

**M. Pearson  
CLERK TO THE AUTHORITY**

**To: The Chairman and Members of the  
Devon & Somerset Fire & Rescue  
Authority  
(see below)**

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**DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

**18 December 2008**

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10:00 hours in the Conference Rooms in Somerset House, Service Headquarters** to consider the following matters.

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT FORMAT UPON  
REQUEST**

M. Pearson  
Clerk to the Authority

**A G E N D A**

1. **Apologies**
2. **Minutes** of the meeting held on 23 October 2008 attached (Page 1).
3. **Items Requiring Urgent Attention**

Items which, in the opinion of the Chairman, should be considered at the meeting as matters of urgency.

4. **Declarations of Interest**

Members are asked to consider whether they have any **personal/personal and prejudicial interests** in items as set out on the agenda for this meeting and declare any such interests at this time. *Please refer to the Note 2 at the end of this agenda for guidance on interests.*

## **PART 1 – OPEN COMMITTEE**

### **5. Minutes of Committees etc.**

#### **(a) Community Safety And Corporate Planning Committee**

The Chair of the Committee (Cllr. Mrs. Parsons) to **MOVE** the Minutes of the meeting held on 6 November 2008 attached (Page 8)

**RECOMMENDATION** that, in accordance with Standing Orders, the Minutes be adopted.

#### **(b) Human Resources Management And Development Committee**

The Chair of the Committee (Cllr. Cann) to **MOVE** the Minutes of the meeting held on 14 November 2008 attached (Page 11)

**RECOMMENDATION** that, in accordance with Standing Orders, the Minutes be adopted.

#### **Audit And Performance Review Committee**

The Chair of the Committee (Cllr. Wallace) to **MOVE** the Minutes of the meeting held on 21 November 2008 attached (Page 14)

**RECOMMENDATION** that, in accordance with Standing Orders, the Minutes be adopted.

#### **Resources Committee Minutes**

The Chair of the Committee (Cllr. Gordon) to **MOVE** the Minutes of the meeting held on 8 December 2008 attached (Page 17)

#### **RECOMMENDATIONS**

- (i) that the recommendation at Minute RC/14 (Revenue Budget Monitoring Report 2008/09) be approved;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

### **6. Communities in Control: Real People, Real Power. Code of Conduct for Local Authority Membes and Employees - A Consultation**

Report of the Clerk and Head of Human Resources Management and Development (DSFRA/08/28) attached (page 20)

### **7. Devon & Somerset Fire & Rescue Authority Annual Meeting 2009 - Proposal For Change Of Date**

On 5 November 2008 the Local Elections (Ordinary Day of Elections) Order 2008 (made by the Secretary of State in exercise of powers conferred by Section 37A of the Representation of the People Act 1983 [as amended]) came into force. The effect of this is, amongst other things, to change the date of the 2009 local elections from the first Thursday in May to Thursday 4 June 2009 (to coincide with the date of the European Parliamentary general election).

Both Devon and Somerset County Council have elections next year and - as a consequence of the above change in election date – have changed the dates of their Annual Meetings (at which, amongst other things, they would appoint representatives to this Authority) to:-

- Somerset County Council – Wednesday 24 June 2009;
- Devon County Council – Thursday 25 June 2009.

Neither Plymouth nor Torbay has elections and consequently the dates proposed for their Annual Meetings are unaffected.

Given the above, it is proposed that the Annual Meeting for this Authority should be changed to **10.00hours on Tuesday 14 July 2009**. This date would allow sufficient time for this Authority to be notified of any Membership changes and does not appear to clash with known information relating to dates of constituent authority meetings.

It is further proposed that the original date proposed for the Authority's May meeting be changed from **Wednesday 27 May** to **10.00hours on Wednesday 6 May 2009**, given the proximity of the original date to the date of elections. Again, this proposed change does not appear to clash with known information relating to dates of constituent authority meetings.

**RECOMMENDATIONS:-**

- (a) that the Annual Meeting of the Devon & Somerset Fire & Rescue Authority in 2009 be held **Tuesday 14 July 2009, commencing at 10.00hours at Service Headquarters;**
- (b) that the May 2009 meeting of the Authority be re-arranged to take place **at 10.00hours on Wednesday 6 May 2009 at Service Headquarters.**

**8. South West Regional Management Board Minutes 7 November 2008**

To receive, **FOR INFORMATION**, the Minutes of the meeting of the Board held on 7 November 2008 attached (Page 31)

**9. Chairman's Announcements**

Schedule attached (Page 35)

**10. Chief Fire Officer's Announcements**

**11. Exclusion of the Press and Public**

**RECOMMENDATION** that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public 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 Part 1 of Schedule 12A (as amended) to the Act, namely information relating to an individual and which is likely to reveal the identity of that individual.

**PART 2 – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC**

**12. Appointment of A New Chief Fire Officer - Further Considerations**

Report of the Chief Fire Officer (DSFRA/08/29) attached (page 36)

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

Membership:-

Councillors B. Hughes (Chairman), Healey (Vice Chairman), Button, Cann, Clatworthy, Dyke, Foggin, Ford, Fry, Gordon, Hannon, S. Hughes, Leaves, Lewis, Manning, Mochnacz, Mrs. Nicholson, Parker, Mrs. Parsons, Shadrick, Tully, Viney, Wallace, Way, Yeomans

## NOTES

### 1. ACCESS TO INFORMATION

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Steve Yates on the telephone number shown at the top of this agenda.

### 2. DECLARATIONS OF INTERESTS BY MEMBERS

#### ***What Interests do I need to declare in a meeting?***

As a first step you need to declare any personal interests you have in a matter. You will then need to decide if you have a prejudicial interest in a matter.

#### ***What is a personal interest?***

You have a personal interest in a matter if it relates to any interests which you must register, as defined in Paragraph 8(1) of the Code.

You also have a personal interest in any matter likely to affect the well-being or financial position of:-

- (a) you, members of your family, or people with whom you have a close association;
- (b) any person/body who employs/has employed the persons referred to in (a) above, or any firm in which they are a partner or company of which they are a director;
- (c) any person/body in whom the persons referred to in (a) above have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are a Member or in a position of general control or management and which:-
  - you have been appointed or nominated to by the Authority; or
  - exercises functions of a public nature (e.g. a constituent authority; a Police Authority); or
  - is directed to charitable purposes; or
  - one of the principal purposes includes the influence of public opinion or policy (including any political party or trade union)

**more** than it would affect **the majority** of other people in the Authority's area.

Anything that could affect the quality of your life (or that of those persons/bodies listed in (b) to (d) above) either positively or negatively, is likely to affect your/their "well being". If you (or any of those persons/bodies listed in (b) to (d) above) have the potential to gain or lose from a matter under consideration – to a **greater extent** than **the majority** of other people in the Authority's area - you should declare a personal interest.

#### ***What do I need to do if I have a personal interest in a matter?***

Where you are aware of, **or ought reasonably to be aware of**, a personal interest in a matter you must declare it when you get to the item headed "Declarations of Interest" on the agenda, or otherwise as soon as the personal interest becomes apparent to you, **UNLESS** the matter relates to or is likely to affect:-

- (a) any other body to which you were appointed or nominated by the Authority; or
- (b) any other body exercising functions of a public nature (e.g. membership of a constituent authority; other Authority such as a Police Authority);

of which you are a Member or in a position of general control or management. In such cases, provided you do not have a prejudicial interest, you need only declare your personal interest if and when you speak on the matter.

#### ***Can I stay in a meeting if I have a personal interest?***

You can still take part in the meeting and vote on the matter unless your personal interest is also a prejudicial interest.

#### ***What is a prejudicial interest?***

Your personal interest will also be a **prejudicial** interest if **all** of the following conditions are met:-

- (a) the matter is not covered by one of the following exemptions to prejudicial interests in relation to the following functions of the Authority:-
  - statutory sick pay (if you are receiving or entitled to this);
  - an allowance, payment or indemnity for members;
  - any ceremonial honour given to members;

- setting council tax or a precept; **AND**
- (b) the matter affects your financial position (or that of any of the persons/bodies as described in Paragraph 8 of the Code) or concerns a regulatory/licensing matter relating to you or any of the persons/bodies as described in Paragraph 8 of the Code); **AND**
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

***What do I need to do if I have a prejudicial interest?***

If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that you have a prejudicial interest (and the nature of that interest) as soon as it becomes apparent to you. You should then leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

You must, however, leave the room **immediately after you have finished speaking (or sooner if the meeting so decides)** and you cannot remain in the public gallery to observe the vote on the matter. Additionally, you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

***What do I do if I require further guidance or clarification on declarations of interest?***

If you feel you may have an interest in a matter that will need to be declared but require further guidance on this, please contact the Clerk to the Authority – preferably before the date of the meeting at which you may need to declare the interest. Similarly, please contact the Clerk if you require guidance/advice on any other aspect of the Code of Conduct.

