

MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE AND MILTON KEYNES
FIRE AUTHORITY HELD REMOTELY ON WEDNESDAY 14 OCTOBER 2020 AT 11.00
AM

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

Officers: J Thelwell (Chief Fire Officer), D Norris (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), M Hemming (Director of Finance and Assets), C Bell (Head of Protection & Assurance), P Mould (Group Commander Protection), J Humphrey (Station Commander HR Projects) S Wells (Head of Prevention, Response and Resilience), K Mercer (Station Commander Aylesbury and USAR), D Shaw (ICT Server Specialist), K Nellist (Democratic Services Officer) and K Lole (Regional Employer Engagement Director, Oxfordshire, Buckinghamshire & Berkshire South East Reserve Forces' & Cadets' Association).

Apologies: Councillors Hussain and Minns

Live webcast broadcast:

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

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

FA16

MINUTES

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 12 June 2020, be approved and signed by the Chairman as a correct record.

FA17

EXEMPT MINUTES

RESOLVED –

That the Exempt Minutes of the meeting of the Fire Authority held on 12 June 2020, be approved and signed by the Chairman as a correct record.

FA18

DISCLOSURE OF INTERESTS

Councillors Clarke OBE and McCall both declared an interest in Agenda Item 4 Chairman's Announcements, the national Armed Forces Covenant.

FA19

CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

Signing the national Armed Forces Covenant is the Authority's promise to actively support the armed forces community. It

acknowledges that the Authority recognises the value serving personnel, reservists, veterans and military families can bring to our Service. It also indicates that the Authority will, through its business dealings, work to ensure they are treated with fairness and respect within both the local community and wider society and help remove any disadvantages they may encounter in their day-to-day lives. By signing the covenant, the Chief Fire Officer has pledged that the Authority will seek to uphold the principles of the Armed Forces Covenant, where it can, by:

- Promoting the fact that we are an Armed Forces friendly organisation.
- Supporting the employment of veterans of any age and working with the Career Transition Partnership (CTP) on establishing a tailored employment pathway for service leavers.
- Supporting the employment of Armed Forces spouses and partners, and advertising job opportunities through armed forces friendly recruitment agencies and charities.
- Recognise relevant military qualifications in our recruitment/application processes.
- Offering a degree of flexibility in granting leave for Armed Forces spouses and partners.
- Supporting our employees who choose to be members of the Reserve forces, by accommodating their training and deployment where possible.
- Offering support where possible to our local cadet units, either in our local community or in local schools, and encouraging our employees to be cadet helpers or instructors.
- Actively promoting and when possible participating in Armed Forces Day.

Kate Lole, Regional Employer Engagement Director – Oxfordshire, Buckinghamshire & Berkshire South East Reserve Forces' & Cadets' Association had joined the meeting and gave Members a brief overview of the national Armed Forces Covenant.

Buckinghamshire Fire and Rescues Service (BFRS) hosted and took part in a National Urban Search and Rescue (USAR) exercise on the 9 September 2020 along with USAR teams from Essex, Leicester, West Midlands and Norfolk Fire and Rescues Services. All these services form part of the National Zone 2 USAR capability and supports the other 3 zones that make up the 20 teams across the country. In addition, other emergency responders and agencies took an active part in the exercise and these included, NHS Hazardous Area Response Teams (HART), South Central Ambulance Service (SCAS) Disaster Victim Identification (DVI) teams from the Police Force, Air Accident Investigation Branch (AAIB) and local council officers and officials.

The exercise took part at Westcott Venture Park, just outside of Aylesbury. The exercise was designed to demonstrate our

capabilities and interoperability arrangements with our USAR Zonal Partners and other emergency responders in preparedness for a major incident of this type. The exercise was audited by the National Resilience Assurance Team (NRAT) who are commissioned by the Home Office to ensure all USAR teams are providing the capability against set Key Performance Indicators.

The exercise proved to be a huge success with all the teams working very well together, we have received very positive feedback from all involved, including NRAT which has shone a positive light on BFRS. The official results from NRAT are not yet released but will be very soon.

