

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

28 September 2009

## Present:-

Councillors Hughes OBE (Chairman), Boyd, Burridge-Clayton, Cann, Dyke, Eastman, Fry, Gordon, Gribble, Healey, Leaves, Manning, Mills, Mrs Nicholson, Radford, Smith, Mrs Turner, Viney, Wallace, Woodman and Yeomans.

## Apologies:-

Councillors Foggin, Horsfall, Randall Johnson and Way.

### **DSFRA/16. Minutes**

**RESOLVED** that the Minutes of the meetings of the Annual and Ordinary Meetings held on 14 July 2009 be signed as correct records, subject to Minute DSFRA/3 (Award of OBE to Councillor B. Hughes) being amended to read:

“The Authority congratulated the Chairman on his award of *Officer of the Order of the British Empire*...”

### **DSFRA/17. Winding Up of Fire and Rescue Authorities Mutual Limited (FRAML) – Granting of Deed of Indemnity**

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

The Chairman decided that this should be considered as a matter of urgency to enable the Authority to determine at the earliest opportunity whether it would wish to grant an indemnity sought by the company progressing the formal winding up of the Fire and Rescue Authorities Mutual Limited (FRAML). The final wording for the indemnity had been received following despatch of the agenda for the current meeting.

The Head of Corporate Support reported on receipt of a request from Charles Taylor & Co. (CTC) Limited for the Authority, together with those other Authorities who had participated in the former FRAML, to grant it an indemnity in relation to its actions in formally winding up FRAML. The decision to formally wind up FRAML had been taken in light of the Brent judgement which had found, amongst other things, that local authorities including combined fire and rescue authorities had no legal powers to establish a mutual insurance company.

Use of CTC (which had initially been appointed to manage FRAML on a 3 year contract) represented the most cost-effective option for formally wind up FRAML and the Financial Services Authority (FSA) had indicated that it would not be opposed to this course of action. While all authorities who had previously participated in FRAML had, earlier in the year, agreed the mechanism for the re-allocation both of operating surplus and capital contributions there remained a small, remote risk of one or more of the authorities challenging the basis for distribution of the assets as the winding up proceeded. It was against such a possibility that CTC was seeking an indemnity.

## **RESOLVED**

- (a) that a Deed of Indemnity in the form as presented at the meeting (amended as indicated at the meeting for typographical errors at Clauses 4 and 5) be granted to Charles Taylor & Co. Limited in relation to the winding up of the Fire and Rescue Authorities Mutual Limited (FRAML);
- (b) that the Clerk be authorised to sign the indemnity on behalf of the Authority;
- (c) that the Resources Committee be delegated authority to approve any further actions that may be required to secure the successful winding up of FRAML and the return of any outstanding monies to the Authority.

### **DSFRA/18. 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.

At this time Councillor Healey declared a **personal** but not prejudicial interest in those items relating to South West Fire Control Ltd. by virtue of his being the Authority-appointed Director on the company.

**(SEE ALSO MINUTES DSFRA/19(c), 24, 25 AND 27 BELOW)**

### **DSFRA/19. Minutes of Committees Etc.**

#### **(a) Standards Committee**

The Chairman of the Committee (Mr. Watson) **MOVED** the Minutes of the meeting of the Committee held on 12 August 2009 which had considered, amongst other things:

- appointments to the statutorily-required Assessment and Review Sub-Committees;
- attendance at the forthcoming 2009 Annual Assembly of Standards Committees; and
- the role of the Standards Committee within the Authority.

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

#### **(b) Audit and Performance Review Committee**

The Chair of the Committee (Councillor Dyke) **MOVED** the Minutes of the meeting of the Committee held on 11 September 2009 which had considered, amongst other things:

- a performance report on Service activities compared to the Corporate Plan for the period April 2008 to March 2009;
- a performance report on Service activities compared to the Corporate Plan for the period April to June 2009;
- a report on the results of the 2009 Place Survey;
- a copy of the Annual Internal Audit Report 2008/09 together with the proposed Plan for 2009/10; and
- a progress report submitted by the Audit Commission on, amongst other things, the interim Audit Report 2008/09 and completed action plan together with a supplementary opinion on the 2008/09 Audit Plan.

