

**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

Wednesday 6 May 2009

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.

M. Pearson
Clerk to the Authority

AGENDA

1. **Apologies**
2. **Minutes** of the meeting held on 31 March 2009 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. Questions and Petitions from the Public

In accordance with Standing Orders, to consider any questions or petitions submitted by the public. Questions must relate to matters to be considered at this meeting of the Authority. Petitions must relate to a matter for which the Authority has responsibility or which affects the Authority. Questions and/or petitions may not require the disclosure of confidential or exempt information and must be submitted in writing or by e-mail to the Clerk to the Authority **by midday on Thursday 30 April 2009**.

6. Questions from Members of the Authority

To receive and answer any questions submitted in accordance with Standing Orders.

7. Minutes of Committees Etc.

(a) Human Resources Management and Development Committee

The Chair of the Committee (Councillor Cann) to **MOVE** the Minutes of the meeting of the Committee held on 15 April 2009 attached (page 7).

RECOMMENDATIONS

- (a) That the Devon and Somerset Fire and Rescue Authority be recommended:
 - (i) to approve the final draft of “Making the Connections” – Devon & Somerset Fire & Rescue Authority Single Equality Scheme 2009/10 to 2011/12 as considered at the meeting on 15 April 2009 (Minute HRMDC/39 refers). A copy of the document is enclosed separately with these papers for ease of reference.
 - (ii) to encourage each Member individually to sign the LGA Equality and Diversity Charter for fire and rescue authority Members;
- (b) that, subject to (a)(i) and (ii) above and in accordance with Standing Orders, the Minutes be adopted.

8. Confirmation of Rates Payable in 2009/10 under the Authority Approved Scheme of Members Allowances

Report of the Clerk to the Authority (DSFRA/09/10) attached (page 11)

9. The Accountabilities, Roles And Responsibilities of Members of the Devon and Somerset Fire and Rescue Authority

Report of the Clerk to the Authority (DSFRA/09/11) attached (page 16)

10. South West Regional Management Board

To receive, **FOR INFORMATION**, the Minutes of the meeting of the Board held on 23 March 2009 as attached (page 26), **subject** to consideration of the recommendations of the Board as follows:

- (a) that each individual fire and rescue authority in the region be asked to encourage the signing of the e-petition currently posted on the official website of the Prime Minister and advocating continued disapplication of the Directive to the retained duty system (Highlight Report - Minute RMB/40 refers);
- (b) that individual South West Fire and Rescue Authorities be encouraged to nominate their own Member champion for climate change (Regional Climate Change Strategy Minute RMB/43 refers).

11. Chairman's Announcements

Schedule attached (page 32).

12. Chief Fire Officer's Announcements

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

Nil

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

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

One vacancy – Devon County Council appointee.

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

31 March 2009

Present:-

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

Apologies:-

Councillors Parker, Shadrick and Way

DSFRA/84. Minutes

RESOLVED that the Minutes of the meeting of the Authority held on 16 February 2009 be signed as a correct record.

DSFRA/85. Declarations of Interest

Members of the Authority were asked 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.

DSFRA/86. Questions and Petitions from the Public

In accordance with Standing Orders, the Authority received the following question from Mr. Rob Newby (Exeter City Councillor):

“I am pleased that a large amount of money has been given to the Fire Authority for the refurbishment of Stations throughout Devon & Somerset. Therefore, my question is if money is to be spent on Topsham to undertake refurbishment works why is part of this work the requirement to install, at a ludicrous amount of money totalling £26K, a disabled access toilet and shower when there is already a disabled toilet attached to the Fire Station and no-one used the old shower that was installed some years ago, which would precipitate the removal of a community functioning bar when in my view a proportional part of the money would be better spent on renewing the breathing apparatus cleaning and assembly area, which breaches health & safety regulations?”

The Chairman of the Authority, Councillor Bernard Hughes, provided the following answer:

“On behalf of the Authority I would firstly like to thank Councillor Newby for his question. It is clear that there is a considerable amount of public interest in this issue – from Councillor Newby, retained firefighters at Topsham and by residents of the community that the Station serves.

Dealing briefly at this point with the issues raised in Councillor Newby’s question, the proposed works at Topsham Fire Station cover a range of improvements which would allow safe access to the building for community use whilst also improving Fire & Rescue Service operational facilities, such as:

- a new room for new computer and communications equipment;
- improved showering facilities; and
- improvements to the lecture room.

Under the Disability Discrimination Act 1995 (as amended), the provision of disabled toilet facilities is a legal requirement where buildings are intended for community use and this represents only a small part of the proposed works. The toilet facilities (including the disabled toilet) would have a dual use function by including showers, would provide suitable facilities for female firefighters and would provide improved facilities in general for firefighters. In a recent inspection at another Devon & Somerset station, the Health and Safety Executive has been specifically critical of the lack of showers and firefighters have cited a number of situations where showers are a necessary requirement of the modern fire and rescue service role.

We agree that the area for Breathing Apparatus cleaning and servicing is in need of upgrading and it is hoped to achieve this at some future point, being mindful of the overall constraints of the Topsham station site.

Elsewhere on the agenda for today's meeting is a comprehensive report addressing all of the issues as raised by Councillor Newby in his question and inviting this Authority to explore these in the context of its wider statutory duties, obligations and funding considerations. It would, therefore, seem most appropriate for the issues as raised by Councillor Newby to be considered in more depth alongside that item when it is reached in the agenda and of course Councillor Newby is more than welcome to stay for the meeting to observe the debate on this issue."

(SEE ALSO MINUTE DSFRA/88 BELOW)

DSFRA/87. Annual Audit and Inspection Letter

The Authority considered the Audit Commission 2007/08 Annual Audit and Inspection Letter for the Authority as presented by Martin Green and Steve Brown of the Audit Commission. The Authority had secured an unqualified opinion on its accounts for that financial year and a score of 3 ("performing well") for its Use of Resources Assessment. The Letter indicated that the Authority was improving well and delivered good results to its communities, working well with partnerships and delivering a much improved and consistent operational performance. The Authority recognised, however, the need to enhance its contribution to strategic partnerships and to develop its approach to environmental sustainability issues.

The representatives also advised the Authority on the requirements of the forthcoming Comprehensive Area Assessment (the replacement for Comprehensive Performance Assessment) which would feature both an Organisation Assessment (comprising a more demanding Use of Resources assessment and managing performance [direction of travel] assessment) together with an Area Assessment that would focus on quality of life issues and partnership working for the benefit of the community. The overall thrust of the new Comprehensive Area Assessment would be to focus on the delivery of beneficial outcomes to the community.

RESOLVED that the contents of the Letter be noted.