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

23 October 2008

## Present:-

Councillors Cann, Dyke, Foggin, Gordon, Healey, B. Hughes, S. Hughes, Lewis, Manning, Mochnacz, Mrs. Nicholson, Mrs. Parsons, Viney and Yeomans.

## Apologies:-

Councillors Button, Clatworthy, Ford, Fry, Hannon, Leaves, Shadrick, Tully, Wallace and Way.

## **DSFRA/44. Minutes**

**RESOLVED** that the Minutes of the meeting held on 31 July 2008 be signed as a correct record.

## **DSFRA/45. Resignation from and Appointment to the Authority**

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

The Chairman determined that this should be considered as a matter of urgency to enable the Authority to be apprised of a change in membership at the earliest opportunity and determine consequential Committee appointment.

The Chairman reported that, with effect from 22 October 2008, Councillor Matthew Phillips (a Torbay Council appointee to the Authority) had resigned from the Authority. Torbay Council had subsequently appointed Councillor Manning to fill the resulting vacancy. The Chairman, on behalf of the Authority, welcomed Councillor Manning.

**RESOLVED** that Councillor Manning be appointed to fill the vacancies, resulting from the resignation of Councillor Matthew Phillips, on the following bodies (the appointment to last until the Annual Meeting of the Authority in 2009):-

- Human Resources Management and Development Committee;
- Community Safety and Corporate Planning Committee; and
- Standards Committee.

## **DSFRA/46. Declarations of Interest**

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

**NO** interests were declared.

**DSFRA/47. Appointment of New Chief Fire Officer**

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

The Chairman determined that this should be considered as a matter of urgency to enable the Authority to determine at the earliest opportunity the appointment of a new Chief Fire Officer following a recent meeting of the previously-appointed Appointments Panel.

The Chairman reported on the meetings of the Appointments Panel held on 20 and 21 October 2008. The Panel had been specifically established to oversee the selection and appointments process for the new Chief Fire Officer to the Authority and to recommend an appointment to the current meeting for approval, in accordance with the Authority's Standing Orders.

The Chairman of the Authority (who also chaired the Appointments Panel) reported that, at the end of its deliberations, the Panel had unanimously recommended that Mr. Lee Howell (currently Chief Fire Officer of Suffolk Fire and Rescue Service) be appointed to replace the current Chief Fire Officer following his official retirement on 31 December 2008.

**RESOLVED** that the recommendation of the Appointment Panel be approved and the appointment of Mr. Lee Howell (currently Chief Fire Officer of Suffolk Fire and Rescue Service) be confirmed as the new Chief Fire Officer of the Devon and Somerset Fire and Rescue Service, the commencement date to be confirmed in due course.

**DSFRA/48. Minutes of Committees etc.**

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

The Vice-Chair of the Committee (Councillor S. Hughes) **MOVED** the Minutes of the meeting held on 4 September 2008 which had considered, amongst other things:-

- a request for Member attendance at the "Future Risk of Flooding – Reflections on the Pitt Review" conference to be held in London on 18 November 2008;
- a presentation on the Community Safety departmental plan;
- a report on the redirection of existing resources to promote enhanced community safety activities; and
- an update report on retained duty system initiatives; and
- an update report on the Service/South-West Ambulance Service Co-responder scheme.

**RESOLVED**

- (i) that the attendance by Councillor Tully at the "Future Risk of Flooding – Reflections on the Pitt Review" Conference, to be held in central London on 18 November 2008, be authorised as an approved duty for the payment of conference fees, travel and subsistence expenses in accordance with the Authority's approved Scheme of Allowances;
- (ii) that, subject to (i) above and in accordance with Standing Orders, 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 12 September 2008 which had considered, amongst other things:-

- a report on absence management;
- a report on firefighter recruitment;
- a report on the development of the Authority's Corporate Single Equality Scheme;
- a report on a recently-undertaken survey of Devon & Somerset Fire & Rescue Service staff; and
- an update on the position in relation to non-uniformed job evaluation.

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

**(c) Standards Committee**

The Vice-Chair of the Committee (Mr. D Phillips – Independent Member of the Committee) **MOVED** the Minutes of the meeting held on 17 September 2008 which had considered, amongst other things, a report on implementation issues in relation to the local assessment regime.

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

**(d) Audit And Performance Review Committee**

In the absence of the Committee Chair and Vice-Chair, Cllr. Lewis (Committee Member in attendance at the meeting) **MOVED** the Minutes of the meeting held on 29 September 2008 which had considered, amongst other things:-

- a report on performance by the Service during April to July 2008 against those targets and activities contained within the approved Corporate Plan 2008/09 to 2010/11;
- a presentation on Comprehensive Area Assessment (the successor to Comprehensive Performance Assessment); and
- the Annual Governance Report including the draft opinion on the 2007/08 Statement of Accounts.

**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 3 October 2008 which had considered monitoring reports on the approved revenue budget 2008/09 and the Capital Programme 2008/09 to 2010/11. In light of the indicative underspend on the approved revenue budget the Committee had resolved to recommend the Authority to retain in General Reserve the sum of £0.153m initially approved as a contribution towards setting a balanced budget in 2008/09.

**RECOMMENDATION**

- (i) that the recommendation at Minute RC/10 (Revenue Budget Monitoring 2008/09) as referred to above be approved;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

**DSFRA/49. Devon And Somerset Fire And Rescue Authority Draft Corporate Plan 2009/10 to 2011/12**

The Authority considered a report of the Chief Fire Officer (DSFRA/08/23) appended to which was the Authority draft Corporate Plan 2009/10 to 2011/12. The Plan detailed those organisational goals and objectives by which the Authority intended to achieve its ambitions over the next three years. Once approved in draft form by the Authority, the Plan would be subject to a twelve week consultation period. The report outlined the proposals for the consultation with key stakeholders, the outcomes of which would be reported back to the budget setting meeting of the Authority to be held in February 2009.

**RESOLVED**

- (a) that the Devon & Somerset Fire & Rescue Authority draft Corporate Plan 2009/10 to 2011/12, as appended to report DSFRA/09/23, be approved for consultation purposes;
- (b) that the proposals for consultation on the draft Plan as set out in Section 2 of the report be approved; and
- (c) that the results of the consultation and any recommended changes to the draft Corporate Plan be considered at the Authority's budget meeting in February 2009.

**DSFRA/50. Approved Duties - Proposed Modification for The Devon & Somerset Fire & Rescue Authority Scheme of Members' Allowances**

The Authority considered a report of the Clerk to the Authority (DSFRA/08/24) on a proposed minor modification to the Authority's approved Scheme of Member Allowances in relation to approved duties (specifically conference attendance) and clarifying the process in relation to travel and subsistence claims.

**RESOLVED**

- (a) that the proposed modification to Section 6 of the Members' Allowances Scheme relating to approved duties, as set out in Appendix A to report DSFRA/08/24, be approved;
- (b) that, subject to (a) above, the report be noted.

**DSFRA/51. Authority Corporate Single Equality Scheme - "Making the Connections"**

The Authority considered a report of the Head of Human Resources Management and Development (DSFRA/08/25) to which was appended a first draft of an Authority Corporate Single Equality Scheme aimed at ensuring that the Authority and the Service would meet the requirements of the National Fire and Rescue Service Equality and Diversity Strategy.

**RESOLVED**

- (a) that the first draft Authority Corporate Equality Scheme - "Making The Connections" – as appended to this report be endorsed
- (b) that Members be invited to contribute to the development of the "Making The Connections" Corporate Single Equality Scheme;
- (c) that further reports on progressing development of the Scheme be submitted to future meetings;

- (d) that, subject to (a) to (c) above, the report be noted.

**DSFRA/52. National Equality & Diversity Strategy: Application for Additional Capital Grant Funding to Meet Higher Recruitment Targets**

The Authority considered a report of the Head of Human Resources Management and Development (DSFRA/08/26) on the announcement by the Department for Communities and Local Government (CLG), as contained in the National Fire and Rescue Service Equality and Diversity Strategy, to make available additional capital grant to those fire and rescue authorities willing to commit to achieving higher recruitment targets for women and minority ethnic staff.

Further details of the grant, which would be a minimum of £42,000 for each authority applying, had been announced at a recent CLG workshop and were set out, together with application criteria, in the report.

**RESOLVED**

- (a) that the Chief Fire Officer, following consultation with the Chairman, be authorised to submit an application to the Department for Communities and Local Government for a share of the additional Capital Grant funding in relation to meeting higher recruitment targets, subject to receipt of written confirmation of the conditions of the grant and assurance that these can be met by the Authority;
- (b) that, pending successful receipt of the grant, a further report be submitted to a future meeting on proposals for use of the funding so received;
- (c) that, subject to (a) and (b) above, the report be noted.

