

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

29 July 2015

Present:-

Councillors Healey (Chair), Bown, Burridge-Clayton, Chugg, Dyke, Eastman, Edmunds, Ellery, Greenslade, Hill, Horsfall, Knight, Leaves, Radford, Randall Johnson, Singh, Thomas, Way, Wheeler, Woodman and Yeomans.

Apologies:-

Councillors Ball, Colthorpe and Redman

DSFRA/14. Minutes

RESOLVED that the Minutes of the Annual and Ordinary meetings held on 28 May 2015 be signed as correct records.

DSFRA/15. Address by Fire Brigades Union

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

- the ongoing dispute between the union and central government over changes to the firefighters' pensions schemes;
- the establishment of Local Pensions Board;
- discretions under firefighters' pensions schemes that were subject of a paper for consideration elsewhere on the agenda for this meeting.

(SEE ALSO MINUTE DSFRA/20 BELOW)

DSFRA/16. Minutes of Committees

(a) Human Resources Management & Development Committee

The Chair of the Committee, Councillor Bown, **MOVED** the Minutes of the meeting held on 11 June 2015 which had considered, amongst other things:

- an update on progress with the Authority's equality strategy "Safer Lives, Brighter Futures";
- a report detailing requests for retirement and re-employment in accordance with the Authority's approved Pay Policy Statement for the current financial year;
- appointments to the Internal Disputes Resolution Panel; and
- an update report on absence management for the organisation.

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

(b) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting held on 15 June 2015 which had considered, amongst other things, an update on commercial activities currently being progressed.

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

(c) Audit & Performance Review Committee

The Chair of the Committee, Councillor Radford, **MOVED** the Minutes of the meeting held on 10 July 2015 which had considered, amongst other things:

- an update report from the Authority's external auditor (Grant Thornton) on work being undertaken on behalf of the Authority;
- a draft Annual Statement of Assurance for 2014-15;
- the draft Statement of Accounts for 2014-15; and
- a presentation on proposed revisions for reporting performance by the Service against its goals, objectives and targets.

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

DSFRA/17. Appointments to Committees

The Authority considered a report of the Clerk to the Authority (DSFRA/15/15) seeking appointment to each of the vacancies on the Authority's Human Resources Management & Development and Resources Committees.

RESOLVED that Councillor Thomas be appointed to fill the vacancy on both the Human Resources Management & Development and Resources Committees, the term of office to be until the Annual Meeting of the Authority in 2016.

DSFRA/18. Redundancy Compensation Rates

The Authority considered a report of the Director of People and Commercial Services (DSFRA/15/16) on the outcome of the most recent review of redundancy compensation rates applied by other local authorities in the South West and in light of this the rate that might be applied by this Authority for the current (2015-16) financial year.

The Chairman reported that, following despatch of the agenda for this meeting, Counsel advice had been received which could have a material effect on options the Authority might wish to consider. In light of this, it was

RESOLVED that this matter be deferred and referred in the first instance for consideration by the Human Resources Management & Development Committee, with a recommendation as appropriate to be made to a future Authority meeting as to the redundancy compensation rates to apply.

DSFRA/19. Commercial Activities - Governance Options

The Authority considered a joint report of the Chief Fire Officer and Clerk to the Authority (DSFRA/15/17) reviewing the history of the Authority's commercial trading activities and outlining the relevant legislation for this together with relevant aspects of the Articles of Association of Red One Ltd., the trading company established by the Authority to enable it to undertake commercial trading activities in accordance with the relevant legislation.

The report outlined different models of governance that might apply for commercial activities, together with relevant considerations, benefits and issues associated with each. These had been subject to discussion with both the Commercial Activities Committee and the Authority and Committee Chairs who in turn had expressed a preference for a revised governance model featuring, amongst other things, the appointment of independent non-executive directors to the Board of Red One Ltd.

