

AGENDA ITEM 4 MINUTES

MINUTES OF A MEETING OF THE ROYAL BERKSHIRE FIRE AUTHORITY'S EXECUTIVE COMMITTEE HELD AT BRIGADE HEADQUARTERS ON TUESDAY 1 JUNE 2004 COMMENCING AT 6.30PM AND CONCLUDED AT 8.45PM

Present: **T Mills (Chairman), J C G Brooks (Vice-Chairman)**
 M Adams, Christine Borgars, B J S Patman, D Swindells

4.01/04 MINUTES: 2 MARCH 2004

The Minutes of the last meeting held on Tuesday 2 March 2004, having been previously circulated, were taken as read and signed by the Chairman as a correct record.

4.02/04 PLANNING PERMISSION FOR FIRE STATIONS

The Committee's approval was sought (Agenda item 9 – not reproduced) to the Authority applying for outline Planning Permission for housing at various Fire Station sites across the County.

In the past RBFRS Officers have been in discussion with various developers, many of whom have been interested in specific Fire Authority sites due to their geography and proximity to other strategic/major building projects. It was noted that most of these projects have not gone beyond the preliminary discussion stage because of the difficulties faced in finding alternative sites for the Authority's Fire Stations. However with the move away from **the old A, B C and D risk categorisation to a more risk based approach**, opportunities to replace some of the existing building stock **with new Community Fire Stations in the more risk areas** should be more achievable.

Based on the advice of Vail Williams, it is felt that the RBFRS needs to be in a position to enter into development schemes, whilst realising the maximum land value, at the appropriate time. Whilst most of the sites have potential for residential alternative use it is suggested that for those Stations that are likely to become attractive for such developments, planning initiatives should start as soon as possible with a view to limiting affordable housing content. The cost of obtaining outline planning permission is estimated to be between £2-5,000 per premise with permission lasting five years.

Members noted those Stations where there is already developer interest and also the comprehensive redevelopment proposals by Reading Borough Council for the Dee Road Estate, which could have an impact on the existing Headquarters site. Whilst preliminary discussions have taken place with Reading BC it is too early to say whether this will move to a satisfactory conclusion for the Authority.

In response to a question the Clerk and Monitoring Officer explained the details and procedure involved with the development of Local Plans by the Unitary Authorities in Berkshire. Members were advised that to protect both the value of the site and the Fire Authority's position and to cover any changes in Local Plans, which could include the introduction of site specific plans, it was considered prudent to seek outline planning permission.

The Chief Fire Officer advised that any proposed changes would have to go through the IRMP process, which would include consultation with the FBU as part of that process. The Chairman emphasised the need for Authority Members to be kept fully informed of progress and of any decisions made to enable them to provide assurances to the general public.

In supporting the proposed action Members asked the Chief Fire Officer to prepare a Press Release to ensure that staff are kept fully informed and to clarify that Fire Stations are not closing or no longer required. There is also the need to make it very clear in the Press Release that if in the future a decision is made to close a Fire Station site for redevelopment then the Authority are going to replace it by providing an alternative site in consultation with the relevant Local Authority.

It was therefore proposed, seconded and agreed that the Resolution set out in the report be approved with the proviso that the Chairman and Vice-Chairman are sent a copy of the Draft Press Release for their comments and approval.

RESOLVED: That the strategy for Planning Applications as detailed in the report be approved and implemented by the Procurement and Facilities Manager with the proviso that the Chairman and Vice-Chairman are sent a copy of the Draft Press Release for their comments and approval.

4.03/04 PLANNING PERMISSION FOR HOUSING ON THE LAND ADJACENT TO LAMBOURN FIRE STATION

The Committee's approval was sought (Agenda item 10 – not reproduced) for the Authority to seek Planning Permission for housing on the land adjacent to Lambourn Fire Station.

In the past the land has been rented out but on the advice of the Clerk and Monitoring Officer the licence was not renewed at the end of the licence period in March 2004. Following discussions with the Authority's consultants Vail Williams/Robert Shaw Planning, it was felt that the site does have the potential for a two-storey residential development provided access from Farm Road can be secured.