**DSFRA/53. Provision of Personal Protective Equipment (PPE)**

The Authority considered a report of the Head of Physical Assets (DSFRA/08/27) on the proposed adoption, following expiry of the current contracts in 2009, of the national Integrated Clothing Project (ICP) to provide a fully-managed service for the supply and maintenance of Personal Protective Equipment (PPE) for firefighters.

In addition to supplying PPE of a higher specification to that currently used, the ICP contract would also deliver a number of additional benefits including:-

- laundry and repair service;
- full compatibility between all PPE items;
- all risks associated with provision and maintenance to be borne by the supplier (Bristol Uniforms); and
- equality and diversity as a core requirement.

**RESOLVED**

- (a) that the national Integrated Clothing Project (ICP) contract be adopted for the provision of PPE for the Devon & Somerset Fire & Rescue Service;
- (b) that the associated commitment on the revenue budget in 2009/10 and subsequent years be approved.

**DSFRA/54. National Procurement Strategy for the Fire and Rescue Service 2008 – 11**

The Clerk reported on receipt from the Department for Communities and Local Government (CLG) of a consultation document on proposals for a National Procurement Strategy for the Fire and Rescue Service 2008 – 11. The deadline for responses to the consultation was 14 November 2008. As procurement was one of the six workstreams falling within the responsibility of the South West Regional Management Board (RMB), which would be considering a draft response at its meeting on 7 November 2008, it was proposed that the Chief Fire Officer, in consultation with the Chairman, be authorised to respond to CLG on behalf of the Devon & Somerset Fire & Rescue Authority following the RMB meeting and taking account of the approved regional response.

**RESOLVED** that the Chief Fire Officer, in consultation with the Chairman and taking account of the approved regional response, be authorised to respond on behalf of the Devon & Somerset Fire & Rescue Authority to the CLG consultation on the National Procurement Strategy for the Fire and Rescue Service 2008 – 11.

**DSFRA/55. Appointment of Authority Member to attend South West Fire Control Ltd. first Annual General Meeting**

The Clerk reported that South West Fire Control Ltd., the Local Authority Controlled Company (LACC) with overall governance arrangements for the South West Regional Control Centre, would hold its first Annual General Meeting (AGM) at Service Headquarters on Friday 7 November 2008, commencing on the rising of the South West Regional Management Board on that day.

The Authority has been invited to nominate a representative (preferably NOT the Authority appointed Director of the Company) to represent the views of the Authority at the meeting, speaking and voting as necessary.

**RESOLVED** that the Chairman, Cllr. B. Hughes, be appointed to represent the Authority (including speaking and voting as required) at the first AGM of the South West Fire Control Ltd. to be held on Friday 7 November 2008.

**DSFRA/56. Budget Setting Meeting of the Authority – Proposed Change in Date**

The Clerk reported on a proposed change of date for the Authority's budget setting meeting in 2009 to avoid a clash with the Somerset County Council budget setting meeting (which had been set following the initial approval of the Authority's Calendar of Meetings for 2008/09).

**RESOLVED** that the date of the Authority's budget setting meeting be amended to Monday 16 February 2009, commencing at 10.00 hours at Service Headquarters.

**DSFRA/57. Report of Urgent Action**

The Authority noted the action taken by the Chief Fire Officer, following consultation with the Chair in accordance with Standing Orders and following a briefing session with Members of the Authority, in responding on behalf of the Authority to the FiReControl Part 1 Business Case.

#### **DSFRA/58. South West Regional Management Board**

The Authority received **FOR INFORMATION** the Minutes of the meeting of the South West Regional Management Board held on 19 September 2008 which had considered, amongst other things:-

- a proposed regional response to the FiReControl Business Case Part 1;
- a consultation by the Department for Communities and Local Government (CLG) on proposals for apportioning FiReControl shared costs;
- a report on establishing performance standards for the South West Regional Control Centre;
- a Workstreams Highlight Report; and
- proposed revisions to the Regional Business Plan in light of, amongst other things, the latest National Fire and Rescue Framework and the National Equality and Diversity Strategy 2008 – 18.

#### **DSFRA/59. Chairman's Announcements**

The Authority received **FOR INFORMATION** a Schedule of events attended by the Chairman on behalf of the Authority since its last meeting. The Chairman also reported on attendance at a “Learn 2 Live” event on 16 October 2008 – a partnership initiative in conjunction with, amongst others, the Devon & Cornwall Constabulary, Devon County Council and the South-West Ambulance Service and aimed at conveying the message of driving safety and what the effects are of failure to drive with due care and attention. Details of similar events in future would be published in the Members’ Information Bulletin.

The Chairman also reported that arrangements were being made for the laying of the foundation stone for the new fire station at Dane’s Castle, Exeter. Members of the Authority would be invited to attend this once the arrangements had been finalised.

#### **DSFRA/60. Chief Fire Officer’s Announcements**

The Chief Fire Officer reported on:-

- two fires, both of which were currently subject to inquest, that had resulted in fatalities that had occurred since the last meeting of the Authority:-
  - a house fire in Bridgwater on 25 September 2008 at which no smoke alarm had been fitted. The importance of fitting and maintaining a working smoke alarm had been publicly re-emphasised following this incident; and
  - a caravan fire at Long Sutton, Somerset;
- the commencement of work on the new Exeter East Fire Station at Middlemoor; and
- completion of the temporary fire station at Dane’s Castle, Exeter and the forthcoming commencement of demolition of the old permanent station.

The meeting started at 10.00hours and finished at 12.15hours.

## **COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE**

(Devon and Somerset Fire and Rescue Authority)

6 November 2008

### Present:-

Councillors Fry (Chair), Foggin, S. Hughes, Leaves, Manning and Mrs. Parsons (vice Dyke).

### Apologies:-

Councillors Dyke and Tully

### **\*CSCPC/16. Minutes**

**RESOLVED** that the Minutes of the meeting held on 4 September 2008 be signed as a correct record.

### **\*CSCPC/17. Service Activity during recent Flooding Conditions**

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

The Chair determined that this should be considered as a matter of urgency to enable the Committee to be apprised at the earliest opportunity of Service activities during the recent adverse weather conditions.

The Assistant Chief Fire Officer (Operations) informed the Committee, for information, on activities (including utilisation of Urban Search and Rescue facilities) undertaken by the Service during the recent freak weather conditions that had resulted in extensive flooding in the Ottery St. Mary area.

### **\*CSCPC/18. Declarations of Interest**

Members of the Committee 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 declare any such interests at this time. No interests were declared.

### **\*CSCPC/19. Operations and Resilience Summary Update**

The Committee considered a report of the Assistant Chief Fire Officer (Operations) (CSCP/08/4) summarising progress to date in relation to operational and resilience activities as featured in the Corporate and Departmental plans. The majority of the work sought to improve service delivery arrangements through a more flexible approach to resource disposition and use (both staff and equipment/appliances) to most appropriately address identified community risk.

The report covered the following areas:-

- preliminary work to examine current wholetime and day crewed shift arrangements, in line with National Framework expectations, to ensure flexibility and targeting of resources to most appropriately meet the challenges faced by a modern fire and rescue service;

- progress in reviewing the distribution of emergency response resources in light of the recently-approved new Service response standards;
- progress with work to harmonise and update arrangements for operational risk information to ensure full compatibility with the Firelink and FiReControl (Regional Control Centre) projects;
- the drafting of a new Memorandum of Understanding between the Service and the South West Ambulance Service Trust (SWAST), providing a framework of operation (including funding arrangements) for the co-responder scheme;
- progress in introducing a specialist rescue capability including, amongst other things, water rescue;
- progress with the National Resilience Programme and the hosting by the Service of associated facilities (e.g. Urban Search and Rescue [USAR] teams; high volume pumps);
- the work of the Service with Local Resilience Forums under the provisions of the Civil Contingencies Act;
- audit arrangements put in place by the Service to assess station preparedness for operational incidents and performance at operational incidents.

Members commented in particular on the work being undertaken to harmonise and update operational risk information and asked to be provided with further details on this.

#### **RESOLVED**

- (a) that a report be submitted to the next meeting detailing work being undertaken on the harmonisation and updating of operational risk assessments;
- (b) that, subject to (a) above, the report be noted.

#### **\*CSCPC/20. Regional Control Centre Update**

The Committee received **FOR INFORMATION** a report of the Assistant Chief Fire Officer (Operations) on the current position in relation to the FiReControl Project and covering, amongst other things:-

- publication of the Part 1 Business Case, to which the Authority had responded. The Department for Communities and Local Government (CLG) had indicated that it would not reply separately to representations made by individual fire and rescue services but would in due course be releasing a composite response;
- the announcement by CLG of a re-alignment of the project dates and the potential impact of this on the legacy control systems of individual fire and rescue services;
- the potential impact of the date re-alignment on the Service Project Team, taking account also of normal staff movements and retirements;

- benefits to accrue from the project, including enhancements to data availability at operational incidents via mobile data terminals in emergency appliances and precise appliance location via global positioning technology.

