

M. Pearson
CLERK TO THE AUTHORITY

To: **The Chair and Members of the
Devon & Somerset Fire & Rescue
Authority**

(see below)

**SERVICE HEADQUARTERS
THE KNOWLE
CLYST ST GEORGE
EXETER
DEVON
EX3 0NW**

Your ref :
Our ref : DSFRA/MP/SY
Website : www.dsfire.gov.uk

Date : 22 July 2014
Please ask for : Steve Yates
Email : syates@dsfire.gov.uk

Telephone : 01392 872200
Fax : 01392 872300
Direct Telephone : 01392 872329

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Wednesday 30 July 2014

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

AGENDA

PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS

1. **Apologies**
2. **Minutes** of the Annual and Ordinary meetings held on 29 May 2014 attached (pages 5 and 9 respectively).
3. **Items Requiring Urgent Attention**
Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.

PART 1 – OPEN COMMITTEE

4. **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 (e-mail address: clerk@dsfire.gov.uk) **by midday on Friday 25 July 2014.**

5. **Addresses by Representative Bodies**

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

6. **Questions by Members of the Authority**

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

7. **Minutes of Committees**

(a) Community Safety & Corporate Planning Committee

The Chair of the Committee, Councillor Eastman, to **MOVE** the Minutes of the meeting held on 25 June 2014 attached (page 13).

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

(b) Commercial Services Committee

The Chair of the Committee, Councillor Healey, to **MOVE** the Minutes of the meeting held on 3 July 2014 attached (page 15).

RECOMMENDATION

- (i) that the recommendation at Minute CSC/6 (Financial Update) be considered in accordance with item 13 below;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(c) Audit & Performance Review Committee

The Chair of the Committee, Councillor Radford, to **MOVE** the Minutes of the meeting held on 9 July 2014 attached (page 17).

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

(d) Human Resources Management & Development Committee

The Chair of the Committee to **MOVE** the Minutes of the meeting held on 23 July 2014 **TO FOLLOW.**

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

8. **Authority Calendar of Meetings 2014-15 and Appointments to Committees and Outside Bodies**

Report of the Clerk to the Authority (DSFRA/14/12) attached (page 19)

9. **Openness of Local Government Bodies Regulations 2014 - Recording of Decisions**

Joint report of the the Clerk and the Treasurer to the Authority (DSFRA/14/13) attached (page 21)

10. **Chairman's Announcements**

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

12. Exclusion of the Press and Public

RECOMMENDATION 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.

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

13. Commercial Activities 2013-14

Report of the Director of People and Commercial Services (DSFRA/14/14) attached (page 26).

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Healey (Chair), Ball, Bown, Mrs. Bowyer, Brooksbank, Burrige-Clayton, Chugg, Colthorpe, Dyke, Eastman, Edmunds, Ellery, Greenslade, Horsfall, Knight, Leaves, Owen, Prior-Sankey, Radford, Randall Johnson, Singh, Smith, Way, Woodman and Yeomans

NOTES	
1.	<p><u>Access to Information</u> Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the "Please ask for" section at the top of this agenda.</p>
2.	<p><u>Reporting of Meetings</u> Any person attending a meeting may report (film, photograph or make an audio recording) on any part of the meeting which is open to the public – unless there is good reason not to do so, as directed by the Chairman - and use any communication method, including the internet and social media (Facebook, Twitter etc.), to publish, post or otherwise share the report. The Authority accepts no liability for the content or accuracy of any such report, which should not be construed as representing the official, Authority record of the meeting. Similarly, any views expressed in such reports should not be interpreted as representing the views of the Authority. Flash photography is not permitted and any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.</p>
3.	<p><u>Disclosable Pecuniary Interests (Authority Members only)</u> If you have any disclosable pecuniary interests (as defined by Regulations) in any item(s) to be considered at this meeting then, unless you have previously obtained a dispensation from the Authority's Monitoring Officer, you must:</p> <ul style="list-style-type: none"> (a) disclose any such interest at the time of commencement of consideration of the item in which you have the interest or, if later, as soon as it becomes apparent to you that you have such an interest; (b) leave the meeting room during consideration of the item in which you have such an interest, taking no part in any discussion or decision thereon; and (c) not seek to influence improperly any decision on the matter in which you have such an interest. <p>If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have a disclosable pecuniary interest of a sensitive nature. You must still follow (b) and (c) above.</p>
2.	<p><u>Part 2 Reports</u> Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.</p>
3.	<p><u>Substitute Members (Committee Meetings only)</u> Members are reminded that, in accordance with Standing Order 35, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.</p>

DEVON & SOMERSET FIRE & RESCUE AUTHORITY
(Annual Meeting)

29 May 2014

Present:-

Councillors Ball, Bown, Mrs. Bowyer, Brooksbank, Burrige-Clayton, Colthorpe, Dyke, Eastman, Edmunds, Ellery, Greenslade, Healey, Horsfall, Knight, Prior-Sankey, Radford, Randall Johnson, J Smith, Woodman and Yeomans.

