

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

17 December 2014

## Present:-

Councillors Healey (Chairman), 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 and Woodman.

## Apologies:-

Councillors Way and Yeomans

### **DSFRA/28. Minutes**

**RESOLVED** that the Minutes of the meeting held on 5 November 2014 be signed as a correct record.

### **DSFRA/29. Address by the Fire Brigades Union**

The Authority received an address from the Fire Brigades Union on its on-going dispute with central government over reforms to the firefighters pension scheme. The address featured, amongst other things:

- reference to the failed Early Day Motion, as discussed on Monday 15 December 2014;
- that the draft Regulations to amend the firefighters pensions scheme had been approved and were due to come into force from April 2015;
- that the FBU had three legal challenges outstanding and reserved the right to take further industrial action as considered appropriate;
- reference to the contributions made by firefighters to the scheme, in comparison with contribution rates under other pensions scheme and in relation to the employee/employer contribution ratio; and
- reference to the effects of the industrial action on individual fire and rescue services.

### **DSFRA/30. Minutes of Committees**

#### **(a) Commercial Services Committee**

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting held on 6 November 2014 which had considered, amongst other things:

- an update report on the financial performance of commercial activities for the period April to September 2014;
- a report on the policy and procedures adopted when assessing involvement in commercial projects overseas and/or in potentially hostile working environments; and
- a report on commercial leads and opportunities currently being pursued.

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

**(b) Resources Committee**

The Chair of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting held on 20 November 2014 which had considered, amongst other things:

- a mid-year review report of Treasury Management Performance in the current (2014-15) financial year;
- a report on the financial performance of the Service for the first two quarters of the current financial year against the approved revenue and capital budget and other agreed financial targets for that year; and
- a proposed Authority response to the consultation by the Department for Communities and Local Government (CLG) on governance arrangements for the Firefighters Pension Scheme 2015.

**RESOLVED**

- (i) that the recommendation at Minute RC/9 (Treasury Management Performance 2014-15 – Mid-Year Review) be considered in conjunction with elsewhere on the agenda for the current meeting;
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

***(SEE ALSO MINUTE DSFRA/31 BELOW)***

**(c) Audit & Performance Review Committee**

The Chair of the Committee, Councillor Radford, **MOVED** the Minutes of the meeting held on 24 November 2014 which had considered, amongst other things:

- a progress report from Grant Thornton on external audit activities undertaken on behalf of the Authority to date;
- the Authority Annual Audit Letter for the year ended 31 March 2014;
- the proposed work programme and scale of fees for external audit in 2015-16; and
- performance by the Devon & Somerset Fire & Rescue Service during April to September 2014 against those measures contained within the approved Corporate Plan 2013-14 to 2014-15.

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

**(d) Human Resources Management & Development Committee**

The Chair of the Committee, Councillor Bown, **MOVED** the Minutes of the meeting held on 26 November 2014 which had considered, amongst other things:

- an urgent item on the 2014-15 pay settlement by the National Joint Council for Local Government Services and specifically on application of non-consolidated payments to Spinal Column Points 50 and above;
- a report on absence management and the health of the organisation;
- a request for full-time release of an employee for trade union duties; and
- a proposed Authority response to the Department for Communities and Local Government (CLG) consultation on proposed amendments to the Fire & Rescue National Framework in relation to firefighter fitness standards and assessment.

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

**DSFRA/31. Treasury Management Performance 2014-15: Mid-Year Review**

(Adam Burleton [CAPITA] – Treasury Management Adviser to the Authority – in attendance for this item).

The Authority considered a report of the Treasurer (RC/14/14) on treasury management activities for the first two quarters of the current (2014-15) financial year in accordance with the best practice recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management.

