



# Buckinghamshire & Milton Keynes Fire Authority

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Minutes of the Meeting of the EXECUTIVE COMMITTEE of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 17 NOVEMBER 2021 at 10.00 AM.

**Present:** Councillors Christensen, Clarke OBE, Hall, Hopkins, Lambert, McLean, and Walsh

**Officers:** J Thelwell (Chief Fire Officer), G Britten (Director of Legal and Governance), M Hemming (Director of Finance and Assets), A Stunell (Head of Human Resources) and K Nellist (Democratic Services Officer)

**Remotely:** M Osborne (Deputy Chief Fire Officer) A Hussain (Deputy Director of Finance and Assets) S Tuffley (Head of Covid-19 Preparedness and Response), C Bell (Head of Protection, Assurance & Development), S Wells (Head of Prevention, Response and Resilience), A Carter (Head of Technology, Transformation and PMO), M Crothers (Programme Manager)

**Apologies:** Councillor Marland

The Chairman advised the Committee that the meeting was being recorded and would be uploaded on to the Authority's YouTube channel after the meeting.

<https://www.youtube.com/channel/UCWmIXPWAscxpL3vliv7bh1Q>

## **EX15 MINUTES**

RESOLVED –

That the Minutes of the meeting of the Executive Committee held on Wednesday 15 September 2021, be approved, and signed by the Chairman as a correct record.

## **EX16 IMMEDIATE DETRIMENT FRAMEWORK**

The Lead Member for Finance and Assets, Information Security and IT introduced the report and advised Members that there had been changes since the report was written and asked the Director of Finance and Assets to take Members through the changes.

The Director of Finance and Assets advised that firstly he would give Members some background into the changes and the revised recommendations which were on the new page (in front of them).

The Director of Finance and Assets also advised Members that there were some officers at the meeting within the scope of this report, who did not need to declare an interest, but he wanted Members to be aware that some officers present were affected.

The Director of Finance and Assets advised that this report gave the latest position regarding immediate detriment. Essentially, it applied to operational staff who were on the old scheme and transferred into the new scheme between 1 April 2015 and 31 March 2022. At the March meeting of the Executive Committee, based on guidance and legal opinion, the Committee determined to treat those that were due to retire as if they had never left their old scheme. Since then, there had been some further legal cases against London and Nottinghamshire fire and rescue services and as a result, the Local Government Association (LGA) and Fire Brigades Union (FBU) had agreed a framework to enable the Service to deal with McCloud and Sargeant cases.

The Service was already dealing with category one cases - people due to retire, and in this respect the framework had helped to make sure they were treated consistently, across all Services. It also identified category two cases - people who had already retired and would have been transferred to the new scheme before they retired. Eventually, all cases would have to be revisited when legislation was laid.

The Director of Finance and Assets advised Members that since the report was published, HMRC had published new proposals for tax. The main change introduced was that if members got a lump sum more than twelve months after they retired, it was subject to what's called an 'Unauthorised Scheme Sanction Charge', but from 6 April 2022, it would no longer apply. Therefore, the recommendations had changed slightly, as it would be beneficial for some members to wait slightly longer than the timescales in the framework, to make those payments to people who retired more than 12 months ago.

The Director of Finance and Assets also updated Members on the number of cases. Within the report it stated there were thirty cases, which was based on the total number of people who had retired since 1 April 2015 but weren't fully protected members. Some further investigation had been undertaken, and of those thirty people, just over half retired before they tapered across, so would not be subject to immediate detriment, as they already had the correct benefits. Of the remaining thirteen cases, six were ill health retirement, and in terms of priority, would be treated first as they had no choice as to whether

they retired or not. The other seven cases would be deferred until after 6 April 2022 to avoid any charges.

A Member asked how relevant costs would be captured both locally and nationally to support any case to the government for funding.

The Director of Finance and Assets responded by saying that there had been a slight discrepancy between the LGA and the Home Office as to what was charged and when, so the full cost would not be known until the legislation was implemented in October 2023, so it was important to keep a record of all costs. The majority of costs being incurred were simply costs that had been brought forward.

A Member asked what assurances the Authority had received from the Pensions Administrators regarding their capacity to process cases in accordance with the timeline in the framework.

The Director of Finance and Assets responded by saying that this was a question that had been posed to West Yorkshire the Pension Administrator at the local pension board meeting, because West Yorkshire not only administer this Authority's pension scheme, but they also do so for a number of other fire and rescue services. West Yorkshire had said they would do their best to meet the timescales, but they could not guarantee it, simply because of the number of cases they had to deal with.

