

M. Pearson  
CLERK TO THE AUTHORITY

To: The Chair and Members of the  
Devon and Somerset Fire and  
Rescue Authority

(see below)

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**DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

**Wednesday 3 November 2010**

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 14:00 hours in the Conference Rooms in Somerset House, Service Headquarters** to consider the following matters.

M. Pearson  
Clerk to the Authority

**A LARGE-PRINT VERSION OF THIS AGENDA IS AVAILABLE ON REQUEST**

**AGENDA**

1. **Apologies**
2. **Minutes** of the meeting of the Authority held on 16 September 2010 attached (Page 1).
3. **Items Requiring Urgent Attention**

Items which, in the opinion of the Chair, 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 and petitions submitted by the public. Questions must relate to matters to be considered at this meeting of the Authority. Petitions must relate to matters for which the Authority has responsibility or which affects the Authority. Neither questions nor petitions may 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 Friday 29 October 2010**.

### **6. Questions from Members of the Authority**

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

### **7. Minutes of Committees**

#### **(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 20 September 2010 attached (Page 4).

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

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

The Chair of the Committee, Councillor Dyke, to **MOVE** the Minutes of the meeting of the Committee held on 29 September 2010 attached (Page 6).

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

#### **(c) Resources Committee**

The Chair of the Committee, Councillor Gordon, to **MOVE** the Minutes of the meeting of the Committee held on 21 October 2010 attached (Page 9).

#### **RECOMMENDATIONS**

- (i) that the recommendations at Minute RC/12 (a)(i) and (ii) (Financial Performance Report 2010/11) be approved;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

### **8. Dissolution of the South West Regional Management Board and Proposals for Ongoing Regional Collaboration**

Report of the Clerk to the Authority and Treasurer to the Authority (DSFRA/10/23) attached (Page 15)

### **9. Authority Petition Scheme**

Report of the Clerk to the Authority (DSFRA/10/24) attached (Page 24)

### **10. South West Regional Management Board**

Minutes of the meeting of the Board held on 28 September 2010 attached (Page 30) FOR INFORMATION

11. **Chairman's Announcements**

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 Healey(Chair), Boyd (Vice Chair), Bown, Burrige-Clayton, Cann, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Horsfall, Hughes OBE, Leaves, Manning, Mills, Mrs. Nicholson, Radford, Randall Johnson, Smith, Turner, Viney, Way, Woodman, Yeomans

## NOTES

### 1. ACCESS TO INFORMATION

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

### 2. DECLARATIONS OF INTERESTS BY MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

16 September 2010

## Present:-

Councillors Healey (Chairman), Boyd, Burrige-Clayton, Cann, Eastman, Foggin, Fry, Gordon, Hughes OBE, Leaves, Manning, Mills, Mrs. Nicholson, Radford, Viney, Way and Woodman.

## Attending in accordance with Standing Order 4(2):

Mr. Withers (Independent Member of the Authority's Standards Committee)

## Apologies:-

Councillors from Bown, Dyke, Gribble, Horsfall, Randall Johnson, Smith, Turner and Yeomans.

### **DSFRA/27.        Minutes**

**RESOLVED** that the Minutes of the meeting of the Authority held on 30 July 2010 be signed as a correct record.

### **DSFRA/28.        Emergency Response Standards (Non-Domestic Fires and Entrapments (Non-Road Collisions)) - Outcome of the Pilot**

The Authority considered a report of the Director of Service Delivery Support (DSFRA/10/20) on the outcome to date of the six-month pilot into new emergency response standards proposed for non-domestic fires and entrapments (non-road traffic collisions), as agreed by the Authority as part of its approved Corporate Plan 2010/11 to 2012/13 (Minute DSFRA/46 (d) and (e) refers).

The outcome of the pilot had highlighted a number of areas where further, minor, refinements to the proposed standards could result in overall improvements in performance and consequently it was proposed to extend the pilot by a further three months to enable the proposed refinements to be properly validated.

#### **RESOLVED**

- (a) that the outcome of the initial pilot to date into proposed Emergency Response Standards (ERS) for non-domestic fires and non-road traffic collision entrapments, as set out in Section 3 of report DSFRA/10/20, be noted and the pilot extended for a further three month period to provide opportunity to review and validate the following minor changes proposed in light of the initial pilot outcome:
  - (i) that the Emergency Response Standard (ERS) be amended to discount false alarms and state that they are recorded for confirmed fires only;
  - (ii) that the measures for non-domestic premises be calculated for personnel originally mobilised to the incident by Fire Control, although the standard should remain the same;

- (iii) that the measures for entrapments be amended to read “person(s) trapped” and not “1 person trapped”;
  - (iv) that the ERS for entrapments be split into major and minor based on the definitions and experience currently used by Control Room Operators;
  - (v) that Guidance be developed to ensure to enable an appropriate differentiation to be made between a major and minor entrapment.
- (b) that a report on the outcome of the extended pilot, with appropriate recommendations, be submitted to the Authority meeting in February 2011.

**DSFRA/29. Corporate Planning Timescale**

The Authority considered a report of the Director of Corporate Services (DSFRA/10/21) on proposals for consultation on the Authority Corporate Plan. The report highlighted best practice guidance for a minimum twelve week consultation period but also indicated a lesser consultation period could be appropriate depending on the magnitude of any proposed changes.

The Authority at present faced a difficult situation in light of the current economic situation, savings anticipated for the public sector and associated uncertainty over the level of government grant for the next financial year, which would only be announced at the end of November at the earliest. These issues could impact significantly on the content of the Corporate Plan.

Consequently, it was proposed to submit a draft Corporate Plan to the Authority meeting in December, once details of the government grant settlement had been received, together with details of a consultation strategy and period proportionate to the level of change being proposed.

**RESOLVED** that the Draft Corporate Plan be submitted to the Authority meeting scheduled for 16 December 2010 for approval for consultation purposes, with the associated consultation period being proportionate to the level of change.

**DSFRA/30. Formula Grant Review Consultation**

The Treasurer reported that, prior to the 2011/12 Local Government Finance Settlement which would inform government grant allocations, the government had issued a substantial consultation document which included a number of options for changes to the formula grant distribution methodology. This consultation document was not fire specific but related to all areas of local authority services.

Responses to the consultation had been invited by 6 October 2010 and to this end a draft response was included with the agenda for the current meeting for consideration by the Authority.

**RESOLVED** that the draft response to the government Formula Grant Review Consultation, as included with the papers for this meeting, be approved and the Treasurer authorised to submit it on behalf of the Authority.

**DSFRA/31. 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 Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and business affairs of the Authority.

**DSFRA/32. Service Charging and Trading**

(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 report of the Director of People and Organisational Development (DSFRA/10/22) on progress to date in exploring options for charging or trading by the Devon & Somerset Fire & Rescue Authority.

**RESOLVED** that the measures set out in the outline plan at Sections 7, 8 and 9 of report DSFRA/10/22 be approved as the method for implementing, developing and maximising charging and trading opportunities for the Authority.

***(NOTE: in accordance with Standing Order 25(3), Councillor Way asked that his abstention from voting on this matter be recorded).***

The meeting started at 10.00hours and finished at 11.52hours.