The report set the Authority's treasury management performance against the UK and global economic performance and outlook. Particularly in this respect, the report identified potential changes, linked to levels of sovereign support, to credit ratings operated by Fitch, Moody and Standard and Poor (the main credit rating agencies). It was proposed that the Authority may wish to amend its Treasury Management Strategy, to the effect that the credit element of the Authority's future methodology for determining credit worthy investment counterparties should focus solely on Short- and Long-term ratings, to account for these changes.

The report concluded that no prudential indicators had been breached and that a prudent approach had been adopted to investment decisions with priority given to liquidity and security over yield. While investment returns were still low due to the fall in interest rates, it was still anticipated that Authority investment returns would exceed the budgeted target.

The same report had been considered by the Resources Committee at its meeting on 20 November 2014 which had resolved, amongst other things (Minute RC/9 refers):

“That the Authority be recommended to approve an amendment to its approved Treasury Management Strategy to reflect changes to credit methodology to cease monitoring the Viability and Financial Strength standalone ratings and assessing Support ratings, with the future focus for determining creditworthy investment counterparties being the Short- and Long-term ratings of an institution, as detailed paragraphs 3.7 to 3.11 of report RC/14/14”.

**RESOLVED**

- (a) that the recommendation of the Resources Committee, at Minute RC/9 and as set out above on a proposed amendment to the Authority's Treasury Management Strategy, be approved;
- (b) that, subject to (a) above, that the performance in relation to the treasury management activities of the Authority for 2014-2015 (to September) be noted.

***(SEE ALSO MINUTE DSFRA/30(b) ABOVE).***

**DSFRA/32. Appointment of In-house Lawyer**

The Authority considered a report of the Clerk to the Authority (DSFRA/14/17) on a proposal to appoint an in-house lawyer. The report detailed the history of legal advice provision both to the former Devon Fire Authority and the Devon & Somerset Fire & Rescue Authority and summarised the content of a full business case supporting a blended approach to provision going forwards, to include the appointment of an in-house lawyer. A copy of the full business case was appended to the report.

A role description and person specification had also been prepared for the post, which had been evaluated in accordance with the Authority's approved process to determine the relevant salary grade.

**RESOLVED**

- (a) that a recruitment process, to include an Authority Member, be undertaken for appointment of an in-house lawyer, at the salary grade as indicated in report DSFRA/14/17 and on the basis of an initial, three-year fixed term contract;
- (b) that the Chief Fire Officer be delegated authority, following consultation with the Authority Chairman, to substantiate the post of in-house lawyer during the fixed term period subject to the business case benefits being realised.

**DSFRA/33. Department for Communities & Local Government (CLG) Consultation: Bellwin Scheme of Emergency Financial Assistance to Local Authorities**

The Authority considered a report of the Treasurer (DSFRA/14/18) on a Department for Communities and Local Government (CLG) consultation on proposed amendments to the Bellwin Scheme for financial assistance towards costs incurred in responding to large-scale emergency incidents, such as the flooding experienced early in 2014. Responses were required by 1 January 2015 and a draft response on behalf of the Authority was appended to the report.

**RESOLVED** that, subject to amendment to indicate that the proposed shortening to one month, from the end of the emergency response period, for expenditure to be eligible for making claims under Bellwin was inadequate, with a longer period being more appropriate, the draft Authority response to the government consultation on proposed revisions to the Bellwin Scheme of Emergency Assistance, as appended to report DSFRA/14/18, be approved and the Treasurer authorised to submit it on behalf of the Authority.

**DSFRA/34. Precept Consultation for 2015-16 Budget**

The Authority considered a report of the Treasurer (DSFRA/14/19) on options for consultation on the likely level of precept in 2015-16. The Authority was statutorily obliged to consult non-domestic ratepayers on expenditure proposals but in previous years had widened this to include the general public. The report outlined the following three options, with the costings and associated benefits/issues associated with each:

- business only, telephone survey consultation;
- business and public telephone survey consultation; and
- business telephone survey and public street survey consultation.

The results of the consultations would be reported to the February 2015 budget meetings.

