

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
(Annual Meeting)

Wednesday 30 May 2012

The Annual 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. **Election of Chairman**
2. **Apologies**
3. **Minutes** of the budget meeting of the Authority held on 17 February 2012 attached (page 1).
4. **Items Requiring Urgent Attention**
Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.
5. **Election of Vice-Chairman**
6. **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

7. Review of Constitutional Framework Documents

Joint report of the Clerk to the Authority and the Treasurer (DSFRA/12/10) attached (page 17)

8. Localism Act 2011 - New Member Conduct Provisions - Appointment of Independent Person

Report of the Clerk to the Authority (DSFRA/12/11) attached (page 25)

9. Schedule of Appointments to Committees, Outside Bodies etc.

Report of the Clerk to the Authority (DSFRA/12/12) attached (page 30)

10. Draft Calendar of Meetings 2012/13

Report of the Clerk to the Authority (DSFRA/12/13) attached (page 45)

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

Nil

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Devon County Council

11 appointees, appointments to be confirmed by the County Council at its Annual Meeting on 24 May 2012

Somerset County Council

Councillors Mrs. Bakewell MBE, Bown, Burrige-Clayton, Dyke, Healey, Horsfall, Woodman and Yeomans.

Plymouth City Council

Councillors Gordon, Leaves and Smith.

Torbay Council

Councillors Brooksbank and Mills.

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
(Budget Meeting)

17 February 2012

Present:-

Councillors Healey (Chairman), Bakewell MBE, Bown, Boyd, Brooksbank, Burrige-Clayton, Cann, Drean, Dyke, Eastman, Fry, Gordon, Gribble, Horsfall, Hughes OBE, Mills, Radford, Randall Johnson, Smith, Woodman, Wright and Yeomans

Apologies:-

Councillor Foggin, Leaves and Way

DSFRA/66. Minutes

RESOLVED that the Minutes of the meeting of the Authority held on 16 December 2011 be signed as a correct record.

DSFRA/67. 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.

At this stage Councillor Woodman declared a personal but not prejudicial interest in the item at Minute DSFRA/72 (Review of the Devon & Somerset Fire & Rescue Authority Scheme of Members Allowances) by virtue of his being the Authority-appointed Director on the board of South West Fire Control Ltd., the local authority controlled company established to exercise overall governance responsibility for the South West Regional Control Centre proposed under the now defunct national initiative.

(SEE ALSO MINUTE DSFRA/72 BELOW)

DSFRA/68. Addresses by Representative Bodies

The Authority received an address from the Fire Brigades Union on:

- the current position in relation to the Government's proposals to reform the Firefighters Pensions Scheme. The Executive Council of the Union had rejected the Heads of Agreement advanced by the Government and had commenced a three-week consultation on whether or not to ballot for industrial action; and
- a wish to see greater transparency in the public reporting of Service performance against its approved attendance standards.

DSFRA/69. Minutes of Committees, Working Parties Etc.

(a) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meetings of the Committee held on 5 January and 2 February 2012 which had considered, amongst other things:

5 January 2012

- the first iteration of both a draft commercial services business case and a business plan;

- an update on Training Academy business; and
- an update on current commercial leads.

2 February 2012

- an urgent item on governance issues;
- an update on commercial leads; and
- an update on the proposed Falck partnership

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

(SEE ALSO MINUTE DSFRA/74 BELOW).

(b) Community Safety and Corporate Planning Committee

The Chair of the Committee, Councillor Leaves, **MOVED** the Minutes of the meeting of the Committee held on 12 January 2012 which had considered, amongst other things:

- a presentation giving an overview of community safety activities; and
- a report on the proposed Hinkley Point C development.

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

(c) Human Resources Management and Development Committee

The Chair of the Committee, Councillor Cann, **MOVED** the Minutes of the meeting of the Committee held on 23 January 2012 which had considered, amongst other things:

- a report on absence management and the health of the organisation;
- a report on the outcome of the Part-time Workers Regulations Employment Tribunal in relation to staff conditioned to the retained duty system and the implications of this for the Service;
- a report on strategic workforce planning; and
- a proposed review of the redundancy multiplier.

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

(d) Audit and Performance Review Committee

The Vice-Chair of the Committee, Councillor Way, **MOVED** the Minutes of the meeting of the Committee held on 1 February 2012 which had considered, amongst other things:

- a report setting out the performance of the Service during April to November 2011 inclusive against those targets contained in the approved Corporate Plan 2011/12 to 2013/14;
- a report on progress made during the third quarter of 2011/12 on internal audits as scheduled within the approved plan for the current financial year; and
- an update report on Audit Commission activities in relation to the Authority and including a summary of the Commission's findings on the audit of the Authority's 2010/11 accounts.

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

(e) Resources Committee

The Chair of the Committee, Councillor Gordon, **MOVED** the Minutes of the meeting of the Committee held on 3 February 2012 which had considered, amongst other things:

- a report on Authority's performance, to December 2011, against its approved Treasury Management Strategy for the current (2011/12) financial year;
- a report on Authority performance for the third quarter of the current financial year against agreed financial targets for the year and detailing the monitoring position in relation to the approved revenue and capital budgets;
- a report on the proposed 2012/13 revenue budget and council tax levels; and
- a report on the proposed Capital Programme 2012/13 to 2014/15.

The Clerk also drew attention to Minute RC/16 (Financial Performance Report 2011/12 – Quarter 3). This set out, amongst other things, details of a virement which, because of the amount involved, required full Authority approval in accordance with its Financial Regulations.

RESOLVED

- (i) that, in accordance with Financial Regulations, the virement recommended at Minute RC/16 (Financial Performance Report 2011/12 – Quarter 3) and set out in the table below be approved:

Budget Line	From £m	To £m	Reason
Capital Charges (Table 2 Line 25)	(0.250)		It is estimated that savings of £0.292m will be achieved against the capital charges budget as a result of slippage in capital spending and savings on leasing costs. It is proposed that of this sum an amount of £0.250m is used as direct revenue funding to capital spending in 2011-12, therefore reducing our external borrowing requirement by the same amount.
Revenue Contribution to Capital Spending (Table 2 Line 27)		0.250	
Non uniformed staff (Table 2 Line 4)	(0.172)		The 2011/12 budget was set with a vacancy margin of £0.425m against the wholetime uniformed line. This virement realigns the budget to reflect that element relating to non-uniformed staff.
Wholetime uniformed staff (Table 2 line 1)		0.172	

- (ii) that the recommendations at Minutes RC/17 (2012/13 Revenue Budget and Council Tax Levels) and RC/18 (Capital Programme 2012/13 to 2014/2015) be considered in conjunction with the items recorded at Minutes DSFRA/71(c) and DSFRA/71(a), respectively, below

- (iii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTES DSFRA/71(a) and (c) BELOW)

DSFRA/70. Results and Recommendations Arising from Consultation on the Devon & Somerset Fire & Rescue Authority Corporate Plan 2012/13 to 2014/15 and a Proposal to Amend the Response to Automatic Fire Alarm (AFA) Calls

The Authority considered a report of the Chief Fire Officer (DSFRA/12/1) summarising the outcome of the recently-held consultation on the Authority's draft Corporate Plan 2012/13 to 2014/15 and setting out recommendations arising therefrom. Appended to the report (and circulated separately with the agenda for the meeting) were documents setting out greater detail on the consultation and particularly on the outcome of the proposed modification to the policy for responding to repeated calls from automatic fire alarm systems (AFAs).

In general, only a limited response had been received to the draft Corporate Plan as a whole, relating in the main to a desire for greater clarification and transparency on the integration of the Authority's Integrated Risk Management Plan (IRMP) in the Authority's Corporate Plan and in making performance information on prevention, protection and response activities more easily accessible to the public. The remaining responses addressed the proposed change in AFA response policy, with the majority of respondents agreeing with the proposed change to the response to both domestic and non-domestic AFAs.

