

**M. Pearson
CLERK TO THE AUTHORITY**

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

(see below)

**SERVICE HEADQUARTERS
THE KNOWLE
CLYST ST GEORGE
EXETER
DEVON
EX3 0NW**

Your ref :
Our ref :
Website : www.dsfire.gov.uk

Date : 21 July 2011
Please ask for : Steve Yates
Email : syates@dsfire.gov.uk

Telephone : 01392 872200
Fax : 01392 872300
Direct Telephone : DocOwnerTelephone

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Friday 29 July 2011

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10.00hours in the Committee Rooms in Somerset House, Service Headquarters** to consider the following matters.

M. Pearson
Clerk to the Authority

AGENDA

1. **Apologies**
2. **Minutes** of the Annual and Ordinary Meetings of the Authority held on 27 May 2011 attached (Pages 1 and 5 respectively).
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 by 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. Questions and petitions must be submitted in writing or by e-mail to the Clerk to the Authority by **midday on Tuesday 26 July 2011**.

6. Questions by Members of the Authority

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

7. Minutes of Committees, Working Parties Etc.

(a) Human Resources Management and Development Committee

The Chairman of the Committee, Councillor Cann, to **MOVE** the Minutes of the meeting of the Committee held on 17 June 2011 attached (Page 14)

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

(b) Community Safety and Corporate Planning Committee

The Chairman of the Committee, Councillor Leaves, to **MOVE** the Minutes of the meeting of the Committee held on 7 July 2011 attached (Page 17)

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

(c) Resources Committee

The Chairman of the Committee to **MOVE** the Minutes of the meeting of the Committee held on 22 July 2011 (*TO FOLLOW*)

RECOMMENDATION that, in accordance with Standing Orders, the Minutes be adopted and any recommendations contained therein approved.

8. Commercial Services Governance and Management

Report of the Chief Fire Officer (DSFRA/11/18) attached (Page 19)

9. Emergency Response Standards: Non-Domestic Fires and Entrapments (Excluding Road Traffic Collisions)

Report of the Director of Service Support (DSFRA/11/19) attached (Page 27)

10. Fire Control Consolidation

Report of the Director of Service Delivery (DSFRA/11/20) attached (Page 33)

11. Exclusion of the Press and Public

RECOMMENDATION 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 items of business on the grounds that they involves the likely disclosure of exempt information as defined:

- for item 12, in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating individuals, from which individuals might be identified and to the financial and business affairs of those individuals; and

- for item 13, in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972, namely the business affairs of the Authority.

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

12. Senior Management Board - Further Considerations

Report of the Chief Fire Officer (DSFRA/11/21) attached (Page 36).

13. Business Continuity Considerations

Report of the Director of Service Support (DSFRA/11/22) attached (Page 38).

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Healey(Chair), Bakewell, Bown, Boyd (Vice Chair), Brooksbank, Burridge-Clayton, Cann, Drean, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Horsfall, Hughes OBE, Leaves, Mills, Radford, Randall Johnson, Smith, Way, Woodman, Wright, 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

(Devon and Somerset Fire and Rescue Authority)

27 May 2011

Present:-

Councillors Bakewell, Bown, Boyd, Drean, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Healey, Horsfall, Hughes OBE, Leaves, Mills, Radford, Randall Johnson, Smith, Way, Woodman, Wright and Yeomans

Apologies:-

Councillors Brooksbank, Burridge-Clayton and Cann

DSFRA/1. Election of Chairman

RESOLVED that Councillor Healey be elected Chairman of the Authority until its Annual Meeting in 2012.

DSFRA/2. Minutes

RESOLVED that the Minutes of the budget meeting of the Authority held on 14 February 2010 be signed as a correct record.

DSFRA/3. Election of Vice-Chairman

RESOLVED that Councillor Boyd be elected Vice Chairman of the Authority until its Annual Meeting in 2012.

DSFRA/4. Declarations of Interest

Members 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.

Councillor Woodman declared a **personal but non-prejudicial** interest in the item relating to appointments to outside bodies by virtue of his being the Authority-appointed Director on South West Fire Control Ltd., the Local Authority Controlled Company (LACC) that exercised governance responsibility for the former South West Regional Control Centre.

(SEE MINUTE DSFRA/6 BELOW)

DSFRA/5. Review of Constitutional Governance Framework Documents

The Authority considered a report of the Clerk (DSFRA/11/8) on the annual review of the Authority's constitutional framework documents (Standing Orders, Financial Regulations etc.).

As a result of the review, all the documents were considered fit for purpose and no immediate revisions were proposed. The Clerk reminded the Authority, however, of the ongoing business improvement programme by which the Authority was seeking to secure recognition as "excellent". As part of this programme, fundamental reviews were being undertaken both of Service Delivery and Business Support.

In relation to the latter, improvements to procurement processes would shortly be implemented and it was likely these would require modifications to the Procurement and Contract Regulations.

RESOLVED

- (a) that the constitutional governance framework documents as listed at paragraph 1.1 of report DSFRA/11/8 be endorsed;
- (b) that it be noted that further amendments to the documents may be submitted to future meetings of the Authority as and when required.

DSFRA/6. Schedule of Appointments to Committees, Working Parties Etc. and Appointments to Outside Bodies

(Councillor Woodman declared a **personal but non-prejudicial interest** in this item by virtue of his being the Authority-appointed Director on South West Fire Control Ltd., the Local Authority Controlled Company (LACC) that exercised governance responsibility for the former South West Regional Control Centre).

The Authority considered a schedule (DSFRA/11/9) detailing appointments to be made for the 2011/12 Municipal Year to Committees etc. and outside bodies and to which was appended the existing Terms of Reference for each of the Committees in the current structure.

RESOLVED

- (a) that the Terms of Reference for Committees as set out in Annex 1 to Schedule DSFRA/11/9 be endorsed;
- (b) that, in accordance with Standing Orders, appointments be made to the Committees etc. and Outside Bodies as shown below for the 2011/12 municipal year, the Term of Office to be until the Authority Annual Meeting in 2012 unless otherwise indicated or, for the Standards Committee, the “appointed day”, whichever is the sooner;
- (c) that the appointments of Messrs Phillips, Watson and Withers as Independent Members of the Authority’s Standards Committee be re-affirmed until the Authority Annual Meeting in 2012 or until the “appointed day”, whichever is the sooner;
- (d) that the term of office of Councillor Woodman as Authority-appointed Director on South West Fire Control Ltd. be confirmed as either:
 - (i) he resigns from that position; or
 - (ii) ceases to be a Member of this Authority; or
 - (iii) the Company is formally wound-up.

(A) COMMITTEES ETC.

Resources Committee

Councillors Bakewell, Gordon, Horsfall, Hughes OBE, Smith, Woodman and Yeomans.

Human Resources Management and Development Committee

Councillors Bown, Boyd, Brooksbank, Burrige-Clayton, Cann, Horsfall and Wright.

Audit and Performance Review Committee

Councillors Burridge-Clayton, Drean, Dyke Gribble, Mills, Radford and Way.

Community Safety and Corporate Planning Committee

Councillors Brooksbank, Eastman, Foggin, Fry, Healey, Leaves and Woodman.

Standards Committee

(NOTE: Term of office to be until the Authority Annual Meeting in 2012 OR the “appointed day”, whichever is the sooner).

Councillors Bown, Gribble, Horsfall, Mills, Randall-Johnson and Yeomans.

Independent Members – Messrs, Phillips, Watson and Withers.

Capital Programme Working Party

Councillors Bown, Fry, Smith and Woodman.

Equality and Diversity Member Champion

Councillor Randall Johnson

Climate Change and Sustainability Member Champion

Councillor Leaves

(B) *OUTSIDE BODIES*

Local Government Association

(i) Fire Commission

Authority Chairman.

(ii) General Assembly

Member	Votes Exercised
Authority Chairman	1 Corporate and 5 Service
Councillor Fry	4 Service
Councillor Horsfall	4 Service
Councillor Leaves	4 Service

(iii) Urban Commission

Councillor Gordon.

(iv) Rural Commission

Councillor Smith.

Devon Strategic Partnership

Councillor Way.

Safer Devon Partnership Executive Group

Councillor Randall Johnson.

South West Councils

Authority Chairman.

