

Minutes



To: All Members of the Overview & Scrutiny Committee, Chief Executive, Chief Officers, All officers named for 'actions' From: Legal, Democratic & Statutory Services
Ask for: Michelle Diprose
Ext: 25566

OVERVIEW AND SCRUTINY COMMITTEE SPECIAL MEETING HELD ON TUESDAY, 11 DECEMBER 2018 AT 10.00AM

ATTENDANCE

MEMBERS OF THE COMMITTEE

D Andrews (Chairman), F Button, H K Crofton, B A Gibson (substituting for P M Zukowskyj)
K M Hastrick (Vice-Chairman), T Howard, J S Kaye, R Mills (Vice-Chairman), I M Reay

OTHER MEMBERS IN ATTENDANCE

J S Hale, T W Hone, R G Sangster

Upon consideration of the agenda for the Special Meeting of Overview & Scrutiny Committee held on Tuesday, 11 December 2018 at 10.00 a.m. as circulated, copy annexed, conclusions were reached and are recorded below.

Note: No conflicts of interest were declared by any member of the Committee in relation to the matters on which conclusions were reached at this meeting.

PART I ('OPEN') BUSINESS

1. MINUTES [SC.8]

- 1.1 It was agreed that consideration of the Minutes of the Committee held at 10.00 a.m. on 8 November 2018 be considered by the Committee at its meeting on 11 December 2018 at 2.00 p.m.

2. TO CONSIDER THE CALL-IN OF CABINET DECISION (Forward Plan Reference No: A056/18) 'To consider the Integrated Risk Management Plan'

- 2.1 The Committee received a report that invited Members to consider the decision reached by Cabinet on 26 November 2018 in respect of the draft Integrated Risk Management Plan (IRMP).

ACTION

2.2 The Committee received background information in relation to the proposals for consulting on the draft IRMP and noted that it had been considered by the Community Safety and Waste Management Cabinet Panel at its meeting on 9 November 2018 prior to consideration by Cabinet. The report to and Minutes of the Cabinet Panel can be viewed here [Cabinet Panel Report and Minutes - 9 November 2018](#). On 26 November 2018 Cabinet agreed to:

- “(i) the approach taken by Hertfordshire Fire & Rescue Service in terms of the Integrated Risk Management Plan;*
- (ii) support the draft proposals for the Integrated Risk Management Plan, as outlined in the report; and*
- (iii) approve the draft Integrated Risk Management Plan, as attached at Appendix 1 to the Report, for public consultation.”*

2.3 The report to and Minutes of the Cabinet meeting can be viewed here [Cabinet Report and Minutes - 26 November 2018](#).

2.4 It was noted that, on the 26 November 2018, in accordance with Standing Order SC8 of Annex 9 of the Council’s Constitution, the Chief Legal Officer received a Call In Notification from five Members of the Liberal Democrat Group; the Chief Legal Officer had confirmed that she was satisfied that the call-in notice had been validly given.

2.5 J S Hale, speaking on behalf of the Liberal Democrat Members that Called-In the decision, set out the reasons why he considered the principles of good decision making had not been followed; these were:-

- “1. Neither the draft plan nor supporting papers document compliance with paragraphs 3.6 and 3.7 of the Fire and Rescue National Framework for England (National Framework), specifically there is no reference to the required gap analysis of the fire service’s existing capability nor any information as to whether that analysis has been conducted collectively with neighbouring fire and rescue authorities. Nor does the plan state whether any capability gaps have been highlighted to the Home Office or if no such gaps had been identified.*
- 2. Paragraph 4.6 (i) of the National Framework requires that an Integrated Risk Management Plan must demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities, through authorities working either individually or collectively, in a way that makes best use of available resources. There is no reference in the draft plan to collective working with other fire authorities or to how available resources will be used. Also, the draft plan does not set out its management strategy and risk-based programme for enforcing the*

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provisions of the Regulatory Reform (Fire Safety) Order 2005. These concerns were raised at the Community Safety and Waste Management Cabinet Panel (Cabinet Panel) on 9 November 2018.

3. *Neither the draft plan, the papers submitted to the Cabinet Panel on 9 November 2018 nor the papers submitted to Cabinet on 26 November contain sufficient information on the risks identified by the fire service, which the plan is intended to manage. The draft plan includes seven proposals, but lacks adequate explanation as to the risks those proposals would manage, in particular:*

Proposal 1 – relocation of fire stations; the draft plan refers to the opportunity, it does not set out the risk that this proposal would mitigate.

