

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

9 APRIL 2018

PRESENT: Councillor L Burgess (Chair)
Councillor A Atkin (Vice-Chair)
Councillors: S Ayris, A Buckley, M Clements, P Haith,
C Hogarth, J Satur and Dr A Billings

CFO J Courtney, QFSM, DCFO M Blunden, ACFO A Johnson
and S Booth (South Yorkshire Fire & Rescue Service)

A Brown, N Copley, M McCarthy, L Noble, C Pantry, G Kirk,
R Winter, I Rooth and M McCoole (Barnsley MBC)

M Buttery (Office of the South Yorkshire Police and Crime
Commissioner)

Apologies for absence were received from
Councillor T Damms, Councillor C Rosling-Josephs,
Councillor M Maroof, Councillor C Ransome, A Frostdick and
D Terris

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

Councillor Burgess reminded Members that today would be Councillor Buckley's last Authority meeting, as he would shortly take up the office of Mayor of Rotherham. Councillor Burgess, on behalf of the Authority, thanked Councillor Buckley for the wealth of experience that he had brought to the Authority since he had commenced in 2011. She wished him the very best for an enjoyable and successful mayoral year.

Councillor Buckley commented that it was with great regret that he would be leaving the Authority. He gave thanks to all of his colleagues from across the political spectrum for their help and advice, to the governance staff for their help and support and to staff at SYFR.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda item 18 entitled 'Appointment of Independent Member – Audit and Governance Committee' be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 REPORTS BY MEMBERS

Councillors Akin and Clements referred to the LGA Annual Fire Conference and Exhibition held on 13 - 14 March 2018 in Newcastle, which they had attended with Councillors Burgess and Damms. The Fire Minister had not been in attendance at the conference, although the Labour Party Shadow Fire Minister and a Liberal Democrat spokesperson had both attended; Members had been provided with the conference slides.

Councillor Clements commented on the lack of support for retrofitting sprinklers from the Liberal Democrat representative Dame Judith Hackett who he felt had been very evasive on the subject of retrofitting of sprinklers.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT.

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 19 FEBRUARY 2018

Councillor Ayris queried whether progress reports on SYFR's Property and Procurement Services would be presented to the Audit and Governance Committee from 2018/19.

The Director of Support Services stated that it was intended to present an update report on SYFR's Property and Procurement Services to the Audit and Governance Committee meeting in June 2018.

Councillor Burgess suggested that the whole process of the SYFR Property and Procurement Services be discussed in detail at a future Corporate Advisory Group (CAG) meeting.

Councillor Haith queried when the financial implications of SYFR paying the foundation living wage would be brought back to Members for approval.

DCFO Blunden stated that the financial implications of SYFR paying the foundation living wage would be presented to the Authority meeting in June 2018 for Member approval.

Councillor Ayris expressed his gratitude to Dr Billings, who had offered South Yorkshire Police (SYP)'s support on the counter fraud framework policies documents in order to achieve quality assurance. He was supportive of the exploration of further collaboration opportunities with SYP.

Councillor Atkin referred to a recent RMBC Overview and Scrutiny Board meeting where CFO Courtney and DCFO Blunden had been in attendance. Several matters had been discussed at the meeting, including a request to establish whether finances were available to reinstate the second pump appliance at Rotherham Fire Station.

CFO Courtney highlighted that SYFR had initially been made aware of the request at the RMBC Overview and Scrutiny Board meeting. At that meeting he had stated that the nature of the IRMP was for SYFR to continually re-evaluate its resource provision against the prevailing demand, which would always be constrained by the available budget.

M McCarthy referred to a series of questions received from the RMBC Overview and Scrutiny Board; he had requested SYFR's Executive Team to provide a response.

CFO Courtney referred to a complaint that had been made against him from a member of the public, following a gender reference that he had made during a lengthy discussion at the RMBC Overview and Scrutiny Board meeting. He apologised to anyone who had been offended at the meeting.

Councillor Clements highlighted that Barnsley Fire Station had also lost its second pump appliance. He suggested that if there was to be any restoration of the second pump appliances, that Barnsley should also be considered. He was reassured by CFO Courtney's comments that the intention was to allocate resources across the whole of South Yorkshire to maintain operational resilience.

RESOLVED – That Members:-

- i) Noted that an update report on SYFR's Property and Procurement Services be presented to the Audit and Governance Committee meeting in June 2018.
- ii) Noted that SYFR's Property and Procurement Services be discussed in detail at a future Corporate Advisory Group meeting.
- iii) Noted that the financial implications of SYFR paying the foundation living wage to be presented to the Authority meeting in June 2018 for Member approval.
- iv) Noted that further collaboration opportunities with SYP should be explored.
- v) Agreed that the minutes of the Authority meeting held on 19 February 2018 be signed by the Chair as a correct record.