DSFRA/88. Asset Management Planning and Community Access to Fire and Rescue Service Premises

The Authority considered a report of the Head of Physical Assets (DSFRA/09/7) addressing, as requested by the last meeting of the Authority (Minute DSFRA/75 refers):

- the current methodology used for Asset Management Planning in the context of available funding, the Authority's Financial Regulations and criteria used for prioritising new build, major refurbishment, minor improvement and planned maintenance work;
- issues relating to community access to fire and rescue stations;
- issues relating to licensed bars on fire and rescue stations;
- work proposed for Topsham fire and rescue station; and
- the current position in relation to Brixham fire and rescue station.

In considering this matter Councillor Foggin presented the Authority with a 300 signature petition as follows:

"The Fire Service is planning to spend £26,000 on disabled toilet facilities at Topsham Fire Station. This plan includes removing the bar used by off-duty fire fighters for community fundraising.

We, the undersigned, strongly object to the unnecessary loss of this morale boosting bar for our local firefighters and the needless waste of public money on another disabled facility at this sight"

The Chief Fire Officer commented that, prior to combination, the former Somerset Fire and Rescue Service had removed all bars at its stations on the basis that they were seen as neither compatible with core service functionality nor appropriate in terms of drink driving and alcohol consumption generally. The facility at Topsham was the last of its kind at former Devon Fire and Rescue premises and research conducted of other fire and rescue services indicated that, of the 40 services who responded, 35 (87.5%) had a "no alcohol on stations" policy with several more being in the process of removing bars. The Chief Fire Officer outlined the extent of the proposed works at Topsham station, which were a combination of community access and dignity at work improvements, and commented that the Health and Safety Executive (HSE) had, following a visit to a different fire station, expressed concern at the lack of appropriate showering facilities for use by firefighters following a return from an operational call.

Following a debate on this issue Councillor Stuart Hughes **MOVED** (seconder: Councillor Foggin):

"that the bar at Topsham Fire Station be retained but that no other licensed bars be permitted on fire and rescue service premises".

The Motion was put to the vote and declared **LOST** by 16 votes against the Motion to 4 in favour.

Councillor Cann then **MOVED** (seconder: Councillor Parsons):

"that the bar at Topsham Fire Station be closed and that a policy be adopted of no permanently licensed bars on any Devon & Somerset Fire & Rescue Service premises."

The Motion was put to the vote and declared **CARRIED** by 15 votes in favour, none against and with 3 abstentions.

RESOLVED

- (a) that the current methodology for prioritising work on buildings as set out in Section 2 of report DSFRA/09/7 be endorsed and that future asset management plans be developed in conjunction with the Capital Programme Working Party and reported to the Resources Committee (and/or full Authority) as part of the budget setting process;
- (b) that, consequent to (a) above, the Terms of Reference of the Capital Programme Working Party be amended -

FROM:

“To oversee schemes currently being progressed as part of the Major Capital Programme and make recommendations as appropriate to the Resources Committee and/or full Authority”

TO:

“To oversee the development of the Authority’s asset management plans making recommendations as appropriate to the Resources Committee and/or full Authority”;

- (c) that the current methodology for community engagement and access to fire stations as set out in Section 3 of the report be endorsed and further consideration given by the Capital Programme Working Party as to which of the Service’s fire stations should be designated as ‘community fire stations’.
- (d) that the bar at Topsham Fire Station be closed and that a policy be adopted of no permanently licensed bars on any Devon & Somerset Fire & Rescue Service premises;
- (e) that in the light of the HSEs recent inspection, the minor works programme be reconsidered;
- (f) that it be noted that the rebuilding of Brixham station will be considered along with all other identified priorities as part of the 2010 -15 asset management planning process.

(SEE ALSO MINUTE DSFRA/86 ABOVE).

DSFRA/89. Treasury Management Policy

The Authority considered a report of the Treasurer to the Authority (DSFRA/09/8) on proposed revisions to the Authority’s Treasury Management Policy. The Authority had, at its inception, adopted – in accordance with the Chartered Institution of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Public Services – a Code featuring:

- A Treasury Management Policy Statement stating the policies and objectives of the Authority’s treasury management activities; and
- suitable Treasury Management Practices (TMPs) setting out the manner in which the Authority will seek to achieve its policies and objectives and prescribe how it will manage and control those activities.

The report proposed amendments to two Treasury Management Practices (TMP 1 and TMP 4), as contained within the Authority's approved overall Policy, to reflect recent changes relating to revised credit ratings attached to UK banks which were now financially backed by the government.

RESOLVED that the revisions to the Devon and Somerset FRA Treasury Management Policy document, as outlined in report DSFRA/09/8, be approved.

DSFRA/90. Enhanced Accessibility to Authority Meetings

The Authority considered a report of the Clerk to the Authority (DSFRA/09/9) on public accessibility to Authority meetings. A previous report to the Authority meeting on 31 July 2008 had identified that the Authority was fully compliant with its legal obligations for accessibility. Access to the meeting rooms at Somerset House for persons with disabilities was facilitated by the lift in East Devon House (utilising the upper floor link connecting Somerset House via the new Main Reception building) and the meeting rooms were equipped with a hearing induction loop. Additionally, subsequent to submission of the earlier report, a full Public Address (PA) system featuring wireless radio microphones had been installed.

Following consideration of the earlier report the Authority had resolved (Minute DSFRA/34 refers) that options in relation to webcasting meetings be explored. The report now before the Authority detailed options based on the provision of the following:

- 1 x static camera providing a whole room overview;
- 2 x dome cameras with automatic tracking configured to focus on the person speaking at any one time; and
- provision of associated equipment to facilitate webcasting (e.g. camera switching software and equipment [PC]; dedicated server for streaming/webcasting video and audio via the intranet and internet).

Options included outright purchase and leasing, with costs ranging from £9,200 to £14,200 and it was suggested that likely take-up of a web-casting facility might be one of the factors for the Authority to consider in determining this issue given that, historically and to date, there had been little or no public or press attendance at the majority of Authority or Committee meetings.

During a debate on this issue, Members weighed the benefits of providing a webcasting facility against the cost of installation. Several views were expressed as to there being only a small benefit for public access to meetings and resources would have to be diverted from investment in other premises related improvements.

Following the debate on this issue, Councillor Button **MOVED** (seconder: Councillor Viney):

“that the Authority does not proceed with the procurement of web-casting facilities at the present time”

The motion was put to the vote and declared **CARRIED**.

RESOLVED

- (a) that the Authority does not proceed with the procurement of web-casting facilities at the present time;
- (b) that, subject to (a) above, the report be noted.

DSFRA/91. Chairman's Announcements

The Authority received for information a schedule of activities undertaken by the Chairman on behalf of the Authority since its last meeting.

The Chairman also reported on forthcoming attendance, on Thursday 2 April 2009, at a meeting with both the Fire Minister and Shadow Fire Minister in London.