**\*CSCPC/21. Retained Duty System (RDS) Review - Update**

The Assistant Chief Fire Officer (Operations) withdrew this item pending further management discussions and the submission of details to a future meeting.

**\* DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.06hours



**HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE**  
(Devon and Somerset Fire and Rescue Authority)

14 November 2008

Present:-

Councillors Cann (Chair), Ford, Manning, Parker, Mrs. Parsons and Viney

Apologies:-

Councillor Shadrick

**\*HRMDC/20. Minutes**

**RESOLVED** that the Minutes of the meeting held on 12 September 2008 be signed as a correct record.

**\*HRMDC/21. Appointment of New Member**

The Chair welcomed Councillor Manning as a newly-appointed Member of the Committee (in place of Councillor Phillips who had resigned from the Authority).

The Chair also welcomed back Jane Sherlock (Head of Human Resources Management and Development) following her recent illness.

**\*HRMDC/22. 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 this meeting and to declare any such interests at this time.

**NO** interests were declared.

**\*HRMDC/23. Staff Survey - Initial Results**

The Committee considered a report of DCFO Neil Gibbins (HRMDC/08/7) on the outcome of the preliminary analysis of the results of the staff survey undertaken earlier in the year. Operational Research Services (ORS) – an organisation with considerable experience nationally of the fire and rescue service – had been commissioned for assistance in compiling and undertaking the survey which had generated a 30% response rate. A summary of the survey results – identifying “high” spots and “hot” spots - had been issued to staff as a newsletter

A working group had been established to identify key issues arising from the survey results together with key areas for further work and action. It was proposed that a project team be established to work with representative bodies in progressing this matter.

Members commented in particular on the reported findings in relation to bullying and harassment. This was one of the issues that would be explored further in addressing the outcomes of the survey.

Additionally, the Head of Human Resources Management and Development commented that, since combination, several improved, more robust policies had been implemented (including a revised disciplinary policy). With issues such as bullying and harassment work was still necessary, however, to instil trust and confidence in the processes currently in place and in ensuring that the expectations of both parties to any allegation were managed in terms of what might be a reasonable and realistic outcome of the process.

Members were also informed that additional work was in progress to further analyse the outcome of the survey, by reference to responses to each individual question asked, and produce this in a readily-digestible form. This would be made available to Members and staff on completion.

#### **RESOLVED**

- (a) that this Committee assumes oversight of the programme of projects to be established to deliver agreed improvement activities arising from the outcomes of the staff survey;
- (b) that Councillor Pat Parker be nominated to work with the Project Team established to address issues arising from the survey results;
- (c) that, subject to (a) and (b) above, the report be noted.

***(SEE ALSO MINUTE \*HRMD/25 BELOW).***

#### **\*HRMDC/24. Absence Management**

The Committee received for information a report of the Human Resources Manager (HRMDC/08/8) on performance of the service against its target to reduce the levels of sickness absence to the regional average rate of 9 says/shifts lost per person per year by 2010/11. Good performance had been secured as a result of successful management action over the first two quarters of the current financial year which had seen a 13.7% decrease in sickness absence when compared to the same period last year.

A revised sickness absence procedure was currently the subject of consultation with representative bodies and would be presented to a future meeting of the Committee.

Sickness absence was one of several performance measures contained within the current Corporate Plan 2008/09 to 2010/11 and which were reported on a quarterly basis to the Audit and Performance Review Committee.

This Committee would continue to receive information on sickness absence albeit with an emphasis more on management action to address the issue rather than statistical reporting.

Members asked that future reports contain comparative/benchmarking information – both regionally and nationally - on sickness absence recording.

#### **\*HRMDC/25. Work Programme for the Committee**

The Head of Human Resources Management and Development reported that, at its meeting on 14 September 2007, the Committee had agreed a work programme for future meetings linked to key objectives in the Corporate and Department Plans and including, amongst other things:-

- Workforce development
- The Health of the Organization
- The Equalities Framework
- the HRMD function and value for money.

Many of these themes had subsequently been progressed and new initiatives introduced as the Corporate and Department Plans have evolved.

Consequently, the Committee was invited to consider options for a future work programme. Items suggested included:-

- the outcomes of the recent staff survey, perhaps with a specific focus on bullying and harassment;
- the retained duty service (including retained to wholetime transfer procedures);
- the health of the organisation (sickness absence monitoring and management);
- training and development issues (including Urban Search and Rescue).

It was also suggested that alternative delivery mechanisms outside of the formal Committee structure might be considered to better facilitate the provision of information to Members.

**RESOLVED** that the Head of Human Resources Management and Development be asked to formulate a proposed work-programme for the Committee, including those issues identified above, for consideration at its next meeting.

***(SEE ALSO MINUTE \*HRMD/43 ABOVE)***

**\* DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.35hours.

**AUDIT AND PERFORMANCE REVIEW COMMITTEE**  
(Devon and Somerset Fire and Rescue Authority)

21 November 2008

Present:-

Councillors Clatworthy, Hannon, Lewis, Mochnacz and Wallace

Apologies:-

Councillors Button and Mrs. Nicholson

**\*APRC/16. Minutes**

**RESOLVED** that the Minutes of the meeting held on 29 September 2008 be signed as a correct record.

**\*APRC/17. Declarations of Interest**

Members of the Committee were asked to declare any personal/personal and prejudicial interests they may have in any items to be considered at the current meeting in accordance with the Authority's approved Code of Conduct.

No interests were declared.

**\*APRC/18. Devon and Somerset Fire and Rescue Service Performance Report: April 2008 - September 2008**

The Committee received for information a report of the Head Of Service Planning and Review (APRC/08/05) that detailed the performance of the Devon and Somerset Fire and Rescue Service for the first six months of the year (1 April 2008 to 30 September 2008) as against those indicators and actions contained within the approved Corporate Plan for 2008/09 to 2010/11.

The report highlighted the areas in which the service had performed well and those in which obstacles had been encountered in making progress and action needed to be taken to effect an improved performance. The areas where the service had performed well included:

- A reduction in the number of accidental dwelling fire casualties by 21%(as compared with the same period last year);
- A reduction in deliberate primary fires (excluding vehicles) of 14.3% (as compared with the same period last year);
- A reduction in the number or shifts lost due to sickness absence (14% decrease on the same period last year).

The target for a reduction in the number of accidental dwelling fire casualties was for a reduction of 13% for the next three years, which was challenging for the service. The reductions to date had been achieved through a combination of preventative programmes, with contributions from Home Fire Safety Checks and education. Additional checks and balances had been instigated to ensure that incidents were more consistently and robustly reported. Reference was made to the inclusion of data in terms of the type of dwelling and the Head of Service Planning and Review indicated that this could be submitted in future. It was noted, in addition, that the Regional Performance Benchmarking Group had appointed a new regional officer recently who was due to start on 1 January 2009 on a 12 month contract.

The target on Deliberate Primary Fires (excluding vehicles) had shown a particularly good overall performance, although there had been peaks in October and early November as a result of bonfire night celebrations. This target incorporated the Local Area Agreement (LAA) targets. Work continued to be undertaken in this area in conjunction with communities and key partners. It was suggested that the figures on the difference between commercial and domestic premises could be reflected together with information in respect of whether any casualties were associated with this area. The Head of Service Planning and Review replied that there were only very small numbers of casualties involved in this type of fire but suggested that the Committee may wish to explore these figures further at a future meeting.

The Head of Human Resources Management and Development advised that the Human Resources Management and Development Committee had reviewed the position in respect of sickness absence in depth at its meeting on 14 November 2008. This was a positive position as there had been a significant improvement in performance in the first half of 2008/09 and this continued to be progressed with the continuation of absence management policies and procedures. She referred to the positive action being taken to address performance in this area including the introduction of new policies on sickness absence management and the training of all staff involved in the management of this area of work. The point was raised as to whether there had been an increase in uniformed staff long-term sickness absence compared with the same period last year. The Head of Service Planning and Review indicated that efforts would be made to provide this information at future meetings.

The service was facing challenges in the following areas:

- Increasing the number of Home Fire Safety Visits;
- Increasing the number of fire safety audits;
- Reducing calls to Automatic Fire Alarms.

In terms of Home Fire Safety Visits, there had been a new recording system implemented recently. This was an area of performance which had been highlighted with Area Commanders. There had been research undertaken that suggested there was a positive correlation with home fire safety visits and performance in other areas such as reducing the number of accidental dwelling fire casualties. The work of the Community Safety Action Teams on areas would also start to impact on the number of visits undertaken in the future. The point was made that this target had been set without the benefit of previous benchmarking data and there was a need to re-examine this issue.

The target for Fire Safety Audits was not being achieved. There was activity being undertaken in this area which included developing the workforce through training for fire protection officers and additionally, procuring a training provider to instigate a nationally recognised qualification for staff.