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

20 September 2010

Present:-

Councillors Cann (Chair), Healey (vice Mrs Turner), Manning and Woodman (vice Burridge-Clayton).

Apologies:-

Councillors Bown, Boyd and Mrs Nicholson.

**\*HRMDC/13. Minutes**

**RESOLVED** that the Minutes of the meeting held on 17 June 2010 be signed as a correct record.

**\*HRMDC/14. Declarations of Interest**

Members of the Committee were asked to consider whether they had any personal or personal and prejudicial interests in items as set out on the agenda for this meeting and to declare any such interests at this time.

No interests were declared.

**\*HRMDC/15. Absence Management**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/10/14) that set out the overall performance of the Service in relation to sickness absence management in 2010/11 and which highlighted the position in relation to long term absence levels in particular.

It was noted that there had been an 11.5% reduction in overall sickness absence to date, although there were some cases of long term sickness absence which had impacted upon this figure. A breakdown of the long term sickness absence by staff group and by length of time was set out within the report for information. Work was being undertaken with the individual involved to try to reduce the long term sickness absence levels.

Reference was made to the Service's performance in comparison to other services within the south west region as it was felt that the target set may not be sufficiently challenging. The Director of People and Organisational Development advised the Committee that the target of 9.0 days or shifts lost was set against the average but the regional performance had since improved to 7.8 days or shifts lost. This would be taken into account and a more ambitious target was likely to be set for 2011/12.

The Committee referred to the point that 38% of managers did not carry out the required return to work interviews following sickness absence. It was noted that these interviews were carried out where there were repeated incidences of sickness absence but that training was being provided together with amendments to the sickness absence policy to ensure that this message was understood.

**\*HRMDC/16. Restriction of Pensions Tax Relief**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/10/15) that set out details of a consultation exercise that had been carried out by the Government in relation to the issue of pension's tax relief. The proposal put forward for consultation involved reducing the annual allowance for pension tax relief and the report explored the potential impact that this may have on staff, particularly the "middle earners".

**\*HRMDC/17. Royal Society for the Prevention of Accidents (RoSPA) Quality Safety Audit (QSA)**

Between 12 and 21 September 2010, a QSA of the total Service Health and Safety Management System (HSMS) was undertaken using "Issue 4" of the QSA system as developed by RoSPA. The QSA system was based primarily on the Health and Safety Executive (HSE) publication HSG 65 "Successful Health and Safety Management".

In the past, traditional monitoring systems within organisations focused on the reporting and investigation of accidents, together with detailed compliance inspections of workplaces. Research has shown, however, that in 70% of accidents, the underlying causes have been failures within the HSMS. The QSA therefore not only concentrated on HSMS but also included an examination of compliance with a number of key areas of legislation.

The Committee received for information a presentation given by the Health and Safety Manager at the meeting that informed the Committee of the results of the Audit and which indicated the action being taken to address the points raised within it.

**\*HRMDC/18. Staff Survey**

The Committee received for information an update given by the Director of People and Organisational Development that apprised the Committee of the results of the Staff Survey undertaken in 2010 which had now been analysed by ORS. The initial feedback received was that there had been an increase in the number of staff responding to 38% in 2010 as compared with 30% in 2008. Of the respondents, this mirrored the makeup of the workforce in terms of uniformed, non uniformed, retained duty and fire control staff. Reference was made to some initial highlights which included there had been an increase in the number of staff who agreed that the Service was an "employer of choice" from 32% in 2008 to 64% in 2010. In terms of the Service being a "provider of services", the response indicated an improvement in this area in addition from 50% in 2008 to 79% in 2010.

Councillor Cann commented that he felt that the Authority was much more open and transparent and that more information was being communicated across the Service. The Deputy Chief Fire Officer added that a lot of work had been undertaken in this area and that the results were now starting to show. It was noted that a report setting out the full findings of the survey would be submitted to the Committee in due course.

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

The meeting started at 14.00hours and finished at 15.05hours.

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

29 September 2010

Present:-

Councillors Dyke (Chairman), Burridge-Clayton, Gribble, Mills, Radford, Viney and Way

**\*APRC/9. Minutes**

**RESOLVED** that the Minutes of the meeting held on 30 June 2010 be signed as a correct record.

**\*APRC/10. Declarations of Interest**

Members of the Committee 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.

**\*APRC/11. Performance Report: April to June 2010**

The Committee received for information a report of the Deputy Chief Fire Officer (APRC/10/7) that detailed the performance and progress made by the Service as measured against the Corporate Plan goals, activities and targets for the first quarter of the year (April to June 2010).

The report highlighted the top level summary of performance against the goals, activities and targets and identified areas of specific focus as determined by the Service Improvement Group (SIG) namely:

- Barn fires;
- Workplace accidents;
- Sickness;
- Progress against the Equality Standards.

In terms of barn fires, there had been an increase in numbers in 2009/10 as highlighted in the Annual Performance Report and positive action had been needed to address this in view of the point that these were very resource intensive for a relatively small number of fires. The cost associated was £420,000 as most barn fires tended to occur in areas covered by the retained duty system so work was in hand to reduce the numbers as even a small reduction could result in significant savings for the Service.

It was noted that there had been an increase in the number of workplace accidents (Level 2 Moderate Workplace Accidents) from 8 to 15 but this may be due to the positive action taken to encourage the reporting of incidents. The Health and Safety Team worked closely with officers to encourage a continuing proactive management and monitoring of systems of work and compliance with policies.

For the first quarter of 2010/11, the Service had recorded 1.82 days/shifts lost per person due to sickness which was well within the target of 2.24 days for this period. Sickness absence was also being broken down into rates for each team/section of the organisation which allowed the Service to compare rates across the organisation and also to target potential problem areas as trends arose.

The Service was making good progress against the Equality Standards. In June 2010, the Service completed a mock self assessment exercise against the "achieving" level of the new Fire and Rescue Service Equality Framework (FRSEF) which replaced the Equality Standard. The assessment was carried out with other FRS in the south west with the aim of identifying common areas for improvement. In summary, the assessment concluded that DSFRS was at the "achieving" level of FRSEF but some areas needed to be strengthened, the main improvements required in the area of employment and training. An action plan had been developed to address the areas identified as needing improvement, the longer term goal being to achieve "excellent" level by 2014.

**\*APRC/12. Audit Progress Report**

The Committee received for information an Audit Progress Summary (to 10 September 2010) as prepared by the Audit Commission.

The Summary report included details of two letters issued to the Authority since the previous meeting, including:

- Letter to audited bodies dated 9 August 2010 about the change in approach to Value for Money work and the impact upon fees;
- Letter to audited bodies dated 19 August 2010 confirming no immediate change to audit arrangements following the Government's announcement of its plans to introduce legislation to abolish the Audit Commission.

**\*APRC/13. Interim Audit Report 2009/10**

The Committee received for information a report prepared by the Audit Commission that set out the results from its interim audit review, covering the control environment and material systems at Devon and Somerset Fire and Rescue Authority.

