

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

16 December 2011

Present:-

Councillors Healey (Chairman), Bakewell MBE, Bown, Boyd, Brooksbank, Cann, Drear, Dyke, Eastman, Gordon, Gribble, Healey, Horsfall, Hughes OBE, Leaves, Radford, Randall Johnson, Smith, Way, Woodman and Wright

Apologies:-

Councillors Burrige-Clayton, Foggin, Fry, Mills and Yeomans

DSFRA/54. Minutes

RESOLVED that the Minutes of the meeting held on 7 November 2011 be signed as a correct record.

DSFRA/55. 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.

DSFRA/56. 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 Scheme. Constructive discussions had been held in relation to the setting of a cost ceiling for any proposals. These would be discussed further by the Union's Executive Committee early in the New Year.

(SEE ALSO MINUTE DSFRA/57(a) BELOW)

DSFRA/57. Minutes of Committees, Working Parties Etc.

(a) Human Resources Management And Development Committee

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

- an update report on absence management and the health of the organisation; and
- a report on the Department for Communities and Local Government (CLG) consultation on proposed changes to the Firefighters Pensions Scheme

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

(SEE ALSO MINUTE DSFRA/56 ABOVE)

(b) Audit And Performance Review Committee

The Chair of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting of the Committee held on 17 November 2011, which had considered, amongst other things:

- a summary report on issues addressed by the Audit Commission on behalf of the Authority since the last Committee meeting, including the Annual Audit Letter 2010/11 and an audit of system controls and financial statements;
- a report of the Service's Audit and Review Manager on progress between April and September 2011 against the internal audit plan for the current financial year; and
- a report on performance by the Service during April to September 2011 against those targets as set out in the Corporate Plan 2011/12 to 2013/14.

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

(c) Community Safety And Corporate Planning Committee

The Chair of the Committee, Councillor Leaves, **MOVED** the Minutes of the meeting of the Committee held on 28 November 2011, which had considered, amongst other things:

- a presentation on the Job Centre Plus Training Programme;
- a presentation on Community Safety marketing, including the production of bespoke community safety messages targeted at high-risk groups in Devon and Somerset;
- a presentation on work being undertaken by the Service to enhance the provision of information on firesetter activity to assist in the development of more effective strategies to address this;
- a presentation on measures being pursued by the Service to highlight fire risks associated with timber framed buildings; and
- a report on the new Operational Risk Information System (ORIS) which would provide critical risk information to Incident Commanders at the incident ground via Mobile Data Terminals.

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

(d) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting of the Committee held on 2 December 2011, which had considered, amongst other things:

- a progress report on the proposed Articles of Association for Red One;
- a progress report on the development of the contract governing the relationship between Red One and the Authority;
- an update on commercial initiatives being progressed through the Training Academy; and
- an update on the current position in relation to other commercial leads and trading opportunities being explored by the Service.

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

DSFRA/58. Localism Act 2011

The Authority considered a report of the Clerk to the Authority (DSFRA/11/31) on the implications for the Authority of the Localism Act which had received the Royal Assent on 15 November 2011. Although enacted, many aspects of the Act were still subject to Commencement Orders. The Department for Communities and Local Government (CLG) had indicated the government's intention for the Act to be fully in force by 1 April 2012.

The report covered the following areas of the Act in terms of their applicability to the Authority:

- implementation of Pay Policy Statements (required by 31 March 2012);
- introduction, for combined fire and rescue authorities, of a new "general" power to do anything linked – either directly or indirectly - to "functional purposes";
- a relaxation of the rules in relation to trading and charging;
- the introduction of a new power to charge for repeated attendances at non-domestic premises arising from defective automated fire alarm detection equipment;
- changes to the standards regime;
- the community "right to challenge" and the designation of assets of community value (the "right to buy"); and
- the contents of the Act in relation to pre-determination.

RESOLVED

- (a) 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;
- (b) 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;
- (c) 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;
- (d) that, subject to (a) to (c) above, the report be noted.