Proposal 3 – alternative vehicles; the draft plan does not set out the risks that having alternative vehicles would mitigate. For instance, are there risks around accessing locations that alternative vehicles would mitigate?

Proposal 4 – crewing levels; the draft plan sets out the opportunities of changing crewing levels, it does not discuss the risks that current crewing levels present.

Proposal 5 – On-Call Review; once again there is no explanation of the risk this proposal seeks to mitigate

Proposals 6 & 7 – People; the report does not discuss the risks around the fire service’s people that these proposals seek to mitigate. For instance, there is a lack of information on the current risks around the existing workforce and how those risks, for instance in respect of an ageing workforce, are being managed.

4. *The actions set out in the plan are not clearly related to documented risks in the plan which those actions have been proposed to manage.”*

2.6 J S Hale advised that, in some instances, rewording of parts of the IRMP (for example greater reference to ‘risk’ rather than a focus on ‘opportunity’) would have alleviated some of these concerns.

2.7 For the reasons set out above, he maintained that the Cabinet Panel on 9 November 2018 had insufficient information to make a considered decision to recommend to Cabinet. Where members of the Cabinet Panel had identified such material (the 2014/18 IRMP and the SMART Firefighting Project Board Report for example), that additional material had only served to demonstrate the lack of detail especially as to the nature of the risks to be managed in the draft IRMP.

2.8 In summary, he asserted that, given the lack of compliance with the

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National Framework, the lack of information to support the Plan and recommendation from the Cabinet Panel to Cabinet, and the insufficiency of information provided to the Cabinet, the draft IRMP was should not be submitted for public consultation until such time as these concerns had been addressed. It was his view, therefore, that Cabinet's decision should be referred back to Cabinet for re-consideration.

2.8 T W Hone, Executive Member for Community Safety and Waste Management, and D Keen, The Director of Community Protection and Chief Fire Officer, responded to these points as follows [the full written response can be viewed here [Call In Response](#)]:-

Reason 1:

- Section 7 of the draft IRMP sets out Hertfordshire Fire and Rescue Service (HFRS) overarching strategy to the assessment of risk and makes clear reference to the need to comply with the Civil Contingencies Act 2004 (for the purposes of supporting National Resilience; page 33 states *“As part of our planning for the IRMP, we have undertaken a comprehensive review of the risks within Hertfordshire and beyond in order to better understand the challenges ahead and the needs of the communities we serve. Using a combination of data analytics, computer modelling, infrastructure planning, professional judgement and staff engagement, we are well placed to ensure our resources are aligned with the risks identified.”* The risks were picked up in more detail within the Local Resilience Forum Risk Register; additionally, the Director of Community Protection was also the Chairman of the Local Resilience Forum (Herts Resilience) and played a leading role in ensuring that all organisations in the County were prepared for Emergencies, this included HFRS.
- Part 3 of the Fire and Rescue National Framework for England deals with “National Resilience”. Paragraphs 3.6 and 3.7 discussed the need to assess risk for the purposes of informing contingency planning and undertaking a Gap analysis. Specifically there was a requirement to notify the Home Office if a “capability gap” was identified. At the current time the Service did not consider that any capability gap existed that was not already addressed through the National Coordination and Advisory Framework within which HFRS played an active role and through which HFRS could request support from other FRS to assist in major emergencies.
- Section 13 of the draft IRMP highlighted that HFRS had entered into agreements under sections 13 & 16 of the Fire and Rescue Services Act 2004 with all of its neighbours to provide mutual support arrangements when necessary, stating *“HFRS has formal mutual cross border arrangements in place with all of its bordering authorities including London Fire Brigade and is committed to*

ensuring geographical boundaries are not an impediment to the most appropriate level of operational response.”

