

AGENDA ITEM 3: PART I MINUTES

ROYAL BERKSHIRE FIRE AUTHORITY'S EXECUTIVE COMMITTEE MINUTES MONDAY 26 SEPTEMBER 2005

**HELD AT BRIGADE HEADQUARTERS COMMENCING AT 6.30PM AND CONCLUDED
AT 7.20PM**

**Present: James E R Mole (Vice-Chairman), Christine Borgars,
Barrie J S Patman**

Apologies: Jeff C G Brooks, Dr Paul Bryant, Terry Mills (Charman)

(Councillor James Mole (Vice-Chairman) in the Chair)

6.01/05 DECLARATIONS OF INTEREST

Having been reminded that in accordance with the Fire Authority's Code of Conduct, Members are required to declare interests, which are Personal or Personal and Prejudicial, where appropriate, it was noted that on this occasion there were no such declarations to be made.

6.02/05 MINUTES: 18 JULY 2005

The Minutes of the last meeting held on Monday 18 July 2005, having been previously circulated, were taken as read and signed by the Chairman as a correct record.

6.03/05 DATES FOR EXECUTIVE COMMITTEE MEETINGS IN 2006

The Committee's approval was sought (Agenda item 4 – not reproduced) to a list of proposed dates for Executive Committee meetings in 2006.

RESOLVED: That meetings of the Royal Berkshire Fire Authority's Executive Committee be held on the following dates in 2006 at Brigade Headquarters commencing at 6.30pm:

Monday 23 January,	Monday 13 March,	Monday 15 May,
Monday 17 July,	Monday 18 September,	Monday 27 November

6.04/05 SINGLE TENDER ACTION – REPLACEMENT OF GAS TIGHT SUITS

The Committee's approval was sought (Agenda item 8 – not reproduced) to the award of a Contract under single tender action to Respirix International Limited for the purchase of replacement gas tight suits. The reason for this action is that the ODPM have pre-tendered for these items under an OJEC Notice, but the Authority's Financial Standing Orders does not allow this action to take place without Authority approval.

A Budget bid of £80,000 over three years was approved by the Authority for the replacement of gas tight suits and was based on replacing the existing suits with like for like. However following successful trials carried out by the manufacturer and the ODPM, a similar suit has been manufactured and suitably certified but costing approximately 50% less. The suits have been sourced under the ODPM's pre-tendered contract system and Fire and Rescue Services are encouraged by the ODPM to use this system where possible.

If Members are minded to approve this proposal the purchase of these replacement suits, from Respirex International Limited, whilst costing an estimated £4,000 over the approved Budget for this financial year, will result in savings of approximately £46,000 over the next two years. This will translate into cashable savings as required under the Government's efficiency savings strategy.

RESOLVED: That, in accordance with the Authority's Standing Orders Relating to Contracts Number 10, Sections (a) and (f), the Contract in the sum of £34,000 be awarded to Respirex International Limited under single tender action.

6.05/05 DRAFT INTEGRATED RISK MANAGEMENT PLAN (IRMP) AND YEAR III ACTION PLAN INCORPORATING YEAR III CONSULTATION PAMPHLET

The Committee's approval was sought (Agenda item 5 – not reproduced) to the final draft of the IRMP and Year III Action Plan incorporating the consultation pamphlet as recommended by the IRMP Working Party at its meeting on Tuesday 6 September 2005.

Members were advised that Officers working on the IRMP and Year III Action Plan continue to be on schedule to meet the timetable for the commencement of the IRMP consultation process by 1 October 2005. Whilst all the preparatory work had taken place during June/July, the actual framework, layout and wording of the Year III Action Plan and Consultation pamphlet, produced in response to Members suggestions during last year's review of the consultation process, had commenced on 2 August 2005. Since that time, Officers and FBU representatives from the IRMP Team have met on several occasions to discuss and develop the IRMP documents.

In taking Members through the IRMP and Year III Action Plan the ACFO in addition to highlighting various salient points drew Members attention to page 9, where under Staff Numbers the figure of 157 in the second column relating to Part-time operational staff would be changed to 109 to reflect recent evidence provided by the Fire Brigades' Union.

In respect of the Consultation pamphlet there had been a significant reduction in the amount of information to that used in previous year's publications in order to try and make the document more user friendly and easier to read and digest.

The Chairman on behalf of the Committee wished to place on record his thanks to the ACFO and the IRMP Team for all their hard work in the production of a very positive and informative IRMP, Action Plan and Consultation pamphlet.

RESOLVED: That, final draft of the IRMP (as amended) and Year III Action Plan incorporating the consultation pamphlet, as recommended by the IRMP Working Party, be approved in preparation for the commencement of the consultation process on 1 October 2005.