**\*APRC/14. Annual Governance Report 2009/10, including Draft Opinion on the 2009/10 Statement of Accounts**

The Committee considered the Annual Governance Report for Devon and Somerset Fire and Rescue Service as submitted by the Audit Commission setting out the auditors' opinion, in accordance with statutory requirements, on:

- a. the Authority's financial statements and;
- b. whether the Authority had made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

In addition, the Committee also considered a revised copy of the 2009/10 Statement of Accounts, amended in the light of the Annual Governance Report, together with a copy of the proposed Letter of Representation.

Alun Williams, representing the Audit Commission, outlined the purpose of the documents circulated which covered:

- the report on financial statements for 2009/10 and in particular the amendment of non material errors within the accounts, namely to change depreciation on plant/equipment depreciation by £203,000, the incorrectly applied revaluations to two fixed assets resulting in a net understatement of £158,000 and the omission of Torbay and Plymouth Councils from collecting fund accounting;
- the Value for Money (VFM) conclusion 2009/10;
- matters arising from the audit, including details of unadjusted and adjusted misstatements in the accounts and various other governance matters;
- The proposed draft audit opinion.

Steven Brown stated that the Service had a statutory responsibility to publish its accounts by 30 September 2010 and that it was felt that the Service had worked well with the auditors in overcoming the issues raised. He stated that the Authority would be issued with an unqualified opinion on the statement of accounts for 2009/10.

The Treasurer advised the Committee that a significant amount of effort had gone in to ensuring completion of the work required to inform the audit in the timescale set as the accounts were becoming more complex each year.

#### **RESOLVED**

- (a) that the amended Statement of Accounts for 2009/10 be approved;
- (b) that the amended Financial Statements and Annual Governance Statement as set out in the Annual Governance Report be approved;
- (c) that the Letter of Representation be approved and the Treasurer authorised to submit it to the Audit Commission;
- (d) that the proposed Action Plan, as set out on page 24 of the Annual Governance Report for 2009/10, be approved;
- (e) that the appreciation of the Committee for the work undertaken by the Treasurer and Head of Financial Management and his staff on this matter be placed on record.

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

The meeting started at 10.00hours and finished at 11.13hours.

## **RESOURCES COMMITTEE**

(Devon and Somerset Fire and Rescue Authority)

21 October 2010

### Present:-

Councillors Gordon (Chairman), Bown (vice Turner), Dyke (vice Horsfall), Healey (vice Hughes OBE), Smith, Woodman and Yeomans.

### Also in attendance:

Adam Burleton (SECTOR)

### Apologies:-

Councillors Horsfall, Hughes OBE and Turner.

### **\*RC/10. Minutes**

**RESOLVED** that the Minutes of the meeting held on 16 July 2010 be signed as a correct record.

### **\*RC/11. Declarations of Interest**

Members of the Committee 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 declare any such interests at this time.

At this Councillor Woodman declared a personal but non-prejudicial interest in relation to those items relating to South West Fire Control Ltd., the Local Authority Controlled Company with overall governance responsibility for the South West Regional Control Centre, by virtue of his being a Director on the Company appointed by this Authority.

***(SEE ALSO MINUTE RC/ BELOW)***

### **RC/12. Financial Performance Report 2010/11**

(Councillor Woodman declared a personal but non-prejudicial interest in this item in so far as it related to South West Fire Control Ltd., the Local Authority Controlled Company with overall governance responsibility for the South West Regional Control Centre, by virtue of his being a Director on the Company appointed by this Authority).

The Committee considered a report of the Treasurer (RC/10/15) on the financial performance of the Authority and setting out indicative projected spending against the approved 2010/11 revenue budget.

Projections indicated that revenue spending would be £0.879m (1.17%) less than total budget. This projection was net of a proposed transfer of £0.726m to an Earmarked Reserve to provide a financial contingency towards budget setting during the next four years to assist the Authority in formulating its strategy to manage the impact of expected reductions in government grant from 2011/12.

The report provided explanations for the more significant variations against the budget in terms of underspends (wholetime pay costs [£0.406m]; retained staff [£0.120m]; non-uniformed staff [0.104m]; training expenses [£0.109m]; recovery of overpaid injury award pensions [£0.120m]; vehicle repair and maintenance costs [£0.077m]) and greater income on investment than initially projected (£0.074m).

The report also highlighted two proposed virements in excess of £150,000 which, in accordance with Financial Regulations, required Authority approval. The proposed virements related to:

- the establishment of a £0.726m Earmarked Reserve – the “Comprehensive Spending Review (CSR) 2010 Budget Strategy Reserve” – from 10% savings on non-salary budget lines in the approved 2010/11 revenue budget as identified by the officer Service Improvement Group; and
- the transfer to South West Fire Control Ltd (the Local Authority Controlled Company [LACC] established with overall governance responsibility for the South West Regional Control Centre) of the costs (£0.28m) associated with the employment of the Initial Staffing Pool (ISP), to be fully offset by a reduction in New Burdens grant to be payable directly to the LACC.

The report also proposed a revision to the approved capital programme 2010/11 to 2012/13 which would increase the overall programme from £15.389m to £15.934m and provide for the following additional three projects:

- enhancement of training facility at Station 60 (Urban Search and Rescue), Service Headquarters – total cost of £0.570m to be funded by Communities and Local Government (CLG) New Dimensions grant £0.470m) and rescheduling of other agreed capital projects £0.1m);
- diversity and equality enhancements – total cost of £0.034m to be funded entirely from specific CLG capital grant for such issues; and
- light vehicle purchase – total cost of £0.041m to be funded from contribution from approved 2010/11 revenue budget.

Although the revision represented an overall increase of £0.545m on overall capital spending, no additional borrowing would be required to fund the expenditure and consequently there would be no impact upon the agreed Prudential Indicators.

Monitoring of capital spending in 2010/11 indicated overall spending of £4.992m against a revised programme of £7.476m, resulting in slippage of £2.484m which, in relation to estates projects, would need to be carried forward to 2011/12 to fund completion of the projects. Slippage in relation to the fleet and equipment programme would be reviewed in light of the outcome of the Service Delivery Review and the implications of the CSR 2010 announcement.

The report also provided details of efficiency savings generated (in this respect, the combination of Devon & Somerset Fire & Rescue Services had realised savings of £3.6m against a projection of between £1.6 and £3.0m) and total debt outstanding as at 30 September 2010.

## **RESOLVED**

- (a) that, in accordance with Financial Regulations, the Authority be recommended to approve:

- (i) those virements in excess of £150,000 as identified in Section 8 of report RC/10/15 and summarised in the tables set out in Appendix A to these minutes; and
  - (ii) the revised Capital Programme for 2010/2011 to 2012/2013 as set out in paragraph 10.2 of the report and summarised in Appendix B to these Minutes;
- (b) That, subject to (a)(i) and (ii):
- (i) the budget monitoring position in relation to projected spending against the 2010/2011 revenue and capital budgets; and
  - (ii) the performance against the 2010/2011 financial targets, as set out in the report be noted.

***(SEE ALSO MINUTE RC/11 ABOVE AND \*RC/14 BELOW)***

**\*RC/13. Treasury Management Performance 2010/11**

(Adam Burleton [SECTOR] in attendance for this item).

