

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Chair and Members of the
Devon & Somerset Fire & Rescue
Authority
(see below)**

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DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Friday 16 December 2011

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10:00 hours in the Conference Rooms in Somerset House, Service Headquarters** to consider the following matters.

M. Pearson
Clerk to the Authority

AGENDA

1. **Apologies**
2. **Minutes** of the meeting of the Authority held on 7 November 2011 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 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 a 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 13 December 2011.**

6. Address by the Fire Brigades Union

In accordance with Standing Order 13, to receive an address by the Fire Brigades Union on the changes being proposed by central government to the Firefighters Pensions Scheme.

7. Questions from Members of the Authority

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

8. Minutes of Committees, Working Parties Etc.

(a) Human Resources Management And Development Committee

The Chair of the Committee, Councillor Gordon, to **MOVE** the Minutes of the meeting of the Committee held on 11 November 2011, attached (Page 8).

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

(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 17 November 2011, attached (Page 11)

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

(c) Community Safety And Corporate Planning Committee

The Chair of the Committee, Councillor Leaves, to **MOVE** the Minutes of the meeting of the Committee held on 28 November 2011, attached (Page 14).

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

(d) Commercial Services Committee

The Chair of the Committee, Councillor Healey, to **MOVE** the Minutes of the meeting of the Committee held on 2 December 2011, attached (Page 18).

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

9. Localism Act 2011

Report of the Clerk to the Authority (DSFRA/11/31) attached (Page 20)

10. **Proposed Amendment to Standing Order 13 - Addresses by Representative Bodies**

Report of the Clerk to the Authority (DSFRA/11/32) attached (Page 28)

11. **Fire Control Project - Progress Report**

Report of the Director of Service Delivery (DSFRA/11/33) attached (Page 31)

12. **Chairman's Announcements**

13. **Chief Fire Officer's Announcements**

14. **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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in:

- Paragraph 1 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to individuals; and
- Paragraph 2 of Part 1 of Schedule 12A (as amended) to the Act, namely information likely to reveal the identity of individuals; and
- 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 and other companies.

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

15. **Senior Management Board - Further Considerations**

Report TO FOLLOW.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Healey(Chair), Mrs. C Bakewell MBE, 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

7 November 2011

Present:-

Councillors Healey (Chairman), Bakewell MBE, Bown, Boyd, Brooksbank, Cann, Drean, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Hughes OBE, Leaves, Smith, Way, Woodman and Yeomans

Apologies:-

Councillors BurrIDGE-Clayton, Horsfall, Mills, Radford, Randall Johnson and Wright

DSFRA/38. M5 Incident, Taunton, Friday 4 November 2011

The Chairman and Authority Members present paid tribute to the effectiveness, bravery and professionalism of all the emergency services – and, specifically, those officers of the Devon & Somerset Fire & Rescue Service directly involved – in responding to the multi-vehicle collision between junctions 24 and 25 of the M5 motorway in the evening of Friday 4 November 2011.

The Authority then stood to observe one minute's silence as a mark of respect for those who had lost their life as a result of this tragic occurrence.

DSFRA/39. Minutes

RESOLVED that the Minutes of the meeting of the Authority held on 29 September 2011 be signed as a correct record.

DSFRA/40. Fire Control Consolidation

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

The Chairman determined that this should be considered as a matter of urgency to enable the Authority to determine a solution at this point in time to mitigate against additional costs being incurred. Additionally, in light of the subject matter it was felt more appropriate that the issue should be considered in the absence of the press and public.

(SEE ALSO MINUTE DSFRA/51 BELOW)

DSFRA/41. Declarations of Interest

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

No recordable interests were declared.

DSFRA/42. Address by the Fire Brigades Union

In accordance with Standing Order 13, the Authority received an address by the Fire Brigades Union on the changes being proposed by central government to the Firefighters Pensions Schemes. The FBU commented that the talks currently being held at a national level were positive and that further dialogue was intended on the government proposal to increase employee contributions.

(SEE ALSO MINUTE DSFRA/52 BELOW)

DSFRA/43. Minutes of Committees, Working Parties Etc.

(a) Audit and Performance Review Committee

The Chair of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting of the Committee held on 22 September 2011 which had considered, amongst other things:

- a progress summary on work undertaken by Audit Commission, including production of the Annual Governance Report 2010/11 (linked to the Authority's Statement of Accounts for that financial year);
- the Authority's audited Statement of Accounts 2010/11;
- a report setting out progress against those actions identified in the Authority's 2009/10 Annual Governance Statement;
- a report on the Authority's fraud and corruption arrangements, covering an assessment of these arrangements and matters investigated during 2010/11;
- a report on progress against the Authority's approved internal audit programme for 2011/12; and
- a report on performance during the first quarter of 2011 against those measures contained in the approved Corporate Plan 2011/12 to 2013/14.

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

(b) Human Resources Management and Development Committee

The Chair of the Committee, Councillor Cann, **MOVED** the Minutes of the meeting of the Committee held on 3 October 2011 which had considered, amongst other things:

- a report on absence management within the Service;
- a presentation on the forthcoming Equality Framework Peer Assessment;
- a report on measures designed at securing a level of service in the event of a business continuity event; and
- a report on the project to establish a consolidated fire control for the Service.

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

(SEE ALSO MINUTES DSFRA/44 AND 51 BELOW)

(c) Resources Committee

The Chair of the Committee, Councillor Gordon, **MOVED** the Minutes of the meeting of the Committee held on 19 October 2011 which had considered, amongst other things:

- a report on performance in the current financial year against the Authority's approved Treasury Management Policy;

- a report on the performance of the Authority during the second quarter of the current financial year against the agreed financial targets for that year and monitoring expenditure against the approved revenue and capital budgets; and
- reports on proposed responses to consultations on the distribution of fire capital grant and on proposals for business rates retention.

RESOLVED

- (i) that the recommendation at Minute RC/9 (Treasury Management Performance 2011/12 (to September 2011)) be considered in conjunction with Minute DSFRA/ below;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/45 BELOW)

(d) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting of the Committee held on 19 October 2011 which had considered, amongst other things:

- a report on the drafting of Articles of Association for Red One Ltd.;
- a draft contract between Red One Ltd. And the Authority; and
- a draft Business Case with Falck.