Based on this advice it is therefore suggested that, as the land is no longer required for Authority use, Vail Williams/Robert Shaw Planning be instructed to seek outline planning permission for one residential property.

In response to a question the Chief Fire Officer advised that interim discussions were taking place with other Unitary Councils in Berkshire regarding properties where ownership remained unresolved at present, and it was intended that a report based on

the background to the site and potential future action would be presented to the Executive Committee at its meeting in July 2004. Having received advice from the Clerk and Monitoring Officer it was agreed that in view of the potential legal implications the Chairman should be provided with a detailed Briefing Note and based on the information provided decide whether a further report should be presented.

RESOLVED: That:

- 1. The seeking of Outline Planning Permission through the Local Authority for housing on the plot of land adjacent to Lambourn Fire Station be approved in principle.**
- 2. In view of the potential legal implications the Chairman be provided with a detailed Briefing Note and based on the information provided decide whether a further report should be presented to the next meeting of the Executive Committee in July 2004.**

4.04/04 FREQUENCY OF FIRE AUTHORITY MEETINGS

The Committee was requested (Agenda item 3 – not reproduced) to consider a proposal that the number of formal Fire Authority Meetings be reduced from its existing five to either three or four.

Members were reminded that following the insertion of an additional Authority meeting to determine the Budget and Precept there are now five meetings every year. With the establishment of the Executive Committee and the increasing influence of national and regional structures the work of the Authority is being undertaken in different ways. In particular the timescales for decisions are now frequently much shorter.

Members attention was drawn to paragraph 2 of the report, which sets out the following three options for consideration:

- (a) Retain five meetings a year – not recommended as there are so many other demands on Member and Officer time.
- (b) Revert to four meetings a year – a viable option but one that allows no space for Member Training to enable them to fulfil their increasing roles in, inter alia, Comprehensive Performance Assessment and Integrated Risk Management Planning.
- (c) Reduce to three meetings a year – this has the advantage of freeing up Member time for training.

An example of how an annual cycle with three meetings a year might look was presented in Appendix A (not reproduced).

Whilst Members were of the opinion that they would not support a reduction to three meetings a year they did indicate their support for four meetings plus a Members

Training Day. It was therefore proposed, seconded and agreed that the Authority Meetings be reverted back to four per year and that the Chief Fire Officer be asked to present a report to the Fire Authority meeting in June detailing a possible timetable of meeting dates for consideration and determination.

RESOLVED: That the proposal to revert back to four Fire Authority Meetings plus a Members Training Day be endorsed and referred to the Fire Authority meeting in June with a recommendation that it be approved and that in support of the recommendation the Chief Fire Officer be asked to present a report detailing a possible timetable of meeting dates for consideration and determination.

4.05/04 ADDITIONAL HEADINGS FOR FIRE AUTHORITY REPORTS

The Committee's approval was sought (Agenda item 4 – not reproduced) to the perceived need to alter the format of reports to the Fire Authority and its Committees to allow for the new internal risk management structure to be fully expressed in reports to Members. This will not only give Members improved information about the risks identified in any proposal but will allow the process itself to be readily identified by external Auditors.

If Members are minded to approve this change then it is suggested that Section C of future reports to the Authority and its Committees be amended as follows:

Delete “C FINANCIAL IMPLICATIONS” and insert “C FINANCIAL AND RISK MANAGEMENT IMPLICATIONS”

If approved it will also be necessary to insert an additional header row in future reports to the Executive Committee. Members therefore considered an example of the new header row as set out in the report and approved its inclusion subject to the following amendments:

Second Column:	delete “Acceptable Risk” and insert “Risk Tolerable”
Third Column:	delete “Unacceptable Risk” and insert “Manageable Risk”
Asterisk:	delete all after “that” and insert “measures have been put in place to reduce the risk to an acceptable level.”

RESOLVED: That the revised reporting format, as amended, be approved and adopted with effect from October for Fire Authority and Associated Meetings and from July for the Executive Committee.

