with the buildings and last week, the Cabinet Member responsible took a decision based on three principles. Refurbishment, a complete strip back and refurbishment; demolition and re-provision as is, or to rebuild either as flats or in a different model or dispose of the site. Milton Keynes Council had taken the decision to decant all the properties over the next 6–18 months. The Council was undertaking a Section 105 Consultation, (also extended to leaseholders who were not statutory consultees) The Council had decided to demolish the building and re-providing it some way through the Housing Revenue Account. In the meantime, the waking watch would continue, and the resident's safety was paramount.

FA25

CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that against a backdrop of a worldwide pandemic the Service has and continues to provide the best possible emergency response to the communities of Buckinghamshire and Milton Keynes, when most needed. The following two operational incidents, unquestionably demonstrate how the prompt intervention of our crews have directly resulted in the lives of those members of public directly involved, being saved.

The first incident occurred on the morning of Sunday 16 August 2020 and involved one car which had left the roadway and collided with railings, before coming to rest on its side in a ditch. The location of the incident was Winslow Road, Mursley and was attended by operational crews from West Ashland.

On arrival, crews quickly established that the driver was still inside the car, which it was initially thought was due to the confinements and position the car was found to be in. However, on closer examination, it became immediately evident that as a consequence of the car colliding with the railings, the driver had been impaled by a metal pole which had passed through their back and into their leg.

Working alongside colleagues from South Central Ambulance Service, crews with a great deal of care and control, were able to extricate the driver, thereby ensuring they could be conveyed to hospital in a timely manner.

The second incident was a road traffic collision involving two cars, persons trapped, and happened during the early hours of Sunday 20 September 2020. The location of the incident was Lower Road, Stoke Mandeville and was attended by operational crews from Aylesbury, who whilst on route were informed one of the cars was on fire.

On arrival the crews were confronted with what was an extremely time critical situation, with the passenger of the car on fire, found to be still inside and the driver of the other car medically trapped, due to the serious nature of the injuries they had sustained.

Due to the immediate actions taken by the attending crews, in particular one firefighter, who at some personal risk to them self, got into the car on fire, in order to remove the unconscious passenger. All casualties were without doubt given the best possible chance of recovery from what were in some instance's life changing injuries.

It is important to also recognise the role our partners from other emergency services played in bringing about a safe resolution to these incidents. However, we should be immensely proud of the lifesaving skills exhibited by our operational crews in order to ensure the casualties involved were given every chance to receive the surgery and medical treatment they so urgently required.

The Chairman asked the Chief Fire Officer to thank everyone on behalf of the Members for everything they had done, especially throughout the ongoing Pandemic.

FA26

RECOMMENDATIONS FROM COMMITTEES:

OVERVIEW AND AUDIT COMMITTEE – 11 NOVEMBER 2020

(a) Local Government Ethical Standards Best Practice Recommendations

The Director of Legal and Governance advised Members that the genesis for this report was the letter to the Chief Executives of all local authorities published in July 2020 from the Committee on Standards in Public Life about its report on Local Government Ethical Standards which it published in January 2019. The report made 26 recommendations mostly aimed at government requesting changes to legislation; and one aimed at the Local Government Association (LGA) to create a new model draft Code of Conduct after consultation with councils. The LGA had stated that it was due to report on its final model Code of Conduct later this calendar year.

The Director of Legal and Governance advised Members that the Committee on Standards in Public Life report also included 15 Best Practice recommendations which, as its July letter stated, it would expect all Local Authorities to implement. In its letter, the Committee on Standards in Public Life stated that it would be writing to Local Authorities again in the Autumn to ascertain progress against its 15 Best Practice recommendations.

An audit was undertaken of the current arrangements, benchmarked against the 13 recommendations applicable to combined fire and rescue authorities. There was nothing in the findings which gave cause for concern, however, there were some aspects of the recommendations which he invited the Overview and Audit Committee to recommend to the Authority to agree.

The first substantive Recommendation to the Authority was that it should agree to the Code of Conduct being reviewed on an annual basis in line with the Committee on Standards in Public Life's recommendations, but that this should wait until 2021/22 so as not to pre-empt the content on the new model LGA Code of Conduct. Therefore, the outcome of the LGA's consultation on its draft Code of Conduct should be considered when this Authority's review was undertaken.

The Director of Legal and Governance advised Members that when the Code of Conduct was reviewed, the prohibition on 'harassment' be added to the prohibition of bullying; and that definitions and examples of both bullying and of harassment be included.

