

# DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

31 July 2008

## Present:-

Councillors B. Hughes (Chair), Button, Cann, Dyke, Foggin, Ford, Fry, Gordon, Hannon, S. Hughes, Leaves, Lewis, Mochnacz, Mrs. Nicholson, Parker, Mrs. Parsons, Phillips, Tully, Viney, Wallace, Way and Yeomans.

## Also in attendance:-

Messrs. Withers (Independent Member of the Standards Committee).

## Apologies:-

Councillors Clatworthy, Healey and Shadrick.

Prior to the commencement of the formal business of the meeting, the Chairman welcomed the new Assistant Chief Fire Officer, Pete Smith, together with Councillor Pat Parker (Somerset) to their first meeting of the Authority. The Chairman indicated that a letter would be sent to Councillor Ian Galloway (Somerset) expressing thanks to him for the work that he had undertaken with the Authority since combination.

## **DSFRA/23. Minutes**

**RESOLVED** that the Minutes of the ordinary meeting of the Authority held on 28 May 2008 be signed as a correct record.

## **DSFRA/24. Declarations of Interest**

Members were invited to consider whether they had any **personal/personal and prejudicial interests** in items as set out on the agenda for the meeting and to declare any such interests at this time.

Councillor Mochnacz declared a personal interest in the items on Cost Apportionment for the Regional Control Centre (Item no 15(A) 7 (B)) in view of his appointment as Director of the Local Authority Controlled Company (LACC).

## **DSFRA/25. Fire Service College - Centre for Leadership**

(An item taken in accordance with Section 100B(4)(b) of the Local Government Act 1972).

The Chairman determined that this matter should be determined at this meeting to facilitate a formal decision on attendance to be taken for the purposes of the payment of the costs associated with attendance as the course would be run prior to the next meeting.

The Clerk reported receipt of details of a three day Centre for Leadership course that was to be run by the Fire Service College early in October 2008. He added that there were 30 places available nationally at a cost of £475 for three days. The Chairman added that he felt this would be a particularly useful event as there was an opportunity for Members to participate in an emergency exercise from a member perspective. He sought approval for 4 Members of the Authority to attend.

**RESOLVED** that approval be granted for 4 Members of the Authority to attend the Leadership course organised by the Fire Service College in October 2008, the Clerk to seek formal nominations for attendance.

**DSFRA/26. Appointments to Committees**

(An item taken in accordance with Section 100B(4)(b) of the Local Government Act 1972).

The Chairman determined that this matter should be determined at this meeting to facilitate the appointments to committees prior to the commencement of the next cycle of meetings in September 2008.

**RESOLVED**

- (a) that the appointment by Somerset County Council to the Authority in accordance with the Combination Scheme of Councillor Pat Parker to replace Councillor Ian Galloway with effect from 25 July 2008 be noted;
- (b) that Councillor Parker replaces Councillor Galloway on the following committees up to the Annual Meeting of the Authority in 2009:
  - Human Resources Management and Development Committee;
  - Standards Committee.

**DSFRA/27. Minutes of Committees**

**(a) Community Safety and Corporate Planning Committee**

The Chair of the Committee (Councillor Fry) **MOVED** the Minutes of the meeting held on 18 June 2008 which had considered, amongst other things:-

- The Operations and Resilience Department Plan, together with a presentation that covered the action being taken to fulfil the development and maintenance activities within the Plan;
- The progress made to date in respect of the Retained Duty System Review;
- a presentation on the Local Resilience Forum (LRF) structures and roles..

**RESOLVED** that in accordance with Standing Order 15, the Minutes be adopted.

**(b) Human Resources Management and Development Committee**

The Chair of the Committee (Councillor Cann) **MOVED** the Minutes of the meeting held on 19 June 2008 which had considered, amongst other things:-

- the Human Resources Management and Development Plan, together with a presentation in respect of the action being taken to fulfil the development and maintenance activities within the Plan;
- a presentation in respect of absence management and the work being undertaken to address areas for improvement on this matter.