South West Provincial Council

Chairman of the Human Resources Management and Development Committee.

South West Forum of Fire Authorities

Chairman of the Authority

Devon and Exeter Racial Equality Council

Councillor Boyd.

Plymouth and District Racial Equality Council

Councillor Gordon.

Somerset Racial Equality Council

Councillor Horsfall.

(SEE ALSO MINUTE DSFRA/4 ABOVE)

DSFRA/7. Devon & Somerset Fire & Rescue Authority Draft Calendar of Meetings 2011/12 Municipal Year

The Authority considered a draft Calendar of Meetings (DSFRA/11/10) listing proposed Authority and Committee dates up to and including the Authority Annual Meeting in 2012.

RESOLVED that the draft Authority Calendar of Meetings for the 2011/12 Municipal Year be approved.

The meeting started at 10.00hours and finished at 10.30hours.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY
(Devon and Somerset Fire and Rescue Authority)

27 May 2011

Present:-

Councillors Healey (Chairman), Bakewell, Bown, Boyd, Cann, Drean, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Horsfall, Hughes OBE, Leaves, Mills, Radford, Randall Johnson, Smith, Way, Woodman, Wright and Yeomans

Apologies:-

Councillors Brooksbank and Burrige-Clayton

DSFRA/8. Declarations of Interest

Members 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.

Councillor Woodman declared a **personal but non-prejudicial interest** in the item dealing with the South West Regional Management Board 2010/11 financial outturn by virtue of his being the Authority-appointed Director on South West Fire Control Ltd., the Local Authority Controlled Company (LACC) established to exercise overall governance responsibility for the former South West Regional Control Centre.

(SEE ALSO MINUTE DSFRA/16 BELOW)

DSFRA/9. Address by the Fire Brigades Union

In accordance with Standing Order 13, the Authority received an address from the Fire Brigades Union on the draft Corporate Plan 2011/12 to 2013/14, the consultation thereon the eight key proposals including changes to crewing arrangements on some stations, such as day crewed plus.

(SEE ALSO MINUTE DSFRA/11 BELOW)

DSFRA/10. Minutes of Committees, Working Parties Etc.

(a) Human Resources Management and Development Committee

The Chairman of the Committee, Councillor Cann, **MOVED** the Minutes of the meeting of the Committee held on 11 April 2011 which had considered, amongst other things:

- a report on absence management and sickness levels during 2010/11;
- a report on the streamlining of assessment and development centres (ADCs);
- a report on the outcome of the Part-time Workers Regulations Employment Tribunal and its implications for the Devon & Somerset Fire & Rescue Service; and
- an update report on the position of staff affected by the cancellation of the Regional Control Centre project.

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

(b) Audit and Performance Review Committee

The Chairman of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting of the Committee held on 12 May 2011 which had considered, amongst other things:

- the proposed internal audit plan for 2011/12;
- reports from the Audit Commission on work currently in progress, the Opinion Audit Plan 2010/11 and the audit fee letter 2011/12;
- a report detailing the performance of the Service during 2010/11 against those goals, activities and targets as contained in the approved Corporate Plan for that year; and
- reports detailing work undertaken both by the Service Audit and Review Team and the Devon Audit Partnership during the 2010/11 financial year.

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

(c) Resources Committee

The Chairman of the Committee, Councillor Gordon, **MOVED** the Minutes of the Committee held on 18 May 2011 which had considered, amongst other things:

- a report on the draft financial outturn position against the 2010/11 approved Revenue budget together with performance against the financial targets set for that year; and
- a report on a revised Capital Programme 2011/12 to 2013/14.

RESOLVED

- (i) that the recommendation at Minute RC/27(a) (Financial Performance Report 2010/11) be considered in conjunction with the item on the Financial Outturn 2010/11 elsewhere on the agenda for this meeting;
- (ii) that the recommendation at Minute RC/28 in relation to the revised Capital Programme 2011/12 to 2013/14 (as summarised in the table appended to these Minutes) be approved;
- (iii) that, subject to (i) and (ii) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/13 BELOW)

DSFRA/11. Results and Recommendations arising from Consultation on the Devon & Somerset Fire & Rescue Authority Corporate Plan 2011/12 to 2013/14 and Eight Key Proposals

The Authority considered a report of the Chief Fire Officer (DSFRA/11/11) on the outcome of the 12 week consultation on the draft Corporate Plan 2011/12 to 2013/14 and eight key proposals. The report set out:

- the context for developing the draft and eight key proposals (including the 25% reduction in government grant to be secured over the next four years as part of the Comprehensive Spending Review [CSR] 2011 – 14);
- the Service strategy to secure the required budget savings (improving efficiency; reducing spending; and generating income); and
- the approach to consultation and summary of consultation methodology, which covered all key stakeholders including representative bodies.

The report identified that, in addition to efficiencies associated with the eight key proposals, the Service was also seeking to progress financial efficiencies in the excess of £4m by:

- robust budget management and control of non-essential spending on non-salary budgets (£1.5m);
- increased income generation (>£1m);
- procurement improvements and efficiencies (>£1m); and
- non-uniformed staff reductions (>£0.5m).

The report went on to summarise the consultation responses and recommendations, revised where appropriate to reflect the outcome of the consultations, in respect of the eight key proposals, namely:

- changing the Service approach to co-responder calls on behalf of the ambulance service;
- providing more targeted prevention services and advice;
- providing more targeted protection services and advice;
- providing smaller fire engines to meet local needs;
- pending anticipated legislative change, recovering costs for repeated defective automatic fire alarm system (AFA) call outs;
- managing with fewer operational staff by looking to make changes to crewing arrangements on some stations, such as day crewed plus;
- managing with fewer operational staff by standardising station staffing levels across Devon and Somerset; and
- selling training and other functions.

Members debated the responses and recommendations in relation to the eight key proposals, and particularly the proposal relating to possible changes to crewing arrangements (such as day crewed plus) on some stations. In respect of this proposal, Councillor Boyd **MOVED**, with Councillor Yeomans seconding the motion, that recommendation 6 as printed in report DSFRA/11/11 be approved.

Councillor Hughes OBE proposed, with Councillor Fry seconding (subject to the inclusion of additional words – shown in ***bold italics*** – as accepted by Councillor Hughes OBE) the proposal, that the motion be **AMENDED** by deletion of the first bullet point of the printed recommendation and the initial word “alternatively” in the second bullet point, the full **AMENDMENT** reading as follows:

“that, as part of the Service budget strategy, discussions commence with Trade Unions in an attempt to agree a different staffing model for DSFRS which presents significant savings ***and would work better for staff***”.

The amendment was put to the vote and declared **LOST** by 17 votes to 5.

There being no further motions or amendments, the recommendations as printed in report DSFRA/11/11 were put before the Authority upon which it was

RESOLVED

- (a) that the outcome of the consultation on the Draft Corporate Plan 2011/12 to 2013/14, as summarised in report DSFRA/11/11 and detailed in the separate consultation report appended to the agenda for the meeting, be noted;
- (b) that the recommendations associated with the eight key proposals and on the draft Corporate Plan 2011/12 to 2013/14, as amended where appropriate to reflect the outcomes of the consultation, be approved;
- (c) that, subject to incorporation of the amendments as indicated, the Corporate Plan 2011/12 to 2013/14 be approved.

(SEE ALSO MINUTE DSFRA/9 ABOVE AND DSFRA/12 BELOW).

DSFRA/12. Corporate Measures and Targets

The Authority considered a report of the Chief Fire Officer (DSFRA/11/12) on the outcome of the 12 week consultation on the draft Devon & Somerset Fire & Rescue Service Strategy "Towards 2014".

Following the consultation, three strategic principles (with partnership working embedded within the first one) were proposed for adoption, each supported by proposed commitments, corporate measures and targets as set out in the report.

RESOLVED

- (a) that the outcome of the consultation on the draft Devon & Somerset Fire & Rescue Service Strategy "Towards 2014, as summarised in report DSFRA/11/12 and detailed in the separate consultation report appended to the agenda for the meeting, be noted;
- (b) that, in light of the consultation results, the proposed Strategy, featuring the three Strategic Principles as supported by proposed commitments, corporate measures and targets, be approved.

(SEE ALSO MINUTE DSFRA/11 ABOVE).

