

**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

Monday 30 July 2012

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

M. Pearson
Clerk to the Authority

A G E N D A

1. **Apologies**
2. **Minutes** of Annual and Ordinary Meetings of the Authority held on 30 May 2012 attached (Pages 1 and 6 respectively).
3. **Items Requiring Urgent Attention**

Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.

4. **Declarations of Disclosable Pecuniary Interests**

Members are asked to consider whether they have any **disclosable pecuniary interests** in items as set out on the agenda for this meeting and declare any such interests at this time.

PART 1 – OPEN COMMITTEE

5. Questions and Petitions by the Public

In accordance with Standing Orders, to consider any questions and petitions submitted by the public. Questions must relate to matters to be considered at this meeting of the Authority. Petitions must relate to matters for which the Authority has a responsibility or which affects the Authority. Neither questions nor petitions may require the disclosure of confidential or exempt information. Questions and petitions must be submitted in writing or by e-mail to the Clerk to the Authority **by midday on Wednesday 25 July 2012.**

6. Addresses by Representative Bodies

To receive addresses from representative bodies requested and approved in accordance with Standing Orders.

7. Questions by Members of the Authority

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

8. Minutes of Committees

(a) Human Resources Management and Development Committee

The Chair of the Committee, Councillor Bown, to **MOVE** the Minutes of the meeting held on 25 June 2012 attached (page 12).

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

(b) Community Safety and Corporate Planning Committee

The Chair of the Committee, Councillor Leaves, to **MOVE** the Minutes of the meeting held on 6 July 2012 attached (page 15).

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

(c) Audit and Performance Review Committee

The Chair of the Committee, Councillor Radford, to **MOVE** the Minutes of the meeting held on 19 July 2012 attached (page 19).

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

(d) Resources Committee

The Chair of the Committee to **MOVE** the Minutes of the meeting held on 20 July 2012 **(TO FOLLOW)**

9. Change In Authority Committee Memberships

Report of the Clerk to the Authority (DSFRA/12/18) attached (page 23).

10. Authority Annual Report

Report of the Chief Fire Officer (DSFRA/12/19) attached (page 25).

11. Draft Corporate Plan Consultation Timescale

Report of the Director of Corporate Services (DSFRA/12/20) attached (page 26).

12. **Department for Communities and Local Government (CLG) Consultation Papers**

Report of the Treasurer to the Authority (DSFRA/12/21) attached (page 28).

13. **Council Tax Reduction Draft Schemes - Consultation with Major Precepting Authorities**

Report of the Treasurer to the Authority (DSFRA/12/22) attached (page 35).

14. **Localism Act 2011 - New Member Conduct Regime**

Report of the Clerk to the Authority (DSFRA/12/23) attached (page 46).

15. **Bids Against the Fire Capital Funding Programme 2013 - 15**

Report of the Treasurer (DSFRA/12/24) attached (page 67).

16. **Chairman's Announcements**

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

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

18. Nil

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Healey(Chair), Gribble (Vice Chair), Mrs. Bakewell MBE, Bown, Brooksbank, BurrIDGE-Clayton, Mrs. Chugg, Dyke, Eastman, Foggin, Fry, Gordon, Horsfall, Hughes OBE, Knight, Leaves, Mills, Radford, Randall Johnson, D Smith , J Smith, Way, Woodman and Yeomans

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.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Annual Meeting)

30 May 2012

Present:-

Councillors Mrs. Bakewell MBE, Bown, Brooksbank, Burr ridge-Clayton, Cann, Mrs. Chugg, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Healey, Horsfall, Hughes OBE, Mills, Radford, Randall Johnson, D Smith , J Smith, Woodman and Yeomans.

Apologies:-

Councillors Leaves and Way

DSFRA/1. Election of Chairman

RESOLVED that Councillor Healey be elected Chairman of the Authority until its annual meeting in 2013.

DSFRA/2. Retiring and New Members

On behalf of the Authority, the Chairman welcomed Councillors Mrs. Chugg and J. Smith as new Members to the Authority.

The Chairman and Members then paid tribute to the work of retiring Members Councillors Boyd (formerly Vice-Chair), Drean and Wright and thanked them for their service during their time with the Authority.

DSFRA/3. Minutes

RESOLVED that the Minutes of the budget meeting of the Authority held on 17 February 2012 be signed as a correct record.

DSFRA/4. Election of Vice-Chairman

The Chairman called for nominations for the position of Vice-Chairman of the Authority until its Annual Meeting in 2013.

Councillor Foggin nominated Councillor Fry. This was seconded by Councillor Dyke.

Councillor Brooksbank nominated Councillor Mills. This was seconded by Councillor D Smith.

Councillor Eastman nominated Councillor Gribble. This was seconded by Councillor Bown.

A secret ballot was then requested and approved by a majority present and voting following which it was

RESOLVED that, by virtue of securing a majority of votes cast, Councillor Gribble be elected Vice-Chairman of the Authority until its annual meeting in 2013.

DSFRA/5. Declarations of Interest

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

No interests were declared at this time.

DSFRA/6. Review of Constitutional Framework Documents

The Authority considered a joint report of the Clerk to the Authority and the Treasurer (DSFRA/12/10) on a review of the Authority's constitutional framework documents (Standing Orders, Financial Regulations etc.) and addressing an issue in relation to appointments by constituent authorities to this Authority as required by the legislation establishing the Authority.

RESOLVED

- (a) 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) 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;
 - (ii) 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;
- (b) that the proposed revisions to Financial Regulations as set out in Section 3 and Appendix A of report DSFRA/12/10 be approved;
- (c) that, subject to (b) above, the constitutional governance framework documents as listed at paragraph 1.1 of the report be endorsed;
- (d) 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.

DSFRA/7. Localism Act 2011 - New Member Conduct Provisions - Appointment of Independent Person

The Authority considered a report of the Clerk to the Authority (DSFRA/12/11) on the provisions for Member conduct as contained in the Localism Act 2011. While further clarification on many aspects was still awaited, the Authority would be required to appoint an independent person as part of its new conduct arrangements and the report set out issues connected with this appointment for determination.

RESOLVED

- (a) 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;
- (b) 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;
- (c) 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.

DSFRA/8. Schedule of Appointments to Committees, Outside Bodies etc.

The Authority considered a report of the Clerk to the Authority (DSFRA/12/12) inviting the Authority, amongst other things, to endorse the current Committee structure and associated terms of reference, to make appointments for the forthcoming municipal year to its own Committees and to outside bodies and advising on potential future changes to the Committee structure in light of the revised Member conduct provisions contained in the Localism Act 2011.

RESOLVED

- (a) 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 report DSFRA/12/12 be approved;
- (b) that the remaining Terms of Reference for the other Committees etc. as set out in the Annex be endorsed;
- (c) that, in accordance with Standing Orders, appointments be made to Committees etc. as indicated below, 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):

Resources Committee

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

Human Resources Management and Development Committee

Councillors Bown, Mrs. Chugg, Brooksbank, Burridge-Clayton, Cann, Horsfall and J Smith.

Audit and Performance Review Committee

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

Community Safety and Corporate Planning Committee

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

Commercial Services Committee

Councillors Dyke, Gribble, Healey, Mills, Randall-Johnson, D. Smith and Woodman.

Standards Committee

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

Capital Programme Working Party

Councillors Bown, Fry, Smith and Woodman.

Equality and Diversity Member Champion

Councillor Randall Johnson

Climate Change and Sustainability Member Champion

Councillor Leaves

- (d) 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;
- (e) that appointments be made to Outside Bodies as indicated below for the 2012/13 municipal year, the term of office to be until the Annual Meeting in 2013 unless otherwise indicated.

Local Government Association Fire Service Commission

Authority Chairman.

Local Government Association General Assembly

Authority Chairman (exercising 5 Service and 1 Corporate votes);
Councillors Fry, Mills and Leaves (each exercising 4 Service votes).

Local Government Association Urban Commission

Councillor Gordon.

Local Government Association Rural Commission

Councillor D Smith.

Devon Strategic Partnership Bi-Annual Workshop

Councillor Mrs. Chugg.

South West Councils

Authority Chairman.

South West Provincial Council

Chair of Human Resources Management and Development Committee
(one elected).

South West Forum of Fire Authorities

Authority Chairman.

Plymouth and Devon Race Equality Council

Councillor Gordon.

Somerset Race Equality Council

Councillor Horsfall.

- (f) that the current position in relation to the Authority-appointed Director on South West Fire Control Limited, as highlighted in Section 5 of report DSFRA/12/12, be noted.

DSFRA/9. Draft Calendar of Meetings 2012/13

The Authority considered a report of the Clerk to the Authority (DSFRA/12/13) to which was appended a draft Calendar of Authority meetings for the forthcoming, 2012/13 municipal year. The report also highlighted the intention, in light of experience since its establishment, to alternate commercial services work every other month between formal Committee meetings and informal workshop sessions.

The Clerk drew attention to a proposed meeting of the Human Resources Management and Development Committee on Thursday 15 November 2012 which had inadvertently been omitted from the draft calendar as circulated. Additionally, the Clerk referred to considerations currently being given to the timetable for production and approval of the latest iteration of the Authority Corporate Plan. This was dependent on a number of factors and may require an additional, special meeting of the full Authority which would, be subject to report to a future meeting as necessary.

RESOLVED

- (a) that the alternate month rotation of Commercial Services between formal Committee meetings and informal, workshop sessions be endorsed;
- (b) that, subject to inclusion of a meeting of the Human Resources Management and Development Committee on 15 November 2012, the draft Authority Calendar of Meetings for the 2012/13 municipal year as appended to report DSFRA/12/13 be approved.

The meeting started at 10.00hours and finished at 10.52hours.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY
(Ordinary Meeting)

30 May 2012

Present:-

Councillors Healey (Chairman), Mrs. Bakewell MBE, Bown, Brooksbank, Burridge-Clayton, Cann, Mrs. Chugg, Dyke, Eastman, Foggin, Fry, Gordon, Gribble, Horsfall, Hughes OBE, Mills, Radford, Randall Johnson, D Smith, J Smith, Woodman and Yeomans.

Apologies:-

Councillors Leaves and Way

DSFRA/10. Declarations of Interest

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

No interests were declared at this point.

DSFRA/11. Questions by Members of the Authority

In accordance with Standing Order 14, Councillor Hughes OBE asked the Chairman (and he responded to) a question on the purported sale on e-bay of memorabilia in relation to the former Devon Fire & Rescue Service Ceremonial Unit – specifically the “colours” of the Unit.

In responding, the Chairman affirmed that no permission had been given for any such sale and that the Authority would not condone such action. Members commented on the potential for police involvement in this matter and asked that a report on the outcome of further investigations be submitted to future meeting.

DSFRA/12. Minutes of Committees

(a) Commercial Services Committee

The Chairman of the Committee, Councillor Healey, **MOVED** the Minutes of the meetings of the Committee held on 1 March, 5 April and 3 May 2012 which had considered, amongst other things:

On 1 March

- An update on the proposed partnership with Falck; and
- Updates on commercial leads and training academy business.

On 5 April

- A report on delegated limits for commercial activities;
- Business cases for industrial subcontracting and commercial training;
- A report on commercial matters generally and the development of an overarching business case; and
- Update reports on current commercial leads and training academy business.

On 3 May 2012

- Updates on commercial matters (specifically the development of an overarching business case) and on commercial leads and training academy business.

The Clerk reminded the Authority that the recommendations as contained at Minute CSC/42 of the meeting held on 5 April 2012 and relating to proposed delegated financial levels for investment in commercial activities and consequential amendments to Financial Regulations had been considered and approved by the Authority at its preceding Annual Meeting (Minute DSFRA/ refers).

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

(b) Human Resources Management and Development Committee

The Chairman of the Committee, Councillor Cann, **MOVED** the Minutes of the meeting of the Committee held on 19 March 2012 which had considered, amongst other things:

- An update on progress in replacing the former stage 1 Assessment and Development Centre (ADC) process with a technical assessment;
- A report on absence management and the health of the organisation;
- A draft Service Equality Plan 2012 – 16, with the accompanying report detailing consultation undertaken on and used to inform the Plan; and
- A report on redundancy compensation rates.

RESOLVED

- (i) that the recommendation at Minute HRMDC/36 (Redundancy Compensation Rates) be approved i.e. that there should be no change to the current rate (a multiplier of 2) but that the position be reviewed again in twelve months time;
- (ii) that the Equality Plan 2012 – 16, as referred to at Minute *HRMDC/34, be endorsed;
- (iii) that, subject to (i) and (ii) above, the Minutes be adopted in accordance with Standing Orders.