DSFRA/92. Chief Fire Officer's Announcements

The Chief Fire Officer reminded Members that, immediately following the conclusion of the formal meeting, a seminar would be held to discuss the implications for the Authority of the contents of the Audit Commission report "Rising to the Challenge" and the approach the Authority might wish to adopt in addressing these implications.

The meeting started at 10.00hours and finished at 12.47hours.

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

15 April 2009

Present:-

Councillors Cann, Mrs. Parsons and Viney

Apologies:-

Councillors Manning and Shadrack.

***HRMDC/37. Minutes**

RESOLVED that the Minutes of the meeting held on 22 January 2009 be signed as a correct record.

***HRMDC/38. 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 current meeting and declare any such interests at this time.

No interests were declared.

HRMDC/39. "Making The Connections" - Devon & Somerset Fire & Rescue Authority Single Equality Scheme 2009/10 To 2011/12

The Committee considered a final draft of "Making the Connections" – a single equality scheme for both the Authority and the Service. The Fire and Rescue Service National Framework required the Authority to implement the requirements of the Fire and Rescue Service Equality and Diversity Strategy and production of a single Equality Scheme was fundamental to this. Additionally, guidelines produced by the Equality and Human Rights Commission recommended the production of a single Equality Scheme encompassing all six strands of gender, race, disability, sexual orientation, age and religion/belief. These guidelines had been followed in developing the draft scheme – initially considered by the full Authority at its meeting on 23 October 2008 (Minute DSFRA/51 refers) - which would link to the Authority's Corporate Plan, Service Area and Departmental Plans and the corporate response and improvement plans from the recent staff survey.

The Head of Human Resources Management and Development also reported on:

- production by the Local Government Association (LGA) of a five-point Equality and Diversity Charter which complemented Authority and Service activities and commitment to equality and diversity and which the LGA was commending for signature by all fire and rescue authority Members nationally; and
- confirmation from the Department for Communities and Local Government of additional funding (a minimum of £42,000) to be used in ensuring delivery against "stretch" recruitment targets adopted by the Service for women and minority ethnic staff.

RESOLVED

- (a) that the Devon & Somerset Fire & Rescue Authority be recommended:
 - (i) to approve the final draft of “Making the Connections” – Devon & Somerset Fire & Rescue Authority Single Equality Scheme 2009/10 to 2011/12 as considered at the meeting;
 - (ii) to encourage each Member individually to sign the LGA Equality and Diversity Charter for fire and rescue authority Members;
- (b) that confirmation of receipt of funding for use in achieving “stretch” recruitment targets for women and minority ethnic staff be welcomed;
- (c) that, subject to (a) and (b) above, the report be noted.

***HRMDC/40. Absence Management**

The Committee received for information a report of the Head Of Human Resources Management And Development (HRMDC/09/6) on performance by the Service in relation to absence management. The Service had a corporate target to reduce levels of sickness absence to the regional average of 9 days/shifts lost per person per year by 2010/11; and to 11.6 days/shifts per person for 2008/09.

Although all sickness rates had increased to 9.1% above target in December 2008, this had subsequently reduced to 9.6% below target in January 2009 and overall – to January 2009 – there had been a 16% decrease in absence when compared to the same period last year.

The report provided a statistical breakdown of absences in terms of short- and long-term absences; and absences for uniformed and non-uniformed staff. Control Staff sickness rates had been considerably improved, with both a reduction in long-term sickness and successful management intervention to address short-term sickness issues.

The Committee also received, for information, a copy of the revised Absence Management Policy. This had been subject to consultation with representative bodies and was in the process of being implemented by the Service, with managers receiving briefings on its implementation and use. The revised policy contained a number of more robust measures designed to enhance absence management and secure improvements in sickness levels.

Members expressed concern that the cost of absence, as indicated in the report, was increasing. This was, in part, explained by the increased absences recorded in December 2009. It was hoped, however, that progressive implementation of the new Absence Management Policy would secure reductions in levels of sickness absence and, correspondingly, reductions in costs associated with this.

***HRMDC/41. Staff Survey - Update**

The Head of Human Resources Management and Development reported on progress to date addressing those issues highlighted in the recently undertaken staff survey. A second staff survey newsletter had been produced and widely circulated, a copy of which was provided to the Committee.

The newsletter contained information on the Staff Survey Steering Group which comprised representation from the Service, representative bodies and Councillor Pat Parker, the Authority's Equality and Diversity Member Champion and which was focussing on initiatives to address the following themes as identified in the survey:

- communications;
- fair treatment and values;
- work-life balance and managing pressure and stress at work;
- recruitment, selection and promotion; and
- training, development and leadership.

***HRMDC/42. Reduction In The Number Of Area Manager Positions**

The Committee received for information a report of the Assistant Chief Fire Officer (Operations) And Assistant Chief Fire Officer (Community Safety) (HRMDC/09/7) on a reduction of Area Manager posts from nine to six providing for a redistribution of existing resources to enhance service delivery for community safety, operations and resilience and service planning and review. The six Area Managers would also be subject to a new rota to maximise their ability to promote the strategic objectives of the organisation.

***HRMDC/43. The Working Time Directive And Proposed Changes To Legislation**

The Committee considered a report of the Head of Human Resources Management and Development (HRMDC/09/8) on proposed legislative changes – largely relating to the proposed removal of the opt-out clause from a maximum 48 hour working week and the proposed definitions of “working time” and “compensatory rest” – that, if implemented, could have impact significantly on the availability of employees on the Retained Duty System (RDS), wholetime employees with secondary RDS contracts and other employees with secondary contracts supporting service delivery (e.g. the Community Safety Action Team).

The report highlighted the stance being taken by the Local Government Association (LGA) in relation to these issues (retention of the opt-out; that inactive on-call time should not be classified as working time; and that a more flexible approach should be adopted for resting periods to allow for operational factors and staffing levels) and lobbying action already taken and to be taken by the LGA to support its stance.

Appended to the report was a schedule of further changes to employment law (e.g. increase in minimum statutory holiday entitlement; right to request flexible working; revised ACAS Discipline and Grievance Code of Practice) with indicative implementation dates and a brief commentary on the implications of each for the Service.

RESOLVED

- (a) That the potential impact on the Devon & Somerset Fire & Rescue Service of changes in the opt out clause, as set out in report HRMD/09/8, be noted;

- (b) that the stance taken by the LGA in relation to the proposed revisions to the Working Time Directive, as detailed in the report and indicated above, be supported and that the constituent authorities to the Devon & Somerset Fire & Rescue Authority together with other south west fire and rescue authorities, Members of Parliament and Members of European Parliament be lobbied to support this stance;
- (c) that the areas of forthcoming legislation as set out within Appendix A to the report be noted.

***HRMDC/44. European Union Directive 561/2006: Driving Time Regulations And Their Effect On Fire And Rescue Services Personnel**

The Committee received for information a report of the Assistant Chief Fire Officer (Community Safety) (HRMDC/09/9) on the implications for the Service of the introduction – on 11 April 2007 – of the EU Drivers hours and Tacograph Rules for Goods Vehicles. The regulations applied to anyone driving an “in scope” vehicle and were designed to promote a reduction in road traffic collisions by ensuring that proper rest periods were taken.