DSFRA/13. Financial Outturn 2010/11

The Authority considered a report of the Treasurer (DSFRA/11/13) on the provisional revenue and capital financial outturn position for 2010/11.

In relation to revenue, the indicative outturn position was for a total spend of £73.774m against an approved budget of £75.135m, giving an underspend of £1.361m (equivalent to 1.81% of the total budget). The total spend of £73.774 also included £2.757m already transferred to earmarked reserves as follows:

- £0.726m identified in-year savings to help address the Comprehensive Spending Review (CSR) issues;
- £0.657m expenditure carried forward from the current financial year to 2011/12; and
- £1.374m grants unapplied.

The report identified areas of overspend against the approved budget (e.g. retained pay costs; fire service pensions costs; communications costs; increase in Occupational Health provision contract) as offset by areas of underspend (e.g. wholetime pay costs; control room staff costs; non-uniformed staff costs; training expenses; premises related costs; transport related costs) and greater than anticipated income in relation to treasury management investment.

The report outlined proposals for utilisation of the £1.361m underspend, as recommended by the Resources Committee at its meeting on 18 May 2011 (Minute RC/27(a) refers):

- £0.896m to be transferred to the Change and Improvement Reserve to be used to fund invest-to-save projects to be identified through the Change and Improvement Programmes; and
- £0.465m to be transferred to the Comprehensive Spending Review (CSR) Budget Strategy Reserve to provide further financial contingency towards budget setting in 2013/14 and 2014/15.

In relation to the 2010/11 Capital Outturn, total spending amounted to £3.466m against a finally-approved programme figure of £7.539m. The report identified the mechanism for financing the £3.466m expenditure and indicated that, of the ££4.073m indicative underspend:

- £3.292m was as a result of slippage against individual projects and had been included in the revised capital programme for 2011/12; and
- the remaining £0.781m had been identified as savings against individual projects resulting in a reduction of the same amount in the borrowing requirement.

The report also detailed draft prudential indicators in relation to the 2010/11 capital programme which were subject to completion of the Statement of Accounts. Finally, the report proposed the use of finance for the 2010/11 capital programme which the Authority was required to determine in accordance with the requirements of the capital control legislation.

RESOLVED

- (a) that the following two proposed transfers to Earmarked Reserves, as outlined in paragraph 11.1 of report DSFRA/11/13 and as recommended by the Resources Committee, be approved:
 - (i) an amount of £0.896m be transferred to the Change and Improvement Reserve, and;
 - (ii) an amount of £0.465m be transferred to the Comprehensive Spending Review (CSR) 2010 Budget Strategy Reserve
- (b) That the following capital determinations in relation to funding of the 2010/11 capital programme be approved:
 - (i) that central government support to borrowing totalling £1.808m be used as authorisation to capital expenditure;
 - (ii) that unsupported borrowing of £0.242m be used as authorisation to capitalise expenditure;
 - (iii) that £1.258m be capitalised and funded from government grant; and

- (iv) that £0.158m be capitalised and funded from a revenue contribution to capital spending.
- (c) That, subject to (a) and (b) above, the position in relation to the Revenue and Capital Outturn as indicated in report DSFRA/11/13 be noted.

(SEE ALSO MINUTE DSFRA/10(c)(i) ABOVE).

DSFRA/14. Annual Treasury Management Report 2010/11

The Authority received for information – and as required by the Chartered Institute for Public Management Finance and Accountancy (CIPFA) Code of Practice on Treasury Management - a report of the Treasurer (DSFRA/11/14) on the performance of its borrowing and investment activities during 2010/11 as compared against its approved Treasury Management Strategy.

The report identified that no Prudential Indicators had been breached and that a prudent approach over investment decisions had been exercised, with priority being given to liquidity and security over yield.

DSFRA/15. Authority Approved Scheme of Members Allowances - Mileage Allowances

The Authority considered a report of the Clerk to the Authority (DSFRA/11/15) on the HM Customs and Excise announced increase to the tax exempt rate for mileage expenses from 40pence to 45pence per mile, for the first 10,000 miles claimed, with effect from 1 April 2011.

In line with the relevant regulations, the Authority had approved its Scheme of Allowances to operate for the forthcoming financial year at its budget meeting on 14 February 2011 (Minute DSFRA/55 refers). The Scheme provided, however, for the mileage rate refundable to be adjusted as and when required in line with guidance from HM Revenue and Customs.

RESOLVED that the Authority-approved Scheme of Allowances be amended to reflect that the rate per mile refundable in any given year will be set at the tax-exempt limit as advised by HM Revenue and Customs up to the maximum number of miles permitted at that rate by HM Revenue and Customs in any given financial year (currently 45pence per mile for the first 10,000 miles in any one financial year).

DSFRA/16. South West Regional Management Board Accounts 2010/11

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

The Authority considered a report of the Treasurer (DSFRA/11/17) on the 2010/11 financial outturn for the South West Regional Management Board. The report outlined the composition of the Board (as a joint committee) and indicated that the Board had been formally dissolved with effect from 31 March 2011.

At its ultimate meeting, however, in September 2010 the Board had resolved to delegate - in accordance with its constituting Agreement - authority for approval of its accounts in the last financial year of its operation (2010/11) to the Devon & Somerset Fire & Rescue Authority, the Treasurer for which had formerly provided financial services for the Board.

The original 2010/11 net budget for the Board had been set at £171,200, allowing the financial contributions from each constituent authority to be remain frozen at 2007/08 levels for the fourth consecutive year. Actual net spending against the approved net budget totalled £165,713. The underspend of £5,487 had been transferred to the Devon & Somerset Fire & Rescue Authority, in accordance with the decision reached by the Executive Management Group (EMG)(comprising the Chief Fire Officers of the six south west regional fire and rescue services) and to reflect the fact that two former regionally-funded employees had been redeployed to this Authority thereby significantly reducing the redundancy liabilities that would otherwise have fallen on the Board's budget.

The report also detailed funding and costs associated with both the Regional Control Centre, for which New Burdens grant funding had been made available by the Department for Communities and Local Government.

The Treasurer reported that a change to the relevant regulations in relation to Annual Accounts now classified the Board as a "smaller relevant body" requiring the production only of an Annual Return which would be subject to limited scrutiny. A copy of the relevant return for the Board for the 2010/11 financial year was appended to the report.

RESOLVED

- (a) that the South West Regional Management Board (SWRMB) Annual Return for 2010/11, as appended to report DSFRA/11/17, be approved and the Chairman of the Authority authorised to sign it on behalf of the Board;
- (b) that, in approving the Annual Return, the transfer to the Devon & Somerset Fire & Rescue Authority of the surplus of £5,487 against the approved net 2010/11 budget for the Board be noted;
- (c) that the Treasurer be asked to circulate a copy of report DSFRA/11/17, for information, to each of the south west fire and rescue constituent authorities to the Board.

(SEE ALSO MINUTE DSFRA/8 ABOVE)

DSFRA/17. Devon & Somerset Fire & Rescue Service Year-End Performance Report April 2010 - March 2011

The Authority received a report of the Deputy Chief Fire Officer (DSFRA/11/) on the performance and progress of the Devon & Somerset Fire & Rescue Service for the period 1 April 2010 to 31 March 2011 against those goals, activities and targets as contained in the Authority's approved Corporate Plan for that period. The report had initially been considered by the Audit and Performance Review Committee at its meeting on 12 May 2011 when a number of notable achievements had been acknowledged, including:

- that, in relation to accidental dwelling fire casualties, the Service had moved from the third quartile of performers nationally to the first quartile (top 25%) of performers;
- a decrease in the number of deliberate primary fires meant that the Service was now in line with the “excellent” fire and rescue service national average and had secured better performance than the regional average; and
- the Service was now within the top quartile of performers nationally in terms of initiatives to drive down malicious false alarms.

DSFRA/18.

Chairman's Announcements

The Authority received for information details of events attended by the Chairman on its behalf since the last formal meeting and including:

- meetings in relation to closer collaborative working between the Devon & Somerset and Dorset Fire & Rescue Services; and
- meetings with Falck Teknik Distribution in relation to potential partnership activities with the Devon & Somerset Fire & Rescue Service.