(c) Audit and Performance Review Committee

The Chairman of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting of the Committee held on 10 May 2012 which had considered, amongst other things:

- Information reports by the Audit Commission on its work in relation to the audit of the Authority's 2011/12 financial statements, the Audit Plan for 2011/12 and the initial risk assessment for the Value for Money conclusion;
- A report on the 2011/12 year end internal audit findings together with the 2012/13 Internal Audit Plan prepared in conjunction with the Devon Audit Partnership; and
- A report on the Authority's performance during April 2011 to February 2012 as against those measures and targets contained in the Authority's approved Corporate Plan 2011/12 to 2014/15

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

(d) Resources Committee Minutes 18 May 2012

The Vice-Chairman of the Committee, Councillor Yeomans, **MOVED** the Minutes of the meeting of the Committee held on 18 May 2012 which had considered a report, including a draft financial outturn, on the Authority's performance during 2011/12 against the agreed financial targets and approved revenue budget for that year.

RESOLVED

- (i) that the recommendation at Minute RC/21 (Financial Performance Report 2011/12: Quarter 4) be considered in conjunction with elsewhere on the agenda for this meeting and relating to the Financial Outturn 2011/12;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders

(SEE ALSO MINUTE DSFRA/13 BELOW)

DSFRA/13. Financial Outturn 2011/12

The Authority considered a report of the Treasurer (DSFRA/12/14) on the Authority's provisional financial outturn for 2011/12, for both capital and revenue, and recommending how the indicative underspend of £1.276m (1.69%) against the approved 2011/12 revenue budget could be utilised.

The level of underspend was as a result of effective budget management to limit spending on non-salary budget lines to essential issues only and from significant savings on retained costs resulting from a reduction in the number of operational mobilisations.

The report detailed reasons for variance in main areas of the budget, with overspends on wholetime, control room and non-uniformed staffing and firefighter pensions costs being off-set by underspends on retained pay, utility, repair and maintenance, equipment and furniture and communications equipment costs. Investment and the more commercial approach applied to the provision of external training had resulted in the original targets in these areas being exceeded. Higher than anticipated grant income had been received of which some £2.042m, received to fund specific purposes, had not been spent at year end but was eligible to be carried forward to 2012/13.

The Capital Programme had been increased in-year from £6.502 initially approved by the Authority at its budget setting meeting in 2011 to £7.580m. The increase reflected slippage from the previous year and new capital spending funded from grant income or revenue contributions. Total spending against the programme was £3.363m, some £4.217m less than the revised approved programme. Slippage against individual projects accounted for some £4.079m of the underspend but, as this only reflected a change in the timing of the projects, there was no adverse impact against approved Prudential Indicators. As a consequence of the slippage, however, there was no requirement for external borrowing during the year and all capital spending had been funded from other financial sources. A revised Capital Programme for 2012/13, amended to reflect inclusion of the slippage, would be reported to the next meeting of the Resources Committee.

The report proposed the transfer of the £1.276m underspend against the approved revenue budget into three Earmarked Reserves, namely for commercial services activities (£0.300m), capital funding reserve (£0.350m) and Comprehensive Spending Review (CSR) 2010 budget strategy reserve (£0.626m). In relation to the proposed transfer to the commercial services reserve, it was stressed that - in accordance with the statutory requirements – funding of all commercial activities would be on the basis of securing over time - as a minimum - full cost recovery together with an element of income generation. These transfers had been considered and commended for approval by the Resources Committee at its meeting on 18 May 2012 (Minute RC/21 refers).

Additionally, the report identified £0.420m currently in Earmarked Reserves but which were no longer required for their original purpose and as such were available for transfer to the General Reserve. Approval to this would increase the General Reserve from £4.453m to £4.873m, equivalent to 6.49% of the total revenue budget.

RESOLVED

- (a) that the following three proposed transfers to Earmarked Reserves, as detailed in paragraph 11.1 of report DSFRA/12/14 and outlined above, be approved;
 - (i) an amount of £0.300m be transferred to the Commercial Services Reserve, and;
 - (ii) an amount of £0.350m be transferred to the Capital Funding Reserve, and
 - (iii) an amount of £0.626m be transferred to the CSR 2010 Budget Strategy Reserve.
- (b) that the proposed transfer of £0.420m from Earmarked Reserves to the General Reserve, as detailed in paragraph 11.3 of the report, be approved;
- (c) That the capital determinations in relation to the funding of the 2011-12 capital spending (£3.363m) as set out below be approved:
 - that £2.545m be capitalised and funded from government grant; and
 - that an amount of £0.818m be capitalised and funded from revenue contributions to capital spending, either directly from the 2011/12 revenue budget or from Earmarked Reserve.
- (d) that subject to (a) to (c) above, the position in relation to the Revenue and Capital Outturn, as indicated in this report, be noted.

(SEE ALSO MINUTE DSFRA/12(d)(i) ABOVE).

DSFRA/14. Annual Treasury Management Report 2011/12

The Authority received for information – and as required by the Chartered Institute for Public Management Finance and Accountancy (CIPFA) Code of Practice on Treasury Management – a report of the Treasurer (DSFRA/12/15) on the performance of its borrowing and investment activities during 2011/12 as compared to its approved Treasury Management Strategy.

The report identified that no Prudential Indicators had been breached and that a prudent decision had been taken on investment decisions during the year, with priority being given to liquidity and security over yield.

DSFRA/15. Capital Bidding Process - Light Rescue Pump Project

The Authority considered a report of the Chief Fire Officer (DSFRA/12/16) on the process, as announced by the Fire Minister at the Local Government Association Fire Conference in March 2012, for securing central government funding for capital projects. Some £70m per year in 2013/14 and 2014/15 would be made available through a combination of pro rata distribution and a capital grant efficiency fund against which authorities could bid.

The report went on to outline proposals for submission of a bid by the Service based around the Light Rescue Pump (LRP) project.

RESOLVED

- (a) that details of the Capital Bidding Process 2013/14 and 2014/15 as set out in report DSFRA/12/16 be noted and the Authority approve in principle the submission of a bid for funding in 2013/14 linked to the Light Rescue Pump (LRP) project;
- (b) that approval and submission of the final bid, by the deadline of 2 July 2012, be delegated to the Chief Fire Officer following consultation with the Capital Programme Working Party;
- (c) that, to facilitate (b) above, a meeting of the Capital Programme Working Party be held on Monday 25 June 2012 (following preceding meetings of Human Resources Management and Development Committee and Members Forum).

DSFRA/16. Chief Fire Officer's Announcements

The Deputy Chief Fire Officer reported the following:

- A fatality of an elderly lady in Yeovil in April. The lady was a smoker and was known to other agencies. The Service was in the process of exploring with the other agencies what interventions if any may have been made earlier to prevent the death;
- The appointment of both the Authority Chairman and Chief Fire Officer to the National Resilience Board, which had responsibility for managing assets such as those sited at Station 60 (Urban Search and Rescue).

DSFRA/17. 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 and other companies.

DSFRA/18. Major Capital Project - Requirement for Additional Resources

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

The Authority considered a report of the Chief Fire Officer (DSFRA/12/17) on progress to date with a major project included in the approved capital programme. Issues had arisen which required additional funding beyond that initially approved if the project were to proceed. The report outlined the strategic importance of the project to the Service and identified where the additional sum required could be met.

RESOLVED that expenditure of £350,000 be approved from the capital funding reserve established from the indicative underspend against the 2011/12 revenue budget to enable completion of the major capital project as indicated in report DSFRA/12/17.

The meeting started at 11.10hours and finished at 12.23hours

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

25 June 2012

Present:-

Councillors Bown, Brooksbank, Cann, Chugg, Dyke (vice Horsfall), J Smith and Woodman (vice Burrige-Clayton).

Apologies:-

Councillors Burrige-Clayton and Horsfall

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

RESOLVED that Councillor Bown be elected Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in May 2013.

***HRMDC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 19 March 2012 be signed as a correct record.

***HRMDC/3. Election of Vice Chair**

RESOLVED that Councillor Brooksbank be elected Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in May 2013.

***HRMDC/4. Declarations of Interest**

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

No interests were declared.

***HRMDC/5. Absence Management & Health of the Organisation**

The Committee considered a report of the Director of People and Organisational Development (HRMDC/12/8) attached (page 4) that set out the progress made with absence management, including an update on aspects linked to the overall health of the organisation.

The areas set out within the report included, amongst others:

- Sickness absence performance in 2011/12;
- A detailed breakdown of long term sickness;
- The main reasons behind sickness absence;
- Levels of wellbeing and referrals to counselling;
- Staff turnover figures.

The Human Resources Manager stated that the level of sickness absence in 2011/12 was 8.02 days/shifts lost per person as compared with 2010/11 when it was 8.25 days per person. Reference was made to the point that, although the figures showed a downward trend which was very positive, the March sickness absence level was higher than other months in each of the last 3 years. The sickness absence figures compared well with other public sector organisations which were at an average of 9 days and the private sector which was 7 days. The Committee also requested information on the comparisons with regional colleagues. The Human Resources Manager reported that he had been advised that this was not available for public release currently but that he would request the information again.

There had been an improvement in long term sickness during 2011/12 with only 4 staff currently absent for a period greater than 6 months. The number of uniformed staff on long terms sickness had increased, however, but this was mainly attributable to non-work related physical injuries or operations.

It was noted that the level of referrals to counselling in Somerset remained at a much higher level than in Devon. There was no direct explanation of this and it was suggested that perhaps the Service should look into why the level of referrals in Devon was not as high.

In the light of the point that there had been a continuous reduction in sickness absence for the Service since combination in 2007, there was a discussion in respect of the frequency for the submission of reports on this matter to the Committee. The view was expressed that this information could be considered annually in conjunction with the health of the organisation trends unless there was an adverse trend appearing during the course of the year. Following a discussion, Councillor Woodman proposed (and was seconded by Councillor Chugg):

“that the monitoring information in respect of sickness absence should be considered by the Committee on a 6 monthly basis”.

Councillor Dyke proposed an amendment (and was seconded by Councillor Brooksbank):

“that the monitoring information in respect of sickness absence should be considered annually by the Committee”.

Upon a vote (2 for 4 against), the amendment was lost.

The Committee then voted on the motion put by Councillor Woodman. Upon a vote (4 for, 2 against), the motion was carried.

RESOLVED

- (a) that future reporting on Absence Management be consolidated within the Service Performance Management reports that will include Absence Management as an external facing measure and be considered on a six monthly basis by the Committee,
- (b) that Health of the Organisation trends be considered annually by the Committee.
- (c) That, subject to (a) and (b) above, the sickness absence management data contained within this report be noted.

***HRMDC/6. Training Facilities**

The Committee received for information a presentation given by the Director of People and Organisational Development at the meeting covering the work of the Training Academy and the facilities that the Service had at its disposal to deliver the training function.

***HRMDC/7. Pensions Auto Enrolment**

The Director of People and Organisational Development reported upon the position in respect of pension's auto enrolment following the Government's recent workplace reforms. She advised that all staff were encouraged to join a pension scheme, namely:

- The Firefighters' Pension Scheme (for both wholetime and retained staff);
- Local Government Pension Scheme (for non-uniformed staff); or,

It was noted that staff were required to auto enrol within a pension scheme as a result of these reforms but could decide to opt out up to 3 years following this. There was a cost associated with this for the Service which was in the region of an additional £531,000 if all staff decided to remain within a scheme once auto enrolled in August 2013. As a result, the position had been carefully reviewed and a decision had been made to include half of this amount within the budget for 2012/13.

Reference was made to the funds within the pension scheme and if individuals had a choice as to how these were invested. The Director of People and Organisational Development stated that she would ask the Treasurer to the Authority to respond separately on this matter.

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

The meeting started at 10.00hours and finished at 11.40hours

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

6 July 2012

Present:-

Councillors Brooksbank, Healey and Leaves.

Apologies:-

Received from Councillors Eastman, Foggin, Fry and Woodman

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

RESOLVED that Councillor Leaves be appointed Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in May 2013.

***CSCPC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 12 January 2012 be signed as a correct record.

***CSCPC/3. Election of Vice Chair**

RESOLVED that Councillor Eastman be appointed Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in May 2013.

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

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

No interests were declared.

***CSCPC/5. Alarm Awards 2012**

The Committee received for information a report of the Director of Service Support (CSCP/12/2) that highlighted the success of the Service at the national Alarm Awards 2012.

The Committee noted that this was the first year in the history of the awards that one organisation had been successful in winning or being runner up in 4 of the 7 categories. The awards received were as follows:

- Winner – People Risk: Phoenix Job Centre Plus Programme – Nick Birt;
- Winner – Strategic Risk: Integrated Risk Management Plan (IRMP) – Jim Holgate;
- Winner – Young Risk Management Achievement of the Year – Dave Church;
- Runner up – Operational Risk: Fire Track Asset Management System – Colin Rockey.

The Committee commended the winners and runner up on their excellent achievement.

***CSCPC/6. Job Centre Plus/Phoenix**

The Committee received for information a presentation given by the Director of Service Support at the meeting in respect of the progress made to date with the Job Centre Plus/Phoenix Programme. This Programme was aimed at encouraging 18 to 24 year old people in long term unemployment to realise their potential and to build confidence in themselves.