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

**(c) Resources Committee**

(Councillor Healey declared a **personal** but non-prejudicial interest in this item in so far that it related to the FiReControl/Regional Control Centre Project, by virtue of his appointment by the Authority as a Director of South West Fire Control Limited, the Local Authority Controlled Company [LACC] with overall governance responsibility for the Centre).

The Vice-Chair of the Committee (Councillor Yeomans) **MOVED** the Minutes of the meeting of the Committee held on 14 September 2009 which had considered, amongst other things:

- a monitoring report on expenditure against the approved 2009/10 revenue budget;
- a monitoring report on progress against the approved Capital Programme 2009/10 to 2011/12;
- a report on a proposal for the introduction of financial recognition for staff undertaking specialist rescue work to level 3; and
- a report on treasury management performance 2008/09 and 2009/10 (to July 2009).

In response to questions from Members, the Chief Fire Officer confirmed that, in relation to specialist rescue and the issue of financial recognition for those staff undertaking this activity to level 3, the Service would be seeking clarification from the National Joint Council (NJC) as to whether or not this activity was included in the current firefighters role map. The outcome of this and the implications for the Service would be reported to a future meeting.

**RESOLVED**

- (i) that, in accordance with Financial Regulations, the recommendation of the Committee, at Minute RC/5(c) (Budget Monitoring Report 2009/10) in relation to the following virement be approved

<b>Budget Line</b>	<b>From £</b>	<b>To £</b>	<b>Reason</b>
Grants and Reimbursements	(626,900)		To reflect the award of New Burdens grant funding from the Department of Communities and Local Government (CLG) relating to the Regional Control Centre (RCC) project to fund the staffing costs of additional control room operators required as part of the Initial Staffing Pool (ISP) and additional staffing required to form the RCC transition team.
Employee Costs – Wholetime Uniformed staff		89,200	
Employee Costs – Control Room staff		332,200	
Employee Costs – Non-uniformed staff		205,500	
<b>TOTAL</b>	(626,900)	626,900	

- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

**(SEE ALSO MINUTE DSFRA/18 ABOVE)**

**DSFRA/20. Emergency Response Standards**

The Authority considered a report of the Chief Fire Officer (DSFRA/09/23) seeking:

- formal adoption of the former “in principle” decision on response standards for road traffic collisions (RTCs); and
- in-principle approval to proposed response standards for non-domestic buildings and entrapments (other than RTCs) for consultation purposes as part of the Authority’s next Corporate Plan.

The Fire and Rescue Services Act 2004 required fire and rescue authorities to produce their own Integrated Risk Management Plans (IRMPs) under which local risks to life should be assessed and appropriate measures put in place to address these risks and improve the safety of all sections of society.

The report referred to work undertaken in conjunction with Exeter University to develop a risk assessment model for house fires (accounting for demographics, crime and historic data) the results of which had informed the development and introduction of new response standards both for dwelling fires and, initially on a pilot basis, road traffic collisions.

The results of the pilot for the road traffic collision response standard indicated that it was sufficient for the task required on 96.1% of all occasions. The proposed response standards for non-domestic buildings and entrapments (other than RTCs) were based upon maintaining the same general principles approved by the Authority in setting the response standards for dwelling fires and RTCs namely that:

- the response standard should be expressed as a single value across the Service;
- where the target cannot be met the standard is varied;
- the time should be measured from the time the Service answers the call in Control to the time it arrives at the scene (individual activity such as call-handling, turn-out and travel time will still be monitored to drive improvement); and
- the response standard should reflect the Service commitment to both re-active and pro-active approaches.

**RESOLVED**

- (a) That the response standard for road traffic collisions (RTCs), previously approved by the Authority:
  - (i) in principle, at its meeting on 27 March 2008 (Minute DSFRA/92(b) refers); and
  - (ii) as part of the Corporate Plan 2009/10 to 2011/12, to operate for a trial period (Minute DSFRA/74 refers)

and as set out in the table overleaf be now formally adopted as the Service’s response standard for RTCs

REACTIVE			PROACTIVE
Time	Appliances	Crew	
1 <sup>st</sup> Attendance 15 Minutes Full Attendance 18 Minutes	2 vehicles with defined equipment (3 on multi-lane)	8 personnel (10 on multi-lane)	<b>LOCAL:</b> Road safety as part of local Community Risk Management <b>AREA/SERVICE:</b> working with partners

- (b) that the recommended Service emergency response standards for non-domestic buildings and entrapments (other than RTCs) as set out in the Appendix to report DSFRA/09/23, Section 7, pages 34 to 36 and summarised in the table below be approved in principle subject to the outcome of a consultation exercise to be undertaken as part of the proposals for the Authority's next Corporate Plan.

