



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/12
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	30 May 2012
SUBJECT OF REPORT	SCHEDULE OF APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC.
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that the proposed revision to the Terms of Reference for the Commercial Services Committee as indicated by bold, italics in the Annex to the Schedule appended this report be approved;</i></p> <p>(b) <i>that the remaining Terms of Reference for the other Committees etc. be endorsed;</i></p> <p>(c) <i>that, in accordance with Standing Orders, appointments be made to Committees etc. as shown in Part A of this Schedule, for the 2012/13 municipal year, the term of office to be until the Authority Annual Meeting in 2013 (or, for the Standards Committee, until commencement of the new procedures under the Localism Act, whichever is the sooner);</i></p> <p>(d) <i>that the appointments of Messrs. Phillips, Watson and Withers as Independent Members of the Authority's Standards Committee be re-affirmed until commencement of the new procedures under the Localism Act or the Annual Meeting of the Authority in 2013, whichever is the sooner;</i></p> <p>(e) <i>that appointments be made to Outside Bodies as shown in Part B of this Schedule for the 2012/13 municipal year, the term of office to be until the Annual Meeting in 2013 unless otherwise indicated.</i></p> <p>(f) <i>that the Authority notes the current position, as highlighted in Section 5 of this report, in relation to South West Fire Control Limited and its appointed Director on the company.</i></p>

EXECUTIVE SUMMARY	<p>Appended to this report is a schedule of appointments to Authority Committees, outside bodies etc. together with, where appropriate, the Terms of Reference of committees etc.</p> <p>This report highlights a number of issues in relation to these and invites the Authority, amongst other things, to make appointments as necessary</p>
RESOURCE IMPLICATIONS	<p>Any resource implications associated with attendance at committee and outside body appointments etc. will be contained either from within the approved budget for the Scheme of Members Allowances</p>
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	
APPENDICES	<p>A. Schedule of Appointments to Committees, Working Parties etc. and Outside Bodies</p>
LIST OF BACKGROUND PAPERS	

1. BACKGROUND AND INTRODUCTION

- 1.1 Following its establishment in 2007 the Authority put in place a committee structure to assist it in discharging its functions and also determined to make appointments to a number of outside bodies (e.g. the Local Government Association etc.) whose objectives accord with furthering the interests of the Authority.
- 1.2 Appointments to these are traditionally made at the Authority's Annual Meeting. Appended to this paper is a schedule setting out these appointments. This report now highlights a number of issues associated with this.

2. SCHEDULE OF APPOINTMENTS – GENERAL

- 2.1 The appended Schedule indicates purely the allocation of places to Committees and Outside Bodies for the previous (2011/12) municipal year. It should not be interpreted as any form of recommendation in relation to appointments for the forthcoming, 2012/13, municipal year.
- 2.2 The Authority is reminded that its Standing Orders provide for it to determine appointments to Committees etc. taking account of the principles of the Local Government and Housing Act 1989 (political proportionality).
- 2.3 The Authority is invited to make appointments to those Committees and outside bodies as set out in the appended Schedule. Individual names in brackets indicate previous appointees who are no longer Members of this Authority.

3. COMMITTEE STRUCTURE AND TERMS OF REFERENCE

- 3.1 As indicated previously, the Authority – following its establishment in April 2007 – formulated a committee structure with associated Terms of Reference to assist in the discharge of its functions.
- 3.2 This structure has evolved over the years to reflect changing needs and in 2011 was modified by the addition of a further Committee – the Commercial Services Committee – to exercise, in essence, oversight of the Authority's commercial services activity.
- 3.3 This was previously uncharted territory for the Authority and consequently the Terms of Reference to the Committee have undergone several changes to ensure a correct balance between governance and flexibility/speed of approach in the commercial world. The most recent proposed revision – relating to delegated limits for commercial activity - was considered by the Committee at its meeting on 5 April 2012 and commended to the Authority for approval (Minute CSC/42 refers).
- 3.4 The Terms of Reference for the existing Committee structure, amended (as shown in ***bold, italic***) to reflect the proposed revisions to the Terms of Reference to the Commercial Services Committee, are set out in the Annex to the appended Schedule of Appointments. The Authority is invited to approved the proposed revisions to the Terms of Reference of the Commercial Services Committee and endorse the Terms of Reference of the other Committees.