The meeting started at 10.45hours and finished at 14:00hours

**APPENDIX TO THE MINUTES OF THE ORDINARY MEETING OF THE DEVON & SOMERSET
FIRE & RESCUE AUTHORITY HELD ON 27 MAY 2011**

Revised Capital Programme (2011/12 to 2013/14)

2010/2011 DRAFT outturn (£000)	Item PROJECT	2011/12 (£000)	2012/13 (£000)	2013/14 (£000)
	Estate Development			
(7)	1 Exeter Middlemoor	30		
52	2 Exeter Danes Castle	10		
39	3 SHQ major building works	96		
	4 Major Projects - Training Facility at Exeter Airport	1,000	1,900	
1,091	5 Minor improvements & structural maintenance	1,650	1,750	1,750
90	6 Welfare Facilities	37		
34	7 Diversity & equality			
10	8 USAR works	560		
	9 Minor Works slippage from 2010-11	1,689		
<hr/>	Estates Sub Total	<hr/>	<hr/>	<hr/>
1,309		5,072	3,650	1,750
	Fleet & Equipment			
1,642	10 Appliance replacement	397	1,400	1,700
328	11 Specialist Operational Vehicles	1,315		
68	12 Vehicles funded from revenue			
96	13 Equipment	127	200	200
23	14 Asset Management Plan (Miquest) software	129		
<hr/>	Fleet & Equipment Sub Total	<hr/>	<hr/>	<hr/>
2,157		1,968	1,600	1,900
<hr/>	SPENDING TOTALS	<hr/>	<hr/>	<hr/>
<u>3,466</u>		<u>7,040</u>	<u>5,250</u>	<u>3,650</u>
	Programme funding			
2,050	Main programme	3,757	4,500	3,650
179	Revenue funds	802	750	
1,237	Grants	2,481		
<hr/>	FUNDING TOTALS	<hr/>	<hr/>	<hr/>
<u>3,466</u>		<u>7,040</u>	<u>5,250</u>	<u>3,650</u>

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

17 June 2011

Present:-

Councillors Boyd, Brooksbank, Cann, Horsfall, Randall-Johnson (vice Bown) and Wright

Apologies:-

Councillors Bown and Burridge-Clayton

***HRMDC/1. Election of Chair**

RESOLVED that Councillor Cann be appointed Chair of the Committee until the first meeting after the Annual Meeting of the Authority in 2012.

***HRMDC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 11 April 2011 be signed as a correct record.

***HRMDC/3. 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.

***HRMDC/4. Election of Vice Chair**

RESOLVED that this item be deferred for consideration at the next meeting of the Committee.

***HRMDC/5. Overview of Union Recognition Arrangements**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/11/7) that provided information in respect of the collective working arrangements with Devon and Somerset Fire and Rescue Service. The report included details of the arrangements that were in place currently for the recognised trade unions, namely the Fire Brigades' Union (FBU), Fire Officers' Association (FOA), Retained Firefighters' Union (RFU) and UNISON (for non uniformed staff). Details of the facilities that were currently provided for the trade unions were also provided, together with an overview of the collective arrangements.

In response to questions, the Chief Fire Officer advised that the Service had worked hard to foster good relations with the Chairman and Secretary of the FBU. He added that the union representatives had been given time off to undertake their duties for the FBU and to clear a backlog of work that had arisen as a result of combination. The release of these staff from station had thus achieved the intended result and smoothed industrial relations.

Councillor Boyd commented that he felt that there was a much better relationship in place with FBU recently but that he would encourage the exchange of ideas and more open opinions rather than negativity from the union. The Chairman enquired as to whether discussions would be on a unilateral basis or regional. The Chief Fire Officer replied that current discussions were on a local basis but there were instances where regional officials may become involved. As such, the model of engagement may need to be modified.

***HRMDC/6. European Focus Group - Update**

The Chief Fire Officer reported that the European Union (EU) was to debate the removal of the "opt out" clause on the Working Time Directive in November 2011. This currently permitted staff to opt out of the requirement to be bound by the 48 hour restriction on working time. The removal of this clause would have a significant impact on the Service in terms of how services were provided and would present an additional financial burden. There were a number of other EU Countries that did not wish to see this opt out removed and work was being undertaken to try to influence this decision.

The Committee was advised that the Chief Fire Officer had recently initiated and secured agreement from 27 EU member states for a pan European strategy to improve public and fire fighter safety across Europe. This will be launched formally in the EU Parliament in October 2011. The Chief Fire Officer, along with the Director of People and Organisational Development, also represent the Chief Fire Officers' Association (CFOA) on a European Focus Group which was meeting to further develop engagement in Europe. Congratulations were extended by the Committee to the Chief Fire Officer and Director of Human Resources and Organisational Development for the work that had been undertaken.

***HRMDC/7. Absence Management**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/11/8) that provided details of the Service performance for absence levels in 2010/11 as compared with the target set of 9.0 days/shifts lost per person.

It was noted that the actual performance in 2010/11 was 8.25 days/shifts lost per person, which was a retrograde step when compared with performance in 2009/10 (8.02 days/shifts lost per person), although this exceeded the target set. In terms of performance against other organisations, the Service was below the 8.3 days average for the public sector but above the private sector average of 5.8 days. The Service would need to reduce absence levels by 22.42% to achieve the national average of 6.4 days.

The Head of Human Resources circulated additional information at the meeting on sickness absence for the period May 2009 to March 2011 that showed the trends that had arisen over this period. This showed a peak in March 2011 but there was no apparent, single reason for this. He reported that the Service was in the 3rd quartile of performance for the country and it was recognised that there was still a long way to go. The Committee indicated that this was a good report, however, and that the Service should continue with the action being taken to reduce the levels of sickness absence within the organisation.

***HRMDC/8. Determination of Membership of the Firefighters' Pension Scheme Internal Dispute Resolution Procedure Stage 2 Panel**

The Committee was **RECOMMENDED** to appoint (from amongst its membership) 3 members to serve on the Firefighters' Pension Scheme internal Dispute Resolution Panel until the first meeting of the Committee following the Annual Meeting of the Authority in 2012.

RESOLVED that Councillors Bown, Boyd and Wright be appointed to the Firefighters' Pension Scheme Internal Dispute Resolution Panel until the first meeting of the Committee following the Annual Meeting of the Authority in 2012.

***HRMDC/9. 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 will involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972, namely information relating to consultations on labour relations matters between the Authority and its employees.

***HRMDC/10. Emerging Industrial Relations Committee (IRC) Issues**

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

The Head of Human Resources gave an update at the meeting in respect of emerging industrial relations issues, including those related to Gartan and retained duty system contracts.

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

The meeting started at 10.00hours and finished at 11.10hours.

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

7 July 2011

Present:-

Councillors Brooksbank, Eastman, Foggin, Fry, Healey, Leaves and Woodman

***CSCPC/1. Election of Chair**

RESOLVED that Councillor Leaves be appointed Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2012.

***CSCPC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 13 January 2011 be signed as a correct record.

***CSCPC/3. Items Requiring Urgent Attention**

Reference was made to a matter requiring consideration in respect of the strategy being taken on Fire Safety Enforcement, whereupon it was agreed that this be discussed following the item on Specialist Rescue.

Nb. MINUTE *CSCPC/7 BELOW REFERS.

***CSCPC/4. Declarations of Interest**

Members 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.

***CSCPC/5. Election of Vice Chair**

RESOLVED that Councillor Eastman be appointed Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2012.

***CSCPC/6. Specialist Rescue - Update**

The Committee received for information a report of the Assistant Chief Fire Officer (Service Support) (CSCPC/11/3) that gave an update in respect of the progress made against the five year plan for implementation of specialist rescue activities within Devon and Somerset Fire and Rescue Service (DSFRS).

The report referred specifically to the progress made in the following areas:

- four Specialist Rescue Teams (SRTs) were now live for water rescue; two SRTs were fully live for rope rescue, two partial status; animal rescue training was underway; level two water rescue training for all operational firefighters was now complete;
- four new SRT vehicles were now on the run;

- DSFRS was chairing the Chief Fire Officers' Association (CFOA) Inland Water Technical Group;
- DSFRS worked closely with the Department for Food, Environment and Rural Affairs (DEFRA) to produce a final draft of national flood rescue concept of operations;
- Four DSFRS boat teams and two SRAs on the national assets register.