Apologies:-

Councillors Chugg, Owen and Way

DSFRA/1. Election of Chair

RESOLVED that Councillor Healey be elected Chair of the Authority until its Annual Meeting in 2015.

DSFRA/2. Minutes

RESOLVED that the Minutes of the Budget Meeting held on 24 February 2014 be signed as a correct.

DSFRA/3. Election of Vice Chair

Nominations were invited for the post of Vice-Chair.

Councillor Ellery proposed, with Councillor Yeomans seconding, that Councillor Greenslade be elected Vice-Chair.

Councillor Eastman proposed, with Councillor Radford seconding, that Councillor Randall Johnson be elected Vice-Chair.

A secret ballot was then held, having been agreed by the majority of those present in accordance with Standing Orders, following which it was

RESOLVED that Councillor Greenslade be elected Vice-Chair of the Authority until its Annual Meeting in 2015.

DSFRA/4. Review of Constitutional Framework Governance Documents

The Authority considered a report of the Clerk to the Authority (DSFRA/14/7) on the outcome of the most recent review of the Authority's constitutional framework governance documents (Standing Orders, Financial Regulations etc.). The documents were derived from a number of sources - some statutory, some best practice – and were reviewed at least annually to ensure fitness for purpose.

The report proposed a number of changes to the documents including:

- a revision to Standing Orders arising from anticipated Regulations on openness to meetings;
- revisions to Financial Regulations clarifying officer delegations on debt write off and establishing appropriate controls for advance payments;
- corresponding revisions to the Scheme of Delegations; and

- inconsequential amendments to a number of documents stemming from the internal management restructure undertaken in 2013.

In introducing the report, the Clerk made specific reference to the fourth bullet point of paragraph 2.9 referring to a proposed revision, in relation to Firefighters Pensions Schemes, to the Scheme of Delegations. The Clerk indicated that this was inaccurate and should be deleted from the report, the correct position being that both Firefighter Pensions Schemes were currently being reviewed to determine appropriate delegations. The outcomes of this review would be reported initially to the Human Resources Management & Development Committee with a view to an appropriate recommendation then being made to the next Authority meeting, as indicated in paragraph 2.12 of the report.

Councillor Knight **MOVED**, with Councillor Ellery seconding, that the recommendations in report DSFRA/14/7 be approved, subject to immediate implementation of the proposed revision to Standing Orders arising from the anticipated Regulations on openness of meetings. The motion was put to the vote and declared **CARRIED** whereupon it was

RESOLVED

- (a) that the Clerk be authorised to make those amendments to Standing Orders and meeting agenda sheets as indicated in paragraphs 2.3 and 2.4 of report DSFRA/14/7 and arising from the proposed openness of local authority meeting Regulations;
- (b) that, in relation to Financial Regulations:
 - (i) the proposed change to Financial Regulation D7, as identified in paragraph 2.5 and 2.6 of this report and dealing with, amongst other things, advance payments and clarification of limits of officer delegations for debt write-off and overpayment of salary /allowance, be approved;
 - (ii) the change to Financial Regulations arising from clarification of governance arrangements for commercial trading activities, as identified in paragraph 2.7, be noted;
 - (iii) the consequential changes to Financial Regulations arising from the internal management restructure, as outlined in paragraph 2.8 of this report, be noted;
- (c) that, in relation to the Scheme of Delegations:
 - (i) the revisions as identified in paragraph 2.9 of the report be endorsed (subject to deletion of the fourth bullet point on Firefighters' Pensions Schemes delegations);
 - (ii) the revisions as identified in paragraph 2.11 of the report be approved;
- (d) that the minor revisions to the Corporate Governance Code, Strategy for the Prevention and Detection of Fraud and Corruption and "Whistleblowing" Code (Confidential Reporting Strategy), as indicated in paragraphs 2.13 and 2.15 of the report, be noted;
- (e) that, subject to (a) to (d) above, the constitutional framework governance documents as listed in paragraph 1.1 of the report be endorsed.

DSFRA/5. Schedule of Appointments to Committees, Outside Bodies Etc.

The Authority considered a report of the Clerk to the Authority (DSFRA/14/8) seeking endorsement to the Authority's current committee structure and associated Terms of Reference, together with appointments to committees etc. and outside bodies for the forthcoming (2014-15) municipal year.

RESOLVED

- (a) that, in accordance with Standing Orders, appointments be made to Committees etc. as shown below for the 2014-15 municipal year, the term of office to be until the Authority annual meeting in 2015:

Audit & Performance Review Committee

Councillors Ball, Edmunds, Healey, Horsfall, Radford and Way (plus one vacancy – indicative appointment Plymouth Labour)

Commercial Services Committee

Councillors Ball, Dyke, Edmunds, Healey, Randall Johnson and Woodman (plus one vacancy – indicative appointment Conservative)

Community Safety & Corporate Planning Committee

Councillors Bown, Bowyer, Colthorpe, Eastman, Ellery, Owen and Prior-Sankey

Determinations & Dispensations Committee

Councillors Bown, Horsfall, Prior-Sankey and Randall Johnson (plus one vacancy – indicative appointment Plymouth Labour)

Human Resources Management & Development Committee

Councillors Bown, Brooksbank, Burridge-Clayton, Chugg, Horsfall, Knight and J Smith

Resources Committee

Councillors Brooksbank, Burridge-Clayton, Chugg, Dyke, Greenslade and Yeomans (plus one vacancy – indicative appointment Plymouth Labour).