RESOLVED

- (i) that the recommendation at Minute CSC/13 (Draft Business Case with Falck) be considered in conjunction with Minute DSFRA/ below;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/49 BELOW)

DSFRA/44. Equalities Framework Peer Assessment

The Authority received a presentation from the Community and Workplace Equalities Manager on the following issues:

- the Public Sector Equality Duty introduced in April 2011;
- the outcome-focussed Fire & Rescue Service Equality Framework which comprised five themes (leadership and promoting inclusion; accountability; effective services and community engagement; employment and training; evaluation and sharing good practice) and had three levels (Developing, Achieving and Excellent) with the Service aspiring to secure Excellent by 2014 in line with its Corporate Strategy;
- the initial mock assessment undertaken by the Service against the Framework in 2010 and the outcomes of this including key areas for improvement;
- steps taken to secure improvements (e.g. an enhanced Equality Bids and Benefits Assessment to be embedded in project business cases, process design and policy development; and

- the forthcoming, full Peer Assessment which would feature, amongst other things, a range of focus groups involving employees and Members. The assessment was by way of examination by “critical friends” rather than an inspection.

(SEE ALSO MINUTE DSFRA/43(b) ABOVE)

DSFRA/45. Treasury Management Performance 2011/12 (to September 2011)

The Authority received for information a report of the Treasurer (DSFRA/11/26) to which was appended the report (previously considered by the Resources Committee at its meeting on 19 October 2011) setting out, in line with best practice guidance issued by the Chartered Institute for Public Finance Accountancy, performance in relation to the Authority’s approved treasury management activities for the first half of the 2011/12 financial year.

In summary, none of the prudential indicators had been breached and a prudent approach had been taken on investment decisions, with priority being given to liquidity and security over yield. While investment returns were low as a consequence of the fall in interest rates, the Authority was still achieving returns above the LIBID 3 month rate which was the benchmark return for this type of short-term investment.

(SEE ALSO MINUTE DSFRA/43(c) ABOVE).

DSFRA/46. Chairman's Announcements

The Authority received for information details on events undertaken by the Chairman on behalf of the Authority since its last meeting.

DSFRA/47. Chief Fire Officer's Announcements

Assistant Chief Fire Officer Stratford reported, on behalf of the Chief Fire Officer, a fire death that had occurred on 3 November 2011 in a small terraced building in Teignmouth. The person had initially been rescued from the fire but had subsequently died. Further details were not forthcoming at this time as the cause of the incident was still being investigated.

DSFRA/48. Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public were excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined:

- for Minutes DSFRA/49 and 50 below, 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 and other companies; and
- for Minutes DSFRA/51, 52 and 53 below:
 - in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and/or business affairs of the Authority; and
 - in Paragraph 4 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to consultations or negotiations in connection with labour relations matters between the Authority and its employees.

DSFRA/49. Draft Business Case With Falck

(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/11/28) to which was appended a report previously considered by the Commercial Services Committee, at its meeting on 19 October 2011, and setting out a draft summary Business Plan with Falck DS. The Business Plan outlined the potential for co-operation between Falck DS and the Devon & Somerset Fire & Rescue Service to pursue common business interests in the UK.

RESOLVED that the recommendation of the Commercial Services Committee as set out at Minute CSC/13 of its meeting held on 19 October 2011 be approved, namely:

- (a) that the findings of the draft summary Business Plan (as set out at Appendix A to report CSC/11/4 as submitted to both the Committee and this Authority meeting) be approved; and
- (b) that progression to Stage 2 of the Business Plan be approved.

(SEE ALSO MINUTE DSFRA/43(d)(i) ABOVE)

DSFRA/50. Opportunity to Realise Capital Receipt

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

The Authority considered a joint report of the Director of Service Support and the Clerk to the Authority (DSFRA/11/27) on a proposal to enter into an Exclusivity Agreement with a property developer for the sale of a Service site. The report outlined, amongst other things, the indicative value and potential future use for the site and conditions that would need to be met for the initiative to proceed. Of these, the key consideration was that there would be no reduction in the provision of operational fire cover in the area concerned.

Pending approval to the Exclusivity Agreement, the next stages in the initiative would feature negotiation of detailed Heads of Terms (covering issues such as the price to be paid for the site) followed by an Option Agreement which would effectively provide the contractual agreement for the Authority to sell the site to the developer if the developer exercised their option to buy.

The Authority had engaged the services of a specialist legal adviser for this initiative which, should it be concluded, should result in the Authority securing a substantial capital receipt at a time when there was increasing pressure on the capital budget and associated revenue implications.

RESOLVED

- (a) that the Exclusivity Agreement as appended to report DSFRA/12/27 be entered into with a view to the Authority realising a capital receipt;
- (b) that, arising from this Exclusivity Agreement, detailed Heads of Terms be developed for reporting to and subsequent approval by the Authority either at its meeting to be held on 16 December 2011 or to a special Authority meeting to be held for that purpose on 12 January 2012.

DSFRA/51. Fire Control Consolidation Project – Staffing Considerations

(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).

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

The Chairman had determined at the start of the meeting that this item should be considered as a matter of urgency to enable the Authority to determine a solution at this point in time to mitigate against additional costs being incurred.

The Director of Service Delivery reported and circulated an aide memoire on the latest position in relation to proposals to effect, from 1 April 2012, a consolidated, single control room for the Devon & Somerset Fire & Rescue Service. The Human Resources Management and Development Committee had, at its last meeting, approved certain proposals to secure the consolidation for the purposes of consultation with affected staff and representative bodies (Minute *HRMDC/21 refers).

These discussions had taken place and, since that time, a further analysis of the indicative project plan timeline had indicated a need for approval to proceed to be given at this stage if significant additional costs were to be avoided.

Consequently, the report outlined the staffing structure for the consolidated control, the mechanism to secure it by 1 April 2012 and indicated that the one-off costs associated with this could be found from within existing resources for the current financial year.

RESOLVED

- (a) that the consolidated control structure as indicated in the third column of the table set out in paragraph 2.1 of the aide memoire circulated at the meeting, as previously endorsed by the Human Resources Management and Development Committee, be approved; and
- (b) that the one-off costs associated with securing this staffing model be met from within existing resources for the current financial year.

(SEE ALSO MINUTES DSFRA/40 AND 43(b) ABOVE).

DSFRA/52. Business Continuity Issues Update

(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 received for information a report of the Director of Service Support (DSFRA/11/29) setting out, amongst other things:

- the legal obligations on the Service to make reasonable preparations in support of business continuity;
- issues relating to securing appropriate levels of emergency cover and options being explored in relation to this; and
- communications considerations.

The report also referred to the potential for industrial action linked to government proposals on pensions reform and indicated that, while at present the Executive Committee of the Fire Brigades Union had refrained from seeking a ballot for industrial action, UNISON had registered its intention to ballot. Given the legal obligations on the Service, preparations to manage any business continuity events would continue.