4. THE LOCALISM ACT 2011 – CHANGES TO MEMBER CONDUCT PROCEDURES

- 4.1 Elsewhere on the agenda for this meeting is a report setting out, amongst other things, changes to Member conduct provisions introduced by the Localism Act 2011 (the Act). That paper indicates, however, that one of the difficulties at present is that government has yet to approve the Commencement Order that will stipulate the operative date for the new provisions as contained in the Act.
- 4.2 Until that time, the existing regime introduced by the Local Government Act 2000 remains, at least at local level, in force requiring this Authority to have its own Standards Committee, Independent Members and provisions (i.e. Assessment and Appeals Sub-Committees etc.) to receive, investigate and determine as appropriate any alleged breaches in the current Code of Conduct.
- 4.3 As such, the Authority is asked to appoint Members to its Standards Committee and confirm the appointment of the existing three Independent Members, the term of office to be until the Annual Meeting next year or until such time as the new provisions under the Localism Act 2011 come into force, whichever is the sooner. Although making appointments, it is not proposed to schedule in advance any actual meetings but rather to call meetings if/when the need arises.

5. SOUTH WEST FIRE CONTROL LIMITED

- 5.1 The Authority has in the past received reports on the former Government's project to establish nine, interlinked Regional Control Centres in place of the existing, bespoke individual fire and rescue authority control rooms. This was a Labour government initiative which was subsequently cancelled shortly after the current coalition government came to power.
- 5.2 Part of the former initiative, however, featured the establishment for each region of a Local Authority Controlled Company (LACC) to exercise overall governance control of its Regional Control Centre once fully operational and, prior to this, to ensure that all necessary processes in terms of employment issues etc. were in place. For the South West, the LACC established was South West Fire Control Limited whose Board of Directors comprised elected Members appointed by each of the region's fire and rescue authorities.
- 5.3 Councillor John Woodman was appointed as this Authority's Director on South West Fire Control Limited, with the Term of Officer being until he resigns, ceases to be a Member of this Authority OR until the company itself is formally dissolved.
- 5.4 With the cancellation of the Regional Control Centre project, South West Fire Control Limited has in essence been moribund and, in recognition of this, the Special Responsibility Allowance (SRA) payable to the Authority appointed Director was withdrawn with effect from 1 April 2012.

5.5 The Company Secretary of South West Fire Control Limited has recently written to the Authority to confirm that application has now been made to Companies House for the company to be struck off the Register of Companies and hence dissolved. Companies House will subsequently publish notice of the proposed striking off in the London Gazette and allow a minimum of three months for interested parties to object. It is not anticipated that there will be any objections and that, accordingly, the company should be formally dissolved by the summer of this year. Until that time, however, appointed Directors remain in post. The Authority is asked to note this position.

MIKE PEARSON
Clerk to the Authority

SCHEDULE OF APPOINTMENTS TO COMMITTEES, WORKING PARTIES ETC. AND APPOINTMENTS TO OUTSIDE BODIES

PART (A) COMMITTEES, WORKING PARTIES ETC.

RESOURCES COMMITTEE

7 Members in total

(2011/12 Membership: Councillors Bakewell MBE, Gordon, Horsfall, Hughes OBE, Smith, Woodman and Yeomans)

HUMAN RESOURCES AND MANAGEMENT COMMITTEE

7 Members in total

(2011/12 Membership: Councillors Bown, Boyd, Brooksbank, Burridge-Clayton, Cann, Horsfall and (Wright))

AUDIT AND PERFORMANCE REVIEW COMMITTEE

7 Members in total

(2011/12 Membership: Councillors Burridge-Clayton, (Drean), Dyke, Gribble, Mills, Radford and Way).

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

7 Members in total

(2011/12 Membership: Councillors Brooksbank, Eastman, Foggin, Fry, Healey, Leaves, and Woodman).

COMMERCIAL SERVICES COMMITTEE

7 Members in total

(2011/12 Membership: Councillors Boyd, Dyke, Gribble, Healey, Mills, Randall Johnson and Smith).

STANDARDS COMMITTEE

9 Members in total – six to be appointed by the Authority PLUS three Statutory Independent Members (currently Messrs. Phillips, Watson and Withers – appointments to be re-affirmed until the Annual Meeting in 2013 OR until the new procedures under the Localism Act 2011 come into effect)

(2011/12 Membership: Councillors Bown, Gribble, Horsfall, Mills, Randall Johnson and Yeomans).