Capital Programme Working Party

Councillors Bown, Greenslade, Randall Johnson and Woodman

Equality & Diversity Member Champion

Councillor Randall Johnson

Climate Change & Sustainability Member Champion

Councillor Horsfall

- (b) that the appointment of Mr. David Watson as the Authority's Independent Person as required by the procedures introduced by the Localism Act 2011, for a further twelve months until the Authority's annual meeting in 2015, be confirmed;

- (c) that appointments be made to Outside Bodies as shown below for the 2014-15 municipal year, the term of office to be until the Authority's annual meeting in 2015 unless otherwise indicated:

LOCAL GOVERNMENT ASSOCIATION (LGA)

Fire Commission

Authority Chairman

General Assembly

Authority Chairman (exercising two Service and one Corporate vote); Councillors Dyke, Randall Johnson and Woodman (each exercising 1 Service vote)

DEVON STRATEGIC PARTNERSHIP BI-ANNUAL WORKSHOP

Councillor Radford

SOUTH WEST COUNCILS

Authority Chairman

SOUTH WEST PROVINCIAL COUNCIL

Chair of the Human Resources Management & Development Committee

SOUTH WEST FORUM OF FIRE AUTHORITIES

Authority Chairman

- (d) that the Terms of Reference for the Authority Committees etc. as set out Appendix B to this report be confirmed.

DSFRA/6. Draft Calendar of Meetings 2014-15

RESOLVED that the draft Authority Calendar of Meetings for the 2014-15 municipal year, as appended to report DSFRA/14/9, be approved.

The meeting started at 10.00hours and finished at 11.00hours.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY
(Ordinary Meeting)

29 May 2014

Present:-

Councillors Healey (Chair), Ball, Bown, Mrs. Bowyer, Brooksbank, BurrIDGE-Clayton, Colthorpe, Dyke, Eastman, Edmunds, Ellery, Greenslade, Horsfall, Knight, Prior-Sankey, Radford, Randall Johnson, Smith, Woodman and Yeomans

Apologies:-

Councillors Chugg, Owen and Way

DSFRA/7. Councillor Julian Brazil

The Chairman and the Authority paid tribute to former Authority Member, Councillor Brazil, thanking him for his contribution to the work of the Authority during his period in office and wishing him well for the future.

DSFRA/8. Minutes of Committees

(a) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meetings held on 26 March and 19 May 2014 which had considered, amongst other things, updates on commercial ventures or leads being pursued and the financial performance of commercial activities.

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

(b) Audit & Performance Review Committee

The Chair of the Committee, Councillor Radford, **MOVED** the Minutes of the meeting held on 7 May 2014 which had considered, amongst other things:

- a progress report from Grant Thornton (external auditors);
- the 2013-14 year-end report on work undertaken as part of the approved internal audit plan;
- the proposed 2014-15 internal audit plan; and
- a report on performance by the Devon & Somerset Fire & Rescue Service for the 2013-14 financial year against those measures contained in the approved Corporate Plan 2013-14 to 2015-15.

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

(c) Resources Committee

The Chair of the Committee, Councillor Greenslade, being temporarily absent from the meeting at this point, the Vice-Chair of the Committee, Councillor Yeomans, **MOVED** the Minutes of the meeting held on 16 May 2014 which had considered, amongst other things:

- a report on the Authority's financial performance during the fourth quarter of 2013/14 compared to approved financial targets for that year; and

- a report proposing an annual grant in 2014-15 to the Service Ceremonial Unit.

RECOMMENDATIONS

- (i) that the recommendation at Minute RC/24 (Financial Performance Report 2013-14 - Quarter 4) be considered in conjunction with report DSFRA/14/10 elsewhere on the agenda for this meeting;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(SEE ALSO MINUTE DSFRA/9 BELOW)

DSFRA/9. Provisional Financial Outturn 2013-14

The Authority considered a report of the Treasurer (DSFRA/14/10) on the financial outturn for 2013-14, for both revenue and capital spending, against the approved budgets for that financial year.