The Chairman asked that by proposing to undertake the ill health pensions first, would these members be caught out with the HMRC cut-off date, of 6 April 2022.

The Director of Finance and Assets responded by saying that any charges these members would incur as a result of the HMRC rules would be compensated for, and the members would not be disadvantaged.

A Member appreciated that although the financial impact could not be determined at this time, was there a risk that the financial impact might be a major one further down the line.

The Director of Finance and Assets responded by saying that primarily it would be a cash flow issue as the Authority would be bringing forward amounts that would have been paid anyway. With the ill health retirements, it was on a case by case basis. In some cases, they were actually better off being on the new scheme and there would be no payments to be made to those members.

A Member asked were there any previous firefighters who may have passed away during this time, but still have to go through this process. Would their cases be prioritised and would they get penalised in terms of the HMRC rules.

The Director of Finance and Assets responded by saying he was not aware of any cases that fall into that category, but if there were, they would be looked at as a priority and again if there were any charges the Authority would look to compensate that member.

The Chairman asked that the Director of Finance and Assets keep the Lead Member for Finance and Assets, Information Security and IT fully briefed on this matter.

RESOLVED –

1. That the Immediate Detriment Framework be adopted on behalf of the Authority (the Scheme Manager of the Authority's firefighter pension schemes).
2. That the Director of Finance and Assets be:
  - (a) the authorised signatory for any 'Record of Agreed Compensation and Remedy' ('Compensation Record') on behalf of the Authority; and
  - (b) authorised to agree with Scheme members variations to the timescales for dates of payments when in the interests of the Scheme Manager and the Scheme member to do so.

**EX17 TVFCS – TRANSFER OF THE SECURE SOLUTIONS AND SERVICES (“SSS”) BUSINESS TO CAPITA (SSS) LIMITED (“CAPITA SSS2) AND SUBSEQUENT SALE OF CAPITA SSS**

The Head of Prevention, Response and Resilience advised Members that this report related to the Thames Valley Fire Control Service, and as Members were aware, this Authority entered into an interagency agreement for the provision of the control room which went live in April 2015, along with Oxfordshire County Council and Royal Berkshire Fire and Rescue Service. There were two contracts that underpin the control room, and these were provided by Capita through their Secure Solutions and Services Business. The contracts were the mobilising system contract, and the contract for the provision, maintenance and support of the DS300 Integrated Communication Control System (ICCS).

Earlier this year, the Authority became aware that Capita was looking to undertake an extensive review of this particular portfolio, and this resulted in a new company being formed called Capita SSS Limited. The two contracts currently provided sit within Capita Secure Information Solutions Limited, which was a subsidiary of Capital PLC. The Deed of

Novation was to move those contracts from Capita Secure Information Services into this new company within Capita.

The Head of Prevention, Response and Resilience advised Members that under this interagency agreement, if there were any changes that underpin the arrangements in terms of the control room function, then each respective authority needed to approve it. The same report would be presented to Royal Berkshire Fire Authority and Oxfordshire County Council seeking their approval for the transfer. If there was agreement to both recommendations, the Authority was also agreeing to permit Royal Berkshire Fire Authority and Oxfordshire County Council to allow that Capita SSS Limited to be potentially sold to NEC Software Solutions UK Limited. At the last meeting of the Executive Committee, the decision was taken to extend the mobilising contract to March 2023. This would allow the Authority to fully appreciate what potentially the new provider could offer in terms of the level of service the Authority was accustomed to with Capita. If the new company did not uphold the standards expected, then obviously there was the option to go out to market and look to identify a more appropriate provider.

The Chairman asked if anything was known about the new company NEC Software Solutions UK Limited.

The Area Commander advised that they were someone quite prominent within the emergency services arena and another Member advised that he was aware they were a reputable company.

A Member asked who else was in that marketplace and what reputation do these providers have.

The Head of Prevention, Response and Resilience advised that in terms of the Deed of Novation, the Royal Berkshire Fire Authority and Oxfordshire County Council would be transferring the contract between Capita companies. If it was agreed, and Capita were looking to sell that part of their business, then all the contractual obligations, liabilities in relation to transferring the contract would be that the new provider would be expected to deliver the same service, and that's the level of reassurance that had been provided.