The report identified that there were some 62 existing personnel caught by the regulations and detailed measures currently implemented by the Service to minimise the impact of this. The Chief Fire Officers Association, Retained Firefighters Union and the Department for Communities and Local Government (CLG) were currently undertaking work to assess, nationally, the impact of this issue with a view ultimately to CLG issuing guidance to affected authorities. The current Service position would be further reviewed in light of any guidance so received.

***HRMDC/45. Pay Settlement For Non-Uniform Staff - Update**

The Head of Human Resources Management and Development reported for information that, following arbitration, the non-uniformed pay settlement for 2008/09 had been agreed at a level of 2.75%. This was 0.25% greater than budgeted for but would be contained from within existing resources.

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

The meeting started at 10.00hours and finished at 11.25hours.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/09/10
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	6 MAY 2009
SUBJECT OF REPORT	CONFIRMATION OF RATES PAYABLE IN 2009/10 UNDER THE AUTHORITY APPROVED SCHEME OF MEMBERS ALLOWANCES
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that, as required by the Local Authorities (Members' Allowances)(England) Regulations 2003, the rates of basic and special responsibility allowances and expenditure reimbursement payable under the Authority's Approved Scheme during 2009/10 be confirmed as those set out in Sections 2 and 3 of this report, subject to (b) below;</i></p> <p>(b) <i>that the Authority consider what uprating should apply to Basic and Special Responsibility Allowances for 2009/10</i></p>
EXECUTIVE SUMMARY	<p>Regulations require the Authority to have in place its own Scheme for the payment of a basic allowance to each of its Members. The Authority may also provide for the payment of Special Responsibility Allowances and reimbursement of travel and subsistence expenditure. The Regulations also require the details of any such Schemes to be confirmed by the Authority for each financial year in question.</p> <p>The Authority approved its current Scheme of Allowances in May 2008 following consideration of an in-depth report prepared by an independent consultant. The Scheme provides for an annual uprating of allowances. Given this, the Authority is invited to confirm that the rates payable in 2009/10 will be those as agreed at its Annual Meeting in 2008. The Authority is also invited to consider what uprating to basic and special responsibility allowances should apply for the 2009/10 financial year.</p>
RESOURCE IMPLICATIONS	The approved revenue budget 2009/10 makes provision for the payment of allowances at the rates as set out in this report. Provision has also been made for the basic and special responsibility allowances to be uprated by a maximum of 2.30%.
EQUALITY IMPACT ASSESSMENT	No potentially negative impact sufficient enough to warrant a full impact assessment has been identified in the content of this report.

APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Report DSFRA/08/11 (“Devon & Somerset Fire & Rescue Authority Approved Scheme of Members’ Allowances), together with report of Independent Consultant, as submitted to Annual Meeting of the Authority on 28 May 2008.

1. **BACKGROUND**

1.1 The Local Authority (Members' Allowances)(England) Regulations 2003 require the Authority to make a Scheme of Members Allowances that:

- MUST provide for payment of a basic allowance to every Member of the Authority (to recognise the time commitment of all Members and cover incidental costs such as postage, telephone calls etc in connection with Authority duties); and
- MAY provide:
 - for payment of a Special Responsibility Allowance for those Members undertaking additional roles (e.g. Authority and Committee Chairs); AND
 - payment of travel and subsistence expenses in relation to Authority duties.

1.2 The Regulations also require the Authority to confirm its Scheme of Allowances for each financial year in question.

2. **AUTHORITY APPROVED SCHEME – CURRENT RATES FOR BASIC AND SPECIAL RESPONSIBILITY ALLOWANCE**

2.1 At its Annual Meeting on 28 May 2008 the Authority considered a review of its Allowances Scheme as conducted by an independent consultant and resolved to adopt the following rates (Minute DSFRA/8 refers):

Type of Allowance	Amount per annum £
Basic	2,000
Special Responsibility	
- Chairman of Authority (5 x basic)	10,000
- Vice Chairman of Authority (3 x basic)	3,000
- Committee Chairs (2 x basic)	4,000
- Authority-appointed director to Regional Control Centre Local Authority Controlled Company (LACC) (1 x basic)	2,000
Independent Member of Standards Committee	500

2.2 The Approved Scheme also provides for the automatic annual uprating of the above allowances (by reference to annual guidance issued by Local Government Association [LGA]). Guidance is still awaited from the LGA as to the recommended increase for 2009/10 although provision has been made in the Authority's approved revenue budget for basic and special responsibility allowances to be uprated by up to 2.30%. The Authority is invited to consider what percentage uprating it would wish to apply for the current financial year and whether it would wish this to be in line with the LGA recommendation subject to this not exceeding 2.3%.

3. TRAVEL AND SUBSITENCE EXPENDITURE

3.1 The Authority's Approved Scheme also provides for the reimbursement of travel and subsistence expenses as follows:-

Mileage	Rate per mile up to 10,000 miles	Rate per mile beyond 10,000 miles
By car for official duties within the geographical areas of the County areas of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire and the area of the former Avon County Council	£0.40p	£0.124p
By motorbike for official duties within the geographical areas of the County areas of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire and the area of the former Avon County Council		
- up to 49cc	£0.07p	£0.07p
- 50cc – 149cc	£0.11p	£0.11p
- 150cc – 250cc	£0.14p	£0.124p
- over 250cc	£0.183p	£0.124p
General Subsistence		
- Breakfast (payable if leaving home prior to 07.30hours)		£5.57
- Lunch (payable if leaving home prior to 11.30am and returning after 2.30pm)		£7.70
- Tea (payable if travelling/working AFTER 7.00pm)		£3.04
- Dinner (payable if travelling/working AFTER 8.30pm)		£9.54
Out of Pocket Expenses		
- Per night		£4.31
- Per week		£17.26

4. CONCLUSION

4. Given that the Scheme was subject to a major review last year, it is recommended that:

- (a). subject to (b) below, the rates for basic and special responsibility allowances be as set out in Section 2 above;
- (b). that the Authority consider what uprating it would wish to apply to basic and special responsibility allowances for the 2009/10 financial year and whether this should be in line with guidance from the Local Government Association, subject to this not exceeding a potential increase of 2.30% as provided for in the approved budget; and

- (c). that the rates for reimbursement of travel and subsistence expenditure to operate for 2009/10 be confirmed as those set out in Section 3 above.