The Committee received for information a report of the Treasurer (RC/10/16) providing a summary – in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management – of the treasury management activities on behalf of the Authority for the second quarter of 2010/11.

The report indicated that none of the Prudential Indicators had been breached and that a prudent approach had been taken in relation to investment decisions taken so far, with priority being given to liquidity and security over yield. While investment returns had reduced when compared to the previous year, as a consequence of the fall in interest rates, the Authority was still achieving returns above the LIBID 7 day rate which was the benchmark return for that type of short-term investment.

**\*RC/14. Comprehensive Spending Review (CSR) 2010**

The Treasurer reported on the recent Government announcement in relation to the Comprehensive Spending Review and its potential impact on the Authority. Although final, authority-specific, grant settlement figures would not be announced until late November/early December, the Government had announced a 25% reduction (in cash terms) in fire service funding over a four year period, to be backloaded to years three and four. The overall reduction was in line with expectations and for this Authority amounted to approximately £7.8m by 2014/15.

The backloading element provided time for the Authority to carefully plan and duly evaluate options for addressing the overall reduction. The Treasurer also referred to the abolition of the capping regime from 2012/13 and its replacement with a requirement to conduct a public referendum on any proposals to increase the level of council tax beyond the government indicated limit. Reference was also made to the government-proposed “reward grant” of 2.5% for those authorities delivering a zero percent increase in council tax. Again, the Authority would need to carefully consider the implications of this.



In the meantime, the Treasurer reported that the Authority remained active in seeking at every opportunity to challenge the level of grant awarded to the Authority. More recently this had focussed on the proposed revision to the Fire Formula Grant and measures to have sparsity included as a factor which, if successful, should benefit the Authority.

***(SEE ALSO MINUTE RC/12 ABOVE).***

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

The meeting started at 10.00hours and finished at 11.02hours

**APPENDIX A TO THE MINUTES OF THE RESOURCES COMMITTEE 21 OCTOBER 2010**

**VIREMENTS IN EXCESS OF £150,000 REQUIRING AUTHORITY APPROVAL**

**(a) Establishment of CSR 2010 Budget Strategy Reserve**

<b>Budget Line</b>	<b>From £</b>	<b>To £</b>	<b>Reason</b>
Training Costs	(36,700)		
Wholetime uniform (Removal Expenses)	(10,000)		
Retained Firefighters (recruitment costs)	(10,000)		
Premises - Repair and Maintenance (Grounds Mtce)	(7,000)		
Energy Costs	(22,400)		
Cleaning Costs	(11,900)		
Rent and Rates	(140,500)		
Transport – Repair and Mtce	(23,800)		
Transport – Running Costs	(106,800)		
Travel and Subsistence (including Members expenses)	(20,200)		
Equipment and Furniture	(48,300)		
Communications	(50,700)		
Linen Hire	(900)		
Catering	(5,100)		
External Fees and charges	(2,800)		
Establishment Costs	(37,500)		
Advertising	(27,400)		
Insurances	(17,000)		
Support Service Contracts	(37,300)		
Capital Charges	(110,000)		
Earmarked Reserve		726,300	To make provision for a new Earmarked Reserve “CSR 2010 Budget Strategy Reserve”
<b>TOTAL</b>	<b>(726,300)</b>	<b>726,300</b>	

**(b) Initial Staffing Pool for Regional Control Centre**

<b>Budget Line</b>	<b>From £</b>	<b>To £</b>	<b>Reason</b>
Control Room staff	(280,000)		Transfer of ISP staff to the LACC.
Grants and Reimbursements		280,000	Transfer of New Burdens grant to the LACC
<b>TOTAL</b>	<b>(280,000)</b>	<b>280,000</b>	

**APPENDIX B TO THE MINUTES OF THE RESOURCES COMMITTEE 21 OCTOBER 2010**

**Revised Capital Programme 2010/11 to 2012/13**

<b>Capital Programme (2010/11 to 2012/13)</b>				
<b>Item PROJECT</b>	<b>2010/11 (£000)</b>	<b>2011/12 (£000)</b>	<b>2012/13 (£000)</b>	<b>Total 2010- 2013 (£000)</b>
	<b>Budget</b>	<b>Budget</b>	<b>Budget</b>	<b>Budget</b>
<b><u>Estate Development</u></b>				
1 Exeter Middlemoor	44			44
2 Exeter Danes Castle	169			169
3 SHQ major building/New Dimensions (USAR) major project	135			135
4 Major building works	0	1,000	1,000	2,000
5 Minor improvements & structural maintenance	2,761	650	750	4,161 *
6 Welfare facilities 2009/10	127			127
7 Diversity & equality	34			34 *
8 New Dimensions (USAR) works	150	420		570 *
9 Other building works	5			5
<b>Estates Sub Total</b>	<b>3,425</b>	<b>2,070</b>	<b>1,750</b>	<b>7,245</b>
<b><u>Fleet &amp; Equipment</u></b>				
10 Appliance replacement	2,061	2,119	2,119	6,299
11 Specialist Operational Vehicles	1,163			1,163
12 Vehicles -funded from revenue (new)	41			41 *
13 Equipment	634	200	200	1,034
14 Asset Management Plan (Miquest) software	152			152
<b>Fleet &amp; Equipment Sub Total</b>	<b>4,051</b>	<b>2,319</b>	<b>2,319</b>	<b>8,689</b>
<b>Overall Capital Totals</b>	<b>7,476</b>	<b>4,389</b>	<b>4,069</b>	<b>15,934</b>
<b><u>Programme funding</u></b>				
Main programme	5,926	4,069	4,069	14,064
Revenue funds	41	0	0	41 *
Grants	1,377	320	0	1,697 *
Earmarked Reserves	132	0	0	132
	<b>7,476</b>	<b>4,389</b>	<b>4,069</b>	<b>15,934</b>

*\* reflects revision from previously agreed programme*



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/10/23
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	3 NOVEMBER 2010
SUBJECT OF REPORT	DISSOLUTION OF THE SOUTH WEST REGIONAL MANAGEMENT BOARD AND PROPOSALS FOR ONGOING REGIONAL COLLABORATION
LEAD OFFICER	Clerk to the Authority and Treasurer to the Authority
RECOMMENDATIONS	<p>(a) <i>That the following be approved:</i></p> <p>(i) <i>formal dissolution of the South West Regional Management Board with effect from 31 March 2011;</i></p> <p>(ii) <i>the entering into, from 1 April 2011, of a Co-operation Agreement in relation to regional collaboration on terms and conditions to be agreed by the Chief Fire Officer and Clerk;</i></p> <p>(iii) <i>the indemnification of each relevant lead authority against any liabilities arising from the former programme of collaboration under the South West Regional Management Boards and which may subsequently come to light following its dissolution, subject to all authorities agreeing to the indemnification and to any such liability being apportioned equally between each authority (including the relevant lead authority);</i></p> <p>(iv) <i>that the current arrangements for the 'pooling' of any FireControl "New Burdens" grant continues post April 2011;</i></p> <p>(b) <i>that each Authority (if required by their existing constitutional arrangements) delegates to its Chief Fire Officer appropriate powers to participate in the programme of regional collaboration (or parts of the programme as appropriate) subject to decisions on levels of funding to be committed being reserved by the individual authorities;</i></p>