Total revenue spending in 2013-14 was £74.135m against an approved budget of £76.784m – an underspend of £2.649m (3.45%) – based on figures to the end of March 2014 and which were subject to final accounting adjustments and audit scrutiny for the year end. The underspend was largely accounted for by planned in-year savings including the deletion of 41 support staff posts. The report detailed significant variations from the approved budget and identified the following three transfers made in-year to Earmarked Reserves:

- £0.450m to an earmarked reserve for community safety prevention initiatives, as approved by the Authority at its meeting on 30 September 2014 (Minute DSFRA/26(e)(i) refers);
- £0.937m budget carry forwards to enable the following projects, planned to be delivered by the end of March 2014, to be completed during 2014-15:
 - replacement work wear for operational staff (£0.450m);
 - replacement breathing apparatus kit (£0.135m);
 - property maintenance projects (£0.059m);
 - change and improvement projects (£0.228m); and
 - mobile data upgrades for fire appliances (£0.065m);
- £0.314m grants from the Department for Communities and Local Government (CLG) unapplied and carried forward to 2014-15 in accordance with International Finance Reporting System requirements, as follows:
 - £0.110m of grant allocated for capital funding;
 - £0.165m of grant allocated as part of Small Business Rates Relief Scheme; and
 - £0.039m of grant allocated to fund Urban Search and Rescue (USAR) activities.

For the £2.649m underspend against the approved revenue budget, the report contained a proposal for the following two further transfers to Earmarked Reserves:

- £0.300m to the Earmarked Reserve established to meet the following essential spending pressures in 2014-15 identified since setting the approved revenue budget for that year:
 - enhancement of home fire safety visit programme (£0.100m); and

- works required for compliance with water regulations at a limited number of stations (£0.200m);
- £2.349m to an Earmarked Capital Funding Reserve to fund capital spending and thereby reduce borrowing and exposure to external debt. The report identified that the impact of this proposal on the Authority's Medium Term Financial Plan would be to reduce future debt charges by £0.245m from 2015-16 thereby contributing to the Authority's future savings targets.

The report also summarised the Authority's Provisions balances as at 31 March 2014 which had increased to £2.378m in total, the additional £0.766m relating to:

- a £0.481m increase in the provision to meet future pension liabilities arising from legislative changes; and
- an increase of £0.295m to the equalisation fund for the Joint Fire Training Centre, Avonmouth – a joint PFI venture (with Gloucester County Council and Avon Fire & Rescue Service).

The provisional outturn for capital expenditure indicated capital spending of £3.853m against a final, approved programme of £6.798m, with slippage of £2.882 million and net savings of £0.123m. The report set out the principal reason for the slippage (including delays in the appliance replacement programme) and identified financing for the capital spending of £3.853m in 2013-14. No prudential indicators had been breached as a result of capital expenditure during the year.

RESOLVED

- (a) That, from the underspend of £2.649m against the approved revenue budget, the following two transfers to Earmarked Reserves, as set out in paragraph 12.1 of report DSFRA/14/10 and outlined above, be approved;
 - the transfer of £0.300m to an Earmarked Reserve to fund two one-off essential spending pressures not included in the 2014-15 revenue budget; and
 - the transfer of £2.349m to the Earmarked Reserve for Direct Revenue Funding of Capital.
- (b) that the following capital determinations for the funding of capital spending in the 2013-14, as set out in paragraph 18.1 of the report, be approved:
 - £1.440m be capitalised and funded from external grant; and
 - £2.413m be capitalised and funded from revenue contributions to capital spending, either directly from the 2013-14 revenue budget or from balances in Earmarked Reserves
- (c) that subject to (a) and (b) above, the position in relation to the Revenue and Capital Outturn, as indicated in the report, be noted.

(SEE ALSO MINUTE DSFRA/8 ABOVE)

DSFRA/10. Annual Treasury Management Report 2013-14

(Adam Burleton, Capita, in attendance for this item).

The Authority received for information Report of the Treasurer (DSFRA/14/11) summarising Authority treasury management activities during 2013-14 in accordance with the requirements of the CIPFA Code of Practice on Treasury Management.

A prudent approach had been taken to investment decisions during the year with priority being given to liquidity and security over yield. Against a backdrop of continued uncertainty in the aftermath of the 2008 financial crisis, a cautious approach had been followed whereby investments were determined by risk considerations resulting in relatively low returns compared to the borrowing rates. Despite this, however, the Authority still secured returns on investment above the LIBID 3 month rate (the bench mark return for short-term investments) and no Prudential Indicator had been breached.

DSFRA/11. Chairman's Announcements

The Chairman reported, for information, on activities undertaken on behalf of the Authority since its last meeting.

DSFRA/12. Chief Fire Officer's Announcements

The Chief Fire Officer reported on:

- a forthcoming Awards Evening, to be held at 19:00hours on Thursday 31 July 2014 at Service Headquarters, to recognise, amongst other things, those involved in the M5 and recent flooding incidents and for Long Service and Good Conduct awards;
- the forthcoming official opening of the Exeter Airport Training Academy site on 15 July 2014;
- the commemoration of the 40th Anniversary of the Fire Service College, to be attended by the Princess Royal and to which the Service Ceremonial Unit had been invited to play;
- the current position in relation to the dispute between central government and the Fire Brigades Union in relation to proposed revisions to the Firefighters Pensions Schemes.

