



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

**M. Pearson
CLERK TO THE AUTHORITY**

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

(see below)

**SERVICE HEADQUARTERS
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CLYST ST GEORGE
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Your ref :
Our ref : DSFRA/MP/SY
Website : www.dsfire.gov.uk

Date : 29 September 2015
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DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Wednesday 7 October 2015

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 meeting held on 29 July 2015 attached (page 5).

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, 2 October 2015.**

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) Resources Committee

The Chair of the Committee, Councillor Dyke, to **MOVE** the Minutes of the meeting held on 2 September 2015 attached (page 11)

RECOMMENDATIONS

- (i) that the recommendations at Minute RC/5 (Financial Performance Report 2015-16: Quarter 1)(page 13) and Minute RC/6 (Revision to Capital Programme 2015-16 to 2017-18)(page 13) be approved; and
- (ii) that, subject to (i) above and 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 7 September 2015 attached (page 15)

RECOMMENDATIONS

- (i) that the recommendations at Minute CSC/10 (Commercial Activities 2014-15 Financial Year - Declaration of Dividend by Red One Ltd.)(page 16) be considered in conjunction with item 15 (Commercial Activities 2014-15 Financial Year - Declaration Of Dividend By Red One Ltd.) below; and
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(c) Human Resources Management & Development Committee

The Chair of the Committee, Councillor Bown, to **MOVE** the Minutes of the meeting held on 16 September 2015 attached (page 17)

RECOMMENDATIONS

- (i) that the recommendations at Minute HRMDC/11 (Redundancy Compensation Rates)(page 19) and HRMDC/12 (Firefighters' Pensions Schemes - Exercise of Discretions - Further Considerations)(page 20) be approved; and
- (ii) that, subject to (i) above and in accordance with Standing Orders, the Minutes be adopted.

(NOTE: for ease of reference, a copy of report HRMDC/15/7 [Firefighters' Pensions Schemes - Exercise of Discretions - Further Considerations], as considered by the Human Resources Management & Development Committee at its meeting on 16 September 2015, is attached – page 21).

(d) Community Safety & Corporate Planning Committee

The Chair of the Committee, Councillor Eastman, to **MOVE** the Minutes of the meeting held on 23 September 2015 attached (page 59)

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

(e) Audit & Performance Review Committee

The Chair of the Committee, Councillor Radford, to **MOVE** the Minutes of the meeting held on 28 September 2015 attached (page 63)

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

8. Proposed Revisions to Calendar of Meetings 2015-16 Municipal Year - Community Safety & Corporate Planning Committee and Members' Forums

Report of the Clerk to the Authority (DSFRA/15/20) attached (page 67).

9. Transfer of Grant Funding from the Devon & Somerset Fire & Rescue Service to SAFE South West

Report of the Treasurer to the Authority (DSFRA/15/21) attached (page 71).

10. Consultation - "Enabling Closer Working Between the Emergency Services"

Report of the Clerk to the Authority (DSFRA/15/22) attached (page 75).

11. Chairman's Announcements

12. Chief Fire Officer's Announcements

13. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined:

- for item 14, in Paragraphs 1 (information relating to an individual), 2 (information which would reveal the identity of an individual) and 3 (information relating to the financial and business affairs of a particular person) of Part 1 of Schedule 12A (as amended) to the Act;
- for items 15 and 16, in Paragraph 3 of Part 1 of Schedule 12A of the Act (information relating to the financial and business affairs of the Authority and third parties).

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

14. Commercial Services - Revised Governance Arrangements - Update

Report of the Chief Fire Officer (DSFRA/15/23) attached (page 81).

15. Commercial Activities 2014-15 Financial Year - Declaration of Dividend by Red One Ltd.

Report of the Chief Fire Officer (DSFRA/15/24) attached (page 85).

16. Regional Control Centre, Taunton - Further Considerations

Report of the Chief Fire Officer (DSFRA/15/25) attached (page 89).

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Healey (Chair), Ball, Bown, Burrige-Clayton, Chugg, Colthorpe, Dyke, Eastman, Edmunds, Ellery, Greenslade, Hill, Horsfall, Knight, Leaves, Radford, Randall Johnson, Redman, Singh, Thomas, Way, Wheeler, 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>
4.	<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>
5.	<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

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

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RESOURCES COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

2 September 2015

Present:-

Councillors Burridge-Clayton, Dyke, Greenslade, Healey (vice Chugg), Singh, Thomas and Yeomans

Apologies:-

Councillor Chugg

***RC/1. Election of Chair**

RESOLVED that Councillor Dyke be elected Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2016.

***RC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 14 May 2015 be signed as a correct record.

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

RESOLVED that Councillor Yeomans be elected Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Authority in 2016.

***RC/4. Treasury Management Performance 2015-2016: Quarter 1**

The Committee received for information a report of the Treasurer (RC/15/7) that set out the treasury management activities of the Authority for the first quarter of the current financial year (2015-16) to June 2015. The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management advocated that public authorities should receive a report on treasury management activities at least twice a year and preferably quarterly. This report therefore gave the assurance that the Authority was embracing best practice in accordance with the Code of Practice.

Adam Burlington, representing Capita – the Authority's Treasury Management Adviser – was present at the meeting and he gave an overview of the performance to date as measured against the approved Treasury Management Strategy. The key points made were:

- performance during the first quarter of the current financial year demonstrated a prudent approach to investment decisions, with priority being given to liquidity and security over yield;
- investment returns were still small as a consequence of the continuing low interest rates, but the Service was outperforming the LIBID 3 benchmark return of 0.44% with a performance of 0.52%;
- no Prudential Indicators had been breached, and;
- the level of external borrowing was £25.9million but this was anticipated to reduce to £25.8million as a result of forthcoming scheduled repayments.

Members commented in particular on the ongoing uncertainties facing the financial markets particularly in the light of the recent disaster in China and the pressure on European economies as a result of the current migration crisis. Reference was also made to the need for the Authority, wherever practicable, to seek reductions in its level of external borrowing in view of the associated, ongoing cost of this debt on the Authority's Revenue Budget. It was noted that the position on external borrowing was being monitored with a view to achieving reductions as soon as the cost of early repayment made this financially viable. No further external borrowing was planned in the current financial year and new and innovative options for financing the Estate were already under consideration as part of the work being undertaken by the Authority's Capital Programme Working Party.

RC/5. Financial Performance Report 2015-2016: Quarter 1

The Committee considered a report of the Treasurer (RC/15/8) that set out on financial performance for the first quarter (April to June) as against those agreed targets for the current (2015-16) financial year.

At this stage, it was anticipated that revenue spending would be £73.444million which was some £1.267million (1.70%) less than the approved Revenue Budget for 2015-16. This aligned to the approved strategy to deliver in-year savings wherever possible to enhance reserve balances, with the underspend being largely attributable to savings on staffing costs arising primarily from continued implementation of Corporate Plan proposals approved in July 2013.

The Treasurer reported that given the early stage in the financial year, no recommendation was made to the Committee in terms of how this predicted underspend should be utilised. In relation to capital spending the Treasurer referred to the fact that the Capital Programme for 2015-16 to 2017-18 was being revised down to £8.178million (Minute RC/6 below refers), and that at this stage spending was anticipated to be to this revised figure. Reference was made to the impact of the settlement under the Part Time Workers (Prevention of Less Favourable Treatment) Employment Tribunal. 405 employees had indicated that they would be taking up the offer of a backdated pension which was more than had been included with the original funding model. The Department for Communities and Local Government (DCLG) had confirmed that any future liabilities arising from this would be met through employer's pension contributions by using pension valuations in future years. At this time it was forecast that the total liability will be in the region of £10million, to be spread over the next 15 years. The Treasurer also reported that the DCLG had stated that further consideration of the funding of the total liability will be included as part of Comprehensive Spending Review 2015.

Attention was drawn to the recommendations for budget virements as set out in paragraphs 5.3 and 5.5 of this report which were:

- an in year budget virement of £116,000 to transfer the additional grant income from the Grants and Reimbursements budget to the Earmarked Reserve for NNDR smoothing;
- an in year budget virement of £110,000 to increase the Training budget with a corresponding increase in Grant income.

The Treasurer also referred to Section C of the report covering other financial indicators and in particular, the debts outstanding for more than 85 days. Members of the Committee commented that, since some of this may be related to commercial debt, the Authority had the ability to send in the bailiff to recover outstanding claims without recourse through the courts. Additionally, the Committee requested that the wording in existing contracts of sale be checked as this should already include coverage of retention of ownership issues. The Chief Fire Officer undertook to look into this matter and to report back to the Committee at the next meeting.