4.06/04 CORPORATE PLAN 2004/2005 – DRAFT VERSION

The Committee's approval was sought (Agenda item 5 – not reproduced) to the Draft version of the Corporate Plan 2004/2005.

Members were reminded that the production of the Best Value Performance Plan, which is contained within the Corporate Plan, by the Authority, is a statutory requirement.

As the final version of the Plan is still being prepared, Members were asked to approve the Draft version and authorise Officers to make amendments as considered appropriate and present an information report to the Fire Authority in June confirming that the Plan has been approved, published and can be viewed on the Brigades Web Site but also emphasising that hard copies are available on request.

A copy of the Draft Corporate Plan was presented as Appendix B (not reproduced) and the following is a bullet point summary of the comments made:

- ◆ The Chief Fire Officer encouraged Members to look at the Plan again after the meeting and make any comments direct to Divisional Officer Guy Pegler by telephone or E-Mail.
- ◆ Page 12 - It was suggested that the text relating to the Comprehensive Performance Assessment be amended to fully reflect its importance.
- ◆ Page 16 – Under BVP1 3 there is the need to make it clear in the supporting text relating to statistics the reasons for the reduction in performance from 98% in 2002/03 to 65% in 2003/04 and also relay this information to all Fire Authority Members.

In supporting the suggestion that the Chairman, Vice-Chairman and Leader of the Labour Group be sent a copy of the final version for their approval it was considered to be more appropriate if they were sent the final sections of the Corporate Plan as they are completed.

RESOLVED: That the:

- 1. Draft version of the Corporate Plan 2004/2005, as amended, be approved with the proviso that Officers be authorised to make other amendments as considered appropriate and that a report be presented to the Fire Authority meeting in June 2004 for information.**
- 2. Final sections of the Corporate Plan, as they are completed, be sent to the Chairman, Vice-Chairman and Leader of the Labour Group for approval.**

4.07/04 REVIEW OF THE USE OF OVERTIME

The Committee received a report (Agenda item 6 – not reproduced) on the outcome of a review of overtime working in RBFRS and was asked to approve a revised Policy for the use of overtime working by RBFRS staff.

Members were reminded that whilst overtime has been a feature of working life in RBFRS for many years its use by non-uniformed staff has been limited by the additional costs involved and the willingness/availability of staff wishing work additional hours.

For Uniformed staff the Fire Brigades' Union (FBU) has had a policy of actively discouraging its members from undertaking 'pre-planned' overtime, which in practice has meant that that fire-fighters have worked overtime where it is not pre-planned. The Fire Services Pay and Conditions Agreement 2003, in stating that Uniformed employees would be free to undertake pre-arranged overtime at premium rates of pay for not more than twenty-four hours per month, averaged over a six month period, required the FBU to lift its bar on pre-arranged overtime.

That ban was lifted with effect from 7 November 2003 which has left the Authority free to review the use they make of overtime working in support of their business activities and in particular its Integrated Risk Management Plan. Since the lifting by the FBU of their overtime ban, ad-hoc use has been made of pre-planned overtime in RBFRS as summarised in paragraph 4 of the report (not reproduced).

Management have therefore sought the FBU's agreement to a Pre-Planned Overtime Policy for Uniformed personnel, a copy of which was presented as Appendix C (not reproduced), its purpose being to regulate the use of pre-planned overtime in accordance with the 2003 Agreement. In noting the remainder of the report Members attention was drawn to the following specific points:

