



Minutes of the meeting of the Essex Fire Authority, held on Wednesday, 12 April 2017

Present:

Chairman: Councillor A Hedley

Vice-Chairman: Councillor A Holland

Councillors:

B Aspinell	V Metcalfe
A Bayley	A Naylor
A Erskine	C Seagers
I Henderson	A Turrell
M Hoy	J Ware-lane
N Hume	A Watkins
C Kent	R Woodley
J Knapman	

The following Officers were present in support throughout the meeting:

Adam Eckley Acting Chief Fire Officer
Mike Clayton Finance Director and Treasurer
Shirley Jarlett Clerk and Monitoring Officer to the Authority
Sophie Campion Committee Officer
Roger Hirst, Essex Police and Crime Commissioner, was also in attendance.

1 Apologies for Absence

Apologies for absence were received from Councillors M Danvers, D Blackwell, J Chandler, C Guglielmi, P Honeywood and J Huntman.

Apologies were also received from Assistant Chief Fire Officer Dave Bill, Director of Protection, Prevention and Response and Mark Stagg, Director of Transformation.

2 Declarations of Interest

Councillors J Knapman, A Holland and A Turrell declared an interest in agenda

item 8 - Status of EFA (Trading) Ltd as set out below (minute 8 below refers).

Type of Interest	Nature of Interest
Code	Director of EFA (Trading) Ltd

3 Minutes - Essex Fire Authority: 15 February 2017

The Minutes of the Essex Fire Authority meeting held on 15 February 2017 were approved as a correct record and signed by the Chairman.

4 Minutes - Essex Fire Authority: 15 March 2017

The Minutes of the Special meeting of the Essex Fire Authority held on 15th March 2017 were approved as a correct record and signed by the Chairman.

5 Minutes - Policy and Strategy Committee

The Minutes of the Policy and Strategy Committee held on 15th March 2017 were received.

6 Chairman's Announcements

The authority received the report on activities undertaken by the Chairman of the Authority.

The Chairman wished to express his thanks to the staff and instructors who had run the FireBreak Extra 21 event at Southend with Haven's Hospice. He advised Members that it had been particularly beneficial working with two terminally ill children, which had been very moving. Members were encouraged to attend these events where possible.

7 Review of the Constitution

The Authority considered report EFA/045/17 by the Clerk and Monitoring Officer. Following a review of the current Constitution, the report set out amendments made to update and improve the Constitution, scheme of delegations and standing orders taking account of matters raised by Members.

It was noted that this was not a re-write of the Constitution and the specific changes were set out in the report. With regard to the scheme of delegations for the Chief Fire Officer, attention was drawn to the limit of £100,000 with regard to acquiring, re-use or disposal of land and buildings.

The following points arose from Members' consideration of the report:

- Whilst some Members agreed with the proposed change of term from 'Chairman' to 'Chair' as they considered that this was a preferable term to use and better represented equality, the majority of Members considered that the term 'Chairman' better represented the position, rather than references to a 'Chair' being an object rather than a position.
- There was some confusion regarding the terms 'Lead Member' and 'Member Champion' as there were Member Champions leading on subject specific areas of work and this was separate to the role of Lead Member of

- a Group (Group Spokesperson).
- Members welcomed the review of the Constitution.

Following the discussion it was proposed that the term 'Chairman' be retained in the Constitution, upon being put to a vote the proposal was carried by a majority.

Resolved:

That Members approved and agreed the proposed amendments to the Constitution with the exception of replacing the term 'Chairman' with 'Chair' and retaining the term 'Lead Member'.

8 Proposed approach for the independent exit review of progress made against the Lucas Review recommendations

The Authority considered the report of the Acting Chief Fire Officer (EFA/046/17) which brought forward a number of recommendations for the consideration of the Authority with regard to how any potential withdrawal by the Expert Advisory Panel would benefit from an independent 'Exit Review' to confirm that change has been sufficiently embedded to the extent that the Panel's support as critical friend and monitoring role is no longer required.

The Acting Chief Fire Officer advised the Authority that it was being recommended that Sir Ken Knight be appointed to lead on an Exit Review, along similar lines to the Progress Review he had previously undertaken. It was suggested that this be conducted during the summer months.