6.06/05 PROPOSED LOCAL CONSULTATION AND NEGOTIATION PROCEDURE

The Committee's approval was sought (Agenda item 6 – not reproduced) to a revised Consultation and Negotiation Procedure for Royal Berkshire Fire and Rescue Service (RBFRS).

Members were advised that RBFRS has established Consultation and Disputes Procedures based on the provisions of the Fifth Edition of the National Joint Council (NJC) for Local Authorities Fire Brigades Scheme of Conditions and Service, referred to as the "Grey Book". As part of the settlement of the recent national Fire Service Pay Dispute, a sixth edition, known as the NJC for Local Authorities Fire and Rescue Services Scheme of Conditions of Service, was introduced on 24 August 2004.

This new scheme includes in Part C, model Local Consultation and Negotiation Procedures and there is no longer a Disputes procedure. As part of a rolling programme RBFRS has been reviewing its current procedures and policies in the light of the provisions of the Sixth Edition of the Grey Book. The existing RBFRS Consultation Policy and Disputes Procedure had been reviewed and a new Consultation and Negotiation Procedure is proposed for introduction with immediate effect to replace the existing RBFRS scheme.

The proposed new procedure reflects the wish of the Fire Authority, as expressed at its meeting on 15 December 2004, that its Members should continue to remain directly involved in RBFRS employees relations issues. In order to accommodate this wish, an additional Stage 3 to the two stages contained in the nationally agreed Model Procedure is proposed.

Bearing in mind the nature of negotiations and the objectives of the new national procedures, it is proposed that Authority participation be limited to Executive Committee Members with two Members of that Committee forming the Fire Authority's Negotiating Team at Stage 3 of the procedure. In order to ensure continuity in the negotiating process and that Elected Members have access to professional advice, it is also proposed that the Chief Fire Officer or his representative, who has dealt with the issue at Stage 2, should join the Members Negotiating Team as a fully participating member of that team.

In noting the tight time scales proposed for each stage to ensure that negotiations are concluded within a reasonable time span as set out in paragraph 7 of the report (not reproduced), Members were advised that if the new procedure is approved then Executive Committee Members and appropriate RBFRS Officers will receive training in undertaking successful negotiations, in order to equip them for their roles in the new procedure.

The proposed new procedures have been the subject of consultation with the Representative Bodies recognised by the Fire Authority for negotiation (FBU and Unison) and consultation (FBU, Unison and RFU). Prior to the publication of the Agenda only the FBU had responded and their comments have been taken into account in the proposed Procedures, a copy of which was presented as Appendix 3 (not reproduced). Although the RFU have now responded and accept the new procedures as presented no such response has been received from Unison.

RESOLVED: That the proposed Consultation and Negotiation Procedure, presented as Appendix 3 (not reproduced) be approved and adopted with immediate effect.

6.07/05 SINGLE TENDER ACTION – WORKING AT HEIGHT EQUIPMENT PURCHASE

The Committee's approval was sought (Agenda item 7 – not reproduced) to the award of a Contract under single tender action to HEIGHTECH for the supply of equipment to undertake Working at Height required under the Working at Height Regulations 2005, which came into force on 1 April 2005 and also bring into effect Directives (2001/45/EC and 89/655/EC) as explained in paragraph 1 of the report (not reproduced).

RBFRS has undertaken a number of trials and evaluations with different manufacturers of working at height equipment, which identified a number of benefits/shortcomings in certain items so enabling RBFRS to determine an overall equipment specification/selection. The preferred kit will necessitate placing an order with one manufacturer to produce an overall satisfactory set of equipment, to achieve a safe system of work.

Surrounding Fire and Rescue Services had been contacted to establish what equipment they had identified and how they procured the items. Based on the outcome of that information and the evaluation procedure RBFRS have determined that the Contract be

awarded to HEIGHTECH under single tender action in accordance with Standing Order 21, Section 10 (a), (d) and (f) as the proposal complies with this order in the areas summarised in paragraph 4 of the report (not reproduced), which relates to only one Company is considered suitable (10a), there is genuine urgency (10d) and where there are demonstrable benefits (10f).

The Chief Fire Officer reminded Members that although approval in writing had been sought and obtained from Executive Committee Members to proceed with the purchase of the equipment on the grounds of genuine urgency, formal Authority is still required to the Single Tender Action.

RESOLVED: That, in accordance with the Authority's Standing Orders Relating to Contracts Number 10, Sections (a), (d) and (f), the Contract in the sum of £26,000 be awarded to HEIGHTECH under single tender action.