RESOLVED

- (a) that the two budget virements (in excess of £50,000), as outlined in Paragraph 5.3 and 5.5 of report RC/15/8 and indicated above, be approved;
- (b) that, subject to (a) above, that the monitoring position in relation to projected spending against the 2015-2016 revenue and capital budgets be noted;
- (c) that the performance against the 2015-2016 financial targets be noted.

NB. Minute RC/6 below refers.

RC/6. Revision to Capital Programme 2015-16 to 2017-18

The Committee considered a report of the Director of Corporate Services and Treasurer (RC/15/9) seeking approval of the Authority to revise the Capital Programme for 2015-16 to 2017-18 to reflect slippage and savings in spending already identified as part of the financial monitoring process. The proposed changes did not require any additional external borrowing and therefore there was no further burden on the Authority's approved Revenue Budget.

The proposed changes to the Capital Programme reflected:

- a) Slippage in spending in 2014-15 and 2015-16 of £1.65m more than had been anticipated when setting the original programme for 2015-16 to 2017-18.
- b) An increase of £114,000 in 2015-16 to cover the cost of two additional capital schemes to be funded from earmarked reserves as agreed at the 2014-15 year end; specifically £84,000 for the construction of training containers at the Exeter airport site and £30,000 for Brake Testing equipment;
- c) Budget managers have now identified savings of £623,000 from the previously agreed programme. As Avon and Somerset Police are no longer committed to site sharing in Ilminster, an amount of £241,000 of Estates expenditure for the remodelling of the Fire station is no longer required. In relation to the Fleet programme, £393,000 of savings has been identified, primarily from a review of the number of Specialist Support vehicles used throughout the service.

In response to points raised by Members in relation to the need for clarity in respect of the level of capital funding required each year, the Chief Fire Officer advised that the Service was completing a pilot in respect of options for the fleet presently. The information obtained from this Pilot would facilitate the accurate prediction of the funding needed in the future which would be aligned to a clear strategy for capital spending.

RESOLVED that the Devon and Somerset Fire and Rescue Authority be recommended to approve the revised capital programme and associated prudential indicators for 2015-16 to 2017-18, as included in report RC/15/9 (and as appended to this report for reference).

NB. Minute RC/5 above also refers.

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

The meeting started at 10:00hours and finished at 11.20hours

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

7 September 2015

Present:-

Councillors Healey (Chair), Dyke, Edmunds, Randall Johnson and Woodman

Apologies:-

Councillors Ball and Leaves

***CSC/7. Minutes**

RESOLVED of the meeting held on 15 June 2015 be signed as a correct record.

***CSC/8. Commercial Activities - Governance Options (Minute DSFRA/19, Authority meeting 29 July 2015) - Update**

Chief Fire Officer and Area Manager Hanson reported, for information, on progressing options for revised governance arrangements for commercial trading (including, amongst other things, the appointment of non-executive directors to the Board of Red One Ltd.) following consideration of this matter by the Authority at its last full meeting on 29 July 2015 (Minute DSFRA/19 refers).

The matters discussed, including consideration of an independent non-executive director to sit on the Board of Red One Ltd., would form the basis of a report to the next Authority meeting.

(SEE ALSO MINUTE CSC/10 BELOW).

***CSC/9. Exclusion of the Press and Public**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972 the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined:

- for Minutes *CS/10, *CS/12 and *CS/13, 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; and
- for Minute *CS/11, in Paragraphs 3 and 5 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 (Paragraph 3) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 5).

CSC/10. Commercial Activities 2014-15 Financial Year - Declaration of Dividend by Red One Ltd.

(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 considered a report of the Director of People and Commercial Services (CSC/15/6) setting out, amongst other things:

- turn-over for Red One Ltd. for the 2014-15 financial year;

- the contribution made by commercial trading to the Devon & Somerset Fire & Rescue Service in the 2014-15 financial year; and
- the profit made during the financial year.

The report contained two options initially proposed by the Board of Red One Ltd. on use of the profit made in the financial year and the ultimate final dividend to be declared to the Authority. The Chief Fire Officer suggested, however, that - in light of the proposed changes relating, amongst other things, to governance arrangements – the Committee might wish to maximise flexibility for future commercial activities by recommending that the Authority approves retention of the sum of money initially suggested in the first option (but not restricting this to the purposes identified in the report) and declaring the remainder of the profit available as a dividend for use by the Authority.

RESOLVED that the Authority be recommended:

- to approve retention from the profit made from commercial activities in the 2014-15 financial year of a total sum as specified in Option 1 of report CSC/15/6 for reinvestment in progressing commercial activities; and
- subject to (i) above, to consider using the residual final dividend to fund capital expenditure, thereby reducing debt charges, in line with the previous agreement of the Authority (Minute DSFRA/59(b) of the meeting held on 18 February 2013 refers).

(SEE ALSO MINUTE *CSC/8 ABOVE)

***CSC/11. State Aid Issue**

(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 Chief Fire Officer (CSC/15/7) on progress to date with this matter and specifically a solution proposed for the matter following discussions with the European Union Directorate General for Competition (DG Comp).

***CSC/12. 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 Senior Finance Manager reported, for information, on the current position in relation to the commercial services profit and loss accounts for the current (2015-16) financial year. Although sales were lower for the first two months of the current financial year (when compared to the same period in the previous year), it was nonetheless anticipated that, by the end of the financial year, performance for the previous financial year would be matched if not exceeded.

***CSC/13. Commercial Update July and August 2015**

(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 Development Business Manager (CSC/15/8) on commercial leads and opportunities currently being progressed.

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

The meeting started at 10.00hours and finished at 11.30hours.

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

16 September 2015

Present:-

Councillors Bown, Chugg, Dyke (vice Horsfall), Knight, Thomas and Wheeler

Apologies:-

Received from Councillor Burridge-Clayton.

***HRMDC/9. Minutes**

RESOLVED that the Minutes of the meeting held on 11 June 2015 be signed as a correct record.

***HRMDC/10. Absence Management**

The Committee received for information a report of the Director of Corporate Services (HRMDC/15/5) that set out the sickness absence levels for staff to date since combination in 2007, together with comparisons against the 2014/15 performance and benchmarking data for other fire and rescue services nationally.

It was noted that the current level of sickness absence was 3.11 days/shifts lost per person as opposed to 3.10 days/shifts lost in the same period in 2014/15. Long term sickness absence was starting to decrease, with 15 firefighters currently off (out of an establishment of 562) as opposed to 28 in 2007/08. Additionally, there was 4 support staff off on long term sickness absence currently with no absence in fire control.

Reference was made in particular to the benchmarking data showing comparisons with other fire and rescue services nationally. This showed that musculoskeletal injuries were the main cause of injury for both wholetime and retained duty staff. The Human Resources Manager advised that the Service had now corrected the issues with the sickness absence portal that had been reported to the Committee previously. In response to a question as to why it had taken some time to make the correction required to the portal, the Human Resources Manager indicated that the required changes had to be implemented by the Information and Communications Technology (ICT) Department who had other more pressing work on the Networked Fire Control Systems Project that had taken a higher priority.

In terms of the reporting of the sickness absence, the point was made that if the data for 2007/08 was taken out, the figures painted a different picture with a fairly stable line until 2014/15 when this had spiked again. The Human Resources Manager reported that in 2014/15, the Service had been subject to industrial action and there had been issues with morale and changes to crewing which had all impacted on the figures.

The Committee expressed the view that the Service's performance on sickness absence in 2014/15 had not been good and that it did not appear to have improved in 2015/16 to date. It was hoped that, with the actions set out in the Appendix to the report, the performance would improve in the latter part of 2015/16.

HRMDC/11. Redundancy Compensation Rates

The Committee considered a report of the Director of Corporate Services (HRMDC/15/6) setting out information required for the Committee to review the redundancy compensation rates for uniformed and non-uniformed staff in 2015/16 with a view to making a recommendation to the Fire and Rescue Authority thereon.