In relation to non-domestic AFAs, however, while the proposed change was in the main supported it was not proposed to implement it at this point in time as it was felt there was a need to provide more information and guidance to businesses to give them an opportunity to reduce unwanted calls to the fire and rescue service prior to a non-attendance policy being implemented. Additionally, it was considered that the existing arrangements already approved by the Authority and the rigorous application of the Chief Fire Officers' Association (CFOA) protocol would assist the reduction of false alarms. If these arrangements did not prove to be effective, a subsequent paper would be submitted to a future Authority meeting to amend the policy in line with the proposal consulted on and using the results of this consultation as evidence supporting its implementation.

RESOLVED that the outcome of the consultation on the Draft Corporate Plan 2012/13 to 2014/15 be noted and that, arising from the consultation:

- (a) the Corporate Plan 2012/13 to 2014/15 be approved, subject to:
 - (i). clarification that it incorporates and integrates Integrated Risk Management Planning requirements; and
 - (ii). that performance information relating to Service prevention, protection and response activities and demonstrating how outcomes in these areas support approved Corporate Plan objectives be made more easily accessible to the public;
- (b) that the domestic element of the Automatic Fire Alarms (AFA) proposal, as outlined in the consultation document, be implemented;
- (c) that the proposed change the response to non-domestic (non-residential) automatic fire alarm calls, as outlined in the consultation document, be not implemented at this time for the reasons as indicated above; and

- (d) that the existing policy for managing down non-domestic AFAs be amended to provide for full cost recovery as introduced by the Localism Act 2011 and as previously approved (subject to the provisions in the Localism Act being enacted) by the Authority, following public consultation, at its meeting on 27 May 2011 (Minute DSFRA/11 refers) – this amendment to apply to all non-domestic properties in the Service area.

DSFRA/71. Revenue and Capital Budgets 2012/13

(a) Capital Programme 2012/13 To 2014/15

The Authority considered a report of the Chief Fire Officer and Treasurer (DSFRA/12/2) to which was appended the report submitted to the meeting of the Resources Committee held on 3 February 2012 and setting out the proposed Authority Capital Programme 2012/13 to 2014/15.

Capital expenditure remained an issue for this Authority given the size of its property portfolio and associated, growing maintenance obligations. The position had been exacerbated by reductions in central fire funding as contained in the Comprehensive Spending Review. As such, the Capital Programme now put forward recognised the implications of the current position by maintaining expenditure within limits albeit that certain projects and opportunities had been revised accordingly.

The Resources Committee had at its meeting resolved to commend the report and the recommendations therein to the Authority for approval.

RESOLVED

- (a) that, in accordance with Financial Regulations, a contribution of £1.850m from the 2012/13 revenue budget to part-fund the 2012/13 Capital Programme be approved;
- (b) that, consequent to (a) above, the Capital Programme as detailed in report RC/12/4 (as submitted to the meeting of the Resources Committee held on 3 February 2012) and outlined in Appendix A to these Minutes be approved.

(SEE ALSO MINUTE DSFRA/69(e) ABOVE AND DSFRA/71(b) BELOW)

(b) Treasury Management Strategy (Including Prudential and Treasury Indicators 2012/13 To 2014/15)

The Authority considered a report of the Treasurer (DSFRA/12/3) setting out, amongst other things:

- a treasury management and investment strategy for 2012/13, with associated indicators;
- Prudential Indicators associated with the proposed Capital Programme 2012/13 to 2014/15; and
- a Minimum Revenue Provision Statement for 2012/13.

The Authority was required by law to set a balanced budget. The Local Government Act 2003 and supporting regulations, specifically, required the Authority to establish its treasury strategy for borrowing and its policies for managing its investments (giving priority to the security and liquidity of those investments).

The Treasurer also drew attention to the most recent (2011) Treasury Management Code issued by the Chartered Institute for Public Finance Accountancy (CIPFA) which the Authority was required to “have regard to”. This had, amongst other things, removed the requirement to have regard to the “lowest” credit ratings from certain specified credit rating agencies (e.g. Fitch).

With the removal of this lowest common denominator, the Authority would now be able to secure a balanced approach to investment decisions based upon both the historical method of the colour matrix information provided by its Treasury Management Advisor (Sector) and on additional information available locally. It was proposed, however, that to provide an appropriate safeguard all non-specified investments (i.e. investments for greater than one year OR not as recommended by Sector) should be limited to an overall total maximum of £2million during the 2012/13 financial year.

RESOLVED

- (i). that the Treasury Management and Annual Investment Strategy as set out in report DSFRA/12/3 be approved;
- (ii). that the Prudential Indicators associated with the Capital Programme and the Treasury Management Strategy as detailed in the report and summarised in Appendix A to these Minutes be approved;
- (iii). that the Minimum Revenue Provision (MRP) Statement 2012/13 as set out in the report and as contained in Appendix B to these Minutes be approved;
- (iv). that the Treasurer be delegated authority to effect movements between the separately agreed prudential limits for borrowing;
- (v). that the Treasurer be authorised to make investments in accordance with the table set out below and subject to a maximum of £2million being committed to non-specified investments in 2012/13;

Specified Investments	Non Specified Investments
Deposits with the Debt Management Agency Deposit Facility	
Term Deposits with UK government, UK local authorities, banks and building societies (including callable deposits and forward deals)	Term Deposits with UK government, UK local authorities, banks and building societies (including callable deposits and forward deals) Non-credit rated building societies
Banks nationalised or supported by the UK government	Banks nationalised or supported by the UK government
Money Market Funds	
Non UK highly credited rated banks	
UK Government Treasury Bills	

- (vi). that the statement at paragraph 5.8 of the report that borrowing limits and the debt management strategy had been set to ensure that net borrowing remained below the capital financing requirement for 2012/2013 to 2014/2015, in line with the requirements of the CIPFA Prudential Code, be noted.

(SEE ALSO MINUTES DSFRA/69(e) AND 71(a) ABOVE)

(c) 2012/13 Revenue Budget and Council Tax Levels

The Authority considered a report of the Treasurer and Chief Fire Officer (DSFRA/12/4) on the proposed Authority revenue budget and associated council tax levels for 2012/13. The 2010 Comprehensive Spending Review (CSR) detailed reductions in grants for fire and rescue authorities of 25% by 2014/15 (representing a real term reduction in spending of 13%), back-loaded to 2013/14 and 2014/15.

The December 2011 provisional Local Government Finance Settlement had confirmed the original figures for 2012/13 announced some twelve months previously. This would see the Authority receive Formula Grant of £31.485m for 2012/13, an increase of £0.591m (1.9%) over the Formula Grant received for 2011/12 (£30.894m).

Actual funding figures for 2013/14 and 2014/15 at individual authority level would not be known until late 2012 although the government had indicated that its new funding system outlined in the consultation document "Local Government Resource Review – Proposals for Business Rate Retention" would work within the CSR 2010 control totals set for those financial years. Based upon this it was anticipated that there would be a further 13.5% cash reduction in grant over the 2013/14 and 2014/15 financial years.

While not possible to predict with absolute certainty the budget reductions required, the Authority's Medium Term Financial Planning (MTFP) model had been used to assess best case (-£4.5m) and worst case (-£9.2m) scenarios in relation to the likely level of savings to be secured by 2014/15 over the 2010/11 budget. The current budget proposals included savings of -£1.6m which, when added to the -£1m identified when setting the 2011/12 budget, would mean that the Authority would already have identified a total of -£2.6m ongoing savings towards the eventual required total in 2014/15. It was intended to deliver the required savings by concentrating on three areas – improving efficiency; reducing costs; and generating income. Additionally, progression of projects within the Change and Improvement Programmes would be key to delivering further savings in the next few years.

The Localism Act 2011 had replaced the former council tax capping regime with a requirement to hold a local referendum if the proposed level of Council Tax was deemed "excessive" in relation to "principles" to be determined by Parliament. The government principles for 2012/13 indicated that fire and rescue authorities could increase their council tax by up to 4% without the need to hold a local referendum.