It was anticipated that the previously reported long-term trend for a reduction in the number of responses to Automatic Fire Alarms would continue albeit that on this occasion a short-term increase had been recorded, partly as a result of a change in Service policy on attendance and partly as a result of more detailed analysis identifying an increase in false alarms from domestic premises. The Unwanted Calls Manager advised the Committee of action being taken to address this increase and the Assistant Chief Fire Officer advised that performance was improving and it was anticipated that unwanted calls would further reduce as a result of the action being taken. The Head of Service Planning and Review added that a new Incident Recording System would be in place by 31 March 2009 and this would provide more information on which to monitor the position.

**\*DENOTES DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 12.00hours

## **RESOURCES COMMITTEE**

(Devon and Somerset Fire and Rescue Authority)

8 December 2008

### Present:-

Councillors Gordon (Chairman), Fry, Healey, Lewis, Way and Yeomans

### Apologies:-

Councillor B. Hughes

### **\*RC/12. Minutes**

**RESOLVED** that the Minutes of the meeting held on 3 October 2008 be signed as a correct record.

### **\*RC/13. Declarations of Interest**

Members of the Committee were invited to declare any personal/personal and prejudicial interests they may have in any item(s) to be considered at the current meeting in accordance with the Authority's approved Code of Conduct.

No interests were declared.

### **RC/14. Revenue Budget Monitoring Report 2008/2009**

The Committee considered a report of the Treasurer and Head of Financial Management (RC/08/9) that set out projections of income and expenditure for the first seven months of the financial year against the approved Revenue Budget for 2008/09 and which detailed any significant variations against individual budget lines.

At this stage, it was projected that spending would be £0.887m less than the approved revenue Budget, equivalent to 1.26%. The main reasons for this position were as a consequence of a higher number of vacancies than had been anticipated resulting in a saving on pay costs, coupled with a reduction in incident activity levels which had impacted on retained pay lines. Additionally, income had increased as a result of a Memorandum of Understanding with the South West Ambulance Trust (SWAT) in respect of co-responder activity.

The Head of Physical Assets referred to one off areas of spending which it was felt prudent that the Authority could fund from the underspend in 2008/09, so reducing the pressure on the budget in 2009/10. These areas were as follows:

- the virement of £0.211m from wholetime pay costs to fund in the current financial year the one-off purchase of replacement alerter transmitters, and;
- the establishment of an earmarked reserve of £0.175m to fund the de-commissioning costs in 2009/10 associated with the existing radio systems,

## RESOLVED

- (a) That, given the indicative underspend against the Revenue Budget for 2008/09, the Devon and Somerset Fire and Rescue Authority be recommended to approve the following:
- (i) in accordance with Financial Regulations, the virement of £0.211m from wholetime pay costs to fund in the current financial year the one-off purchase of replacement alerter transmitters, as outlined in paragraph 8.8 of report RC/08/9, and;
  - (ii) the establishment of an earmarked reserve of £0.175m to fund the de-commissioning costs associated with the existing radio systems, as outlined in paragraph 8.9 of report RC/08/9;
- (b) That, subject to (a) above, the revenue budget monitoring position as outlined in this report be noted.

### **\*RC/15. Affordable Capital Investment Plans for 2009/2010 to 2011/2012**

The Committee considered a joint report of the Treasurer and Head of Financial Management and Head of Physical Assets (RC/08/10) that highlighted the significant capital investment needs of a large rural fire and rescue authority such as Devon and Somerset and its inability to fund its requirements as a consequence of financial constraints. The Treasurer asked the Committee to endorse the affordable capital spending limits for the next three years as set out in Table 7 in paragraph 7.6 of the report, following which a more detailed report would be submitted to the next meeting in February 2009.

## RESOLVED

That, subject to further consideration as part of the budget setting process for 2009/2010, the provisional capital investment limits for 2009/2010 to 2011/2012, as set out in paragraph 7.6 of report RC/08/10, be endorsed.

### **\*RC/16. Provisional Grant Settlement 2009/10**

The Treasurer and Head of Financial Management advised the Committee upon the position in respect of the provisional revenue grant settlement for 2009/2010. This was the second year of a three-year grant covering the period 2008/2009 to 2010/2011 and the Minister confirmed recently that, for 2009/2010, the grant figures for local authorities would be as announced in the original three-year grant announcement, made in January 2008. For Devon and Somerset Fire and Rescue Authority (DSFRA) this announcement confirmed the grant figures for 2009/2010 and 2010/2011 as below.

- 2009/2010      £30.529m (2.1% increase over 2008/2009)
- 2010/2011      £31.245m (2.3% increase over 2009/2010)

These have already been accounted for in the Authority's Medium Term Financial Plan (MTFP) and therefore the provisional settlement announcement has no immediate impact in terms of financial planning.



The Treasurer and Head of Financial Management added that this announcement was provisional at this stage subject to a formal consultation period which would end on 7 January 2009. He indicated that it would be appropriate to respond to the consultation exercise to express disappointment with the methodology used to distribute Fire Formula Grant, in particular, the inequitable distribution of Supported Capital Expenditure (SCE R) - based upon population and not asset base - and also the fact that grant distribution did not take account of sparsity factors.

Councillor Gordon **MOVED** (and was seconded by Councillor Yeomans):

“That the Treasurer and Head of Financial Management be authorised to respond to the consultation exercise on the provisional revenue grant settlement on behalf of the Committee as appropriate”.

Upon a vote, the motion was carried unanimously.

**RESOLVED** that the Treasurer and Head of Financial Management be authorised to respond to the consultation exercise on the provisional revenue grant settlement on behalf of the Committee as appropriate”.

**\*DENOTES DELEGATED POWER WITH AUTHORITY TO ACT**

The meeting started at 14.00hours and finished at 15.25hours.



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	<b>DSFRA/08/28</b>
<b>MEETING</b>	<b>DEVON &amp; SOMERSET FIRE &amp; RESCUE AUTHORITY</b>
<b>DATE OF MEETING</b>	<b>18 DECEMBER 2008</b>
<b>SUBJECT OF REPORT</b>	<b>COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER. CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES – A CONSULTATION</b>
<b>LEAD OFFICER</b>	<b>Clerk and Head of Human Resources Management and Development</b>
<b>RECOMMENDATIONS</b>	<p>(a) <i>that, subject to any amendments as may be indicated at the meeting, the draft response to the Communities and Local Government (CLG) consultation document “Communities in Control: Real People, Real Power. Code of Conduct for Local Authority Members and Employees” as appended to this report be approved and the Clerk authorised to submit it on behalf of the Authority;</i></p> <p>(b) <i>that, subject to (a) above, the report be noted.</i></p>
<b>EXECUTIVE SUMMARY</b>	<p>The Department for Communities and Local Government (CLG) has published a consultation document on proposed changes (largely relating to conduct in a non-official capacity) to the Members Code of Conduct and on the proposed introduction of a model Code of Conduct for local authority employees.</p> <p>Responses to the consultation are invited by 24 December 2008. This report summarises the main issues of the consultation and sets out a proposed draft Authority response for consideration.</p>
<b>RESOURCE IMPLICATIONS</b>	Nil.
<b>EQUALITY IMPACT ASSESSMENT</b>	This report has been subject to initial screening which has concluded that there is no requirement for a full impact assessment. A further assessment will, however, be undertaken on any new/revised policy that may be required by CLG as a result of the outcome of this consultation.
<b>APPENDICES</b>	A. Draft response to the CLG Consultation on “Communities in Control: Real People, Real Power. Codes of Conduct for Local Authority Members and Employees)
<b>LIST OF BACKGROUND PAPERS</b>	<p>CLG Consultation on “Communities in Control: Real People, Real Power. Codes of Conduct for Local Authority Members and Employees) – available for inspection on the CLG website:-</p> <p>(<a href="http://www.communities.gov.uk/corporate/publications/consultations/">http://www.communities.gov.uk/corporate/publications/consultations/</a>) OR hard copy on request to Devon and Somerset Fire and Rescue Authority Democratic Services.</p>

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 The current ethical regime for local authorities was initially established by the Local Government Act 2000 which saw the creation of the Standards Board for England and the requirement for all local authority Members to adopt a model Code of Conduct.
- 1.2 Subsequently, in May 2007 a new Model Code of Conduct for Members was introduced as a prelude to further devolve responsibility for operation of the ethical regime.
- 1.3 More recently, the Local Government and Public Involvement in Health Act 2007 established (from May of this year) a more locally based conduct regime for Members centred on local Standards Committees receiving and determining, in the main, allegations of misconduct when measured against the Code.
- 1.4 At that time further changes to the Model Code were mooted, largely centred around the issue of Member conduct when acting in a non-official capacity.
- 1.5 The Department for Communities and Local Government has issued, at the end of October, a consultation document proposing changes (largely in relation to conduct in a non-official capacity) to the Model Code of Members Conduct and also on the proposed introduction of a Model Code of Conduct for Local Authority Employees. The provision to make such a Code is also provided for by the Local Government Act 2000 and has been subject to earlier consultations.
- 1.6 The consultation proposes some 22 specific questions and invites responses to these, and any general comments relating to the subject matter of the consultation, by 24 December 2008. This report sets out the main issues as raised in the consultation document and has attached at Appendix A a proposed Authority response to the consultation. It is suggested that, given the subject matter, the Authority may wish to invite those Independent Members of the Authority's Standards Committee in attendance at the meeting to contribute to the debate on the proposed draft response.