DSFRA/59. Proposed Amendment to Standing Order 13 - Addresses by Representative Bodies

The Authority considered a report of the Clerk to the Authority (DSFRA/11/32) on a proposed amendment to Standing Order 13 to amend the timescale for representative bodies requesting permission to address the Authority from ten to two clear working days prior to the meeting in question. This would align the timescale with that of the public submitting questions or petitions to the Authority and would provide the opportunity for representative bodies to raise issues linked to items to be discussed at meetings.

RESOLVED that the amendment to Standing Order 13 (Addresses by Representative Bodies), as set out in the appendix to report DSFRA/11/32, be approved.

DSFRA/60. Fire Control Project - Progress Report

The Authority received for information a report of the Director of Service Delivery (DSFRA/11/33) on the current position in relation to the consolidated fire control project necessitated following the cessation of the regional FiReControl Project.

The new project feature three phases:

- (a) consolidation of the Devon and Somerset Control Rooms into a single unit;
- (b) the development of a new, fit for purpose building for this single unit; and
- (c) collaboration with the Dorset, Wiltshire and Hampshire fire and rescue services to secure a new, integrated operating system.

The first of these phases was still on track for completion by 31 March 2012, necessary approvals having been made by the Authority at its last meeting (Minute DSFRA/51 refers).

In relation to the third phase, a joint bid for funding in the region of £8million had been submitted to the Department for Communities and Local Government in November. A decision was anticipated early in the new year and, given the unique nature of the new partnership proposed, it was felt the bid stood a good chance of success.

In relation to the second phase, outline plans were being developed to determine the scope and extent of the new facility and options would in due course be submitted to a future meeting.

DSFRA/61. Chairman's Announcements

The Authority received, for information, a list of events attended by the Chairman on behalf of the Authority since its last meeting. In particular, the Chairman commented on endeavours to secure cross-party agreement to promote fire safety initiatives such as the fitting of sprinklers in new developments.

DSFRA/62. Chief Fire Officer's Announcements

The Deputy Chief Fire Officer reported on two fatalities since the last meeting:

- on 3 December in Cullompton, an 95 year old lady. There were no smoke detectors in the premises;
- on 9 December in Broadwoodwidge, a 3 year old child following a house fire. Enquires were still ongoing into this incident.

Additionally, the Deputy Chief Fire Officer gave preliminary feedback from the recently undertaken peer review against the Equality and Diversity Framework. The Service had been adjudged at "achieving" level. Further, more detailed reports on the assessment (covering areas of particular strengths, weaknesses and actions proposed to address the latter) would be submitted to future meetings.

DSFRA/63. Recess

Following the conclusion of the Chief Fire Officer's announcements, the Chairman called a 5 minute recess at 11.15am. The meeting reconvened at 11.20am.

DSFRA/64. 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 item of business on the grounds that it involved 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.

DSFRA/65. Senior Management Board Non-operational Directors - Further Considerations

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

The Authority considered a report of the Chief Fire Officer (DSFRA/11/34) detailing consideration given to outstanding issues arising from the restructure of the Senior Management Board as identified in report DSFRA/09/29, considered by the Authority meeting on 14 December 2009.

The Authority had resolved at its meeting on 29 July 2011 to establish a small Panel of Members to consider and make recommendations on the outstanding issues (Minute DSFRA/27 refers).

The report now submitted summarised the deliberations of the Panel following the three meetings held since its establishment, together with legal advice obtained on the issues so addressed.

Following considerable debate on the matter, including further legal commentary provided during the course of the meeting, Councillor Dyke **MOVED** (and Councillor Bown seconded) a proposition in two parts relating to implementation of certain proposals, and the effective date of implementation.

Following a vote it was

RESOLVED

- (a) that the motion of Councillor Dyke, as seconded by Councillor Bown, in relation to implementation of certain proposals be approved; and
- (b) that the date of implementation, as proposed by Councillor Dyke and seconded by Councillor Bown, be approved.

(NOTE: Resolution (a) above was approved unanimously. Resolution (b) was approved by a majority of 17 votes for the proposal, with two votes against [Councillors Bakewell MBE and Way] and one abstention [Councillor Wright]).

The meeting started at 10.00hours and finished at 12.25hours