***CSCPC/7. Fire Safety Enforcement**

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

The Chairman determined that this matter should be taken as a matter of urgency to enable the Committee to consider the strategy being taken in respect of Fire Safety Enforcement matters in the light of a recent prosecution.

The Committee received for information a presentation given by the Assistant Chief Fire Officer (Service Support) that set out the action being taken by the Service to provide fire safety audits at both commercial and domestic premises on a risk based approach. It was noted that this action was being taken to ensure that premises complied with the Regulatory Reform (Fire Safety) Order 2005 (RRO) and that 159 audits had been completed to date in 2011 by wholetime firefighters, crew managers and watch managers following appropriate training courses. The advantages of undertaking this activity were to increase community and firefighter safety and to ensure that the Service complied with the "Hampton" principles of enforcement. 4 prohibition notices had been issued since the audits had been instigated.

A Protection Handbook setting out the guiding principles had been produced as there had been a gap in this area since the RRO had been introduced and this was issued to all attendees on the courses run. The Committee commended the Service on the action taken and the officers involved in the production of an excellent Handbook.

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

The meeting started at 10.00ghours and finished at 11.08hours.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	DSFRA/11/18
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	29 JULY 2011
SUBJECT OF REPORT	COMMERCIAL SERVICES GOVERNANCE AND MANAGEMENT
LEAD OFFICER	Chief Fire Officer
RECOMMENDATIONS	<p>(a) <i>That the contents of this report be considered and the Authority be invited to:</i></p> <ul style="list-style-type: none"> (i) <i>establish a Commercial Services Committee and determine the number of Members to sit on this Committee;</i> (ii) <i>confirm (subject to any amendments as may be proposed at the meeting) the draft Terms of Reference for the Committee;</i> (iii) <i>notes at this stage that amendments may be required to the Terms of Reference in light of the work to be completed in relation to the Business Plan, the agreement between the Authority and the Company and revisions to the Articles of the Company;</i> (iv) <i>appoint Members to serve on the Committee until the Annual Meeting of the Authority in 2012, when re-appointments may be made in line with normal arrangements for other Authority Committees;</i> (v) <i>determine whether, and if so what, arrangements should be made for payment of a Special Responsibility Allowance for Members sitting on this Committee;</i> (vi) <i>approve that any additional budgetary requirement for Members Allowances in 2011/12 be met from the income generated from commercial trading and not from the taxpayer;</i> (vii) <i>authorise the Clerk, in accordance with the relevant Regulations, to advertise in local newspapers any revision to the approved Scheme of Members Allowances necessitated by the decision at (iv) above;</i>

	<p>(b) that further reports on:</p> <p>(i) the business case for trading in the current (2011/12) financial year;</p> <p>(ii) the contract to exist between the Authority and Red One; and</p> <p>(iii) revised Articles of Association for Red One be submitted to a future meeting of the Authority;</p> <p>(c) that it be noted that, for the 2011/12 financial year, staffing costs associated with the operation of Red One Ltd and other operating costs will initially be met from the approved budgets for Service staffing and the ring-fenced budget for change and improvement initiatives but with the objective that these costs be recovered in due course from trading activities.</p>
EXECUTIVE SUMMARY	<p>Members have received a previous report and briefings on a number of occasions on the exploration by the Service of becoming engaged in commercial trading activities.</p> <p>This report builds upon previous information and sets out proposals for progressing this initiative.</p>
RESOURCE IMPLICATIONS	<p>In accordance with the requirements of the relevant regulations, all costs associated with the operation of Red One Ltd. will be recovered as part of its trading activities. As staff involved are already Service employees, staffing costs will at start-up be met from the existing revenue budget for such costs. It is proposed that other costs associated with start-up operating capital will be met from the ring-fenced budget approved for change and improvement initiatives. The objective, however, is that all costs associated with the Company should be fully met from its trading activities in any financial year.</p>
EQUALITY IMPACT ASSESSMENT	<p>An initial assessment has not revealed any issues so significant as to warrant a full Equality Impact Assessment.</p>
APPENDICES	<p>A. Draft Terms of Reference – Commercial Services Committee</p> <p>B. Pictorial Representation of new Authority Committee Structure</p>
LIST OF BACKGROUND PAPERS	<p>The Local Government (Best Value Authorities)(Power to Trade)(England) Order 2009</p> <p>The Local Authorities (Members' Allowances)(England) Regulations 2003</p> <p>The Local Government Acts 1972 and 2003</p> <p>The Local Government and Housing Act 1989</p>

1. GENERAL BACKGROUND

- 1.1 The *Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009* bestowed powers on the Authority to undertake, for a commercial purpose anything which it is authorised to do in relation to its ordinary functions i.e., to trade, and make a profit from, such activities. The Local Government Act 2003 requires this power must be exercised through a separate company of a type as defined by Part 5 of the Local Government and Housing Act 1989 (companies in which local authorities have interests). The Regulations also require the Authority to recover the costs of any accommodation, goods, services, staff or any other thing supplied to such a company.
- 1.2 This ability under the Regulations coupled with the impact on the Service of reductions in government grant announced as part of the most recent Comprehensive Spending Review prompted the Devon & Somerset Fire & Rescue Service (DSFRS) to instigate a project exploring the scope for commercial activity, the rationale being to seek to generate income to off-set grant reductions and thereby safeguard front-line service delivery.
- 1.3 At its meeting on 16 September 2010, the Authority received an interim report (DSFRA/10/22) on the progress of this project. The Authority approved an outline plan as set out in that report as the method for implementing, developing and maximising charging and trading opportunities for the Authority (Minute DSFRA/32 refers). Associated with this, the Chief Fire Officer – in accordance with paragraph 2.2 of the Authority’s existing approved Scheme of Delegations (to exercise the powers of the Authority under the Local Government Act 2003 and any Regulations/Orders made thereunder (powers to trade)) – has registered a company limited by shares (Red One Ltd) to serve as the delivery mechanism for the Authority’s commercial trading activities. Red One Ltd has been established with generic Articles of Association and to date has been dormant.
- 1.4 It is now considered timely and appropriate, given the level of services now being traded, that these activities are now undertaken through Red One Ltd. Linked with this, therefore, it is necessary to consider in greater detail both the mechanism for governance and oversight of Red One Ltd activities by the Authority and modifications that may be required to the generic Articles of Association. The latter will form the subject of a more detailed report to a future meeting of the Authority but this report now addresses the issue of the relationship between the Authority and the company.

2. OPERATING AND GOVERNANCE ARRANGEMENTS

(a) Red One – Shareholding and Operation

- 2.1 It is proposed that the day-to-day trading activities of Red One should be overseen by and be the responsibility of the Chief Fire Officer and other designated officers in much the same way as day-to-day Service activities are undertaken. This will be achieved through such officers being appointed as the directors of Red One and so responsible for the management of the company and its activities.
- 2.2 The Authority will be able to exercise control over Red One through two routes – (1) through being the sole shareholder and (2) through a contract to be established between the Authority and the company.
- 2.3 As the sole shareholder of Red One, the Authority will have the power under the company Articles to appoint and remove directors and to require the directors to take specified actions.