CAPITAL PROGRAMME WORKING PARTY

4 Members in total

(2011/12 Membership: Councillors Bown, Fry, Smith and Woodman).

EQUALITY AND DIVERSITY MEMBER CHAMPION

One appointment - Councillor Randall Johnson in 2011/12).

CLIMATE CHANGE AND SUSTAINABILITY MEMBER CHAMPION

One appointment - Councillor Leaves in 2011/12).

PART (B) APPOINTMENTS TO OUTSIDE BODIES

LOCAL GOVERNMENT ASSOCIATION (LGA)

(a) Fire Service Commission

One appointment – usually Authority Chairman.

Date of next meeting: to be announced

(b) General Assembly

Four appointments – normally, Chairman of the Authority and one representative from each of the three other constituent authorities, exercising the votes as shown.

(2011/12 appointees: Councillors Healey [Chairman][5 Service and 1 Corporate Vote]; Fry, Horsfall and Leaves [4 Service votes each]).

<u>Member</u>	<u>No. votes exercised</u>
Chairman	5 Service and 1 Corporate
	4 Service
	4 Service
	4 Service

(NOTE:- The General Assembly usually meets annually with Authority attendance being dependent on inclusion of fire and rescue related items in the business to be discussed. Date of next meeting: Tuesday 26 to Thursday 28 June 2012 at the Birmingham International Conference Centre).

(c) Urban Commission

This provides a forum for Member authorities whose areas are wholly **or partly** urban. The purpose of this Commission is to:-

- provide the forum in which urban authorities can discuss matters of common concern and exchange good practice and experience;
- assist the LGA take into account the needs, priorities and aspirations of urban authorities in formulating and promoting its policies; and
- help the LGA to promote the role and interests of urban authorities and the ability of those authorities to meet the needs of the communities they serve.

One Member appointment exercising one corporate vote (Councillor Gordon in 2011/12).

Date of next meeting: to be announced

(d) Rural Commission

This provides a forum for Member authorities with an interest in rural affairs. The purpose of this Commission is to:-

- provide the forum in which rural authorities can discuss matters of common concern and exchange good practice and experience;
- assist the LGA take into account the needs, priorities and aspirations of rural authorities in formulating and promoting its policies; and

- help the LGA to promote the role and interests of rural authorities and the ability of those authorities to meet the needs of the communities they serve.

One Member appointment exercising one corporate vote (Councillor Smith in 2011/12).

Date of next meeting: Tuesday 11 September 2012 in Windermere, Cumbria, to be followed by the Rural Conference on Wednesday 12 September, attendance at which is an approved duty).

DEVON STRATEGIC PARTNERSHIP BI-ANNUAL WORKSHOP

The Partnership runs two workshops per year (around November and May time) to which wider stakeholders are invited. The Authority is invited to nominate one Member to attend the workshop sessions.

SAFER DEVON PARTNERSHIP EXECUTIVE GROUP

One Member (Councillor Randall Johnson in 2011/12).

SOUTH WEST COUNCILS

The South West Councils brings together the 41 local authorities in the region to:

- Provide a voice for constituent local authorities on major issues affecting the South West;
- Influence Government policy as it affects the region;
- Encourage partnership working between local authorities and other organisations and agencies in the South West on policy issues where a broader regional approach is required;
- Promote the sharing of good practice;
- Support councils through delivery of the Regional Improvement and Efficiency Partnership ([SW RIEP](#)).

One Member – usually Authority Chairman

SOUTH WEST PROVINCIAL COUNCIL

The Provincial Council is the joint negotiating machinery for the South West. It comprises the employers' side (South West Employers) and the trade union side and provides a forum for discussion, debate and negotiation on human resource issues.

The Provincial Council meets twice yearly and the Employers' side has a Management Committee, which meets three times a year to continue business.

The functions of the Provincial Council are:

- To exchange ideas with the view of increasing the understanding of the two Sides;
- To promote good industrial relations practice and training, including the development of good personnel practice;
- To undertake tasks as required by the National Joint Council;
- To establish and give legitimacy to dispute and conciliation machinery;
- To facilitate, should the need arise, the negotiation of collective agreements;
- To issue advice, as appropriate, to Local Authorities and Unions;
- To provide a forum for discussion on key strategic issues affecting Local Government industrial relations/training/personnel.