10 2017/18 FINANCIAL PERFORMANCE REPORT: AN UPDATE

A report of the Director of Support Services was submitted, as the fifth in a series of reports that Members had received throughout the financial year, to inform them of the likely financial performance for the year ended 31 March 2018. The report routinely included an estimated revenue outturn position when compared to the annual budget set on 13 February 2017, an updated reserves position statement and an update on the capital programme alongside a narrative commentary to help explain the key financial changes that were contributing to each of them.

There had been a net increase in the overall general reserves of £2.169m, based on the projections within the report, with £1.246m planned (budgeted) contribution to reserves, plus the in-year estimated surplus of £0.672m and the notified additional funding of £0.251m.

Councillor Clements stated that wherever possible, that the general reserve for capital projects should be spent within South Yorkshire. He requested that Members were fully briefed and involved in the construction of a tendering process for capital expenditure, and that Members had an opportunity to look at the weighting system involved, in order to focus the process towards South Yorkshire based firms.

Councillor Burgess stated that the procurement in its entirety would be considered in detail at a future CAG meeting.

DCFO Blunden reported that SYFR's Operational Resource Team (ORT) currently consisted of 27 wholtime firefighters who worked alongside the staff at remote fire stations, to provide short term sickness or absence cover to enable SYFR to work towards the Authority's commitment to ride 5 individuals on the first fire appliances. In 2017, three people had been recruited on the Green Book Staff Terms of Conditions to manage the process. A new ORT policy had now been agreed, and significant progress had been made over the last 4 months; the process was regularly reviewed. Recruitment was now underway to increase ORT to 40 members of staff over the course of the financial year; a new process was in place for continuous recruitment of retained duty staff at every fire station.

Councillor Hogarth requested additional information on the total amount of miscellaneous spend for supplies and services over 10%. The Director of Support Services stated that he would provide Members with the information.

Councillor Ayris asked questions and requested an explanation about the financial underspend of £0.026m in relation to the secondment of a Control Station Manager and also in relation to the Airwave radio scheme of £0.024m. He sought further clarification in relation to the current position of the Close Proximity Crewing (CPC) accommodation at a total of £800k.

The Chief Fire Officer stated that the temporary Station Manager in SYFR Control had been seconded to the Emergency Services Mobile Communication Project that was based in West Yorkshire and that SYFR would receive funding from the national project for this cost. The temporary Station Manager post and

Control Operator post had both been backfilled, to ensure that SYFR's establishment totalled 24 individuals plus the Manager within Control.

Members recalled that updates had been provided in relation to the property and procurement issues on numerous occasions. SYFR was tendering for a significant contract in relation to facilities management, which it was estimated will be introduced in June 2018.

The Director of Support Services would provide Members with a response in relation to the projected overspend on the Airwave radio scheme of £0.024m.

The judicial review requested from the Fire Brigades Union against the Authority, for the continuance of using Close Proximity Crewing (CPC) within the current IRMP would be presented to Leeds High Court on 26 April 2018; the outcome was envisaged in early May 2018. The cost of the legal proceedings was anticipated to be £800k.

RESOLVED – That Members:-

- i) Noted that procurement would be considered in detail at a future CAG meeting.
- ii) Would be provided with additional information on the total amount of miscellaneous spend for supplies and services that was over 10%.
- iii) Would be provided with a response in relation to the projected overspend on the Airwave radio scheme of £0.024m.
- iv) Noted the latest estimated revenue performance which showed an operating underspend of £0.672m for the financial year ended 31 March 2018.
- v) Noted the latest estimated increase in General Reserves of £2.169m for the financial year ended 31 March 2018.

11 PREPAREDNESS FOR GENERAL DATA PROTECTION REGULATION (GDPR)

A report of the Director of Support Services was submitted to provide Members with an update on SYFR's preparedness for the General Data Protection Regulation (GDPR) which replaced the current Data Protection Act 1998 and would come into force on 25 May 2018.

The revised versions of the policies and procedures had recently been circulated to the Corporate Management Board (CMB) for comment, and would be considered at the next CMB meeting on 19 April 2018. It was intended that all target dates within the Action Plan would be completed by May 2018.

