

North Yorkshire Fire and Rescue Authority

Appointments Committee

Minutes (*available for public inspection*) of the meeting held on 18 May 2018 at 10.00 am at Coxwold House, Easingwold

Present:-

County Councillor Andrew Backhouse in the Chair, City Councillor Keith Aspden, County Councillor David Blades, County Councillor Tony Randerson and City Councillor Tony Richardson

In Attendance:-

Will Naylor (Deputy Police and Crime Commissioner for North Yorkshire (Deputy PCC)) in the absence of Julia Mulligan (Police and Crime Commissioner for North Yorkshire (PCC))

Copies of all documents considered are in the Minute Book

11. Minutes

Resolved -

That the Minutes of the meeting held on 30 April 2018, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

12. Declarations of Interest

There were no declarations of interest.

13. Exclusion of the Public

Resolved -

That, in pursuance of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of items 5 and 6 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

14. Questions or Statements from Members of the Public

There were no questions or statements from members of the public.

The following items of business were considered in private and the public have no rights of access to the documents identified in the preamble to Minutes 15 and 16

15. Scenario Planning and Associated Proposals

Considered -

- (a) The report of the Barry Khan (Legal Adviser, Monitoring Officer and Secretary to North Yorkshire Fire and Rescue Authority (NYFRA)) which set out three scenarios, and the associated implications under each scenario, for the recruitment, selection and appointment of a Chief Fire Officer/Chief Executive (CFO).
- (b) A paper from the OPCC which set out the PCC's view that an in-depth independent review of NYFRS's current organisational structure and working practices should be undertaken to identify how the proposals in her local business case could be implemented and the key challenges that the service leadership needed to address.

Barry Khan introduced the report. He highlighted that, at the time of writing the report, it had been difficult to predict the scenario which would be in place at the time of this meeting, ie whether the Home Secretary would have announced a decision on the PCC's business case for the transfer of governance of NYFRS and, if so, the date on which any such transfer would take place. Therefore, the report set out 3 different scenarios. Barry Khan highlighted the key issues within each of the 3 scenarios as follows:-

1. Scenario 1 - The PCC's business case is approved.

Barry Khan advised that, if this scenario applied, and governance of NYFRS was to transfer to the PCC from 1 October 2018, the recommendation before the Committee was that it should defer any kind of decision about the appointment of a permanent CFO until discussions had taken place with the PCC to ensure that the PCC's views were implemented. Barry Khan highlighted that Members were aware of the PCC's proposal regarding her vision of NYFRS.

2. Scenario 2 - The PCC's business case is not approved.

Barry Khan advised that, under this scenario, the original recommendations were applicable. Those recommendations were set out in the report to the Committee's previous meeting and involved the appointment of a permanent CFO. Barry Khan advised that, under this scenario, it was for the Committee to determine whether it wished to proceed with recruiting a CFO. He also advised that, if the PCC's business case was not approved, the PCC nevertheless considered that an independent review of NYFRS should still take place to identify maximum collaboration opportunities.

3. Scenario 3 – If, by the time of this meeting, no announcement has been made on the transfer of governance to the PCC.

Barry Khan highlighted that the original proposal had been to proceed with appointing a permanent CFO. He advised, however, that, from an officer point of view, that course of action was not recommended to this meeting because, if governance of NYFRS was subsequently transferred to the PCC, it would be unfair on the person who, in the meantime, had been appointed as permanent CFO if his/her new manager (ie the PCC) did not, at the time of this meeting, agree with the appointment process or the appointment. Barry Khan recommended to the meeting that the Committee should agree to recruit internally within NYFRS and thereby make Interim appointments until such time as either Scenario 1 or Scenario

2 is decided and arrangements are put in place and also to continue to proceed with the proposed revised management structure because that revised structure would save £100k per year from its implementation.

Will Naylor (Deputy PCC) provided oral confirmation that the Home Secretary had not, at the time of this meeting, announced a decision regarding the PCC's business case for the governance of NYFRS to transfer to the PCC.

Members discussed the current situation whereby the Home Secretary had not yet made a decision on the PCC's business case. Members acknowledged that the Committee had no option but to agree Scenario 3. County Keith Aspden commented that Scenario 3 was the only pragmatic option before today's meeting although it was not ideal and that he would prefer to be appointing a permanent CFO for the sake of the Service and the reason for not doing so was due to Government indecision. Will Naylor reported that, if the Home Secretary made a decision in the forthcoming week, the PCC would wish to make different arrangements eg an external Interim arrangement or a permanent solution. He advised, however, that, if the Home Secretary did not make a decision by 31 July 2018, having an Interim CFO was inevitable.

Members highlighted that the lack of certainty regarding governance of NYFRS was likely to have an adverse impact on the number of good quality external applications for the post of CFO if the CFO post was advertised externally at this stage.