The report identified four possible options in relation to the 2012/13 council tax and budget requirement:

- Option A – freeze council tax at the 2011/12 level (£71.77 for a Band D property);
- Option B – increase council tax by 2.0% above the 2011/12 level (to £73.20 for a Band D property);
- Option C – increase council tax by 2.5% above the 2011/12 level (to £73.56 for a Band D property); and
- Option D – increase council tax by 3.0% above the 2011/12 level (to £73.92 for a Band D property).

The government had announced expectations for local authorities to again freeze council tax in 2012/13 and would provide any authority that did so with a Council Tax Freeze Grant which, for a fire and rescue authority such as Devon & Somerset, would equate to an increase in council tax of 3.0% (£1.328m). Unlike the previous Freeze Grant, however, the current offer was for one year only and could, if accepted, exacerbate the position the Authority might face in terms of the level of savings required by 2014/15.

Section 65 of the Local Government Finance Act 1992 required precepting authorities to consult non-domestic (i.e. business) rate payers on its proposals for expenditure. For the forthcoming, 2012/13 financial year, members of the public had also been included in the consultation undertaken given the current economic climate.

The report outlined the methodology for the consultation the results of which were, in summary, that more members of the public and the business community agreed rather than disagreed that it would be reasonable for the Authority to consider increasing its council tax precept for 2012/13. Of those who agreed, the most support was for a 2% or 4% increase. Results also showed that respondents felt the Service provided value for money and were satisfied with the service provided.

The report identified how the proposed revenue budget for 2012/13 had been constructed (including core requirements, essential spending pressures and certain invest to save bids) and also set out a statement on the robustness of the budget estimates and the adequacy of the level of reserves and balances, as required by Section 25 of the Local Government Act 2003.

The Resources Committee had, at its meeting on 3 February 2012, considered the above-mentioned four options in relation to the 2012/13 council tax and budget requirement and had resolved to recommend to the Authority that Option D be approved (Minute RC/17 refers).

Following a debate on this issue, however, Councillor Randall Johnson **MOVED** (with Councillor Hughes OBE seconding):

- “(a)(i) that the level of council tax in 2012/13 for a Band D property be set at £71.77 (as per Option A), representing a 0% increase over 2011/12;
- (ii) that the government Council Tax Freeze Grant equating to a council tax increase of 3% (£1.328m) be accepted; and
- (iii) that, as a consequence of (a)(i) and (ii) above, a net revenue budget of £78,676,700 for 2012/13 be set;
- (b) that the recommendations as set out at (b)(i) to (iii) inclusive of report DSFRA/12/4 be approved as printed but subject to the total precept figure being amended to read £44,37,237 and the table on Page 2 of the separately-circulated budget booklet being revised accordingly”

Councillor Cann moved (with Councillor Gordon seconding) that the motion proposed by Councillor Randall Johnson be **AMENDED** by the deletion of all words after “...be set at...” in (a)(i) and the insertion of all words following “...be set at...” as printed in recommendations (a)(i) and (ii) and (b)(i), (ii) and (iii) of report DSFRA/12/4.

This amendment would have the effect of placing before the Authority the budget option (Option D) initially recommended by the Resources Committee at its meeting on 3 February 2012 (Minute RC/17 refers).

The amendment was put to the vote and was **CARRIED** by 15 voting for to 6 against.

The amended motion was then put to the vote as the substantive motion and was **CARRIED** by 15 voting for to 6 against, whereupon it was

RESOLVED

- (i). that, as recommended by the Resources Committee at its meeting on 3 February 2012:
 - (A) the level of council tax in 2012/13 for a Band D property be set at £73.92, as outlined as Option D in paragraph 5 of this report, representing a 3.00% increase over 2011-12;
 - (B) a Net Revenue Budget Requirement of £78,676,700 for 2012-13 be set; and

(ii). that as a consequence of (i) (A) and (B) above:

(A) the tax base for payment purposes and the precept required from each billing authority for payment of the total precept of £45,634,541, as detailed on Page 2 of the budget booklet provided separately with the agenda for this meeting and shown in the table below, be approved

Billing Authority	Tax Base used for collection	Surplus/ (Deficit) for 2011/12	Precepts Due 2012/13	Total due 2012/13
		£	£	£
East Devon	57,602.00	52,614	4,257,940	4,310,554
Exeter	38,241.00	(10,012)	2,826,775	2,816,763
Mendip	40,817.56	8,493	3,017,234	3,025,727
Mid Devon	28,405.50	28,949	2,099,735	2,128,684
North Devon	35,010.33	(5,134)	2,587,964	2,582,830
Plymouth City	77,271.00	3,458	5,711,872	5,715,330
Sedgemoor	40,873.54	104,781	3,021,372	3,126,153
South Hams	38,221.67	16,000	2,825,346	2,841,346
South Somerset	61,175.32	7,950	4,522,080	4,530,030
Taunton Deane	41,216.39	89,536	3,046,716	3,136,252
Teignbridge	49,446.00	(4,660)	3,655,048	3,650,388
Torbay	49,021.42	106,000	3,623,663	3,729,663
Torridge	24,243.66	13,657	1,792,091	1,805,748
West Devon	21,019.39	33,867	1,553,753	1,587,620
West Somerset	14,785.60	12,740	1,092,952	1,105,692
TOTALS	617,350.38	458,239	45,634,541	46,092,780

(B) the council tax for each property bands A to H associated with a total precept of £45,634,541, as detailed on Page 2 of the budget booklet provided separately with the agenda for this meeting and shown in the table below, be approved; and

Valuation Band	Government Multiplier		Council Tax £ p
	Ratio	%	
A	6/9	0.667	49.28
B	7/9	0.778	57.49
C	8/9	0.889	65.71
D	1	1.000	73.92
E	11/9	1.222	90.35
F	13/9	1.444	106.77
G	15/9	1.667	123.20
H	18/9	2.000	147.84

(C) that the Treasurer's 'Statement of the Robustness of the Budget Estimates and the Adequacy of the Authority Reserve Balances' as included as Appendix C to the report, be noted.

(SEE ALSO MINUTE DSFRA/69(e) ABOVE)

(In accordance with Standing Order 25(3), Councillors Drean, Gribble, Radford and Randall Johnson requested that their votes against any increase in council tax for 2012/13 be recorded)

DSFRA/72. Review of the Devon & Somerset Fire & Rescue Authority Scheme of Members Allowances

(Councillor Woodman declared a personal but non-prejudicial interest in this item by virtue of his being the Authority appointed Director on South West Fire Control Ltd., the local authority controlled company established to exercise overall governance responsibility for the [now cancelled] South West Regional Control Centre).

The Authority considered a report of the Clerk to the Authority (DSFRA/12/5) to which was appended the report of an Independent Consultant engaged to review the level of allowances payable to the Authority. The Regulations required the Authority to have an approved Scheme providing for a mandatory basic allowance for each of its Members and optional special responsibility allowances. The Authority was required to determine the level of any allowances payable prior to the commencement of any given financial year.

The report of the Independent Consultant detailed the review methodology (which had included, amongst other things, a comparison of the level of allowances payable by other combined fire and rescue authorities together with the constituent authorities of the Devon & Somerset Fire & Rescue Authority) together with a rationale, based upon the evidence examined, for the recommendations as set out in the report.

The covering report of the Clerk outlined the financial implications for the Authority should the recommendations as set out in the Independent Consultant's report be approved.

Following a debate on this issue, Councillor Boyd **MOVED** (with Councillor Woodman seconding) that the recommendations as printed in the report of the Independent Consultant and reproduced at page 85 on the agenda for this meeting be approved, together with recommendations (b) and (c) in the covering report by the Clerk to the Authority.

Councillor Fry moved (with Councillor Bown seconding) that the motion proposed by Councillor Boyd be amended by the deletion of all words in recommendation (vii) of the Independent Consultant's report after "...with the exception of..." and the insertion of the words "...the Authority Chairman, who shall be eligible to receive multiple Special Responsibility Allowances."