Reason 2

- HFRS had a positive and strong record of fire safety inspection and, when required, enforcement (supported by prosecution in the criminal courts).
- Section 12 of the IRMP provided details of the approach taken to assess, guide and ultimately enforce around Fire Protection arrangements. Although not specifically set out in Section 12 there was reference to the Regulatory Reform (Fire Safety) Order 2005 (and this legislation was clearly identified in Section 2 of the IRMP as a “Key Driver”): *“Our aim is to make Hertfordshire a safer place by reducing as far as possible the risks and impact of fire on the community without imposing an unnecessary burden. This will be achieved through securing compliance with the relevant legislation to reduce loss of life and injuries, as well as reducing the commercial, economic and social cost of fires and other dangers. Just as importantly, it will also assist in safeguarding our firefighters own safety, heritage properties and our environment. We firmly believe that the most effective way of preventing death and serious injuries from fires is through sound design and robust fire safety management arrangements being in place throughout the whole ‘life cycle’ of a building – from design, construction and through to occupation and, eventually, its decommissioning.”*
- The Service worked very closely with the National Fire Chiefs Council on Protection activities and actively supported the work being undertaken to review national arrangements around building control and safety. This was a clear demonstration of the Services work at a national level. The IRMP sets out examples of risk assessment in this area in the form of analysis of fires in commercial premises (Commercial Fires in Hertfordshire Report), it also noted that there were likely to be changes as a result of the Independent Review of Building Regulations and Fire Safety currently underway and, as a result, sets out a proposal (IRMP Proposal 2) that the Service will continue to support and invest in its Fire Protection arrangements. Further evidence of on-going review of the risk based approach was evidenced by the change in direction made as a result of the Newgrange Care Home fire.

Reason 3

- There was considerable detail on community profile, future challenge and risk included within the draft IRMP; risk was, however, not quantified in a traditional risk assessment format. The document articulated the wide range of risks that were already well known as well as seeking to identify those that were likely to emerge in the

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next decade and beyond. Risks identified in Section 7 'Risk Profile' included transport, housing and population growth, demographic change, climate change, heritage risk and many other factors. Detailed analysis was not included (and was not required to be included) within the Plan. It was important to ensure that the document remained readable and accessible to a wide range of potential consultees; however, these factors were noted in order to demonstrate that all necessary considerations had been, and will be, taken into account in developing proposals for this document and the subsequent annual action plans that will follow.

Proposal 1: This was clearly referenced throughout the document; essentially the changing profile of risk within the County which the Service will need to flex to accommodate. For example the development of Gilston as a new town and expansion in North Herts or Dacorum will all have an effect on the risk across the County and may require changes in response (resource type or location) in order to continue to meet the Authority set attendance standards detailed in the Plan. Proposal 1 sought commitment from the Authority to develop plans for fire-cover across the County using data that, in some cases, was not yet available; any proposals will require additional scrutiny through appropriate political processes and may also require public consultation.

Proposal 3: Emerging risks and future challenges required HFRS to develop a flexible response profile. The SMART Firefighting Project Board Report considered the current vehicle and equipment provision for the Service and whether this could be improved. As set out in Section 13 of the draft IRMP there was an opportunity to take a more flexible approach with resource provision. This was proposed on a trial basis and considerable evaluation will be necessary to understand whether the trials, once complete, demonstrated potential for improvements in efficiency and/or effectiveness. The SMART Firefighting Project Board Report suggested that as many as 80% of calls did not require the full firefighting capability that was currently sent; the Service considered that it should try to utilise its resources more effectively by sending a response that is better matched to the demand being faced. This did not mean that less firefighters or a lower equipment provision would be sent to major incidents, but for those where a full response was not required (e.g. persons locked in/out of premises, people stuck between floors in lifts, etc) use of smaller vehicles or fewer personnel may be more appropriate.

Proposal 4: "Whole-time" crewed fire engines in Hertfordshire were currently crewed with 4, 5 or sometimes 6 firefighters. It had been established practice for decades to allow fire engines to be crewed with a minimum of 4 suitably skilled firefighters and IRMP Proposal 4 sought to formalise that number as the norm in the future. The risk

associated with current crewing levels was a financial one; currently duty patterns, rather than need, dictated the crewing on fire engines. Proposal 4 will allow for this inefficiency (and associated costs) to be subject to wider public debate to allow the County Council to consider how it wishes to apply its available resources. Moving to a standard crewing arrangement of 4 firefighters on traditional fire engines would allow the Service to operate more cost-effectively and would provide additional flexibility to support other activities.