The Human Resources Manager referred to the Appendix circulated with the report that set out the level of compensation rates applied currently by other fire and rescue and local authorities in the South West. The report also referenced the legal basis for enhancements to redundancy compensation payments. The Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2006 applied compensation provisions to employing bodies listed in Part 1 of Schedule 2 to the Local Government Pension Scheme (Administration) Regulations 2008. The National Employers had previously advised, however, that the 2008 Regulations applied only to fire and rescue authority employees conditioned to the Local Government Pension Scheme and not to operational firefighters conditioned to one of the Firefighters' Pensions Schemes.

This position had been challenged recently, however, by two fire and rescue authorities and Queens Counsel opinion sought. This Opinion was unequivocal in stating that fire and rescue authorities could lawfully offer enhancements to redundancies for operational firefighters by virtue of the "power of competence" contained in Section 5A of the Fire and Rescue Services Act 2004 (as amended by the Localism Act 2011). The Opinion advised that, should an authority be mindful to apply enhancements, it should do so evenly (i.e. the same enhancement for staff conditioned to the Local Government Pension Scheme as for those conditioned to a Firefighters' Pension Scheme) to eliminate any risk of potential challenge under the equalities legislation.

The Opinion originally obtained had initially been challenged by the Department for Communities and Local Government (DCLG) and in light of this, further clarification sought. The second Opinion, however, reinforced the first and in light of this DCLG had indicated that it would not be pursuing the matter further. Consequently, it was considered that the unequivocal Queens Counsel opinion could be relied upon by the Authority should it wish to apply the enhanced rate of redundancy compensation to both uniformed and non-uniformed staff.

During a debate on this matter, the Committee made the following points:

- The Authority did not have to apply any enhancement to its redundancy compensation rate;
- The Queen's Counsel opinion had not been tested in court yet;
- There was a reluctance to apply the enhancement for operational firefighters before any other Service had implemented it;
- There was a need for equality in the redundancy compensation applied to both uniformed and non-uniformed staff in the Service;
- There was an issue of prudence and perception to be considered as provision would need to be made in the revenue budget should the enhanced rate be applied to uniformed staff to cover the increased costs at a time when the Authority's resources were reducing;

- The current redundancy compensation rate was out of kilter with other local authorities in the South West.

The Human Resources Manager confirmed that there was a need for equality in its approach on this matter. He added that the Service had a collective agreement with the Representative Body for non-uniformed staff in respect of payment of redundancy calculated on the basis of an actual week's pay rather than the indicative statutory maximum. Should the Authority wish to revert to payment of the statutory maximum, then notice would need to be given of the intention to terminate the collective agreement. The Democratic and Legal Services Manager also referred to paragraph 2.8 of the report in terms of the need to strike a balance between any additional cost to the Authority and what might be a suitable level of compensation to encourage appropriate staff to consider voluntary redundancy. In this respect, attention was drawn to the level of staffing reductions needed to meet the requirements of the approved Corporate Plan 2013/14 to 2015/16.

The view was expressed, however, that the potential increase in resources needed to meet any additional costs associated with applying an enhanced redundancy package to operational firefighters should be considered carefully in the current economic climate.

Councillor Knight **MOVED** (seconded by Councillor Dyke):

“that it be recommended to the Authority that it reduces its current redundancy compensation rate to a multiplier of 1 using the actual week's pay for both voluntary and compulsory redundancy and that this multiplier be extended to uniformed staff with effect from 7 October 2015”.

Upon being put to the vote (5 for, 1 against), the motion was **CARRIED** whereupon it was

RESOLVED that the Devon and Somerset Fire and Rescue Authority be recommended to:

- (a) reduce its current compensation rate to a multiplier of 1 using the actual week's pay for both voluntary and compulsory redundancy and that this multiplier be extended to uniformed staff;
- (b) implement the multiplier of 1 with effect from 7 October 2015;
- (c) endorse, subject to (d) below, that further reviews of the compensation rates should be undertaken on an annual basis by the Human Resources Management & Development Committee, with any recommended changes to the compensation rate [and associated date for application of any revised compensation rate] being made to the full Authority;
- (d) That any future proposed revision of the compensation rates would be subject to consultation with the trade unions.

HRMDC/12. Firefighters' Pensions Schemes - Exercise of Discretions - Further Considerations

The Committee considered a report of the Director of Corporate Services (HRMDC/15/7) identifying the pensions discretions available to the Authority under the various Firefighters' Pensions Schemes from 1992 onwards following consideration of this matter by the Local Pension Board on 4 September 2015.

It was noted that a revised Schedule had been prepared following the consensus reached at the Local Pensions Board meeting and this was now recommended to the Authority for approval.

RESOLVED that the Devon and Somerset Fire and Rescue Authority be recommended to approve:

- (a) the proposed general policies to apply in relation to those discretions from each of the Firefighters Pensions Schemes from 1992 onwards, as set out in Schedule 1 to report HRMDC/15/7;
- (b) that those discretions in the Firefighters Pensions Schemes from 1992 onwards of a more Scheme administrative or individualised, case-by-case basis, as identified in Schedule 2 to report HRMDC/15/7, be exercised in accordance with Section 2, paragraphs 2.5 and 2.6 of the report;
- (c) those recommendations as set out in Section 3 of report HRMDC/15/7 and relating to Firefighters' Pensions Schemes prior to 1992; and
- (d) authorising the Clerk, pending approval of the above recommendations, to make any consequential changes to the Authority Constitutional Framework documents (notably, the Committee Terms of Reference, the approved Scheme of Delegations and Financial Regulations), to reflect the above approvals.

***HRMDC/13. Retirement & Re-Employment**

The Committee considered a report of the Director of Corporate Services (HRMDC/15/8) that set out a request that had been made by a uniformed member of staff for retirement and re-employment in accordance with the requirements of the Authority's Pay Policy Statement.

RESOLVED that the request for retirement & re-employment as identified in paragraph 2.4 of report HRMDC/15/8 be approved.

*** DENOTED DELEGATED MATTER WITH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.55hours

REPORT REFERENCE NO.	HRMDC/15/7
MEETING	HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE
DATE OF MEETING	16 SEPTEMBER 2015
SUBJECT OF REPORT	FIREFIGHTERS PENSIONS SCHEMES – EXERCISE OF DISCRETIONS – FURTHER CONSIDERATIONS
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<p><i>that the contents of this report be considered with a view to recommending that the Authority approves:</i></p> <p><i>(a) the proposed general policies to apply in relation to those discretions from each of the Firefighters Pensions Schemes from 1992 onwards, as set out in Schedule 1 to this report;</i></p> <p><i>(b) that those discretions in the Firefighters Pensions Schemes from 1992 onwards of a more Scheme administrative or individualised, case-by-case basis, as identified in Schedule 2 to this report, be exercised in accordance with Section 2, paragraphs 2.5 and 2.6 of this report;</i></p> <p><i>(d) authorising the Clerk, pending approval of the above recommendations, to make any consequential changes to the Authority Constitutional Framework documents (notably, the Committee Terms of Reference, the approved Scheme of Delegations and Financial Regulations), to reflect the above approvals; and</i></p> <p><i>(d) those recommendations as set out in Section 3 of this report and relating to Firefighters’ Pensions Schemes prior to 1992.</i></p>
EXECUTIVE SUMMARY	<p>The full Authority, at its meeting on 29 July 2015, considered a joint report of the Chief Fire Officer and Clerk to the Authority identifying discretions available to the Authority under the various Firefighters Pensions Schemes from 1992 onwards and proposing either a general policy or alternative methodology for discharging those discretions.</p> <p>The Authority resolved to defer determination of this matter pending the opportunity for the proposals to be considered and commented on by the Local Pensions Board established to assist the Authority (as Scheme Manager) in securing compliance with Regulations relating to Firefighters Pensions Schemes and ensuring the effective and efficient governance and administration of the Schemes (Minutes DSFRA/46 [20 February 2015 meeting] and DSFRA/20 [29 July 2015 meeting] refer).</p> <p>This matter was duly considered by the Local Pensions Board at its meeting on 4 September 2015. The revised Schedules to this report reflect the consensus agreed at that meeting and the Committee is invited to consider them, along with the contents of this report, with a view to recommending approval by the Authority.</p>

RESOURCE IMPLICATIONS	Financial implications will be dependent on the exercise of specific discretions and will be reported to the Authority as and when required.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing equalities and human rights legislation.
APPENDICES	<p>A. Schedule 1 – Firefighters’ Pensions Schemes – Proposed General Policies</p> <p>B. Schedule 2 – Firefighters’ Pensions Schemes – Other Discretions.</p>
LIST OF BACKGROUND PAPERS	Report DSFRA/15/18 to the meeting of the full Authority held on 29 July 2015.