The meeting commenced at 11.15hours and finished at 12.24hours.

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

25 June 2014

Present:-

Councillors Mrs. L Bowyer, Burrige-Clayton (vice Bown), Colthorpe, Eastman, Owen and Prior-Sankey

Apologies:-

Received from Councillors Bown and Ellery

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

RESOLVED that Councillor Eastman be elected Chair of the Committee until its first meeting after the Authority Annual Meeting in 2015.

***CSCPC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 7 February 2014 be signed as a correct record.

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

RESOLVED that Councillor Colthorpe be elected Vice Chair of the Committee until its first meeting after the Authority Annual Meeting in 2015.

***CSCPC/4. Planning Process for the Corporate Plan (CP2)**

The Committee received for information a presentation by the Director of Operations on the new draft corporate strategy 'Towards a Safer Community' together with information on the planning process for the next iteration of the Service Corporate Plan (CP2).

During the presentation, the following points were highlighted:

- The new long term corporate strategy was based on 3 core priorities for the Service namely public safety, staff safety and effectiveness and efficiency;
- With these priorities in mind, the Service was currently reviewing its options for service delivery, particularly in view of the point that there was a need to identify budget savings of £7.1million over the next 3 years.
- A timetable for the planning process for CP2 had been established with a public consultation exercise on any proposals for change commencing in January 2015, culminating in a proposal for a new Corporate Plan being considered by the Fire and Rescue Authority at its meeting in July 2015.

The Director of Operations advised the Committee that it was clear that any changes in service delivery should be made for the right reasons, balanced against the point that the Service had to contend with a reducing budget in future years. The Committee recognised that it would be important for the Service to handle its public relations surrounding this very carefully.

***CSCPC/5. Home Fire Safety Visits**

The Committee received for information a presentation by the Director of Operations on undertaken to review the Service's approach to Home Fire Safety Visits.

The Committee noted the following points during the presentation:

- The Service will undertake checks in future as opposed to visits based on a risk profile;
- During a check, staff will be able to identify and assess the potential fire risks in the home with a view to either giving advice or then undertaking a full visit;
- During a visit, the Service will provide support and try to influence behavioural change, provide equipment as required and promote any other means of fire safety;
- Home Fire Safety Advocate workloads will be managed and co-ordinated centrally.

The Director of Operations outlined the benefits of these changes, which included the ability to increase capacity within groups to generate referrals, to improve working arrangements for Advocates and the ability for the Service to be able to forecast future financial requirements. It was noted that this new approach was being piloted within the Central Command with a view to it being extended across the Service in due course.

***CSCPC/6. Update on Community Safety Investment**

The Committee received for information a report of the Director of Operations (CSCPC/14/3) summarising activities that undertaken to date in utilising the £450,000 funding approved by the Fire and Rescue Authority at its meeting on 10 July 2013 for community safety activities as part of the proposals within the Corporate Plan for 2013/14 to 2015/16. The report also outlined the ways in which the remaining balance of this funding would be utilised.

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

The meeting started at 10:00hours and finished at 11.23hours

COMMERCIAL SERVICES COMMITTEE
(Devon and Somerset Fire and Rescue Authority)

3 July 2014

Present:-

Councillors Ball, Dyke, Edmunds, Healey and Woodman

Apologies:-

Councillor Randall Johnson

***CSC/1. Election of Chair**

RESOLVED that Councillor Healey be elected Chair of the Committee until its first meeting following the Annual Authority meeting in 2015.

***CSC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 19 May 2014 be signed as a correct record.

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

RESOLVED that Councillor Dyke be elected Chair of the Committee until its first meeting following the Annual Authority meeting in 2015.

***CSC/4. 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.

***CSC/5. Commercial Update - June 2014**

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

The Committee received for information a report of the Commercial Business Development Manager (CSC/14/6) on commercial leads and opportunities currently being progressed.

CSC/6. Financial Update

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

The Director of People and Commercial Services reported on receipt, the previous evening, of the final year-end accounts for commercial activities during the 2013-14 financial year. These had subsequently been considered by the Board of Red One Ltd.

The Committee were provided with information on, amongst other things:

- the turn-over during the financial year;

- the financial contribution made from commercial activities to the Service; and
- the decision of the Board of Red One in relation to the dividend to be declared in relation to 2013-14 financial year.

RESOLVED

- (a) that the financial contribution made by commercial activities to the Service in 2013-14, as identified at the meeting, be noted;
- (b) that the Authority be informed of the net dividend declared by the Board of Red One Ltd. for the 2013-14 financial year and available for allocation towards capital expenditure (thereby reducing debt charges), in accordance with the Authority decision at its meeting on 18 February 2013 (Minute DSFRA/59(b) refers).

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

The meeting started at 10.00hours and finished at 12.10hours.

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

9 July 2014

Present:

Councillors Dyke (vice Horsfall), Edmunds, Radford and Woodman (vice Healey).

Apologies:

Councillors Ball, Healey, Horsfall and Way.

