

**DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY
(Annual Meeting)**

28 May 2008

Present:-

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

Also in attendance:-

Messrs. Phillips and Watson (Independent Members of the Standards Committee).

Apologies:-

Councillors Fry and Lewis.

DSFRA/1. Election of Chair

RESOLVED that Councillor B. Hughes be elected Chair of the Authority until its Annual Meeting in 2009.

DSFRA/2. Minutes

RESOLVED that the Minutes of the Annual Meeting of the Authority held on 30 May 2007 be signed as a correct record.

DSFRA/3. Change in Authority Membership

The Chair welcomed Councillors Hannon and Shadrick (Devon County Council appointees), Leaves and Viney (Plymouth City Council appointees) as new Members of the Authority.

He also paid tribute to outgoing Members (Councillors Barton, Beer, Hannaford and Rennie) and stated that he would be writing to them on behalf of the Authority to thank them for their contribution to its work.

DSFRA/4. Election of Vice-Chair

Councillor Dyke proposed, and Councillor Galloway seconded, Councillor Mochnacz as Vice-Chair.

Councillor Clatworthy proposed, and Councillor Yeomans seconded, Councillor Healey as Vice-Chair.

The Chair **MOVED**, and Councillor Phillips seconded:-

“that the appointment of Vice-Chair should be determined by a secret ballot in accordance with Standing Orders”.

Councillor Way moved that the motion be **AMENDED** to provide for the appointment to be determined by show of hands. This amendment was seconded by Councillor Ford. The amendment was put to the vote, with 11 voting for it and 11 against.

In accordance with Standing Orders the Chair then exercised a casting vote and the amendment was declared **LOST** by 12 votes to 11.

The substantive motion for the appointment to be determined by a secret ballot was then put to the vote and declared **CARRIED BY** 14 votes to 2.

Following the secret ballot, 11 votes were cast in favour of Councillor Mochnacz and 11 in favour of Councillor Healey. At this stage the Chair indicated that he would not wish to exercise a second or casting vote and would wish the matter to be determined by lot.

Councillor Button **MOVED** and Councillor Way seconded:-

“that, in accordance with Standing Order 48, the Standing Orders on voting on appointments be suspended to enable the election of Vice-Chair to be determined other than by exercise by the Chair of a second or casting vote or by lot.”

The motion was put to the vote and declared **LOST** by 11 votes to 10.

At this point the Chair exercised a casting vote following which it was

RESOLVED that Councillor Healey be elected Vice-Chair of the Authority until its Annual Meeting in 2009.

DSFRA/5. 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 declare any such interests at this time.

No such interests were declared.

DSFRA/6. Review of Constitutional Framework Documents

The Authority considered a report of the Clerk (DSFRA/08/9) on the outcome of a review of the constitutional documents (Standing Orders; Financial Regulations etc) governing the operation of the Authority. The majority of documents remained “fit for purpose” with the exception of the following as highlighted in the report:-

- the opportunity had been taken to revise Standing Orders to clarify actual working practices of the Authority; to reflect legislative changes in relation to the Standards Committee and the operation of the local assessment regime; and to align them to those of Cornwall County Council (which in turn were based on the standard model adopted by the majority of authorities) given that Cornwall currently provided the Authority with its general legal advice;
- Procurement and Contract Regulations, where the review process and been commenced with a view to submitting revised regulations to a future meeting;
- the Scheme of Delegations, where advice from the Department for Communities and Local Government would be sought on appropriate delegations in relation to firefighters pensions with a view to submitting revised regulations to a future meeting; and

- the Corporate Governance Code which, while by and large still fit for purpose, would require some consequential amendments to reflect changes in the senior management structure of the Service.

Additionally, the Clerk circulated at the meeting a further proposed revision to Standing Orders relating to the appointment of Sub-Committees by the Standards Committee.

RESOLVED

- (a) that, subject to the further amendment as indicated by the Clerk at the meeting in relation to the appointment of Sub-Committees by the Standards Committee, the revised Standing Orders as circulated with the agenda for the meeting be approved including:-
 - (i) the removal of the requirement for Committee and Sub-Committee Membership to include at least one representative from each constituent authority; and
 - (ii) the removal of the requirement for substitute Members attending Committee and Sub-Committee meetings to be from the same appointing constituent authority as the substantive Member;
- (b) that the intention to submit revised Procurement and Contract Regulations and a Scheme of Delegations to a future meeting be noted;
- (c) that the Clerk to authorised to make those consequential amendments to the Corporate Governance Code as may be required following the outcomes of the review of internal service management meeting structure;
- (d) that, subject to (a) to (c) above, the constitutional documents as identified in paragraph 1.1 of report DSFRA/08/9 be endorsed and the contents of the report noted.