MIKE PEARSON
Clerk to the Authority



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/09/11
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	6 MAY 2009
SUBJECT OF REPORT	THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that, subject to any amendments as may be indicated at the meeting, the attached document setting out the accountabilities, roles and responsibilities of a Member of the Authority be approved;</i></p> <p>(b) <i>that the document be circulated to constituent authorities to assist in possible succession planning following the forthcoming local government elections in June 2009.</i></p>
EXECUTIVE SUMMARY	<p>The production of a document setting out the accountabilities, roles and responsibilities of Members of the Authority, together with an indication of the core functions of the Authority, may prove beneficial for a number of reasons including:</p> <ul style="list-style-type: none"> ▪ providing greater clarity for Authority Members as a whole; ▪ enhancement of Member engagement – by promoting greater clarity and assisting in the identification of appropriate developmental opportunities ▪ succession planning – to assist constituent authorities in determining appropriate appointments to make to the Authority; ▪ Annual Governance Statement – the Authority is required, as part of the statutory Statement of Accounts process, to produce an Annual Governance Statement. The clear identification of Members' roles and responsibilities forms part of the evidence required when producing this Statement and generally auditing the Authority's governance and risk management arrangements.

	<p>Attached to this report is a document, based on one currently in place for the Wiltshire & Swindon Fire & Rescue Authority, that aims to clarify - by setting out in general terms - the accountabilities, roles and responsibilities of an Authority Member together with providing a brief overview of the core functions of the Authority and details as to its structure.</p> <p>The Authority is invited to consider with a view to adopting the document (amended as necessary).</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY IMPACT ASSESSMENT	No potentially negative impact sufficient enough to warrant a full impact assessment has been identified in the content of this report.
APPENDICES	A. The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset fire & Rescue Authority
LIST OF BACKGROUND PAPERS	Wiltshire & Swindon Fire & Rescue Authority Members' Handbook

THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY

1. INTRODUCTION

- 1.1 The purpose of this document is to define the role of Members in ensuring that the Authority fulfils its duties and functions under the Fire and Rescue Services Act 2004 and other relevant statutes in relation to the provision of services for the geographical counties of Devon and Somerset (incorporating those areas governed by the unitary authorities of Plymouth City Council and Torbay Council).

2. CORE FUNCTIONS OF THE AUTHORITY

- 2.1 The core functions of the Authority are set down in the Fire and Rescue Services Act 2004 ("the Act") as follows:

- **Fire Safety** – a fire and rescue authority must make provision for the purpose of promoting fire safety in its area (Section 6 of the Act);
- **Fire Fighting** – a fire and rescue authority must make provision for the purpose of extinguishing fires in its area and protecting life and property in the event of fires in its area (Section 7 of the Act);
- **Road Traffic Collisions** – a fire and rescue authority must make provision for the purpose of rescuing people in the event of road traffic collisions in its area and protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic collisions in its area (Section 8 of the Act; and
- **Other Emergencies** – the Secretary of State may, by Statutory Order, confer on fire and rescue authorities functions relating to emergencies other than fires and road traffic collisions. These may include chemical, biological, radioactive and nuclear incidents, major transport incidents, search and rescue incidents and rescues from flooding.

- 2.2 Section 21 of the Act requires a fire and rescue authority to have regard to the National Fire and Rescue Framework, produced by the Secretary of State, when carrying out its functions. The Framework:

- must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
- may contain guidance for fire and rescue authorities in connection with the discharge of their functions; and
- may contain any other matters relating to fire and rescue authorities and their functions as the Secretary of State considers appropriate.

3. OTHER FUNCTIONS

- 3.1 The Regulatory Reform (Fire Safety) Order requires that responsible persons in all premises, other than single private dwellings, carry out fire risk assessments. The auditing and enforcement of this activity is the responsibility of fire and rescue authorities to ensure people are protected from fire in places such as hotels, hospitals, entertainment venues and similar premises.

3.2 Under the Civil Contingencies Act 2004 fire and rescue authorities, through local and regional resilience forums where appropriate, must work in co-operation with other emergency services and agencies to ensure an effective response to a full range of emergencies from localised incidents to catastrophic emergencies. The Act imposes a range of duties on resilience forums that include:

- to have in place appropriate information sharing mechanisms between responders;
- to develop and implement business continuity plans;
- to produce and publish emergency plans as appropriate; and
- to agree arrangements for public awareness and information provision.

3.3 As a “responsible authority” under the Crime and Disorder Act 1998, the fire and rescue authority has a statutory duty to work in partnership with key agencies in Crime and Disorder Reduction Partnerships (CDRPs). These are required to carry out annual strategic assessments to identify current and possible future crime, disorder and substance misuse issues from sound evidence and robust analysis.

4. **APPOINTMENT TO THE AUTHORITY**

4.1 The Authority comprises 25 Members (elected Councillors) drawn from the four constituent authorities of Devon County Council (11 Members), Somerset County Council (8 Members), Plymouth City Council (4 Members) and Torbay Council (2 Members).

4.2 The Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006, which established the authority as a legal body corporate, provides for the constituent authorities:

- to appoint to the Authority in relation to relative electoral roles; and
- to determine the term of office of appointees to the Authority.

4.3 Once appointed, however, Members continue to serve on the Authority for the duration of their term of office unless:

- they submit in writing their resignation to Clerk to the Authority (in which case the Clerk may seek a replacement from the relevant appointing constituent authority); OR
- they cease to be a Member of their appointing constituent authority.

5. **ACCOUNTABILITIES**

5.1 Members appointed to the Authority represent the community as a whole served by the Authority – that is the area of the geographical counties of Devon and Somerset. Although not directly elected to the Authority, Members are nonetheless accountable to the community as a whole through their membership of and election to their appointing constituent authorities.

5.2 It is natural that, while serving on the Authority, Members will be mindful of the values and aspirations of their appointing constituent authorities. It is important to remember, however, that the Authority is a body corporate in its own right with its own values and aspirations. When serving on the Authority Members are there to promote these aspirations and values to the benefit of the Authority’s community as a whole. Members are not delegates of their appointing constituent authorities and cannot be mandated by them to follow a particular course of action.

- 5.3 Although the fire and rescue authority does not itself directly have “well being” powers, it nonetheless is the case that, in the widest sense, Members represent the community, act as community leaders and, by partnership working with other agencies and other local authorities, promote the social, economic and environmental well being of the community.
- 5.4 The Authority has adopted, as required by the Local Government Act 2000 and associated Regulations, a Model Code of Conduct setting out expected standards of Members of the Authority primarily when acting in an official capacity. Every Member of the Authority is required, upon appointment, to sign a declaration agreeing to abide by the contents of this Code. The Authority has also established a Standards Committee responsible, amongst other things, for ensuring that Members receive appropriate training on the Code and for enforcing the Code at a local level.
- 5.5 A copy of the Members’ Code, together with the current Terms of Reference for the Authority’s Standards Committee, may be found elsewhere in the Members’ Handbook.
- 5.6 The Authority has also adopted the nationally developed Core Values for the Fire and Rescue Service. These Core Values are set out in Appendix A to this document and Members should, as ambassadors for the Authority, seek to promote them when acting in an official capacity.