- 2.4 A contract will be drafted between the Authority and Red One under which the Authority will approve a business plan and budget for the subsequent year setting out what activities the company is authorised to undertake and what decisions or actions the company will need to revert to the Authority and gain specific consent for. The contract will also set out what resources the Authority will provide to the company for it to trade (including staff, licence of premises, licence of brand and equipment). The Authority will need to charge for the cost of providing such resources and, before providing the resources, will need to have approved a business case setting out the objectives of the business, the investment required by the Authority to achieve the objectives, any expected risks and the expected financial results of the business together with any other relevant outcomes.
- 2.5 Additionally, a report setting out the business case in relation to trading in the current financial year will also be submitted to a future meeting; and, for trading in subsequent financial years, to the budget meeting of the Authority prior to the commencement of the financial year in question.
- (b) Commercial Services Committee**
- (i) Establishment – General Considerations**
- 2.6 As outlined above, it is intended that the Authority will have an on-going role in relation to the trading activities through the management of the contract with Red One, in particular approving the activities to be undertaken by Red One and the Authority's resources that will be required (together with the business case for investing such resources).
- 2.7 For the company to be as effective and successful as possible it will need to be able to respond to issues and new opportunities as soon as they arise. This will mean that, whilst the Authority may approve certain broad activities and budgets on an annual basis, there is likely to be a need for approvals throughout each year. It is suggested that exercise of the Authority functions by the full Authority will not facilitate the type of flexibility needed because of the number of Members concerned and the restrictions imposed by its current meeting cycle. Consequently, it is proposed that a Commercial Services Committee be established for this purpose.
- 2.8 While the overall size of the Committee is for Members to determine, it is proposed that – to maximise its effectiveness and flexibility – the Committee be restricted to a maximum of seven. Draft Terms of Reference for this Committee are set out at Appendix A to this report, with Appendix B providing a pictorial representation of the revised Committee structure. The draft Terms of Reference are, at present, considered fit for purpose although, should the Authority be minded to approve them, it is also asked to note that amendments may be required pending the outcome of further work on the agreement between the Authority and Red One, the revised Articles in relation to the responsibilities of the Directors and the Business Case for trading.
- 2.9 As with the overall size, it will be for the Authority to determine actual appointments to this Committee from amongst its membership, in accordance with existing Standing Orders as derived from the Local Government Act 1972. In making this decision, however, the Authority may wish to ensure that those Members so appointed are best placed, in terms of outside skills and experience, to deliver success for the Company and thereby Authority.

2.10 Given the requirement for flexible, speedy working arrangements it is proposed that this Committee should meet, as a minimum, once per month, with additional ad-hoc meetings being called as and when required. This is recognised as being a significant commitment by Members but is considered to be necessary in the early stages of the company's growth.

2.11 It should be noted, however, that, as a formal Committee established with delegated powers, the Access to Information provisions of the Local Government Act 1972 will apply, although – in accordance with these provisions – the facility exists to exclude press and public in certain circumstances and it is likely that, given the nature of the business to be transacted by the Commercial Services Committee, the a significant part of its meetings may well be held in closed session i.e. with the press and public excluded.

(ii) Considerations as to Special Responsibility Allowance

2.12 In accordance with the Local Authorities (Members Allowances)(England) Regulations 2003, the Authority is required to pay all Members a basic allowance, reflecting their standard commitment to the Authority, and may also pay special responsibility allowances (SRAs) in certain circumstances as defined in the Regulations. Guidance issued by the [then] Office of the Deputy Prime Minister provides that:

“One way of calculating the special responsibility allowances may be to take the agreed level of basic allowance and recommend a multiple of this allowance as a special responsibility allowance”

2.13 The current, approved Authority Scheme provides for the payment of a basic allowance of £2,000 and the following SRAs, in addition to the basic allowance:

- Chairman of the Authority - 5 x basic (£10,000);
- Vice-Chairman of the Authority - 3 x basic (£6,000);
- Committee Chairmen - 2 x basic (£4,000);
- Authority appointed Director on South West Fire Control Ltd. - 1 x basic (£2,000)

The Scheme also limits the number of SRAs payable to one (the highest available), irrespective to how many an individual Member might otherwise be eligible to claim by virtue of appointments etc.

2.14 The Regulations provide that one of the circumstances in which an SRA could be payable is for acting as a Member of a Committee of the Authority which meets with exceptional frequency or for exceptionally long periods.

2.15 Given this and the intention (as set out in paragraph 2.10 above) for the Commercial Services Committee to meet at least once per month, with additional meetings being held as and when required, the Authority may wish to consider the introduction of a further SRA payable to Members appointed to this Committee. To recognise the scale of the commitment required by Members serving on the Commercial Services Committee, a multiple of 1.5 of the basic allowance (equating to £3,000 per committee member) might be considered. This, however - as with the other issues - is entirely a matter for Members to determine.

- 2.16 The Authority is also invited to consider whether it would wish to modify its current approved Allowances Scheme to allow – as an exception – for individual Members of this Committee to receive more than one SRA. If so, the Authority is asked to determine the precise parameters for this e.g. should it be only the SRA linked to Committee Membership or all or some of the other, potential, SRAs that an individual might otherwise be entitled to by virtue of appointments (e.g. Committee Chair etc.).
- 2.17 If Members are minded to introduce a new SRA, then any additional budgetary implications for the current financial year will be met from income generated by the company and not at the expense of the taxpayer of Devon & Somerset. For future years, this additional cost will be reflected in the overall annual operating costs for the Company to be approved by the Authority at its annual budget meetings.

3. CONCLUSION

- 3.1 Entering into the field of commercial trading activities is a new and exciting venture for the Authority and one which may become increasingly important in future years if the Authority is to be successful in its aspiration of excellence – both internally and in terms of the services provided to our communities – against a backdrop of potentially decreasing central funding. We are leading the field in creating innovative approaches on a number of fronts and the establishment of the company allows us to generate additional income and in doing so, protect front line services.
- 3.2 Equally, it is essential that from the outset the operating and governance arrangements for commercial trading activities are clear and transparent and that the correct balance is drawn between Authority control and oversight of the activity and the ability to respond quickly to developing markets. This paper sets out what is considered to be an appropriate mechanism for securing this and the Authority is invited, therefore, to consider its contents with a view to approving the recommendations as set out.

LEE HOWELL
Chief Fire Officer

COMMERCIAL SERVICES COMMITTEE

Suggested total Membership – (max of 7)

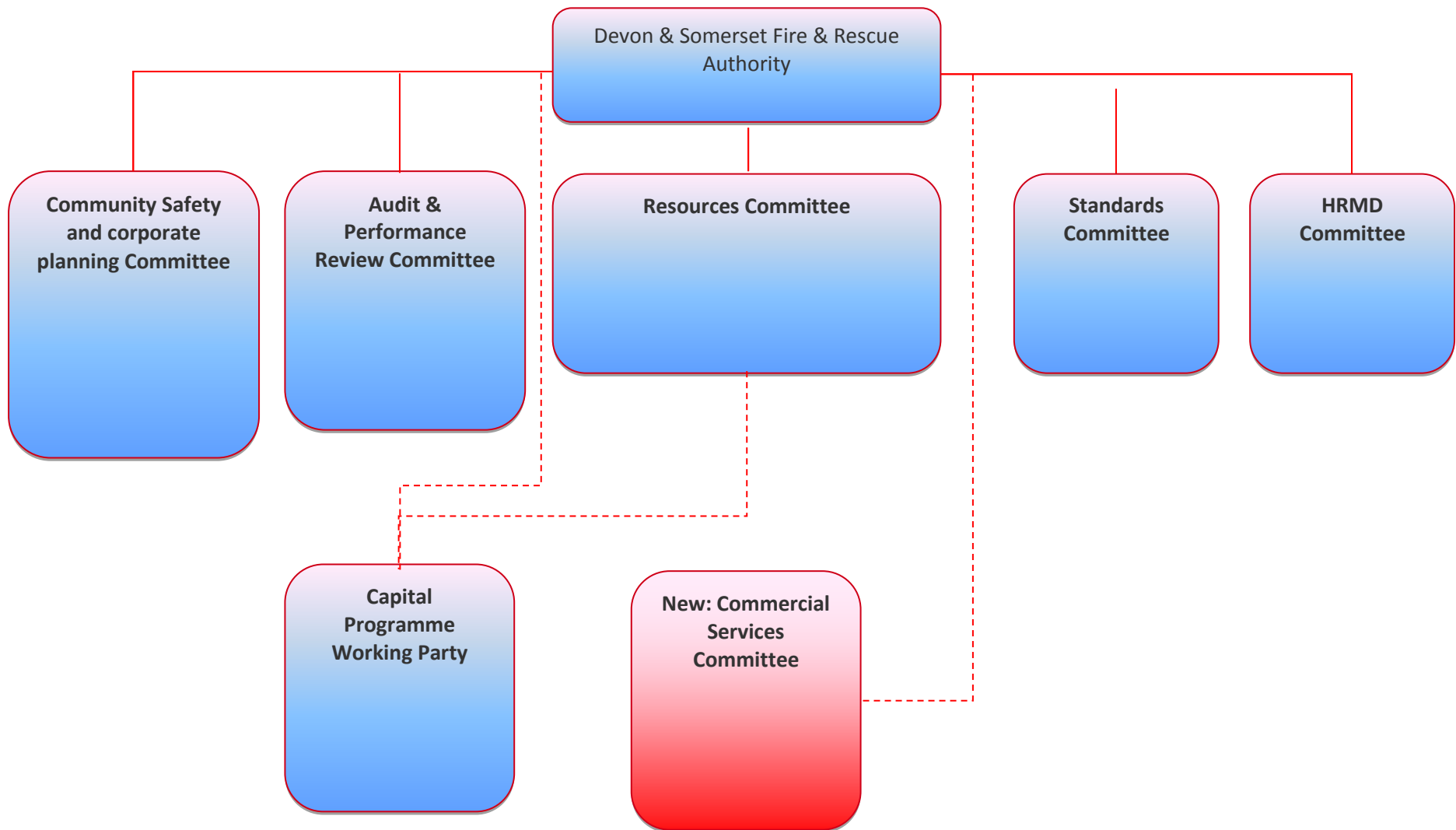
Advisory Only

1. To consider and recommend to the Authority the Annual Business Plan and associated annual operating budget for Red One for each financial year;
2. To recommend to the Authority any revisions to the approved Annual Business Plan and/or annual operating budget as may arise during the course of operations during the financial year in question;
3. To make recommendations to the Authority on the utilisation of any year-end profit generated by commercial activities.