## **2. PROPOSED REVISIONS TO MEMBER' CODE OF CONDUCT**

- 2.1 Chapter 2 of the consultation paper seeks views on proposals to clarify the Members' Code in its application to Members' conduct when acting in a non-official capacity (paragraphs 2.5 – 2.9; Question 1). The need to clarify what constitutes misconduct in a Member's non-official capacity arose as a consequence the Livingstone case in 2006.
- 2.2 The consultation seeks views on the definition of criminal offence and official capacity (paragraphs 2.10 to 2.14; Questions 2 and 3). "Criminal offence" is defined at Paragraph 2.10 as any criminal offence for which the Member has been convicted in a criminal court, but for which the Member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction. The intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the Code of conduct regime. This will ensure that the minor offences, for example, motoring offences, parking offences as well as cautions will not be included in the remit of the Code. Serious criminal offences, however, such as assault, harassment, fraud and offences relating to child pornography will come under the remit of the Code.
- 2.3 "Official capacity" is defined at Paragraph 2.14 of the consultation document as "being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority".

- 2.4 Views are also sought on:
- the application of the Code to Members, conduct in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK (paragraph 2.15; Question 4); and
  - whether, the local Standards Committee or the Standards Board (as the case may be) should cease their investigation process where an allegation involves criminal activity until the criminal process has been completed (paragraphs 2.19 to 2.21, Question 5).
- 2.5 The consultation invites views on other minor amendments to the provisions of the existing Code (paragraphs 2.22 – 2.29; Questions 6 to 8), namely:
- that Paragraphs 8(1)(a) and (ii) of the current Members Code be amended to clarify beyond doubt that these are referring to **other** bodies of which you are a Member or which exercise functions of a public nature and not the Authority itself;
  - that the current wording of paragraph 8(1)(a) be amended to clarify that a Members is required to register a gift of hospitality with an estimated value of at least £25 in his or her register of Members interest;
  - that Paragraph 10(2) be amended to remove the double negative in the current drafting so as to make it clear that a prejudicial interest exists where the business of the authority affects your financial position or the financial position of a person listed in paragraph 8 of the Code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the Code.
  - that the meaning of determining in paragraph 10(2)(b) (relating to approvals, consents, licences etc) clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications;
  - that Paragraph 10(2)(c) be amended to clarify that a Member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority's standards committee hearing regarding an allegation that a Member of the authority had failed to comply with the Code.
- 2.6 It is proposed that the new Code will take into account any existing registration of Members' interest. This will ensure that Members who have already registered their interests in line with the 2007 model Code do not have to repeat the process when the revised model is introduced. It also proposes and invites views on (Question 9) a timescale of two months' during which a Member must give an undertaking to observe the Member's Code, starting from the date the authority adopts the Code.
- 2.7 Revisions are also proposed to the ten General Principles that underpin the provisions of the Members' Code. These principles are currently set out in the Relevant Authorities (General Principles) Order 2001 and are in turn based on the seven principles of public life set out by the Committee on Standards in Public Life (the "Nolan Committee"). The proposed revisions seek to make clear which principles govern the conduct of Members when acting in an official capacity and in a non- official capacity and invite views on:
- the inclusion of an additional principle that Members should not engage in conduct which constitutes a criminal offence (to apply specifically to conduct in a Member's non-official capacity - Question 10); and

- the definition of both “criminal offence” (Question 11) and “official capacity” (Question 12) to apply to this new General Principle.

### **3. MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

3.1 Chapter 3 of the consultation paper refers to a Code of Conduct for local government employees (“Employees Code”). As indicated earlier, the Local Government Act 2000 ethical framework also provided for the introduction of a statutory Code for local government employees but an earlier consultation in 2004 did not progress.

3.2 In introducing its proposals for an Employees Code, CLG states in the consultation document that it is not intended that this should be a burden either on local authorities or employees and should not constrain an authority from developing its own Code reflecting local needs and conditions. It is proposed that authorities should be free to adopt “supplementary provisions beyond the employees’ code” to provide staff with an effective ethical framework in which to work. The implication of this, therefore, is that there will at the least be an expectation – if not a requirement – for the fundamental aspects of any Model Code produced to be adopted by each authority.

3.3 The consultation initially seeks views on:

- whether there should be a mandatory code of conduct for local government employees, to be incorporated into terms and conditions of employment (Question 13);
- if so, whether this should apply to all employees or whether there are certain categories (e.g. firefighters, teachers, community support officers, solicitors) who should be exempt from the Code as they are already covered by an existing one (Questions 14 and 15). Members may wish to note, in this respect, that it is not considered that firefighters are covered by their own Code. Rather, it is considered that CLG may, here, be referring to the former Discipline Regulations which have subsequently been repealed and a new Discipline Code (based upon the ACAS model) introduced. This Code also applies to non-uniformed staff. Alternatively, CLG may be referring to the Core Values of the fire and rescue service as contained in the national Fire and Rescue Service Equality and Diversity Strategy. These values apply to all employees of a fire and rescue authority (uniformed and non-uniformed) and to elected Members. They differ, however, from those proposed in the consultation document and this issue is addressed in the proposed response.

3.4 A two-tier Model Employees Code is proposed for employees not currently covered by their own Code. The first tier comprises a set of Core Values (based upon the content of the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001) to apply to all employees and covering:

- General Principles;
- Accountability;
- Political neutrality;
- Relations with Members, the public and other employees;
- Equality;
- Stewardship;
- Personal interests;

- Whistleblowing;
- Treatment of information;
- Appointment of Staff; and
- Investigations by Monitoring Officers.

Views are sought on whether these Core Values are correctly identified, whether any should be omitted or any additional ones included (Question 16).

3.5 The second tier (drawing upon the Members' Code) would apply only to "qualifying employees" – senior officials or those carrying out delegated functions – and would apply the following values:

- a requirement not to compromise, or attempt to compromise, the impartiality of officers of the authority;
- a requirement not to use or attempt to use their position improperly;
- a requirement to have regard to any advice on how the relevant sections of the Code apply to qualifying employees;
- a requirement to register personal interests in certain designated categories (e.g. membership or position of control or management in bodies carrying out a public service; ownership of a business or shareholdings in excess of £25,000 or 1/100<sup>th</sup> of the value or share capital of a company);
- a requirement to declare and seek to avoid influential involvement in certain prejudicial interests (e.g. a financial interest or interest in a licensing or regulatory matter which a member of the public, knowing the relevant facts, would consider so significant as to prejudice the qualifying employee's judgement of the public interest).

3.6 Authorities are invited to express views on:

- the method for determining/selecting "qualifying employees" (Question 17);
- whether there should be a requirement to publicly register certain interests (Question 18);
- what interests should be registered (Question 19);
- whether, in relation to prejudicial interests, the proposals capture the pertinent aspects of the Members' Code and whether, generally, the proposals of the Code to apply to "qualifying employees" are too restrictive (Questions 20 and 21).

3.7 Question 22 seeks views on whether the Employees Code should extend to employees of parish councils. This is not considered relevant to this Authority although Members may wish to express a view.

**4. CONCLUSION**

- 4.1 This report aims to summarise those salient points of the CLG consultation on proposed revisions to the Members' Code of Conduct (dealing mainly with conduct in a non-official capacity); and on the proposed introduction of an Employees Code. A suggested draft response to the consultation is attached at Appendix A and the Authority is invited to consider this, in conjunction with this report, with a view to approving a final response.

**MIKE PEARSON**  
Clerk to the Authority

**JANE SHERLOCK**  
Head of Human Resources Management and  
Development

**M. Pearson MCM1  
CLERK TO THE AUTHORITY**

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Date : 12 April 2016

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Dear Karl,

**COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER. CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES – A CONSULTATION**

This document was considered recently by the Devon and Somerset Fire and Rescue Authority which has authorised me to submit the following response on its behalf. This sets out views in relation to the specific questions raised in the document which it is hoped you will find helpful.

**CHAPTER 2: CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS**

***Question 1 Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?***

Yes, but only to the limited extent proposed in the consultation (i.e. when the conduct in a non-official capacity is limited to a criminal offence as defined in the consultation).

***Question 2 Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.***

Broadly, yes. It is suggested, however, for consistency purposes that consideration should be given to extending this definition further to include:

- minor motoring offences accumulating fixed penalty notices which, when the 12 point threshold is exceeded, would automatically equate to a criminal conviction by a Court;
- other minor offences for which similar thresholds apply.