The amendment was put to the vote and declared **CARRIED** by 10 votes to 7, with 2 abstentions.

The substantive motion as amended was then put to the vote, with 10 voting in favour and 10 against. The Chairman then exercised a casting vote in favour of the substantive motion whereupon it was

RESOLVED

- (a) that, with effect from 1 April 2012, the Devon & Somerset Fire & Rescue Authority approved Scheme of Members Allowances be amended to provide:
- (i). for the payment of a basic allowance to each main Authority Member of £2,500 per annum;
 - (ii). the payment of the following Special Responsibility Allowances (SRAs) in addition to the basic allowance:
 - Chairman of the Authority (5 x basic - £12,500 per annum);
 - Vice-Chairman of the Authority (2.5 x basic - £6,250 per annum);
 - Committee Chairmen (1.5 x basic - £3,750 per annum)

- Members of the Commercial Services Committee (1.5 x basic - £3,750 per annum)(**NOTE:** the total cost of this allowance to be met from trading income, as previously agreed by the Authority – Minute DSFRA/21(e) of the meeting held on 29 July 2011 refers);
 - (iii). that Members should receive only one SRA in addition to the basic allowance, with the exception of the Authority Chairman who may receive all SRAs attracting to positions to which he/she may be appointed;
 - (iv). That, in light of cancellation of the associated national project, the SRA for the Authority-appointed Director to South West Fire Control Ltd. (the local authority controlled company established to exercise overall governance responsibility for the South West Regional Control Centre) be abolished;
 - (v). an allowance of £500 for each of the Independent Members of the Standards Committee up to the point until the replacement provisions of the Localism Act 2011 come into effect;
 - (vi). that allowances payable be uprated annually in accordance with the annual increase agreed by the National Joint Council for Local Government Services (the “green book”);
 - (vii). that the rates for reimbursement of travel expenses be linked to the rates published by Her Majesty’s Revenue and Customs and amended accordingly. For clarification, current rates are:
 - 45p per mile for the first 10,000 miles per annum
 - 25p per mile for mileage over 10,001 miles per annum
 - 5p per passenger per mile (up to 4 passengers)
 - 20p per mile bicycle allowance
 - (viii). that the rates for reimbursement of subsistence expenses be linked to the rates payable to Devon & Somerset Fire & Rescue Service employees and amended accordingly. For clarification, current rates are:
 - Breakfast - £6.90
 - Lunch - £9.54
 - Tea - £3.76
 - Dinner - £11.82
- (b) that the following additional recommendations as set out in the review of the Independent Consultant be approved:
- (i). that consideration be given to the introduction of some form of performance management measures for all Members and particularly for those in receipt of an SRA;
 - (ii). that Members continue to be provided with developmental support as required; and
 - (iii). that consideration be given to a partial review of the allowances scheme before 2016 to assess areas of uncertainty, as described in the report, about the relative merits of some of the SRAs

- (c) that, following from (a) above and in accordance with the requirements of the relevant Regulations, the Clerk be authorised:
 - (i). to arrange for publication as soon as possible of those rates agreed in relation to Basic and Special Responsibility Allowances to be payable from 1 April 2012; and
 - (ii). to amend the Authority Approved Scheme of Members Allowances to reflect as required the decisions taken at (a) above);
- (d) that, given the change to the standards regime as contained in the Localism Act 2011 and in light of Counsel advice as to sanctions available under the successor regime, the Clerk be further authorised – upon commencement of the new provisions (anticipated for 1 July 2012) - to amend the Approved Scheme of Allowances by removal of reference to full or partial suspension of a Member from duties and associated withholding of allowances.

(SEE ALSO MINUTE DSFRA/67 ABOVE).

(In accordance with Standing Order 25(3), Councillor Boyd requested that his vote for the decision at (a) above be recorded; and Councillors Bown, Cann, Drean, Fry, Gribble, Hughes OBE, Randall Johnson and Yeomans requested that their votes against any increase in the rates of allowances payable be recorded).

DSFRA/73. The Localism Act - Pay Policy Statement 2012/13

The Authority considered a report of the Clerk to the Authority (DSFRA/12/6) to which was appended a draft of the Authority's first Pay Policy Statement for 2012/13. The Localism Act 2011 required all local authorities to approve, before 31 March in any given year, a Pay Policy Statement for the forthcoming financial year setting out a range of issues relating to the pay of the workforce and in particular the senior staff and lowest paid employees. There was also a requirement to publish Pay Policy Statements once approved.

RESOLVED that the Authority Pay Policy Statement for 2012/13 as appended to report DSFRA/12/6 be approved and published in accordance with the requirements of the Localism Act 2011

DSFRA/74. Authority Commercial Trading Governance Arrangements

The Authority considered a report of the Chief Fire Officer and Clerk to the Authority (DSFRA/12/7) on the proposed governance arrangements for commercial trading activities on behalf of the Authority. Reports to previous meetings had identified the establishment of a separate trading company (as required by legislation), together with a Commercial Services Committee to assist the Authority in delivering this initiative – aimed at underpinning delivery of core business and mitigating against the impact of government grant reductions – both effectively and efficiently.

The report now before the Authority proposed revised terms of reference for the Committee, aimed at maximising flexibility of response in the commercial world, and had appended the Articles of Association for Red One (the Authority commercial trading vehicle) together with a contract intended to govern the relationship between the Authority and Red One.

RESOLVED

- (a) that the Articles of Association for Red One Ltd. as set out in Appendix A to report DSFRA/12/7, be approved;
- (b) that the trading contract governing the relationship between the Authority and Red One Ltd., as set out in Appendix B to the report, be approved;

- (c) that the proposed revisions to the Terms of Reference for the Commercial Services Committee, as set out at paragraph 4.11 of the report, be approved; and
- (d) that, subject to (a) to (c) above, the governance arrangements for commercial trading activities be noted as set out in the report be noted.

(SEE ALSO MINUTE DSFRA/69(a) ABOVE)

DSFRA/75. Fire & Rescue Service National Framework for England - Consultation

The Authority considered a report of the Chief Fire Officer (DSFRA/12/8) on the consultation issued by the Department for Communities and Local Government in relation to a revised fire and rescue service national framework. Responses to the consultation were invited by 19 March 2012.

The report outlined that the revised framework was intended to reflect the localism agenda and was set out under three broad headings of safer communities; accountability to communities; and assurance. Both the Chief Fire Officers Association (CFOA) and the Local Government Association were still compiling their responses to the consultation. It was, as such, proposed that – to enable this Authority’s response to be as informed as possible – the Chief Fire Officer be delegated authority to submit the final response following consultation with the Chairman and taking account of other responses and any views that might be expressed by Authority Members.

RESOLVED

- (a) that the Chief Fire Officer, in consultation with the Chairman, be authorised to submit on behalf of the Authority a response to the Department for Communities and Local Government consultation on the proposed Fire and Rescue Service National Framework for England by the deadline of 19 March 2012;
- (b) that Authority Members be invited to submit, by no later than Monday 12 March 2012, views to inform the final response.

DSFRA/76. 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. Additionally, the Chairman thanked the Vice-Chairman for hosting a visit by the High Sherrifs of Devon and Somerset on 13 February 2012 to raise awareness of the work of both the Authority and the Service.

DSFRA/77. Chief Fire Officer's Announcements

The Chief Fire Officer reported on:

- a new policy and arrangement with the Coroner in relation to the recording of fire deaths and aimed at facilitating and promoting enhanced inter-agency work to identify individuals most vulnerable to death or serious injury by fire;
- the potential for industrial action linked to the government review of the Firefighters Pensions Schemes. Although a matter between the government and the representative bodies (specifically the Fire Brigades Union), any industrial action would have the potential to impact upon Service delivery although robust business continuity plans had been formulated;
- the successful conclusion of endeavours through the Chief Fire Officers Association that would now enable the Urban Search and Rescue provision based at Station 60, Service headquarters, to be mobilised internationally as required.