Station Commander Aylesbury and USAR joined the meeting and gave Members a presentation on USAR and their recent training exercise.

(Councillor Mallen joined the meeting)

Councillor McLean had taken part as a casualty at the exercise and gave Members an overview of his day. He thanked the Station Commander Aylesbury and Daniel Cadwell, Health and Safety Adviser, for their parts in arranging his participation.

A Member asked that with a lot of the USAR equipment coming up for 20 years old, what was the expectation if USAR carried on after the 2024 refresh. Would it be a requirement for the Service to take over funding or would it still be funded by government.

The Station Commander Aylesbury and USAR advised that this would be the subject of the whole national capability review, no final decision had yet been reached.

The Chief Fire Officer asked if all Members could agree, cross-party, that this was a resource that should be kept in Buckinghamshire.

A Member asked how does the utilisation of the Authority's USAR team compare to the other 19 teams across the country, and was advised that there was a range of performance indicators used for all USAR teams, and whilst the USAR capability was housed in Buckinghamshire, it could serve anywhere in the country as part of a whole nationwide response and capability was kept under regular review.

A Member asked if the uncertainty around funding and multi-year settlements affected the planning, delivery and recruitment for the Service.

The Chief Fire Officer responded that it did affect the planning, the Authority discussed USAR funding every year because the funding was rolled over every year. Moving forward the current planning assumption was that the Service would keep the funding up until 2024.

The Chief Fire Officer hoped that any review would not just look at the number of teams, but at the equipment involved. An equipment refresh was needed due to the age of the equipment. Looking forward, the Authority would like to keep this team in Buckinghamshire. Also, the Service had an excellent training record, not just internally, but nationally and with other agencies across the country.

FA20

PEOPLE STRATEGY 2020 - 2025

The Lead Member for People, Equality and Diversity and Assurance introduced the report and advised Members that the People Strategy 2020-2025 sets out a framework for engaging and developing employees to enable the cultural changes which would help the Service better deliver its vision and strategy priorities.

The Lead Member for People, Equality and Diversity and Assurance also thanked the Equality, Diversity and Inclusion Group (ED&I) within the Service. This group come together regularly to help put together the Equality, Diversity and Inclusion Strategy.

The Station Commander Human Resources Projects advised Members that the People Strategy had been revised to align to the Public Safety Plan and Corporate plan and set out a framework for engaging and developing employees of Buckinghamshire Fire and Rescue Service over the next five years. The Strategy had been developed through engagement with the Lead Member for People, Equality, Diversity and Assurance; Stakeholders for each key area; representative bodies and through internal employee consultation. The strategy document has therefore had been updated considering the feedback from the consultation process which could be found in Appendix 1.

The Station Commander Human Resources Projects highlighted the key updates within the strategy; the signing of the national armed forces covenant and promise to support the armed forces community; the focus on senior management talent identification and development; workforce and succession planning; and the Service pledge to continue to increase diversity at all levels.

Work to develop the strategy would be ongoing and would be achieved through a refreshed communication strategy including employee engagement and understanding the strategy's effectiveness.

The Strategy had been developed to provide flexibility to adapt to any changing circumstances to staff availability and funding, as outlined in the corporate risk register. Subject to approval, the new strategy would become effective from November 2020.

A Members asked if this would be a 'live' document and was advised that it would be constantly reviewed. The current

strategy had built on experience from previous years, both learning from the ED&I Group, the contribution from the Learning and Development Team, the Health and Well-being Board, and the Culture Surveys that had been carried out over recent years, and also learning from our HMICFRS Inspection report.

RESOLVED –

1. That the People Strategy 2020 – 2025, Annex A, be approved.
2. That the consultation feedback in Appendix 1 was noted.

FA21

FIRE AND RESCUE AUTHORITIES BECOMING STATUTORY CONSULTEES IN THE DEVELOPMENT MANAGEMENT PROCESS – CONSULTATION BY THE WELSH GOVERNMENT

The Director of Legal and Governance advised Members that the purpose of this report was to apprise the Authority of a consultation launched by the Welsh Government on 28 July 2020, about its proposals to make the three Welsh fire and rescue authorities statutory consultees on planning applications relating to specified developments; the current position in England in respect of consultation and fire and rescue authorities; and proposals for England contained within the draft Building Safety Bill.