One Member (historically, Chair of the Human Resources Management and Development Committee).

SOUTH WEST FORUM OF FIRE AUTHORITIES

Authority Chairman

(NOTE:- This reconstituted Forum, comprising the Chairmen and Chief Fire Officers of South West fire and rescue services, replaced the formal South West Regional Management Board which was formally dissolved on 31 March 2011. The purpose of the Forum is to enable matters of mutual interest to be discussed in a less formal setting.)

PLYMOUTH AND DEVON RACE EQUALITY COUNCIL

One Member

(Note: this is a merger of the former Devon & Exeter and Plymouth & District Race Equality Councils. Authority appointees for 2011/12 were Councillor Boyd [Devon & Exeter] and Councillor Gordon [Plymouth and District])

SOMERSET RACE EQUALITY COUNCIL

One Member (Councillor Horsfall in 2011/12).

(NOTE: Affiliate Membership of the Councils is free and entitles the Authority to two places on each Council – one Member and one Officer. The Constitutions for each Council provide for there to be a minimum of three meetings per year [including an Annual General Meeting]. Membership of the Councils is considered appropriate to assist the Authority with its statutory equality and diversity duties under the Equality Act 2010).

DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

COMMITTEES, WORKING PARTIES ETC. - TERMS OF REFERENCE

RESOURCES COMMITTEE

Advisory ONLY

1. To give preliminary consideration to and recommend to the Authority a provisional budget and Council Tax requirement for the forthcoming year.
2. To consider in the first instance the financial implications of any proposals for which resources have not already been approved and to make recommendations on these as appropriate to the Authority.

Matters with Delegated Power to Act

3. To consider budget monitoring reports and to approve any necessary modifications and specifically to authorise virements within the thresholds as set out in the Financial Regulations subject to all financial implications being contained within the overall revenue budget.
4. In accordance with Procurement and Contract Regulations:-
 - to determine from time to time contract financial thresholds for the purpose of determining the appropriate tendering process to be applied;
 - to authorise further negotiations with tenderers following receipt of tenders in circumstances other than those currently provided for in Procurement and Contract Regulations;
 - to accept a tender other than that providing best value for money when it is considered such acceptance is in the best financial interests of the Authority or it is considered there are other special circumstances.
5. In accordance with Financial Regulations:-
 - to approve of the acquisition or disposal of any land or buildings subject to a conveyance;
 - to approve of the disposal of any material asset where the estimated disposal value is within the thresholds as set out in the Schedule to the Regulations;
 - to write off any redundant stock and equipment within the thresholds as set out in the Schedule to the Regulations;
 - to write-off any stock and equipment deficiencies within the thresholds as set out in the Schedule to the Regulations;
 - to write-off any debt within the thresholds as set out in the Schedule to the Regulations;
 - to write off any overpayment of salary or allowance within the thresholds as set out in the Schedule to the Regulations;
 - to make any grant within the thresholds as set out in the Schedule to the Regulations.

6. To monitor progress of schemes included in the approved Capital Programme including the schedule of individual schemes funded from either the Ring Fenced Maintenance or Other Projects generic capital budgets and specifically in accordance with Financial Regulations:-
 - to approve any proposal to finance a capital scheme from the revenue budget where the level of expenditure to be incurred is within the thresholds as set out in the Schedule to the Regulations;
 - to approve any excess of estimated expenditure for an individual major capital scheme over approved Capital Programme provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question;
 - to approve the excess of overall expenditure on Other Projects or Ring Fenced generic capital budgets over the approved budget provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question.
7. To implement and regularly monitor the Authority's Treasury Management Policies and Practices.
8. To ensure effective scrutiny of the Authority's Treasury Management Strategy and Policies.
9. To approve responses to external consultation documents on issues within the remit of this Committee and as referred by officers.

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

Advisory ONLY

1. To consider and make recommendations to either the Resources Committee or the Authority, as appropriate, on any proposed changes in Service structure, terms and conditions of service, or issues in relation to equality and fairness, pensions entitlements, health and safety and training of all employees where the financial implications of any such changes cannot be met from within existing resources or would require a virement(s) in excess of the lower threshold as set out in Financial Regulations.