DSFRA/78. Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and business affairs of the Authority.

DSFRA/79. Opportunity to Realise Capital Receipt - 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 considered a report of the Chief Fire Officer (DSFRA/12/9) setting out further considerations in relation to a proposal to realise a capital receipt. Since deciding an initial course of action at its meeting on 7 November 2011 (Minute DSFRA/50 refers) further advice had been obtained and the Authority was invited to consider how best to progress this initiative in light of this advice.

RESOLVED that, in light of the further advice received, the opportunity to realise a capital receipt be progressed on the basis of a sale on the open market.

The meeting started at 10.00hours and finished at 13.00hours

**APPENDIX A TO THE MINUTES OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY
BUDGET MEETING 17 FEBRUARY 2012**

PRUDENTIAL INDICATORS			
PRUDENTIAL INDICATORS - CAPITAL			
	2012/13	2013/14	2014/15
	£m	£m	£m
	estimate	estimate	estimate
Capital Expenditure			
Non - HRA	8.597	5.850	3.850
HRA (applies only to housing authorities)			
Total	8.597	5.850	3.850
Ratio of financing costs to net revenue stream			
Non - HRA	3.98%	4.32%	4.99%
HRA (applies only to housing authorities)	0.00%	0.00%	0.00%
Capital Financing Requirement as at 31 March	£000	£000	£000
Non - HRA	28,403	31,744	32,739
HRA (applies only to housing authorities)	0	0	0
Other long term liabilities	1,558	1,532	1,509
Total	29,961	33,276	34,248
Annual change in Capital Financing Requirement	£000	£000	£000
Non - HRA	2,001	3,315	972
HRA (applies only to housing authorities)	0	0	0
Total	2,001	3,315	972
Incremental impact of capital investment decisions	£ p	£ p	£ p
Increase/(decrease) in council tax (band D) per annum	-£0.32	-£0.35	£0.09
PRUDENTIAL INDICATORS - TREASURY MANAGEMENT			
Authorised Limit for external debt	£000	£000	£000
Borrowing	34,159	35,875	37,313
Other long term liabilities	1,587	1,521	1,449
Total	35,746	37,396	38,762
Operational Boundary for external debt	£000	£000	£000
Borrowing	32,739	34,288	35,676
Other long term liabilities	1,509	1,444	1,374
Total	34,248	35,732	37,050

TREASURY MANAGEMENT INDICATOR	Upper Limit %	Lower Limit %
Limits on borrowing at fixed interest rates	100%	70%
Limits on borrowing at variable interest rates	30%	0%
Maturity structure of fixed rate borrowing during 2012/13		
Under 12 months	30%	0%
12 months and within 24 months	30%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	75%	0%
10 years and above	100%	50%

**APPENDIX B TO THE MINUTES OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY
BUDGET MEETING 17 FEBRUARY 2012**

MINIMUM REVENUE STATEMENT (MRP) 2012/2013

Supported Borrowing

The MRP will be calculated using the regulatory method (option 1). MRP will therefore be calculated using the formulae in the old regulations, since future entitlement to RSG in support of this borrowing will continue to be calculated on this basis.

Un-Supported Borrowing (including un-supported borrowing prior to 1 April 2008)

The MRP in respect of unsupported borrowing under the prudential system will be calculated using the asset life method (option 3). The MRP will therefore be calculated to repay the borrowing in equal annual instalments over the life of the class of assets which it is funding. The repayment period of all such borrowing will be calculated when it takes place and will be based on the finite life of the class of asset at that time and will not be changed.

Finance Lease and PFI

In the case of Finance Leases and on balance sheet PFI schemes, the MRP requirement is regarded as met by a charge equal to the element of the annual charge that goes to write down the balance sheet liability. Where a lease of PFI scheme is brought, having previously been accounted for off-balance sheet, the MRP requirement is regarded as having been met by the inclusion of the charge, for the year in which the restatement occurs, of an amount equal to the write-down for the year plus retrospective writing down of the balance sheet liability that arises from the restatement. This approach produces an MRP charge that is comparable to that of the Option 3 approach in that it will run over the life of the lease or PFI scheme and will have a profile similar to that of the annuity method.

MRP will normally commence in the financial year following the one in which the expenditure was incurred. However, when borrowing to construct an asset, the authority may treat the asset life as commencing in the year in which the asset first becomes operational. It may accordingly postpone the beginning to make MRP until that year. Investment properties will be regarded as becoming operational when they begin to generate revenues.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/10
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (ANNUAL MEETING)
DATE OF MEETING	30 MAY 2011
SUBJECT OF REPORT	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK DOCUMENTS
LEAD OFFICER	Joint report of the Clerk to the Authority and the Treasurer
RECOMMENDATIONS	<p>(a) <i>that, in relation to the apportionment of Authority seats to constituent authorities in accordance with the requirements of the Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006:</i></p> <p>(i) <i>the action of the Chief Fire Officer in authorising, following consultation with the Chairman and in accordance with Standing Order 27, the Clerk to undertake the necessary calculation for the current year and notify constituent authorities to enable relevant appointments at their annual meetings be noted;</i></p> <p>(ii) <i>that, for future years, the Clerk be delegated authority to undertake the necessary calculation on an annual basis and to notify constituent authorities of the resultant entitlement to places on the Authority in sufficient time to enable the relevant appointments to be made;</i></p> <p>(b) <i>that the proposed revisions to Financial Regulations as set out in Section 3 and Appendix A of this report be approved;</i></p> <p>(c) <i>that, subject to (b) above the constitutional governance framework documents as listed at paragraph 1.1 of this report be endorsed;</i></p> <p>(d) <i>that it be noted that proposals for further amendments to the documents may be submitted to future meetings of the Authority as and when required.</i></p>

EXECUTIVE SUMMARY	<p>This report sets out information on a review of the Authority's constitutional governance framework documents (Standing Orders, Financial Regulations etc).</p> <p>It also addresses an issue in relation to the appointment by constituent authorities of Members to this Authority in accordance with the provisions of the relevant statutory instrument establishing the Authority (the Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006).</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	An initial assessment has revealed that there are no equality issues arising from this report.
APPENDICES	A. Proposed Revised Schedule to Financial Regulations
LIST OF BACKGROUND PAPERS	Nil.

1. **BACKGROUND**

- 1.1 At its inaugural meeting on 11 April 2007 the Authority approved a number of “in-principle” decisions previously approved by the Shadow Authority, including its Constitutional Governance Framework documents (Minute DSFRA/5 refers). These documents now include, amongst other things:-
- The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset Fire & Rescue Authority
 - Members’ Code of Conduct;
 - Member/Officer Protocol;
 - Policy on Gifts and Hospitality;
 - Scheme of Members Allowances;
 - Standing Orders;
 - Financial Regulations;
 - Procurement and Contract Regulations;
 - Scheme of Delegations;
 - Corporate Governance Code;
 - Treasury Management Policy;
 - Strategy on the Prevention and Detection of Fraud and Corruption; and
 - “Whistleblowing” Code (Confidential Reporting Policy).
- 1.2 The constitutional operation of the Authority also features a Committee structure (with associated terms of reference). This is addressed by a report elsewhere on the agenda for this meeting.
- 1.3 The documents referred to above were drafted by reference to a number of sources, some statutory; some based upon “models” issued either by central government or by professional bodies (e.g. the Chartered Institute for Public Finance Accountancy – CIPFA); and others best practice. While there is no legal requirement for the documents to be reviewed, it is nonetheless considered best practice to review the documents at least on an annual basis to ensure that they continue to be “fit for purpose”. This clearly does not preclude making revisions at any time to any of the documents where this might be required by changes in legislation or internal structure; or the approval of new documents to enhance the governance framework. Indeed, in practice the documents tend to be “dynamic” and are amended as and when the need arises.
- 1.4 When undertaking the annual review any of the Authority’s constitutional governance framework documents due regard is taken of:
- any current “best practice” models;
 - any existing national guidance and model documents;
 - similar documents in use by other combined fire and rescue authorities; and
 - similar documents in use by constituent authorities.
- 1.5 Each of the Authority’s Constitutional Framework documents have again been subject to review over the last twelve months and will continue to be subject to ongoing review with any further proposed revisions submitted to future meetings of the Authority as required.