RESOLVED -

1. That approval be given for the Deed or Novation between Oxfordshire County Council, Royal Berkshire Fire Authority, Capita Secure Information Solutions Limited ("CSIS") and Capita (SSS) Limited (in relation to the 'Mobilising System Contract') to be completed.
2. That approval be given for the Deed of Novation between Royal Berkshire Fire Authority Capita Secure Information Solutions Limited ("CSIS"), and Capita (SSS) Limited, in relation to the contract for the

provision, maintenance and support of the DS3000 Integrated Communication Control System (ICCS).

**EX18**

**EXEMPTION FROM STANDING ORDERS RELATING TO CONTRACTS:  
RESOURCE MANAGEMENT SYSTEM, PREMISES RISK MANAGEMENT  
SYSTEM AND ASSET MANAGEMENT SYSTEM**

The Head of Technology, Transformation and PMO advised that this report related to a number of key systems and as Members would be aware, replacing systems could be a costly and time-consuming process and have a large impact on the teams having to deliver those new systems and balance their business as usual.

The Head of Technology, Transformation and PMO advised Members that over the last five years, the Authority had introduced a number of key systems across the service, including the Premises Risk Management System, which allowed the Service to capture, prevention work, including fire and wellness visits and also protection work. The Resource Management System, which allowed the Service to ensure it had the right resources in the right place and the Asset Management System, which was used by both the stores team and property team to track and maintain the assets across the Service.

The Head of Technology, Transformation and PMO advised Members that the challenged faced was that all these systems were due to come to the end of contract over a period of six months. It was important that the Service made sure it wasn't just renewing contracts, but also to assess it by asking two key questions. Do we still need those systems and was staying with the current supplier the right thing to do? The answer was yes to both questions, they were all business-critical systems and the preference would be to stay with the current suppliers. After looking at options, it was decided to complete a contract modification which allowed the Service to extend the current contract agreement in accordance with the Public Contracts Regulations.

**RESOLVED –**

It is recommended that in accordance with Standing Orders Relating to Contracts, Standing Order 4(a) that:

- 1) the Resource Management System contract with FireServiceRota be renewed for a further three years until 7 November 2025
- 2) the Premises Risk Management System contract with Active Informatics be renewed for a further three years until 31 March 2026
- 3) the Asset Management System contract with Redkite Systems be renewed for a further two years until 31 March 2025

**EX19****EXEMPTION FROM STANDING ORDERS RELATING TO CONTRACTS: WIDE AREA AND LOCAL AREA NETWORK (WAN/LAN) PROVISION**

The Head of Technology, Transformation and PMO advised Members that the Wide Area Network allowed the Authority to connect all stations to the internet and the Local Area Network was the internal connection within the buildings. The background to this report was that the Service had been working with Buckinghamshire Council under an umbrella contract for the last nine years with Udata. The Service made the decision to assess its options, and it was now still working with Buckinghamshire Council, but in a partnership with BT.

Unfortunately, the move to the new supplier and had been hit by delays to both the Authority and Buckinghamshire Council and both had needed to extend the contract with Udata. Therefore, to ensure that the Service continued to operate, there had to be an emergency extension to the contract for one year at a cost of £118k. The Chief Finance Officer had authorised the renewal of the WAN/LAN contract with Udata for a further year until September 2022.

A Member asked if there was a risk in having to extend past the current extension date.

The Head of Technology, Transformation and PMO advised that at present, the change over date was April 2022 and the Service was towards the top of Buckinghamshire Council's list to transfer over.

A Member asked if the links to the Thames Valley Fire Control Service were on the same WAN/LAN.

The Head of Technology, Transformation and PMO advised that no, the Thames Valley Fire Control Service was managed by Royal Berkshire Fire and Rescue Services' WAN/LAN and was totally separate.

A Member asked that when the Service signed a contract with Buckinghamshire Council, was there a clause that if something went wrong there would be some contribution to costs and also in the new contract with BT was there any compensation if it was delayed.

The Head of Technology, Transformation and PMO advised that as it currently stands, it wasn't costing the Service any additional charges because the Service hadn't paid anything extra to Buckinghamshire Council or BT, all it was doing was moving the start date of the new contract back.

A Member asked what the cost of the new contract was.

The Head of Technology, Transformation and PMO advised that she would email Members this information, rather than discussing at an open meeting.

RESOLVED –

In accordance with Standing Orders Relating to Contracts, Standing Order 4.2 it be noted that the Chief Finance Officer has authorised renewal of the WAN/LAN contract with Updata for a further one year until 24 September 2022.