DSFRA/7. Attendance at Devon and Somerset Fire and Rescue Authority Meetings during the 2007/08 Municipal Year

In line with the request made at the last meeting (Minute DSFRA/95(b) refers), the Authority received for information a schedule of Member attendance at Authority meetings (including Committee meetings) during the 2007/08 municipal year.

DSFRA/8. Devon and Somerset Fire and Rescue Authority Approved Scheme of Members Allowances

(a) General Review

The Authority considered a report of the Clerk (DSFRA/08/11) and a report of the Independent Consultant (Mr. Brian Tanner) on a review of the Authority's approved Scheme of Members Allowances undertaken in accordance with the decision of the Shadow Authority at its meeting on 23 January 2007 (Minute SDSFRA/34 refers).

The report of the Clerk outlined the legal framework and budgetary provision in 2008/09 for Members' Allowances. While the Authority was not required to establish its own Independent Remuneration Panel (IRP) it was required to "have regard to" any recommendations made by the IRPs of its constituent authorities in relation to allowances payable by those authorities.

Nonetheless, given the sensitivities involved in the issue it was considered prudent to seek an independent review of the Scheme and, following a quotation exercise, Mr. Tanner (former Chief Executive of Somerset County Council and Chair of the Devon County Council IRP) had been commissioned to undertake the review. In setting the 2008/09 budget, some allowance had been made for an increase in allowances in light of the review.

Mr. Tanner's report referred to the recommendations of the IRPs of the constituent authority. Additionally, the review had also featured an analysis of allowances paid by some 14 other combined fire and rescue authorities; together with indicative contact time by Members on Devon and Somerset Fire and Rescue Authority matters.

Mr. Tanner's report concluded by making a number of recommendations based upon his review findings, including an increase in basic allowance (payable to all Members) and to the special responsibility allowances payable to the Chairman etc. Mr. Tanner attended the meeting and, with the permission of the Chair, presented his review and responded to questions from Members.

In the ensuing debate, Members commented in particular on the following:-

- that the recommended increase still left the basic allowance below the average basic allowance paid by other combined fire authorities who had responded to the review. This seemed inconsistent with the fact that the newly-created Devon and Somerset Fire and Rescue Authority was the largest non-metropolitan fire and rescue authority;
- that no recommendation had been made for a special responsibility allowance for the Director appointed by the Authority to the Local Authority Controlled Company (LACC) with governance responsibility for the new Regional Control Centre (RCC). This post was, however, felt to be both demanding and of increasing importance to the Authority.

Councillor Dyke **MOVED** and Councillor Galloway seconded:-

"that the annual basic allowance payable to all Members of the Authority should be £2,000 effective from the date of approval"

The Motion was put to the vote and declared **CARRIED** by 11 votes for, 8 against.

There then followed a debate as to whether an additional Special Responsibility Allowance (SRA) should be introduced in relation to the appointment by the Authority of a Director on the Local Authority Controlled Company (LACC) with governance responsibility for the South West Regional Control Centre (RCC).

The Chair **MOVED** and Cllr. Yeomans seconded:-

“that a new Special Responsibility Allowance of 1 x Basic should be introduced for the Director of the RCC LACC.”

This Motion was put to the vote and declared **CARRIED** by 17 votes for and none against.

There then followed a debate as to the multiplier to be applied for the Special Responsibility Allowances (SRAs) for the positions of Authority Chair, Authority Vice-Chair and Committee Chairs, and for the basic allowance to be payable to Independent Members of the Standards Committee.

Councillor Clatworthy **MOVED** and Councillor Phillips seconded:-

“that the multiplier for special responsibility allowances payable, and for the basic allowance for Independent Members of the Standards Committee, should be as follows:-

Chair	5 x Basic
Vice-Chair	3 x Basic
Committee Chair(other than Standards Committee)	2 x Basic
Independent Member of Standards Committee	£500

The Motion was put to the vote and declared **CARRIED** by 16 votes for, 6 against.

RESOLVED that the Devon and Somerset Fire and Rescue Authority Approved Scheme of Members Allowances be amended to reflect the following annual allowances to be paid with effect from the date of the current meeting:-

ALLOWANCE	BASIC MULTIPLIER	AMOUNT £
Basic (payable to ALL Members of the Authority)		2,000
Special Responsibility Allowance (payable IN ADDITION to Basic Allowance)		
- Authority Chair	X 5	10,000
- Authority Vice-Chair	X 3	6,000
- Committee Chair	X 2	4,000
- Regional Control Centre Local Authority Controlled Company Director	X 1	2,000
Independent Members of Standards Committee	N/A	500

(**NOTE:** in accordance with Standing Orders:-

- Councillors Button, Foggin, Ford, Gordon, Hannon, Healey and Yeomans requested that their votes **AGAINST** the decision for a Basic Allowance of £2,000 be recorded; and

- Councillors Button, Ford and Gordon requested that their votes **AGAINST** the decision as to the multipliers to be applied for special responsibility allowances be recorded.)