REACTIVE				PROACTIVE
Incident type & location	1 <sup>st</sup> Attdnce	Full Attdnce	Crew	
Residential (non-domestic) buildings e.g. hotels, sheltered accommodation etc.	10 mins.	13 mins.	9	<b>ALL PREMISES:</b> Application of Fire Safety Order targeting and enforcement policy.
Residential (non-domestic) buildings where Service is unable to make first attdnce time of 10 mins.	-	-	12	
Non-domestic premises e.g. shops, factories etc. – confirmed fire	10 mins.	15 mins.	9	
Non-domestic premises where Service is unable to make first attdnce time of 10 mins.	-	-	12	
Prescribed attendance due to specific risk	No change to existing prescribed attendance			

**(SEE ALSO MINUTE DSFRA/21 BELOW)**

**DSFRA/21. Devon & Somerset Fire & Rescue Authority Draft Corporate Plan 2010/11 to 2012/13**

The Authority considered a report of the Chief Fire Officer (DSFRA/09/24) to which was appended a draft Authority Corporate Plan 2010/11 to 2012 for consideration pending approval for consultation.

The draft Plan set out how it was proposed to realise the ambition of the Authority by 2014 through identifying clear outcome statements. The draft Plan contained proposals to formally adopt the previously piloted response standards for road traffic collisions (RTCs) and to pilot new response standards for fires in non-domestic premises and entrapments (excluding RTCs).

The report to the Authority outlined the proposed 12 week consultation exercise for the Plan which would feature key stakeholders such as Members of Parliament, local authorities, staff and representative bodies.

## **RESOLVED**

- (a) That the Devon and Somerset Fire and Rescue Authority Draft Corporate Plan 2010/11 to 2012/13, as enclosed separately with the agenda for this meeting, be approved in principle;
- (b) That the views of key stakeholders be sought on the contents of the Draft Corporate Plan be consulted on seeking
- (c) That the results of the consultation and any recommended changes to the draft Corporate Plan be considered at the Fire and Rescue Authority budget meeting scheduled for February 2010.

**(SEE ALSO MINUTE DSFRA/20 ABOVE AND DSFRA/22 BELOW)**

### **DSFRA/22. Audit Commission Annual Governance Report including Draft Opinion on the Statement of Accounts 2008/09**

*(Messrs. Brown and Williams – Audit Commission – in attendance for this item).*

The Authority considered and received a presentation from the Audit Commission on the Annual Governance Report (AGR) issued by the Commission following completion of its audit of the Authority's 2008/09 accounts. The report provides a summary of the key findings from the audit, and highlighted any issues that the Authority would need to consider prior to the Commission issuing an Opinion, Conclusion and Certificate.

In addition to the Annual Governance Report the Authority also received an associated revised Statement of Accounts 2008/09. The Authority had initially approved its draft 2008/09 Statement of Accounts at its meeting on 29 June 2009 (Minute DSFRA/111 refers). The revisions had been necessitated by Department for Communities and Local Government (CLG) Circular FPSC/7/2009, issued on 7 September 2009 and relating to new commutation factors to be used for the calculation of lump sums payable under the Firefighter Pension Scheme to officers who retired during the period 22 August 2006 to 30 September 2007 and chose to take a lump sum. These additional payments would be funded by CLG under pension top-grant arrangements.

Key messages featured in the Audit Commission Annual Governance Report included:

- that it was proposed to issue an unqualified opinion on the Authority's accounts;
- that the Authority had secured an overall score of 2 in the new, more challenging "Use of Resources" assessment, with especially good arrangements in place for securing value for money and savings. Consequently, it was proposed to issue an unqualified opinion that the Authority has adequate arrangements in place to secure economy, efficiency and effectiveness in its use of resources;
- that it was intended to issue an unqualified opinion on the Authority's financial statements 2008/09.