	<p>(c) <i>that the establishment of a South West Forum of Fire and Rescue Authorities on the basis as outlined in Section 2 and Appendix A to this report be noted;</i></p> <p>(d) <i>that the intended structure for officer oversight of the programme of regional collaboration, as set out in Section 4 of the report, be noted.</i></p>
<b>EXECUTIVE SUMMARY</b>	This report proposes - in light of Coalition government policy announcements and recent correspondence with the current Fire Minister, Bob Neill MP - the formal dissolution of the South West Regional Management Board and addresses issues associated with regional collaboration following its abolition.
<b>RESOURCE IMPLICATIONS</b>	<p>Abolition of the South West Regional Management Board should result in savings on Clerkship, Treasurership and audit costs of circa. £32,000 per annum.</p> <p>Costs will still be incurred, however, by constituent authorities participating in regional collaborative initiatives.</p>
<b>EQUALITY IMPACT ASSESSMENT</b>	<p>Nil in relation to formal dissolution of the South West Regional Management Board and general proposals for ongoing regional collaboration.</p> <p>Each regional initiative will, however, be subject to an Equality Impact Assessment.</p>
<b>APPENDICES</b>	A. Indicative Terms of Reference for the South West Forum of Fire and Rescue Authorities
<b>LIST OF BACKGROUND PAPERS</b>	Nil.

## 1. **BACKGROUND**

- 1.1 The Regional Management Board was established in 2004 as a joint committee in accordance with Sections 101 and 102 of the Local Government Act 1972 to respond to various requirements contained within the Fire & Rescue Service National Framework to which all fire and rescue authorities in the region were required to “have regard” by virtue of the Fire and Rescue Services Act 2004.
- 1.2 Since that time, however, various iterations of the National Framework have reduced the number of “must” requirements for the Board and consequently over the past nine months the Board has been considering the potential for dissolution thereby realising efficiency savings arising in relation to Clerking and Treasury administration function costs. This consideration has featured:
- the establishment of a Member/Officer “task and finish” group to explore options. This Group reported to the Board at its meeting on 28 January 2010 recommending “in principle” that the Board should be dissolved and that representations to this effect made to the Department for Communities and Local Government (CLG) (Minute RMB29 refers);
  - Agreement for the Clerk to prepare a model report for consideration by each individual fire and rescue authority to effect dissolution (Minute RMB34(b) to the meeting held on 22 March 2010 refers);
  - the making of further representations to the new Fire Minister (Minute RMB/7(a) to the meeting held on 22 June 2010 refers).
- 1.3 Preparation of the model report to effect dissolution was put on hold following receipt of a response – dated 31 March 2010 – from the then Fire Minister (Sahid Malik MP) to the earlier representations made by the Board following its meeting on 28 January 2010. This response indicated that:
- “...we [CLG] propose shortly to undertake a three-month research project to review the effectiveness of RMBs to date and consider what, if any, their future role might be.
- ...Meanwhile, the 2008/11 National Framework sets out what is expected of RMBs as currently constituted, with a list of “musts”, and we would expect the South West RMB to continue in that role until such time as the National Framework is revised.”
- 1.4 This response was reported to the Board meeting on 22 June 2010 but in the intervening time between March and June there was a change in central government. In its Programme for Government, the Coalition Government made a commitment to “stop plans to force the regionalisation of the fire service”. Consequently, the Board resolved at its meeting on 22 June 2010 to make further representations to CLG requesting clarification of the former government’s proposed review of RMBs and again pressing the case for dissolution of the Board.
- 1.5 On 4 August 2010 the current Fire Minister, Bob Neill MP, responded stating, amongst other things:
- “I have therefore announced that the government will no longer require Fire and Rescue Authorities to work through RMBs on the various RMB core business as currently set out in the National Framework. In effect, the continuation of RMBs, and participation in them, will be voluntary.
- Fire and Rescue Authorities will now be able to collaborate in ways and in forums which best suit their own and their neighbouring authorities’ local circumstances.”

- 1.6 Section 14 of the 2004 Agreement establishing the formal Board provides that it MUST be terminated (and the Board dissolved) where there is unanimous agreement of all Member Authorities and MAY be terminated if a majority of Member Authorities so decide.
- 1.7 In reaching such an agreement, however, it is felt that Member Authorities would wish to be satisfied of a number of issues including:
- the form for political involvement in regional issues (in this respect, it is considered individual fire and rescue authorities would not wish to “re-invent” the Board in a different guise). It is intended, however, to take the form of a reconstituted South West Forum.
  - appropriate arrangements for collaborative working, to include apportionment of costs and liabilities amongst constituent authorities in relation to those projects on which they are collaborating;
  - an appropriate mechanism for officer oversight of collaborative working (at present, the Executive Management Group – comprising the South West Chief Fire Officers – oversees collaborative working via a series of workstreams);
  - an appropriate mechanism for dealing with “New Burdens” grant. This is currently pooled and dealt with through the RMBs accounts.
- 1.8 This report addresses these issues.

## **2. POLITICAL INVOLVEMENT IN REGIONAL COLLABORATION**

- 2.1 Prior to establishment of the formal Board, the south west regional had a proven track-record of successful collaborative working. It is intended that – in the absence of the formal Board – this should be maintained.
- 2.2 One issue for consideration, therefore, is the mechanism for political involvement in future collaboration. The Regional Management Board was of the view that this should be via a reconstituted South West Forum of Fire Authorities and this is addressed in detail below.
- Role of the Forum***
- 2.3 The intended composition of a reconstituted Forum, together with its scope of activity, is attached at Appendix A. Rather than being a joint committee (as per the Regional Management Board), the Forum will be an informal body. As such, it will not have any delegated powers and its meetings will not be open to the press and public.
- 2.4 The Executive Management Group (EMG) (comprising, amongst others, all south west Chief Fire Officers) has previously supported the South West Regional Management Board in delivering its objectives. It is now intended that EMG should oversee the successful delivery of the agreed programme of regional collaboration and that consequently:
- EMG rather than the Fire Forum should formulate the programme’s annual budget and business plan.
  - That each Service’s CFO should seek - where there is a need to do so within respective constitutions – appropriate delegated powers from their own Authority to participate in the programme (or part of the programme as appropriate), subject to decisions on levels of funding to be committed being reserved by the individual Authorities;

- The Fire Forum's political scrutiny of the programme should be informal with no decision making powers. It would however provide Fire and Rescue Authority (FRA) chairs and lead members with the opportunity to discuss the programme with CFOs in advance of any Authority decision on whether to participate in the programme.

2.5 The Fire Forum would also provide FRA Chairs and CFOs with the opportunity to network and discuss common issues. For example, there could be a standard item on the agenda for a policy issues update from each FRS and for the host FRA to showcase a particular policy issue.

2.6 The Forum could also consider the appointment of elected member champions to workstreams and task and finish groups as appropriate if it was considered that this would enhance improved political scrutiny of the programme.

### **Membership**

2.7 Membership of the Forum would consist of the chairs of FRAs and CFOs. Other people would be by invitation. Substitutes would be allowed.