(b) Payment of Expenses for Appointments NOT made by the Authority

RESOLVED

- (i) that travel and subsistence payments for the Members as indicated be approved for the 2008/09 municipal year in connection with their attendance at meetings of the following bodies to which they were NOT directly appointed by the Authority, subject to their retaining the posts indicated:-
- to Councillor Mochnacz in relation to meetings of the HSE Sickness Management Forum;
 - to Councillor Gordon as a Labour Group substitute on the Urban Commission Steering Group (**NOTE: NOT** the Urban Commission, to which the Authority does directly appoint) in instances where the Labour Group will not reimburse such allowances (i.e. where there is NOT full attendance at the meeting in question and Cllr. Gordon's presence as a substitute is required);
 - to Cllr. Mrs Parsons in relation to her appointment as a "balancing" Member on the Local Government Association Fire Forum.
- (ii) that a report be submitted to a future meeting on approved duties and associated expense payments.

DSFRA/9. Schedule of Appointments to Committees, Working Parties etc. and Appointments to Outside Bodies

The Authority considered a Schedule of Appointments (DSFRA/08/12) to which was appended revised draft Terms of Reference for Committees amended to reflect either legislative changes (e.g. Standards Committee); to normalise current practices (e.g. approval by the Audit and Performance Review Committee of the Annual Statement of Accounts and Annual Governance Statement); and generally to clarify advisory powers as opposed to areas where Committees had delegated authority with power to act.

RESOLVED

- (a) that the revised Terms of Reference for Committees as set out in Annex 2 to Schedule DSFRA/08/12 be approved;
- (b) that appointments be made to Committees etc. and outside bodies as indicated below until the Annual Meeting of the Authority in 2009;
- (c) that attendance be approved for the appointees to both the Rural and Urban Commissions to attend the Commission conferences to be held in 2008;

COMMITTEES, WORKING PARTIES ETC.

RESOURCES COMMITTEE

Councillors Mrs. Fry, Gordon, Healey, B. Hughes, Lewis, Way and Yeomans

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

Councillors Cann, L. Ford, Galloway, Mrs. Parsons, Phillips, Shadrick and Viney.

AUDIT AND PERFORMANCE REVIEW COMMITTEE

Councillors Button, Clatworthy, Hannon, Lewis, Mochnacz, Mrs. Nicholson and Wallace.

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

Councillors Dyke, Foggin, Mrs. Fry, S. Hughes, Leaves, Phillips and Tully

STANDARDS COMMITTEE

Councillors Galloway, S. Hughes, Mrs. Nicholson, Phillips, Way and Yeomans.

Messrs. Phillips, Watson and Withers (Independent Member appointed in accordance with the Local Government Act 2000) (appointment reaffirmed until Annual Meeting in 2009).

CAPITAL PROGRAMME WORKING PARTY

Councillors Gordon, Lewis, Shadrick and Wallace.

APPOINTMENTS TO OUTSIDE BODIES

LOCAL GOVERNMENT ASSOCIATION (LGA)

(a) Fire Service Forum

Chair of the Authority (Councillor B. Hughes).

(b) General Assembly

Member	No. votes exercised
Chair (Councillor B. Hughes)	5 Service and 1 Corporate
Councillor Gordon	4 Service
Councillor Healey	4 Service
Councillor Lewis	4 Service

(NOTE:- The General Assembly usually meets twice a year (in July and December) and actual Authority attendance will be determined by subject matter on the agenda for the meeting in question).

(c) Urban Commission

Councillor Gordon

(d) Rural Commission

Councillor Mrs. Parsons

DEVON STRATEGIC PARTNERSHIP

Councillor Mrs. Fry.

SAFER DEVON PARTNERSHIP

Councillor S. Hughes.

SOUTH WEST EMPLOYERS

Chair of the Human Resources Management and Development Committee
(once appointed)

SOUTH WEST REGIONAL MANAGEMENT BOARD

Main Members	Substitutes
Chair of the Authority (Cllr. B. Hughes)	Councillor Mrs. Fry
Vice-Chair of the Authority (Councillor Healey)	Councillor Mrs. Parsons
Councillor Gordon	Councillor Mrs. Nicholson

SOUTH WEST FORUM OF FIRE AUTHORITIES

As per South West Regional Management Board above.