1.6 The remainder of this report comments, however, on the outcome of the annual review and also raises an issue in relation to the operation of the Combination Scheme Order (the statutory instrument establishing, under the Fire and Rescue Service Act 2004, this combined authority) and its requirements in relation to the appointment of Members by constituent authorities.

2. STANDING ORDERS

2.1 As indicated, the Authority's constitutional framework documents – while subject to annual review – are, in effect, dynamic documents and are revised as and when the need arises. By way of evidence, the Authority's current Standing Orders were revised in December 2011 to facilitate, in response to representations made by the Fire Brigades Union, easier access by representative bodies to address full Authority meetings (Minute DSFRA/59 refers).

2.2 Elsewhere on the agenda for this meeting is a report addressing changes to the current Standards regime introduced by the Localism Act 2011. The commencement date for these changes is, however, yet to be announced but once they come into effect it is likely that they will require consequential changes to Standing Orders. This will be reported to a future meeting as necessary.

3. FINANCIAL REGULATIONS

3.1 At its meeting on 5 April 2012, the Commercial Services Committee considered recommendations by the Treasurer in relation to delegated financial limits for investment towards commercial activities and resolved to recommend these to the Authority for approval (Minute CSC/42 refers). These recommendations require, amongst other things, revisions to the Authority's Financial Regulations.

3.2 The proposed revisions are set out below and are now commended to the Authority for approval.

Proposed revisions to Financial Regulations

(i) Insertion of the following after Financial Regulation A18 (with the consequential renumbering of other Financial Regulations):

“(e) Commercial Services Board

A19 The Commercial Services Board comprises the officers currently appointed to the Senior Management Board. Its remit is to oversee all commercial activities undertaken by the Service on behalf of the Authority, including those through Red One Ltd.”

(ii) Insertion of the following after existing Financial Regulation A25 (which, following the consequential renumbering indicated in (i) above, will become Financial Regulation A26:

“(f) Commercial Activities

A27 Variations in the commercial services budget (including approval to additional resources) up to and including the maximum as indicated in the Schedule to these Regulations, may be made by the Commercial Services Board.

A28 Variations in excess of this amount must be approved either by the Commercial Services Committee or the Authority in accordance with the limits as indicated in the Schedule to these Regulations.

A29 In relation to the variations referred to at A27 and A28 above, these are subject to any additional resources involved being matched by corresponding additional income to be generated from commercial activities.”

(iii) Revised Schedule (see Appendix)

4. PROCUREMENT AND CONTRACT REGULATIONS

4.1 The Service is currently in the process of reviewing, as part of the Business Support Improvement Programme, its procurement arrangements with the aims of simplification, clarification and improved efficiency. This will entail in due course modifications to the current Procurement and Contract Regulations.

4.2 The current Regulations remain fit for purpose but the Authority is asked to note that revisions will be submitted for approval in due course.

5. OTHER GOVERNANCE FRAMEWORK DOCUMENTS

5.1 Following the annual review, and with the exception of Standing Orders addressed elsewhere on this agenda, no amendments are being proposed to any other of the existing documents. As previously mentioned, however, the Service is currently embarked on a significant business transformation programme designed to best equip it to meet anticipated challenges over the next few years and to enable it to achieve its stated ambition of being an “excellent” organisation. At present, as part of this programme, two fundamental reviews are being undertaken of both service delivery and service support which could, in turn, require consequential amendments to the Authority’s constitutional framework documents. Proposals for such amendments will be submitted as and when required.

6. APPOINTMENT OF MEMBERS TO THE AUTHORITY BY CONSTITUENT AUTHORITIES

6.1 As has been previously reported, this Authority is a combined fire and rescue authority and a “body corporate” (i.e. a separate, legal entity) established by the Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006 (“the Order”) – a statutory instrument made under the Fire & Rescue Services Act 2004.

6.2 The Order, amongst other things, provides a formula – by relevant electoral roll - for the appointment of Members to the Authority by constituent authorities and stipulates that the maximum size of the Authority should not exceed 25 Members except where application of the formula would dictate otherwise.

6.3 The Order is, however, silent as to a number of issues relating to this, such as who should undertake the implied calculation and on what basis, how often it should be undertaken and how the results should be interpreted (i.e. rounding any fractions up or down).

6.4 Legal advice has been sought on the above issues which can be summarised as follows:

- it would be appropriate for this Authority – as a separate legal entity – to undertake the calculation and notify the constituent authorities accordingly as to the number of places open to them to appoint to;
- that, in undertaking the calculation, it would not be unreasonable to use the local government electoral roll statistics published by the Office for National Statistics. These are published on an annual basis, at around March/April time, so it would be reasonable to undertake the calculation at this time and notify constituent authorities to enable them to make appointments at their annual meetings;
- that, in interpreting the results, it would be appropriate to round up or down, as the case may be, to the nearest whole number.

6.5 As previously mentioned, the Combination Scheme governs the establishment and operation of the Authority. As such, any failure to comply with its requirements could result in decisions of the Authority being challenged under judicial review and, should this prove successful, rendered null and void thereby exposing the Authority to financial and reputational risk.

6.6 The necessary calculation has recently been undertaken using the local government electoral roll statistics as at December 2011 – the most recent available on the Office for National Statistics website. The results of this are shown in the table below:

Authority	Electoral Roll	Ratio for seat allocation	No. of seats	No. of seats rounded to nearest whole number
Devon County Council	597,240	$597,240/1,302,431 \times 25$	11.46	11
Somerset County Council	418,968	$418,968/1,302,431 \times 25$	8.04	8
Plymouth City Council	180,946	$180,946/1,302,431 \times 25$	3.47	3
Torbay Council	105,277	$105,277/1,302,431 \times 25$	2.02	2
TOTAL	1,302,431			24

6.7 As can be seen, the result indicates that a model of 25 does not work, whereas a model of 24 does. The results need to be interpreted in the context of the other terms of the Order which stipulate that, other than for application of the formula, the Authority shall comprise of “**not more** than 25 Members.” Clearly, 24 is less than 25 and so is a permissible model in the context of the Order.

6.8 Timing has prevented this issue from being brought before the Authority for decision in the current year and consequently the Chief Fire Officer authorised myself, following consultation with the Chairman and in accordance with the provisions of Standing Order 27, to notify constituent authorities of the outcome of the calculation in sufficient time for appointments to be made at their annual meetings this year. The Authority is asked to note this course of action.

6.9 Going forward, it is proposed that I be delegated authority to undertake the necessary calculation on an annual basis, using the most up-to-date local government electoral roll statistics available on the Office for National Statistics website, and to write to the constituent authorities in sufficient time to enable relevant appointments to be made at their annual meeting. The Authority is asked to approve this course of action.