A Member asked that with any standards investigation the first filter would be, was the member acting in their capacity as a member of the Fire Authority, and some case examples should be added, or their constituent authority, or where they are acting as a member of the public, particularly when it comes to social media.

RESOLVED –

1. That the benchmarking report (Annex A) regarding the 15 Best Practice Recommendations in CSPL's Local Government Ethical Standards Report be noted;
2. a) that the Code of Conduct is reviewed on an annual basis commencing 2021/22; and where possible taking into account the views of the public, community organisations, and neighbouring and appointing authorities;
b) that in any review of the Code of Conduct:
 - i. the outcomes of the LGA's consultation on its draft Code of Conduct be taken into account;
 - ii. the prohibition on 'harassment' be added to the prohibition of bullying;
 - iii. definitions and examples of both bullying and of harassment be included; and
 - iv. the requirements on Members to comply with any formal standards investigation be included.

It being moved and seconded that the following text be added to recommendation 2c: "and a non-exhaustive list of examples when a Member may be deemed to be acting as a Member of Buckinghamshire and Milton Keynes Fire Authority."

It was RESOLVED -

- c) that the 'Procedure for handling of allegations under the Code of Conduct against Members of the Buckinghamshire and Milton Keynes Fire Authority' be amended to include a non-exhaustive list of public interest factors which will be taken into account at the filtering stage of a complaint; and a non-exhaustive list of examples when a Member may be deemed to be acting as a Member of Buckinghamshire and Milton Keynes Fire Authority.

(Councillor Minns joined the meeting)

EXECUTIVE COMMITTEE – 18 NOVEMBER 2020

(b) Capital Strategy

The Deputy Director of Finance and Assets advised Members that the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities (2017) included a new requirement for local authorities to produce a capital strategy to demonstrate that capital expenditure and investment decisions were taken in line with the Service's objectives and take account of stewardship, value for money, prudence, sustainability and affordability.

This Strategy outlined the Authority's approach to capital investment ensuring it was in line with its corporate priorities and objectives set out in the Public Safety Plan. It provided a strategic overview of how capital expenditure; capital financing and treasury management activity contributed to the delivery of outcomes, as well as overview of the management of risk and future financial sustainability. Progress against this strategy would be reviewed annually and updated accordingly.

RESOLVED –

1. The Capital Strategy be approved, subject to the following amendment being made prior to publication: i) 9.3 "As at 31 September 2020, the

long-term debt currently stands at £6.797m.” be amended to “As at 30 September 2020, the long-term debt currently stands at £6.797m.”

2. The Authority add, in its Terms of Reference, determining the Capital Strategy as set out at Appendix C.

(c) Financial Strategy 2020-21 to 2024-25

The Director of Finance and Assets advised Members that the Financial Strategy was a new document and it took a long term look at the Authority’s finances and helped guide the medium term financial plan and budget setting. It took information from a number of sources, including HMICFRS reports, audit reports both internal and external and financial analysis. One of the key aspects of the Strategy was that it considered potential medium and longer term scenarios, with a consideration of areas that could be enhanced or scaled back depending on the outcome of future funding settlements.

The Director of Finance and Assets advised Members that the recommendation within the report that “the Service should consult with the people of Buckinghamshire and Milton Keynes on options to have the most effective and efficient response against the financial environment in which it operates” was addressed through the implementation of the Public Safety Plan 2020-25 and was also covered within this Strategy.

The Strategy also contained the Authority’s reserves strategy, which was a requirement of the National Framework. The main focus of the Strategy was the Action Plan, which highlighted key actions that would be taken over the next five years as a result of undertaking this analysis. Some of the key actions were undertaking a value for money review with an external provider; establishing the Programme Management Office; and a review of the performance reporting arrangements.

The Director of Finance and Assets advised Members that there was a question raised at the Executive Committee around interest receivable. The Strategy showed the budget for the current year at £150K for Treasury Management Investments, but it should be noted that the Authority was expecting this to reduce by £120K for the following year.

The Director of Finance and Assets advised that following the recent Spending Review there were three key points to note. The public sector pay pause would save the Authority £300K; the government would fund 75% of irrecoverable losses on business rates and council tax; and the core referendum threshold would remain at 2% with no specific exemptions mentioned for fire and rescue authorities. The Authority would currently be looking at a deficit of around £1M for next year. The Authority had written to the Minister highlighting these concerns, especially around the lack of council tax flexibility and awaited a response.