Matters with Delegated Power to Act

4. To consider and approve any trading activities of Red One within overall parameters to be set out in the approved Annual Business Plan and associated annual operating budget;
5. To monitor the financial status and performance of Red One in terms of expenditure on operating costs, costs recovered and profit generated and to take corrective action and report to the Authority on these issues as necessary.

APPENDIX B TO REPORT DSFRA/11/18





DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/11/19
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	29 JULY 2011
SUBJECT OF REPORT	EMERGENCY RESPONSE STANDARDS - NON-DOMESTIC FIRES & ENTRAPMENTS (NON-ROAD TRAFFIC COLLISIONS)
LEAD OFFICER	Director of Service Support
RECOMMENDATIONS	<p>(a) <i>that the outcome of the extended pilot into proposed emergency response standards for non-domestic premises and entrapments (excluding road traffic collisions), as set out in Section 4 of this report, be noted;</i></p> <p>(b) <i>that, in light of the outcome of the extended pilot:</i></p> <p>(i) <i>the emergency response standard for non-domestic premises as set out in Section 2 of this report (and based on the attendance of the first fire appliance within 10 minutes for the reactive standard) be formally adopted; and</i></p> <p>(ii) <i>that the emergency response standard for entrapments (excluding road traffic collisions) as set out in Section 3 of this report (and based on the attendance of the first fire appliance within 15 minutes) be adopted.</i></p>
EXECUTIVE SUMMARY	The Service should be able to demonstrate that, when deploying its emergency response resources, it meets locally set response standards and ensures firefighter and public safety. With emergency response standards now in place for house fires and road traffic collisions (RTCs), the Authority will complete the work on adopting locally, risk-assessed emergency response standards through the introduction of new emergency response standards for non-domestic fires and entrapments (non- road traffic collisions).
RESOURCE IMPLICATIONS	Nil.

EQUALITY IMPACT ASSESSMENT	An initial consideration has not disclosed any issues of such significance as to warrant a full Assessment
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	

1. INTRODUCTION

- 1.1 In 2010 the Devon and Somerset Fire and Rescue Authority (DSFRA) approved and introduced new emergency response standards (ERS) for house fires and road traffic collisions (RTC). At the same time, however, it was recognised that the Service is called to attend many different types of emergency incident for which there is also a need to set response standards.
- 1.2 The Service should be able to demonstrate that, when deploying its emergency response resources, it meets locally set response standards and ensures firefighter and public safety. With emergency response standards now in place for house fires and RTCs, it is now intended that the Authority complete its work on adopting locally, risk-assessed emergency response standards through the introduction of the following:
- new emergency response standards for non-domestic fires
 - new emergency response standards for entrapments (excluding road traffic collisions).
- 1.3 The research conducted for the development of the house fire and RTC standards in 2007/08 laid effective foundations for recommending the proposed standards for non-domestic fires and entrapments. The proposed standards are based on the principles already established and agreed by the Authority that reflect the time taken for the first appliance to attend the incident and the number of crew.
- 1.4 Implementation of these proposals will reduce the variation of pre-determined attendance standards and resource levels currently in use. Under current resource distribution and deployment processes there will be no lessening in the level of service provision and in some cases a potential for a small increase.

2. EMERGENCY RESPONSE STANDARDS FOR FIRES IN NON-DOMESTIC PREMISES

- 2.1 Non-domestic fires are defined in two categories, residential risk and commercial/non-residential risk. In this context residential risk does not include domestic dwellings. In considering non-domestic buildings it must be borne in mind that this title covers a wide range of buildings and therefore represents a broad range of risk.
- 2.2 Whilst to a certain extent life risk may be lower, it should still form a fundamental element of any planning considerations as survival time remains the same when life is threatened, irrespective of whether this is in domestic or non-domestic premises. Consequently, the 10-minute thresholds established for domestic dwelling fires should remain the benchmark for our initial attendance at non-domestic dwellings.
- 2.3 The proposed response standards are presented overleaf as proactive and reactive standards. The proactive response standard addresses how the Service will aim to prevent an incident occurring in the first place. The reactive response standard deals with how the Service will mobilise its resources in the event of an emergency incident. These standards will ensure the most appropriate provision of vehicles and equipment will be available to respond to ensure firefighter and public safety.

Proactive Response Standard

PREMISES LOCATION	ACTION
All non-domestic premises	Application of the DSFRS targeting of enforcement activity policy

Reactive Response Standard

INCIDENT TYPE & LOCATION	1st ATTENDANCE
Residential (non-domestic) premises e.g. hotels, sheltered accommodation etc	10 minutes
Non-domestic premises confirmed fire e.g. shops, factories	10 minutes
Prescribed attendance due to specific risk	No change to existing prescribed attendance

- 2.4 For all non-domestic incidents, the general standard of 10 minutes will apply to the first attendance which will comprise a single fire appliance and a minimum crew of 4 personnel. The full attendance standard will depend upon the location of the incident as follows:
- Where it is considered that the initial attendance will be made within 10mins the full attendance will comprise of at least one fire appliance and a minimum crew of 9 personnel.
 - Where it is suggested that the initial attendance may exceed 10 minutes, the full attendance will comprise of at least one fire appliance and a minimum crew of 12 personnel.

3. EMERGENCY RESPONSE STANDARDS FOR ENTRAPMENTS (EXCLUDING ROAD TRAFFIC COLLISIONS)

- 3.1 With the potential exception of traffic management, the factors affecting the effective management of an entrapment are very similar to the management of a road traffic collision (RTC) extrication. Therefore it would be appropriate to carry forward the reactive response standards for RTCs. It is not practicable, however, to express a definitive proactive response standard for entrapments as the variety of potential incidents is extremely wide.
- 3.2 The reactive response standard set out below addresses how the Service will mobilise its resources to an emergency incident. This standard will ensure the most appropriate provision of vehicles and equipment in responding to ensure firefighter and public safety.

INCIDENT TYPE & LOCATION	1st ATTENDANCE
Entrapment, off road (person(s) trapped)	15 minutes

- 3.3 For all entrapment incidents, the general standard of 15 minutes will apply to the first attendance which will comprise a single fire appliance and a minimum crew of 4 personnel. The full attendance standard will depend upon whether the entrapment is minor or major as follows:
- All minor entrapments (off road) will attract the attendance of one fire appliance and a minimum crew of 4 personnel

- All major entrapments will attract an attendance of at least one fire appliance and a minimum crew of 6 personnel, except where the entrapment is on a road where the full attendance will comprise at least one fire appliance and a minimum crew of 8 personnel for single carriageway roads and at least one fire appliance and a minimum crew of 10 personnel for dual (or more) carriageway roads.

4. **PILOT AND IMPLEMENTATION OF ERS FOR FIRES IN NON-DOMESTIC PREMISES AND ENTRAPMENTS (EXCLUDING ROAD TRAFFIC COLLISIONS)**

4.1 The emergency response standards for non-domestic premises and entrapments (excluding road traffic collisions) have been subject to an extended trial during 2010/11.

