



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	DSFRA/13/9
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
<b>DATE OF MEETING</b>	30 May 2013
<b>SUBJECT OF REPORT</b>	SCHEDULE OF APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC.
<b>LEAD OFFICER</b>	Clerk to the Authority
<b>RECOMMENDATIONS</b>	<p>(a) <i>that, in accordance with Standing Orders, appointments be made to Committees etc. as shown in Part A of Appendix A to this report for the 2013-14 municipal year, the term of office to be until the Authority annual meeting in 2014;</i></p> <p>(b) <i>that the appointment of Mr. David Watson as the Authority's Independent Person as required by the new procedures introduced by the Localism Act 2011, for a further twelve months until the Authority's annual meeting in 2014 be confirmed;</i></p> <p>(c) <i>that appointments be made to Outside Bodies as shown in Part B of Appendix A for the 2013-14 municipal year, the term of office to be until the Authority's annual meeting in 2014 unless otherwise indicated.</i></p> <p>(d) <i>that the Terms of Reference for the Authority Committees etc. as set out Appendix B to this report be confirmed.</i></p>
<b>EXECUTIVE SUMMARY</b>	<p>Appendix A to this report sets out appointments to Authority Committees, outside bodies etc., with Appendix B listing the Terms of Reference for each of the Authority's committees etc. under the current structure.</p> <p>The Authority is invited to make appointments to committees and outside bodies and confirm the Terms of Reference.</p>
<b>RESOURCE IMPLICATIONS</b>	Any resource implications associated with attendance at committee and outside body appointments etc. will be met from the approved budget for Members Allowances

<b>EQUALITY RISKS AND BENEFITS ASSESSMENT (ERBA)</b>	N/A
<b>APPENDICES</b>	<p>A. Appointments to Committees, Working Parties etc. and Outside Bodies.</p> <p>B. Terms of Reference of Committees</p>
<b>LIST OF BACKGROUND PAPERS</b>	None.

## **1. BACKGROUND AND INTRODUCTION**

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

## **2. SCHEDULE OF APPOINTMENTS – GENERAL**

- 2.1 The appended Schedule indicates purely the allocation of places to Committees and Outside Bodies for the previous (2012-13) municipal year. It should not be interpreted as any form of recommendation in relation to appointments for the forthcoming, 2013-14, municipal year.
- 2.2 The Authority is reminded that its Standing Orders provide for it to determine appointments to Committees etc. taking account of the principles of the Local Government and Housing Act 1989 (political proportionality).
- 2.3 The Authority is invited to make appointments to those Committees and outside bodies as set out in the appended Schedule. Individual names in brackets and ***bold italics*** indicate previous appointees who, following the local authority elections, are no longer Members of this Authority.

## **3. COMMITTEE STRUCTURE AND TERMS OF REFERENCE**

- 3.1 As indicated previously, the Authority – following its establishment in April 2007 – formulated a committee structure with associated Terms of Reference to assist in the discharge of its functions.
- 3.2 This structure has evolved over the years to reflect changing needs and in 2011 was modified by the addition of a further Committee – the Commercial Services Committee – to exercise, in essence, oversight of the Authority's commercial services activity.
- 3.3 The Terms of Reference for the existing Committee structure are set out at Appendix B to this report. The Authority is invited to confirm the Terms of Reference as set out.

**MIKE PEARSON**  
**Clerk to the Authority**

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

**PART (A) COMMITTEES, WORKING PARTIES ETC.**

***RESOURCES COMMITTEE***

**7 Members in total**

(2012-13 Membership: Councillors **[Bakewell MBE]**, Gordon, Horsfall, Hughes OBE, **[D Smith]**, Woodman and Yeomans).

***HUMAN RESOURCES AND MANAGEMENT COMMITTEE***

**7 Members in total**

(2012-13 Membership: Councillors Bown, Brooksbank, Burrige-Clayton, Chugg, Horsfall, Knight and J Smith).

***AUDIT AND PERFORMANCE REVIEW COMMITTEE***

**7 Members in total**

(2012-13 Membership: Councillors Burrige-Clayton, Dyke, Gribble, Mills, Radford, J Smith and Way).

***COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE***

**7 Members in total**

(2012-13 Membership: Councillors **[Bakewell MBE]**, Brooksbank, Eastman, Foggin, **[Fry]**, Healey and Leaves).

***COMMERCIAL SERVICES COMMITTEE***

**7 Members in total**

(2012-13 Membership: Councillors Dyke, Gribble, Healey, Mills, Randall Johnson, **[D. Smith]** and Woodman).

***DETERMINATIONS AND DISPENSATIONS COMMITTEE***

**5 Members in total**

(2012-13 Membership: Councillors Bown, Horsfall, Mills, Randall Johnson and Yeomans).

**PLUS** Independent Person as required by the Localism Act: Mr. David Watson (appointment to be confirmed at this annual meeting).

***CAPITAL PROGRAMME WORKING PARTY***

**4 Members in total**

(2012-13 Membership: Councillors Bown, *[Fry]*, *[D. Smith]* and Woodman).