**RESOLVED** that in accordance with Standing Order 15, the Minutes be adopted

**(c) Audit and Performance Review Committee**

The Chair of the Committee (Councillor Wallace) **MOVED** the Minutes of the meeting held on 30 June 2008 which had considered, amongst other things:-

- The Devon and Somerset Fire and Rescue service Performance Report for 1 April 2007 to 31 March 2008;
- The annual Internal Audit Report 2007/08 and Plan 2008/09;
- Audit Commission Audit and Inspection Plan 2008/09;
- Statement of Accounts for 2007/08;
- Annual Governance Statement (replacing the Statement of Internal Control) for 2007/08.

**RESOLVED** that in accordance with Standing Order 15 the Minutes be adopted

**(d) Standards Committee**

In the absence of the Chair and Vice Chair, Mr Robin Withers (Independent Member) **MOVED** the Minutes of the meeting held on 7 July 2008 which had considered, amongst other things:-

- The process for the local assessment of complaints as set down in the Standards Committee (England) Regulations 2008;
- Appointments to and Terms of Reference of Sub-Committees for the local assessment regime.

**RESOLVED** that in accordance with Standing Orders the Minutes be adopted

**(e) Resources Committee**

The Chair of the Committee (Councillor Gordon) **MOVED** the Minutes of the meeting held on 14 May 2008 which had considered, amongst other things:-

- a report on Revenue Budget Monitoring for the first three months of 2008/09;
- a report on Capital Programme Monitoring 2007/08 to 2009/10;
- a draft response to Circular FRS25/2008 in respect of a consultation exercise undertaken by CXLG on the Distribution of Fire Capital Grant;
- national pay and conditions negotiations.

**RESOLVED** that in accordance with Standing Order 15 the Minutes be adopted.

**DSFRA/28. Fire and Rescue Service National Framework 2008 – 11**

The Authority received for information a report of the Chief Fire Officer (DSFRA/08/16) that set out summarised the contents of the most recent iteration of the Fire and Rescue Service National Framework covering the period 2008 – 11.

**DSFRA/29. National Equality & Diversity Strategy 2008 - 18**

The Authority considered a report of the Head of Human Resources Management and Development (DSFRA/08/17) that covered the National Equality and Diversity Strategy for 2008-18 and which detailed the five 5 key priorities for Fire & Rescue Authorities together with action being taken to address this.

Reference was made to paragraph 7.8 of the paper circulated and the need for the Authority to appoint a member to lead on Equality and Diversity issues. It was suggested that this be delegated to the Human Resources Management and Development (HRMD) Committee whereupon Councillor Cann **MOVED** (seconded by Councillor Dyke):

“that the recommendations in report DSFRA/08/17, as amended by the inclusion of additional advice (c) to refer the issue of the involvement of a lead member or members in Equality and Diversity issues to the HRMD Committee for consideration”.

Upon a vote, the motion was **CARRIED** unanimously.

**RESOLVED**

- (a) That the responsibilities placed upon the Members of the Devon & Somerset Fire & Rescue Authority, and on senior managers of the Devon & Somerset Fire & Rescue Service, by the Fire & Rescue Service National Equality & Diversity Strategy - as set out in this report - be acknowledged;
- (b) That the measures being taken and proposed to ensure compliance with the Strategy, as set out in this report, be noted.
- (c) To refer the issue of the involvement of a lead member or members in Equality and Diversity issues to the HRMD Committee for consideration.

**DSFRA/30. Structural Review of Devon – Proposals of Boundary Committee for England**

The Authority considered a report of the Clerk to the Authority (DSFRA/08/18) sets out information on the Boundary Committee for England’s draft proposal for unitary local government in Devon and invites the Authority to consider whether it would wish to make representations on this matter.