Councillor Ayris congratulated Helen Hartland, SYFR's Data Protection Officer, on the production of the report. He queried the punitive financial risks of non-compliance, whether all SYFR employees had completed the online GDPR training, and if not, when this was likely to be completed. He also queried the number of

contracts that were in existence, and who was legally responsible for undertaking the audit and non-compliance.

Members noted that the punitive charge was 4% of the turnover. The online training package would commence in April 2018, with the class room based training scheduled to commence early in May 2018. There were approximately 150 contracts to be reviewed; it was anticipated that the majority of the contracts would not be impacted upon by GDPR, and this work would be completed by 25 May 2018.

Councillor Burgess suggested that GDPR, in terms of risk management should be considered further at a future Corporate Advisory Group meeting.

A report would be presented to the Audit and Governance Committee meeting in June 2018 to brief Members on GDPR, with a greater emphasis on risk management and the creation of a Risk Register for GDPR.

RESOLVED – That Members:-

- i) Noted that the revised versions of the policies and procedures would be considered at the Corporate Management Board meeting on 19 April 2018.
- ii) Noted that GDPR, in terms of risk management, be considered further at a future Corporate Advisory Group meeting.
- iii) Noted that a report be presented to the Audit and Governance Committee meeting in June 2018 to brief Members on GDPR.
- iv) Noted the inherent risks to SYFR of non-compliance with GDPR; monetary penalties, reputational damage, etc.
- v) Noted the progress being made by the Data Protection Officer (DPO) in working towards GDPR compliance.
- vi) Personally supported the DPO role by ensuring that in representing and undertaking their role that they promoted continued compliance.

12 SERVICE LEVEL AGREEMENT - BMBC

A report of the Treasurer and Monitoring Officer was presented to outline the proposal for the provision of services for 2018/19 onwards. A review of service provision had been undertaken in order to provide greater transparency and to demonstrate that it offered value for money for the Authority.

The report outlined a proposed revised service offer from BMBC together with a revised pricing schedule. Subject to Member approval, this would represent a cost reduction of £105,795 with an additional £48,000 reduction from 2019/20, to be released into the Authority's current year's budget and medium term financial strategy.

Councillor Atkin made reference to the Clerk and Monitoring Officer, who were not in attendance at the meeting.

M McCarthy stated that he undertook the role of the Deputy Clerk in the absence of D Terris, Clerk to the Authority. He provided D Terris with regular updates on the work of the Authority, and he sought the relevant advice from her on pertinent issues. The Clerk and Monitoring Officer undertook a significant amount of work outside of the Authority meetings, which assisted in supplementing the governance of the Authority.

Councillor Ayris referred to the daily and hourly rates for ad-hoc support for 2018/19, which were subject to annual inflationary increases; he queried whether those additional services should be put out to tender.

Councillor Ayris proposed a motion that the new contract should be put out to tender, to comply with the Contract Standing Orders and to ensure transparency for the council tax payers in South Yorkshire, with effect from April 2020.

The proposal was not seconded.

Councillor Haith requested a cost breakdown of the £40k for legal work in connection with inquests.

The Director of Support Services referred to the regular liaison with the Treasurer and his team in relation to the work undertaken on the SLA. In consultation with the Treasurer he confirmed that he was comfortable for SYFR to take on responsibility for the budget monitoring and management, reducing costs within the SLA.

In respect of Legal Services, G Kirk stated that most of the mainstream requirements for these services were provided under the SLA; post claim litigation work would incur additional charges. He considered that £40k was a reasonable estimate for legal work for the next financial year based upon historic records of the amount of time spent on legal services for the Authority.

RESOLVED – That Members:-

- a) Considered and approved the proposed democratic and governance support functions (at Appendix A to the report) to be delivered by BMBC on behalf of the Fire Authority for 2018/19.
- b) Considered and approved the proposed delivery functions provided by BMBC on behalf of the Fire Service (attached at Appendix B to the report) for 2018/19.
- c) Agreed that the Service Level Agreements for the Fire Authority and Fire Service to be reviewed in 12 months' time as part of the performance management of the agreement.

Councillor Ayris voted against these recommendations.

- d) Noted a further reduction to the proposed charges for Governance support for 2019/20.

13 DRAFT PERFORMANCE MANAGEMENT FRAMEWORK - 2018/19

A report of the Deputy Chief Fire Officer and Director of Service Development was submitted to set out the first draft of the SYFR Performance Management Framework for 2018/19, which was reviewed annually to ensure that it reflected the Service's key priorities.

DCFO Blunden referred to the outturn figures for 2017/18 which were currently being processed. The targets within the Performance Management Framework for 2018/19 would be included and presented to the next Authority meeting for approval.