**RESOLVED** that consultation on the 2015-16 likely precept and expenditure proposals be on the basis of a telephone survey of the business community and street survey public consultation.

**DSFRA/35. Constitutional Issues**

The Authority considered a report of the Clerk to the Authority (DSFRA/14/20) advising of a vacancy on the Audit & Performance Review Committee and proposing, in light of a change in circumstances, cancellation of the formal Authority meeting scheduled for 28 January 2015.

**RESOLVED**

- (a) that Councillor Randall Johnson be appointed to fill the vacancy on the Audit & Performance Review Committee, the term of office of the appointment to be until the Annual Authority meeting in May 2015;
- (b) that the formal Authority meeting scheduled for 10.00hours on Wednesday 28 January 2015 be cancelled, with the Forum meeting also scheduled for that day to commence at the earlier time of 10.00hours.

**DSFRA/36. Regulation of Investigatory Powers Act (RIPA) 2000 - Revised Authority Policy**

The Authority considered a report of the Clerk to the Authority (DSFRA/14/21) on an Authority policy governing the authorisation and undertaking of covert investigatory techniques, as required by the Regulation of Investigatory Powers Act (RIPA) 2000. The policy set out procedures to be adopted relating to any proposed covert investigation and had been developed in accordance with existing RIPA guidance and Codes of Practice.

Moving forwards, it was proposed that oversight of the policy and any consequential revisions should be delegated to the Authority's Audit & Performance Review Committee given that Committee's role in relation to other governance and assurance matters.

**RESOLVED**

- (a) That the Authority RIPA Policy, as appended to report DSFRA/14/21, be approved;
- (b) That the Terms of Reference of the Authority's Audit & Performance Review Committee be amended to include the following:
  - “To review, at least annually, the Authority's RIPA policy and to approve any consequential amendments to the Policy as may be necessary”.

**DSFRA/37. Chairman's Announcements**

The Authority received, for information, a schedule of events attended by the Chairman on its behalf since the last meeting.

Particular reference was made to the success of the first “Bluelight” carol service, held at Exeter Cathedral on 16 December and which had been attended by civic dignitaries, Fire and Rescue Authority Members and invited guests from each of the three emergency services. The Authority asked to have placed on record their appreciation of the efforts of all involved in organising such a prestigious and well-received event.

**DSFRA/38. Chief Fire Officer's Announcements**

The Chief Fire Officer reported, for information, on:

- the latest period of industrial action undertaken on 9 December 2014 as part of the long-running dispute between the Fire Brigades Union and central government over proposed pension reforms. Robust contingency arrangements had been maintained by the Service during the period of industrial action;
- funding of £170,000 had been raised by the Service during 2014 for the Firefighters Charity. In particular, the car wash event held recently at Hartland had raised £2,800 – the highest amount raised by any individual station in the country. Hartland would in due course receive a special presentation to mark this achievement; and
- the success of the recently-held Learn2Live presentation in Plymouth, which had been attended by Councillors Mrs. Bowyer and Singh amongst others. The event represented a very powerful and highly effective joint agency approach to delivering vital road safety messages to young people.

**DSFRA/39. 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/40. Asset Opportunity**

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

The Authority considered a report of the Chief Fire Officer (DSFRA/14/22) on an opportunity for the Service to secure, as part of housing development, a new, relocated fire station. The new building itself would be at no cost to the Service, although limited costs might be incurred from oversight of the project by the Service Estates Department and relating to the re-siting of data communications by the ICT department. In any event, these limited costs would be met from existing resources.

**RESOLVED** that the developer be informed of the Authority's approval to the relocation and building of a new fire station as identified in report DSFRA/14/22, as part of a new residential development, subject to this being at no cost to the Authority other than those incidental and opportunity staff costs as identified in the report, in the event that these costs would not also be met by the developer.

The meeting started at 10.00hours and finished at 11.40hours.