A Member asked about the consultation and was advised that this was done as part of the Public Safety Plan and was undertaken through focus groups and in terms of their response on council tax, this was an educated response after members of the public had been given the Authority’s financial position and the implications of the cost pressures faced.

A Member asked about employees earning under £24k, would they get the 2% pay rise as stated by the government and was advised that yes, work had already been done to identify individuals effected and the Authority would be complying with the directive from Government.

A Member asked about the council tax base and was advised that the Minister had raised that the Authority had put itself in that position, and the response to the Minister was the Authority had taken those decisions

based on the information available at the time. However, the Authority was now in a position where it needed to increase council tax and that was the representation made back to the Minister in a letter and the Authority awaited his response.

A Member asked about the cost of a council tax referendum and was advised that the estimated cost of holding a referendum would be around £600K. This was based on the one referendum which had been undertaken since new regulations came into force. The Bedfordshire Police and Crime Commissioner had sought to increase council tax above the threshold but lost the referendum. Not only was there the cost of holding the referendum, but should it fail, there was the cost of rebilling, which would be a substantial part of the Authority's reserves.

RESOLVED –

That the Financial Strategy 2020-21 to 2024-25 be approved, subject to the following amendments being made prior to publication: i) Page 16 "unknow" to be replaced with "unknown" ii) Page 32 the following text to be added to the comments in the first row of the table "The decrease in the Bank of England base rate to 0.1% has had a significant impact on interest receivable. Also, during the pandemic the emphasis has increasingly shifted toward liquidity and faster payments to suppliers." iii) Page 10 Annex 1 (Appendix A) Row F2 "quantitate" to be replaced with "quantitative" iv) Page 14 Annex 1 (Appendix A) Row R1 the word "time" to be removed.

FA27

INDEPENDENT PERSONS

The Director of Legal and Governance advised Members that one of the recommendations in the Committee on Standards in Public Life Ethical Standards report was that local authorities should have access to at least two Independent Persons. Since the introduction by the Localism Act 2011 of Independent Persons into the local government ethical governance regime, the Authority had worked collaboratively with other local authorities to advertise for, and recruit, Independent Persons.

Firstly in 2012 the Authority participated in arrangements with Bedfordshire Fire and Rescue Authority, and the councils of Milton Keynes, Central Bedfordshire, Luton Borough and Bedford Borough coordinated by Luton Borough Council. In 2016 Luton Borough again led on the collaborative recruitment process on behalf of the Authority, this time with Milton Keynes and Central Bedfordshire Councils.

This year, Milton Keynes Council led on the recruitment process. three of the Authority's previous Independent Persons re-applied, these were Dr Vasco Fernandes, John Jones and Chris Fogden. Together with Deborah Maggs, all four had confirmed they would be willing to be appointed to act as the Authority's Independent Persons. Pen profiles of the four individuals were at Appendix A. The recommendation was for the Authority to appoint these four individuals to be available to act as its Independent Persons for a period no longer than 30 September 2024.

Councillor Stuchbury asked that it be noted that he knew Mr Chris Fogden; and Councillor McCall that he knew Dr Vasco Fernandes.

(Councillor Stuchbury abstained)

RESOLVED –

That the following persons be appointed to serve as Independent Persons for the Authority until 30 September 2024:

1. Dr Vasco Fernandes

2. Chris Fogden
3. John Jones
4. Deborah Maggs

(Councillor Christensen left the meeting)

FA28

ANNUAL HEALTH, SAFETY AND WELLBEING REPORT 2019/20

The Lead Member for Health and Safety and Corporate Risk introduced the report and advised Members that these were challenging times, but he was confident the Service was equipped to cope. There had been significant changes implemented since Covid-19. The Service looked at its staff in a holistic manner recognising that everybody's health, safety and wellbeing was paramount, all be it differently depending on their role. Members would see in the report there had been several significant reductions in negative incidents, but the Service must not become complacent. The Service would continue to develop proactive protocols and policies that should make it an even safer place to work.

The Health and Safety Manager advised Members that whilst this report was based on performance for the year 19/20 the Covid-19 pandemic (which initially impacted on the Service in March) was and continued to be one of the highest priorities for the Service in terms of protecting its staff and the communities it served.