It was noted that there had been 8 courses completed to date and that an additional 4 courses were in progress. There had been 105 students of which 96 had completed the course. Of these, 75% of the students had ended up in employment and the remaining 25% had re-engaged with the Job Centre and wished to seek employment.

The Head of Community Safety referred to a course that had recently finished at Bridgwater with a 100% completion rate. Of the candidates, 2 had been offered a job directly on completion of the course. He added that there were now 4 other fire and rescue services running Job Centre Plus schemes and EDF had expressed an interest in the principles of the Scheme for planned recruitment purposes.

***CSCPC/7. National Road Safety Day**

The Committee received for information a presentation given by Nigel Flowers (Devon County Council) and Laura Vincent (Road Traffic Collisions Reduction Officer) on the projects the Service had been working on as part of the Road Safety Partnership such as The Honest Truth and Learn 2 Live re-filming and websites.

The Committee noted that Learn 2 Live was one of the road safety campaigns which was a travelling roadshow aimed at reducing the number of young people killed or seriously injured on our roads. This event enabled the Service to talk to young people about the importance of taking care whilst driving and highlights the impact of careless driving.

"The Honest Truth" was a campaign about working together in partnership to get the messages across that 'small changes save lives'. A new Resource Booklet had been completed to give the information needed to back up the key messages for educational establishments such as schools and colleges to pass on to students during their lessons. A new series of exciting posters had also been developed together with a dedicated website and in-car resources to help promote discussion around "The Honest Truth" messages during lessons. This information was displayed at the meeting for information.

Reference was made in particular to a new application for mobile telephones – PANIC – aimed at giving young people information on what to do in the event of an accident or incident that was being launched by the Road Safety Partnership. It was hoped that this would be successful given the current youth interaction with mobile applications and this was to receive a public launch shortly.

***CSCPC/8. Olympic Games - Service Preparations for the Sailing Event**

The Committee received for information a presentation given by the Director of Service Support in respect of the planning and preparatory work being undertaken for the Olympic Sailing Event in Weymouth in July 2012.

It was noted that the Service was to be represented at the Sailing Event by the USAR team headed up by Group Manager Colin Rockey. Colin updated the Committee on the progress made to date with the support arrangements. He stated that there were 3 main agencies involved in this, namely:

- Dorset Fire and Rescue Service;
- Devon and Somerset Fire and Rescue Service (USAR), and;
- National CFOA Resilience Forum.

The event, which was to be based at the old naval station at Portland Bill, involved:

- 380 athletes;
- 61 nations;
- 264 boats of differing sizes;
- 600 officials;
- 400 support boats;
- 50 security boats, and;
- 5000 expected spectator boats.

There would be live media global broadcasting of the sailing event and as a result, the preparation and response arrangements needed to be right. It was envisaged that there may be up to 10,000 visitors per day for the sailing events and whilst the fact that there was only one road into and out of Weymouth was good from a security perspective, this would provide challenges in terms of traffic movement.

The Committee noted that, although the Service was providing its support to this prestigious event from 28 July 2012 to 12 August 2012, it would not be committing all of its personnel in USAR to it in the event of other incidents occurring during the same period.

***CSCPC/9. Fire Angels Project**

The Committee received for information an update given by the Director of Service Support in respect of the progress made with the replacement of smoke detectors that had already been fitted to premises but had been deemed to be not fit for purpose as a result of potential problems with the battery and fixings.

The Head of Community Safety advised the Committee that the Senior Management Board had taken the decision to replace 4774 of the smoke detectors already installed as a precautionary measure and had given an instruction to staff as to how these should be fitted in the future. In addition, the Service had written to all of the premises to which the smoke detectors had been fitted to offer a replacement. 650 visits had already been requested and of these, 204 had already been replaced.

The Committee noted that the Service was now working with the Chief Fire Officers' Association (CFOA) in respect of an end user specification for a new product in the future.

***CSCPC/10. Engaging with Private Rented Landlords**

The Committee received for information an update given by the Director of Service Support in respect of the progress made with engaging with landlords in respect of the provision of smoke alarms for private rented stock.

The Head of Community Safety advised the Committee that the existing legislation did not make provision for landlords to fit smoke alarms to privately owned accommodation as compulsory. A Private Members' Bill had been pursued by Adrian Sanders MP but this had not been supported by Government. It was estimated that 14% of premises did not have a smoke alarm fitted and that 55% of fires occurred at these premises. As a result, the Service was working together with private industry and with the Chartered Institute of Housing and a sponsorship deal had been set up with ICreate to develop a product accordingly. It was hoped that this work would be realised in September 2012.

***CSCPC/11. Inter Agency Liaison Officers**

The Committee received for information a presentation given by the Director of Service Support at the meeting on the role of the Inter Agency Liaison Officers (ILOs).

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

The meeting started at 10.00hours and finished at 12.27hours

AUDIT AND PERFORMANCE REVIEW COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

19 July 2012

Present:-

Councillors Dyke, Healey (vice Gribble), Mills, Radford, J D Smith and Way

Apologies:-

Councillors Burridge-Clayton and Gribble

***APRC/32. Election of Chair**

Councillor Mills nominated, with Councillor Healey seconding, Councillor Radford.

Councillor Dyke nominated Councillor Way but this nomination fell through lack of seconder, whereupon it was

RESOLVED that Councillor Radford be elected Chair of the Committee until its first meeting after the Annual Meeting of the Authority in 2013.

***APRC/33. Minutes**

RESOLVED that the Minutes of the meeting held on 10 May 2012 be signed as a correct record.

***APRC/34. Declarations of Interest**

Members were invited to declare any disclosable pecuniary interests they might have in relation to items on the agenda for this meeting.
No such interests were declared.

***APRC/35. Election of Vice-Chair**

RESOLVED that, his being the only nomination, Councillor Way be elected Vice-Chair of the Committee until its first meeting after the Annual Meeting of the Authority in 2013.

***APRC/36. Performance Report: April 2011 - March 2012**

The Committee considered a report of the Deputy Chief Fire Officer (APRC/12/5) on the performance of the Service during the last year (April 2011 to March 2012) against those measures contained in the approved Corporate Plan 2011/12 to 2013/14. The Deputy Chief Fire Officer reported that, following publication of the agenda for this meeting, the national fire statistics monitor for 2011/12 had been issued. This indicated, amongst other things, that the total number of fire fatalities in England in 2011/12 was, at 304, 8% fewer than in the previous year and some 34% fewer than ten years previously.

In looking at the Service performance over the last twelve months, the following issues were highlighted:

- **Measure 1 (Fire deaths where people live)** – whilst performance was not as good as the previous year (7 deaths as against 5), the overall target to maintain a downward trend was being met and there had been a 36% reduction in deaths since combination in 2007;

- **Measure 2 (Fire Injuries where people live)** – performance in this area was not to target (an upward rather than downward trend) although, in relation to the population and number of dwellings for the area served, the overall numbers – at 71 - were still very low and the Service was examining this area in greater detail with a view to identifying and implementing remedial measures;
- **Measure 3 (Fire Incidents where people live)** – performance was on target (a downward trend), with a 14% overall reduction since combination, 10% of which was secured last year;
- **Measure 4 (Fire deaths where people work/visit)** – although four fatalities had been recorded last year, these all related to the M5 collision in November and it could be that, once the coroner's report had been issued, this figure could reduce should any of the fatalities be linked to collision rather than fire. There had, however, been no fire deaths in non-domestic properties, a considerable achievement given that tourism was one of the main industries for the area;
- **Measure 5 (Fire injuries where people work/visit)** – performance was on target (a downward trend) which, again, was felt to be a considerable achievement given the impact of tourism on the area;
- **Measure 6 (Fire incidents where people work/visit)** – performance was on target, with a 25% reduction having been secured since combination;
- **Measures 7 and 8 (Emergency response standards, fires and road traffic collisions)** – whilst these were not performing to target (a downward rather than upward trend), attendance times (71.63% first attendance within ten minutes for fires; 80.02% first attendance within fifteen minutes for road traffic collisions) nonetheless represented a considerable achievement given difficulties associated with the rurality of both Devon and Somerset and other factors impacting on attendance at road traffic collisions (e.g. correct incident location);

RESOLVED that the report be noted and all concerned thanked for their efforts in seeking to ensure continuous improvement by the Service against the targets set.

***APRC/37. Annual Report 2011/12**

The Committee received a presentation by the Deputy Chief Fire Officer on production of an Authority annual report. The report would echo the format of the Authority Corporate Plan and would highlight successes of the Service since combination and over the last twelve months in particular. It would also, as necessary, refer to areas where lessons had been learned and improvements could be secured.

It was intended to submit the draft Annual report to the forthcoming Authority meeting on 30 July with a view to publication of the approved version in August.

***APRC/38. Audit Commission Progress Report**

The Committee received for information a report prepared by the Audit Commission and detailing progress on its work both with the Authority and highlighting key emerging national issues. The report covered, amongst other things:

Local Issues

- Audit of the Authority's financial statements for the year ended 31 March 2012;

- Conclusion of the Value for Money work on medium-term financial planning which it was intended would be reported to the September meeting of the Resources Committee.

Key Emerging National Issues

- Outsourcing the work of the Audit Practice (Grant Thornton would, on 1 September 2012, take on responsibility for auditing the Authority's financial statements for 2012/13 and going forwards);
- An update on the residual Audit Commission;
- The National Fraud Initiative and the scale of fees for this Authority of undertaking the work in 2012/13, which had been frozen at the 2010/11 level
- The development of a unified set of UK-wide Public Sector Audit Standards based on the mandatory elements of the Chartered Institute of Internal Auditors International Professional Practices.

(SEE ALSO MINUTE *APRC/40 BELOW).

***APRC/39. Audit and Review 2012/13 1st Quarter Progress Report**

The Committee received for information a report of the Audit & Review Manager (APRC/12/6) on work finalised as part of the 2011/12 Audit Plan, progress against the 2012/13 Plan and details on the key findings and recommendations for improvements arising from the recent audit reviews of:

- fitness testing;
- resilience (Urban Search and Rescue);
- Call Reduction;
- the High Potential Leadership Scheme; and
- fleet maintenance.

The report also identified follow-up work undertaken by the section in 2011/12 against audits initially completed in 2010/11. Such follow up work was ongoing and involved a mixture of commentary, scrutiny and advice by the Audit and Review Section together with necessary remedial action by the area subject to the audit. In examining this area, Members asked in particular to receive at the next meeting progress reports in relation to the audits of procurement, P-cards and provision and use of work equipment.

***APRC/40. Draft Statement of Accounts 2011/12**

The Authority received for information a report of the Treasurer (APRC/12/7) to which was appended, in the format required by the International Financial Reporting Standards (IFRS), the Authority's Statement of Accounts for 2011/12. The Treasurer drew particular attention to the following four key statements to be considered as part of the accounts:

- the Comprehensive Income and Expenditure Statement (CIES);
- the Movement in Reserves Statement (MIRS);
- the Balance Sheet; and
- the Cash Flow Statement.

Each of these areas was expanded on in the report.

The Accounts and Audit Regulations 2011 required the draft Statement of Accounts to be prepared and certified by the Chief Finance Officer as a true and fair record by 30 June each year; and formally be approved by the Authority, following audit, by 30 September each year. The 2011/12 accounts were presented to the Committee at this stage as a matter of good practice and would be submitted for formal approval, following audit, at the meeting scheduled for 24 September 2012.

(SEE ALSO MINUTE *APRC/38 ABOVE AND *APRC/41 BELOW)

***APRC/41. Draft Annual Governance Statement 2011/12**

The Committee considered a report of the Chief Fire Officer and Treasurer to the Authority (APRC/12/8) to which was appended a draft Annual Governance Statement to accompany the Authority's 2011/12 accounts.

The report outlined the current standing of the Authority's corporate governance arrangements, detailed progress against those significant internal control issues identified in the 2010/11 Annual Governance Statement together key changes since that Statement and identified significant governance issues to be addressed during 2012/13.

RESOLVED

- (a) that the current position resulting from addressing the identified areas of required activity in the 2010/11 Annual Governance Statement, as set out in Appendix A to this report, be noted;
- (b) that the draft Annual Governance Statement required to accompany the 2011/12 final accounts, as set out in Appendix B to this report, be approved in principle at this stage and – subject to incorporation of any amendment following audit of the Authority's accounts for 2011/12 – submitted to the September meeting of the Committee for ratification.