Also in attendance:

Peter Barber, Grant Thornton

***APRC/1. Election of Chair**

RESOLVED that Councillor Radford be elected Chair of the Committee until its first meeting following the Authority Annual Meeting in 2015.

***APRC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 7 May 2014 be signed as a correct record.

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

RESOLVED that Councillor Edmunds be elected Vice-Chair of the Committee until its first meeting following the Authority Annual Meeting in 2015.

***APRC/4. External Audit Plan 2014/15**

(Peter Barber, Grant Thornton, in attendance for this item).

The Committee considered a copy of Plan setting out work to be undertaken by the Authority's external auditor, Grant Thornton, during the forthcoming financial year. The work would feature, amongst other things, the audit of the Authority's Statement of Accounts for the 2013-14 financial year and the issuing of a Value for Money conclusion for that year.

In introducing the document, Peter Barber (Grant Thornton) identified that consideration would be given to the ability of Authority to address developments in the sector and that the work would comply with the national audit requirements of the Code of Audit Practice and associated guidance. The document also set out the result of interim, preparatory audit work recently undertaken.

RESOLVED that the plan of external audit work proposed for the Authority in 2014-15, as identified in the document submitted by Grant Thornton, be approved.

***APRC/5. 2013-14 Draft Annual Statement of Assurance**

The Committee considered a report of the Audit and Review Manager (APRC/14/4) to which was appended the draft 2013-14 Annual Statement of Assurance. This document was both backwards and forwards looking, identifying issues from the 2013-14 financial year in terms of financial assurance, governance and operational assurance and identifying areas to be addressed during the forthcoming twelve months.

The document had been prepared to satisfy the requirements of the Accounts and Audit (England) Regulations 2011 and the current iteration of the Fire and Rescue National Framework. The document also reflected guidance issued by Chartered Institute of Public Finance Accountancy (CIPFA) and the Society for Local Authority Chief Executives (SOLACE) on effective corporate governance.

RESOLVED

- (a) that the Authority draft Annual Statement of Assurance 2013-14, prepared to satisfy the requirements of the Accounts and Audit (England) Regulations and the Fire & Rescue Service National Framework and as appended to report APRC/14/4 be approved in principle;
- (b) that the Statement be submitted as part of the audit process for the 2013-14 Statement of Accounts and a further report submitted to the September 2014 meeting seeking approval to the final Statement, subject to incorporation of any issues identified during the audit process.

***APRC/6. Draft Statement of Accounts 2013-14**

The Committee received for information a report of the Treasurer (APRC/14/5) to which was appended, in the format required by the International Financial Reporting Standards (IFRS), the Authority's Statement of Accounts for 2013-14.

The Treasurer drew particular attention as part of a presentation at the meeting to the following four key statements within 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 which 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 2013-14 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 2014.

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

The meeting started at 10.00hours and finished at 11.31am.

REPORT REFERENCE NO.	DSFRA/14/12
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2014
SUBJECT OF REPORT	AUTHORITY CALENDAR OF MEETINGS 2014-15 AND APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p><i>(a) that the revisions to the Calendar of Meetings 2014-15 as set out in paragraph 1.1 of this report be approved;</i></p> <p><i>(b) that appointments be made to the Committee vacancies indicated in paragraph 2.1, the term of office to be until the Authority's Annual Meeting in 2015;</i></p> <p><i>(c) that the Authority appoints to the second place on the Local Government Association Fire Commission, to take effect from September of 2014 until the Authority Annual Meeting in 2015.</i></p>
EXECUTIVE SUMMARY	<p>This report sets out additional dates for inclusion in the Authority's Calendar of Meetings 2014-15, omitted in error when the matter was initially considered at the Annual Meeting on 29 May 2014.</p> <p>The report also identifies:</p> <ul style="list-style-type: none"> • outstanding vacancies on Authority Committees; and • an increase for the Authority, with effect from September 2014, of the number of places to which it can appoint on the Local Government Association Fire Commission <p>and invites the Authority to make appointments, in accordance with its Standing Orders where appropriate, the term of office to be until the Authority's Annual Meeting in May 2015.</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with equalities and Human Rights legislation.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Draft Calendar of Meetings 2014-15 and Schedule of Appointments to Committees, Outside Bodies etc – both submitted to the Authority Annual Meeting on 29 May 2014.

1. CALENDAR OF MEETINGS 2014-15

1.1 At its Annual Meeting on 29 May 2014 the Authority approved a Calendar of Meetings for the 2014/15 Municipal Year (up to June 2015) (Minute DSFRA/6 refers). It has subsequently come to light, however, that several Committee dates in Cycle 3 (November 2014) were omitted in error from the draft Calendar submitted to the Annual Meeting. These Committee dates are as follows:

- 10.00hours, Thursday 6 November 2014 – Commercial Services Committee;
- 14.00hours, Thursday 20 November 2014 – Resources Committee;
- 10.00hours, Monday 24 November 2014 – Audit & Performance Review Committee; and
- 10.00hours, Wednesday 26 November 2014 - Human Resources Management & Development Committee.