The following points arose during consideration of the report:

- The financial implications of undertaking the review were expected to be around £5-6k and would be covered within the already approved £400k budget for the work of the Expert Advisory Panel. It was expected that overall costs would be below the budget of £400k.
- It was suggested that the review be undertaken during the summer months with a report presented to the September meeting of the Authority which would be 24 months after the Lucas Report.
- Members expressed their concern that following the local May Elections the membership of the Authority was likely to change and they felt it would be beneficial for current Members of the Authority to be involved in the discussion on this report for continuity. The Chairman expressed his hope that a new Chairman of the Authority would invite current members back to the September meeting (even if they were no longer members of the Authority) and invite them to contribute to the discussion on the Exit Review. Members considered that this would be important due to the wealth of experience the current Members have with regard to the work of the Expert Advisory Panel and the Authority.
- A question was raised regarding what would happen following the review if all of the recommendations had not been addressed and there was still outstanding work to be done. In response it was explained that this process was to check that particularly with regard to behavioural changes that these had not reverted back and also to challenge the progress of the

work. This would be a review independent of the Expert Advisory Panel. If there was further work to be done this would be brought back to the Authority to consider whether to support further work going forward.

It was **Resolved** that the Authority:

1. Agreed that Sir Ken Knight be appointed, once again, to lead an 'Exit Review' to assess the overall progress made since 2015 against all 35 recommendations contained in the Lucas Report.
2. Approved the proposed approach for the 'Exit Review' as set out in the report.

9 Status of EFA (Trading) Ltd

The Authority considered report (EFA/047/17) by the Finance Director and Treasurer which following review by the Policy and Strategy Committee sought approval to make changes to the Company's memorandum and articles of association to change the status of the company to a Community Interest Company and to facilitate anticipated governance changes for the Service.

The Authority was advised that as a Community Interest Company (CIC) EFA (Trading) Ltd would be able to seek external funding to support community safety work. When the company was originally established CIC status did not exist, but it is now possible to apply to re-register as a CIC. The company would cease being 'profit-making' and the use the profit to support safety work.

Currently the Articles of the Company set out two Director levels, Members (A) and Officers (B) of which one of each needed to be present for the meetings to be quorate. However going forward these Articles were not robust enough to support changes to the governance of the Authority. Therefore it was proposed that the distinction between Directors be removed to allow maximum flexibility.

In response to questions from Members it was clarified that the company had never paid dividends as the profits had been donated through a charity initially which had since been wound up and profits were currently donated through the Essex Community Foundation. There were two small additional considerations with regard to risk analysis and these related to reporting requirements for CICs and further restrictions around what the profits could be used for. However both small risks could be fully mitigated against.

Resolved that Members:

1. Agreed to change the status of the company to a Community Interest Company;
2. Agreed a change of name of the company to Essex Fire Community Interest Company;
3. Agreed to remove the requirement for Category A and B directors; and
4. Authorised the Finance Director & Treasurer to make the changes on behalf of the Authority.

10 2017-18 Work Programme

The Authority considered a report (EFA/048/17) by the Acting Chief Fire Officer which reviewed the work Programme for the Authority and its main committees for 2017/18 and brought forward recommendations for Members of the Essex Fire Authority to consider.

The report set out the categories of regular reports to the Authority including:

- Statutory items requiring approval
- Assurance
- Strategic Issues
- Items for Approval

Members' attention was drawn to the section on delegated decisions which set out two specific delegated decisions to the Chief Fire Officer, not yet exercised, relating to the sale of empty housing at day-crewed fire stations and disposal of housing at day-crewed fire stations to support the 2020 programme. Decisions on these delegations had been made at the Policy and Strategy Committee.

Following a question regarding the intention to increase the number of FireBreak and Youth Schemes to 300 by 2020, it was confirmed that this was part of the Community Safety Strategy and the number of events was increasing in line with resource and demand. It was hoped that the agreement to increase to 300 would be met by 2020.

Resolved that Members:

1. Agreed the proposed work plan for regular report in 2017/18; and
2. Determined that there were no further matters of assurance required; and
3. Noted the exercise of delegated decisions.