(SEE ALSO MINUTE *APRC/40 ABOVE)

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

The meeting started at 10.00hours and finished at 11.20hours.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/18
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	CHANGES IN AUTHORITY COMMITTEE MEMBERSHIPS
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p><i>That the Authority:</i></p> <ul style="list-style-type: none"> <i>(a) determines an appointment to fill the current vacancy on the Human Resources Management and Development Committee; and</i> <i>(b) approves the appointment of Councillor Bakewell MBE to the vacancy on the Community Safety and Corporate Planning Committee resulting from the resignation of Councillor Woodman</i> <p><i>with the term of office for both appointments to be until the Annual Meeting of the Authority in May 2013.</i></p>
EXECUTIVE SUMMARY	<p>At its Annual Meeting on 30 May 2012 the Authority made appointments to Committees, outside bodies etc. for the current (2012/13) municipal year. Since that time - and as a result of a change in political balance for Devon County Council – Councillor Rodney Cann has been replaced on the Authority by Councillor Jim Knight.</p> <p>This has resulted in a vacancy on the Authority’s Human Resources Management and Development Committee (to which Councillor Cann was appointed in May). The Authority is now invited to nominate a Member to fill the vacancy.</p> <p>Additionally, since the Annual Meeting Councillor Woodman has indicated that, following his appointment to the Commercial Services Committee, he wishes to resign from the Community Safety and Corporate Planning Committee. It is understood that Councillor Bakewell MBE is prepared to take up the vacancy on the Community Safety and Corporate Planning Committee.</p>

RESOURCE IMPLICATIONS	N/A
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	N/A
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Nil.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/19
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	AUTHORITY ANNUAL REPORT
LEAD OFFICER	Chief Fire Officer
RECOMMENDATIONS	<i>That, subject to any amendments that may be indicated at the meeting, the Authority approves the appended Annual Report for publication during August.</i>
EXECUTIVE SUMMARY	<p>Enclosed with the agenda for this meeting (and page numbered separately) is a draft copy – printed in black and white - of the Authority's Annual Report. This document echoes the format of the Authority Corporate Plan and highlights successes of the Service since combination and over the last twelve months in particular.</p> <p>It also, as necessary, refers to areas where lessons have been learned and improvements demonstrated. Subject to approval, it is intended to publish the full-colour Report for widespread circulation including partner organisations, parish councils and the general public (via hard-copies in libraries and electronic publication on the Authority's website).</p>
RESOURCE IMPLICATIONS	Costs associated with publication and distribution of the final approved document will be contained from within existing resources.
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	N/A
APPENDICES	Draft Annual Report (page numbered separately and enclosed with the agenda for this meeting).
LIST OF BACKGROUND PAPERS	Nil.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/20
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	DRAFT CORPORATE PLAN CONSULTATION TIMESCALE
LEAD OFFICER	Director Of Corporate Services
RECOMMENDATIONS	<i>That the report be noted</i>
EXECUTIVE SUMMARY	<p>Consultation on the Draft Corporate Plan has traditionally taken place over a twelve week period between October and December. Due to the current national economic position and the continued expectations of budget savings from the public sector, it is important that the Authority has knowledge of its level of Government Grant so that it has the opportunity to adjust its plans accordingly.</p> <p>Consequently, it is proposed to await the grant announcement – anticipated for the beginning of December 2012 – prior to finalising the content of the next iteration of the Corporate Plan for consultation purposes.</p>
RESOURCE IMPLICATIONS	Nil
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	This will be considered in conjunction with the proposals for the Draft Corporate Plan and associated consultation period.
APPENDICES	Nil
LIST OF BACKGROUND PAPERS	Nil

1. BACKGROUND

- 1.1 The Corporate Plan is a product of the annual planning cycle. This plan presents the key activities that ensure the Authority has the right resources in the right place being used efficiently and effectively. The Corporate Plan also incorporates the needs of Integrated Risk Management Planning (IRMP); the proposed service delivery changes are incorporated upon which the community and stakeholders are invited to comment through various methods of consultation.

2. PUBLIC SECTOR BUDGET SAVINGS

- 2.1 Due to the current national economic position and the expected savings required from the public sector, it is considered the Authority may wish to know the level of government grant prior to finalising the content of the next iteration of its Draft Corporate Plan and commencing consultation.
- 2.2 This will provide a better opportunity for a more meaningful and informed consultation on realistic proposals shaped by all relevant factors including financial constraints. Conversely, if the Authority consults on the Draft Corporate Plan prior to the Government Grant announcement there is a risk that any proposed changes may not appropriately reflect all relevant considerations.
- 2.3 The announcement of the government grant is not expected until the beginning of 2012, currently estimated at 6 December.

3. CONSULTATION PERIOD

- 3.1 In previous years, the Authority has consulted on the Draft Corporate Plan during the period of October to December. This timescale, as indicated above, does not allow any proposed changes to be informed by the Government Grant announcement.
- 3.2 The Authority will need to determine the consultation methodology and the start date for consultation at a future meeting. It is currently anticipated that the Draft Corporate Plan will be presented to the Authority for approval in December followed by an appropriate period of consultation, informed by relevant guidance and which is proportionate to the level of change being proposed.

MIKE PEARSON
Director of Corporate Services

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	DSFRA/12/21
MEETING	DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (CLG) CONSULTATION PAPERS
	Treasurer to the Authority
RECOMMENDATIONS	<p><i>That publication by the Department for Communities and Local Government (CLG) of the following two consultation documents be noted, and the Treasurer authorised to respond on behalf of the Authority (following e-mail consultation with Members):</i></p> <ol style="list-style-type: none"> 1) <i>Business Rates Retention – Technical Consultation.</i> 2) <i>Draft Local Audit Bill - A consultation.</i>
EXECUTIVE SUMMARY	<p>The CLG has recently published two consultation documents providing an invitation for the Authority to respond to the questions raised within each document.</p> <p>The first consultation relates to the <i>Business Rates Retention Scheme</i>, and seeks views on a range of detailed and technical issues concerning the transition from the current formula grant system and the initial implementation of the business rates retention scheme from April 2013. This consultation period runs until the 24 September 2012.</p> <p>The second consultation is the <i>Draft Local Audit Bill</i>, which sets out the proposed new audit framework for local public bodies, the process for the appointment of auditors, and the regulatory framework for local public audit. This consultation runs until the 31 August 2012.</p> <p>Given that the next scheduled meeting of the Fire Authority is not until November 2012, this report proposes that formal responses to both consultations are drafted by the Treasurer and circulated to Members electronically in order that each of the consultation deadlines can be met.</p>

RESOURCE IMPLICATIONS	Whilst the proposals within the consultation may have potentially significant financial consequences for the Authority, there are no financial issues apparent in providing a response to the consultations.
EQUALITY IMPACT ASSESSMENT	There are no differential impacts on any particular section of the Community arising from this report.
APPENDICES	None
LIST OF BACKGROUND PAPERS	Full consultation papers are available: http://www.info4local.gov.uk/documents/consultations/2183244 http://www.info4local.gov.uk/documents/consultations/2175065

1. INTRODUCTION

- 1.1 The Department for Communities and Local Government (CLG) has recently published two separate consultation documents, each of which invites a response from the Authority to the specific questions raised.
- 1.2 The first consultation relates to the implementation of the new Business Rates Retention Scheme which will radically change the way local authorities are funded from 2013-14. The new proposed system will allow local authorities to retain local business rates collected, rather than the current system whereby business rates are paid to the government and then redistributed by way of formula grant. This consultation seeks views on a range of detailed and technical issues concerning the transition from the current formula grant system and the initial implementation of the business rates retention scheme.
- 1.3 The second consultation relates to the Draft Local Audit Bill which following the government decision to disband the Audit Commission sets out the proposed new audit framework for local public bodies, the process for the appointment of auditors, and the regulatory framework for local public audit.
- 1.4 Given the significance of both issues the Authority will no doubt wish to respond to both consultations. However given that the next scheduled meeting of the Fire Authority is not until 5 November 2012, which is after the deadline dates for both documents, it is proposed that formal responses to both consultations are drafted by the Treasurer and submitted on behalf of the Authority following consultation (electronically) with Members. The only other practical option would be to hold a special meeting of the Fire Authority at the end of August 2012.

2. BUSINESS RATES RETENTION SCHEME – A TECHNICAL CONSULTATION

- 2.1 This consultation seeks views on a range of detailed and technical issues concerning the transition from the current formula grant system and the initial implementation of the business rates retention scheme from April 2013. It will be of particular interest to local authority finance departments.
- 2.2 Business rates retention is at the heart of the Government's reform agenda and will help achieve two of Government's key priorities: economic growth and localism.
- 2.3 Under the current system Non-domestic rates – or business rates as they are commonly known – are collected by local government, pooled centrally by the Government and redistributed to local authorities as central government grant. This nurtures a culture of dependency on central government and means that there is no direct financial benefit to councils who succeed in growing their local economy.
- 2.4 The principal driver behind the rates retention scheme is to provide a strong incentive for local authorities to change their behaviours and go for growth, whilst ensuring all local authorities have adequate resources to provide services to local people. It will give authorities every possible reason to use the influence they have over planning, investment in skills and infrastructure and their relationship with local businesses to create the right conditions for local economic growth.
- 2.6 In December 2011, following wide consultation, firm proposals for the business rates retention scheme were published⁶ and at the same time the Government introduced a Local Government Finance Bill to give effect to the proposals.

- 2.7. This technical consultation covers, in detail, the issues needed for the one off transition from formula grant and the practical implementation of the scheme. It focuses in particular on how the Government proposes to calculate local authority *start-up funding allocations* and *baseline funding levels* as well as other parameters which are required for the set up and operation of the scheme. Transitioning from the current complicated arrangements inevitably means there is a degree of complexity to the set-up of the new scheme.
- 2.8. Once the new scheme is set-up, however, authorities will know what proportion of business rates they can keep, how much they are to pay as a *tariff* or receive as a *top-up*, the rate at which their growth will be levied and the floor below which the *safety net* will prevent their retained rates income from falling. All of these parameters will be fixed until 2020, providing into the future a reformed system securing a simple, clear incentive to go for growth.
- 2.9. A summary document *Local Government Resource Review: Proposals for Business Rates Retention – A Plain English Guide* is attached to this report as Appendix A.

3. DRAFT LOCAL AUDIT BILL

- 3.1. In August 2010 the Government announced its intention to disband the Audit Commission, transfer the work of the Audit Commission's in-house practice to the private sector and put in place a new local audit framework. In this framework, local bodies would be able to appoint their own auditors from an open and competitive market. A robust regulatory framework would be established, ensuring that high standards of auditing continue to be upheld.
- 3.2. The reforms to local audit complement and enhance the Government's programme to make councils more open and accountable to the electorate by increasing transparency at these bodies. Importantly, the reforms proposed in this draft Bill will protect the rights of taxpayers to inspect the accounts and raise objection to the statement of accounts if they think there are matters that the auditor should report on in the public interest, or items of unlawful spending or ensuring that local people can continue to use this mechanism to hold their local bodies to account.
- 3.3. The Government also intends to give greater force to the code of recommended practice on local authority publicity by putting compliance with the code on a statutory basis. They will publish proposals on this separately in due course and will seek to legislate at the earliest opportunity.
- 3.4. Between March and June 2011 the Government consulted on its proposals for the new audit framework. More than 450 responses were received, and the Government response to the future of local audit consultation was published in January 2012. This set out the key themes and views that were raised by the consultation, and what the Government now proposes for the audit of principal local public bodies (bodies with an annual turnover above £6.5m). A copy of the Government response is available at: <http://www.communities.gov.uk/publications/localgovernment/localauditgovresponse>

- 3.5 This draft Local Audit Bill abolishes the existing regime and sets out the proposed new audit framework for local public bodies which were previously covered by the Audit Commission regime. It sets out the process for the appointment of auditors, and the regulatory framework for local public audit. A full explanation of the policy content of the draft Bill can be found in Chapter 2: Policy Overview, along with consultation questions on the clauses. The draft Bill should also be read in conjunction with the Explanatory Notes at Chapter 6.

4. SUMMARY AND RECOMMENDATIONS

- 4.1 This report provides an overview of the proposals contained in two recent CLG consultation documents.
- 4.2 Given the fact that the next meeting of the Fire Authority will be held in November, after the deadline for submissions of responses to both consultations, it is proposed that to meet the deadlines the submission of the Authority responses be delegated to the Treasurer following consultation (electronically) with Members.
- 4.3 If Members are minded to agree to this proposal it would avoid the need to hold a special meeting of the Fire Authority towards the end of August 2012 to specifically approve the draft responses.

KEVIN WOODWARD
Treasurer to the Authority

Local Government Resource Review: Proposals for Business Rates Retention

A Plain English Guide

Why are we changing the system?

Government wants to give councils more freedoms and flexibilities. This is since we want to reduce Whitehall interference and give more power to local people. We also want to give councils stronger incentives to create and support local jobs and local firms.

The local government finance system is one of the most centralised in the world with councils getting more than half of their income from a central government grant. Under the existing system all businesses - shops, offices, warehouses and factories - pay a tax to their local council (called business rates). Although the local council collects the bills, it doesn't keep the money. It goes into a Treasury pot and is then redistributed back to local authorities, via an extremely complex formula.