- ◆ The use of overtime should not be seen as either a panacea for management seeking to maintain crewing levels or staff seeking additional earnings.
- ◆ Part-time staff are not eligible to receive premium payment until they have exceeded the normal hours of full-time staff.
- ◆ Overtime working can be used to support the IRMP's change of emphasis from intervention to prevention by enabling operational staff to be fully committed in advance to community safety work outside their normal rostered hours.
- ◆ It is recommended that the Fire Authority builds on past practice and adopts overtime working as one of the tools available to managers to provide additional human resources in the short term to maintain operational services or to deliver pre-planned activities in support of the IRMP or other policy activities.
- ◆ The use of overtime should be controlled in both financial and human terms to ensure that it does not adversely impact on the Authority's Budget or its workforce. Therefore it is not proposed to introduce specific 'overtime budgets' beyond that currently existing to cover the attendance at incidents beyond the end of shifts. The additional costs of overtime working will be contained within existing staffing Budgets.
- ◆ Managers will need to carefully monitor the total hours worked by individual employees working overtime to ensure that they do not exceed those set by the Working Time Regulations, a maximum of forty-eight hours averaged over seventeen weeks.
- ◆ The allocation of overtime to individual members of staff will need to be regulated by managers to ensure equality of access subject to the competences required.

With regard to the last bullet point the Director of Human Resources (DHR) advised that in the case of operational staff, this is specifically dealt with in the Policy currently under consultation with the FBU. There is however a degree of sensitivity with the FBU but the Authority is continuing with the consultation process in an attempt to try and reach an agreement on local implementation. The DHR reported

that he would be meeting the FBU's Branch Secretary tomorrow to try and sign the agreement off. If no agreement is reached the Authority will put the policy in place and continue to negotiate with the FBU.

In response to a question the DHR confirmed that in order for the policy to be taken into account in the Audit Commission Verification Process the Authority will need to have its Policy in place between now and June 15 2004, that being the date of the next visit by the Auditor.

If however we do find that parts of the Policy are restrictive in any way it can be changed as it is not part of the Grey Book conditions.

RESOLVED: That the:

- 1. Outcome of the review of the use of overtime is NOTED.**
- 2. Proposals for the future use of overtime working within the Royal Berkshire Fire and Rescue Service as set out in the report and Policy be approved and adopted accordingly.**

4.08/04 REVIEW OF THE USE OF PART TIME WORKING

The Committee received a report (Agenda item 7 – not reproduced) on the outcome of part time working in RBFRS and was asked to approve a revised Policy for Part Time Working by RBFRS employees.

Members were advised that historically, operational and Control staff have been employed on a full time basis in accordance with their Conditions of Service and the Fireman's Pension Scheme. However, in response to changes in employment legislation, social and economic conditions and the needs of RBFRS, policies facilitating part time working, including job share, have been developed and introduced for Non-Uniformed and Control staff. A definition of part time, details of the Employment Rights Act 1996 and the current situation in RBFRS was summarised in paragraphs 2, 3 and 4 of the report (not reproduced).

The Fire Service Pay and Conditions Agreement 2003 introduced part time working for employees in all roles of the Fire Service, with the same conditions of service as those of wholtime employees and their pay/leave proportionate to the number of hours worked. Whilst the current Fireman's Pension Scheme restricts membership to Wholtime Fire-Fighters the ODPM is currently consulting on proposals to amend the scheme to allow part time staff to join.

Based on the information received it is proposed that current RBFRS policies regarding part time working, including job share, are extended to all employee groups with immediate affect but subject to certain limitations as set out in paragraph 8 of the report (not reproduced). Whilst it is not anticipated that large numbers of the current RBFRS operational workforce will wish to work part time it is nevertheless proposed to set an upper limit of a maximum of 10% of the operational workforce working the

shift duty and flexible duty systems for an initial period of twelve months, subject to review.

In terms of pay and benefits, part time working is financially neutral because pay and benefits are pro-rata to hours worked. There are however some additional costs for personal protective equipment, training/development and supervision/management. Arrangements for recruiting Wholetime Fire-Fighters on a part-time basis are currently being developed as part of Integrated Personal Development System implementation and subject to approval by Members, work on this issue will continue and, if required, a Budget Bid will be submitted for 2005/2006.

RESOLVED: That part time working arrangements are extended to operational staff other than those working the Retained Duty System.

4.09/04 REVIEW OF DUTY SYSTEMS

The Committee received a report (Agenda item 8 – not reproduced) on the current position regarding review of duty systems within RBFRS and was asked to approve an on-going strategy for dealing with this issue.