(SEE ALSO MINUTE DSFRA/42 ABOVE)

DSFRA/53. Staff Availability Systems Update

(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 received, for information, a report of the Director of Service Support (DSFRA/11/30) on ongoing discussions with representative bodies relating to the proposal, as contained in the approved Corporate Plan 2011/12 to 2013/14, to introduce a new staff availability system on some stations.

While arrangements on the Day Crewed Plus model had not been productive to date, other potential models had been identified and meetings arranged to discuss these with the relevant representative body. Further reports on the outcome of these discussions would be submitted to the Authority in due course and it remained the case that some form of alternative crewing arrangements would need to be implemented to enable the Authority to satisfy its legal requirement to set a balanced budget in 2013/14.

The meeting started at 14.00hours and finished at 16.10hours.

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

11 November 2011

Present:-

Councillor Cann (Chair), Bown, Boyd, Brooksbank and Wright

Apologies:-

Councillors Burridge-Clayton and Horsfall

The Chairman indicated that, at 11.00hours, the Committee would be joining with staff by the Flag Pole in front of Devon House for the two minute silence to mark the Armistice Day Remembrance.

***HRMDC/19. Minutes**

RESOLVED that the Minutes of the meeting held on 3 October 2011 be signed as a correct record.

***HRMDC/20. 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.

No interests were declared.

***HRMDC/21. Absence Management and Health of the Organisation**

The Committee received for information a report of the Director of People and Organisational Development (HRMDC/11/12) that set out details of the Service performance in respect of sickness absence and which also highlighted aspects linked to the Health of the Organisation. The areas covered included:

- 2011/12 sickness absence performance – the current level for 2011/12 was 3.89 days/shifts lost per person compared with the year when it was at an average of 3.67 days. This showed performance had declined by 5.8% for the same period in 2010/11, albeit that this was still an improvement to the position reported to the Committee at the previous meeting..
- Breakdown of long term sickness absence – there had been a significant increase in long term sickness absence over the period March to May 2011 which represented the highest levels since April 2008 but this dropped from June 2011 and is now more stable. The number of staff on long term sickness over 6 months had been 8 for six months but had increased to 10 staff in September 2011.
- Safety events – the number of safety events resulting in personal injury had decreased from 79 to 60 during the period 1 April 2011 to 30 September 2011 representing a decrease of 24%. Conversely, the number of days lost due to personal injury had increased from 341 to 368 over the same period.

- Mental health - it was recognised that stress was now the most common cause of long term sickness absence in the UK, with over half of public sector organisations reporting an increase in stress related absence over the last year. Within DSFRS, mental health has been second only to musculoskeletal as the highest cause of absence. It was noted that the level of counselling had increased dramatically in Somerset from 145 sessions in 2009/10 to 304 sessions in 2010/11 (an average of 4.6 sessions per person) but work was to be undertaken with the Counselling Service to see if any trends could be identified. The Well@Work Group was continuing to make strides in its work on stress management.
- Staff turnover – the level of staff turnover had dropped in 2011/12 in line with expectations as a result of the economic climate. The Service had lost 98 retained staff in 2010/11, however, due to a variety of reasons but notably personal reasons (32%) and no reason (20%). Exit interviews were carried out but the need to probe into these reasons more deeply was acknowledged.
- Discipline and grievance – there was no real trend to report in respect of discipline and grievance cases, with around 30 cases a year typically.
- Collective relationships – despite the threat of national industrial action relating to proposed pension changes (Minute HRMDC/22 below also refers), collective relationships were generally good.

***HRMDC/22. Consultation on Changes to the Firefighters' Pension Scheme and the New Firefighters' Pension Scheme**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/11/13) that provided information in respect of a consultation being undertaken by the Department for Communities and Local Government (CLG) in respect of the Firefighters' Pension Scheme (FPS) and the New Firefighters' Pension Scheme (NFPS) and which sought a response on a number of questions posed within the document.

At this point, the Chair agreed to circulate documentation put forward by the Fire Brigades' Union at the meeting which suggested that, following a survey of its members, there may be a 27% drop out rate from the Schemes which could cost £283million in lost contributions. Taking this against the increase in contributions, FBU had suggested that this would result in a net loss of £210million.

The Director of People and Organisational Development stated that the Government had announced changes to the proposals for the pension schemes after the consultation document had been issued and that the Service needed to consider this and to be cautious in its response as a result. It was suggested that, in the light of this, the draft response that had been circulated with the papers should be amended and that this could be circulated to Members of the Committee for information. Councillor Boyd proposed (and Councillor Bown seconded):

“that the Director of People and Organisational Development, in consultation with the Chair of the Human Resources Management and Development Committee, be authorised to respond to the Department for Communities and Local Government (CLG) consultation on the changes to the Firefighters' Pension Scheme and the New Firefighters' Pension Scheme”.

The motion was carried unanimously.

RESOLVED that the Director of People and Organisational Development, in consultation with the Chairman of the Human Resources Management and Development Committee, be authorised to respond on behalf of the Authority to the Department for Communities and Local Government (DCLG) consultation on the changes to the Firefighters' Pension Scheme and the New Firefighters' Pension Scheme.

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

The meeting started at 10.00hours and finished at 10.45hours

AUDIT AND PERFORMANCE REVIEW COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

17 November 2011

Present:-

Councillors Dyke (Chair), Drean, Gribble, Mills, Radford and Way.

Apologies:-

Councillor Burridge-Clayton.

***APRC/17. Minutes**

RESOLVED that the Minutes of the meeting held on 22 September 2011 be signed as a correct record.

***APRC/18. 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.

No interests were declared.

***APRC/19. Audit Progress Summary**

The Audit Commission produced an audit progress summary (to 7 November 2011) that set out issues covered since the previous meeting. The reports issued since the previous meeting included, amongst other matters, details of the:

- Annual Audit Letter 2010/11, and;
- Audit of system controls and financial statements.

David Bray, the new Audit Manager, and Alun Williams, representing the Audit Commission, were present at the meeting to present this item.

Alun Williams reported favourably on the Annual Audit Letter, summarising the key findings of the audit work undertaken for the Authority in 2010/11. He drew attention to Appendix 1 of the report circulated which set out details of the additional work that had been undertaken as a result of the issues with the Statement of Accounts and the extra fee that had been incurred as a result.

In terms of the audit of system controls and financial statements, Alun Williams reported that this was a detailed report that had been discussed with officers and an action plan had been agreed and was included within the report circulated by the Audit Commission. He commented that the Audit Commission had an excellent working relationship with the Finance Team which had resulted in the achievement of a set of accounts that had been completed correctly and on time and he thanked the officers involved in achieving this.