There are a number of problems with the current scheme. It fails to reward local authorities for increasing new business in their area. No matter how many new businesses start up in their locality, councils don't get a penny extra. They could even lose out for having to stump up the cost of providing additional services to new companies. Instead of encouraging businesses, the system encourages a 'begging bowl' mentality with councils looking to be rewarded for being worse off. It's a system in need of reform.

Government's proposals will shift more financial power from Whitehall to the town hall allowing councils far greater influence over the money they earn. Overall, councils will now get to keep 50 per cent of what they earn giving them a real incentive to go for growth and encourage enterprise and job creation. It has been estimated that these reforms could boost economic growth by £10 billion over the next seven years. If economic activity increases, the total amount of money raised from business rates will grow too. This means there will be more money 'in the pot' both for prosperous councils and to support less well-off areas.

They will also have much greater flexibility to pool their business rates to encourage growth across their areas. And the scheme also enables local authorities to borrow money against future business rate growth to fund infrastructure projects in their area.

Meanwhile, councils that struggle to increase their business will have protection for basic services. And all local authorities will now have much greater certainty about their budgets over a longer period of time - allowing them to plan ahead.

How will the new scheme work in practice?

Instead of business rates going straight into the Treasury coffers without touching the sides of the local authorities, town halls will now get to keep a proportion of their hard earned cash. But the reality is that some wealthier authorities earn more in business rates than they used to receive from the current formula grant. While there are other authorities who earn much less.

So Government is levelling the playing field through a mixture of "top-ups" and "tariffs". In the first instance, Government will calculate a funding level for every local authority for 2013/14. Should a local authority receive more in business rates than its funding level then Government will pocket the difference (the "tariff"). This will be used entirely to "top up" local authorities who receive less than their funding level. Government intends that this will be fixed for seven years.

Once underway the scheme allows councils to keep 50 per cent of the additional funds they generate. But without adjustment the scheme would be weighted towards richer authorities. This is because, for a comparatively small investment in growth, councils with a large amount of business property can gain large increases in their revenue. Whereas hard-pressed councils who put a lot in would get comparatively little out.

For example, in an authority with business rates income of £100 million and funding level of £50 million, a 5 per cent increase in business rates income produces a 10 per cent increase in income compared to its funding level. A town hall with a different rate base (£10 million) and the same funding level (£50 million), would find the same 5 per cent increase in rates income only produces a 1 per cent increase in income compared to its funding level.

So Government is evening up the odds to encourage enterprise in councils whatever their resources. Where a council's increase in revenue outstrips the increase in its funding level. Government will again take the difference through a levy. So if an authority grows its rates by 2 per cent and its funding level growth is 4 percent, it will get to keep 2 per cent of that growth. However, this money will still be ploughed back into local authorities. In this case it will be used as a shock absorber to protect other authorities that see their income drop to a particular level, for example, as a result of big business going under. Government is consulting on where between 7.5 per cent and 10 per cent this level should be set.

What do these proposals mean for you?

Local residents - should see greater investment in local services as authorities see their business rates revenue increasing. Equally, spending is protected even if it suffers a significant decrease in its business rates revenue.

Businesses will see no change in the way their business rate bills are calculated. But they will have more influence on council's decisions, including their budget as the council's income is directly linked to the successful of businesses in its areas.

Charities and voluntary groups which currently receive tax relief on their bills will see no change, as such relief will continue.

Councils will have much greater incentive to grow businesses in their areas and much greater certainty about their future funding - allowing them to plan ahead, manage risk, budget for the long term and plan for worst case scenarios. They will also want to work more closely with the Valuation Office Agency (the body which helps calculate the amount of business rates that firms should pay) to ensure local firms are having their properties valued correctly and paying the right amount of tax.

Developers will find a more conducive atmosphere with councils actively seeking to encourage appropriately-sited and well-planned non-residential development. This is especially true of new renewable energy projects that start paying business rates from year one.

The *police authority* will not be affected by fluctuations in business rates in your area.

All *single purpose fire and rescue authorities* will be funded through a two percentage share of each district or borough council's business rates income. They will receive a top-up to bring their funding up to their funding level.

More information about business rates

Information on how business rates bills are currently calculated can be found at

<http://www.businesslink.gov.uk/bdotg/action/layer?r.i=1080387285&r.l1=1086951342&r.l2=1087348731&r.l3=1081626979&r.l4=1080387124&r.s=m&r.t=RESOURCES&topicId=1081626979>.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	DSFRA/12/22
MEETING	DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	COUNCIL TAX REDUCTION DRAFT SCHEMES – CONSULTATION WITH MAJOR PRECEPTING AUTHORITIES
	Treasurer to the Authority
RECOMMENDATIONS	<p><i>(a) That the Authority notes the content of the two separate consultation documents relating to Council Tax Reduction Scheme Design received from Somerset District Councils and Devon Billing Authorities and indicates that at this stage the Authority has no significant issues.</i></p> <p><i>(b) That, for the final scheme designs expected to be issued in October 2012, the Treasurer be authorised to respond on behalf of the Authority following e-mail consultation with the Members.</i></p>
EXECUTIVE SUMMARY	<p>The Government is replacing the existing Council Tax benefits scheme with a local Council Tax Reduction Scheme. Currently billing authorities (i.e. the district councils) act as agents for the Department of Work and Pensions (DWP) in administering housing and council tax benefits. The current scheme is not capped nor cash limited.</p> <p>As from 1 April 2013 billing authorities in consultation with the major precepting authorities are expected to design a local Council Tax Reduction scheme which will deal with both eligibility and the basis on which any support is to be calculated. If a local scheme cannot be agreed the default scheme will be put in place which will effectively be the current scheme but without the current level of funding.</p> <p>Included as Appendix A is a report from the Joint Somerset District Authorities which sets out a common set of principles to be adopted to the Council Tax Reduction Scheme in Somerset, and Appendix B a request to consider the set of proposals to be adopted to the Devon scheme. Each of these documents seeks the views of all major precepting authorities before it goes out to public consultation next month.</p>

RESOURCE IMPLICATIONS	The Scheme Design is being constructed on the basis of being cost neutral, however as is highlighted in the report it is not possible to guarantee this to be the case in the future as factors beyond our control e.g. higher than anticipated take up of the scheme, will impact on the amount of precept.
EQUALITY RISKS AND BENEFITS ASSESSMENT (ERBA)	The Somerset Equalities Officers Group (SEOG) has been assisting with advice going through the process. A full Equality Analysis is being undertaken, with each option being appraised for its effect on various groups. This work will continue through the consultation process and SEOG will be working with affected groups to ensure that their views are sought in the final scheme design.
APPENDICES	<p>A. Report to Major Precepting Authorities on the Council Tax Reduction Schemes in Somerset.</p> <p>B. A request on behalf of the Devon County Benefit Group for the Devon Scheme to be considered.</p>
LIST OF BACKGROUND PAPERS	

1. BACKGROUND AND PROPOSALS

- 1.1 The Government is replacing the existing Council Tax benefits scheme with a local Council Tax Reduction Scheme. Currently billing authorities (i.e. the district councils) act as agents for the Department of Work and Pensions (DWP) in administering housing and council tax benefits. The current scheme is not capped nor cash limited. As from 1 April 2013 billing authorities in consultation with the major precepting authorities are expected to design a local Council Tax Reduction scheme which will deal with both eligibility and the basis on which any support is to be calculated. If a local scheme cannot be agreed the default scheme will be put in place which will effectively be the current scheme but without the current level of funding. The financial impact of reverting to the default scheme would be a loss of precept funding to this Authority of approximately £0.650m per annum.
- 1.2 Each billing authority will continue to assess claims resulting in a discount being applied to a claimant's council tax bill. The components of the proposed scheme outlined in this report will reduce or increase the support each claimant will receive.
- 1.3 Grant aid for the scheme will be distributed through Revenue Support Grant to each of the major precepting authorities. Billing authorities will amend the tax base for 2013/14 and beyond to introduce a "discount" that will reduce the overall tax base. This may result in a budget shortfall for precepting authorities. There are other risks that will need to be factored in such as the impact on the arrears rate and also fluctuation in take up and entitlement. It is unlikely that the tax base will accurately reflect this fully at least in the first year which will mean that fluctuations will impact on the collection fund through surpluses and deficits.
- 1.4 The government has protected pensioners from the effects of any changes in the scheme. The grant for the scheme will also cover at best 90% of the cost. This means that if the scheme is to be cost neutral within the grant allocated the savings that need to be shared amongst the other claimants will be more than the 10% reduction in grant. The Government has given further guidelines regarding vulnerable groups and also an aspiration to ensure that there are incentives built into the scheme to encourage claimants into employment.
- 1.5 In both counties of Devon and Somerset all of the billing authorities within each county have come together to adopt a joint approach in the design of the new scheme under a set of common principles.
- 1.6 As a major precepting authority Devon and Somerset FRA will be impacted by the changes, and as such it is being asked to make any representations on the proposed Council Tax Reduction Schemes for both counties.
- 1.7 Appendix A provides a report from the Joint Somerset District Councils which sets out the common set of principles to be adopted in the Somerset scheme, and Appendix B provides a request on behalf of the Devon County Benefit Group (all Devon billing authorities) for the Authority to consider a common set of principles to be adopted to the Devon scheme.
- 1.8 The government timetable for the introduction of the new scheme is extremely tight and any views from this Authority need to be made by 3 August 2012.

- 1.9 Following public consultation during the summer the Authority will again be consulted on the final scheme design for both counties, expected to be in October 2012. Given that the next scheduled Fire Authority meeting is not until November 2012 it is proposed that the Treasurer be authorised to respond on behalf of the Authority to consultation on the final schemes, following consultation (electronically) with Members.
- 1.10 It is welcomed that in both counties the billing authorities have worked together on this difficult issue which has resulted in two consultation documents, rather than several.
- 1.11 At this stage it is recommended that Authority notes the content of each scheme design and indicates that it has no significant issues with the proposals.

KEVIN WOODWARD
Treasurer to the Authority



Report to Major Precepting Authorities on the Council Tax Reduction Schemes in Somerset

Purpose of Report

To seek the views of the major precepting authorities Somerset County Council, Avon and Somerset Police Authority, and Devon and Somerset Fire and Rescue Authority on the Council Tax Reduction Schemes for the Somerset Districts (South Somerset District Council, Mendip District Council, West Somerset District Council, Taunton Deane Borough Council, and Sedgemoor District Council)

Recommendations

That the Devon and Somerset Fire and Rescue Authority consider the principles and components of the Council Tax Reduction Schemes proposed by the Somerset District Authorities and make any representations that they wish to be considered by the district authorities before the planned public consultation takes place.

Background

The Government is replacing the existing Council Tax benefits scheme with a local Council Tax Reduction Scheme. Currently billing authorities (i.e. the district councils) act as agents for the Department of Work and Pensions (DWP) in administering housing and council tax benefits. The current scheme is not capped nor cash limited. As from the 1st April 2013 billing authorities in consultation with the major precepting authorities are expected to design a local Council Tax Reduction scheme which will deal with both eligibility and the basis on which any support is to be calculated. If a local scheme cannot be agreed the default scheme will be put in place which will effectively be the current scheme but without the current level of funding.

Each billing authority will continue to assess claims resulting in a discount being applied to a claimant's council tax bill. The components of the proposed scheme outlined in this report will reduce or increase the support each claimant will receive.

Grant aid for the scheme will be distributed through Revenue Support Grant to each of the major precepting authorities. Billing authorities will amend the tax base for 2013/14 and beyond to introduce a "discount" that will reduce the overall tax base. This may result in a budget shortfall for precepting authorities. There are other risks that will need to be factored in such as the impact on the arrears rate and also fluctuation in take up and entitlement. It is unlikely that the tax base will accurately reflect this fully at least in the first year which will mean that fluctuations will impact on the collection fund through surpluses and deficits.

The government has protected pensioners from the effects of any changes in the scheme. The grant for the scheme will also cover at best 90% of the cost. This means that if the scheme is to be cost neutral within the grant allocated the savings that need to be shared amongst the other claimants is approximately 25% across Somerset. The Government has given further guidelines regarding vulnerable groups and also an aspiration to ensure that there are incentives built into the scheme to encourage claimants into employment.

Consultation to Date

In our consultation with your officers to date the overwhelming requirement has been that any scheme design should not impact on your budget. This would mean that we should aim for the passported grant to cover the reduction in tax base to ensure that this does not result in a budget deficit. However, even with this aim, we cannot guarantee that there will not be a budget deficit if factors beyond our control such as higher than anticipated take up of the new discount scheme come into play.

Representation

We will have made this report available to your officers by the 20th July 2012 to enable them to start to consider any representations you may wish to make. Any representations you make can be considered until the 3rd August 2012. Responses will be made to you by 9th August. The Somerset authorities will then commence the public consultation period from the 9th August until the 5th October 2012.

Components of the Scheme

The Somerset Districts have been working together on some common scheme principles. Annex A shows a quick summary of the components being considered by each authority.