6. **ROLES AND RESPONSIBILITIES OF AUTHORITY MEMBERS**

- 6.1 In general terms, Members of the Authority are, collectively, responsible for setting the overall strategic direction of the Authority (including the setting of its budget), promoting its core values and ensuring that the Service for which it is responsible delivers effectively and efficiently those core and other functions as identified above to the benefit of the community it serves.
- 6.2 The main elements of the Members’ role are, through robust decision making:
- To determine, in accordance with legislative requirements as appropriate, strategies and resources for future delivery of services including:
 - the development and maintenance of a risk-based and evidential approach to inform service delivery (including resource allocation and disposition);
 - partnership working;
 - the setting of an appropriate budget to facilitate service delivery in accordance with approved strategies;
 - developing and monitoring policies to support the delivery of the strategies;
 - To ensure that the services for which the Authority is responsible are delivered effectively and efficiently in accordance with determined strategies and resources by:
 - agreeing performance objectives and evaluation measures for Authority and Service performance and monitoring against these measures;
 - ensuring appropriate participation with any external assessment either of the Authority or Service; and

- securing continuous improvements by requiring appropriate actions to be taken to redress performance deficits and further monitoring against such required actions;
- To promote the highest standards of corporate governance for the Authority in accordance with appropriate legislative and best practice requirements.

6.3 In undertaking this role a Member of the Authority will be responsible for:-

- representing the views of the Authority within local communities and the views of local communities to the Authority;
- ensuring that appropriate stakeholder consultation is undertaken with interested parties and the community in general to inform – as required – service strategies and policies, including funding issues;
- maintaining a up-to-date awareness of national and local fire and rescue authority issues;
- maintaining a good working knowledge of Service policies and practices; and
- maintaining good working relationships with officers both of the Authority and the Service.

6.4 The full Authority usually meets seven times during the year. To assist in discharging its functions, the Authority has established a Committee structure which currently provides for:

- a Resources Committee (five meetings per year);
- a Human Resources Management and Development Committee (five meetings per year);
- a Corporate Safety and Community Planning Committee (four meetings per year);
- an Audit and Performance Review Committee (four meetings per year);
- a Standards Committee (three meetings per year); and
- a Capital Programme Working Party (three meetings per year).

6.5 Each Committee (with the exception of the Standards Committee and the Capital Programme Working Party) comprises seven Members and the current Terms of Reference for each can be found elsewhere in the Authority Members' Handbook. The Standards Committee comprises six elected Members and three Independent Members; the Capital Programme Working Party comprises four Members.

6.6 This structure is reviewed yearly by the Authority at its Annual Meeting, at which time appointments to Committees etc. are made and a Calendar of Meetings approved. In addition to the full Authority, Members will usually only sit on one Committee.

6.7 Full Authority meetings last on average for two hours; Committee meetings for one and a half hours. Additionally, between one and two hours are set aside at the end of each Authority and Committee meeting to facilitate informal engagement sessions between Members and officers of the Authority on the whole range of issues for which the Authority is responsible. The Authority will also hold additional, ad-hoc, engagement sessions with Members on specific issues/matters (e.g. new Government requirements) as these arise.

- 6.8 The Authority, together with the other fire and rescue authorities within the South West region, is a member of the South West Regional Management Board - a joint committee established to promote regional collaboration on specified service delivery issues such as procurement, human resource management and development and “common services” (e.g. fire investigation). Under the Agreement establishing the Board this Authority may appoint three of its Members as main Board Members (with a further three as designated substitutes). Those Members so appointed serve as the Authority’s representatives on the Board with a duty to represent the Authority’s interests in regional collaborative working. The Board meets between four and five times a year, with meetings lasting approximately one and a half hours.
- 6.9 Finally, some Members may be appointed to represent the Authority on local, regional or national bodies (e.g. the Local Government Association Fire Forum).
- 6.10 Appointments to the South West Regional Management Board and any appropriate local, regional or national bodies are made by the Authority at its Annual Meeting.

7. **WHAT MATTERS MUST BE CONSIDERED BY THE FULL AUTHORITY?**

- 7.1 In law, the only duty which must be exercised by the Authority as a whole and cannot be delegated is the setting of the Council Tax precept. This means that, in turn, the Authority’s budget will be a matter for the Authority as a whole to determine.
- 7.2 Additionally, while the Authority’s Committee structure may be involved in developmental and monitoring stages, all strategic plans and major policies will be determined by the full Authority. While it is impossible to produce a watertight definition of ‘strategy’ or ‘policy’ these will include :
- proposals designed to ensure that the Authority and Service complies fully with any requirements and expectations as contained within the Fire and Rescue Service National Framework;
 - the Authority’s Corporate Plan (which sets out the Authority’s Mission, Goals, Priorities, Activities and Targets incorporating those requirements of the Government’s national framework for the Fire & Rescue Service and the Authority’s own Integrated Risk Management Plan);
 - Equality and Diversity issues such as the Single Equality Scheme;
 - adoption and implementation of a Sustainability/Climate Change strategy;
 - the overall partnership working framework for the Authority;
 - policy on charging;
 - the overall governance framework for the Authority itself (including Standing Orders; Financial Regulations; Procurement Regulations; Corporate Governance Code; and Scheme of Delegations.
- 7.3 The Chief Fire Officer is the person duly appointed by the Authority as the executive, operational and administrative head of the Devon & Somerset Fire & Rescue Service. The Chief Fire Officer is, as such, responsible for the day-to-day running of the Service and managing its operations within the Authority’s approved strategic plans and policies.

7.4 The Chief Fire Officer, Treasurer and Clerk are, jointly and severally, responsible for exercising those Authority functions which can lawfully be delegated and are consistent with the discharge of their responsibilities in accordance with their job descriptions and principal accountabilities. This includes the submission of appropriate reports to the Authority (and/or its Committees) to enable the Authority to monitor implementation of plans and policies and expenditure against approved budgets.

7.5 The Authority has an approved Scheme of Delegations setting out in detail those matters delegated to its officers. This can be found in the Authority Members' Handbook.

8. **REMUNERATION**

8.1 As required by relevant Regulations, the Authority has an approved Scheme of Members' Allowances. This provides for the reimbursement of expenditure incurred for travelling and subsistence and also provides for the payment of a Basic Allowance to every Member of the Authority to account, generally, for time spent on Authority business and incidental expenses (telephone costs etc). The Scheme also provides for the payment of additional Special Responsibility Allowances linked to certain roles. The current rates for Basic and Special Responsibility Allowances are set out below.