***APRC/20. Audit and Review 2011/12 Six Month Progress Report**

The Committee received for information a report of the Audit and Review Manager (APRC/11/13) that provided an update in respect of the progress made between April and September 2011 in respect of the audits undertaken.

In response to a question asked, the Audit Manager referred to the action that had been taken by the Authority in respect of the National Fraud Initiative and the cases where there had been both under and overpayments as a result in changes in circumstances that had not previously been reported. This matter had been considered at length by the Committee at its meeting on 22 September 2011 (Minute *APRC/14 refers).

The Audit Manager stated that there had been 3 audits undertaken between April and September 2011, namely Health and Safety, Democratic Services and Hydrant Management. Reference was made to the audit on health and Safety and Hydrant Management, both of which were given an assurance statement of "improvement required". In terms of Health and Safety, this area had been reviewed by the Senior Management Board with areas such as the maintenance of competencies now being addressed. This work had been fed into an Operational Assurance project to ensure that the appropriate action was taken. In terms of hydrant management, the main issue identified was the need for the establishment and maintenance of a hydrant database. The Audit Manager added that the Audit Team was able to provide the assurance statements in order to deliver improvements in service delivery in the future.

***APRC/21. Devon and Somerset Fire and Rescue Service Performance Report: April to September 2011**

The Committee received for information a report of the Deputy Chief Fire Officer (APRC/11/14) that set out the Service's performance in April to September 2011, as measured against the targets set within the Corporate Plan for 2011/12 to 2013/14.

The Committee was informed of the progress made against the targets with particular emphasis on areas where there may be a downward trend which required further work to be undertaken or where a positive performance had been achieved. In this regard, the following points were noted:

Measures 1 to 3 - Deaths, injuries and incidents which occurred as a result of fire in the places where people lived:

- In terms of measure 1, it was noted that there had been a further death as a result of a house fire since September 2011 but that a downward trend was still being maintained.
- The downward trend in respect of measures 2 & 3 was still being maintained.

Measures 4 to 6 - Deaths, injuries and incidents which occurred as a result of fire in the places where people worked and visited:

- The recent M5 incident would impact on the figures in November 2011. The Service had been commended for the way in which it dealt with this tragic incident, alongside other emergency services.

Measures 7 and 8 - Occasions where response standards are met for first attendance at dwelling fires and RTCs:

- In terms of measure, an improvement was needed and work was being undertaken to investigate the reasons behind the performance, such as the difference in turnout times from station.

Measure 9 – the Committee received a comprehensive presentation given by the Head of Community Safety and the Corporate Planning Manager that covered the progress made to date with the Local Community Plans and the proposals for the future.

***DENOTES DELAGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.35hours

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

28 November 2011

Present:-

Councillors Leaves (Chairman), Brooksbank, Eastman, Foggin, Healey and Mills

Apologies:-

Councillors Fry and Woodman

***CSCPC/14. Minutes**

RESOLVED that the Minutes of the meeting held on 31 August 2011 be signed as a correct record.

***CSCPC/15. 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.

***CSCPC/16. Job Centre Plus**

The Committee received for information a presentation given by the Director of Service Support which gave an overview of the Job Centre Plus Training Programme and highlighted the following key points:

- That the purpose of the programme was to encourage 17 – 29 year olds in long term unemployment to realise their potential;
- That funding for 7 courses had been received from Job Centre Plus and was cost neutral to the organisation;
- That the results of the programme to date had seen a 100% improvement in the opportunities of participants with many going back into employment whilst others had gone back into full time education., At one event an employers directly offered interviews to two students following the pass out parade;
- That the programme was accredited enabling candidates to be awarded certification which could be used when seeking future employment;
- That the organisation was in discussion with Job Centre Plus in Somerset with a view to working in partnership to provide opportunities across the whole Devon and Somerset area; and,
- That a number of other Fire and Rescue Services were interested in using the Job Centre Plus programme to target their higher risk groups.

The Director of Service Support stated that the programme had been run as a pilot, and, on completion of the 7 funded courses, the organisation would evaluate the benefit to the community and look towards future aspirations.

Members of the Committee requested that the dates of future pass out parades were forwarded to them so that they could attend, when possible, to give support to the Programme.

***CSCPC/17. Community Safety Marketing Plan - Update**

The Committee received for information a presentation given by the Director of Service Support which set out the current position of Fire and Rescue Services nationally following Central Governments reduction in funding and resources in the provision of fire safety literature.

The Community Safety Support Manager advised the Committee that the organisation had identified the need to provide appropriate materials to support the reduction of risk in the community by implementing a Community Safety Marketing Plan which could extend beyond the simple provision of leaflets.

The following key points were highlighted:

- That the Community Safety department had used intelligence gathered from the Experian Mosaic system for prevention and protection activities and designed a marketing plan which could target the household types at higher risk than others;
- That a number of leaflets and posters had been designed with the Corporate Communications department to specifically target the household types at higher risk in the counties of Devon and Somerset; and,
- That a number of social marketing tools had been developed to ensure that the organisation was appealing to its highest risk groups.

The Community Safety Support Manager referred to the fireworks campaign which had launched in preparation for 5 November 2011 and indicated that it had been neutrally branded for use around the festive period. Additionally, it was noted that a home safety at Christmas campaign had been launched.

Members of the Committee requested that the Community Safety Support Manager presented the Community Safety Marketing Plan to the Members of the Fire and Rescue Authority at the next available Members Forum, and, further to this, circulated copies of the Marketing Plan packs and any additional marketing material for dissemination in their constituents.

***CSCPC/18. Firesetter Intervention Software Solution**

The Committee received for information a presentation given by the Service's Deliberate Fire Reduction Manager which provided an overview of the work being undertaken to deliver a software package which would provide better information with respect to firesetter activity and intervention.

In particular, the following issues were raised:

- That prevention activities were crucial in the reduction of deliberate fires as 44% of the fires attended by the Service were deliberate;

- That firesetter intervention programmes had been set up nationally to reduce the chances of young people playing with fire in the future; and,
- That the Service had identified the need for an internet based system which could be used by partner agencies and other Fire and Rescue Services as a means for referring and tracking individuals with firesetter motivation.

The Deliberate Fire Reduction Manager stated that intelligence had highlighted 4 key areas of motivation for firesetters and added it was the ambition of the Community Safety Department to develop work around these aspects in the future.