1. BACKGROUND AND INTRODUCTION

- 1.1 The full Authority, at its meeting on 29 July 2015, considered a joint report of the Chief Fire Officer and Clerk to the Authority identifying discretions available to the Authority under the various Firefighters Pensions Schemes from 1992 onwards and proposing either a general policy or alternative methodology for discharging those discretions.
- 1.2 The Authority resolved to defer determination of this matter pending the opportunity for the proposals to be considered and commented on by the Local Pensions Board established, in accordance with the relevant Regulations, by the Authority at its meeting on 20 February 2015 to assist the Authority (as Scheme Manager) in securing compliance with Regulations relating to Firefighters Pensions Schemes and ensuring the effective and efficient governance and administration of the Schemes (Minutes DSFRA/46 [20 February 2015 meeting] and DSFRA/20 [29 July 2015 meeting] refer).

2. CONSIDERATION BY LOCAL PENSIONS BOARD

- 2.1 The Local Pensions Board met on 4 September 2015 to consider, amongst other things, the report and recommendations to the Authority in terms of the exercise of discretions under the Firefighters Pensions Schemes.
- 2.2 These were considered at some length by the Board. The outcome was that, whilst there was consensus in relation to the majority of the proposed general policies to be applied in relation to certain of the discretions, it was felt that some areas could more accurately reflect or convey the spirit of the Regulations. This has resulted in re-wording of some of the proposed general policies and the moving of two issues (relating to the discretion to withhold sums in cases of fraud, theft, negligence etc; and discretion to require forfeiture of award on conviction of certain offences) from the "General Policies" schedule to the "Other Discretions" schedule as it was considered that these were more suited to being exercised on an individual, case-by-case basis rather than being subject to a more restrictive general policy.
- 2.3 Attached to this report, therefore, are two revised Schedules. In both Schedules, the changes proposed by the Local Pensions Board are shown in **yellow highlighting**.
- 2.4 Schedule 1 indicates those discretions where it is suggested a general policy would be helpful in terms of exercise of the discretion while Schedule 2 identifies those discretions which are either more routine, Scheme administration in nature or where a more individualised, case-by-case approach to discharging the discretion would be more appropriate. As both Schedules deal with several Firefighters Pensions Schemes, similar discretions in each individual Scheme have been grouped together to promote ease of reference and consistency of approach.
- 2.5 In relation to Schedule 2, it is proposed that:
- those discretions of a more routine, Scheme administration type be exercised by the Chief Fire Officer; and
 - that those individualised, case-by-case discretions which could involve additional financial implications for the Authority should be exercised either by the Chief Fire Officer, the Human Resources Management & Development Committee or the full Authority depending on the quantum of the financial implications and alignment to the thresholds, as set out in the Authority's approved Financial Regulations, for settling employee claims, namely:
 - for amounts up to £25,000 – Chief Fire Officer

- for amounts between £25,000 and £75,000 – the Human Resources Management & Development Committee;
- for amounts in excess of £75,000 – the full Authority.

2.6 It is also intended that, for all cases where the Chief Fire Officer exercises a discretion having a financial implication, these will be reported to the next appropriate meeting of the Human Resources Management & Development Committee for information.

3. FIREFIGHTERS' PENSION SCHEMES PRE-1992

3.1 Prior to 1992, there were a number of other Firefighter Pension Schemes in existence, namely:

- The Fire Brigade Pensions Act 1925
- The Firemen's Pension Scheme 1948
- The Firemen's Pension Scheme 1952
- The Firemen's Pension Scheme 1956
- The Firemen's Pension Scheme 1964
- The Firemen's Pension Scheme 1966
- The Firemen's Pension Scheme 1971
- The Firemen's Pension Scheme 1973

3.2 It is highly unlikely that there remains anyone connected with the Devon & Somerset Fire & Rescue Service who is entitled to benefits under any of the above schemes but, should any individual(s) be so entitled, then it is recommended that:

- (a) the Fire & Rescue Authority assess and pay any benefits due in accordance with the provisions of the relevant Act/Scheme; and
- (b) In the event that this involves the exercise of a discretionary power, this will be done in accordance with any similar discretionary powers and policies made under the Firefighters' Pension Scheme 1992 (or successor Schemes) or Compensation Scheme 2006, as set out in the Schedules to this report. If there is no such parallel discretionary provision, it will be considered at an appropriate level as informed by the Authority's approved Scheme of Delegations and Financial Regulations, having regard to the circumstances of the case.

4. CONCLUSION

4.1 Firefighters Pensions Schemes have evolved over the years and there are now several Schemes in existence, each containing a number of discretions. Best endeavours have been taken to identify the discretions in the four most recent Schemes (from 1992 onwards) and to propose an appropriate methodology for exercising these discretions.

4.2 The outcome of this exercise has now been considered by the Local Pensions Board, as recommended by the full Authority at its last meeting. The Board, in turn, has suggested several changes to the initial proposals. These are shown highlighted in the revised Schedules attached. The Committee is invited to consider these with a view to commending them, together with the suggested approach in relation to Schemes pre-1992 as outlined in Section 3 of this report, to the full Authority for approval.

MIKE PEARSON
Director of Corporate Services

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SCHEDULE 1 - FIREFIGHTERS’ PENSIONS SCHEMES DISCRETIONS – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
K4	Part 9, Rule 3	Part 9, Rule 3	-	discretion to the Authority to withdraw the whole or part of any persons personal pension (not that of a spouse or civil partner) during any period to which the person entitled to the pension is employed by any fire and rescue authority in any capacity. Guidance on abatement (i.e. pension reduction) principles in the event of re-employment exists in both the 92 and 06 Schemes, in Firefighters’ Pension Scheme Circular 10/2009 and in HM Treasury Guidance aimed at ensuring that a person’s income following re-employment plus any pension they are in receipt of should not exceed the level of their final salary prior to initial retirement.	<i>that, in the event of re-employment following retirement, any personal pension payable under either the Firefighters’ Pension Schemes 1992 and 2006, or the Firefighters Compensation Scheme Order 2006, be abated in accordance with the provisions of the relevant Schemes/Order, the Firefighters’ Pension Scheme Circular 10/2009 and in HM Treasury guidance.</i>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
<i>Discretions on awards, associated review periods and adjustments</i>					
D5(3) and D5(9)(c)	Part 9, Rule 1, para 1	Part 4, Rule 3, paragraph 5(c)	Reg 68	<p>Rules D5(3) and D5(9)(c) of the 92 Scheme and Part 4, Rule 3, para. 5(c) of the Compensation Scheme provide discretion to determine award of a child’s allowance for a child aged 18 or over who was dependent on a deceased Scheme member by reason of permanent disablement, to review any award so made and to cease payment of the award if the Authority is satisfied that the child is no longer permanently disabled and not entitled to a child’s special allowance under any of the other provisions of the Pensions Schemes.</p> <p>Rule K1 (1) and (2) of the 92 Scheme require the Authority to have policy on reviewing whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of undertaking regular employment.</p> <p>Part 9, Rule 1, para. 1 of the 06 Scheme require the Authority to have a policy for reviewing whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds, and of undertaking regular employment.</p>	<p><i>Confirm existing policy - determine in accordance with any Scheme restrictions/conditions as applicable and subject to:</i></p> <p><i>(i) a final review before deferred pension age (as specified in each Scheme); and</i></p> <p><i>(ii) advice obtained by an Independent Qualified Medical Practitioner (IQMP) as relevant to each individual case on:</i></p> <p><i>(a) nature and level of disablement/injury;</i></p> <p><i>(b) appropriate review periods to apply in cases of awards relating to permanent disablement, ill-health or injury;</i></p> <p><i>(c) appropriate level(s) of reduction to apply as recommended either at the commencement of award or following a review;</i></p> <p><i>and that, for the avoidance of doubt, the Chief Fire Officer be delegated authority to arrange for and undertake the necessary administration linked to the above.</i></p>
K1(1) and (2)	Part 9, Rule 1, paragraph 2	Part 9, Rule 1, paras 1 and 3			
K1(3)					
K3 (1)	and Rule 2	Part 9 Rule 2			