A consultation questionnaire will be available to residents online as well as a paper version. We will also be working with our Equalities Officers to ensure that we collect the views of all groups.

The design of the scheme in the main follows the following seven key principles:

1. Everyone should contribute something towards council tax to help pay for services provided by each Somerset district council, Somerset County Council, Avon and Somerset Police Authority and Devon and Somerset Fire and Rescue Authority)
 - a. This could be achieved by limiting the maximum support a person can receive from 100% to a lower level e.g. 90% or 80% e.g. this means that support may only be received for £900 of a £1,000 council tax bill and a household would have to pay a contribution in this case £100.
 - b. This could be a cap on support at a Band C property.
2. More income should be taken into account in the calculation of Council Tax Reduction support

This could include:

- a. - child benefit
- b. - maintenance for a child paid by a former partner
- c. - rent from sub-tenants and boarders

This could exclude:

- d. - disability living allowance,

3. Greater account should be taken of the collective income of a household
 - a. This means non-dependant adults living in a property could contribute more to Council Tax by increasing the level of non-dependant deduction
 - b. This could mean abolishing Second Adult Rebate. Currently up to 25% reduction on Council Tax is awarded where a second adult in a property has a low income, regardless of how much income and capital the householder has.
4. It should compliment the aims of the new Universal Credit by providing work incentives to encourage people into work, or to increase their hours:-
 - a. The scheme could retain current benefits support for the first four weeks after starting a job (only currently if off work for 26 weeks and receiving passported benefits);
 - b. The amount of money a person can earn before it reduces the level of Council Tax Reduction support could be increased; current levels are
 - i. Single person £5 a week;
 - ii. Couple £10 a week;
 - iii. Lone Parent £25 a week;
 - iv. Disabled person £20 a week.
5. It should provide protection for the vulnerable:
 - a. This could mean continuing to ignore some disability benefits income;
 - b. This could mean continuing to ignore war widows and war disability income;
 - c. This could be by creating a hardship fund, paid for by Council Tax payers, to protect the most vulnerable.
6. The scheme should not create a disincentive to saving for the future, nor penalise those who have already saved.
7. Reductions in the current level of support should be proportionate and remove unfairness in the current Council Tax Benefit Scheme.

Timetable

The timetable we must follow to be successful in approving our schemes is as follows:

Scheme principles agreed	Jul-12
Consultation with precepting authorities	Jul-12
Consideration of representations from major precepting authorities	Aug 12
Public consultation	Aug/Sept/Oct 2012
Review of consultation Responses	Oct-12
Revised scheme completed	Oct-12
Review with precepting authorities	Oct-12
Regulations for scheme produced	Nov-12
Scheme approved through each authority Council meeting	Dec-12
Tax base set for 2013/14	Dec-12
Benefit recipients informed of changes	Jan-13
Budget for 2013/14 set	Feb-13
Council Tax bills produced	Mar-13

The timetable is extremely tight (close to being unrealistically so) if we are to meet the requirements for each authority to set its budget. Our aim is to review with you as major preceptors our final scheme designs in October 2012. This may need to be relatively informal for us to meet the deadlines outlined above so you need to consider now what processes you will need internally to deal with this to meet any constitutional or governance requirements but just as importantly if you want any further representations to be taken into account. If we fail to design a scheme the default will be the current scheme. As you will be aware the consequence will be that all of the major precepting authorities will be required to cover the shortfall in funding as well as transitional arrangements the Government have put in place for future changes means that any savings from a 2014/15 scheme could not be fully implemented until 2015/16.

Risks

The major precepting authorities challenge the design of the "Council Tax Reduction Schemes" leading to a judicial review – this will mean the current scheme along with its costs but not the grant will prevail.

The elected members of our respective authorities may decide to absorb the funding cut, which would expose your organisation to additional budget pressures.

Public consultation shows that the scheme design is unacceptable – we may be able to implement some of the scheme design but a shortfall in grant will impact on budgets.

There could be a challenge from stakeholders regarding the scheme or consultation process – this may mean that we have to return to the default scheme. However consultation and equalities issues have been well thought through.

There could be greater entitlement to the scheme because of a continued deterioration in the economy of Somerset or that there is greater take up by the protected pensioner group or others, who would currently qualify for support but who so far have, for whatever reason, not applied – there has been some room for growth built into the estimates however this remains a continued risk.

The grant cut is greater than 10% - again there is some room for growth within the scheme but this continues to be a risk. As the grant will be funded through Revenue Support Grant it remains a risk that it will be cut year on year.

The costs of the scheme will increase as precepts increase – it is unlikely that the Government grant will. This means the precepting authorities will need to work closely in future in setting precepts to enable us to measure the impact on the scheme.

There is a risk that collection costs will increase as the Districts are billing residents that in some cases have never paid council tax – each District will need to review resources to check that they are adequate.

The arrears rate is likely to increase for each billing authority. This will need to be reviewed for the final scheme design but will affect all major precepting authorities.

If we fail to implement a scheme this year transitional arrangements will prevail which will mean that savings will not be realised if a scheme is introduced for 2014/15 until 2015/16.

At present although there is some room for growth we have not been able to factor in any increases in your precepts. Any increases in council tax will increase the cost of the scheme.

Financial Implications

Across the Somerset authorities the expected reduction in grant including some growth in take up is £4.2 million. The scheme design if implemented is expected to save £4.6 million. However, the authorities must have regard to the results of the public consultation in deciding upon the final design of the scheme that would be implemented. It also needs noting that three of the Somerset Districts have assessed a need but not their financial requirements for a Hardship Fund.

Equalities Impact

The Somerset Equalities Officers Group (SEOG) has been assisting with advice as we have been going through the process. A full Equality Analysis is being undertaken, with each option being appraised for its effect on various groups. This work will continue through the consultation process and SEOG will be working with affected groups to ensure that their views are sought in the final scheme design.

Somerset Districts - Options to be included for consultation Annex A

Proposals	Mendip District Council	Sedgemoor District Council	South Somerset District Council	Taunton Deane Borough Council	West Somerset District Council
Maximum support that can be awarded	80%	80%	75%-80%	75%-80%	70%
Include income from child maintenance	Yes	Yes	Yes	Yes	Yes
Increase in non-dependant deductions	Yes	Yes	Yes	Yes	Yes
Abolish second adult rebate	Yes	No	Yes	Yes	Yes
Increase earned income disregard	Yes	No	Yes	Yes	Yes
Create a discretionary hardship fund	Yes	Yes	Yes	Yes	Yes
Include income from child benefit within the means test	No	No	Yes	No	Yes
Limit support to a Band C council tax	No	Yes	No	No	No
Minimum weekly award of £1	No	Yes	No	No	No
Include income from sub-tenants and boarders within the means test	Yes	No	Yes	No	Yes

DEVON COUNTY BENEFIT GROUP – LOCALISED SUPPORT FOR COUNCIL TAX
Consideration of the scheme by Major Preceptors

Schedule 1A of the Local Government Finance Act 1992 states that a (Billing) authority must consult any major precepting authority which has power to issue a precept to it.

In accordance with the above legislation, the Devon Billing Authorities request that all major precepting authorities within the County formally consider the framework currently being prepared.

As the precepting authorities will be aware, the principles of the Localised Support for Council Tax framework agreed by the group are as follows;

- a. That all Billing Authorities will adopt a support scheme based largely on the existing Council Tax Benefit Regulations 2006. This will essentially be means tested;
- b. As defined by Central Government, all pensioners will be protected under the national framework defined by the Department of Communities and Local Government (DCLG);
- c. Protection for vulnerable working age groups will be in line with the existing Council Tax Benefit system with specific protection given to families and to persons with disabilities;
- d. Each of the authorities' schemes will incentivise work wherever possible;
- e. The schemes will be cost – neutral, with the level of support being directly in line with the level of grant proposed by Central Government (a reduction of 10% of subsidised payment);
- f. The schemes will, as far as possible, also allow for expected growth in demand; and
- g. Where possible each authority will look to reduce the complex nature of the current benefit system and as far as possible make support easy to claim and administer.

In order to provide the level of savings required, each authority will consider options to reduce the current expenditure in such a way as to minimise the overall impact on claimants where possible and to ensure that all requirements under the equalities legislation are met in full. It will ultimately be for each Billing Authority to decide how this will be achieved.

The final scheme design for each authority will be notified to the major precepting authorities once public consultation has been completed and any responses made accordingly.



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/12/23
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2012
SUBJECT OF REPORT	LOCALISM ACT 2011 – NEW MEMBER CONDUCT REGIME
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p><i>That the Authority consider this report with a view to approving:</i></p> <p>(a) the Code of Conduct for the Authority as set out at Appendix A to this report, subject to any amendments that may be indicated at the meeting;</p> <p>(b) the appointment of Mr. David Watson as “independent person”;</p> <p>(c) the arrangements for dealing with alleged Code breaches as set out in Section 4 of this report and specifically:</p> <p>(i) delegation to the Monitoring Officer of authority to receive allegations, determine (in consultation with the independent person) whether or not they should be investigated and to arrange for the undertaking of any investigations as required;</p> <p>(ii) The Terms of Reference for and appointments to a Determinations and Dispensations Committee (see Appendix B to this report), subject to any amendment that may be indicated at the meeting;</p> <p>(d) the proposed arrangements for the registration of interests and granting of dispensations, as set out in Section 5 of this report, together with the form for registering interests as attached at Appendix C to this report; and</p> <p>(e) the Clerk being authorised to make consequential changes to Standing Orders as set out in Section 6 to this report.</p>

EXECUTIVE SUMMARY	<p>The Localism Act 2011 (“the Act”) introduced a number of significant changes to the operation of local government in England and Wales. The main implications of the Act for this Authority were reported to the meeting on 16 December 2011 (Report DSFRA/11/ ; Minute DSFRA/ refers).</p> <p>The initial report to the Authority in December 2011 covered, briefly, the changes to the Member conduct regime introduced by the Act. This report addresses those changes in greater detail and sets out proposed actions for the Authority to secure statutory compliance.</p>
RESOURCE IMPLICATIONS	Any resource implications (e.g. meeting travel and subsistence expenses of the required “independent person”) will be contained from within existing approved budgets
EQUALITY RISK AND BENEFIT ASSESSMENT (ERBA)	Not applicable.
APPENDICES	<ul style="list-style-type: none"> A. Draft Authority Code (based on Devon-wide model). B. Suggested Composition of and Terms of Reference for committee for “arrangements” under the Localism Act 2011. C. Draft Register of Interests Form D. Proposed revision to existing Standing Order 22
LIST OF BACKGROUND PAPERS	<ul style="list-style-type: none"> A. Localism Act 2011 B. Report DSFRA/11/31 (Localism Act 2011) to the meeting of the Authority held on 16 December 2011 C. Report DSFRA/12/11 (Localism Act 2011 (New Member Conduct Provisions – appointment of independent person) to the Annual Meeting of the Authority held on 30 May 2012 D. The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 E. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

1. BACKGROUND AND INTRODUCTION

1.1 The Localism Act 2011 (“the Act”) introduced significant changes to the operation and functions of local government in England and Wales. The main implications of this Act in so far as they impact upon this Authority were reported to the meeting held on 16 December 2011 (Report DSFRA/11/31; Minute DSFRA/58 refers).

1.2 This report mentioned briefly that, amongst other things, the Act swept away the former Standards regime introduced by the Local Government Act 2000 in favour of a far less prescriptive regime and over which individual authorities would be able to exercise far greater control, ostensibly in-keeping with the overall ethos of localism. This report identifies the requirements for this Authority under the Act and proposes measures to ensure statutory compliance.

2. CODE OF CONDUCT AND REGISTRATION OF INTERESTS

2.1 The Authority is required to adopt a Code of Conduct which must, when viewed as a whole, be consistent with the seven Nolan principles as set out in the Act and which must provide for the registration and disclosure of pecuniary interests.

2.2 Two separate indicative Codes have already been issued – one by Bob Neill MP on behalf of the Department for Communities and Local Government (CLG) and one by ACSeS. Both indicative Codes, however, do little more than to set out the required seven “Nolan principles” and - as they were issued prior to publication on the relevant Regulations - are incomplete in that they make no provision for the registration of disclosable interests. It is also suggested that, as the Code and associated “arrangements” cut to the heart of public confidence in democracy, adoption of a less robust Code than the model Code applied under the old regime, would be somewhat of a retrograde step.

2.3 A proposed Code for adoption is now attached at Appendix A. This Code enshrines the seven “Nolan” principles as required by the Act and reflects requirements in relation to Disclosable Pecuniary Interests.

2.4 The Code supplements these, under General Obligations, with those requirements contained in the former Authority code (itself based on the former Model Code) and which it is contended are entirely consistent with the minimum standards that should be expected of someone in public office. These include, amongst other things:

- safeguards on the stewardship of resources;
- a requirement to uphold the law;
- a requirement to respect others;
- an anti-bullying requirement; and
- a requirement to exercise personal judgment in decision making.