Members of the Committee requested further explanation of the referral process between agencies with respect to the Data Protection Act. The Director of Service Support clarified that the Service was currently working with partner agencies on a process for referrals in order to maintain confidentiality at all times through the use of safe systems of working and a secure information interchange.

Additionally, it was noted that the system would be launched in April 2012 and would provide consistency at a national level. Members of the Committee requested that a copy of the presentation be forwarded to them following the meeting.

***CSCPC/19. Fire Safety and Timber Framed Buildings**

The Committee received for information a presentation given by the Director of Service Support which set out the fire risks associated with timber framed buildings. The presentation highlighted, amongst other things:

- That the construction of timber framed buildings was increasing and that these were extremely susceptible to the risks of fire,
- That the Deputy Chief Fire Officer was Chairing a National Working Group to address the issues surrounding timber framed buildings which included participation, amongst others, from the Chief Fire Officers' Association (CFOA); United Kingdom Timber Frame Association and the Health and Safety Executive;

The Fire Safety Policy Support Officer referred to work that had been undertaken to test the validity of fire resistance techniques for timber framed buildings which could be adopted by building firms when constructing in built up urban areas. It was added that a 'Design Guide to Separating Distances for Timber Frame Buildings under Construction' had been created as one package in a suite of safety documents.

Further to this, the Director of Service Support stated that CFOA was hosting a National web based notification system that had been created to facilitate the notification to fire and rescue services of timber framed buildings that were under construction.

Members of the Committee requested that a copy of the presentation was forwarded to them following the meeting.

***CSCPC/20. Operational Risk Information System (ORIS)**

The Committee received for information a report of the Director of Service Support (CSCP/11/6) that set out details of the new Operational Risk Information System (ORIS) that enabled risk critical information to be made available to Incident Commanders (IC) on the incident ground via the Mobile Data Terminal (MDT). This information was crucial to inform the dynamic risk assessment (DRA) and tactical plan which in turn leads to greater Firefighter safety.

The report provided an update on the progress made in respect of ORIS and specifically, the Level 3 risk assessments undertaken.

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

The meeting started at 10.00hours and finished at 11.55hours

COMMERCIAL SERVICES COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

2 December 2011

Present:-

Councillors Healey (Chairman), Boyd, Dyke, Mills and Smith.

Apologies:-

Councillors Gribble and Randall Johnson.

***CSC/14. Minutes**

RESOLVED that the Minutes of the meeting held on 19 October 2011 be signed as a correct record.

***CSC/15. 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.

No interests were declared.

***CSC/16. Articles of Association for Red One Ltd**

The Committee received for information a report of the Director of People and Organisational Development (CSC/11/5) that referred to the Articles of Association for Red One Ltd.

The Director of People and Organisational Development reported that further work was needed to modify both the draft Articles and the Contract between the Authority and Red One Ltd to ensure that these were modified to take into account any points resulting from the enactment of the Localism Act recently. Reference was also made to a diagram setting out the Governance Framework for Red One Ltd., copies of which were circulated at the meeting. This indicated that there would be an overarching Business Case produced from which the Annual Business Plan for Red One would emanate, so providing the mechanism for the delivery of the associated projects. The Business Case and Plan needed to be in place in time for the Annual Budget setting for the Authority and it was intended that these documents would be submitted to the next meeting of the Committee for consideration.

***CSC/17. Contract between Red One Ltd and Devon and Somerset Fire and Rescue Authority**

The Committee received for information a report of the Director of People and Organisational Development (CSC/11/6) that referred to the position in respect of the contract between Red One Ltd and Devon and Somerset Fire and Rescue Authority.

The Director of People and Organisational Development reported that further consideration of the contract would be deferred to the next meeting of the Committee.

NB. MINUTE *CSC/16 ABOVE ALSO REFERS.

***CSC/18. 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 items of business on the grounds that they involve 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.

***CSC/19. Training Academy Update**

(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 Committee received for information a report of the Director of People and Organisational Development (CSC/11/7) that provided an update on the progress to date in respect of the Training Academy and Schools within this, together with details of plans for the future in terms of course development and potential customers.

***CSC/20. Update on Current Commercial Leads/Opportunities**

(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 Committee received for information a presentation given by the Director of People and Organisational Development at the meeting that provided an update on the current position with regard to commercial leads and opportunities for the Service in terms of its trading activities.

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

The meeting started at 10.00hours and finished at 11.15hours.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/11/31
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	16 DECEMBER 2011
SUBJECT OF REPORT	LOCALISM ACT 2011
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that a report setting out the Authority's proposed Pay Policy Statement for the 2012/13 financial year be submitted for consideration and approval at the Authority budget meeting to be held on Friday 17 February 2012;</i></p> <p>(b) <i>that the Clerk be asked to progress discussions with constituent authorities with a view to establishing appropriate "arrangements" for the Authority in relation to standards matters in the context of the Act and any subsequent Regulations;</i></p> <p>(c) <i>that further reports be submitted to future meetings of the Authority as and when further clarification on other provisions in the Act and the potential impact of these on the Authority becomes available;</i></p> <p>(d) <i>that, subject to (a) to (c) above, the report be noted.</i></p>
EXECUTIVE SUMMARY	<p>This report summarises the main implications for this Authority of the Localism Act which received the Royal Assent on 15 November 2011.</p> <p>While the provisions of the Act relating to Pay Policy Statements (PPSs) come into force on 15 January 2012 (which will require the Authority to consider and approve its first PPS before 31 March 2012, the remaining provisions are subject to commencement order(s) albeit that the Department for Communities and Local Government has indicated its intention that the Act should be fully in force by 1 April 2012.</p>
RESOURCE IMPLICATIONS	None in relation to this report. At present, any resource implications emanating from the Localism Act itself are difficult to determine.

EQUALITY IMPACT ASSESSMENT	Not applicable
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	<ul style="list-style-type: none"> A. Localism Act 2011 B. CLG Plain English Guide to the Localism Act

1. INTRODUCTION

- 1.1 The Localism Bill was enacted by Parliament on 15 November 2011. The Localism Act 2011 itself runs to some 240 pages, with the accompanying Schedules taking up a further 243 pages. At this indicates, the Act represents a considerable overhaul of the operation of local authorities in England and Wales. The Plain English Guide to the Localism Act issued by the Department for Communities and Local Government provides that the Act:
- “...sets out a series of measures with the potential to achieve a substantial and lasting shift in power away from central government and towards local people. They include: new freedoms and flexibilities for local government; new rights and powers for communities and individuals; reform to make the planning system more democratic and more effective, and reform to ensure that decisions about housing are taken locally.”
- 1.2 Not all of the Act’s provisions, however, relate to the operation of combined fire and rescue authorities such as the Devon & Somerset Fire & Rescue Authority. This report aims to identify, in summary, those provisions that do or may impact on the Authority.
- 1.3 Although enacted on 15 November, it should be noted that many of its provisions will only come into force once the relevant commencement orders have been made. The Act stipulates that these will be on such a date as the Secretary of State determines. Guidance from the Department for Communities and Local Government (CLG) indicates that this should be by 1 April 2012, but other than this there is no clear indication. Additionally, many of the provisions of the Act (e.g. the right to challenge; the right to designate assets of community value (also known as the right to buy)) are still subject further regulations that the Act empowers the Secretary of State to make.
- 1.4 Additionally, it is understood that the Chief Fire Officers’ Association is considering the procurement of legal advice on the contents and implications of the act from a fire and rescue service perspective. Any such advice obtained will, subject to this not being restricted, shared with this Authority.