Linked to the above, it is also considered that guidance should be issued to assist local Standards Committees on what constitutes a criminal offence.



**Question 3 Do you agree with this definition of ‘official capacity’ for the purpose of the members’ code? If not, what other definition would you support? Please give details.**

The definition as set out at paragraph 2.14 of the consultation is broadly accepted. It is suggested, however, that accompanying guidance should clarify what test (presumably, the man on the Clapham Omnibus reasonableness test) is to be applied by local Standards Committees if and when faced with an allegation that a member has “given the impression” that they have acted as a representative of the authority.

**Question 4 Do you agree that the members’ code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?**

While the spirit of this is appreciated, it is contended that only a British Court of Law would really be in a position to determine whether or not a criminal offence committed abroad would equate to a criminal offence if committed in the UK. Consequently, it is suggested that – to remove any ambiguity or difficulty in interpretation for local Standards Committees – the Code should apply in instances which are criminal offences leading to convictions in accordance with the law of the particular country where the offence was committed.

**Question 5 Do you agree that an ethical investigation should not proceed until the criminal process has been completed?**

Yes, in so far as this relates to conduct in a non-official capacity. If the misconduct was in an official capacity, it is contended that it should be permissible to proceed with the ethical investigation as soon as possible to enable the authority concerned to take action sooner rather than later and thereby minimise the potential for any reputational damage accruing from delays which could result in a public perception that the misconduct alleged was at best considered trivial or at worst condoned by the authority in question.

**Question 6 Do you think that the amendments to the members’ code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?**

The proposed amendments are accepted as providing the clarity/consistency required, especially the amendment proposed to paragraph 10(2) of the code.

**Question 7 Are there any aspects of conduct currently included in the members’ code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?**

Subject to incorporation of the earlier issues (and provision of appropriate guidance), it is felt that the amended Code should be sufficient.

**Question 8 Are there any aspects of conduct in a member’s official capacity not specified in the members’ code that should be included? Please give details.**

It is felt that the matters General Obligations as set out in 3 to 6 inclusive of the code sufficiently define acceptable conduct in an official capacity.

**Question 9 Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?**

This is considered to be sufficient and is in line with the timescales in the original legislation.

**Question 10 Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?**

Yes. If the code is to be revised to reflect what constitutes misconduct in a non-official capacity then it is only consistent that the general principles from which the code derives should be similarly revised.

**Question 11 Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?**

In line with the response to Question 10 above, it is puzzling why the definition proposed in paragraph 2.39 of the consultation, in relation to the General Purposes Order, differs (albeit subtly) from the definition proposed to be applicable to the code and as set out at paragraph 2.10 of the consultation. For the sake of consistency, it is suggested that the same definition should apply to both and that this should be the definition proposed to apply to the code as this is slightly more expansive in its explanation.

**Question 12 Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?**

Yes, as this is consistent with the definition proposed for the code (see responses to Questions 10 and 11 above).

## CHAPTER 3 MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY EMPLOYEES

***Question 13 Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?***

Given the nature of public authorities, it is difficult to argue against the rationale for an Employees' Code of Conduct. The introduction of a Model Code would at least introduce some degree of consistency for all local authorities. It should be borne in mind, however, that all authorities have representative bodies (in the case of a combined fire and rescue authority such as Devon and Somerset, four – the Fire Brigades Union; the Retained Firefighters Union; the Fire Officers Association; and UNISON) each of which has a remit, to a greater or lesser degree, involving consultation/negotiation on terms and conditions of employment. The perceived imposition of a “mandatory” Code, to be incorporated into terms and conditions of employment, could create industrial relation tensions.

***Question 14 Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?***

This authority is unaware of any specific Code of Conduct applying to firefighters. CLG is asked, therefore, to indicate where/what this Code is. In the absence of this, it is suggested there is no rationale as to why any Model Employees Code should not apply to firefighters.

That having been said, this Authority has adopted the Core values for the Fire and Rescue Service. These are applicable to all fire and rescue service staff (both uniformed and non-uniformed) and elected Members and are contained in the national Fire and Rescue Service Equality and Diversity Strategy which every fire and rescue authority is required to implement by virtue of the current Fire and Rescue Service National Framework 2008-11. This Framework is, in turn, statutorily backed by the Fire and Rescue Services Act 2004. These Core Values are not inconsistent with the Core Values proposed by the current consultation document

It is suggested, however, that the “Core Values” as set out in the consultation document might more effectively be described as “Core Standards”. It is proposed that this latter terminology is used in any employees code to be introduced to avoid any possible confusion. Subject to this and to the points already raised in response to both this question and question 13 above, this Authority can see no reason why the proposed Model Code should not apply to employees of fire and rescue authorities – both uniformed and non-uniformed.

***Question 15 Are there any other categories of employee in respect of whom it is not necessary to apply the code?***

We are not aware of any other category of employee within the fire and rescue service in respect of whom it is not necessary to apply the Code – see answers to Questions 13 and 14 above.

***Question 16 Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?***

This Authority has made representations in previous consultation responses to express its view that the current rules on political neutrality/restriction – in so far as a salary limit is applied – are outdated. The governing factor in determining a “politically restricted” post should be the nature of that post - i.e. whether there is the potential to significantly influence public opinion – rather than an arbitrary salary threshold.

***Question 17 Should the selection of ‘qualifying employees’ be made on the basis of a “political restriction” style model or should qualifying employees be selected using the delegation model?***

The delegation model would seem more appropriate given the proposed values for qualifying employees. Also, political restriction is already accounted for in the core values (Core Standards) that it is proposed should apply to all employees although, in this respect, reference is made to the answer to Question 16 above on the need to rethink how political restriction is determined.

***Question 18 Should the code contain a requirement for qualifying employees to publicly register any interests?***

Given the nature of public service, this would seem consistent with the requirement for elected Members’ but should only apply to qualifying employees as defined.

***Question 19 Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?***

It is suggested that the criteria of interests to be registered should be expanded to include a requirement to register involvement in services which are the same as, similar or related to the activities of the employing fire and rescue authority or which may conflict in any way with its interests.

***Question 20 Does the section of the employees’ code which will apply to qualifying employees capture all pertinent aspects of the members’ code? Have any been omitted?***

Subject to the incorporation of the additional criteria, it is felt that the section to apply to qualifying employees captures all pertinent aspects of the Members’ Code.

***Question 21 Does the section of the employees’ code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?***

It is felt that there are not too many restrictions and that all are relevant – see also, however, answer to Question 19 above.

***Question 22 Should the employees’ code extend to employees of parish councils?***

This is not considered relevant to fire and rescue authorities.

Yours sincerely

**Mike Pearson**  
**Clerk to the Authority**

## **SOUTH WEST REGIONAL MANAGEMENT BOARD**

7 November 2008

### Present:-

Councillors B. Hughes (Chairman)(Devon & Somerset), Gordon and Healey (Devon & Somerset), Fox OBE DL (Dorset), Parsons (vice Windsor-Clive)(Gloucestershire), Roberts and Walker (Avon), Wilmott (Wiltshire & Swindon) and Yeo (Cornwall).

### Also in attendance in accordance with Standing Order 3:-

Councillor Wren (Wiltshire & Swindon).

### Apologies:-

Substitute Members Councillors Barrett and Curran (Avon), Fry, Mrs. Nicholson and Mrs. Parsons (Devon & Somerset) and Higman (Cornwall).

#### **RMB/23. Minutes**

**RESOLVED** that the Minutes of the meeting held on 19 September 2008 be signed as a correct record.

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

Board Members were invited to consider items to be discussed as part of this meeting and declare any **personal/personal and prejudicial interests** they may have in any item(s) in accordance with their respective appointing Authority's approved Code of Conduct.

**NO** interests were declared.

#### **RMB/25. Highlight Report**

The Board considered a report of the Chair, South West Chief Fire Officers' Association (CFO Standing – Gloucestershire) (RMB/08/19) covering:-

- progress since the last meeting of the Board on those projects being supported by the South West Regional Improvement and Efficiency Partnership (SW RIEP);
- a summary of progress made since the last meeting of the Board by those workstreams addressing the following issues on a regional basis:-
  - Community Safety;
  - Equality and Diversity;
  - Finance and Procurement;
  - Human Resources Management and Development;
  - Regional Control Centre;
  - Strategic Planning and Performance Management; and
  - Service Operations and Resilience.

The report summarised milestones for each of the workstreams showing “red” status and indicated action initiated by the South West Chief Fire Officers’ Association (SW CFOA) Executive Management Group (EMG) to resolve those issues;

- updating of the Regional Communications Strategy – including production of the first edition of a quarterly regional newsletter (appended to the report) – to reflect changes to the regional business plan as agreed by the Board at its last meeting; and
- progress on the production of a regional climate change strategy (including the secondment of an Area Manager to work with the Carbon Trust in developing the strategy) aimed at assisting individual fire and rescue services in producing their own strategies.