**EQUALITY AND DIVERSITY MEMBER CHAMPION**

One appointment (Councillor Randall Johnson in 2012-13).

**CLIMATE CHANGE AND SUSTAINABILITY MEMBER CHAMPION**

One appointment (Councillor Leaves in 2012-13).

**PART (B) APPOINTMENTS TO OUTSIDE BODIES**

**LOCAL GOVERNMENT ASSOCIATION (LGA)**

**(a) Fire Commission**

One appointment – usually Authority Chairman.

Date of next meeting: 11.00, Friday 14 June 2013 at Local Government House, London.

**(b) General Assembly**

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

(2012-13 appointees: Councillors Healey [Chairman][5 Service and 1 Corporate Vote]; **[Fry]**, Mills and Leaves [4 Service votes each]).

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

**(NOTE:-** The General Assembly usually meets annually with Authority attendance being dependent on inclusion of fire and rescue related items in the business to be discussed. Date of next meeting: Tuesday 2 to Thursday 4 July 2013, Manchester).

**(c) Urban Commission**

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

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

One Member appointment exercising one corporate vote (Councillor Gordon in 2012-13).

Date of next meeting: to be announced

**(d) Rural Commission**

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

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

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

One Member appointment exercising one corporate vote (**[Councillor D Smith]** in 2012-13).

Date of next meeting: Tuesday and Wednesday 3 and 4 September 2013 (also Rural Commission Conference, attendance at which is an approved duty); Tuesday 11 March 2014 at Local Government House, London.

### **DEVON STRATEGIC PARTNERSHIP BI-ANNUAL WORKSHOP**

The Partnership runs two workshops per year (around November and May time) to which wider stakeholders are invited. The Authority is invited to nominate one Member to attend the workshop sessions. (Councillor Mrs. Chugg in 2012-13)

### **SOUTH WEST COUNCILS**

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

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

One Member – usually Authority Chairman

### **SOUTH WEST PROVINCIAL COUNCIL**

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

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

The functions of the Provincial Council are:

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

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

## **SOUTH WEST FORUM OF FIRE AUTHORITIES**

Authority Chairman

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

## **PLYMOUTH AND DEVON RACE EQUALITY COUNCIL**

One Member (Councillor Gordon in 2012-13).

## **SOMERSET RACE EQUALITY COUNCIL**

One Member (Councillor Horsfall in 2012-13).

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



**DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY**

**COMMITTEES, WORKING PARTIES ETC. - TERMS OF REFERENCE**

**RESOURCES COMMITTEE**

*Advisory ONLY*

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

*Matters with Delegated Power to Act*

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

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

### **HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE**

#### *Advisory ONLY*

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

#### *Matters with Delegated Power to Act*

2. Where a discretionary policy has been determined, to consider individual cases as may be referred by the Chief Fire Officer.
3. To approve and monitor a Member Development Strategy.
4. To provide in the first instance for membership of Appointments Panels for the posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer and Clerk.
5. To approve and monitor the operation of any Code of Conduct for Employees.
6. To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters' Pensions Scheme Internal Dispute Resolution Procedure.
7. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

### **AUDIT AND PERFORMANCE REVIEW COMMITTEE**

#### *Advisory ONLY*

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

#### *Matters with Delegated Power to Act*

2. To oversee internal and external audit arrangements and to approve annual audit plans.

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

### **COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE**

#### *Advisory ONLY*

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

#### *Matters with Delegated Power to Act*

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

### **COMMERCIAL SERVICES COMMITTEE**

#### *Advisory ONLY*

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

#### *Matters with Delegated Power to Act*

3. To approve both the overarching Business Case for commercial trading and, in line with the financial planning calendar, the Annual Commercial Services Business Plan.
4. In relation to the Annual Commercial Services Business Plan, to consider and approve any business case required to facilitate commercial trading in accordance with the provisions of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 ("the Order") or any subsequent amending legislation.
5. To consider and approve any trading activities of Red One Ltd within overall parameters to be set out in the approved Annual Commercial Services Business Plan and specifically to authorise investments as required up to the limits as agreed by the Authority.

6. To authorise contracts to be entered into after consideration of risks and opportunities presented.
7. In each case subject to legal advice and guidance that it is appropriate to do so, to establish additional trading entities (as appropriate) (NOTE: in the event of legal advice indicating otherwise, such matters will be referred to the full Authority for determination).
8. To authorise any permanent staffing increases in the authorised establishment required to deliver the Commercial Services, subject to the costs being met from income generated and in compliance with the agreed delegated levels of additional resource.
9. To monitor the financial status and performance of Red One Ltd in terms of expenditure on operating costs, costs recovered and profit generated and to take corrective action and report to the Authority on these issues as necessary.

#### **DETERMINATIONS AND DISPENSATIONS COMMITTEE**

1. 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.
2. 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.
3. 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.
4. 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 potentially alter the outcome of any vote on the matter;
  - That the Committee considers that the dispensation is in the interests of persons living in the authority's area; or
  - That the Committee considers that it is otherwise appropriate to grant a dispensation.

**CAPITAL PROGRAMME WORKING PARTY**

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