Responsibility for legislation concerning town and country planning; building regulations and fire safety was devolved to the Welsh Government. The Welsh Government's proposals would require pre-application and post-application consultation with the three Welsh fire and rescue authorities, by developers and planning bodies, for certain types of development. The types of development which would be subject to the requirement to engage with fire and rescue authorities were set out in paragraph 4.15 in the Welsh Government's document, These would be planning applications for development comprising, waste sites; 10 residential units or more; or of over 0.5 hectare; buildings with floor space of over 1,000 square metres; or sites of 1 hectare or more. The report maps the current legal regime in Wales across to the regime in England.

In England under town and country planning legislation, a Fire and Rescue Authority (FRA) was only a statutory consultee where a proposed development was a 'Nationally Significant Infrastructure Project', such as a power station, fuel storage or a fuel pipeline, transport hub, or highway or railway. However, there was nothing to preclude local planning authorities from adopting local policies under which they could consult fire and rescue authorities about planning applications. Changes to the legislation of the type contemplated in Wales would require the necessary levels of staffing and competency within the FRA to enable it to comply with a duty to provide a "substantive response" within a 21-day period; and require the FRA to publish annual compliance data.

In England, council's building control services, or approved inspectors, were responsible for checking for compliance with the requirements of Building Regulations. Building Regulations were concerned with building work and with material changes of use (which may give rise to requirements for building work).

The requirements for fire safety would apply to most buildings. Fire safety requirements were set out in Part B of Schedule 1 to the Building Regulations. These cover means of escape, means of early warning, internal and external fire spread, and access and facilities for the fire and rescue service. Ways of meeting the requirements were given in statutory guidance issued in England and separately in Wales as 'Approved Document B'. At present, FRAs were consulted on applications for Building Regulations approval when required under Approved Document B.

The Welsh Government's proposals were in response to the Grenfell Fire, however the legislation proposed for Wales was not limited to high rise residential buildings.

In England a different approach had been adopted. On 20 July 2020 the Government published the draft Building Safety Bill. The stated intention of the Bill was to create a more stringent regulatory regime for 'higher-risk' residential buildings and was part of the Government's response to the Independent Review of Building Regulations and Fire Safety, led by Dame Judith Hackitt.

The Bill introduced a 'Building Safety Regulator' as a new role to be undertaken by the Health and Safety Executive. The Bill would amend the Building Act 1984 to create a new 'Gateway' regime for 'higher risk buildings'. The Government had signalled its intention that it proposed to define a 'higher-risk building' as: A building 1) 18 metres or more above ground level; or in which there were more than 6 storeys above ground level and 2) contains: a) Two or more dwellings; b) Two or more rooms for residential purposes, or c) Student accommodation.

Clause 13 of the Bill enabled the Building Safety Regulator to call on assistance from local authorities and FRAs when regulating higher-risk buildings.

Clause 14 places a duty on FRAs and local authorities to only use staff with the 'appropriate skills, knowledge, experience and behaviours' when supporting the Building Safety Regulator.

The Bill intends to introduce a Gateway process for applications to construct 'higher-risk buildings'. The first Gateway was the 'Planning Gateway' under which those applying for planning permission would need to submit to the Local Planning Authority, with the planning application, information that demonstrates fire safety requirements had been considered at an early stage and incorporated into the proposals.

The Building Safety Regulator would become a new statutory consultee to provide specialist fire safety input on the proposals

to assist the Local Planning Authority in their decision-making process. However, where a planning application was not currently required (i.e. it was permitted development under the General Permitted Development Order), the requirements of the Planning Gateway would not apply, and development proposals would proceed straight to Gateway two.

The Bill proposed that Gateway two occurred prior to construction work beginning. It was intended to bolster the current building control 'deposit of full plans' stage.

Gateway two was intended to provide a 'hard stop' where construction cannot begin until the Building Safety Regulator was satisfied that the building's design meets the functional requirements of the building regulations and does not contain any unrealistic safety management expectations. At either or both Gateway 1 and 2 the Building Safety Regulator could request, or direct, a FRA to provide its employees to give assistance and support.