Type of Allowance	Amount per annum £
Basic	2,000
Special Responsibility	
- Chairman of Authority (5 x basic)	10,000
- Vice Chairman of Authority (3 x basic)	6,000
- Committee Chairs (2 x basic)	4,000
- Authority-appointed director to Regional Control Centre Local Authority Controlled Company (LACC) (1 x basic)	2,000
Independent Member of Standards Committee	500

8.2 A copy of the full Scheme, which is subject to periodic review, may be found in the Members' Handbook.

9. **OTHER REFERENCES (SOURCES OF INFORMATION)**

A. The Devon & Somerset Fire & Rescue Authority Corporate Plan – available on the Authority's website by following the link below OR on request from the Democratic Services Section.

www.dsfire.gov.uk/DevonFire/PlanningandPerformance/

B. Authority Members' Handbook (this contains governance documents such as Authority Standing Orders; Financial Regulations; Corporate Governance Code; Member/Officer Relationships Protocol; Approved Scheme of Members' Allowances; Model Code of Conduct). Copies may be viewed on the Authority's website by following the link below OR on request from the Democratic Services Section.

[Devon and Somerset Fire and Rescue Service: Constitutional Governance](#)

- C. Fire and Rescue Service National Framework – available on the Department for Communities and Local Government (CLG) website by following the link below OR on request from the Democratic Services Section.

www.communities.gov.uk/publications/fire/nationalframework200811

- D. Fire and Rescue Service National Equality and Diversity Strategy - available on the Department for Communities and Local Government (CLG) website by following the link below OR on request from the Democratic Services Section.

[Fire and Rescue Service Equality and Diversity Strategy 2008 - 2018 - Fire and resilience - Communities and Local Government](#)

CORE VALUES OF THE FIRE AND RESCUE SERVICE

1. We value **service to the community** by:
 - working with all groups to reduce risk;
 - treating everyone fairly and with respect;
 - being answerable to those we serve; and
 - striving for excellence in all we do.
2. We value all our **people** by practising and promoting:
 - fairness and respect;
 - recognition of merit;
 - honesty, integrity and mutual trust;
 - personal development; and
 - co-operative and inclusive working.
3. We value **diversity** in the service and community by:
 - treating everyone fairly and with respect;
 - providing varying solutions for different needs and expectations;
 - promoting equal opportunities in employment and progression within the service; and
 - challenging prejudice and discrimination.
4. We value **improvement** at all levels of the Service by:
 - accepting responsibility for our performance;
 - being open minded;
 - considering criticism thoughtfully;
 - learning from our experience; and
 - consulting others.

SOUTH WEST REGIONAL MANAGEMENT BOARD

23 March 2009

Present:-

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

Apologies:-

Councillor Roberts (Avon) and Windsor-Clive (Gloucestershire).

RMB/38. Minutes

RESOLVED that the Minutes of the meeting held on 28 January 2009 be signed as a correct record.

RMB/39. Declarations of Interest

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

No interests were declared.

RMB/40. Highlight Report

The Board considered a report of the Chair, South West Chief Fire Officers Association (CFO Standing – Interim Chief Fire Officer, Cornwall Fire & Rescue Service) (RMB/09/8) covering:

- progress since the last meeting of the Board on those projects being supported by the South West Regional Improvement and Efficiency Partnership, specifically:
 - an extension of the regional benchmarking/equality and diversity project;
 - a survey to determine lessons learned from the 2008 Local Area Agreement round;
 - development of a regional website;
 - a regional fleet options review; and
 - a regional Operational Policies review;
- a summary, with contributions from those Workstream Member Champions present at the meeting, 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 (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 Executive Management Group to resolve those issues. Reference was also made to the Regional Climate Change strategy which formed the basis of a more detailed report elsewhere on the agenda for the meeting.

In debating the progress of the Human Resources Management and Development workstream, the Board commented on the potential detrimental effect on fire and rescue services within the region – and particularly on the retained duty system upon which many services in the region were heavily reliant – should the current opt-out from the Working Time Directive be removed. The Board considered that there would be considerable benefit in undertaking work at a regional level to seek to assess the impact on fire and rescue services should the current opt-out be removed and also in lobbying for retention of the current opt-out provision.

In this context the Chairman referred to the e-petition, posted by Devon County Councillor Stuart Hughes on the Prime Minister’s official website, as set out below:

“We the undersigned petition the Prime Minister to do everything within his power to prevent or exclude retained firefighters from falling within the EU law which limits working to no more than 48 hours per week”

The closing date for signatories to the petition was 1 July 2009.

In debating progress by the Regional Control Centre workstream, the Board commented on the delays to the project already announced by central government; the potential implications should there be further delays; and the continued uncertainty over the publication date for the final FiReControl Business Case. It was noted that the next meeting of the Board was scheduled for 23 June 2009 (by which time the final Business Case should have been issued). It was considered, however, that there may be merit in holding a special meeting of the Board prior to the local government elections on 4 June 2009 to consider and respond to the final Business Case (if issued) and to assist individual fire and rescue services in the region in formulating their responses.

RESOLVED

- (a) that the Human Resource Management and Development Workstream be asked to undertake as a matter of urgency work to assess regionally the impact on delivery of fire and rescue services – and particularly on the Retained Duty System – should the current opt-out provision from the Working Time Directive be removed;
- (b) that each individual fire and rescue authority in the region be asked to encourage the signing of the e-petition currently posted on the official website of the Prime Minister and advocating continued disapplication of the Directive to the retained duty system;

- (c) that the Chairman be authorised to make representations on behalf of the Board to central government encouraging support for the continued disapplication of the Directive to the retained duty system and that the correspondence be copied to all South West Members of Parliament and all existing and prospective South West Members of the European Parliament;
- (d) that the representations referred to at (c) above be copied to the Local Government Association political assistants to seek to encourage Association support for continued disapplication of the Directive;
- (e) that, pending release of the final Business Case and subject to the Executive Management Group having sufficient time to consider its contents, the Clerk to the Board be asked to canvas availability with a view to holding a special meeting of the Board prior to the local government elections on 4 June 2009;
- (f) that, subject to (a) to (e) above, the progress of workstreams and the programme of work supported by the South West Regional Improvement and Efficiency Partnership, as identified in report RMB/09/8, be noted.

(SEE ALSO MINUTES RMB/42 AND RMB/43 BELOW).

RMB/41. Revised Regional Business Plan 2009 - 11

The Board considered a report of the Secretary, South West Chief Fire Officers' Association (CFO Gunter – Dorset) (RMB/09/9) on a revised Regional Business Plan 2009 – 11. The report detailed proposed revisions to the Plan approved by the Board at its meeting on 19 September 2008 (Minute RMB/22 refers) and which, in summary:

- aligned the Plan to the requirements and expectations as contained in the current National Framework (including limiting the duration of the Plan to a two rather than three year rolling period to make this consistent with both the Framework and the 2007 Comprehensive Spending Review); and
- modified the governance role of the Board in light of the National Framework requirements.