RESOLVED – That Members noted:-

- i) The targets to be included within the Performance Management Framework for 2018/19, would be presented to the next Authority meeting for approval.
- ii) The contents of the report.

14 POLICE AND FIRE COLLABORATION BOARD PAPERS

A report of the Deputy Chief Fire Officer and Director of Service Development was presented to provide Members with background information on the Policing and Crime Act 2017, an update on the progress being made on the current areas of collaboration with South Yorkshire Police, together with a view on emerging fire – fire collaboration. A report on collaboration was now a standing item on all Fire Authority meeting agendas.

Members noted the significant progress being made with the Joint Community Safety Team based at the Lifewise Centre, headed up by AM Helps which was due to go live in June 2018. The Board had approved a vehicle fleet business case at its meeting held in December 2017, and had approved a request at a recent Board meeting for support work around the business benefits in order to measure the progress against those benefits when the two teams were merged; the appointment of the Joint Head of Fleet Services process had been by delayed by approximately 6 - 8 weeks whilst the work was undertaken.

Councillor Burgess thanked Dr Billings for chairing the Police and Fire Collaboration Board meetings in such a manner to ensure both a fair and open discussion. She suggested that collaboration issues be considered in detail at the CAG meeting in May 2018.

Councillor Ayris welcomed the report and the amount of progress made. He requested that Members be provided with a copy of the 'People Transition Process' document from Cheshire Fire and Rescue Service.

DCFO Blunden would endeavour to provide Members with the document.

RESOLVED – That Members:-

- i) Noted that the collaboration issues be considered in detail at the CAG meeting in May 2018.
- ii) Be provided with a copy of the 'People Transition Process' document from Cheshire Fire and Rescue Service.
- iii) Noted the contents of the report.

15 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD HELD ON 20 MARCH 2018

Members were presented with a key issues paper arising from the Performance and Scrutiny Board meeting held on 20 March 2018.

Councillor Burgess had observed the last Board meeting, where she had been very impressed with the in-depth questioning by Members on the Performance Report, which formed a valued part of the Authority's work programme; she hoped the Board would consider the forthcoming HMICFRS inspection process as part of their remit.

Councillor Atkin suggested that the Board may wish to consider the implications of the 'Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22 May 2017', in order to provide reassurance to the residents of South Yorkshire.

CFO Courtney reassured Members that SYFR would explore all of the recommendations arising from the Kerslake Report, both independently and in conjunction with the wider membership of the National Fire Chiefs Council, in order to consider the implications for SYFR moving forwards. Members would continue to be advised on the progress made.

Councillor Ayris expressed his best wishes to Councillor Buckley for the future. He suggested that it would be useful for the Board to continue to submit the 'Key Issues' report to the Authority in order to keep all Members abreast of the issues arising.

RESOLVED – That Members noted:-

- i) That a report on the implications of the 'Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester Arena attack on 22 May 2017', be submitted to a future Performance and Scrutiny Board meeting, in order to provide reassurance to the residents of South Yorkshire.
- ii) That SYFR would explore all of the recommendations arising from the Kerslake Report in order to consider the implications for SYFR moving forwards, and to continue to advise Members on the progress made.

- iii) That the Performance and Scrutiny Board would continue to submit 'Key Issues' reports to the Authority in order to keep all Members abreast of the issues arising.
- iv) The key issues arising from the Performance and Scrutiny Board held on 20 March 2018.

16 DRAFT MINUTES OF THE LOCAL PENSION BOARD HELD ON 26 FEBRUARY 2018

RESOLVED – That Members noted the draft minutes of the Local Pension Board held on 26 February 2018.

17 DRAFT MINUTES OF THE APPOINTMENTS COMMITTEE HELD 19 FEBRUARY 2018

RESOLVED – That Members noted the draft minutes of the Appointments Committee held on 19 February 2018.

18 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, 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 paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

19 APPOINTMENT OF INDEPENDENT MEMBER - AUDIT & GOVERNANCE COMMITTEE

A report of the Service Director, Legal and Governance was submitted to request that Members endorsed the recommendation of the Evaluation Panel to appoint to the vacant role of Independent Member, Audit and Governance Committee.

RESOLVED – That Members:-

- i) Noted the action to date to recruit an Independent Member of the Audit and Governance Committee.
- ii) Agreed the recommendation of the Evaluation Panel, as outlined at the meeting, and to appoint Nicola Wright to the vacant role of Independent Member of the Audit and Governance Committee, subject to satisfactory references.
- iii) Agreed to an appraisal process after the first four year term of appointment (April 2022).

CHAIR