The Group Commander Protection advised Members that the National Fire Chiefs Council (NFCC) had produced and reviewed the National Competency Framework for Fire Regulators and consultations fall under the top tier of that qualification. The aspiration was that only those with the highest level of training, which was a Level 4 Diploma and external accreditation with an organisation such as the Institute of Fire Engineers. One of the challenges for the future was maintaining competency skills and knowledge and accreditation and that would be a significant challenge to all fire services.

With regard to the actual consultations, the Authority is consulted on five categories. One of the first categories was under the Licencing Act 2003, where the Authority received regular applications. The Authority was also a consultee on weddings and civil partnerships, new premises and clubs and minor variations.

The Authority works closely with the local authority on houses of multiple occupation consultations under the Building Act 1984 and the Building Regulations 2010.

The Authority works with the water authorities under the Water Industry Act 1991 regarding plans for any significant new developments and also gets the opportunity to state requirements for water supplies.

Under the Town and Country Planning Act 1990, the Authority was a non-statutory consultee and responded where it could on significant developments.

The main work stream and biggest workload for staff was around building regulations consultations, working under the Building Act 1984 and the Building Regulations 2010. The Authority generally processed around 1200 consultations a year.

Under consultations the Authority got to comment on means of escape, emergency and safety lighting, access and facilities for the fire service, notice and signs and fire alarms and detection. One of the biggest challenges at this point was that the Authority was not the enforcing authority, but a consultee. The first opportunity to actually work under the regulations was once the development had been built and was occupied, then the premises can be inspected to ensure they have actually complied with all of the regulations and stipulations.

A Member asked if England was to replicate the Welsh government's forward-thinking legislation what would be the cost to the Authority and did the Authority have the resilience to do it.

The Group Commander Protection advised that capacity and growth would be a challenge, but the Authority was monitoring it. The opportunity to be involved in the planning and consultation at the early stages could actually reduce the demand on the team at later stages. If the powers were a little stronger, and there was a stop point whereby they couldn't commence until it was compliant, this could actually reduce some of the demands in future. The Authority had over the last two years approved additional funding for the protection teams. There had been a slight delay in fulfilling some of those posts due to restrictions on recruitment and training, but the process had now started.

A Member asked a question regarding a situation relating to two properties 'The Gables' and 'Mellish Court' in Milton Keynes. "Following a recently completed safety audit report for both properties were the dangers and/or risk levels highlighted in the report sufficient that you would advise residents to be rehoused from both premises at the earliest opportunity."

The Group Commander Protection advised that the Service, as the Regulating Authority for the Fire Safety Order, had been working hard with Milton Keynes Council (as the Responsible Person for the premises) for maintaining the safety of the building. In-depth audits had been carried out, following the NFCC's framework, and part of the Enforcement Management Model included significant interim measures being put in place by the Responsible Person. Any risk assessment undertaken would be expected to take into account any control measures put in place. The measure introduced at the two sites were interim measures, and they would be required to be reviewed on a regular basis by the Responsible Person. The Protection Team for the Service would continue to liaise and monitor those situations and circumstances and keep it under review.

The Chief Fire Officer advised that the Service employed a range of interventions for the enforcement of fire safety legislation. These interventions range from informal action, which can include notices suggesting fire safety measures, to formal action which can include prohibition of the premises and/or prosecution of the Responsible Person. When enforcing these regulations, the Service would employ these actions, and does so on a regular

basis. The Responsible Person had responsibility for the implementation of any fire risk assessment and this issue would be kept under constant review.

The Member also asked that the Chief Fire Officer updated Members of the Authority on a regular basis as and when actions were required to be taken/or were planned to be taken as was fitting of those actions that can be released in the public domain and to ensure that the Chairman and Vice Chairman receive regular briefings, as this was a very important topic in Milton Keynes.

The Chief Fire Officer advised Members that even if the responsible person was a local authority or business owner in the community, all would be treated in the same way. The Service had a track record of enforcement through informal action and it also had a track record of enforcement through prosecution and that was a matter for public record.