**MEMBER DIRECTOR OF SOUTH WEST FIRE CONTROL SERVICE LTD
(THE LOCAL AUTHORITY CONTROLLED COMPANY [LACC]
RESPONSIBLE FOR OVERALL GOVERNANCE OF THE SOUTH WEST
REGIONAL CONTROL CENTRE**

Councillor Mochnacz, the Term of Office to be either until he resigns from the position OR ceases to be a Member of this Authority.

DEVON AND EXETER RACIAL EQUALITY COUNCIL

Councillor Button

PLYMOUTH AND DISTRICT RACIAL EQUALITY COUNCIL

Councillor Leaves

SOMERSET RACIAL EQUALITY COUNCIL

Councillor Tully.

DSFRA/10. Devon and Somerset Fire and Rescue Authority – Draft Calendar of Meetings to May 2009

RESOLVED that the Calendar of Meetings 2008/09, as amended at the meeting and appended to these Minutes, be approved.

The meeting started at 10.30hours and finished at 12.50hours.

**APPENDIX TO THE MINUTES OF THE ANNUAL MEETING OF THE AUTHORITY HELD ON 28
MAY 2008**

**DEVON & SOMERSET FIRE & RESCUE AUTHORITY
CALENDAR OF MEETINGS 2008/09**

MEETING	TIME AND DATE OF MEETING
June 2008	
Member Engagement Workshop	18.00, Monday 16 June 2008
Community Safety & Corporate Planning Committee	14.00hours, Wednesday 18 June 2008
Human Resource Management & Development Committee	14.00 hours, Thursday 19 June 2008
Audit and Performance Review Committee	10.00 hours, Monday 30 June 2008
July 2008	
Standards Committee	10.00 Monday 7 July 2008
Resources Committee	10.00 hours, Monday 21 July 2008
DEVON & SOMERSET FIRE & RESCUE AUTHORITY	10.00 hours, Thursday 31 July 2008
September 2008	
Community Safety & Corporate Planning Committee	14.00 hours Thursday 4 September 2008
Member Workshop	18.00hours on Thursday 4 September 2008
Human Resource Management & Development Committee	10.00 hours, Friday 12 September 2008
Standards Committee	10.00 hours, Wednesday 17 September 2008
Capital Programme Working Party	10.00 hours, Monday 22 September 2008
Audit & Performance Review Committee	1000 hours, Monday 29 September 2008
October 2008	
Resources Committee	10.00 hours, Friday 3 October 2008
DEVON & SOMERSET FIRE & RESCUE AUTHORITY	10.00 hours, Thursday 23 October 2008
November 2008	
Community Safety & Corporate Planning Committee	10.00 hours, Thursday 6 November 2008
Human Resource Management & Development Committee	10.00 hours, Friday 14 November 2008
Audit & Performance Review Committee	1000 hours, Friday 21 November 2008
December 2008	
Resources Committee	14.00 hours, Monday 8 December, 2008
DEVON & SOMERSET FIRE & RESCUE AUTHORITY	10.00 hours, Thursday 18 December 2008
January 2009	
Community Safety & Corporate Planning Committee	14.00 hours, Wednesday 14 January 2009
Member Workshop	18.00hours Wednesday 14 January 2009
Capital Programme Working Party	10.00 Wednesday 21 January 2009
Human Resource Management & Development Committee	14.00 hours, Thursday 22 January 2009
February 2009	
Resources Committee	10.00 hours, Wednesday 4 February 2009
Audit & Performance Review Committee	10.00 hours Friday 5 February 2009

MEETING	TIME AND DATE OF MEETING
DEVON & SOMERSET FIRE & RESCUE AUTHORITY (BUDGET)	1000 hours, Wednesday 18 February 2009
March 2009	
Standards Committee	10.00 hours, Wednesday 11 March 2009
DEVON & SOMERSET FIRE & RESCUE AUTHORITY	1000 hours, Tuesday 31 March 2009
April 2009	
Member Workshop	18.00 hours, Monday 6 April 2009
Human Resource Management & Development Committee	10.00 hours, Wednesday 15 April 2009
Resources Committee	10.00 hours, Thursday 23 April 2009
May 2009	
COUNTY COUNCIL ELECTIONS	Thursday 7 May 2009 *
DEVON & SOMERSET FIRE & RESCUE AUTHORITY ANNUAL AND ORDINARY MEETING	10.00 hours, Wednesday 27 May 2009 *

(NOTE - “” = subject to change pending outcome of Boundary Commission review).**