2.5 In addition to reflecting the requirements on disclosable pecuniary interests, the draft Code proposes “other” interests (at paragraph 2.1(B)) which were reflected in the former Code and which, for the reason suggested in paragraph 2.2 above, it is suggested should be incorporated.

3. “INDEPENDENT PERSON”

3.1 The Act requires the Authority to advertise for and approve the appointment of at least one “independent person” 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.

3.2 In line with the decision taken at its Ordinary Meeting on 30 May 2012 (Minute DSFRA/7 refers), the post of “independent person” has been advertised but no responses received by the indicated closing date. Since that time, however, Regulations made under the Act allow, subject to certain qualifications being met, one of the former Independent Members of the Standards Committee to be appointed as the “independent person”.

3.3 Mr. David Watson, one of the former three Independent Members of the Standards Committee, has indicated that he would wish to be considered for the post of “independent person”. Mr. Watson’s appointment would, if approved, be compliant with the requirements both of the Act and the Regulations made under it subsequently and as such is commended for approval.

4. ARRANGEMENTS FOR DEALING WITH ALLEGED BREACHES

4.1 The Act requires the Authority to put in place arrangements for receiving, investigating and determining, as required, any written allegations of a breach of the approved Code of Conduct. It should be noted at this point that this does not extend to breaches involving disclosable pecuniary interests, which in future will be a criminal offence with prosecutions instigated by the Director of Public Prosecutions and which carry a penalty, on summary conviction, of a fine not exceeding level 5 on the standard scale (currently £5,000).

4.2 It had initially been hoped that agreements could be reached with the constituent authorities to undertake this aspect on behalf of this Authority but regrettably discussions have not borne fruit requiring this Authority to put in place its own arrangements. In essence, there are two stages to the process:

- (a) initial receipt of allegation and determination of whether or not it should be investigated; and
- (b) in the event that an allegation is investigated, consideration and determination of the outcome of the investigation.

These are now explored below.

(a) Receipt of allegation and determination of whether to investigate

4.3 Guidance produced by the former Standards for England on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It is suggested that it would be sensible to take advantage of the new flexibility afforded by the Act to delegate to the Monitoring Officer:

- in consultation with the “independent person”, taking the initial decision on whether a complaint requires investigation;
- putting in place arrangements to investigate any allegation, as required.

4.4 In instances where the allegation may be particularly sensitive (for example, where the monitoring officer has previously advised the Member on the subject matter of the allegation), it is proposed that the decision to investigate should be made by a small committee established by the Authority as part of its “arrangements” under the Act.

4.5 Any decision not to investigate would be reported back to a future meeting of the Authority, for information purposes.

(b) Consideration and Determination of Investigation Outcomes

4.6 It is proposed that this should be delegated to a small Committee, comprising five Members, in consultation with the “independent person”. In terms of possible appointees to this Committee, the Authority may wish to note that, at its Annual Meeting on 30 May 2012, the Authority appointed the following Members to the former Standards Committee until May 2013 or such time as new arrangements under the Localism Act were approved:

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

4.7 Proposed Terms of Reference for this Committee are set out at Appendix B to this report. The Act is silent as to sanctions that may be imposed in the event of a breach being established – the proposed Terms of Reference set out a range of possible sanctions open to the Authority.

4.8 The Act does not provide for any appeals mechanism against decisions where a breach is established and a sanction imposed. Any such decision would, however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Authority had no power to impose.

5. REGISTRATION OF INTERESTS AND GRANTING OF DISPENSATIONS

(a) Registration of Interests

5.1 Regulations made under the Act provide for the registration and disclosure of certain types of “disclosable pecuniary interests”. As stated previously, failure to comply with these aspects is now a summary offence, which may only be instigated by the Director of Public Prosecutions and which carries, on conviction, a maximum penalty of a fine not exceeding level 5 on the standard scale (currently £5,000).

5.2 The Act leaves it to the discretion of individual authorities to determine what other interests it would wish registered. There is, however, a requirement for the new Register of Interests to be maintained by the Monitoring Officer and published on the Authority’s website.

5.3 The draft Code attached at Appendix A reflects – as is required by the Act – those disclosable pecuniary interests which it is required to register and also proposes – at Section 2B - other interests which the Authority may wish to see registered. A revised form for the declaration of interests is attached at Appendix C.

(b) Dispensations

5.4 In future, dispensations under the Act may be granted where the authority concerned, having had regard to all the relevant circumstances, considers one of the following applies:

- (a) that so many Members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”; and/or

- (b) that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; and/or
- (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area; and/or
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

5.5 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

5.6 The Act is silent, however, on the mechanism for the granting of dispensations. This could, for example, feature delegation to the monitoring officer. In light of this, it is proposed that ground (a) in paragraph 5.4 above is sufficiently objective that it could be delegated to the monitoring officer alone to grant a dispensation in those circumstances. Grounds (b) to (d) inclusive, however, are somewhat more subjective and it is proposed that the granting of dispensations in these circumstances should be delegated to the small Committee referred to in Section 4 above.

6. REVISIONS TO STANDING ORDERS

6.1 The abolition of the new regime brought about by the Localism Act will require the following revisions to Standing Orders, primarily to remove reference to the former regime:

- Deletion of Standing Order 4 (Independent Members)
- Deletion of Part 3 of Standing Orders in its entirety (Standing Orders applying to Standards Committee); and
- Amendment to existing Standing Order 22 to reflect changes in the registration and declaration of interests.

6.2 It is proposed that the Clerk be authorised to make these amendments and any consequential amendments (namely, renumbering of Standing Orders) arising from them.

MIKE PEARSON

Clerk and Monitoring Officer to the Authority



DEVON & SOMERSET FIRE & RESCUE AUTHORITY MEMBERS' CODE OF CONDUCT

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SECTION A. GENERAL PROVISIONS

1. PUBLIC DUTY AND PRIVATE INTERESTS: AN INTRODUCTION

- 1.1 This Code applies to you as a Member or a Co-opted Member of the Devon & Somerset Fire & Rescue Authority
- 1.2 When acting in your capacity as a Member or Co-opted Member of the Authority, you should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal Judgment, Respect for others, Duty to Uphold the Law, Stewardship and Leadership.
- 1.3 When acting in your capacity as a Member or Co-opted Member of the Authority:
 - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person;
 - (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
 - (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
 - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
 - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority or contained in its constitutional governance documents;
 - (f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Section B of this Code;
 - (g) you must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Authority's reasonable requirements;
 - (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Authority;
 - (i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 Do nothing as a Member which you could not justify to the public.

- 1.6 The reputation of the Authority depends on your conduct and what the public believes about your conduct.
- 1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 1.8 It is your responsibility to comply with the provisions of this Code.

2. DEFINITIONS

2.1 In this Code the following terms have the meanings indicated:

TERM	MEANING
<i>"interest or interests"</i>	have the meanings set out in Section B of this Code
<i>"Relevant person"</i>	<ul style="list-style-type: none"> • you; or • your spouse or civil partner; or • a person with whom you are living as husband and wife or as if they were civil partners and you are aware that that other person has an interest
<i>"relevant period"</i>	a period of 12 months ending with the date on which you notified the Monitoring Office of an interest
<i>"meeting"</i>	any meeting of any meeting of the full Authority or any of its Committees, Sub-Committees, Working Parties etc. as may from time to time be established
<i>"member"</i>	includes a co-opted member

3. SCOPE

- 3.1 You must comply with this Code whenever you are acting in your official capacity, when:
- (a) you are engaged on the business of the Authority; or
 - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Authority.

4. GENERAL OBLIGATIONS

4.1 You **must** –

- (a) treat others with courtesy and respect,
- (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the Authority.

4.2 You **must not** –

- (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) do anything which may cause the Authority to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
- (d) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant; or
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any Member has failed to comply with the Authority's Code of Conduct; or
- (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;
- (f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - A. in the public interest; and
 - B. made in good faith; and
 - C. in compliance with the reasonable requirements of the Authority;
- (g) prevent another person from gaining access to information to which that person is entitled by law;

- (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Authority into disrepute.

SECTION B. INTERESTS

1. REGISTRATION OF INTERESTS

- 1.1 You must, within 28 days of:
- (a) this Code being adopted by, or applied to, the Authority; or
 - (b) your taking office as a Member or Co-opted Member of the Authority, whichever is the later, and annually thereafter, provide written notification to the Authority's Monitoring Officer of:
 - (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and
 - (ii) any other personal interest laid down by the Authority, as set out at paragraphs 2.1A and 2.1B below;
- 1.2 Details of any interests so registered be recorded in the Authority's Register of Members' Interests and made available for public inspection including on the Authority's website at:
- 1.3 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.
- 1.4 Whether or not an interest within paragraphs 2.1A and 2.1B below has been entered onto the Authority's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 3.1 below, where the matter is not a 'sensitive interest'.
- 1.5 Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 1.6 In relation to disclosable pecuniary interests, in this Section of the Code the terms in the left hand column below have the meanings attributed to them in the right hand column:

TERM	MEANING
<i>"body in which the relevant person has a beneficial interest"</i>	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
<i>"director"</i>	includes a member of the committee of management of an industrial and provident society
<i>"land"</i>	includes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
<i>"relevant authority"</i>	means the authority of which you are a member

“ <i>relevant person</i> ”	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
“ <i>securities</i> ”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

2. INTERESTS WHICH MUST BE REGISTERED

2.1 The interests you **must** register are:

- A. those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:
- (1) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
 - (2) any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (3) any contract which is made between you or, so far as you are aware, a relevant person (as defined at Para 2 above) (in which the relevant person has a beneficial interest) and the Authority:
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged
 - (4) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within the administrative area of the Authority;
 - (5) any licence (alone or jointly with others) to occupy land in the administrative area of the Authority for a month or longer
 - (6) any tenancy where (to your knowledge):
 - (a) the landlord is the Authority; and
 - (b) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

- (7) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:
 - (a) that body (to your knowledge) has a place of business or land in the administrative area of the Authority and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

B. those other personal interests laid down by the Authority, namely your membership of any body to which you have been appointed by the Authority or exercising functions of a public nature directed to charitable purposes or whose principal purposes include influence of public opinion or policy, your membership of any other local authority and of any political party or trade union.

2.2 In addition to those interests listed at 2.1 (A) and (B) above which you are required to register, you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as an Authority Member, such as membership of the Freemasons or any similar body.

2.3 Where the Authority's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*" – namely, information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation - you need not include that information when registering that interest, or, as the case may be, any change to that interest.

2.4 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Authority's Monitoring Officer asking that the information be included in the Authority's Register of Members' Interests.

3. DECLARATION OF INTERESTS - MEETINGS

3.1 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at paragraph 2.1A above and you must also observe any restrictions the Authority may place on your involvement in matters where you have any interest as defined by the Authority and shown at paragraph 2.1B above.

3.2 Where you have any interest in any business of the Authority and you attend any meeting at which that business is to be considered, you must:

- a. disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
- b. disclose any interest in accordance with the Authority's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

- c. where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
 - d. not seek to influence improperly any decision about that business;
- unless you have obtained a dispensation from the Authority's Monitoring Officer.

DETERMINATIONS AND DISPENSATIONS COMMITTEE

Proposed composition: Five Members to be appointed by the Authority

To meet as and when required.

Terms of Reference

To consider the outcomes of investigations into an alleged breach of the Authority's approved Code of Conduct, affording the Member subject to the allegation a right of hearing, and – in consultation with the "independent person" - to determine whether or not a breach of the approved Code has been established.

In the event that a Code breach is established, to consider the imposition of a sanction for the Member concerned from the following:

- reporting the finding to the Authority for information and publishing the finding in local media;
- a recommendation to the Authority that the Member concerned be removed from any or all Committees or Sub-Committees of the Authority;
- instructing the Monitoring Officer to arrange training for the Member;
- removing the Member concerned from all outside appointments to which s/he has been appointed or nominated by the Authority;
- withdrawing facilities provided to the Member by the Authority, such as e-mail and Internet access; or
- Excluding the Member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

In the event of "sensitive" allegations of Code breach (e.g. where the Monitoring Officer may have previously advised the Member subject to the allegation on the matter concerned), to determine, following consultation with the independent person, whether or not an allegation should be investigated.

To consider, following submission in writing to the Monitoring Officer by the Member concerned, any request for a dispensation either to talk or to talk and vote in relation to a disclosable pecuniary interest in the following circumstances:

- that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This would seem to assume, however, that Members are predetermined to vote on party lines on the matter in which case it would be inappropriate to grant a dispensation to enable them to participate;
- That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- That the authority considers that it is otherwise appropriate to grant a dispensation.