1.2 Members have previously been advised of this admission and the Authority is now asked to confirm the above dates for inclusion into its Calendar of Meetings for 2014-14.

2. APPOINTMENTS TO COMMITTEES

2.1 Following the Annual Meeting in May, there are still a number of vacancies remaining to be filled on Committees as follows:

- Audit & Performance Review Committee – 1 vacancy (indicative appointment – Plymouth City Council Labour appointee to the Authority);
- Commercial Services Committee – 1 vacancy (indicative appointment – Conservative Member);
- Determinations and Dispensations Committee – 1 vacancy (indicative appointment - Plymouth City Council Labour appointee to the Authority); and
- Resources Committee – 1 vacancy (indicative appointment - Plymouth City Council Labour appointee to the Authority).

2.2 The Authority is invited to make appointments to the above vacancies in accordance with the provisions of its Standing Orders, the term of office to be until the Authority's Annual Meeting in 2015.

3. APPOINTMENT TO ADDITIONAL PLACE ON THE LOCAL GOVERNMENT ASSOCIATION FIRE COMMISSION

3.1 The Local Government Association has undertaken a review of its governance arrangements including updating the population figures on which, amongst other things, membership of its Fire Commission is based. As a result of this, the Devon & Somerset Fire & Rescue Authority has received an increase of one place on the Commission to which it is entitled to appoint, with effect from September 2014.

3.2 The Authority has already appointed the Chairman to one of the places at its Annual Meeting in May (Minute DSFRA/5 refers) and is now invited to appoint to the second place, to take effect from September 2014 until the Annual Meeting of the Authority in 2015.

MIKE PEARSON
Clerk to the Authority

REPORT REFERENCE NO.	DSFRA/14/13
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	30 JULY 2014
SUBJECT OF REPORT	OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014 – RECORDING OF DECISIONS
LEAD OFFICER	Joint report of the Clerk and the Treasurer to the Authority
RECOMMENDATIONS	<p><i>(a) that, upon the Openness of Local Bodies Regulations 2014 being enforced the parameters for the written recording and publication of officer decisions, as set out section 3 of this report, be approved;</i></p> <p><i>(b) that, subject to (a) above, the report be noted.</i></p>
EXECUTIVE SUMMARY	<p>It is anticipated that the Openness of Local Government Bodies Regulations 2014 will come into force on 6 August 2014.</p> <p>The Authority has previously received a report on the two main aspects of these Regulations and has already approved revisions to its practices and Standing Orders in relation to the public reporting of meetings as required by these Regulations (Minute DSFRA/4(a) of the Authority Annual Meeting held on 29 May 2014 refers).</p> <p>This report deals with the second aspect of the Regulations – the recording of certain decisions as delegated to Officers.</p>
RESOURCE IMPLICATIONS	Not applicable
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing human rights and equalities legislation.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	<p>The draft Openness of Local Government Bodies Regulations 2014.</p> <p>Draft Plain English Guide to the Openness of Local Government Bodies Regulations 2014</p>

1. INTRODUCTION

- 1.1 The Authority has previously received reports on the draft Openness of Local Government Bodies Regulations 2014 – initially, in approving a response to the consultation on the draft Regulations (Minute DSFRA/50 of the Authority’s budget meeting held on 24 February 2014 refers) and more latterly in approving modifications to its arrangements (and associated Standing Orders) concerning public access to meetings to secure compliance with the Regulations (Minute DSFRA/4(a) of the Annual Meeting held on 29 May 2014 refers).
- 1.2 The Regulations address two main issues:
- a requirement to allow members of the public attending Authority meetings (including Committee meetings) to report on those meetings (i.e. video and audio record) using social media etc. – subject to this process not being disruptive to the conduct meeting; and
 - the requirement for certain decisions as delegated to Officers to be recorded and a record of such decisions made available for public inspection.
- 1.3 As previously indicated, the Authority has already amended its arrangements (and associated Standing Orders) for public access at meetings to comply with the Regulations, once enforced. It should be noted that while these amendments secure full compliance with the public reporting of meetings aspect of the Regulations, the person presiding at the meeting still reserves the right to exclude persons in the event of disorderly conduct.
- 1.4 The Government has announced its intention that the Regulations should come into force on 6 August 2014. In light of this, this report now addresses the second requirement of recording certain decisions.

2. RECORDING OF DECISIONS

- 2.1 Articles 7 and 8 of Part 3 of the Regulations required officers of a public authority to make a written record of certain decisions and to ensure that a copy of this written record (including any associated background papers to the decision) is made available for public inspection at the offices of the authority, on its website and by any other means it considers appropriate. This record must be retained for a period of six years from the date at which the decision was made. Failure to comply with the Regulations relating the recording of certain decisions carries a sanction, on summary conviction, of a fine not exceeding Level 1 on the Standard Scale (£200).
- 2.2 Decisions which must be recorded are specified in Article 7(2) as any decision which:
- “...would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either—
- (a) under a specific express authorisation; or
 - (b) under a general authorisation to officers to take such decisions and the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position.”