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

92	SCHEME/RULE REF. 06 COMP.	15	NARRATIVE/DESCRIPTION	PROPOSED POLICY
			<p>Part 9, Rule 1, paras 1 and 3 of the Compensation Scheme require the Authority to have a policy to review, periodically, whether or not a person's degree of disablement that has resulted in the making of an injury award under the Scheme has substantially altered and if so to review the pension payable and discretion to determine, 5 years after an injury pension first becomes payable, that no further review of degree of disablement should take place.</p> <p>Rule K1(3) of the 92 Scheme requires the Authority to have a policy for reviewing whether a person under age 60 who is receiving early payment of a deferred pension on health grounds, has become capable of firefighting and performing any other duties appropriate to his/her former role as a firefighter.</p> <p>Part 9, Rule 1, paragraph 2 and Rule 2 of the 06 Scheme require the Authority to have a policy for reviewing whether a person under normal benefit age (65) who is in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role, and of undertaking regular employment</p>	<p>[POLICY AS PER PREVIOUS PAGE]</p>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
				<p>Reg. 68 of the 15 Scheme requires the Authority to have a policy for reviewing, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age.</p> <p>Rule K3(1) of the 92 Scheme gives the Authority discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default. The amount of the reduced pension would be increased to the level of a notional deferred pension when the person attains age 60.</p> <p>Part 9, Rule 2 of the Compensation Scheme gives the Authority discretion to reduce an injury award to not less than half of the full amount where a person who is permanently disabled contributed to the infirmity by his/her own default</p>	[POLICY AS PER PREVIOUS PAGE]
Additional Pension Benefits					
B5C	Part 3 Rule 7B,	-	-	<p>discretion to determine that the following be treated as pensionable for credit to the person concerned of Additional Pension Benefit:</p> <p>(a.) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member’s duties under the contract of employment but are within the wider functions of the job;</p>	That the general policy be that Additional Pension Benefit (APB) will not be applied to any allowances or emoluments other than that of Continual Professional Development payments (which are the subject of a national collective agreement) UNLESS an individual requests APB in relation to a temporary promotion, in which case the request shall be approved.

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
				<p>(b.) the difference between the firefighter member’s basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;</p> <p>(c.) any performance related payment which is not consolidated into his standard pay.</p> <p>Both Schemes restrict this discretion in respect of where the allowance or supplement paid was being treated as pensionable before 1 July 2013 but was not pensionable pay as defined elsewhere in the Schemes, then the allowance or supplement should continue to be treated as pensionable only for so long as the person continues to receive it without any break in pension.</p>	
<p><i>Payment of additional contributions to count periods of unpaid absence as pensionable service</i></p>					
F2(5)	Part 10, Rule 4, para. 3	-	19(c) and 111	<p>Each of the Schemes contains a similar discretion in essence for the Authority to require an employee who has requested to pay contributions to count periods of unpaid absence towards pensionable service to meet both the employee AND employer costs.</p>	<p><i>That, in all cases where an employee seeks to pay additional pension contributions to cover periods of unpaid absence, in accordance with the relevant Scheme provisions, the employee be required to meet both employee and employer contributions.</i></p>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.		NARRATIVE/DESCRIPTION	PROPOSED POLICY	
92	06 COMP. 15			
<i>Discretion to withhold pension in cases of murder/manslaughter of deceased scheme member</i>				
D5	Part 4 Rule 7	172	<p>Rule D5 of the 92 Scheme and Rule 7, Part 4 of the 06 Scheme give the Authority discretion to withhold all or part of a child’s pension, permanently or temporarily, where the child is convicted of the manslaughter of the deceased Scheme member.</p> <p>Regulation 172 of the 15 Scheme gives the Authority discretion, to withhold the pension, permanently or temporarily, in the event of the surviving partner or eligible child being convicted of manslaughter.</p> <p>For each Scheme, however, where the discretion to withhold pension is exercised, the Authority must revoke this decision in the event of the manslaughter conviction subsequently being quashed and pay arrears of pension accrued from the day after that on which the deceased died.</p>	<p><i>that, in cases of manslaughter, the discretion to withhold a pension either from a surviving partner or eligible child, as provided for by the relevant Scheme, be exercised subject to the conditions of each relevant Scheme, including reinstatement of pension on subsequent quashing of the conviction.</i></p>
<i>Discretion to disallow payment of deferred pension following dismissal</i>				
	Part 3, Rule 3, para. 4 and Part 9 Rule 4	<p>discretion to disallow early payment of a deferred pension (i.e payment of a deferred pension to a wholetime firefighter before age 65, or before age 60 in the case of a special retained firefighter) in cases where the firefighter concerned has been dismissed from the Authority's employment.</p> <p>The reason for "dismissal" is not mentioned and as such it is proposed that the Authority differentiates between dismissal because of a disciplinary offence and dismissal because of medical capability (where the person would not be entitled to an ill-health award).</p>	<p>(a) <i>That early payment of a deferred pension be not permitted in cases of dismissal arising from disciplinary action;</i></p> <p>(b) <i>That the Human Resources Management & Development Committee be delegated authority to determine on a case-by-case basis the early payment of a deferred pension in those cases of dismissal due to medical capability where the person concerned would not be entitled to an ill-health award.</i></p>	

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
<i>Discretion to claim medical appeal board expenses</i>					
Sch 9, Part 1, Paras 8(2) and 8(2)(A)	Paras 10(2) and 10(3)	Sch 5, Paras 9(2) and 9(3) of	Regs 160, 161 and 165	<p>Paragraphs 8(2) and 8(2)(A) of Part 1 of Schedule 9 to the 92 Scheme, Paragraphs 10(2) and 10(3) of the 06 Scheme and Regulations 160, 161 and 165 of the 15 Scheme each give discretion for the Authority to require a Scheme member who has submitted an appeal to the Medical Appeal Board to meet expenses incurred by Authority on fees and allowances payable to the Board incurred in dealing with the appeal where:</p> <ul style="list-style-type: none"> the Board decides in favour of the Authority and declares that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded; or the appellant withdraws the appeal or requests cancellation, postponement or adjournment of the date appointed for an interview or medical examination by the Board less than 22 working days before the appointed date or the appellants acts or omissions cause the Board to cancel, postpone or otherwise adjourn less than 22 working days before the appointed date. <p>Paragraphs 9(2) and 9(3) of Schedule 5 of the Compensation Scheme provide similar discretions in relation to frivolous, vexatious or manifestly ill-founded or where the appellant withdraws the appeal within 21 working days of the date of the interview or medical examination.</p>	<p><i>that the Authority require payment in full of any fees and allowances payable to the Medical Appeal Board, as provided for by the relevant Schemes, in cases where the appeal is found by the Board to be frivolous, vexatious or manifestly ill-founded or where the appeal is withdrawn, cancelled, postponed or adjourned by the appellant within less than 22 (21) days, as the case may be depending on the Scheme in question.</i></p>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
<i>Discretion to require payment for administrative expenses incurred</i>					
Rule G6(4)	Part 3, Rule 11,		Reg 73	Each of the Schemes provides discretions for the Authority to require payment for certain types of administrative expense incurred. Specifically:	<p><i>(a) That, in relation to Rule G6(4) of the 92 Scheme (medical examination prior to permitting election to purchase increased benefits), the Authority policy be to require evidence of good health prior to agreeing any such purchase, with the individual concerned required to meet the costs of any medical examination entailed;</i></p> <p><i>(b) That for Rule B9(6) of the 92 Scheme, Rule 11, Part 3, paragraph 6(a) of the 06 Scheme and Regulation 73 of the 15 Scheme (allocation of portion of pension in favour of a beneficiary), the Authority policy be to require its Occupational Health provider to confirm normal life expectancy at the time of the request and to require from the applicant payment of any charges associated with this;</i></p> <p><i>(c) That, in relation to:</i></p> <p><i>1. Rule B12 and Part 1A of the 92 Scheme and Part 3, Rule 12 of the 06 Scheme (administrative charge for providing pension valuations and administering Attachment Orders etc); and</i></p> <p><i>2. Part 12, Chapter 2, Rule 3, paragraph 6 of 06 Scheme (third request for transfer value statement during a twelve-month period)</i></p>
Rule B9(6)	para 6(a)			1. Rule G6(4) of the 92 Scheme provides discretion not to accept a firefighter's election to purchase increased benefits through the payment of additional contributions unless the firefighter has undergone a medical examination at his/her own expense and satisfied the Authority as to his/her good health;	
Rule B12 and Part 1A	Part 3 Rule 12 Chapter 2, Part 12, Rule 3, para 6			2. Rule B9(6) of the 92 Scheme, Part 3, Rule 11, paragraph 6(a) of the 06 Scheme and Regulation 73 of the 15 Scheme provide that, if a member of the Scheme in question wishes to allocate a portion of pension in favour of a beneficiary, that member must satisfy the Authority as to his/her normal life expectancy at the time of the request;	
				3. Rule B12 and Part 1A of the 92 Scheme and Part 3 Rule 12 of the 06 Scheme require the Authority to provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and to take appropriate steps to record and administer any Attachment Orders that may be made by a Court. The Authority may determine a charge payable for the administration costs associated with this; and	