Councillor David Blades, as Chairman of NYFRS's Authority's Audit and Performance Review Committee, advised that he was very concerned at current circumstances, namely, that the current CFO had given lengthy notice of his retirement, thereby providing plenty of time for mentoring to take place, and that no decision had been made yet regarding the process for recruiting and selecting a new CFO.

Members questioned whether, by agreeing a recruitment process today, there would be sufficient time to enact it by the date of the retirement of the current CFO and also by 1 October 2018 (ie by the date when the Home Secretary might decide that governance of NYFRS shall transfer to the PCC). Barry Khan advised that a transfer date of 1 October 2018 could be achieved if the Home Secretary made an announcement by 30 June 2018. However, such an announcement during June would jeopardise a transfer taking place date on 1 October 2018. Will Naylor (Deputy PCC) supported that advice and added that, if no decision was made by the Home Secretary by 31 July 2018, transfer on 1 October 2018 would not be possible.

Members discussed whether the Committee should carry out the interviewing, or delegate authority for interviewing to a smaller number of Member(s). It was noted that the PCC would be willing to be involved in interviewing. The Committee made a decision which is recorded at (c) of the Resolution to this Minute.

In response to questions from Will Naylor, the Chairman provided the following clarifications about the Committee's intentions:-

- an internal Interim CFO would be appointed from 11 October 2018, although conversations would need to be held with potential candidates to ensure mentoring took place prior to 11 October 2018;
- arrangements to seek internal candidates for appointment as Interim CFO would commence after this meeting; and
- any revisions to the management structure would be approved for implementation from 11 October 2018.

Other issues which arose during the Committee's discussion are set out below (excluding information which is exempted from publication). The Committee made no decisions arising from the following discussions.

- Suggestions of having a review of NYFRS were discussed. Some Members felt that any review should be undertaken by an internal Interim CFO, whilst others suggested that any review should be undertaken externally or by an externally appointed CFO. County Councillor Andrew Backhouse commented that NYFRA should not agree to cover any costs of a review as suggested by the PCC until such time as the Home Secretary had made a decision on the PCC's business case for the transfer of governance.
- Members' views under the Scenario 1 and Scenario 2 were discussed.
- Members' views were discussed of circumstances whereby the Home Secretary either continued to not make a decision, or decided to defer making a decision, on the PCC's business case for the transfer of governance.
- Employment rights of NYFRS employees were discussed. Barry Khan advised that discussions would be held to ensure that arrangements were avoided which might ultimately be harmful to NYFRS. He also provided an assurance that the County Council's Legal Services were aware of the situation and would be providing legal advice.
- Members highlighted that either NYFRA or the PCC could seek to challenge a decision by the Home Secretary on the PCC's business case for the transfer of governance. Barry Khan advised that, during any such challenge, NYFRA would continue to be responsible for the governance of NYFRS.

A Member highlighted that a meeting of the full Council of Scarborough Borough Council had recently been convened for 2 July 2018 which was the date currently scheduled for the Committee's next meeting. The Chairman also advised that he was not available on 2 July 2018 due to other commitments.

Resolved -

- (a) That the report be noted.
- (b) That arrangements be made to appoint an internal Interim Chief Fire Officer/Chief Executive to cover the period 11 October 2018 until alternative arrangements are put in place either by the Fire and Rescue Authority or the PCC depending upon on the Home Secretary's decision on the PCC's local business case for the transfer of governance of NYFRS. It is envisaged that the arrangements under Scenarios 1 or 2 (as described in the report), as appropriate, will be decided and put in place on the basis of a proposed revised management structure to be recommended to North Yorkshire Fire and Rescue Authority.
- (c) That this Committee interview any candidate(s), and make an appointment, to the posts of Interim Chief Fire Officer/Chief Executive and Deputy Chief Fire Officer on a date to be arranged by the Secretary to the Authority and that the Police and Crime Commissioner, or her representative, be invited to attend.

- (d) That the Committee's meeting previously arranged for 2 July 2018 be cancelled.
- (e) That it be noted that this Committee has not agreed a way forward if the PCC's local business case for the transfer of governance of NYFRS is either approved or not approved due to the difficulty in reaching a consensus based on the information which is currently available and that, if necessary, the matter be referred to a future meeting of this Committee.

16. Vacancy for Chief Fire Officer/Chief Executive

Considered -

The report of Barry Khan (Legal Adviser, Monitoring Officer and Secretary to North Yorkshire Fire and Rescue Authority (NYFRA)) which presented a proposal for the recruitment, selection and appointment of a Chief Fire Officer/Chief Executive and proposed a revised senior management structure, including revised remuneration for principal officers.

Barry Khan presented the report and put a recommendation to the meeting which was agreed without debate.

Resolved -

That the recommendations set out in the report be noted and further discussion be adjourned in view to the Committee's decision, at the previous item of business, to appoint an internal Interim Chief Fire Officer/Chief Executive on the basis of a proposed revised management structure to be recommended to the North Yorkshire Fire and Rescue Authority.

The meeting concluded at 11.10 am

RAG/JR