6.08/05 KEY WORKER LIVING PROGRAMME

The Committee was advised (Agenda item 9 – not reproduced) of the Royal Berkshire Fire and Rescue Service's (RBFRS) participation in the ODPM's Key Worker Living Programme with effect from 1 April 2006.

Members were advised that both the Royal Berkshire Fire Authority and RBFRS has sought to maximise the access of RBFRS to the Government's Housing Assistance initiatives, such as the Starter Home Initiative and more recently the Key Worker Living Programme. The latter was initially restricted to those Authorities able to make contributions to the programme in the form of either finance or land, which meant that the Authority were not in a position to do either and have therefore not participated.

This situation has however been reviewed as a result of lobbying by South East Fire and Rescue Services, including RBFRS, and a copy of the Director of Human Resources letter to the ODPM was presented as Appendix A (not reproduced). In response to this dialogue the ODPM have recently announced that the Key Worker Living Programme will be opened up to Uniformed Fire Service personnel in London, the East and South-East of England with effect from 1 April 2006 for the two year period of the programme. Details of the content and coverage of the programme are contained in a letter dated 16 August to the Chief Fire Officer from Kevin Taylor, Head of the Key Worker Living Housing Branch of the Affordable Housing Division of the ODPM, a copy of which was presented as Appendix B (not reproduced).

The extension of the Scheme does not involve 'contributions' from participants and includes all Fire and Rescue Uniformed personnel up to principal officer level. This is a welcome extension of opportunities that have been available to other areas of the public sector in London and the South East in recent years and will contribute to the recruitment and retention of uniformed RBFRS personnel over the next two years.

In welcoming the ODPM's decision, Members wished to record their thanks to David Wallace (DHR) and the other Officers involved in this initiative.

NOTED

6.09/05 UPDATE ON CO-RESPONDING SCHEME

The Committee was advised (Agenda item 10 – not reproduced) of the withdrawal of the Fire Brigades' Union (FBU) Co-responder dispute.

Following the approval by the Authority to introduce a Co-responder scheme at Mortimer Fire Station in January 1999, the FBU registered a Trade Dispute against the scheme in

July 2001 when proposals to introduce the scheme at further Retained Fire Stations was proposed.

The dispute could not be resolved within the Authority's recognised trades dispute process and following a failure to agree at the Authority's Personnel Disputes Committee, the FBU referred the dispute to the National Joint Secretaries for consideration. The Joint Secretaries did not convene to consider the dispute until 28 June 2005, when following a visit to RBFRS they deferred the dispute back for local negotiations to be concluded by 23 September 2005.

In accordance with the Joint Secretaries decision, the FBU provided RBFRS management with a list of their issues under dispute. In response management tabled its responses to the issues at a meeting with the FBU held on 23 August 2005 at which the FBU agreed that management's responses had satisfied their concerns. It was agreed that management would formally submit their responses, a copy of which was presented as Annex A (not reproduced), and on receipt of this the FBU formally withdrew their trade dispute on 8 September 2005.

Although the trade dispute has been resolved, and the Authority are now able to extend the Co-responding scheme in accordance with the Year I IRMP, the FBU retain a national policy to expel from the FBU any member who takes part in a Co-responding scheme.

As the Berkshire FBU have indicated that they will be adhering to national policy in this regard clarification is being sought with the National Employers Secretary in relation to how this policy can be reconciled against the Fire-Fighters Role Map that makes provision for Co-responding within the role of a Fire-Fighter.

NOTED

6.10/05 DATE OF NEXT MEETING

It was noted that the next Executive Committee meeting is scheduled to take place on Monday 5 December 2005 at Brigade Headquarters commencing at 6.30pm.

6.11/05 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 1 of Schedule 12A of the said Act as indicated:

	Agenda item	Paragraph
13	Part II Minutes – Monday 18 July 2005	1, 7 & 8
14	Mr JH – Outcome of Pensions Ombudsman Complaint	1

Note: The following is a summary of the items considered in the Part II Agenda of the Royal Berkshire Fire Authority's Executive Committee meeting held on Monday 26 September 2005)

5.12/05 PART II MINUTES: 18 JULY 2005

The Part II Minutes of the last meeting held on Monday 18 July 2005, having been previously circulated, were taken as read and signed by the Chairman as a correct record.

5.13/05 MR JH - OUTCOME OF PENSION OMBUDSMAN COMPLAINT

The Committee was advised of the outcome of a complaint by Mr JH to the Pension Ombudsman.

Signed:.....
Councillor Terry Mills
Chairman

Date: 5 December 2005