2. PAY POLICY STATEMENTS

- 2.1 The provisions in the Act relating to Pay Policy Statements (PPSs) come into force on 15 January 2012. The Authority will be required to consider and approve its first PPS by 31 March 2012, and thereafter by 31 March in each subsequent year. The PPS must be approved by the full Authority (it cannot be delegated either to a committee or officer), must be debated in open session and must be published as a minimum on the Authority’s website. The Authority is obliged to abide by its PPS once approved but may amend it in-year.
- 2.2 The PPS must set out the Authority’s policies for the financial year relating to the level and elements (e.g. benefits in kind, bonuses, performance related pay) of remuneration for each chief officer; the remuneration of its lowest-paid employees; and the relationship (as a multiple) between the remuneration of its chief officers and other employees. For this Authority, chief officers will include all on the Senior Management Board. The Authority will also be required to define what it means by “lowest paid employee” and explain why it has adopted the definition so determined.
- 2.3 Pay Policy Statements may also include a range of other issues, for example the retirement and re-employment of officers and any associated policies relating to abatement of pension.

2.4 Draft guidance on Pay Policy Statements indicates that they are intended to give effect to recommendations contained in the Hutton report in relation to accountability, transparency and fairness in the setting of local pay. The guidance comments that:

“Each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions in the Act do not seek to change this or to determine what decisions on pay should be taken or what policies that individual employing authorities should have in place. Rather, they only require that authorities are more open about their own local policies and how their local decisions are made.”

2.5 As indicated earlier, the Authority will be required to consider and approve its first Pay Policy Statement by 31 March 2012. To comply with this, it is proposed to bring the first such PPS to the Authority meeting on 17 February 2012.

3. OTHER PROVISIONS DIRECTLY IMPACTING ON THE AUTHORITY

3.1 As previously indicated, although the Act has received the Royal Assent many of its provisions are still subject to commencement order(s) which may be made on such a date/dates as the Secretary of State determines. This section of the report deals with provisions falling within this category and which directly relate to this Authority.

(a) “General Power”

3.1 The Act furnishes combined fire and rescue authorities with a new, additional “general power” to do anything it considers appropriate to carry out its functions (its “functional purposes), including anything it considers is directly or indirectly incidental to these functions. There are limitations to this new power, specifically:

- it cannot be used to borrow money;
- it cannot be used to overcome any existing, legislative prohibition on activity; and
- new legislation may prohibit or restrict the use of this power for any given functions/activities.

3.2 The Act also enables the Secretary of State, by regulations, either to further limit use of the power or to amend, repeal etc. any legislation which limits use of the power, subject to certain conditions (e.g. in the public interest) being met.

(b) Trading and Charging

3.3 The Act does little to change the position in relation to trading, which must still be undertaken through a separate company and (as with the general power) is restricted – either directly or indirectly- to functional purposes and to the limitations on charging as identified below.

3.4 In relation to charging, the Act introduces a new regime in essence based on exception rather than specifying (as per the Regulations under the old charging regime introduced by the Fire & Rescue Services Act 2004) activities/services which can be charged for.

3.5 Charging is limited to pure cost recovery and (as with trading) cannot be applied to:

- Actual action taken in extinguishing fires or protecting life and property in the event of fire (unless at sea or under the sea);
- Providing emergency medical assistance;

- Rescuing individuals, or protecting individuals from serious harm, in the event of an emergency which includes emergencies resulting from events of widespread significance; as a direct result of severe weather or resulting from road traffic collisions;
- Action taken in capacity as an enforcing authority under the Regulatory Reform (Fire Safety) Order 2005.

3.6 The Act also introduces a new provision for fire and rescue authorities to charge for repeated attendance at false alarms linked to automatic detection equipment subject to the following conditions:

- the charge can only be levied on non-domestic properties premises;
- the reports must be false;
- the reports must be as a direct OR indirect result of the warning equipment having malfunctioned or having been incorrectly installed;
- there must be persistent problem with such false reports

(c) Council Tax Referendums

3.7 The Act replaces the former system of “capping” with a new regime whereby the Secretary of State will each year draft, and parliament approve, “principles” for use by local authorities in determining whether or not any proposed increase in council tax is excessive. The principles must provide for a comparison between (a) the level of council tax charged in the current financial year and (b) that proposed for the forthcoming financial year and the Secretary of State may, by regulations, specify a “notional amount” for the purposes of the figure at (a).

3.8 Billing authorities will be required, in all cases where the level of council tax proposed by an authority is deemed “excessive” in relation to the “principles”, to undertake a referendum on the matter on behalf of the authority concerned. The referendum must be held on the first Thursday in May of the year to which the demand relates, or such other date as the Secretary of State may determine. In requiring the referendum to be held, the authority concerned must also notify the billing authority of its “substitute” calculations i.e. the level of council tax that it has deemed would not be excessive by reference to the “principles”. The substitute calculations apply in the event that the referendum result is a rejection of the proposed “excessive” council tax.

3.9 The Act also provides that a billing authority may recover expenses incurred by it, in connection with the referendum process, from the precepting authority. This may also extend to the cost of having to issue a revised council tax bill, should the billing authority choose to do so, following a referendum which rejects the “excessive” level of council tax.

3.10 While on the one hand the new provisions might seem to afford more clarity for authorities in setting council tax levels (given that, under the “capping” regime, the criteria for capping was often announced after the council tax level had been set), how effective this is in practice remains to be seen as the Act provides that the “principles” can be approved as late as the date by which the final local government finance settlement is approved by parliament. This can be up to the end of January immediately preceding the financial year to which the proposed new council tax relates.