Reference was made to the proposal and whether or not the Authority should make a response to the Boundary Committee and gave a view as to whether any such response should be confidential. Councillor Way **MOVED** (seconded by Councillor Cann):

“that the Devon and Somerset Fire and Rescue Authority makes representations to the consultation on the Boundary Committee for England’s draft proposals for unitary local government in Devon on the basis that it welcomed and supported the proposal for a unitary Devon authority comprising the existing county of Devon with no changes to Plymouth or Torbay and that the response should not be confidential”.

Upon a vote (15 for, 1 against, 3 abstentions) the motion was **CARRIED**

**RESOLVED** that the Devon and Somerset Fire and Rescue Authority makes representations to the consultation on the Boundary Committee for England's draft proposals for unitary local government in Devon on the basis that it welcomed and supported the proposal for a unitary Devon authority comprising the existing county of Devon with no changes to Plymouth or Torbay and that the response should not be confidential.

NB. Councillor Foggin requested that her vote against this resolution be recorded and Councillors Dyke, Tully and Yeomans requested that their abstentions from the vote above also be recorded.

**DSFRA/31. Minimum Revenue Provision Statement**

The Authority considered a report of the Treasurer and Head of Financial Management (DSFRA/08/19) that set out changes to the regulations, issued by the Department for Communities and Local Government (CLG), relating to the amount of minimum revenue provision (MRP) required to be set aside each year to repay debt. This had resulted in the need for each local authority to prepare an annual statement on MRP for approval by the full Authority, a copy of which was included within the report.

**RESOLVED** that the MRP Statement for 2007/2008 and 2008/2009 (as appended to report DSFRA/08/19) be approved.

**DSFRA/32. Annual Efficiency Statements**

The Authority received for information a report of the Treasurer and Head of Financial Management (DSFRA/08/20) that advised upon the monitoring arrangements for the reporting of efficiency savings as a contribution to Gershon Efficiency targets. This involved the submission of an Annual Efficiency Statement (AES) to the Department for Communities and Local Government (CLG). The latest submissions, which required a Backward looking statement to report actual savings achieved in 2007/2008, and a Forward looking statement to report estimated savings to be achieved during 2008/2009, had to be with the CLG by the 19 July 2008. This report provided details of those submissions relating to Devon and Somerset FRA, together with information of performance against national targets.

**DSFRA/33. Insurance Arrangements – Fire & Rescue Authorities Mutual Ltd. (FRAML)**

The Authority considered a report of the Head of Corporate Support (DSFRA/08/21) that detailed arrangements to secure alternative insurance cover for the Authority via a single source tender following the decision by the Fire and Rescue Authorities Mutual Limited (FRAML) to suspend trading in the light of a recent legal judgement. The report also outlined steps being taken to resolve the legal issues that resulted in FRAML suspending trading and proposals to secure appropriate future insurance cover effective from 1 November 2008 through a procurement process.

In response to a question, the Clerk advised the Authority that Hampshire Fire and Rescue Authority had written a strong letter to Communities and Local Government (CLG) in an attempt to convey the urgency in resolving the issues surrounding the legal powers for fire and rescue authorities to enter into a mutual arrangement. He suggested that the Authority may wish to consider this course of action.

Councillor Dyke **MOVED** (and was seconded by Councillor Parker) “that additional advice be included within the recommendations to the effect that a letter be sent to CLG to convey the urgency in resolving the issues surrounding the legal powers for fire and rescue authorities to enter into a mutual arrangement”.

Upon a vote, the motion was **CARRIED** unanimously.

#### **RESOLVED**

- (a) that the events that have occurred and the impact of the court case on the future of the Fire and Rescue Authorities Mutual Limited (FRAML) as set out in this report be noted;
- (b) that the action taken in light of this to seek a single source tender to provide temporary insurance cover for the Authority to 31 October 2008 be noted;
- (c) that the arrangements for the procurement of insurance with effect from 1 November 2008 for the Authority as set out in this report be noted.
- (d) that a letter be sent to CLG to convey the urgency in resolving the issues surrounding the legal powers for fire and rescue authorities to enter into a mutual arrangement..