Proposal 5: Section 13 of the draft stated that '*HFRS has struggled to maintain a satisfactory level of fire cover from its On-Call stations; especially during the day.*' The current working arrangements for On-Call staff were not sufficiently attractive or effective to meet the demands of crewing requirements for On-Call fire engines. This proposal was intended to ensure that every On-Call fire engine was available during every period that it is required in the future.

Proposals 6 & 7: This was an area of the IRMP that would be developed and informed by responses to the IRMP consultation exercise. These proposals sought to address the need for cultural change in addition to changes to working arrangements to make the Service a more attractive career choice to a broader cross-section of the community. In Section 15 of the draft IRMP the need to improve the Service's workforce profile and offer greater flexibility was highlighted; however, the Service recognised that this could be set out with greater clarity within the IRMP and would look to include this before the final IRPM was published.

Reason 4:

- The draft Plan sets out a summary of the Service's performance as well as the existing and expected risks it faces. The Plan then links these issues to the three strands of Prevention, Protection and Response. It then sets out clear proposals to mitigate the risks and develop the opportunities that have been described.

2.9 In summary T W Hone, Executive Member for Community Safety and Waste Management, and D Keen, Director of Community Protection, considered that the draft IRMP, as agreed by Cabinet, did comply with the requirements set out in the National Framework, that the document explained the risks that had been considered in its development, that it demonstrated how prevention, protection and response will be used to mitigate these risks and was written in such a way as to encourage engagement; they further considered that Cabinet had received sufficient information when considering the draft Plan to reach the decision to go out to public consultation on it in its current form and reiterated that feedback received via the consultation would be considered in developing the final Plan.

2.10 During questions and debate, Members explored the concerns raised by J S Hale and the responses provided by the T W Hone and D Keen as set out above, in particular the Committee noted:-

- The IRMP was the only document that the Service was required to publish.
- The draft IRMP could have been substantially longer to include more detail; however, it was kept succinct to keep it readable for consultees. Whilst a 'stand-alone' document, additional documents – the SMART Firefighters Project Board Report, the Commercial Fires in Hertfordshire Report, and the Fire Deaths in Hertfordshire Report – would be available as 'context' and for those wanting more detailed information as part of the consultation process. Key extracts from these additional documents were included in the IRMP where appropriate. Some Members, however, considered that these additional documents should have been available to the Cabinet Panel and to Cabinet prior to the draft IRMP being approved for consultation.
- The draft IRMP and the proposals within it were designed to enable the Service to evolve and to adapt to meet changing needs and challenges; the Service needed this flexibility to remain relevant and efficient.
- The National Framework provided guidance on what an IRMP must include; there was no set structure / format (this was determined and agreed locally).
- A gap analysis had been completed; the Service did not consider that any capability gap currently exists (that is not already addressed through the National Coordination and Advisory Framework) although this was kept under constant review.
- 'Risk' was implicit within the draft Plan (rather than explicit) in most instances. Some Members considered that more emphasis on risk and potential impact of the proposals in the Plan might have been helpful for consultees.

2.11 The majority of Members were satisfied that sufficient information had been provided to Cabinet to enable it to make its decision in respect of the IRMP and were further satisfied that the draft IRMP complied with the requirements of the National Framework.

2.12 The Chairman thanked all Members for their input and for the Committee's careful considerations.

2.13 Members were reminded that, in accordance with Standing Order SC8(6) of Annex 9 of the Constitution, the Committee was required to reach one of only 3 possible decisions:-

- (a) that the Committee had no objection to the Called-In decision being implemented;

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- (b) that the Called-In decision be referred back to the Executive for reconsideration, giving the Committee's reasons for requiring reconsideration; or
- (c) if the Committee considered that the Called-In decision was one which had been taken in breach of the council's Policy Framework or Budget Framework, to refer the decision to full Council for reconsideration.

2.14 In this instance option (c) did not apply as the Called-In decision was not one relating to the Council's Policy or Budget Frameworks; Members were therefore required to vote on either option (a) or option (b).

2.15 A vote was taken on option (a) which was agreed. Option (b), therefore, fell and was not voted upon.

Conclusion

2.16 The Committee agreed that it had no objection to the Called-In decision being implemented.

Natalie Rotherham to issue formal notification of decision

REPORT TO COUNTY COUNCIL

A summary of this item of business will be reported to the County Council at its meeting on 19 February 2019.

Michelle Diprose to action

**KATHRYN PETTITT,
CHIEF LEGAL OFFICER**

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