Matters with Delegated Power to Act

2. Where a discretionary policy has been determined, to consider individual cases as may be referred by the Chief Fire Officer.
3. To approve and monitor a Member Development Strategy.
4. To provide in the first instance for membership of Appointments Panels for the posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer and Clerk.
5. To approve and monitor the operation of any Code of Conduct for Employees.

6. To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters' Pensions Scheme Internal Dispute Resolution Procedure.
7. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

AUDIT AND PERFORMANCE REVIEW COMMITTEE

Advisory ONLY

1. To oversee the content and operation of the Authority's Strategy on the Prevention and Detection of Fraud and Corruption, making recommendations to the Authority as appropriate.

Matters with Delegated Power to Act

2. To oversee internal and external audit arrangements and to approve annual audit plans.
3. To receive the reports of internal and external audit and external assessments of the organisation and to ensure that any recommendations and findings are appropriately addressed, implemented and monitored.
4. To receive regular reports monitoring the performance of the Service against agreed plans and agree action to address any shortfalls identified.
5. To receive regular corporate risk management reports and agree action to ensure that corporate risks are effectively managed.
6. To consider and approve the Authority's Statement of Accounts and Annual Governance Statement for the previous financial year.
7. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

Advisory ONLY

1. To oversee development of the Corporate Plan and make recommendations as appropriate to the Authority.
2. To develop community safety priorities and make recommendations as appropriate to the Authority.

Matters with Delegated Power to Act

3. To consider and monitor the community risk profile to ensure that services are delivered effectively.
4. To approve new partnership arrangements in accordance with the Authority's Partnership Framework.
5. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

COMMERCIAL SERVICES COMMITTEE

Advisory ONLY

1. To recommend to the Authority in the first instance appropriate levels of delegation for ***variations on the commercial services budget (including approval to additional resources, subject to these being matched by additional income)*** and thereafter any revisions to levels of delegation, as may arise during the course of operations during the financial year in question in order to maximise commercial opportunities.
2. To make recommendations to the Authority on the use of any year-end trading surplus generated by commercial activities.

Matters with Delegated Power to Act

3. To approve both the overarching Business Case for commercial trading and, in line with the financial planning calendar, the Annual Commercial Services Business Plan.
4. In relation to the Annual Commercial Services Business Plan, to consider and approve any business case required to facilitate commercial trading in accordance with the provisions of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 (“the Order”) or any subsequent amending legislation.
5. To consider and approve any trading activities of Red One Ltd within overall parameters to be set out in the approved Annual Commercial Services Business Plan and specifically to authorise investments as required up to the limits as agreed by the Authority.
6. To authorise contracts to be entered into after consideration of risks and opportunities presented.
7. In each case subject to legal advice and guidance that it is appropriate to do so, to establish additional trading entities (as appropriate) (NOTE: in the event of legal advice indicating otherwise, such matters will be referred to the full Authority for determination).
8. To authorise any permanent staffing increases in the authorised establishment required to deliver the Commercial Services function, subject to the costs being met from income generated ***and in compliance with the agreed delegated levels of additional resource.***
9. To monitor the financial status and performance of Red One Ltd 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.

STANDARDS COMMITTEE

PREAMBLE

The Standards Committee is a statutory committee of the Authority. Its membership and functions are governed by the Local Government Act 2000 (as amended).

(A) GENERAL TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by Members of the Authority;
2. To assist Members of the Authority in observing its approved Code of Conduct.

(B) SPECIFIC TERMS OF REFERENCE

3. To approve and monitor the operation of the Code of Conduct for Members of the Authority;
4. To ensure that Code of Conduct training is provided for Members of the Authority;
5. To grant dispensations in accordance with the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (and any amending legislation);
6. To operate the local assessment regime for consideration of alleged breaches of the Code of Conduct, including Assessment and Review Sub-Committees, as required by the Local Government Act 2000 (as amended);
7. To consider and act upon any reports that may be referred to it by the Monitoring Officer in accordance with any regulations made in accordance with Section 66 of the Local Government Act 2000 (as amended);
8. To oversee the content and operation of the Authority's "Whistleblowing" Code (Confidential Reporting Policy).
9. To approve responses to external consultation documents on issues within the remit of this Committee and as referred by officers.

CAPITAL PROGRAMME WORKING PARTY

To oversee the development of the Authority's asset management plans making recommendations as appropriate to the Resources Committee and/or full Authority.