- 2.3 The Regulations require that the written record of the decision must include:
- The decision taken and the date the decision was taken;
 - the reason/s for the decision;
 - any alternative options considered and rejected; and
 - any other background documents.
- 2.4 The Executive/Scrutiny governance arrangements introduced by Part 1 of the Local Government Act 2000 and operated by many public authorities, including appointing constituent authorities to this Authority, are not applied to this Authority. Under these arrangements, functions that fall to be discharged by the Executive may – in certain circumstances – be discharged by officers of the authority concerned.
- 2.5 This Authority operates more traditional arrangements as per the Local Government Act 1972. Under such arrangements, all functions are the responsibility of the full Authority to exercise but any function may – unless there is a statutory prescription - be delegated either to a Committee appointed by the Authority (which may in turn delegate a matter to an officer) or to one of its officers. Examples of functions that may not be delegated are the setting of a budget and approval of the Authority’s Pay Policy Statement. This Authority does operate a Committee structure and a Scheme of Delegations to its officers. As it is a creature of statute (i.e. all of its activities are controlled by statute), without the ability for such delegation – particularly to officers of routine administrative or organisational decisions - the Authority would not be able to function.
- 2.6 A draft Plain English Guide to accompany the Regulations has been produced, with a final version to be published once the final Regulations are enforced. The draft Guide provides the following clarification in relation to the recording of decisions:

“Can I see all decisions made by my council or local government body’s officers?”

No. The requirement to record applies only to decisions to “grant a permission or licence”; that “affect the rights of an individual [as defined by law]”; or to “award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position”.

Officers take many administrative and operational decisions on how they go about their day to day work within the council’s or local body’s rules. These decisions will not need to be recorded.

You will not be able inspect some recorded decisions if the whole or part of the records contain confidential or exempt information.

Examples of decisions that should be recorded could include:

- Decisions about awarding contracts above specified individual/total values (the values will vary according to the relevant council or local government body)
- A decision to carry out major road works
- Decisions to issue tree preservation orders
- Building control decisions and notices
- Decisions to give listed building consents

Decisions that do not need to be recorded might include the following examples:

- Routine administrative and organisational decisions
- Decisions on operational matters such as changes to services and charges
- Decisions to give business relief to individual traders
- Decisions to review the benefit claims of an individual applicant

These are a few selected examples and not an exhaustive list. It is for the council or local government body to decide what information should be recorded on the basis of the national rules.”

3. **RECORDING OF DECISIONS TAKEN BY OFFICERS ON BEHALF OF THE AUTHORITY**

3.1 Applying the Regulations and draft Plain English guide to this Authority in terms of the recording and publication of decisions taken by officers on behalf of the Authority, it is proposed that:

- the granting of a permission or licence is self-defining. Consequently, it is proposed that, to comply with the regulations, all such decisions taken by officers should be recorded in writing and published on the Authority’s website;
- in relation to decisions affecting the rights affecting, the draft Plain English guide to the Regulations stipulates that these rights are only those as defined by law. These would include, for example, those rights enshrined in the Human Rights Act, the Equalities Act, the Data Protection Act and the right to vote. Other than these, it is difficult to give precise examples of where an Authority decision might impact on the rights of an individual. Consequently, it is proposed that determination of the necessity to record officer decisions that may affect the right of an individual is undertaken on a case-by-case basis with the officer concerned seeking legal advice as necessary to ascertain whether the decision would so affect those rights.

3.2 The position in relation to decisions to award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position is slightly more complex. The draft Plain English guide to the Regulations stipulates that, subject to compliance with the national rules, it is for individual authorities to decide which decisions should be recorded. The guide does not extend to how authorities should reach this decision but it is suggested that in doing so an appropriate balance needs to be drawn between transparency (given that it is expenditure of public funds at issue) and minimising needless bureaucracy.

3.3 With this in mind, and given:

- the existing thresholds in Financial Regulations on expenditure beyond which either Committee or full Authority approval is required; and
- that the Regulations only require written records of officer decisions that would **materially** affect the Authority’s financial position

it is proposed that a written record should be made and published of all contracts entered into, or of any previously “unplanned” expenditure (e.g. as might be incurred by the Chief Fire Officer using the urgency provisions of Standing Orders) of £500,000 and above.

4. CONCLUSION

- 4.1 The Openness of Local Bodies Regulations 2014 are due to come into force on 6 August 2014. The Authority has already amended its procedures (and associated Standing Orders) to address the requirements for public reporting at meetings, one of the two main changes contained in the Regulations. This report now addresses the second of the changes proposed by the Regulations and sets out proposed parameters to address the requirement for recording and publishing certain decisions delegated to officers. These are now commended to the Authority for approval.

MIKE PEARSON
Clerk

KEVIN WOODWARD
Treasurer