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
				<p>4. Chapter 2, Part 12, Rule 3, paragraph 6 of the 06 Scheme provides that, where, in any period of twelve consecutive months, a Scheme member has made and not withdrawn two applications for a statement of transfer value entitlement, the Authority has discretion not to supply a third or subsequent statement during that twelve-month period unless the applicant pays such fee as the Authority may reasonably require.</p> <p>In relation to (1) and (2) above, there is no detail of how this should be done, e.g. a medical opinion from the firefighters' GP, or the Occupational Health Physician or IQMP, and so the Authority has discretion to determine the method of proof.</p>	<p><i>the Chief Fire Officer be asked to determine the appropriate charge to apply in each case.</i></p>
<p><i>Discretion on stage one and stage 2 decision makers under firefighters’ pension internal dispute resolution procedure</i></p>					
Rule H3	Part 6, Rule 5	Part 6, Rule 3	Reg 163	<p>Rule H3 of the 92 Scheme, Part 6, Rule 5 of the 06 Scheme and Regulation 163 of the 15 Scheme each require certain pensions disagreements not involving medical issues to be dealt with in accordance with the two-stage Internal Dispute Resolution Procedure. The Authority has discretion under the Schemes, however, to determine who the Stage 1 and Stage 2 decision makers will be.</p> <p>Part 6, Rule 3 of the Compensation Scheme requires the Authority to reconsider, at person's request, his/her claim to an award where the Authority does not admit the claim at all, or does not admit it to its full extent.</p>	<p><i>That the existing policy be confirmed i.e. that Stage 1 Internal Dispute Resolution Procedure decisions be taken by the Director of People and Commercial Services with Stage 2 decisions taken by a small Member Panel appointed annually by the Human Resources Management & Development Committee.</i></p>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
				<p>The “reconsideration” is under the Internal Dispute Resolution Procedure and again the Authority has discretion to determine who the Stage 1 and Stage 2 decision makers will be. If the person’s grievance lies in the content of the medical opinion upon which the Authority based their decision, the person should use the process set out in Part 6 Rule 2 “Appeal to Medical Appeal Board” of the Order.</p> <p>Existing policy is that Stage 1 decisions are undertaken by the Director of People and Commercial Services; with Stage 2 determinations being considered by a small Panel of Members appointed annually by the Human Resources Management & Development Committee.</p>	
<i>Extensions of time for medical appeals</i>					
H2(4)(c) Sch 9, Part 1, para 1(2)	Part 8, Rule 4, para 4	Sch 5, para 1(2)	155	<p>The 92, 06 and 15 Schemes each provide a period of 28 days for an individual to lodge an appeal against a decision based on a medical opinion. The Schemes also provide discretion for fire and rescue authorities to extend this 28 day period for up to a further six months from the date of issue of those documents prompting the appeal. The 92 Scheme also requires the Authority to be satisfied, prior to granting any extension, that the failure to meet the 28 day deadline was not due to the individual’s own default.</p> <p>The Compensation Scheme contains similar provisions on extension (by up to six months) but only allows an initial 14 days in which to submit the medical appeal.</p>	<p><i>that the Chief Fire Officer be delegated authority to grant an extension of up to six months to the time limit by which an individual is required to lodge an appeal against a decision based on a medical opinion, subject to compliance with any other Scheme requirements in relation to this discretion and particularly to the individual establishing that the failure to meet the deadline was not due to their own default.</i></p>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.		NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06 COMP. 15		
		As with the 92 Scheme, the Authority needs to be satisfied, prior to granting any extension, that the failure to meet the 14 day deadline was not due to the individual’s own default.	
<i>Adjustment of Transfer Values</i>			
Rule F6A(6)	Part 12, Ch 5, Rule 14, para 6	discretion in certain circumstances (i.e. under the “mis-selling transfer rules) to adjust the amount of any transfer value accepted by the Authority to ensure that there is no duplication of pensionable service credited.	<i>That any transfer values accepted by adjusted as necessary to avoid duplication of pensionable service credited.</i>
<i>Discretion on deductions for outstanding contributions</i>			
Sch 6, Part 1, para 1(4)	Part 11, Rule 4, paras 6 and 7	Schedule 6, Part 1, paragraph 1(4) of the 92 Scheme provides the Authority with discretion to deduct from a pension award any outstanding balance of payments in respect of previous service. Similarly, Part 11, Rule 4, paragraphs 6 and 7 of the 06 Scheme give the Authority discretion to deduct contributions for unpaid additional maternity, paternity or adoption leave from any death grant payable where the member concerned dies without giving notice within the election period that they wish to pay such contributions.	<i>That, in accordance with the Schemes in question, any outstanding pension contributions be recovered either from any award made under the 92 Scheme, prior to its payment, or from any death grant payable under the 06 Scheme.</i>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06	COMP.	15		
<i>Overpayment on death of pensioner</i>					
	Part 14, Rule 3, para 5			discretion to recover all or part of any overpayment arising from the Authority not being informed of the death of a pensioner. The overpayment may be recovered by making an off-set against any other awards payable under the 06 Scheme in respect of the deceased.	<i>that in the event of an overpayment arising from the Authority not being informed of the death of a pensioner, recovery the full amount of any such overpayment, using the most appropriate method including off-set against any other awards payable under the 06 Scheme in respect of the deceased, will be required.</i>
<i>Repayment of Aggregate Pension Contributions</i>					
L3(9)	Part 14, Rule 3, para 6			If a person is entitled to the repayment of aggregate pension contributions, the Authority is not obliged to make the payment until the expiration of a year from the date of retirement if the person does not make an earlier request for payment.	<i>that, where a person is entitled under Part 3, Rule 8 of the Scheme to the repayment of aggregate pension contributions but does not make an earlier request for this repayment, the repayment will only be made following the expiry of one year from the date of retirement.</i>
<i>Requirement for proof of identity and continuing entitlement to award</i>					
	Part 15, Rule 3	Reg 184		discretion to require a person who is, or may be, entitled to a pension or a lump to provide the Authority with supporting evidence as to identity and continuing entitlement to any payment under the Scheme. The Authority also has discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement.	<i>That, should the individual circumstances dictate, a person in receipt of, or potentially entitled to, either a pension or lump sum under either the 06 or 15 Schemes be required to provide evidence as to identity and continuing entitlement to any such award, with the whole of any amount due being withheld where the person fails to comply with this request.</i>

SCHEDULE 1 – FIREFIGHTERS’ PENSIONS SCHEMES – PROPOSED GENERAL POLICIES

SCHEME/RULE REF.		NARRATIVE/DESCRIPTION	PROPOSED POLICY
92	06 COMP. 15		
<i>Suspension/recovery of award for false declaration or suppression of material fact</i>			
		Reg 101 discretion to suspend and recover a pension awarded and paid under the Scheme to a surviving partner and/or eligible child when, after making the award and payment, it later appears to the Authority that the member or person to whom the pension has been paid made a false declaration or deliberately suppressed a material fact in connection with the award.	<i>that, in the event of an award made to a surviving partner and/or eligible child under the 15 Scheme where it later appears to the Authority that the member or person to whom the pension has been paid made a false declaration or deliberately suppressed a material fact in connection with the award, then the Authority will exercise its discretion under Regulation 101 to cease payment and recover all amounts paid under the pension.</i>
<i>Acceptance of Transfer Values</i>			
F6A(3)(b)	Part 12, Ch. 3 Rule 9(1)(c)(ii)	141 Each of the Schemes gives the Authority discretion on acceptance of transfer values relating to non-occupational pensions. The Schemes also provide various conditions relating to extensions of time limits for individuals to apply to have a transfer value accepted.	<i>That, given that acceptance of a transfer value would ultimately result in increased costs for the Authority upon retirement of the individual concerned, the policy of the Authority be not to accept transfer values and accordingly not to exercise any of the associated discretions relating to extensions of time limits to request transfer values etc.</i>
F7(1) (subject to Rule F7(2) and (3))	Rule 10, para 1 subject to paras 3 and 4 and Part 10, Rule 2 paras 2 and 3 Part 12, Chs. 4 and 5, Rules 14 paras 3 of each Ch.		