4.2 The approved Corporate Plan 2010/11 – 2012/13 set out, amongst other things, the intention that - pending the successful evaluation of a pilot - the Authority would be invited to consider formal adoption of the standards.

The Pilot

4.3 The pilot commenced on 1 April 2010. During the pilot, appliances were mobilised to incidents as per current policies and the performance against the proposed new emergency response standards was measured.

Outcome of the Pilot

4.4 The tables below sets in percentage terms those occasions when the proposed new standards were met during the period of the pilot (from 1 April 2010 to 31 March 2011).

INCIDENT TYPE AND LOCATION	1 ST ATTENDANCE IN 10 MINUTES
Non Domestic - Residential (confirmed fire only) e.g. hotels, sheltered accommodation etc.	75% (45 out of 60)
Non Domestic - Non Residential (confirmed fire only) e.g. shops, factories – Does NOT include BARN FIRES	69.3% (190 out of 274)

INCIDENT TYPE AND LOCATION	1 ST ATTENDANCE IN 15 MINUTES
Entrapments (person(s) trapped)	86.9% (113 out of 130)

4.5 When recording performance against the standards, experience gained from the use for the standards set for dwellings and RTCs has been considered and applied where appropriate.

4.6 During the pilot there were regular reviews of the performance based on the new standards. This performance was compared with the experience from the previous standards for domestic dwellings and RTCs. This provided for performance to be measured based on a number of different scenarios, whilst not altering the standard. In summary, the outcome of the pilot been good and compares favourably with the Service's current performance against the existing standards for domestic dwellings and RTCs.

5. CONCLUSION

- 5.1 Following approval as part of the 2010/11 – 2012/13 Corporate Plan, proposed emergency based response standards for non-domestic properties and entrapments (excluding road traffic collisions) have been subject during the 2010/11 financial year to an extended pilot.
- 5.2 The outcome of the pilot has proven very positive in terms of comparing performance of the new standards against performance secured under the existing standards. Consequently, the new emergency response standards for non-domestic properties and entrapments (excluding road traffic collisions) are now commended for formal adoption. In so doing, the Authority will have completed its work in adopting locally determined, risk-assessed emergency response standards.

ACFO TREVOR STRATFORD
Director of Service Support



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/11/20
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	29 JULY 2011
SUBJECT OF REPORT	FIRE CONTROL CONSOLIDATION
LEAD OFFICER	Director of Service Delivery
RECOMMENDATIONS	<i>that the report be noted</i>
EXECUTIVE SUMMARY	<p>Following the termination of the FiReControl project, the Service has been working to identify the best way forward for providing a fire control function for Devon and Somerset.</p> <p>The Service is required to vacate its current control room at Hestercombe House, Somerset, by October 2012, when the lease expires. Somerset County Council has indicated the leased will not be extended nor renewed. The control centre at Service Headquarters, Clyst St. George, will have capacity and systems to mobilise across the whole service albeit it requires refurbishment or redevelopment in the medium term. The current mobilising system at SHQ has been upgraded and although suitable for an interim arrangement is not considered viable in the longer term.</p> <p>The opportunity to consolidate the existing arrangements will achieve significant financial savings, improve the operational management of the Service, provide a solid base to develop a fit for purpose control centre and present opportunities for income generation.</p>
RESOURCE IMPLICATIONS	To be determined but there are likely to be significant financial savings over time.
EQUALITY IMPACT ASSESSMENT	
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Nil.

1. BACKGROUND

- 1.1 Following combination it was determined that the proposed Regional Control Centre (RCC), to be supplied under the national FiReControl project, would provide the solution to the issue of merging the former Devon and Somerset Fire Control centres and developing standardised mobilisation protocols. The announcement of the closure of the RCC project now means that the issue of merging the existing control functions is an issue for the Authority to consider.
- 1.2 Since the closure of the RCC project the Service has been in discussion with the Department for Communities and Local Government (CLG) over the lease for the RCC building in Taunton. Members have previously been informed on the outcome of these discussions but, in summary due, to the differential in the proposed annual cost of the lease and the unsuitability of the building it is no longer an option for a new fire control.
- 1.3 CLG has also indicated that funding will be made available to fire and rescue services (FRS) to develop resilient fire control functions. It has also indicated that the funding will be allocated based on the ability to demonstrate resilience and that it is unlikely that a single FRS would be able to demonstrate suitable resilience. As a consequence, this Service has entered into an outline agreement with three other FRSs (namely, Dorset, Hampshire and Wiltshire) to develop a joint specification for an interoperable mobilising system which - whilst maintaining four independent fire controls - would have the instantaneous back-up of the other three centres. This is a work in progress and outcomes will be reported to members in due course as more detail is known

2. HESTERCOMBE HOUSE (SOMERSET COMMAND CENTRE)

- 2.1 The fire control centre and associated systems support are the only remaining Service asset in the former Somerset FRS headquarters building. The lease for this will expire in October 2012 and enquiries made of Somerset County Council indicate that no extension of lease would be forthcoming. A clause in the lease requires the Service to make good in respect of the removal of hardware from the building prior to hand back. It is estimated that, after the control room closes, this will take 2 months to achieve. Consequently, the final date by which the control room has to cease mobilising appliances is by August 2012.
- 2.2 An additional complication is that, while the software licences associated with the control function are due for renewal from 1 April 2012, the order for the licences has to be placed with the supplier by 1 September 2011. These licences are only available for 12 month periods and will cost approximately £175,000. It follows, therefore, that significant financial savings can be achieved if mobilising from Hestercombe ceases before 31 March 2012. The Service project team is currently exploring the viability of not renewing the software licences and a decision on this will need to be made in due course.

3. SERVICE HEADQUARTERS (WESTERN AND CENTRAL COMMAND CENTRE)

- 3.1 The fire control located on the SHQ site is in need of refurbishment or replacement. Software upgrades were completed in August 2010. While these will be able to provide the capability for mobilising and incident support across all commands in the short to medium term, the system is considered to be outdated and investigations into potential replacements are being actively pursued, as indicated in paragraph 1.3 above. Consolidation onto the SHQ site is at present the preferred outcome.

4. OPERATIONAL PROCEDURES

- 4.1 There remain a number of differences in mobilising and command procedures. These issues will need to be resolved for the new coordinated control centre to be fully effective. Resolution will be either a new standardised protocol or an agreed work around process to account for the legacy fire appliance specifications until these can be resolved through vehicle modifications or until they reach the end of their planned use.

5. STAFFING MODEL

- 5.1 The number of staff required for the new fire control will be evaluated and agreed in due course. It is unlikely, however, that this will be as many as the number on duty in the current controls combined. Control room staff will be invited to consider other shift patterns alongside those that are currently in place.
- 5.2 As a consequence of the termination of the RCC project the Service has a number of staff who are on fixed term contracts. These will be reviewed once the staffing model has been agreed.
- 5.3 No compulsory redundancies will be made as a result of the consolidation of the control centres. Voluntary redundancy arrangements will, however, be made available to control room staff a number of whom have already indicated that they would wish to consider this.
- 5.4 Once the staffing model is known, opportunities for control centre staff to be redeployed will be explored. It should be noted, however, that as the Service is downsizing to meet potential budget shortfalls in future years and, as such, opportunities are likely to be limited.

6. CONCLUSION

- 6.1 Consolidation of fire control will provide a number of significant benefits to the Authority. In financial terms the cost of running the Somerset command centre is approximately £675,000 per annum. While actual savings are difficult to estimate until the replacement staffing model is agreed, it is anticipated these could represent a significant proportion of the current annual running costs.
- 6.2 There is at present some organisational risk in having differing protocols and mobilising arrangements across the Service. The consolidation will mitigate this risk to an acceptable level. Consolidation will also allow for a number of other issues, such as officers rotas, to be addressed benefitting the organisation both financially and in respect of improved resilience.
- 6.3 The consolidation will provide the basis for developing a fit for purpose control and operational intelligence facility in the coming years. The work in partnership with other FRSs on developing resilient, interoperable mobilising arrangements supports this and could also provide income generation as a consequence.
- 6.4 A project implementation plan has been developed to ensure that all affected staff and their representative bodies are engaged in the process of designing and implementing the new consolidated fire control. These will include a new secondary control suite, back up arrangements during consolidation and testing of the new arrangements before go live.

ACFO PETER SMITH
Director of Service Delivery