11 Progressing the Lucas Review Recommendations for Essex Fire Authority Members; specifically in relation to the outcomes of facilitated SOLACE workshops

The Authority considered report EFA/049/17 by the EFA Vice Chairman and Chairman of the Principal Officer Human Resources Committee, Cultural Review Sub Group.

In response to a number of recommendations in the Lucas Review (September 2015) specifically relating to Essex Fire Authority Members, the Society for Local Authority Chief Executives (SOLACE) were commissioned to provide a series of workshops for Members and Officers in two phases. The report shared a report completed by SOLACE outlining activities and outputs from the two phases of Member and Officer development.

The report also presented a proposal from the SOLACE for an Induction Programme for Members of the Essex Fire Authority which Members were asked to consider adopting. Given the consultation currently being run by the Police and Crime Commissioner (PCC) on a potential change of governance, it was appropriate that the Programme be considered by the PCC and any future

members of the Police, Fire and Crime Panel, should this body exist in the future.

During consideration of the report the following points were raised:

- The PCC confirmed his awareness of the need to attend such sessions and reported that he had attended a workshop and had been out meeting fire officers, visiting stations, the museum and Lee Valley White Water Rescue. The Vice Chairman advised that at the LGA Fire Conference it had been suggested that it would be beneficial for PCCs to attend Fire Authority training sessions.
- Some Members felt that the wording of recommendation 4 assumed that the governance changes currently being consulted on by the PCC would be implemented. However in response it was pointed out that the wording specified 'should' this be the case.
- Members had found the SOLACE workshops very useful and informative and wished to pass on their thanks to those involved.

Resolved:

That Members of the Fire Authority:

1. Noted the SOLACE report set out as Appendix 1.
2. Noted the commitment made by Members of Essex Fire Authority to develop their role as political leaders of the Fire Service in Essex, Southend and Thurrock.
3. Accepted and adopted the SOLACE proposal set out as Appendix 2 for an Induction and Development Programme for Member of Essex Fire Authority.
4. Commended the SOLACE proposal set out as Appendix 2 to the Police and Crime Commissioner for Essex to support his own induction into the role and for the induction and development of future members of the Police, Fire and Crime Panel, should this body exist in the future.

12 Service Strategy Progress Report - September 2016 to March 2017 and Performance Management Framework

The Authority considered report EFA/050/17 by Tracy King, Assistant Director, Business Planning and Performance, which presented Members of the Authority with a report on the progress that the service has made against the Authority's Strategy for the Service which was approved in September 2016. The report also brought forward a proposal for a Performance Management Framework for the Authority and Service.

The report provided an update on each theme and activity since the Strategy had been approved and was put forward for Members to note the progress and positive start to delivering the strategy.

Work was also being undertaken to develop a new Performance Management Framework. Reporting on this would be presented to the Authority in the future. The Framework picked up on the responsibilities under the National Framework to compare performance with other services. The focus in the past had been mainly

regarding the operational function, however the approach now was across the service including the back office function. This Framework links back to the recently approved values and looks to embed the process of plan and do and review and revise, learning from areas for improvement and good practice.

Following agreement of the Framework, working with the Audit, Governance and Review (AGR) Committee, performance indicators would be put together service wide, also picking up areas for improvement through the cultural review work.

During Members' consideration of the report, the following points were raised:

- Reference was made in the report to the success of on-call recruitment in Clacton, however concern was expressed that this was not necessarily the case in other areas. It was explained that the report covered the period September 2016 to March 2017 and that Clacton was the first station to take on the new approach. Progress would be monitored by the AGR Committee and it was acknowledged that there would be different results in different areas and that work had only just started. It was recognised that in some areas there was local opposition to the new approach, including from local authorities and work was needed to understand the local context and develop plans for recruitment. It was noted that some Local Authorities had concerns regarding how local needs could be met sufficiently through the new approach, however the service sought to engage the local community and would be working hard to provide the very best service within the current constraints.
- Other uses of fire stations were being looked at and one option was utilising the stations for blood donation sessions.
- Whilst potential changes to the governance structure of the Essex County Fire and Rescue Service remained open, it was explained that the legislation supported emergency services to work in closer collaboration going forward and with the business case and preferred option put forward by the PCC, which had been supported by the Authority, the strategy was preparing the service for possible changes. The status quo would not be an option going forward.
- When the approach had been finalised there would be a more detailed report and update looking at where improvements were required and where the service was performing well. Members welcomed a more detailed report at a future meeting.