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SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES - OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
Rule B7(5A)	-	-	-	<p>Discretion to consent to one quarter pension being commuted in the case of a firefighter who, upon retirement, would otherwise not be permitted to commute such portion of pension as would provide a greater lump sum than two and a quarter times the full amount of pension.</p> <p>Before exercising this discretion, the Authority must have regard to the economical, effective and efficient management of its functions and the costs to the Authority likely to be incurred in any particular case.</p> <p>These costs will include a sum equal to the difference between the lump sum which the Scheme member wishes to receive and the lump sum payable in the absence of the Authority’s consent; such a sum would be transferrable to the Firefighters Pension Fund by the Authority in accordance with Rule LA2(10) of the Firemen’s Pension Scheme Order 1992. There may also be tax charges to be paid by both the firefighter and the Authority which arise from permitting the greater lump sum to be paid.</p>
Rules B8, E5, E6, IA(2) (1)	Part 3, Rule 10 Part 4, Rules 5 and 12 Part 6 Rule 2	Part 2, Rule 4 Part 5, Rules 3 and 4	167	<p>Discretion to commute small pensions/awards for “trivial” lump sum</p> <p>Each of the Schemes contains provision to commute, in certain circumstances as indicated in the Scheme and subject to advice from the Scheme Actuary, a small pension award for a trivial lump sum.</p>
Rule B9(2) (b)	Part 3, Rule 11 paras 2(b) and 3	-	72	<p>A Scheme member may allocate a portion of pension for a dependant other than a spouse or civil partner.</p> <p>Before giving consent to the allocation, the Authority must be satisfied that the nominee is a person “substantially dependent” on the member. There is no guidance in the Scheme Rules as determining substantial dependency and it is proposed that this should be at the discretion of the Chief Fire Officer to determine on a case by case basis.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
Rule C8(6)	-	Part 3, Rule 4, Paras 6 and 7	-	Discretion to increase level of spouse's or civil partner's pension/award for such period as the Authority thinks fit where the firefighter and spouse or civil partner were living separately at the date of death and where the normal level of benefit is reduced under the Scheme in question
Rule C8(7)	-	-	-	Discretion to allow a gratuity to be paid, in whole or in part, to the surviving spouse or civil partner where it would otherwise not be payable because husband and wife, or civil partners, were living separately at the date of death.
C9	-	Part 3, Rule 5, paras 1 and 2	-	Discretion to reinstate all or part of a spouse's or civil partner's pension/award or gratuity for such period as the Authority thinks fit if - following termination of the pension or gratuity on marriage, remarriage, formation of a civil partnership or subsequent civil partnership – the subsequent marriage, remarriage or civil partnership is dissolved OR the other party to the subsequent marriage or civil partnership dies. The Authority would have to decide what confirmatory evidence should be provided by the applicant, whether to allow the full award to be reinstated and the date from which reinstatement payment should be made.
E3	-	-	-	Discretion to make an award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the Firemen’s Pension Scheme Order 1992 in respect of the same firefighter.
E9(6)	-	-	-	Decision to substitute a higher amount of child's flat rate award where neither of the child's parents is alive. In the exceptional circumstances that this issue should come up for consideration, the Authority has discretion to make such an award.
F4(3) (c)	-	-	-	Extension of 6-month time limit for election to pay certain sums in order that earlier pensionable service may count on rejoining the Fire & Rescue service. The Authority has discretion to permit the extension of the 6-month time limit for an election to pay certain sums in order that earlier pensionable service may count upon a firefighter rejoining the Fire & Rescue service.

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
F5(1)	-	-	-	<p>Discretion to extend period in which a firefighter may make a payment to count as pensionable service a period during which an injury award was payable.</p> <p>If a firefighter is entitled under Rule F5 to pay to the Authority the amount required in accordance with Schedule 6, Part I, paragraph 1 of the Firemen’s Pension Scheme Order 1992 in respect of a period during which the firefighter was entitled to receive an injury pension, in order that it may count as pensionable service on re-employment, the Authority has discretion to extend the period in which the election to pay and payment must be made (within six months of resuming service).</p>
F9(2)	-	-	-	<p>Extension of 6 month time limit for a former firefighter, or serving firefighter who has opted out of the Firefighters’ Pension Scheme 1992, to request payment of a transfer value to another pension scheme.</p> <p>If a former firefighter or a serving firefighter who has opted out of the Firefighters’ Pension Scheme 1992 becomes subject to another pension scheme and requests that the Fire & Rescue Authority should pay a transfer value to that other scheme, the written request must be made within 6 months of becoming subject to the other scheme. However, the Authority has discretion to extend this time limit.</p>
F9(5)	-	-	-	<p>Extension of 12-month time limit after leaving in which a former firefighter must be subject to a new scheme if a transfer value based upon a returned refund of pension contributions or gratuity is to be permitted.</p> <p>If a former firefighter has received a refund of pension contributions or a gratuity under Part B of the Firemen’s Pension Scheme Order 1992 and wishes to return the contributions/gratuity to reinstate pensionable service for the purposes of a transfer value to a new scheme, he/she must have become subject to that scheme within 12 months of ceasing to serve as a regular firefighter. The Authority has discretion to extend this 12-month time limit.</p>
G2(2)	Part 11, Rule 3, Para 6	-	114	<p>Discretion to deduct pension contributions from instalments of pensionable pay.</p> <p>The Authority’s pensions provider will normally administer all Scheme aspects, including collection of pension contributions and payment of pension in instalments.</p> <p>Contributions are normally deducted from instalments of pay but the Authority has discretion to collect the contributions due by other means should the need arise (for example, an individual may wish to pay by way of a lump sum an amount equating to payment of additional contributions to enable periods of unpaid leave to count towards pensionable service).</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
G2A(3)	Part 11, Rule 4, Para 3	-	-	Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity, paternity or adoption leave must be made.
G7(3)	-	-	-	Discretion to agree to discontinuance of payment of periodical contributions for increased benefits where the payment is causing, or likely to cause, the firefighter financial hardship.
K5(1)	Part 9 Rule 5, Paras 1 to 3	-	171	<p>Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.</p> <p>The Authority has discretion to withdraw a pensioner’s pension under the Scheme (or any pension payable under the Scheme to a spouse or civil partner where the offence is committed <u>after</u> the death of the pensioner) in whole or in part where the pensioner has been convicted of:</p> <ul style="list-style-type: none"> • the offence of treason; or • one or more offences under the Official Secrets Act where the person has received either a single or consecutive sentences of at least 10 years; or • an offence committed in connection with the member’s scheme employment and which is certified by the Secretary of State as being gravely injurious to the interests of the State or likely to lead to serious loss of confidence in the public service.
Rule K5(5)	Part 9 Rule 5, Para 4	-	-	Discretion to restore, at any time and to such extent as the Authority think fit, a pension withdrawn under either Rules K5(1) of the 92 Scheme or Part 9, Rule 5 paras 1 – 3 of the 06 Scheme to the pensioner or to apply it for the benefit of any dependant of the pensioner.
L3(1)	Part 14, Rule 3 para 2(b)	Part 10, Rule 2, Para. 1	-	<p>Determination of intervals at which instalments of pension, allowance or award shall be paid.</p> <p>In practice, this is a Scheme administration-type matter and would in the main be undertaken by the Authority’s pensions provider (currently Peninsula Pensions), with payments made monthly in arrears for pensions (but in advance for injury awards under the Compensation Scheme).</p> <p>The Fire & Rescue Authority has discretion, however, to determine the intervals at which instalments of pension or allowance should be paid.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
Rule L3(1)	Part 14, Rule 3 para 2(a)	Part 10, Rule 2, Para. 1	-	Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire & Rescue Authority's liability.
Rule L3(7) and (8)	-	-	-	Discretion to decide an earlier payment date for survivors' benefits than the date prescribed (the first anniversary of the date of death) where the deceased received a gratuity or lump sum, and an option to pay a gratuity in instalments rather than as a single lump sum.
L5(1)	Part 14, Rule 5 para 1	-	Reg. 100	Payment of awards – minors. The Authority may, at its discretion and as it thinks fit, pay a minor's pension to such other person as it may determine. The Authority may give directions to that person as to the application of the pension for the minor's benefits.
Rule L5(2)	Part 14, Rule 5, Para 2.	-	Reg. 168	Payment of awards – discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs. If it appears to the Authority that a person entitled to the payment of an award is, by reason of mental disorder or otherwise, incapable of managing his/her affairs, the Authority may use their discretion to (a) pay the benefits or any part of them to a person having care of the person entitled, or such other person as the Authority may determine, or (b) apply the benefits in such manner as the Authority may determine for the benefit of the person entitled, or his/her dependants.
Rule L5(3)	Part 14, Rule 6, Para 1.	-	Reg. 169	Payment of awards – discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965. Upon the death of a person to whom there was due an award not exceeding (currently) £5,000, then the Authority may pay the sum due to the person or persons as the Authority thinks fit without requiring Grant of Probate or any other proof of entitlement.