## **EX20**

### **BUDGET MONITORING REPORT APRIL – SEPTEMBER 2021**

The Deputy Director of Finance and Assets presented to Members the Budget Monitoring Report as at the end of September 2021. Table 1 provided an overview of each directorates budget and forecast outturn. The current expenditure forecast of £31.456m against a budget of £32.277m resulted in an underspend of £821k. However, due the additional funding of £329k in relation to protection grants and local tax income guarantee, the Authority would see a net overall underspend of just over £1.1m. Based on current projections, there was no longer a need to use reserves of £1.1m, instead the Authority was projecting an additional underspend of £38k. Any fluctuations in the figure throughout the financial year would be captured and monitored to ensure the use of reserves were minimised and offset against any underspend identified within the expenditure.

The Deputy Director of Finance and Assets advised Members that with the summary of variances being seen within each directorate, the largest underspend was within Finance and Assets, Delivery, Corporate Development and Planning. Within Finance and Assets, a £256k underspend related to a rebate received with relating to a business rates review carried out. The review carried out by external specialists identified reductions in the rateable value of several stations and was backdated to 2017. The other area with high levels of underspend related predominantly to employee costs.

Table 2 showed the breakdown of favourable and adverse variances relating to direct employee costs. A higher underspend was shown under wholetime relating to new recruits joining the 2015 pension scheme, replacing existing post holders on the 1992 scheme which had a higher employer contribution rate. On-call underspend related to activity and training costs. Underspend seen within Support staff was due to delays in recruitment caused by Covid, and also restructuring taking place resulting in savings in establishment costs.

Table 3 showed the actual spend since March 2020 in relation to the Covid Pandemic and how the Authority had utilised £801k of Covid



funding. Funding had been used to cover additional employee costs, protective equipment, and IT upgrades. The Covid grant had now been fully utilised, and the spend until the end of September was £807k.

The Deputy Director of Finance and Assets advised Members that the Capital Programme budget for 2021/22 was £2.402m. Property capital funds were utilised to carry out planned capital projects as per the condition surveys. The majority of fire appliances and equipment budget would be utilised to purchase red fleet appliances and the related operational equipment. A slippage of £369k had been forecast due to delays in the delivery of 2021/22 fire appliances. The support budget related to ICT hardware purchases and £500k for the WAN/LAN rollout. Scoping works had been completed and hardware requirements agreed which would be installed and completed by the end of September.

A Member asked for the latest update in the efforts to secure precept flexibility.

The Director of Finance and Assets advised Members that since the last meeting, the Budget had been held and Councils had been limited to no more than two percent increase in their precept. As Members were aware, the Authority had been pushing for several years for flexibility to increase the precept by up to £5. The Authority was awaiting the results of the Local Government Finance Settlement, which was where the referendum principles would be finalised. The Local Government Finance Settlement was expected the week commencing Monday 13 December, and a further update would be provided, hopefully, at the next Fire Authority meeting on 16 February 2022.

A Member asked if the underspend on the business rates of £256k was a nett figure.

The Deputy Director of Finance and Assets advised that it was, but stressed it was a one-off payment backdated to 2017.

A Member asked regarding the age of the USAR vehicles, were there any plans to replace them in the future.

The Deputy Chief Fire Officer advised that USAR was part of the New Dimensions Programme that the government funded back in 2002/2003. There was a New Dimensions review taking place at present which was looking at a refresh of USAR, and what that would look like in the future. This was due to be delivered in 2024.

A Member asked what the total On Call budget was.

The Deputy Director of Finance and Assets advised that in this report the on-call budget was not broken down and only the variances were

reported on. The Deputy Director of Finance and Assets would provide Members with an accurate figure following the meeting.

A Member asked why there was a problem with recruiting on-call firefighters at certain stations.

The Deputy Chief Fire Officer advised Members that the Service was constantly recruiting for on call firefighters, using targeted campaigns when required, and contracts had been changed to second, third or fourth line availability, which was quite unique, so people did not have to live within the five minute turn out time of the station.

The Deputy Chief Fire Officer advised Members that this was not just a local issue, but a national one too. There were some stations within Buckinghamshire, where recruitment was not an issue, which was why there were targeted campaigns for others. The Service had also undertaken some joint work with Oxfordshire and Royal Berkshire around on-call recruitment. There was also a new on-call support manager who was looking at where the Service needed to target and also some future campaigns in specific areas to ensure that demand was met locally.

The Chief Fire Officer suggested that Members receive a presentation from the On Call Manager about the work that was ongoing and the problems and issues currently being faced at the next Executive Committee meeting.

All Members were in agreement.