The Chief Fire Officer reported that the Authority had already started to respond to those action points raised as part of the Use of Resources element of the Comprehensive Area Assessment (CAA) and that initiatives to address these matters would feature as part of the Authority's next Corporate Plan.

Members expressed satisfaction with the outcome of the Use of Resources assessment but indicated that the Audit Commission should, in publishing these results, also clarify that the new regime did represent a harder challenge to the former assessment so as to avoid the possibility of a public perception that performance was worsening.

**RESOLVED** that the Annual Governance Report and associated revised Statement of Accounts 2008/09, together with the draft Letter of Representation required by the Audit Commission prior to issue of the final opinion on the Statement of Accounts, be approved and the Treasurer authorised to sign the Letter of Representation on behalf of the Authority.

**(SEE ALSO MINUTE DSFRA/21 ABOVE).**

**DSFRA/23. Disposal of a Strip of Land at Cullompton Fire Station**

(Councillors Boyd, Cann, Eastman, Fry, Gribble, B. Hughes OBE, Radford and Smith each declared a **personal** but non-prejudicial interest in this item by virtue of their being appointed to the Authority by Devon County Council).

The Authority considered a report of the Head of Physical Assets (DSFRA/09/25) on a request from Devon County Council for the release of a small strip of land owned by the Service at Cullompton fire station to facilitate the establishment of a footpath alongside a narrow vehicular track thereby improving pedestrian safety especially in respect of a school route.

**RESOLVED** that the one metre strip of land at Cullompton Fire Station be disposed of to the Devon County Council, on the terms and conditions as set out in report DSFRA/09/25, to enable a footpath to be established for public safety.

**DSFRA/24. Appointment of Member to Attend South West Fire Control Ltd. Annual Meeting, Monday 9 November 2009**

(Councillor Healey declared a **personal** but non-prejudicial interest in this item in so far that it related to the FiReControl/Regional Control Centre Project, by virtue of his appointment by the Authority as a Director of South West Fire Control Limited, the Local Authority Controlled Company [LACC] with overall governance responsibility for the Centre).

The Clerk reported that South West Fire Control Ltd., the Local Authority Controlled Company (LACC) with overall governance arrangements for the South West Regional Control Centre (RCC), would hold its Annual General Meeting (AGM) at Devon & Somerset Fire & Rescue Service Headquarters on Monday 9 November 2009, commencing on the rising of the meeting of the South West Regional Management Board to be held at the same venue on that day.

The Authority was invited to nominate a representative to attend this meeting to represent the views of the Authority and to speak and vote as necessary. To avoid a conflict of interest, it was recommended that the Authority-appointed representative should NOT be the person appointed by the Authority as a Director on the Company.

**RESOLVED** that Councillor Boyd be nominated as the Authority's representative to attend the South West Fire Control Ltd. Annual General Meeting on Monday 9 November 2009 and to speak and vote as necessary at the meeting.

**(SEE ALSO MINUTE DSFRA/18 ABOVE)**

**DSFRA/25. Payment of Allowance to Alternate Director on South West Fire Control Ltd.**

(Councillor Healey declared a **personal** but non-prejudicial interest in this item in so far that it related to the FiReControl/Regional Control Centre Project, by virtue of his appointment by the Authority as a Director of South West Fire Control Limited, the Local Authority Controlled Company [LACC] with overall governance responsibility for the Centre).

The Authority considered a report of the Clerk to the Authority (DSFRA/09/26) on a proposal, on a one-off basis and for the current municipal year, the Specialist Responsibility Allowance to the Authority alternate Director on South West Fire Control Ltd rather than the substantive Director as provided for by the current Allowances Scheme.

Councillor Healey had been appointed as the Authority's substantive Director but, as Vice-Chairman of the Authority and in receipt of a Special Responsibility Allowance (SRA) for that post, was not eligible under the current allowances scheme to claim more than one SRA.

It was intended, however, that to facilitate succession planning his alternate Director, Councillor Woodman, should "shadow" Councillor Healey at each Company Board meeting. Consequently it was proposed, in recognition of this additional commitment, that Councillor Woodman should receive for the remainder of the current municipal year the SRA normally payable to the substantive Authority-appointed Director to the Company.