#### **DSFRA/34. Access to Authority Meetings**

The Authority considered a report of the Clerk (DSFRA/08/22) on issues connected with access to Authority meetings (including provision for disabled access and other facilities to assist persons with disabilities).

The Clerk referred to the action that could be taken in the future to ensure suitable access to meetings was attained, including the possibility of webcasting to a large screen in the Coffee Lounge in Somerset House or to consider alternative venues where it was known that potentially contentious items on the agenda for a meeting may generate the attendance of large numbers of the general public. Councillor Way added that the primary issue for consideration was the need to avoid adverse statements appearing in the press in the future surrounding people being excluded from meetings of the Authority and he welcomed the report and the proposals outlined by the Clerk. It was suggested that a report should be submitted to a future meeting outlining the costs involved in webcasting meetings of the Authority.

**RESOLVED** that a report should be submitted to a future meeting outlining the costs involved in webcasting meetings of the Authority.

#### **DSFRA/35. South West Regional Management Board - Regional Control Centre – Cost Apportionment**

The Authority considered a recommendation made by the South West Regional Management Board at its meeting on 24 June 2008 in respect of a basis for cost apportionment for the Regional Control Centre (RCC). The Authority was requested to consider the recommendation of the RMB and to make a decision accordingly.

**RESOLVED** that the recommendations of the South West Regional Management Board held on 24 June 2008 (and as set out below) be approved:

- (a) that the running costs of the Centre be shared amongst the six fire and rescue authorities (FRAs) in the region on the basis of council tax base;
- (b) that, given the inequitable share of costs/savings across the FRAs when the resultant cost share is compared against existing costs, a “smoothing mechanism” - similar to the “floors and ceilings” methodology applied by the Department for Communities and Local Government (CLG) as part of the Local Government Finance Settlement – as indicated in report RMB/08/15 be adopted;
- (c) that this “floors and ceilings” smoothing mechanism be applied up to and including the financial year 2012/2013.

**DSFRA/36. Regional Control Centre – Cost Apportionment Change Control Mechanism**

The Authority considered a recommendation made by the South West Regional Management Board (Minute RMB/12 refers) at its meeting on 24 June 2008 in respect of the cost apportionment for the change control mechanism for the RCC.

**RESOLVED** that the recommendation of the South West Regional Management Board held on 24 June 2008 (and as set out below) be approved:

- (a) that the Change Control Mechanism for the provision of services by the Regional Control Centre (RCC), and related costs, as set out in the Appendix (and its Annex) to report RMB/08/4 be endorsed;
- (b) that the Change Control Mechanism be commended to individual fire and rescue authorities in the region for approval for planning purposes only.

**DSFRA/37. South West Regional Management Board**

The Authority received for information the Minutes of the meeting of the Board held on 24 June 2008 that considered amongst other things:-

- Proposed dates of meetings in 2008/09;
- The financial outturn report 2007/08 (including the Statement of Accounts);
- National Framework 2008-11 and the implications for the regional programme;
- The highlights in respect of progress made during 2008/09 against the agreed milestones for delivering against workstreams;
- The Annual Benefits Report for 2007/08;
- Cost Apportionment for the Regional Control Centre (RCC) (see also Minute DSFRA /35 above);
- The RCC Cost Apportionment Change Control Mechanism (see also Minute DSFRA /36 above).

**DSFRA/38. Action Undertaken under Urgency Provisions**

The Authority received for information details of the action of the Chief Fire Officer, following consultation with the Chair of the Authority in accordance with Standing Order 27, in approving a policy statement in relation to early retirements as required by the Local Government Pensions Scheme Regulations 2007.