### **Frequency and Hosting of Meetings**

2.8 As with the previous Fire Forum arrangements, it is envisaged that the Forum would meet quarterly with each FRA hosting a meeting in turn and bearing the costs (room booking, refreshments etc.) associated with that meeting. At this stage it is considered appropriate – to ensure consistency of approach – for the Regional Programme Manager to produce a note of the meeting, focusing on points of agreement rather than a verbatim record of the meeting.

### **Secretariat**

2.9 It is intended at the outset that the Regional Programme Manager should provide secretariat services for the Forum. This will ensure a consistency and continuity of approach given that EMG will be generating the Forum agenda and that the Regional Programme Manager attends all EMG meetings. Administration will be kept to a minimum by using common templates for Forum meeting reports and notes and electronic circulation via the regional website.

### **Agendas and Chairing of Meetings**

2.10 EMG would agree the agenda for Fire Forum meetings in consultation with FRA Chairs and Lead Members.

2.11 The Chair of the host FRA would chair the meeting.

2.12 The intention would be to circulate papers for Fire Forum meetings at least one week in advance.



### **3. ARRANGEMENTS FOR CONTINUED AND FUTURE COLLABORATIVE WORKING**

- 3.1 On the basis that the South West Regional Management Board is dissolved, it will still be necessary for a mechanism to exist for governance and participation in both the continued programme of regional collaboration and any future initiatives.
- 3.2 To this end, work is in hand to produce a Co-operation Agreement making provision for, amongst other things, the apportionment of costs and liabilities between participating constituent authorities in relation to the programme of collaboration. This is still subject to agreement but at this time it is proposed that the basis for sharing costs and liabilities should be:-
1. The cost of preparing and reporting the RMB's accounts for 2010-11 to be divided equally between Services.
  2. The costs and liabilities of regional staff to be shared on an equal basis. The employing FRS will invoice other FRSs on a quarterly basis.
  3. Project costs and liabilities to be divided equally between participating services. This reflects the fact that most projects are likely to be taken forward on a sub-regional basis.
  4. The cost of EMG, workstream and regional CFOA meetings to be divided equally between participating Services at the end of each year.
- 3.3 The aim would be to provide Services with an estimate of the likely cost of their share of the programme for the forthcoming year in January as part of the annual business plan approval process.
- 3.4 The Co-operation Agreement will be subject to consultation with each Authority's legal advisors to ensure that it is fit for purpose. It is proposed that, once finalised, the authority to enter into the Agreement should be delegated to the Chief Fire Officer (in consultation with the Clerk for combined fire and rescue authorities) – this approach being deemed appropriate by the legal advisors.
- 3.4 In relation to points (2) to (4) in paragraph 3.2 above, it is proposed that these arrangements – and the Co-operation Agreement itself - should come into effect on 1 April 2011 (with the South West Regional Management Board formally ceasing to exist on 31 March 2011) to avoid unnecessary complications in producing the Board's accounts for 2010/11, and changes in cost apportionment mid-year. This does not preclude the establishment of the South West Forum or meetings of this body prior to 1 April 2011. Neither does it require the Board to meet again as – at its meeting on 28 September 2011 – it resolved amongst other things to defer remaining future meetings scheduled for the 2010/11 municipal year and to delegate responsibility for the production and finalisation of its 2010/11 Statement of Accounts to the Devon & Somerset Fire & Rescue Authority.
- 3.5 Additionally, on the basis that dissolution of the Board is approved, each authority is asked to indemnify the relevant lead authority against any liabilities linked to the former programme of collaboration under the South West Regional Management Boards but which may subsequently come to light following its dissolution. Any such liability should be apportioned equally between each authority including the relevant lead authority.

#### **4. OFFICER OVERSIGHT OF COLLABORATIVE WORKING**

- 4.1 As indicated in paragraph 2.4 above, this issue has been the subject of discussion by the Executive Management Group (EMG). EMG feels that it should be the strategic sponsoring group for the whole programme with workstreams serving as programme boards for specific tranches of the projects mandated by EMG. Representation on each workstream and task and finish project board would be dependent on which FRSs had committed to that particular element of the programme. EMG would appoint each workstream leader and the leaders of task and finish groups based upon recommendations of workstream leaders.
- 4.2 Workstreams would continue to act as forums for the exchange of best practice and a conduit for national Chief Fire Officers' Association business. Workstreams would be encouraged to make greater use of video conference, teleconferencing and the website to reduce costs and exchange of information.

#### **5. ADMINISTRATION OF "NEW BURDENS" GRANT**

- 5.1 Since 2005 the Government has allocated New Burdens grant to fire and rescue services (FRSs) to fund FiReControl implementation costs. For 2010/11 the total allocation for the South West region is £3.362m, of which a total of £0.395m is paid direct to individual FRSs to fund FiReControl FRS Co-ordinator posts. The remaining £2.967m is paid to the Devon and Somerset Fire and Rescue Authority as designated 'lead authority' to fund the costs of regional transition, the regional team, staff pools and the Local Authority Controlled Company (LACC). A summary of this funding is provided in the table below.

	<b>£m</b>
Transition Funding	1.432
LACC Funding	0.580
Regional Team Funding	0.156
Staff Pool	0.799
<b>Total</b>	<b>2.967</b>

- 5.2 Transition and staff pool grant is subsequently distributed to the six FRSs in the region based upon assessed need. The process for the assessment of need is governed through the South West RCC Project Board.
- 5.3 In the past the regional grant has been paid annually in advance, however for 2010/2011 the CLG have changed the way that they distribute the grant and only allocated six months worth of the annual grant in advance. From October of this year the remainder of the grant will be received and distributed on a monthly basis.
- 5.4 Whilst the £2.967m is paid by the CLG into a Devon and Somerset FRA bank account, for accounting purposes the receipt and distribution is included within the RMB accounts, and therefore subject to audit scrutiny as part of the external audit of the RMB financial statements. Each FRS is required to account for their own portion of transition and staffing pool costs and funding within their own accounts. As RMB are still required to prepare Statement of Accounts for 2010/11, the accounting of New Burdens grant will not change prior to 1 April 2011.
- 5.5 Details of future commitment from the Government in relation to New Burdens grant beyond April 2011 are expected to be included in the 2010 Comprehensive Spending Review announcement.

- 5.6 Whilst it will not be necessary to change the 'pooling' arrangement for the receipt of any New Burdens grant, as a consequence of the dissolution of the RMB, it will be necessary for the accounting of such monies to be changed from 1 April 2011.
- 5.7 From April 2011 the receipt and distribution of grant will be recorded within Devon and Somerset FRA accounts and therefore be subject to audit scrutiny as part of the external auditing of their accounts. Individual FRSs will still be required to account for their portion of transition and staffing pool costs and funding, as is currently the case.

**M PEARSON**  
**Clerk to the Authority**

**K WOODWARD**  
**Treasurer to the Authority**

## South West Fire Forum – Indicative Terms of Reference

### **Membership**

Fire and Rescue Authority Chairs and Chief Fire Officers. The Forum to be chaired by an Elected Member.

Other people to attend meetings by invitation.