M PEARSON
Clerk to the Authority

KEVIN WOODWARD
Treasurer

PROPOSED REVISED SCHEDULE TO FINANCIAL REGULATIONS

	Resources Committee	Full Authority
<u>In-Year Virements</u>		
(a) Movement between objective budget headings (i.e. Service function headings)*	£100,000	£200,000
(b) Movement between subjective budget headings (i.e. individual budget headings within objective headings)*	£50,000	£150,000
* In the event of any virement between both objective and subjective budget headings, the lower limit will apply		
<u>Capital Programme</u>		
(a) Financing of individual scheme from revenue budget	£50,000	£150,000
(b) Excess of estimated expenditure for individual major capital scheme over approved Capital Programme provision *	10% or £100,000 (whichever is the lesser)	20% or £200,000 (whichever is the lesser)
(c) Excess of overall expenditure on Other Projects or Ring Fenced generic capital budgets over approved budget provision. *	5%	10%
* subject always to the additional expenditure being contained from within the overall Capital Programme limit for the year in question		
<u>Assets</u>		
(a) Material Asset	£25,000	£50,000
(b) Redundant Stock and Equipment – individual item or cumulative amount of the same item	£25,000	£50,000
(c) Stock and equipment discrepancies – individual item or cumulative amount of the same item.	£10,000	£50,000
<u>Income and Expenditure</u>		
Debt Write off	£10,000	£50,000
Overpayment of salary or allowance	£5,000	£25,000
Making of Grants	£5,000	£25,000
<u>Settlement of Claims*</u>		
Employee claims	£25,000	£75,000
Ex gratia payments to employees	£5,000	£25,000
Claims made by the Authority	£50,000	£100,000
All other claims	£10,000	£50,000
* excludes claims covered by insurance arrangements which as such are delegated entirely to the Chief Fire Officer.		

<u>Commercial Activity</u>		
	Commercial Services Committee	Full Authority
Variations on commercial services budget (including approval of additional resources, subject to these being matched by corresponding income)	£50,000	£150,000

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	DSFRA/12/11
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	30 MAY 2012
SUBJECT OF REPORT	LOCALISM ACT 2011 – NEW MEMBER CONDUCT PROVISIONS – APPOINTMENT OF INDEPENDENT PERSON
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>That the Clerk be authorised to advertise for a post of Independent Person, as required by the new Member conduct provisions of the Localism Act 2011, receive and process any applications received in response to the advertisement and submit a report recommending appointment to the next meeting;</i></p> <p>(b) <i>that the Authority approve that the post of Independent Person should be eligible for reimbursement of travel and subsistence expenses only, at the rates as contained in the approved Scheme of Members Allowances;</i></p> <p>(c) <i>that, subject to clarification of the operative date for the new provisions and the issue of associated Regulations on disclosable interests, the Clerk be asked to submit a report to the next meeting on the proposed new Member conduct arrangements for this Authority.</i></p>
EXECUTIVE SUMMARY	<p>The Localism Act 2011, amongst other things, sweeps away the former, prescriptive Standards regime in favour of a more “light touch” approach capable of adaptation to suit local requirements.</p> <p>There are, however, certain aspects that must be complied with one of which is the appointment of a new Independent Person. This report deals specifically with that requirement.</p>

RESOURCE IMPLICATIONS	Costs associated with advertising for the post of Independent Person, together with costs associated with meeting incurred travel and subsistence costs of that person, will be contained from within existing budgets.
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	The application for post of Independent Person will only be restricted in so far as those express exclusions from holding the post as defined in the Localism Act and none of which relate to equality and diversity considerations.
APPENDICES	A. Proposed advertisement for post of Independent Person.
LIST OF BACKGROUND PAPERS	Localism Act 2011

1. BACKGROUND AND INTRODUCTION

- 1.1 The Localism Act 2011 (the Act) introduces a significant number of changes to the operation of local government including abolition of the former, prescriptive Standards regime. In its place, the Act introduces a more “light touch” approach capable of adaptation to suit particular local requirements.
- 1.2 The new arrangements, however, still contain some compulsory requirements including the adoption of a Code of Conduct and having in place arrangements to deal with alleged breaches of the Code. The arrangements must include an “independent person”, appointed by the Authority following advertisement and whose views:
- must be sought by the Authority before it makes any determination on an allegation it has decided to investigate;
 - may be sought “in other circumstances”; and
 - may be sought by a Member subject to an allegation.
- 1.3 The Act specifies a number of restrictions that would prevent a person from being appointed as an “independent person”. By quirk of drafting, these restrictions mean that the current Independent Members on the Authority’s Standards Committee may NOT be appointed as independent persons.
- 1.4 There is still considerable uncertainty surrounding the new Member conduct arrangements under the Localism Act. Regulations governing disclosable interests are still awaited as is the statutory instrument (a Commencement Order) specifying the operative date for the new arrangements.
- 1.5 Discussions are ongoing with constituent authorities with a view to establishing, as far as is practicable, common operating procedures so as to minimise the bureaucratic impact on this Authority of the “arrangements” that will be required to secure compliance with the provisions of the Localism Act. Progression with this is somewhat hindered at present, however, by considerable uncertainty surrounding the provisions in the Act, including:
- no defined commencement date for implementation of the new provisions. The statutory instrument (a Commencement Order) to this effect is still awaited. It was initially thought that this would be by 1 July 2012 but the latest intelligence, via the Local Government Association, is that this date may slip further and that there may also be a transitional period (which would also require definition) between old and new arrangements;
 - Regulations are still awaited as to disclosable interests. The requirement to disclose and register certain interests – which the Regulations will define – must be contained in the Code to be adopted by the Authority. It follows, therefore, that the absence of such Regulations makes the drafting and adoption of a Code problematic.
- 1.6 As indicated, what is clear is that the new arrangements must feature an “independent person”. This report therefore addresses the appointment of such a person.

2. APPOINTMENT OF INDEPENDENT PERSON

- 2.1 As indicated, the Act requires the new “arrangements” to include one (or more) independent person to exercise the role as set out in paragraph 1.2 above. It can be seen that this role is far less demanding than that of the Independent Member under the current regime who, for example, is required to Chair the Standards Committee and any Assessment, Appeals or Hearings Sub-Committee meeting that may be required. Consequently, it is proposed that – rather than attracting any kind of Special Responsibility Allowance – the role of “independent person” should attract reimbursement for travel and subsistence expenditure only, at the rates as contained in the approved Scheme for Members Allowances.
- 2.2 The Local Government Act 2000, which introduced the current regime, specified the number of Independent Members the Authority was required to have, by reference to the overall size of its Standards Committee. The Localism Act places no such requirement on the number of “independent persons”. Given that the role of the independent person is linked solely to allegations of Code breach and in light of the fact that at no point in its past has this Authority (or the former Devon Fire & Rescue Authority) received let alone investigated such an allegation, it is proposed that only one “independent person” be sought. A draft advertisement for the post of “independent person” is appended to this report.

3. CONCLUSION

- 3.1 As indicated, there is still considerable uncertainty surrounding the provisions in the Localism Act on Member conduct. Nonetheless, officers continue to progress this in conjunction/consultation with constituent authorities and with a view to securing commonality wherever practicable and arrangements for this Authority that are fit for purpose and statutorily compliant but without being overly onerous or bureaucratic.
- 3.2 Whatever these “arrangements” may ultimately be, it is known at this stage that they will need to feature an “independent person” whose appointment has been advertised for and approved by the Authority. This report, therefore, seeks approval to commence the appointment process with a view to submitting a report recommending appointment to the next meeting.
- 3.3 Subject to having received sufficient information to enable proposals to be drafted, it is also intended to submit a report to the next meeting on arrangements for Member conduct to apply for this Authority in accordance with the requirements of the Localism Act 2011.

MIKE PEARSON
Clerk to the Authority

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

LOCALISM ACT 2011
MEMBER CONDUCT
APPOINTMENT OF AN INDEPENDENT PERSON

Can you weigh up conflicting evidence and reach an effective conclusion? Are you of integrity and good character? Do you have respect for others and an understanding of diverse ethical issues?

If the answer to the above is yes, you may be just the person we are looking for to act as an Independent Person advising the Authority as part of its arrangements for dealing with complaints that one of its Members may have failed to comply with the Authority's adopted Code of Conduct.

This is an opportunity for the right person to make a real contribution to the fairness and integrity of the Authority.

The appointment will be effective either from 30 July 2012, or such later date as may be notified. To be eligible to be an Independent Member you must NOT:

- be, currently, a Member of the Authority, a co-opted member of an Authority Committee or an employee of the Devon & Somerset Fire & Rescue Service; or have occupied such a position in the last five years
- be a relative or have any close links with any Authority Member or Officer which might lead people to question your independence.