The Chief Fire Officer advised Members that he was hopeful that the comprehensive spending review would give the Authority a three year view of its finances, for the first time in a number of years, and this would enable the Authority to plan. It had been discussed that Members receive, on a quarterly basis, or whenever there was an update in terms of financial reports, and it would be linked to an update on recruitment and retention. This would give Members a clearer picture of where finance was being spent and in what areas.

The Chief Fire Officer also advised Members that there were unique opportunities within the Service for on-call staff not only to be on a range of contracts in terms of response times, but they also had the opportunity to crew wholtime appliances. Recruitment for on-call staff needed to target specific areas, and on a station-by-station basis. The new Communications Manager had been working really closely with Human Resources, looking at different social media platforms for recruitment, and how to approach different communities.

The Chairman would provide the Head of Human Resources with contact details for Buckinghamshire Business First, to approach regarding on-call recruitment.

RESOLVED –

That the provisional outturn forecast for the Authority as of 30 September 2021 be noted.

## **EX21 EMERGENCY SERVICES MOBILE COMMUNICATIONS PROGRAMME**

The Programme Manager advised Members that this report was the latest in a series of updates regarding the Emergency Services Mobile Communications Programme (ESMCP). The last update was provided in February 2021. Since that update, there had been developments regarding the programme's full business case, which was formally approved by the Government's major projects review group in July 2021. The Service was expecting a briefing paper to be released by the programme, however this remained outstanding and was again chased by the South-Central Region. The report also referred to the launch by the Competition and Markets Authority (CMA) of a consultation on a proposal to make a market investigation into the supply of land mobile network services for public safety in Great Britain and the involvement of Motorola in this. The Consultation closed on 2 September and the CMA report was published on 25 October. They confirmed that a market investigation referral should be made, and an inquiry group had now been appointed.

The Programme Manager advised Members that also mentioned in the report was the establishment of an Independent Assurance Panel to provide assurance regarding the strategic director of the programme. This group had been asked to complete a high-level review of the Local User Resource model that formed the basis of the funding support to transition fire and rescue services to the new Emergency Services Network (ESN). One outcome of their report was to establish an ESMCP Resources Board, which comprised representation from the Home Office, the Programme, and the National Fire Chiefs Council (NFCC).

The Board had set up a Task and Finish Group to be chaired by the NFCC ESN Senior User which would meet for the first time in November. The first task to be looked at was the roles of the NFCC led Regional Co-ordination Managers and the Programme Managers who were employed by each region and how they could work together in a different way to deliver national work.

The Programme Manager advised Members that one item of good news was the appointment of a new Regional Programme Manager for

the South Central Region. Paul Channing who previously worked for the NFCC ESMCP team would be joining the region in December.

A Member asked that although this was a national issue, what were the implications locally.

The Programme Manager advised that with regard to the delays to the programme, it was more about resourcing. The current Airwave Network was resilient, there may be issues in the future with the hardware, but at the moment locally the hardware was ok. There were very few Airwave terminals with defects. The main thing was to continue to engage with the programme and be ready to transition when required by providing the necessary resource.

RESOLVED –

That this update be noted.

## **EX22 EXCLUSION OF PUBLIC AND PRESS**

RESOLVED –

It was moved and resolved that the public and press representatives from the meeting by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report and minutes contains information relating to any individual; and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report and minutes contain information relating to the financial or business affairs of a person (including the Authority); and on these grounds it is considered, at this moment in time, that the need to keep information exempt outweighs the public interest in disclosing the information.

The Deputy Chief Fire Officer, Deputy Director of Finance and Assets, Head of Covid-19 Preparedness and Response, Head of Protection, Assurance & Development, Head of Prevention, Response and Resilience, Head of Technology, Transformation and PMO and the Programme Manager left the meeting.

## **EX23 EXEMPT MINUTES**

RESOLVED –

That the Exempt Minutes of the meeting of the Executive Committee held on Wednesday 15 September 2021, be approved, and signed by the Chairman as a correct record.

The Director of Legal and Governance and the Director of Finance and Assets, left the meeting.

## **EX24 SENIOR MANAGEMENT TEAM REMUNERATION AND PERFORMANCE REVIEW, AND ANNUAL REPORT ON EMPLOYEE BONUS SCHEME**

The Committee considered the report and appendices, details of which were noted in the confidential/exempt minutes.

**EX25**

**DATE OF NEXT MEETING**

The Committee noted that the date of the next Executive Committee meeting would be held on Wednesday 9 February 2022 at 10.00am.

THE CHAIRMAN CLOSED THE MEETING AT 11.15 AM.

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