Members were advised that the Fire Authority has kept the duty systems it deploys within the framework set by the Grey Book conditions under continuous review and in recent years this process has taken place within the context of the Local Government Act 1999 Best Value regime. Two examples of this are the Special Appliance Review and the Review of Officer Cover, undertaken in the period 199 to 2001. Whilst work on the Special Appliance Review continued through to 2004 it has now been subsumed into the first IRMP. Reviews of Fire Cover in particular areas have been commissioned as required, the most recent being the establishment of a Member Working Party to review the fire cover in Wokingham with its outcome being reported to the Fire Authority in June for ratification.

In noting the background to this and the ongoing work as set out in the report Members were advised that the Fire Service Pay and Conditions Agreement 2003 enabled Fire Authorities to seek to introduce alternative duty systems to the established duty systems contained in the national agreement where they decide that they are needed for the delivery of their IRMP.

It was therefore proposed that the Executive Committee, building on the work already undertaken, endorses an on-going strategy for reviewing duty systems with the following elements and which is complimentary to its Integrated Risk Management and Corporate Plans:

- (a) Consideration of risk mapping outputs from IRMP to determine the need for alternative duty systems.
- (b) Identification of uniformed posts that could become non-uniformed, subject to confirmation of resource requirements for incident management.

- (c) On-going review of the utilisation of staff working existing duty systems with a view to maximising their effectiveness in terms of support to the IRMP and service delivery.
- (d) Specific consideration of mechanisms to transfer resources from intervention to prevention.

RESOLVED: That the:

1. Current position regarding reviews of duty systems be NOTED
2. Proposed strategy for on-going reviews of RBFPS duty systems is adopted.

4.10/04 BRIEFING ON ‘STAND DOWN TIME’ AND RELATED MATTERS

The Committee received a report (Agenda item 11 – not reproduced) supported by an oral report describing the different forms and uses of “Stand Down Time” to provide Members with a greater understanding of its relevance to the current dispute. With the approval of the Chairman additional information was tabled at the meeting (not reproduced).

NOTED

4.11/04 DATE OF NEXT MEETING

It was noted that the next meeting is scheduled to take place on Wednesday 14 July 2004 in the Strategic Command Centre, Brigade Headquarters, commencing at 6.30pm.

4.12/04 EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part I of Schedule 12A of the said Act indicated:

	Agenda Item	Paragraph
14	Pat Settlement – Partial Performance Policy	1
15	Annual Review of Local Pay Ranges	1
16	Response to Consultation on Proposed Amendments to the Local Government Pension Scheme	1
17	Further Development of an Interactive Schools	7 & 8

Education Package

(Note: The following is a summary of the items considered in the Part II Agenda of the Fire Authority's Executive Committee meeting held on Tuesday 1 June 2004)

4.13/04 PAY SETTLEMENT – PARTIAL PERFORMANCE POLICY

The Committee having been advised of recent developments in the pay settlement process approved a Policy regarding the reduction in payments for partial performance for employees taking industrial action short of strike action.

Note: Prior to consideration of the next item Iain Cox (CFO), Des Tidbury (ACFO) and Paul Southern (ACFO) withdrew from the meeting.

4.14/04 ANNUAL REVIEW OF LOCAL PAY RANGES

The Committee approved the pay ranges for the Senior Management and Information Services local pay groups, to take effect from 1 April 2004.

Note: Having introduced the item to Members, David Wallace (DHR) also withdrew from the meeting.

4.15/04 RESPONSE TO CONSULTATION ON PROPOSED AMENDMENTS TO THE LOCAL GOVERNMENT PENSION SCHEME

The Committee agreed that the Fire Authority should make a response to the Office of the Deputy Prime Minister's consultation exercise on proposals to amend the Local Government Pension Scheme, subject to the Chairman approving the final text of the response.

4.16/04 FURTHER DEVELOPMENT OF AN INTERACTIVE SCHOOLS EDUCATION PACKAGE

The Committee approved, in accordance with the Authority's Standing Orders, the award of a contract under single tender action to develop an interactive school's education package.