Having been put to a vote Councillors Henderson, Hoy, Kent and Ware-Lane indicated their intention to abstain, the recommendations were agreed by a majority vote.

Resolved that Members:

1. Noted the progress that the Service has made against the Authority's Strategy
2. Adopted the proposed Performance Management Framework for the Authority and Service.

13 Progress report on the delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service

The Authority received the report (EFA/051/17) by the Acting Chief Fire Officer, which provided Members with a progress report on the delivery of the work programme required to improve the culture within the Essex County Fire and Rescue Service. This supports the resolutions reached by the Authority at its meeting of 7th October 2015.

The report set out the progress which had been made since the last report. A self-assessment had been produced which was an honest appraisal of where the service thinks it is with this work and what is holding it back from further progress. A copy of this self-assessment had been circulated to Members under separate cover. Work on progressing the process of moving from 'Rank to Role' and the Management Review were also underway.

Members' attention was drawn to the significant achievement of signing the dispute resolution agreement which was a significant milestone. The Acting Chief Fire Officer thanked the Authority and the Expert Advisory Panel for their support and guidance and the leadership of the Trade Union for their support and engagement in the process. The Chairman thanked the Acting Chief Fire Officer and his team for their work to resolve the dispute.

The work of the Women's Forum Steering Group continued and the inaugural meeting of the Diversity Action Group had taken place. The Talent Pool/Promotion Service had been launched and the Assessment and Development Centres were being developed for all Grey and Green Book roles to provide a consistent, fair and transparent way of identifying, developing and promoting talent. The first set would be running through until June 2017. The Employee Engagement Survey had been completed at the start of the year and the results were expected. Early indications were that there were some positive signs of improvement.

Arising from consideration of the report, the following points were raised:

- Concern was expressed that initially there had been a number of references to bullying and intimidation which were no longer mentioned in the cultural review progress reports. An update on the extent to which the culture had changed in this regard and the evidence for that was requested. In response it was explained that in the review which had been commissioned a whole range of issues had been looked at and this had been highlighted, however the Lucas Report had moved towards a more general look at the culture within the organisation. The Acting Chief Fire Officer could not say with certainty that cases did not still exist within the service, however the service was working hard to build the foundations for an inclusive working environment and putting processes in place to ensure that this did not happen in the future. Where issues were known about disciplinary action or training had taken place. It was recognised that there was no quick fix and there was still work to do within the stations and it was acknowledged that there may still be some inappropriate behaviour at some stations, however progress had been made and this was still a

priority. Members welcomed the honest response from the Acting Chief Fire Officer, although some Members felt that this was not the only issue to focus on and that much progress had been made within the service. It was also acknowledged that it was the responsibility of the Authority to be asking the right questions and understanding the issues and problems. There was some concern over how this scrutiny would be carried out under different governance arrangements.

- The Lead Member Champion for Equal Opportunities was disappointed that she had not been invited to attend the Womens Forum Steering Group or Diversity Action Group Meetings, despite asking to be involved. The Acting Chief Fire Officer agreed to look into this.
- In response to a question regarding diversity within the workforce, it was noted that the workforce was still 96% male, white British. This was not unique to Essex and was being addressed nationally. The Workforce Report had reported on this at the last meeting and the recruitment of on-call firefighters was focussing on this.
- Disappointment was expressed regarding the lack of reference made to safe-guarding in the report. It was felt that this should be at the core of the service and should be reported back to the Authority on a regular basis. Members were advised that Level 1 Safe-guarding training was mandatory for all staff. A growing number of cases had been referred.
- It was confirmed that national networking for women still exists and there was an open invitation for employees to attend.
- It was clarified that the original allegations and historic cases of abuse had pre-dated the establishment of the Essex Fire Authority. However following the work carried out, the Chairman was confident that the foundations of the service were secure, with a better culture and progress working with the unions. Members agreed that significant progress had been made and thanked the Senior Leadership Team and Members.