Appropriate training will be given and travelling and subsistence expenses will be paid.

If you are interested in applying please contact either :

- Mike Pearson (Clerk to the Authority) (mpearson@dsfire.gov.uk). Tel: 01392 872202; OR
- Steve Yates (Democratic Services and Corporate Support Manager (syates@dsfire.gov.uk) 01392 872329

Applications should be submitted by 30 June 2012.



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	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
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	Not applicable
APPENDICES	A. Schedule of Appointments to Committees, Working Parties etc. and Outside Bodies
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]).

Member	No. votes exercised
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.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/13
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	30 MAY 2012
SUBJECT OF REPORT	DRAFT CALENDAR OF MEETINGS 2012/13
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that the alternate month rotation of Commercial Services between formal Committee meetings and informal, workshop sessions be endorsed;</i></p> <p>(b) <i>that, subject to any amendments as may be indicated at the meeting, the draft Authority Calendar of Meetings for the 2012/13 municipal year as appended to this report be approved.</i></p>
EXECUTIVE SUMMARY	Attached for consideration is a draft Authority Calendar of Meetings for the forthcoming (2012/13) municipal year.
RESOURCE IMPLICATIONS	N/A
EQUALITY AND RISK BENEFIT ASSESSMENT	N/A
APPENDICES	A. Draft Authority Calendar of Meetings 2012/13 Municipal Year
LIST OF BACKGROUND PAPERS	Constituent authority calendars of meetings (as available).

1. INTRODUCTION

- 1.1 Attached at Appendix A to this report is a proposed Authority Calendar of Meetings for the forthcoming (2012/13) municipal year. As in previous years, in compiling this Calendar consideration has been given both to the business requirements of this Authority and to the calendars of constituent authorities (in so far as these were available) to seek to avoid any clashes in meeting dates.

2. COMMERCIAL SERVICES

- 2.1 This Committee was first established by the Authority at its meeting on 29 July 2011 in essence to oversee the Authority's commercial trading activities. The intention of the Committee, amongst other things, was to establish a mechanism to enable the Authority to respond promptly to any emerging commercial potential in what is a highly competitive environment.
- 2.2 To facilitate this, formal meetings were initially scheduled on a monthly basis. It must be borne in mind that this is a new venture for the Authority and operation of the Committee since its establishment has indicated that holding a formal meeting on a monthly basis may not be the most conducive or effective method for progressing this initiative. At the same time, it is recognised that an appropriate balance needs to be drawn between
- ensuring Members are appropriately kept informed of commercial activities which do not necessarily require formal Member-level approval, thereby providing an effective method of monitoring, guidance and scrutiny; and
 - having a platform for securing necessary approvals, with a speed and flexibility of response, at Member level.
- 2.3 Going forward, it is now felt that this balance can be best secured by alternating, on a month by month basis, formal Commercial Services Committee meetings (which would be decision-making and governed by the statutory Access to Information provisions) and informal, workshop-type meetings but which would still involve attendance by all Members appointed to the Commercial Services Committee. Such meetings would be informal and non-decision making. The attached draft Authority Calendar of meetings now attached has, therefore, been profiled in this way. This will also afford flexibility to hold, should the need arise, a formal meeting in place of scheduled workshop. The Authority is invited to endorse this approach.

3. CONCLUSION

- 3.1 The draft Authority Calendar of Meetings for 2012/13 is now attached for consideration and – subject to any amendments that may be indicated at the meeting – approval by the Authority.

MIKE PEARSON
Clerk to the Authority

APPENDIX A TO REPORT DSFRA/12/13

DEVON & SOMERSET FIRE & RESCUE AUTHORITY DRAFT CALENDAR OF MEETINGS 2012/13 MUNICIPAL YEAR

NOTES

1. All meetings will be held at Devon & Somerset Fire & Rescue Service Headquarters unless otherwise indicated.
2. Known dates of outside body meetings have been included (shown in italics) in the Calendar. These will only affect those Members appointed to those outside bodies.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY	
Calendar of meetings 2012/13	
Date/Time of Meeting	Name of Meeting
Cycle 1	
June 2012	
Monday 4 June 2012 – Public Holiday	
Tuesday 5 June 2012 – Public Holiday	
Monday 18 June 14.00	Commercial Services Workshop
Monday 25 June 10.00	Human Resources Management and Development Committee (HRMD)
Monday 25 June to follow HRMD	Members Forum
July 2012	
Friday 6 July 10.00	Community Safety and Corporate Planning Committee (CSCP)
Friday 6 July 14:00	Commercial Services Committee
<i>Monday 16 July</i>	<i>LGA Fire Services Management Committee</i>
Thursday 19 July 10.00	Audit and Performance Review Committee (APRC)
Friday 20 July 10.00	Resources Committee (RC)
Monday 30 July 10.00	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
Monday 30 July to follow DSFRA	Members Forum
Tuesday 31 July 10.00	Commercial Services Workshop
Cycle 2	
August 2012 – recess month	
Monday 27 August 2012 – Public Holiday	
September 2012	
Wednesday 5 September 10.00	Human Resources Management and Development Committee
Wednesday 12 September 10.00	Commercial Services Committee

DEVON & SOMERSET FIRE & RESCUE AUTHORITY	
Calendar of meetings 2012/13	
Date/Time of Meeting	Name of Meeting
Wednesday 12 September to follow Commercial Services Committee	Members Forum
Monday 24 September 10.00	Audit and Performance Review Committee
October 2012	
Friday 5 October 10.00	Community Safety and Corporate Planning Committee
Friday 5 October to follow CSCP	Members Forum
Monday 8 October 10.00	Commercial Services Workshop
Friday 19 October 10.00	Resources Committee
November 2012	
Friday 2 November 10.00	Commercial Services Committee
Monday 5 November 10.00	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
Monday 5 November to follow DSFRA	Members Forum
Thursday 29 November 10.00	Audit and Performance Review Committee
December 2012	
Friday 7 December 10.00	Community Safety and Corporate Planning Committee
Friday 7 December 14.00	Commercial Services Workshop
Wednesday 19 December 10.00	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
Wednesday 19 December to follow DSFRA	Members Forum
Tuesday 25 December 2012 – Public Holiday	
Wednesday 26 December 2012 – Public Holiday	
Tuesday 1 January 2013 – Public Holiday	
Cycle 4	
January 2013	
Friday 11 January 14.00	Commercial Services Committee
Friday 18 January 10.00	Human Resources Management and Development Committee
Friday 18 January to follow HRMD	Members Forum
Thursday 31 January 10.00	Audit and Performance Review Committee
February 2013	
Monday 4 February 10.00	Resources Committee (Budget)

DEVON & SOMERSET FIRE & RESCUE AUTHORITY	
Calendar of meetings 2012/13	
Date/Time of Meeting	Name of Meeting
Wednesday 6 February 10.00	Community Safety and Corporate Planning Committee
Friday 8 February 14.00	Commercial Services Workshop
Monday 18 February 10.00	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget)
Monday 18 February to follow DSFRA	Members Forum
Cycle 5	
March 2013	
Thursday 7 March 14.00	Commercial Services Committee
Monday 18 March 10.00	Human Resources Management and Development Committee
Monday 18 March to follow HRMD	Members Forum
Friday 29 March 2013 – Public Holiday	
April 2013	
Monday 1 April 2013 – Public Holiday	
Wednesday 3 April 10.00	Commercial Services Workshop
May 2013	
Wednesday 1 May 10.00	Commercial Services Committee
Monday 6 May 2013 – Public Holiday	
Wednesday 8 May 10.00	Audit and Performance Review Committee
Thursday 16 May 10.00	Resources Committee
Monday 27 May 2013 – Public Holiday	
Thursday 30 May 10.00	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
Thursday 30 May (on rising of Annual Meeting)	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Ordinary Meeting)