A Member asked where the Grenfell Inquiry had reached and also what effect it would have on this and was advised that the Grenfell incident had been the genesis for a great deal of change, not just operationally but also in terms of fire safety legislation. The Grenfell phase 1 enquiry had concluded and phase 2 was underway and the Authority continued to take an active part through the NFCC and other stakeholders and partners shaping it's response which had been submitted to the Home Office in relation to the fire safety part of the consultation.

RESOLVED –

(Recommendation 2 having been proposed and seconded to be amended to include the text 'becoming statutory consultees to the local planning authorities in the development management process' in place of 'becoming consultees in the development management process')

1. The content of the Welsh Government Consultation Document (Annex A) be noted; and
2. The Chief Fire Officer be authorised, after consultation with the Group Leaders and Vice Chairman, to submit the views of the Group Leaders about fire and rescue authorities becoming statutory consultees to the local planning authorities in the development management process to:
 - a) The Minister of State for Building Safety, Fire and Communities; and
 - b) the LGA Fire Services Management Committee.

FA22

PUBLIC SERVICE PENSION SCHEMES CONSULTATIONS

The Lead Member for Finance and Assets, Information Security and IT introduced the report.

The Director of Finance and Assets advised Members that this report was for noting. It covered two formal consultations the deadline for responses were the 8 and 11 October 2020. Responses had already been submitted in agreement with the Chairman and Lead Member. Both consultations sought views on how best to remedy the firefighters pension scheme and the local government pension scheme following the McCloud/Sargeant ruling. Certain protections offered as part of the transition from old schemes to new schemes were discriminatory and had to be remedied.

The proposal for the local government pension scheme was more straight forward and simply removed the age requirement from the underpin qualification criteria during the qualifying period.

The firefighter pension scheme proposals were more complex, in that there were two proposals. Essentially, firefighters would have a choice whether they remain in their legacy scheme or transfer into the new scheme during the transition period which runs between 2015 and 2022. The proposals were that they had to either make this choice immediately or they have a deferred choice, whereby they make the choice of which scheme they want to be in when they retire.

In terms of the proposals, the Authority didn't express a preference for either option, the approach had been to highlight the implications for both choices and that there would be additional costs in terms of administration and almost certainly higher employer contributions and also made representations that these should be funded by central government and should not be a burden on local council tax payers.

As part of this, the Authority had also stressed the need for clear guidance for both employers and members of both pension schemes as they were becoming increasingly complex, and guidance was essential for everyone involved.

A Member had noted that the Local Government Association (LGA) had published a response with a preference for the deferred option and asked why the LGA felt that was the better option.

The Director of Finance and Assets advised Members that the LGA had expressed quite a clear preference for the deferred option, the overriding basis for this was that the LGA felt it mitigated the risk of any future legal challenge. One of the issues they noticed was that if there was an immediate choice exercise, not all members were massively engaged in pensions, especially the younger ones and they may not engage and make that immediate choice.

The consultation also noted that immediate choice was irrevocable although it would bring more certainty to the employer in terms of being able to value the scheme and set employers contributions. The overall impact on the Authority of

either scheme was the amount of administration and the amount of resource would increase even further over the next couple of years whatever choice was made.

The Chairman asked about the guidance and was advised that it was something the Authority was pushing government to lead on. The Authority was asking for clear guidance to come from the Home Office. It was also supported by the Local Government Association, who employ two pension advisors for which the Authority pay a levy and they advise all authorities and the Authority was further supported by its pension's administrator.

A Member asked how could we ensure that members of the pension schemes, especially the younger ones, were going to get the correct advice and was advised that the Authority would provide staff with as many updates and communications as possible to keep them apprised with what was going on and where to seek advice if they need it. The Authority also held regular retirement planning sessions for staff with an independent expert.

(Councillor Cole left the meeting)

RESOLVED –

That the responses to the consultation be noted.

FA23

DATE OF NEXT MEETING

To note that the next meeting of the Fire Authority will be held on Wednesday 9 December 2020 at 11am.

THE CHAIRMAN CLOSED THE MEETING AT 12.23 PM