**RESOLVED** that, on a one-off basis and for the remainder of the current municipal year only (i.e. until the Annual Meeting of the Authority in 2010), the Special Responsibility Allowance normally payable to the Authority-appointed Director to South West Fire Control Ltd. be instead paid to the alternate Director.

***(SEE ALSO MINUTE DSFRA/18 ABOVE)***

**DSFRA/26. Service Corporate Identity**

The Authority considered a report of the Head of Corporate Support (DSFRA/09/27), and received a presentation from Logo Design and Marketing, on the proposed introduction of corporate identity guidelines and an associated revised Service badge aimed at promoting a consistent and professional corporate image throughout the organisation.

The proposed revised Service badge was not a radical departure from the existing badge but was cleaner, clearer and produced using professional design disciplines. The revised badge was fully scalable as required for the application of the corporate identity guidelines. It was proposed that the revised identity should be introduced incrementally as and when new stocks were required. In this way implementation of the revised identity and associated guidelines could be secured on a cost-neutral basis and could potentially, ultimately, deliver cost savings as the new design allowed for different reproduction options and effective one-colour printing.

**RESOLVED** that the revised Service corporate identity, as presented at the meeting, be approved and implemented on an incremental, cost-neutral basis, replacing items within existing budgets as part of normal programmes.



**DSFRA/27. South West Fire Control Ltd. - Authority-Appointed Director Feedback**

(Councillor Healey declared a **personal** but non-prejudicial interest in this item by virtue of his appointment by the Authority as a Director of South West Fire Control Limited, the Local Authority Controlled Company [LACC] with overall governance responsibility for the Centre).

Councillor Healey, as the Authority-appointed Director to South West Fire Control Ltd., informed the Authority of his intention – given the importance of the issue - to provide feedback on progress with the FiReControl project as a standing agenda item at future Authority meetings. As part of the first such instance, Cllr. Healey confirmed that the South West was still in the first tranche of authorities intended to go live in 2011.

Members in general welcomed this approach and indicated that they would wish to have information particularly on the indicative costs of the project and on the timescales and associated activities linked to cut-over.

**(SEE ALSO MINUTE DSFRA/18 ABOVE)**

**DSFRA/28. Chairman's Announcements**

The Chairman reported on attendance since the last meeting at the following events on behalf of the Authority:

- on 14 July, at a Fire Break Pass Out Parade held at Somerton Fire Station, Somerset;
- on 19 July, attendance at the Bridgwater Civic Service;
- on 20 July, attendance at Warwick University for the award presentation of Certificate in Leadership Studies to Assistant Chief Fire Officer (Community Safety) Peter Smith and Derek Wensley (Head of Physical Assets);
- on 22 July, attendance at a meeting with the Fire Brigades Union;
- on 4 September, attendance at the Fire Ball organised by Exmouth fire station and which raised in excess of £1,000 for the Firefighters Charity;
- on 9 September, attendance at the opening of the new Exeter Middlemoor fire station;
- on 13 September, attendance with the Chief Fire Officer at the Firefighters Memorial Service in London; and
- on 15 September, attendance at the opening of the new Exeter Danes Castle fire station.
- on 20 September, attendance with the Vice-Chairman at the Family Fun Day held at Service Headquarters.

Additionally, Members commented on:

- the success of the recently-held open day at Bridgwater fire station;
- establishment of the Fire Cadets scheme at Newton Abbot fire station; and
- the achievement of Ilminster Crew Manager B. Paull in being named as Ilminster Citizen of the Year.

**DSFRA/29. Chief Fire Officer's Announcements**

The Chief Fire Officer reported on the following since the last meeting of the Authority:

- two fire fatalities - one at the King George V Playing Fields, Exeter, and the other at Porlock involving an elderly lady. In both cases the Service was exploring with other agencies approaches to target prevention activities at vulnerable individuals;
- the programme on induction/awareness events both for new and existing Members of the Authority held during July/early August and on which indicative feedback was positive; and
- his participation in a forthcoming expedition to the Arctic North Pole in Spring 2010 by way of a personal leadership challenge and to raise funds for the Firefighters Charity.

The meeting started at 10.00hours and finished at 12.45hours.