### **Scope**

The Forum will operate informally with no decision-making powers and not covered by statutory Access to Information provisions requiring meetings to be open to the press and public. It is intended to:

- Provide political input and overview of the programme for regional and sub-regional collaboration;
- Keep under review opportunities to deliver greater efficiencies through closer joint working, sharing of functions or collaboration at the regional or sub-regional level;
- Review the annual business plan for the programme of collaboration with a focus on the return of investment and wider benefits;
- Review progress on the programme of collaboration with a focus on benefits realisation;
- Provide political input, overview and contribution to a programme of peer reviews and skills transfers between SW FRSs;
- Facilitate the discussion of common issues between South West fire and rescue authorities; and
- Facilitate networking between South West Fire and Rescue Authority Chairmen.

The Executive Management Group will determine and exercise responsibility for the day-to-day management of regional and sub-regional collaboration.

### **Frequency of Meetings**

Quarterly.



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	DSFRA/10/24
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
<b>DATE OF MEETING</b>	3 NOVEMBER 2010
<b>SUBJECT OF REPORT</b>	AUTHORITY PETITION SCHEME
<b>LEAD OFFICER</b>	Clerk to the Authority
<b>RECOMMENDATIONS</b>	<i>that the proposed revision to Standing Order 12, as appended to this report and intended to give effect to a petition scheme consistent with the requirements of the Local Democracy, Economic Development and Construction Act 2009, be approved.</i>
<b>EXECUTIVE SUMMARY</b>	This report proposes minor modifications to Standing Order 12 (dealing with questions and petitions from the public) so as to effect a petition scheme for the Authority consistent with that required of principal authorities by the Local Democracy, Economic Development and Construction Act 2009.
<b>RESOURCE IMPLICATIONS</b>	Nil.
<b>EQUALITY IMPACT ASSESSMENT</b>	An initial assessment has not identified any equality issues emanating from this report.
<b>APPENDICES</b>	A. Revised Standing Order 12
<b>LIST OF BACKGROUND PAPERS</b>	A. Local Democracy, Economic Development and Construction Act 2009 B. Local Government Public Health and Involvement Act 2007

## **1. BACKGROUND**

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 places a new duty on all principal local authorities to develop and implement a comprehensive petitions scheme and provide an electronic petition facility to help citizens receive better responses from local service providers.
- 1.2 Combined Fire and Rescue Authorities such as Devon & Somerset are not, however, defined as principal authorities and consequently are not caught by the new duty to produce a petition scheme.
- 1.3 The new duty also provides, however, that all principal local authorities must accept petitions relating not just to their functions but also in relation to any "... improvement in the economic, social or environmental well-being of the authority's area to which any of the authority's partner authorities could contribute". In this context, Fire and Rescue Authorities are listed as a partner authority.
- 1.4 This Authority's boundary covers four principal authorities and petitions concerning the Authority may cover one or all of these boundaries. It may therefore be confusing for the community to know which authority to submit a petition that relates to DSFRA.
- 1.5 The Authority's Standing Orders already provide for public petitions to be accepted and it is suggested that minor modifications to the relevant Standing Order (Standing Order 12) can make it compatible with the duty for petition schemes placed on principal authorities. As indicated, although not required to have such a scheme, voluntary adoption would enhance democratic transparency and potentially alleviate confusion for the public. It would supplement rather than replace the duty placed on principal authorities. Other benefits to adopting a voluntary scheme are explored in the next section.

## **2. BENEFITS OF AN AUTHORITY SCHEME**

- 2.1 It would be beneficial to establish a clear position on different types of petitions prior to any potential changes. By establishing a position before any potential changes, the Authority can be proactive about informing the public on how it will accept petitions. Petitions have previously been submitted and accepted during 2007/08 on public consultation for the proposed changes to the aerial appliances and station duty systems.
- 2.2 In the spirit of Big Society and Localism, having a scheme in place will help empower the community and make the Authority more accessible.
- 2.3 Additionally, the Authority is required to meet the Duty to Involve as set out in section 138 of the Local Government Public Health and Involvement Act. A recognised method on involvement with Local Authorities is through petitions.
- 2.4 The introduction of a petition scheme will contribute towards Corporate Activity CA3A2: To improve how the community can influence decisions.

## **3. THE AUTHORITY SCHEME**

- 3.1 As indicated, minor modifications are proposed to Standing Order 12 to reflect the existing guidance on petition schemes now required of principal authorities by the Local Democracy, Economic Development and Construction Act. The main revisions cover:

- categorisation of petitions as either petitions relating to an Authority public consultation (e.g. the Corporate Plan) or petitions on standalone subjects, with different processes for dealing with each;
- the introduction of a requirement for a minimum of 50 signatories before any petition will be accepted;
- To ensure the Authority understands the level of local support for a petition, it reserves the right to seek to verify each signature appended to a petition.

3.1 A revised Standing Order 12 is appended to this report, with the main revisions proposed highlighted.

#### **4. CONCLUSION**

4.1 As indicated, although not required to introduce a formal petition scheme the Authority already has one in place which, with minor modifications, would be compatible with that required of principal authorities under the Local Democracy, Economic Development and Construction Act. Such a scheme would, it is suggested, enhance the Authority's democratic transparency and potentially alleviate confusion amongst the public as to whom to submit petitions relating to Authority functions. Consequently, the proposed revisions to Standing Order 12 as appended to this report are commended for approval.

**M PEARSON**  
**Clerk to the Authority**

**PROPOSED REVISED STANDING ORDER 12**

**12 QUESTIONS AND PETITIONS BY THE PUBLIC (EXCLUDING EMPLOYEES AND REPRESENTATIVE BODIES OF THE DEVON & SOMERSET FIRE & RESCUE SERVICE)**

***General***

- (1) Each agenda for meetings of the Authority will include an item for public questions and petitions. The time allowed for this will not exceed 20 minutes (except at the discretion of the Chair).
- (2) Questions and petitions may only be put by persons who are permanent residents of the geographical counties of Devon and Somerset.
- (3) Petitions and questions (including supplementary questions where allowed by the Chair) will be restricted to one per member of the public per meeting.
- (4) For processing purposes, petitions will be categorised using the following criteria:-
  - a) Petitions relating to an Authority public consultation;
  - b) Petitions on standalone subjects for which the Authority has responsibility or which affects the Authority;

***Scope of questions and petitions***

- (5) Questions MUST:-
  - (a) relate to a matter which is already included on the agenda for the Authority meeting at which it is to be raised;
  - (b) not be defamatory, frivolous or offensive;
  - (c) not be substantially the same as a question which has been put at a meeting of the Authority in the past six months; and
  - (d) not require the disclosure of confidential or exempt information;
- (6) Petitions MUST:-
  - (a) relate to a matter for which the Authority has a responsibility or which affects the Authority;
  - (b) not be defamatory, frivolous or offensive;
  - (c) not be substantially the same as a petition which has been put at a meeting of the Authority in the past six months;
  - (d) have attracted a minimum of 50 signatories; and
  - (d) not require the disclosure of confidential or exempt information.