(d) Standards Issues

- 3.11 The Act provides for abolition of the entire of the previous regime, including the Standards Board for England. Much of the detail of what might replace the former regime, though, is subject to further Regulations.
- 3.12 The Act provides that, in future, “relevant authorities” (which included combined fire and rescue authorities) will have a duty to promote and maintain high standards of conduct by its Members and Co-opted Members and in discharging this duty will be required to:
- adopt a code of conduct to be followed by its Members and Co-opted Members when acting in that capacity. The code must reflect the Nolan principles (selflessness; integrity; objectivity; accountability; openness; honesty; leadership) and contain provisions for the registration and disclosure of pecuniary and other interests;
 - put in place “arrangements” to investigate and determine allegations of breaches of the code. “Arrangements” need not include a Standards Committee as such but must feature an “independent person” who may not be a Member or officer of the Authority; may not have held such a position in the preceding five years; and (perhaps somewhat perversely) cannot – by virtue of the definitions provided in the Act – be one of the existing Independent Members of the Standards Committee.
- 3.13 The Act introduces a new criminal offence for failure to register or disclose “disclosable pecuniary interests”, but prosecutions for this offence may only be instituted by the Director of Public Prosecutions. Summary conviction for such an offence carries a fine not exceeding level 5 on the standard scale (currently £5,000). The Act does not provide for any sanctions in relation to other breaches of the code.
- 3.14 As previously indicated, much of the detail as to operation of the new Standards regime is subject to further Regulations. Other than as indicated above, however, there would seem to be considerable latitude for authorities in determining both codes of conduct and “arrangements” for dealing with breaches of these codes.
- 3.15 In light of this, officers have already begun discussions with constituent authorities with the aim of seeking to formulate “arrangements” for this Authority that are not overly bureaucratic and are proportionate to what is required.

4. OTHER PROVISIONS THAT MAY IMPACT ON THE AUTHORITY

- 4.1 As with the previous section of this report, the provisions outlined in this section are subject to commencement order(s) and further Regulations.

(a) Right to Challenge

- 4.2 The Act requires a “relevant authority” to consider applications in writing from “relevant bodies” expressing interest in providing or assisting to provide a “relevant service” on behalf of that authority. Should such an application be successful, then the relevant authority will be required to undertake a procurement exercise for delivery of the service, with the “relevant body” submitting the application being able to participate in this exercise.

- 4.3 At present, combined fire and rescue authorities are not defined as a “relevant authority” for the purposes of the right to challenge although, in consultation on proposed Regulations on these provisions when the Act was still in Bill form, the Department for Communities and Local Government indicated that it was minded to include such authorities but expressly exclude the right to challenge applying to front-line services (firefighting, rescues etc.).
- 4.4 As with many of the other provisions of the Localism Act, these provisions are subject to further Regulations by the Secretary of State on a range of associated issues (for example, timescales associated with both expressing an interest and undertaking a procurement exercise; criteria for rejecting an expression of interest).
- (b) Designation of Assets of Community Value (“Right to Buy”)**
- 4.5 District Councils will be required to maintain and publish a list of assets (land and/or buildings) in their area deemed to be of community value together with a list of assets nominated but which were not considered to be of community value. Inclusion on these lists will be subject to nomination by parish councils, voluntary or community body with local connections and will trigger restrictions on disposal of the asset – in effect, a moratorium on disposal to provide sufficient time for the nominating body to realise sufficient finance to purchase the asset.
- 4.6 The owner of the asset is immaterial for the purpose of inclusion on the list, although District Councils will be required to notify asset owners of nominations and owners will be able to request the District Council to review any decision it has made to include an asset on the list.
- 4.7 Again, these provisions of the Act are subject to further, clarifying Regulations on issues such as definition of assets of community value, definition of “voluntary or community body” and, perhaps most pertinently, the whole matter of compensation in relation to the operation of these provisions.
- (c) Predetermination**
- 4.8 Predetermination and bias are common law concepts – effectively, having a “closed mind” on matters subject to decision. Previously, a successfully-proven allegation of predetermination or bias could result in the decision on that matter being declared unlawful (if the majority of the people deciding the matter were found to be predetermined or biased).
- 4.9 The Localism Act, however, now provides an exemption for Members on a wide range of bodies – specifically, those exercising a planning function – whereby such a Member is not to be taken to have had a closed mind when making a decision just because they had previously done anything to indicate what view they took, or might take.
- 4.10 While the underlying rationale for this exemption related primarily to planning matters, to overcome issues where the appearance of predetermination or bias might otherwise prevent an elected Member from campaigning or indeed voting on a matter which may have formed the basis of their election platform, it is perhaps strange that the exemption is couched in terms that would seem to apply to all decisions (rather than solely on planning matters) but does not apply to all types of local authority. Specifically, it does not apply to combined fire and rescue authorities.

4.11 Consequently, this would seem to create a situation whereby the exemption from allegations of pre-determination and bias may be relied on when acting as constituent authority Councillors at meetings of those authorities but not when acting as a Member of the Devon & Somerset Fire & Rescue Authority making Authority-related decisions (whatever they may be).

5. CONCLUSION

5.1 This report aims to give a flavour for the contents of the Localism Act in so far as this impacts upon the Devon & Somerset Fire & Rescue Authority. As stressed in this report, however, many of the provisions require further clarity and understanding – which will probably only be forthcoming in regulations – to enable the impact to be fully assessed.

5.2 Consequently, it is intended that further reports be submitted to the Authority as necessary and as and when appropriate clarification becomes available.

MIKE PEARSON
Clerk to the Authority



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/11/32
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	16 DECEMBER 2011
SUBJECT OF REPORT	PROPOSED AMENDMENT TO STANDING ORDER 13 – ADDRESSES BY REPRESENTATIVE BODIES
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<i>that the Authority consider with a view to approving the proposed amendment to Standing Order 13 (Addresses by Representative Bodies) as set out in the Appendix to this report</i>
EXECUTIVE SUMMARY	This report sets out a proposed amendment to the Standing Order allowing representative bodies to address full Authority meetings. It is proposed in light of issues raised by the Fire Brigades Union at its recent Industrial Relations Committees and following discussion with the Chairman.
RESOURCE IMPLICATIONS	Nil.
EQUALITY IMPACT ASSESSMENT	Not applicable.
APPENDICES	A. Amended Standing Order 13
LIST OF BACKGROUND PAPERS	Authority Standing Orders