**DEVON & SOMERSET FIRE & RESCUE AUTHORITY
MEMBERS' CODE OF CONDUCT
GENERAL NOTICE OF REGISTERABLE INTERESTS
2012/13**

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I,

being a Member/Co-opted Member of the Devon & Somerset Fire & Rescue Authority,

give notice below of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the Devon & Somerset Fire & Rescue Authority's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife and also, in relation to categories 3 - 6, and so far as you are aware of any or relevant person, as defined in the Authority's Code of Conduct.

| 1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION                                                                                                                                                                                                                                                                                                                          |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest. |  |
| Description of employment, job, vocation, trade or business                                                                                                                                                                                                                                                                                                                   |  |
| Name of Employer, body, firm or company by which you are employed or in which you are a partner or a remunerated Director in which you have a beneficial interest                                                                                                                                                                                                             |  |

**2. SPONSORSHIP**

Please give details of any person or body (other than the Authority) who has made any payment to you in respect of your election as a Councillor on a constituent authority or any expenses you have incurred in carrying out your duties as a Member of the Authority.

**3. SECURITIES: INTERESTS IN COMPANIES**

Please give details of any body which has a place of business or owns land in the Authority's area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100<sup>th</sup> of the total share issue of that body (whichever is the lower) or if there is more than one class of share, the total nominal value of shares in any class of that body of more than 1/100<sup>th</sup> of the total shares of that class

*Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.*

**4. CONTRACTS: FOR GOODS, WORKS OR SERVICES WITH THE AUTHORITY**

Please give details of any current, existing contracts for goods, works or services between the Authority and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

**5. LANDHOLDINGS AND LICENSES IN THE AREA**

Please give the address or other description (sufficient to identify the location) of any land or property in the Authority's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

You must include the land and house you live in and for example any allotments you own or use.

**6. CORPORATE TENANCIES: LAND LEASED FROM THE AUTHORITY**

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Authority by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

**7. MEMBERSHIP OF OTHER BODIES**

Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.

|                                                                                                                                                               |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Any Body or Organisation to which you have been appointed or nominated by the Authority as its representative                                                 |  |
| Any other body exercising functions of a public nature<br>(e.g. County, District or Parish Council; Health, Police or Quasi Autonomous Non-Governmental Body) |  |

|                                                                                                                    |  |
|--------------------------------------------------------------------------------------------------------------------|--|
| <p>Any body directed to charitable purposes<br/>(e.g., an Industrial and Provident Society or Charitable Body)</p> |  |
|--------------------------------------------------------------------------------------------------------------------|--|

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Any body whose principle purpose is to influence public opinion or policy <u>or</u> which, in your view, might create a conflict of interest for you in carrying out your duty as a Member of the Authority<br/>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB; Greenpeace or membership of the Freemasons or similar body)</p> |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

**9. DECLARATION**

I recognise that if I fail to comply with the Code of Conduct for Members of the Devon & Somerset Fire & Rescue Authority or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the Authority of any changes to this Notice or new interests I acquire,

this may give rise to a criminal offence and/or the matter may be referred for investigation by the Authority.

Signed : .....

**FOR OFFICE USE ONLY**

Received: ..... Update  
 .....

**22. REGISTRATION AND DISCLOSURE OF INTERESTS**

- (1) Members **MUST** notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of being appointed to the Authority or, if the interest arises subsequently, within 28 days of becoming aware of the interest.
- (2) Where you have a disclosable pecuniary or “other” interest as defined in the Authority’s approved Code of Conduct in any business of the Authority and you attend any meeting at which that business is to be considered, you must:
  - (a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
  - (b) disclose any interest in accordance with the Authority’s reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (d) not seek to influence improperly any decision about that business;unless you have obtained a dispensation from the Authority’s Monitoring Officer.

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY



|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REPORT REFERENCE NO.</b>                        | DSFRA/12/24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>MEETING</b>                                     | DEVON & SOMERSET FIRE & RESCUE AUTHORITY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>DATE OF MEETING</b>                             | 30 JULY 2012                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>SUBJECT OF REPORT</b>                           | BIDS AGAINST THE FIRE CAPITAL FUNDING PROGRAMME 2013 - 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>LEAD OFFICER</b>                                | Treasurer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>RECOMMENDATIONS</b>                             | <p><i>That the Authority endorse the following bids, as outlined in this report, against the Department for Communities and Local Government Fire Capital Funding Programme 2013-15:</i></p> <ul style="list-style-type: none"> <li>• <i>The bid submitted by this Authority based around the Light Rescue Pump initiative; and</i></li> <li>• <i>The bid submitted by Cambridgeshire Fire &amp; Rescue Authority on behalf of itself, this Authority and the Bedfordshire Fire &amp; Rescue Authority and related to the Service Transformation and Efficiency Project (STEP).</i></li> </ul>        |
| <b>EXECUTIVE SUMMARY</b>                           | <p>This report details two bids submitted for funding against the government's Fire Capital Funding programme 2013 – 15, the closing date for which was 2 July 2012.</p> <p>The first bid is made solely by this Authority and relates to the Service Light Rescue Pump initiative which itself is part of a wider, strategic fleet realignment project.</p> <p>The second bid relates to additional funding required for the Service Transformation and Efficiency Project which is being progressed in partnership with the Cambridgeshire and Bedfordshire and Luton Fire and Rescue Services.</p> |
| <b>RESOURCE IMPLICATIONS</b>                       | As indicated in this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>EQUALITY AND RISK BENEFIT ASSESSMENT (ERBA)</b> | Not applicable to this report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>APPENDICES</b>                                  | Nil.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

**LIST OF BACKGROUND PAPERS**

- A. Department for Communities and Local Government Guidance to Fire and Rescue Authorities bidding for capital funding 2013 to 2015
- B. Report DSFRA/12/16 – “Capital Bidding Process – Light Rescue Pump Project” as considered by the Ordinary Authority meeting on 30 May 2012

## **1. INTRODUCTION**

- 1.1 At its ordinary meeting on 30 May 2012 the Authority received report DSFRA/12/16 notifying, amongst other things, of the recently-announced bidding process for Fire Capital Grant funding for all Fire and Rescue Authorities for 2013-15. This process is designed to incentivise and reward efficiencies.
- 1.2 In summary, a total national grant fund of £70m per year in 2013/14 and 2014/15 will be made available to individual fire and rescue authorities through a combination of;
- An efficiency fund, administered as capital grant via a bidding process, and
  - A pro rata distribution.
- 1.3 The deadline for receipt by the Department for Communities and Local Government (CLG) of bids against the efficiency fund was 2 July 2012. Additionally, the CLG guidance on the bidding process stipulated:
- “The Department will require confirmation that the bids have been approved by locally established governance structures/committee of the respective fire and rescue authority.”
- 1.4 This report now details, for endorsement by the Authority, two bids submitted against the Fund:
- A bid submitted solely by this Authority related to the Light Rescue Pump initiative; and
  - A bid submitted by Cambridgeshire Fire & Rescue Authority, on behalf of itself, this Authority and the Bedfordshire & Luton Fire & Rescue Authority, in relation to the Service Transformation and Efficiency Project being progressed in partnership by the authorities concerned.

## **2. DEVON & SOMERSET FIRE & RESCUE AUTHORITY BID – LIGHT RESCUE PUMP INITIATIVE (STRATEGIC FLEET REALIGNMENT)**

- 2.1 In light of the deadline for submission of bids, the Authority resolved at its Ordinary Meeting on 30 May (Minute DSFRA/15(b) refers):
- “(b) that approval and submission of the final bid, by the deadline of 2 July 2012, be delegated to the Chief Fire Officer following consultation with the Capital Programme Working Party”
- 2.2 The Capital Programme Working Party met on 25 June 2012 to consider the detail of a proposed bid by this Authority. The bid is, in effect, an ‘Invest to Save’ bid directly linked to the Light Rescue Pump (LRP) project and fits with the principle of the bidding process in that it will “deliver efficiency saving outcomes whilst providing a clear demonstration of value for money”.
- 2.3 Between 2009 and 2011 a comprehensive review of Service Delivery was undertaken involving an analysis of six years of incident data together with demand and incident profiles for each fire station, supported by ‘FSEC’, ‘Phoenix’ and ‘Mosaic’ modelling tools. The review had the following strategic aims:
- matching specific resources to risks;
  - improvement of firefighter safety;



- maintenance and improvement where possible to the level of service to local communities; and
- achieving efficiencies where practicable.

2.4 These strategic aims were underpinned by the idea of moving away from the principle that 'One size fits all' in the distribution and annual replacement arrangements of the standard fire appliance. This work has evolved and introduces for the first time in the United Kingdom the principle of a tiered response to emergency service delivery, where the type of vehicle, equipment carried and skills required by staff to support this approach, are wholly appropriate to local geographical risk. The tiered response would be based around:

- **Tier 1 – Primary Response.** Either a Light Rescue Pump (LRP) or Medium Rescue Pump (MRP) – the more traditional type appliance – depending on the incident and/or station;
- **Tier 2 – Enhanced Support.** Provided by MRPs;
- **Tier 3 – Strategic Support.** Provided by specialist vehicles; and
- **Tier 4 – Resilience Support.** Provided by regional or national assets.

2.5 The LRP project itself will involve the replacement of 70 Medium Rescue Pumps (MRPs) with LRPs over a four year period. This will require considerable capital investment but, if the bid against the efficiency fund is successful, the Service will be in a position to start to address the backlog in its Fleet Replacement Strategy in April 2013.

2.6 The outline business case for the LRP project has been approved by the Service Programme Board and the full business case is currently being finalised before going out for a full tender process compliant with – because of the quantum involved – European Union procurement legislation.

2.7 In line with the former decision of the Authority, the Capital Programme Working Party endorsed submission by the Chief Fire Officer of a bid for £4,760,000 from the Fire Capital Grant Fund as a contribution towards the total cost of the LRP project. It is hoped that, in light of its innovative nature, it will prove to be successful.

### **3. BID FOR CONTRIBUTION TOWARDS THE SERVICE TRANSFORMATION AND EFFICIENCY PROJECT**

3.1 As previously indicated, Cambridgeshire Fire & Rescue Authority has submitted this bid on behalf of itself, this Authority and the Bedfordshire and Luton Fire & Rescue Authority who are working in partnership on this initiative.

3.2 The background to this bid is that fire and rescue Services (FRSs) are being asked to maintain their quality and levels of service while operating with fewer resources. The 2010 Comprehensive Spending Review requires FRSs to make significant reductions in their operating budgets over the review period (2011 to 2015). In support, the Service Transformation & Efficiency Project (STEP) will specify, implement, beneficially use and embed technology that will enable Services to operate within their obligations to citizens and government.

- 3.3 The vision is to ensure that accurate, consistent, secure and timely information will be available throughout the Service. Intuitive applications will enhance the user experience for staff, partners and citizens; and drive agile, self-optimising business processes. The availability of high quality information will support effective decision-making, creating an environment where resources can be rationalised and efficiencies maximised.
- 3.4 STEP is intended to deliver against this vision by managing activities that enable the following Service objectives to be met. These objectives are assembled from the participating FRSs.
- (a) Improve ability to adapt and change
  - (b) Improve targeting and use of resources
  - (c) Build ability to offer outsourced services to other FRSs and other public bodies
  - (d) Generally streamline activities
  - (e) Improve response efficiency
  - (f) Improve Fire Control
  - (g) Expand collaborative working
  - (h) Expand commercial activities
  - (i) Improve back-office efficiency
- 3.5 There are similarities between (c) & (h) and between (d) & (i) but their separation reflects nuances in emphasis between the FRSs particularly interested in them.
- 3.6 The total cost of this project between the three services is £6,137,000. These costs would be spread evenly over the two financial years covered by the bid process. Therefore, it is estimated that a capital fund of £3,068,500 will be required per financial year.
- 3.7 The technology purchased through the STEP will ensure each Authority can function more efficiently within its reduced resource envelope. The technology is intended to be highly resilient and enable the automation of processes that currently require physical resource to complete.
- 3.8 The savings relating to this technology are those reductions that have already been applied to individual services through the Comprehensive Spending Review. This technology will assist in ensuring that any cuts in staffing will not impact on the services delivered to the public. Additionally, the technology will result in more resilient business processes that are common between the 3 FRSs and as efficient as possible.
- 3.9 The key risk of this technology is integration with other key business systems but, to mitigate effectively against this, the 3 FRSs are working tirelessly to educate its system suppliers to ensure they understand the importance of integration for all Fire Services in the future.
- 3.10 The project is structured in such a way that all processes developed by the collaboration will be open to other Fire Services to purchase. The project will also have a central resource structure, where specialist skills from each service will be pooled to deliver on-going business processes for the collaboration. These skills will also be available to other services that buy the technology.

**4. CONCLUSION**

- 4.1 It is considered that the two bids described above are truly innovative and, if successful, will place this Authority in the vanguard of delivering truly efficient, cost-effective and resilient services. The bids are, therefore, commended to the Authority for endorsement.

**KEVIN WOODWARD**  
Treasurer