RESOLVED

- (a) that the updated Regional Business Plan as enclosed with the agenda for the meeting and including, amongst other things, a redefinition (at Annex D/1 to the Plan) of the Programme Management role of the Board, be approved;
- (b) that the updated Plan be circulated to workstreams as a working document;
- (c) that production of the updated Plan be publicised in the regional newsletter;
- (d) that the Plan be subject to review in March of each year following approval by the Board of its budget for the forthcoming financial year in question.

RMB/42. Regional Newsletter

The Board considered a report of the Regional Programme Manager (Graham Saunders) (RMB/09/10) to which was appended the third edition of the regional newsletter - a quarterly publication aimed at increasing amongst the south west fire and rescue services the awareness and take up of products of the regional programme of collaboration. A copy of the newsletter was also sent to key stakeholders such as the Government Office South West, the South West Regional Efficiency Improvement Programme, IDeA and the Audit Commission.

The third edition of the Newsletter featured, amongst other things:

- an introduction from the Chairman of the South West Regional Management Board (Councillor Bernard Hughes – Devon & Somerset);
- an article on the Chief Fire Officers' Association climate change conference held in Manchester on 10 February 2009;
- an article on transfers between retained duty systems and wholetime duty systems;
- an article on fire safety and the fire investigation training procurement project; and
- an article on the new equalities framework for local government.

RESOLVED that publication of the third edition of the Regional Newsletter be noted.

(SEE ALSO MINUTES RMB/40 ABOVE AND RMB/43 BELOW)

RMB/43. Regional Climate Change Strategy

The Board considered a report of the Secretary, South West Chief Fire Officers' Association (CFO Gunter – Dorset) (RMB/09/11) on progress in relation to the development of a regional Climate Change Strategy. Since the last meeting the Carbon Trust had confirmed that the regional application for inclusion in the 2009 Carbon Management Programme had been successful. Additionally, the Regional Climate Change Strategy Project Board had met on 9 March 2009 and at that meeting had agreed that the scope of the Strategy should feature:

- co-ordination work on the Carbon Trust's carbon management programme;
- the production of a framework for use by each individual fire and rescue authority in formulating their own carbon management plans;
- benchmarking energy use and carbon footprints; and
- facilitating best practice sharing on mitigating and adapting to climate change.

In considering this item the Board also received a presentation by the Carbon Trust on the work of the Trust.

RESOLVED

- (a) that the Chairman of the South West Regional Management Board be nominated as Regional Climate Change Strategy Champion;
- (b) that individual South West Fire and Rescue Authorities be encouraged to nominate their own Member champion for climate change;

- (c) that, subject to (a) and (b) above, the report and in particular the emerging terms of reference of the project board, as indicated above, be noted.

(SEE ALSO MINUTES RMB/40 AND RMB/42 ABOVE).

RMB/44. Issues Associated with Approval of the Board's 2008/09 Accounts

The Board considered a report of the Clerk to the Board (Mike Pearson – Devon & Somerset) (RMB/09/12) advising that, with effect from this year and largely as a result of grants received from the Department for Communities and Local Government, it would be necessary to produce a full Statement of Accounts and associated Annual Governance Statement for approval by the Board by no later than 30 June 2009.

The report highlighted that, although a meeting of the Board was scheduled for 23 June 2009 at which the Statement of Accounts and Annual Governance Statement might be submitted, there were a number of issues to be considered including:

- whether the scheduled meeting of the Board would be quorate given the potential impact on membership of the outcome of the local government elections to be held on 4 June 2009; and
- the approach to be taken in producing the Annual Governance Statement given that this was a requirement aimed more at principal authorities rather than joint committees such as the Board.

The Clerk reported that the Audit Commission had advised the Treasurer to the Board at a recent meeting that, should the meeting of the Board not be quorate on 23 July 2009, then there would be a period of 20 working days during which a meeting could be held to approve the Statement of Accounts. The Audit Commission had also confirmed that, as certain governance elements did not apply to the Board (as a joint committee), for example its own ethical regime (Standards Committee), then a “light touch” could be adopted in relation to the production of an Annual Governance Statement.

RESOLVED

- (a) that, in light of the views expressed by the Audit Commission, the scheduled meeting of the Board on 23 July 2009 – at which the Annual Statement of Accounts and associated Annual Governance Statement will, amongst other things, be submitted – be retained but that, in the event of this meeting being inquorate, the Clerk seek to arrange a special meeting within 20 working days of that date for the purpose of approving the Statement of Accounts and Annual Governance Statement;
- (b) that, subject to (a) above, the report be noted.

RMB/45. Treasury Management Policy

The Board considered a report of the Treasurer to the Board (Kevin Woodward – Devon & Somerset) (RMB/09/13) to which was appended a proposed Treasury Management Policy. As designated “lead authority”, the Devon & Somerset Fire & Rescue Authority had invested New Burdens grant monies received from the Department for Communities and Local Government for the FiReControl Project until such a time as it would be necessary to distribute this funding for use by the individual fire and rescue authorities within the region.

Legal advice had been sought which indicated that, while there were no legal issues with the current position, it would be advisable for the Board to instruct the Treasurer to make investments in its behalf and to adopt a Strategy governing the making of such investments. To this end, it was proposed that the Board might wish to adopt the Treasury Management Strategy for the Devon & Somerset Fire & Rescue Authority which had been formulated with external treasury management advisors and was based upon agreed criteria used to assess credit worthiness.

The Clerk reported that, subsequent to issuing the document, the Devon & Somerset Fire & Rescue Authority's Treasury Management Policy had kept the number of days for payment of creditors (Treasury Management Practice 8) as 30 days rather than 20 days as stipulated in the document. This would still allow for a 20 day target to be applied (as it would be within 30 days) in line with central Government's expectations of public authorities as part of the measures to support industry during the economic downturn.

RESOLVED

- (a) That, subject to the amendment indicated above in relation to the number of days for payment of creditors, the Devon & Somerset Fire & Rescue Authority Treasury Management Policy, as enclosed with the agenda for the meeting, be adopted by the Board in so far as it applies to the Board's treasury management activities;
- (b) that, specifically, the Treasurer to the Board be delegated authority to create and maintain an investment counterparty list, based upon agreed criteria for the assessment of credit worthiness.

The meeting started at 11.00hours and finished at 12.35hours.

CHAIRMAN'S ENGAGEMENTS
16 FEBRUARY – 31 MARCH 2009

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

Date	Nature of Engagement
2/4	Meeting of Regional Management Board Chairmen (London)
3/4	LGA Fire Forum (London)
8/4	Somerset Strategic Partnership Place Survey Event (Taunton)
9/4	Meeting with Adrian Sanders MP & CFO (Torquay)
23/4	Station visit (Torquay & Brixham)
26/4	Firefighters Memorial Charitable Trust – Service of Thanksgiving (National Memorial Arboretum, Staffordshire)
27/4	Funeral of Cllr D Shadrack (Holsworthy)