1. PROPOSED REVISION TO STANDING ORDER 13

- 1.1 The Authority's current Standing Orders (specifically, Standing Order 13) make provision for representative bodies to address the Authority. This is subject to obtaining the prior permission of the Chairman and, with a requirement that this permission be sought at least ten clear working days prior to the meeting to be addressed.
- 1.2 At recent Industrial Relations Committee (IRC) meetings, the Fire Brigades Union has raised the issue that the ten day prior notification requirement effectively prevents it from requesting permission to address the Authority on matters to be considered at any particular meeting (as the legal requirement on availability for public inspection of agendas is only five clear working days).
- 1.3 Consequently, in the spirit of openness and following discussion with the Chairman, it is proposed to amend the Standing Order to reduce the notice period from ten clear working days prior to the meeting to two clear working days. This would then align with the timescales relating to the submission of questions and petitions from the public. No other modifications to Standing Order 13 are proposed and it will remain the case that any address by a representative body will be subject to prior permission of the Chairman.
- 1.4 Contextually, it should be noted that the main channel for dialogue between the Service and representative bodies on all industrial relations matters is via the established Industrial Relations Committees and that all representative bodies are classed as key stakeholders for all major Authority and Service initiatives (e.g. the Corporate Plan incorporating the Integrated Risk Management Plan) for the purposes of consultation and comment.
- 1.5 A copy of Standing Order 13, amended as indicated above (and indicated by ***bold, italics***), is appended to this report.

MIKE PEARSON
Clerk to the Authority

13. ADDRESSES BY REPRESENTATIVE BODIES

- (1) The Authority will not receive questions or petitions either from its employees or recognised employee representative bodies, for which separate industrial relations processes exist. In the event of representative bodies wishing to address a meeting of the Authority prior permission in writing must be sought of the Chair to the Authority – via the Clerk to the Authority - at least **two clear working days** prior to the date of the meeting to be addressed. The request for permission must clearly identify:-
 - (a) the precise nature and content of the address to be made, which must (making the necessary changes) fall within the scope of petitions as set out in Standing Order 12(6) above; and
 - (b) the name(s) of those to attend the meeting to make the address. This will be restricted to a maximum of three delegates per representative body.
- (2) The delegate(s) from a representative body with permission to address a meeting of the Authority will limit the address to a maximum of ten minutes. The Authority may either refer the matter which is the subject of an address 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.
- (3) Subject to Paragraph (1) above of this Standing Order, only one address per representative body per meeting will be allowed.
- (4) In the event of more than one representative body wishing to address a meeting of the Authority, then maximum time permitted for all addresses will not exceed twenty minutes.
- (4) A summary record of addresses delivered will be made in the minutes of the Authority's meeting.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	DSFRA/11/33
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	16 DECEMBER 2011
SUBJECT OF REPORT	FIRE CONTROL PROJECT – PROGRESS REPORT
LEAD OFFICER	Director of Service Delivery
RECOMMENDATIONS	<i>that the report be noted.</i>
EXECUTIVE SUMMARY	<p>The Authority has previously been informed of the three project strands associated with our fire control function: consolidation into a single unit; development of a new fit for purpose building; and collaboration with three other fire and rescue services to secure a new integrated operating system.</p> <p>This paper sets out progress in relation to each of these three elements.</p>
FINANCIAL IMPLICATIONS	There are no direct financial implications as a consequence of this report. Any implications arising from the individual project plans associated with the fire control project have either been or will be reported to Members as appropriate.
OTHER RESOURCE IMPLICATIONS	None
EQUALITY IMPACT ASSESSMENT	There are no additional equality risks or benefits associated with this report.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Nil.

1. BACKGROUND

- 1.1 Members will be aware that the Service is undertaking a fundamental review of its Fire Control function, necessitated following the cessation of the Regional Control Centre project in December 2010 and the subsequent review and offer of funding by the Department for Communities and Local Government (CLG).
- 1.2 To achieve the desired outcome the Service has instigated three projects in relation to Fire Control:
- the consolidation of our two existing controls into one new unit based at service headquarters;
 - the consideration of options for the future location of the fire control function, that will allow the Service to take advantage of commercial opportunities in the future as well as ensuring we have an appropriate command and support centre; and
 - to work in partnership with Dorset, Wiltshire and Hampshire Fire and Rescue Services to develop an integrated command and mobilising system which will deliver organisational efficiencies and increase system and operational resilience.
- 1.3 This paper sets out the progress the Service has made in relation to these projects and identifies future milestones and decision points especially those where Member involvement is critical.

2. CONTROL CONSOLIDATION

- 2.1 The plans to bring together our existing control rooms on our Exeter HQ site are on track for go live by 31 March 2012, the Authority having previously approved the potential redundancy costs at its meeting on 7 November 2011 (Minute DSFRA/51 refers). Staff who had expressed an interest in taking voluntary redundancy or early retirement have been contacted and detailed discussions are on-going. The process of appointing staff to the roles within the new staffing arrangements is underway and is expected to be completed by the New Year. System conversion training for those staff currently based at our Hestercombe House site is underway, this will be on-going up to and beyond 31 March 2012. Building work has commenced in relation to upgrading the server room, tenders have been let for the first stages of the building works and an ergonomic consultant has been engaged to support the design of the control room and work stations. Work is on-going to ensure that all financial efficiencies and non-cashable benefits are recorded and captured.

3. FIRE CONTROL BUILDING

- 3.1 Outline plans are being developed to determine the scope and extent of any new fire control facility. Options will be developed for consideration by Members within the Capital programme and options will be presented to a future Authority meeting for decision.

4. NETWORKED CONTROL SYSTEM

- 4.1 A business case was submitted to DCLG on 4 November 2011 for joint funding of £7,830,800 of which this Service would receive, subject to approval, £2,080,000. This was a collaborative bid between the Devon and Somerset, Dorset, Wiltshire and Hampshire Fire and Rescue Services. Whilst any grant funding will not be announced until the New Year we are confident that, due to the unique partnership proposed, this bid has every chance of success. The principal benefits of this approach are the economies of scale and the increased resilience a networked system will provide.
- 4.2 Whilst approval is awaited, the next steps are to determine the system requirements and configuration to meet on-going needs of all four partners. Once these have been determined this will be reported to the Authority.

5. CONCLUSION

- 5.1 Since the termination of the Regional Control Centre project, the Service has been working to develop a sustainable future Fire Control model for DSFRS. The options available to DSFRS depend to a large extent on the funding that is available from CLG and we will be in a better position to advise Members once the outcome of our bid is known. It remains our intention to provide the very best level of service to the public of Devon and Somerset through a new Fire Control arrangement, working with partners to develop innovative and cross sector solutions if at all possible.

ASSISTANT CHIEF FIRE OFFICER PETER SMITH
Director of Service Delivery