### ***Submission of questions and petitions***

- (7) Questions (which must relate to subject matter already included on the agenda for the meeting at which it is to be raised) must be submitted in writing (including e-mail) to the Clerk to the Authority at least two clear working days before the meeting. The Clerk reserves the right to edit any question, in consultation with the author, to bring it into an appropriate form prior to circulation to the Authority.
- (8) Petitions may be submitted to the Authority in the following ways:-
- a) On paper
  - b) Electronically, through the Authority's e-Petition facility
  - c) Electronically by e-mail
- (9) In every case, petition organisers must identify themselves and provide such details as will assist the Authority to make contact to discuss the petition. If the lead signatory wishes to relinquish their role then another signatory can and must be elected as lead signatory.
- (10) Petitions relating to an Authority public consultation must be submitted by the closing date of the consultation, to allow for inclusion in the reporting process.
- (11) Petitions on stand-alone subjects must be submitted to the Clerk to the Authority by midday, at least two clear working days before the Fire Authority meeting at which the matter is to be presented.

### ***Acceptance of a petitions and questions***

- (12) The Authority reserves the right to assess the authenticity of any petition by verifying each signatory to it. To facilitate this, petitions must include details of:
- a) Name
  - b) Address
  - c) Contact number or email address
- (13) Where a petition meets the above criteria it will usually be accepted by the Authority and the following process will be initiated:
- a) Where a petition relates to an Authority public consultation it will be taken into account and reported along with other the consultation results.
  - b) Where a petition relates to a standalone subject the petition organiser will be allowed to speak in support of the petition for no more than 2 minutes at the Authority meeting, subject to the discretion of the Chair. The Authority may either refer the matter which is the subject of a petition without debate to a relevant committee, take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered), or note it.
- (14) The Clerk to the Authority has discretion, following consultation with the Chair, to reject any question or petition which does not accord with the terms of this Standing Order.

***Asking Questions at a meeting***

- (15) The Chair will invite the correspondent to introduce (not repeat in full) hi(s)/her question to the Authority. The correspondent has a maximum of 2 minutes in which to do so, subject to the discretion of the Chair. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

***Supplemental question***

- (16) Supplementary questions (a maximum of 2 minutes for each) will be allowed at the discretion of the Chair.

***Written answers***

- (17) Any question not able to be dealt with adequately during public question time, will be dealt with by a written answer.

***Reference of question to a committee***

- (18) Unless the Chair decides otherwise, no discussion will take place on any matter raised during public question time, but any Member may propose that the matter be referred to the appropriate committee of the Authority for consideration.

***Availability of questions and petitions***

- (19) Brief details of the subject matter of any petition(s) to be considered, together with copies of all questions from the public received prior to the meeting (and any answers to be given where appropriate), will be circulated to all Members of the Authority and will be made available to the public attending the meeting.

***A public record***

- (20) A summary record of questions asked, replies given and petitions accepted will be made in the minutes of the Authority's meeting.

## **SOUTH WEST REGIONAL MANAGEMENT BOARD**

28 September 2010

### Present:-

Councillors Walker (Chair) and Roberts (Avon), Kennedy (Cornwall), Gordon, Gribble (vice Boyd) and Healey (Devon & Somerset), Bulteel (Dorset) and Brig. Hall (Wiltshire).

### Also in attendance:

Alun Williams (Audit Commission)(for item RMB/16)

### Apologies:-

Councillors Windsor-Clive (Substantive Member) and Parsons (Substitute Member) (Gloucestershire), Mrs. Fry (Substitute Member – Devon & Somerset).

### **RMB/14.        Minutes**

**RESOLVED** that the Minutes of the meeting of the Board held on 22 June 2010 be signed as a correct record.

### **RMB/15.        Workstream Highlights Report**

The Board considered a report of the Regional Programme Manager (RMB/10/17) on progress since the last meeting on:

- those projects being supported by the South West Regional Improvement and Efficiency Partnership (SW RIEP), 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;
  - an e-recruitment project;
  - an Early Learning Fire Safety (ELFS) project; and
  - a fire and rescue services equality framework gap analysis; and
- a summary of progress made since the last meeting of the Board by those workstreams addressing the following issues on a regional basis:
  - Business Improvement and Efficiency;
  - Climate Change and Sustainability Practitioners Group
  - Community Safety;
  - Equality and Diversity;
  - Procurement;
  - Human Resources Management and Development;

- Regional Control Centre; and
- Service Operations and Resilience.

Appended to the report was a summary of “red” milestones against the projects together with an indication of the action required to resolve this.

Following a meeting of the South West Councils’ Chief Executives’ Group on 23 September, the moratorium on new spending commitments – including £71,000 relating to the fire programme – remained in place.

**RESOLVED** that the progress of workstreams and the programme of work supported by the South West Regional Improvement and Efficiency Partnership (SW RIEP), as indicated in report RMB/10/17, be noted.

**RMB/16. Audit Commission Annual Governance Report and Annual Audit Letter 2009/10**

(Alun Williams – Audit Commission – in attendance for this item)

The Board considered a copy of the Audit Commission’s Annual Governance Report and Annual Audit Letter 2009/10 summarising the Commission’s findings from its audit of the Board’s accounts for that financial year. The representative of the Audit Commission no material issues had been identified as a result of the audit and that consequently it was intended to issue an unqualified opinion both on the financial statements on which the audit was based (a revised copy of which, correcting minor errors, was contained in the papers before the meeting) and in respect of value for money (the adequacy of arrangements to secure economy, efficiency and effectiveness in the use of resources).

Included with the Report was a draft Letter of Representation for signature, subject to Board approval, by the Treasurer and required by the Audit Commission prior to issuing the final opinion and conclusion.

**RESOLVED**

- that the Annual Governance Report and Annual Audit Letter 2009/10, together with the financial statements upon which the Annual Governance Letter was based, be approved;
- that the Letter of Representation be approved and the Board Treasurer authorised to sign and forward it to the Audit Commission to facilitate issue of the final conclusion and opinion on the Board’s accounts 2009/10.

**RMB/17. Dissolution of the Board**

The Board considered a joint report of the Clerk and the Treasurer (RMB/10/18) advising on progress to date with proposals to effect the formal dissolution of the Board following representations made to the former and current coalition governments.

The current Fire Minister, Bob Neill MP, had responded to the Board’s most recent representations (Minute RMB/7(a) of the meeting held on 22 June 2010 refers) to indicate that participation in Regional Management Boards would henceforth be voluntary with fire and rescue authorities free to collaborate in ways and forums best suited to local circumstances.

In light of this, the paper set out issues that would need consideration to effect dissolution of the Board and an indicative timescale to secure this.

**RESOLVED**

- (a) that the Board's earlier decision to progress formal dissolution be re-affirmed and that, as a result of this, the course of action and timetable to effect dissolution as outlined in report RMB/10/18 be endorsed;
- (b) that, in light of (a) above, future meetings of the Board scheduled for the remainder of the current municipal year (to June 2011) be cancelled;
- (c) that, in accordance with Section 6 and Schedule 4 of the Board constituting Agreement, responsibility for production and finalisation of the Board's Statement of Accounts for 2010/11 be delegated to the Devon & Somerset Fire & Rescue Authority.

The meeting started at 10.30hours and finished at 10.55hours.