Resolved:

That the Authority noted the contents of the report and the progress report provided by the Chairman of the Expert Advisory Panel attached as an appendix to the report.

14 Local Business Case for Joint Governance of Police and Fire & Rescue in Essex: Consultation update and update on transition planning

The Authority received the report of the Acting Chief Fire Officer (EFA/052/17) which provided an update on progress in relation to the consultation on the joint governance of Police and Fire and Rescue Services in Essex.

The 12 week consultation was currently underway and due to close on the 10th May 2017. The Police and Crime Commissioner (PCC) was preparing for any outcome from the consultation. Ultimately based on the result of the consultation, the decision would be put to the Home Secretary. The PCC was pleased with the way the consultation was going so far, there had been support from the County Council and presentations had been made to Southend Borough Council and Thurrock Council. A formal response was required from Tier one Councils,

however other Local Authorities were being consulted as well.

So far 1,397 responses had been received and 42,000 views of the video. More responses would be welcomed. Up to 4 out of 5 staff members had indicated their support for the preferred option, of the 1,397 total responses 52 had declared themselves as staff or officers. So far on balance there was more support for the preferred option of option 2 - Joint Governance than the other options. The key consultation activities were set out in the report. Where the PCC was unable to attend a consultation session his deputy would attend.

A Transition Plan was being developed subject to the Home Secretary's approval of the Local Business Case.

Resolved:

1. Members noted the progress of the Police and Crime Commissioner's consultation in relation to joint governance of Police and Fire and Rescue Services in Essex; and
2. Members noted the proposed transition activities which will need to be undertaken prior to the 1st October 2017, should the Local Business Case be agreed by the Home Secretary.

15 Trade Union Facility time 2016-17 report and the Joint Negotiation and Consultation Arrangements

The Authority received the report of the Director for Transformation (EFA/053/17) presented by the Finance Director and Treasurer, which provided an annual update on the use of Trade Union Facility time in accordance with the Local Government Transparency Code 2015.

The estimated annual spend on Unions is £96k, which is equivalent to under 0.2% of the pay bill.

Members raised concern regarding the accuracy of the data regarding the number of members of unions particularly due to a change from 2016 onwards whereby members had the option to pay their subscriptions by other means rather than through payroll. Whilst the option of asking the Unions about their membership had been considered it was noted that it was only a requirement for Unions to provide this information during a strike ballot. It was agreed that Members' concerns regarding the accuracy of these numbers be fed back to the Director for Transformation.

Resolved:

That the Essex Fire Authority noted the content of the report.

16 Report to Constituent Authorities

The Authority received the report (EFA/054/17) by the Committee Secretary regarding which items should be included in the report to be prepared for

circulation to the Constituent Authorities.

The Chairman suggested that the item on the Progress report on the delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service, be added to the report.

Resolved:

That the following items comprise the report to the Constituent Authorities:

1. Delegation Review
2. Approval from EFA required on the Exit Review and seeking formal notification of the appointment of Sir Ken Knight
3. Changes to the Governance Structure of EFA (Trading) Ltd
4. Progressing the Lucas Review Recommendations for Essex Fire Authority Members; specifically in relation to the outcomes of facilitated SOLACE workshops
5. Performance Management and Service Strategy Progress Report
6. Progress report on the delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service

17 Date of Next Meeting

It was noted that a Special meeting of the Authority would take place on Tuesday 25 April 2017 at 10.00am, in Committee Room 1, County Hall, Chelmsford, CM1 1QH.

The next scheduled meeting of the Authority would take place on Wednesday 14 June 2017 at 10.00am.

18 Exclusion of the Press and Public

Resolved:

That having reached the view that, in each case, the public interest in maintaining the exemption (and discussing the matter in private) outweighed the public interest in disclosing the information, the public (including the press) be excluded from the meeting during consideration of the following items of business on the grounds that it involved the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972.

19 Request to Access Pension

The Authority considered the report by the Clerk and Monitoring Officer (EFA/055/17).

The decision of the Authority is as set out in the confidential appendix to the minutes.

20 Urgent Exempt Business

There being no urgent exempt business, the meeting closed at 12noon.

Signed.....
(Chairman)

Date.....