

## **DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

(Extraordinary Meeting)

25 March 2010

### Present:-

Councillors Hughes OBE (Chairman), Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Healey, Leaves, Mills, Radford, Randall Johnson, Turner, Viney, Way and Woodman

### Apologies:-

Councillors Boyd, Burridge-Clayton, Cann, Horsfall, Manning, Mrs. Nicholson, Smith, Wallace and Yeomans

### **DSFRA/55. Transfer of New Dimensions Assets**

The Authority considered a report of the Director of Service Support (DSFRA/10/8) on the proposed transfer of New Dimensions assets from the Department for Communities and Local Government (CLG) to this Authority with effect from 1 April 2010. At present, funding for the New Dimensions initiative (including assets and associated training) was met in full from CLG by specific Section 31 Grant. Concern had been expressed by several fire and rescue authorities, however, that this funding may adversely impacted should it cease to be by specific grant but instead be provided as part of the overall Revenue Support Grant, as initially proposed by CLG to take effect from the 2011/12 financial year.

Assurances had subsequently been obtained from CLG, however, that it would continue financial support through Section 31 grant for the foreseeable future but that it could not commit a future government to this stance at this time. The Authority was further advised, however, that – should circumstances change – then it would be possible (subject to discussion with CLG) for the assets to be transferred from this Authority. It also remained the case that, while the assets were primarily intended for national emergencies as part of the National Critical Infrastructure, the Devon & Somerset Fire & Rescue Service had and would continue to benefit financially and operationally from the location of the assets with this Authority.

### **RESOLVED**

- (a) that the transfer of ownership of New Dimensions assets from the Department for Communities and Local Government (CLG) to this Authority, with effect from 1 April 2010, be approved;
- (b) that it be noted that, while the assets will be transferred, this Authority reserves the right - subject to discussion with CLG – to review its ongoing ownership of the assets in the event that the associated central government funding should either cease or be reduced.

### **DSFRA/56. Firefighters' Pensions Scheme: Internal Dispute Resolution Procedure**

The Authority considered a report of the Director of Human Resources (DSFRA/10/9) on the requirement to establish, in accordance with the Internal Dispute Resolution Procedure for the Firefighters' Pensions Scheme, a small Panel of Members to consider complaints relating to pensions at Stage 2 of the procedure.

**RESOLVED**

- (a) that the Terms of Reference of the Human Resources Management & Development Committee be amended as follows:

“To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters’ Pensions Scheme Internal Dispute Resolution Procedure”;
- (b) that, given the associated timescales for addressing Stage 2 complaints and that there is currently one complaint at Stage 2 outstanding, an initial Panel be established comprising Councillors Healey, Turner and Wallace, to meet in the morning of Thursday 8 April 2010;
- (c) that the substantive Membership of the Panel be reviewed by the Human Resources Management & Development Committee at its meeting on 14 April 2010.
- (d) that, subject to (a) and (b) above, the report be noted.

**DSFRA/57. Exclusion of the Press and Public**

**RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A (as amended) to the Act:

- Paragraph 1, namely information relating to an individual;
- Paragraph 2, namely information likely to reveal the identity of an individual; and
- Paragraph 3, namely information relating to the financial and business affairs of an individual and the Authority.

**DSFRA/58. Firefighters' Pensions Considerations - Officers On Gold Book Terms And Conditions Of Employment**

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

The Authority considered a joint report of the Clerk to the Authority and the Authority Legal Advisor (DSFRA/10/10) on a matter relating to an apparent drafting trap between the Finance Act 2004 and the Firefighters’ Pensions Scheme 1992 and the potential implications of this for an employee of the Authority and the Authority itself.

**RESOLVED**

- (a) that the contract of employment of Officer X be amended as indicated in the recommendation tabled at the meeting;

- (b) that representations be made to Her Majesty's Revenue and Customs – with the support of the Local Government Association if obtainable – to seek to secure a favourable resolution to the apparent drafting trap between the Finance Act 2004 and the Firefighters' Pensions Scheme 1992.

The meeting started at 10.55hours and finished at 12.15hours