The Health and Safety Manager advised that the initial response to Covid-19 provided by the Service was the quarantining of those who entered the UK from affected countries at Kent's Hill, Milton Keynes in terms of social distancing, personal hygiene and cleaning regimes, when it became apparent that the UK would be affected by the virus.

The Service had worked closely with its Thames Valley partners in terms of protecting Thames Valley Fire Control staff who provided a critical service and also in protecting its operational crews to enable them to carry out the statutory duty and protect the communities they serve.

The Service was in a good position in terms of the work undertaken and the measures implemented to ensure adherence to Government, PHE and WHO guidance. All of the stations and sites were Covid Secure. It was now a case of monitoring the adherence to measures on an ongoing basis. Risk assessments had been created for service delivery activities and those detailed in the tripartite agreements; protection, prevention, training activities and for all station and sites in terms of working safely with Covid-19. These were under constant review as the situation was highly dynamic in nature.

During the pandemic, the Health and Safety Department had continued to carry out the day to day work of the department effectively whilst supporting both the ambitions of the Service and the response to the pandemic.

The Health and Safety Manager advised that in terms of the performance of the Service, there had been a decrease in the number of safety events in three areas, injury rate, number of injuries and equipment damage. Two remained the same as 2018/19 RIDDOR and acts of violence and there was an increase in vehicle damage compared to last year. The number of near misses has decreased. Of the 44 personal injury safety events, 33 had been recorded as minor in nature and 11 as moderate.

The Health and Safety Manager advised Members that station plans were being introduced early next year. Each station was given its own profile relating to the demographics, vulnerabilities within its communities and risk and demand levels. Key health and safety matters featured in the station improvement plan to identify what level of understanding and knowledge of expected behaviours operational staff had.

The Health and Safety Manager advised Members that with regard to employee well-being, the current focus of the Attendance Management Monitoring Group (AMMG) was on the structure of the group and how the Service captured and reported absence and whether there were ways this could be enhanced.

The Health and Safety Manager advised that with regards to the Contaminants project update, both the National Fire Chiefs Council (NFCC) and Fire Brigades Union (FBU) contaminants projects had been temporarily suspended due to Covid-19. The work London Fire Brigade had been doing in terms of testing and monitoring firefighters who attended Grenfell (hair, blood and urine testing) had also been suspended. There was still no case law in the UK that confirmed a firefighter suffering from cancer had been as a result of their work. There were many reasons why an individual contracted cancer, however, the FBU Contaminates report had identified a link and the Service would be carrying out a gap analysis imminently.

A Member asked if the FBU Contaminants Report could be shared with Members and was advised that it would be emailed to all Members after the meeting.

A Member asked if mental health was measured and was advised that it was reported through the Attendance Management Group and also formed part of the remit for the Well-being Group. There was a team of mental health champions and mental health first aiders across the service.

A Member asked a question regarding support staff absence with stress and also were support staff working from home and was advised that there was an Employee Assistance Programme which was confidential and available to all staff, which would work through a range of issues with individuals in terms of financial issues, personal issues, stress etc. There was a Welfare Officer available to all staff, and stress risk assessments were carried out if staff were off work with stress as the sickness reason. Wellness action plans were created to help with the return to work. With regard to support staff working from home, the Service was following Government guidelines. For vulnerable persons working from home, there was regular contact with line managers and colleagues.

The Chief Fire Officer advised Members that as they were aware, the Service was inspected by HMICFRS in early November which looked at a number of issues, including the Service's response in the community, how it responded, how it made sure its core services were not affected and the safety of the community was maintained. Included in the report and inspection was how the Service treated its staff, in terms of health, safety and mental well-being. The report had yet to be published, but the Chief Fire Officer was confident that the report would raise some positive messages about the Service and how the Service and its staff had reacted to Covid-19.

The Chairman asked to put on record that attacks on firefighters whilst on duty was not condoned and if happened, it was reported to the police and the perpetrators taken to Court. It was unacceptable behaviour on people doing their jobs.

The Health and Safety Manager advised that the sentence for attacks on emergency service personnel had recently been increased from twelve months to two years.

RESOLVED –

That the Service's performance, detailed in the Annual Health, Safety and Well-being Report 2019/20, be noted.

FA29

DATE OF NEXT MEETING

The Authority noted that the next meeting of the Fire Authority will be held on Wednesday 17 February 2021 at 11am.

THE CHAIRMAN CLOSED THE MEETING AT 12.32 PM