**DSFRA/39. Chair's Announcements**

The Chair reported on:-

- Congratulations were expressed to Pete Smith on his appointment as the new Assistant Chief Fire Officer (Community Safety);
- 7 June 2008 – a visit was made to the Voluntary Fire Station on Lundy Island for the inauguration of the new Fire Team;
- 13 June 2008 – a South West Local Government Association meeting was held in Exeter;
- 27 June 2008 - attendance at an LGA Fire Forum meeting in London;
- 1 to 4 July 2008 – attendance at the Institute of Fire Engineers (IFE) Conference in Blackpool;
- 6 July 2008 – Yeovil Town Council Civic Service;
- 7 July 2008 – attendance at a Fire Heritage Group;
- 18 July 2008 – met with the Audit Commission at Service Headquarters to discuss issues arising from combination for the benefit of other fire and rescue services considering this route;
- 22 July 2008 – a visit to London to take parting a Royal Garden Party;
- 23 July 2008 – a meeting of the Regional Management Board Chairs was held in London;
- 24 July 2008 – a Pass Out Parade was held at STC and a Long Service and Good Conduct Medal Ceremony was held at Service Headquarters in the evening;
- 28 July 2008 – a member Engagement Event was held at SHQ.

**DSFRA/40. Member Feedback**

The following was reported:-

- Councillor Wallace reported upon his attendance at the Leadership Academy in Bristol on 23 and 24 July 2008 with Councillor Cann which had been extremely useful;
- Councillor Gordon stated that he had attended the Urban Commission Conference in Cardiff;
- Councillors Viney and Gordon attended the Pass Out Parade at STC on 24 July 2008;
- Councillor Mochnacz referred to the Member Engagement event held on 29 July 2008 and commented that, although he was aware that this coincided with another event organised by Devon County Council, the attendance by Members had been limited.



**DSFRA/41. Chief Fire Officer's Announcements**

The Chief Fire Officer referred to the following matters:-

- A Staff Family Day was to be held at Service Headquarters on Sunday 7 September 2008 from 11.00 to 15.00hours to which Members were invited to attend;
- He reported upon 3 fires that had resulted in the loss of life, a car fire at Lemeton on 1 May 2008, a residential property fire at Yarcombe on 31 May 2008 and a car fire at Catherleigh near Tiverton on 10 June 2008.

**DSFRA/42. Exclusion of the Public and Press**

**RECOMMENDATION** that, in accordance with Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A (as amended) to the Act, namely information relating to an individual and which would reveal the identity of an individual respectively.

NB. Prior to the commencement of the business under Part II of the agenda, five members of the Authority had left the meeting due to other commitments.

**DSFRA/43. Senior Management Board – Personnel Issues**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded).

The Authority considered a report of the Clerk to the Authority (DSFRA/08/23) that set out information in respect of the proposed retirement of the Chief Fire Officer, together with issues associated with the appointment of a successor.

A lengthy discussion ensued in respect of the proposals within the report, whereupon Councillor Lewis **MOVED** (seconded by Councillor Phillips):

“that recommendations (a) and (b) of report DSFRA /08/23 be accepted but that recommendation (c) be declined”. Upon a vote (10 for, 4 against, 3 abstentions), the motion was **CARRIED**.

The arrangements for the appointment of a new Chief Fire Officer were then discussed. It was suggested that an Appointment Panel should be convened to carry out this process to consist of the Chairman and Vice Chairman of the Authority, the Chair and Vice Chair of the Human Resources Management and Development Committee, together with the Chairman of Resources Committee and Councillor Viney. The Clerk stated that a further meeting would be convened in due course to discuss this matter. In order to proceed to advertisement of the post, the Authority noted that the remuneration needed consideration, whereupon Councillor Button **MOVED** (seconded by Councillor Dyke):

“that the post of Chief Fire Officer should be advertised at the existing salary level”. Upon a vote, (15 for and 2 against), the motion was **CARRIED**.

**RESOLVED**

- (a) that recommendations (a) and (b) of report DSFRA /08/23 be accepted but that recommendation (c) be declined;
- (b) that arrangements be made for the appointment of a new Chief Fire Officer on the existing salary level.

The meeting started at 10.00hours and finished at 13.50hours.