RESOLVED

- (a) that, as the single shareholder in Red One Ltd and in accordance with Article 19 of the Articles of Association of the company, the Authority resolves in principle to appoint an independent non-executive director to the Board of Red One Ltd for an initial period of three years (reviewable annually by the Authority);
- (b) the Chief Fire Officer and Director of People and Commercial Services, in consultation with the Authority Chair, be delegated authority to determine an appropriate job description and advertise for the appointment of an independent non-executive director on the Board of Red One Ltd.;
- (c) that a small group of Members comprising Councillors Dyke, Ellery, Healey, Randall Johnson, Woodman and Yeomans be appointed to undertake interviews for the role of Independent non-executive director on the Board of Red One Ltd. and make a recommendation to a future meeting of the Authority both on the appointment of the independent non-executive director and on the level of remuneration to be applied to this post;
- (d) that, in accordance with the provisions of Article 4(1) of the Articles of Association of Red One Ltd., the Authority resolves to direct the existing Board of Red One Ltd. that the independent non-executive director so appointed shall serve as Chair of the Board of Red One Ltd.;
- (e) that, similarly and also in accordance with the provisions of Article 4(1) of the Articles of Association of Red One Ltd., the Authority resolves to direct the Board that the Managing Director of Red One Ltd. shall be, ex officio, the Director of People and Commercial Services;
- (f) that the Clerk to the Authority be authorised to notify, in due course, the Board of Directors of Red One Ltd. of the following:
 - (i) the appointment of the independent non-executive director (once made) (NOTE: Article 19 of the Articles of Association of Red One Ltd. requires this notification to be in writing); and
 - (ii) that the Authority has resolved, in accordance with Article 4(1) of the Articles of Association of Red One Ltd., that:
 - (A) the independent non-executive director shall serve as Chairman of the Board; and
 - (B) that the Managing Director of Red One Ltd. shall be, ex officio, the Director of People and Commercial Services;
- (g) that a report be submitted to a future meeting of the Authority (prior to the Annual Meeting in 2016 and to be informed by the views of the independent non-executive director, once appointed) further clarifying the revised governance arrangements (e.g. final number of non-executive directors; remuneration and appointment process; exercise of “residual” Commercial Services Committee functions by the Resources Committee) to operate for commercial services activities in future;
- (h) that, pending the new governance arrangements being effected, the Commercial Services Committee be retained both to provide oversight of commercial activities and to assist as required in the transition and that, in respect of the latter, the Terms of Reference for the Committee be amended to include the following:

“To assist as required in establishing governance arrangements to operate for commercial activities, including the composition of the Board Directors of Red One Ltd.”

DSFRA/20. Firefighters Pensions Schemes Discretions

The Authority considered a joint report of the Chief Fire Officer and the Clerk to the Authority (DSFRA/15/18) seeking to identify those discretions as contained in the firefighters’ pensions schemes and establish the most appropriate way of exercising the discretions in terms of:

- those discretions where it was felt that an Authority policy was either required or desirable; and
- discretions of a more administrative or individualised nature.

In considering the report, the Authority was mindful that it had recently established, in accordance with relevant regulations, a Local Pensions Board with responsibility, amongst other things, for assisting the Authority (as Scheme Manager) in ensuring the effective and efficient administration of the firefighters’ pensions schemes. In light of this, the Authority felt it would be appropriate to invite the Local Pensions Board to consider and comment on the proposals for the exercise of firefighters pensions schemes discretions as set out in the report.

RESOLVED that the report be referred to the Local Pensions Board for consideration and resubmitted, along with any views expressed by the Local Pensions Board, to a future meeting for determination.

(SEE ALSO MINUTE DSFRA/15 ABOVE)

DSFRA/21. Local Government Pension Scheme (LGPS) Discretions

The Authority considered a joint report of the Chief Fire Officer and the Clerk to the Authority (DSFRA/15/19) on discretions available to the Authority under the Local Government Pension Scheme and proposals as to how the discretions might be exercised.

RESOLVED

- (a) that the proposals as set out in Section 2 and Appendix A of report DSFRA/15/19 on the policy to be exercised for those discretions as identified under the Local Government Pension Scheme be approved;
- (b) That discretions involving additional financial implications be exercised in accordance with the following financial thresholds, which accord with the existing thresholds in Financial Regulations for settling employee claims:

for amounts up to £25,000	Chief Fire Officer
for amounts between £25,000 and £75,000	Human Resources Management & Development Committee
for amounts in excess of £75,000	full Authority

with any discretion exercised by the Chief Fire Officer to be reported for information to the next Human Resources Management & Development Committee;

- (c) That the Clerk be authorised to make any consequential changes to Authority constitutional framework documents (notably Committee Terms of Reference, the approved Scheme of Delegations and Financial Regulations to reflect the decisions taken in relation to (b) above.

DSFRA/22. Chairman's Announcements

RESOLVED that the Clerk to asked to circulate the list of activities undertaken by the Chairman on behalf of the Authority since its last meeting to the Authority via e-mail.

DSFRA/23. Chief Fire Officer's Announcements

The Chief Fire Officer advised the Authority on:

- reasons for the delay in the Devon & Somerset Fire & Rescue Service “going live” on the new Network Fire Control Solution Project (NFCSP) and measures being taken to address this;
- attendance, recently, at the funeral of Dr. David Poulton, former Senior Human Resources Manager for the Service;
- attendance at a meeting with the new Fire Minister, Mark Francois MP;
- attendance, in his capacity as President of the Firefighters Memorial Trust, at an event hosted by the Princess Royal;
- hosting a visit at Service Headquarters for the new High Sheriff of Devon;
- attendance at a meeting with the Director of Public Health in Plymouth to discuss an innovative pilot scheme for fire and rescue service involvement in the delivery of public health and safety initiatives;
- arrangement of meetings with local Members of Parliament to discuss a range of issues, notably seeking a fairer funding settlement for the Authority; and
- the success of providing fire and rescue cover for the recently-held Glastonbury Festival

The Chief Fire Officer also reminded the Authority of the forthcoming Long Service and Good Conduct Medal Awards Ceremony to be held at Woodlands Castle, Taunton, on 30 July 2015.

The meeting started at 10.00hours and finished at 12.15hours