All workstreams had been asked to submit budget bids for 2009/10 to inform a report to be submitted to the next meeting of the Board on its budget for the forthcoming financial year. At this stage it was felt that this should not result in any increase in contributions by individual fire and rescue services.

Members commented, however, that it may be necessary to review carefully the budget proposals – specifically, the contributions payable by individual fire and rescue services – in light of the grant settlement.

#### **RESOLVED**

- (a) that the progress of workstreams and the programme of work supported by the South West Regional Improvement and Efficiency Partnership be noted;
- (b) that the commencement of work to determine, at the next meeting of the Board, a budget for 2009-10 be noted.

**RMB/26.**

#### **The New Incident Recording System (IRS) And The Financial Burden To Fire And Rescue Services In The South West**

The Board considered a report of the SW Firecontrol/Firelink Project Director (Clive Kemp) (RMB/08/20) on the financial implications for individual fire and rescue services (FRSs) within the South West of implementing a new Incident Reporting System (IRS) as required by the Department for Communities and Local Government (CLG).

At present, each FRS within region operated a different system for incident recording. Given the move to the Regional Control Centre (RCC), however, a consistent approach was required making the new system a pre-requisite to the transition to the RCC albeit that CLG did not deem this to be part of the RCC project.

The RCC Project Board had commissioned an evaluation of the costs to each FRS of implementing the new IRS. This indicated a total cumulative cost for the South West (including some voluntary enhancements to the basic CLG requirement considered necessary by some individual FRSs) of £260,964 gross (£133,963 net of development costs). In light of this – and given:-

- a. the government financial settlements for individual fire and rescue services; and

- b. that introduction of the IRS was in essence a pre-requisite to the FiReControl Project

it was proposed that representations should be made to CLG to seek financial support through CLG's New Budens programme for implementation of the IRS. A draft letter making such representations was appended to the report for consideration.

The report also noted that the information input requirements of the new system could result in significant increase in administration requirements. This could have a disproportionate impact on the retained service. The Board felt that this issue should also be addressed in the representations to be made to CLG.

**RESOLVED**

- (a) that, subject to incorporation of those amendments as indicated at the meeting in relation to the potential impact on the retained service of the additional administrative burden associated with introduction of the new Incident Recording System (IRS), the draft letter to the Department of Communities and Local Government (CLG) as attached at Appendix A to report RMB/08/20 - highlighting the concerns at the financial implications for individual fire and rescue services in the region and seeking a solution from CLG to these – be approved and the Chairman authorised to submit it on behalf of the Board;
- (b) that, subject to (a) above, the report be noted.

**RMB/27.**

**National Procurement Strategy For The Fire And Rescue Service 2008-11 - Consultation Response**

The Board considered a report of the Chairman, CFOA SW Procurement Committee (Mike Pearson – Devon & Somerset Fire & Rescue Authority) (RMB/08/21) on the Department for Communities and Local Government (CLG) consultation on the proposed National Procurement Strategy for the Fire and Rescue Service 2008 – 11. The report identified what were considered to be the key issues arising from the consultation and had appended to it a proposed regional response focussing on those issues. The closing date for responses to the consultation was 14 November 2008.

In debating the proposed response, the Board indicated that it would wish to emphasise, by boldening, the first sentence of the third paragraph of section 3.1 (expressing the view that Firebuy should be wound up). The Board also felt that this sentence should be repeated as the conclusion to the response, which should be returned in the name of the Chairman on behalf of the Board.

**RESOLVED**

- (a) that, subject to incorporation of those amendments agreed at the meeting and summarised above, the draft regional response (as attached at Appendix A to report RMB/08/21) to the consultation from Communities and Local Government (CLG) on the proposed National Procurement Strategy for the Fire and Rescue Service Consultation be approved and the Chairman authorised to submit it on behalf of the Board;

- (b) That each individual south west fire and rescue authority (SWFRA) be recommended to endorse the approved regional response as part of any individual response they may choose to make to the CLG consultation on the National Procurement Strategy

The meeting started at 10.00hours and finished at 11.06hours.



## **CHAIRMAN'S ANNOUNCEMENTS**

Set out below, FOR INFORMATION, is a schedule of engagements undertaken by the Chairman since the last meeting of the Authority

<b>Date</b>	<b>Engagement</b>
30 October 2008	Regional Management Board Chairmen & Vice-Chairmen's meeting, London
30 October 2008	Meeting with Chief Fire Officer & retained staff – West Somerset
31 October to 2 November 2008	Attendance (together with Councillors Healey [Vice-Chairman], Cann [Chairman, Human Resources Management & Development Committee] and Fry [Chair, Community Safety & Corporate Planning Committee] at the Centre for Leadership Seminar, Fire Service College
3 November 2008	Attendance at the Long Service & Good Conduct Medal presentation, Service Headquarters
4 November 2008	Meeting with Chief Fire Officer & retained staff – East Devon
10 to 13 November 2008	Attendance at Remembrance Day events, Ypres (accompanied by Cllr. Gordon).
9 December 2008	Meeting with Chief Fire Officer & retained staff – North Devon
11 December 2008	Meeting and visit to Urban Search and Rescue (USAR) facility, accompanying T Colman Esq., MEP.
16 December 2008	Meeting with Chief Fire Officer & retained staff – East Somerset
17 December 2008	Meeting with Chief Fire Officer & retained staff – South Devon



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	DSFRA/08/29
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
<b>DATE OF MEETING</b>	18 DECEMBER 2008
<b>SUBJECT OF REPORT</b>	APPOINTMENT OF A NEW CHIEF FIRE OFFICER – FURTHER CONSIDERATIONS
<b>LEAD OFFICER</b>	Chief Fire Officer
<b>RECOMMENDATIONS</b>	<i>that the Deputy Chief Fire Officer serve as Acting Chief Fire Officer from 1 to 11 January 2009 inclusive (the period between the retirement of the current Chief Fire Officer and the commencement of employment of the Chief Fire Officer (Designate)) and authorised to exercise all powers and duties associated with the post of Chief Fire Officer, with his salary adjusted to be commensurate with this post during this period.</i>
<b>EXECUTIVE SUMMARY</b>	This report addresses the issue of the Service retaining an executive, operational and administrative Head of the Service in the intervening period between the retirement of the current Chief Fire Officer on 31 December 2008 and the commencement of the recently-appointed successor on Monday 12 January 2009.
<b>RESOURCE IMPLICATIONS</b>	The proposal can be contained from within existing budget provision.
<b>EQUALITY IMPACT ASSESSMENT</b>	This report has undergone an initial Equality Impact Assessment (EIA) screening which has not identified any potential negative impact that would warrant a full impact assessment on this occasion.
<b>APPENDICES</b>	Nil.
<b>LIST OF BACKGROUND PAPERS</b>	Nil.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 1 AND 2 OF SCHEDULE 12(A) (AS AMENDED) TO THE LOCAL GOVERNMENT ACT 1972**

1. At its last meeting the Authority confirmed the appointment of Mr. Lee Howell (currently Chief Fire Officer of Suffolk Fire and Rescue Service) to succeed this Service's current Chief Fire Officer on his retirement. The Authority's constitutional governance documents (Standing Orders, Scheme of Delegations etc). define the Chief Fire Officer as the person duly appointed by the Authority as the executive, operational and administrative head of the Devon & Somerset Fire & Rescue Service.
2. The Combination Scheme establishing the Authority requires it to appoint a Chief Fire Officer; Standing Orders further require that this appointment may not be delegated. The Authority's governance documents also provide for the delegation of certain functions to the Chief Fire Officer or, in his/her absence, the Deputy Chief Fire Officer. Any delegated function may, however, be referred by the relevant officer to the full Authority or one of its committees as appropriate.
3. The exercise, by the Deputy Chief Fire Officer, of functions delegated to the Chief Fire Officer is normally intended to apply in instances where the substantive post-holder is "absent" – for example, during periods of annual leave or sickness. The current Chief Fire Officer will retire on 31 December 2008. The new Chief Fire Officer will take up his appointment on 12 January 2009. In effect, this means that for a period of 11 days the Service will be without an executive, operational and administrative head. To address this situation, it is proposed that the Deputy Chief Fire Officer should serve as Acting Chief Fire Officer (with commensurate remuneration) for the period 1 January to 11 January 2009 inclusive.
4. The approved revenue budget for 2008/09 contains provision to meet the salary and on-costs of both the Chief and Deputy Chief Fire Officer. Consequently, the proposal can be met from within existing budget provision.
5. In light of the above, it is recommended that the Authority approves the proposal for the Deputy Chief Fire Officer to serve as Acting Chief Fire Officer (with commensurate remuneration) for the period 1 January to 11 January 2009 inclusive.

**P Young**  
**CHIEF FIRE OFFICER**