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
Rule L5(6) to (9)	Part 14 Rule 6, Paras 4 to 7		174 and 175	<p>Discretion to withhold sums in cases of fraud, theft, negligence, other offence or dismissal (for disciplinary offence)</p> <p>Rule L5(6) to (9) of the 92 Scheme and Rule 6, Paragraphs 4 to 7 of Part 14 of the 06 Scheme give discretion to withhold all or part of any sums becoming due to a Scheme member in respect of a pension in cases where there has been a loss of funds to the Authority as a result of fraud, theft or negligence on the part of the Scheme member, subject to certain conditions including the total amount withheld not exceeding the amount of loss.</p> <p>Regulation 174 of the 15 Scheme gives discretion to withhold benefits payable under the Scheme to a person, to such extent and for such duration as is considered appropriate, where the person concerned has a relevant monetary obligation or has caused a relevant monetary loss to the Authority. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation and both must feature a criminal, negligent or fraudulent act on the part of the Scheme member concerned.</p> <p>Similarly, Regulation 175 of the 15 Scheme gives discretion to off-set a monetary obligation against the member's entitlement to benefits under the Scheme. In this instance, however, in addition to the member's criminal, negligent or fraudulent act or omission giving rise to the monetary obligation, there is also a monetary obligation arising from a payment made in error by the Authority to the Scheme member.</p> <p>There are limits to these discretion, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Authority may only act if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.</p>
Sch. 9, Part 1, para. 4(5)	Annex 2, para. 6(5)	Sch. 5, Para. 5(5)	Reg. 157	Discretion to decide the Fire & Rescue Authority's representation at a Medical Appeal Board interview.
Sch. 9, Part 1, para. 5	Annex 2, para. 7(1)	Sch. 5, Para. 6(1)	Reg. 157	Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.
-	Part 2, Rule 1(6) to (9)	Part 2, Rule 3, para. 10	Reg. 76	Discretion, subject to other Scheme qualifications as appropriate, to accept the status of “nominated partner” or “surviving partner” where the Scheme member and partner had been in a relationship for less than 2 years.

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	Part 3, Rule 5	-	-	<p>Pension on member-initiated early retirement.</p> <p>If a firefighter member, other than a special firefighter member, satisfies an eligibility condition, is awarded a deferred pension, and at age 55 or over but before normal benefit age (65) requests early payment by giving written notice to the Fire & Rescue Authority, the Authority has discretion to refuse the request if the pension as reduced by the appropriate amount of actuarial reduction is likely to be less than the guaranteed minimum pension that would be payable from State pensionable age.</p>
-	Part 3, Rule 6	-	Reg. 62	<p>Authority-initiated early retirement.</p> <p>The Fire & Rescue Authority, having regard to the economical, effective and efficient management of their functions and the costs likely to be incurred in a particular case, can determine that a firefighter (other than a special firefighter member for the 06 Scheme) who is at least age 55 but under normal pension age (60):</p> <ul style="list-style-type: none"> • 06 Scheme - should be retired from the Authority’s employment with immediate payment of a pension calculated on the same principles as an ordinary pension under Part 3, Rule 1 of the Firefighter’s Pension Scheme (England) Order 2006. <p>If the Authority is considering making a determination under the comparable provision in the Firefighters’ Pension Scheme 2015, it must also consider making a determination under this provision.</p> <ul style="list-style-type: none"> • 15 Scheme - and who is dismissed from scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency, should receive immediate payment of retirement pension without the early retirement reduction. In accordance with Regulation 120 of the 15 Scheme, if the Authority uses this discretion to make an early payment of retirement pension, it will have responsibility for payment of an employer initiated retirement additional contribution calculated in accordance with Regulation 120(2). This would be paid into the Firefighters’ Pension Fund as required by Regulation 123. <p>If the Authority is considering making an award under Regulation 62 for a connected member of the Firefighters’ Pension Scheme 2006, it must also consider employer initiated retirement under Part 3, Rule 6 of the Firefighters’ Pension Scheme (England) Order 2006.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	Part 5, Rules 1 and 2	-	-	<p>Discretion as to recipient of death grant and post-retirement death grant.</p> <p>Upon the death of a firefighter member or pensioner member, the Fire & Rescue Authority may pay a death grant assessed in accordance with Part 5, Rules 1 and 2 of the 06 Scheme to such person or persons as the Authority think fit, in accordance with Part 5, Rule 1, paragraph 10 of the Order.</p>
-	Part 5, Rule 1, para. 12	-	-	<p>Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.</p> <p>If a person's conviction for murder or manslaughter is quashed on appeal the Authority may, if the death grant has not at that time been paid in full and having regard to the circumstances of the case, pay part of it to the person whose conviction has been quashed.</p>
-	Part 6, Rule 5, para. 2	-	-	<p>Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire & Rescue Authority think fit.</p> <p>If a pension credit member dies within five years of their entitlement to a pension credit pension coming into payment and before their 75th birthday and there is a difference between</p> <ul style="list-style-type: none"> • the amount that is five times the pension, calculated at the annual rate effective on the day that it came into payment, and • the instalments of pension that have been paid <p>the Authority can pay a post-retirement death grant of the amount of the difference to such person or persons as the Authority think fit.</p>
-	Part 9, Rule 6,	Rule 5, Part 9	-	<p>Forfeiture of award on conviction of certain offence</p> <p>These rules provide discretion to require such amount of pension as is considered appropriate where a person is convicted of an offence under Section 34(6) of the Fire & Rescue Services Act (i.e. whereby the person, either by their act or omission, injures themselves deliberately for the purpose of obtaining, either for themselves or another, a pension or injury award).</p>
-	Part 11, Rule 5, para. 5	-	-	<p>Discretion to allow a part-time regular firefighter to pay contributions at a part-time rate to purchase additional service.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	Part 11, Rule 5, para. 6	-	-	Discretion to allow a retained or volunteer firefighter to purchase additional service by periodical contributions based on the firefighters reference pay.
-	Part 11, Rule 5A	-	-	Purchase of service during the limited period. Discretions for estimation of service for duration of special retained firefighter exercise only.
-	Part 11, Rule 8	-	-	Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances, and decision as regards timing of recommencement of payment of additional contributions to purchase service where agreed with member that discontinuance should be no greater than 6 months.
-	Part 11, Rule 9, para. 4(c)	-	-	The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the firefighter must pay. If a firefighter member who elected to pay additional contributions to “purchase” additional service has a period of unpaid service or unpaid leave (i.e. maternity, paternity, adoption leave or other absence without pay) and consequently there is no pay from which the additional contributions can be deducted, he/she can apply to the Fire & Rescue Authority to pay the contributions. The application must be made no later than one month after the end of the period of unpaid absence. The additional contributions may be paid directly to the Authority during the unpaid leave, or collected within 6 months of the firefighter’s return to duty after the absence. The Authority has discretion to extend this time limit.
-	Part 15, Rule 4	-	-	Decision as to date of issue of annual benefit statements and relevant date for the pension illustration. The Fire & Rescue Authority can determine the timing of the issue of annual benefit statements. The Authority may also decide the relevant date for the pension illustration (except in the case of pension credit members). In practice, this is a Scheme administration matter dealt with by the Authority’s pensions provider (currently Peninsula Pensions).
-	-	-	Reg. 5	Delegation. In accordance with Regulation 5(2), the Fire & Rescue Authority may delegate any of their functions including the power to delegate.

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Reg. 12(5)	<p>Opting into the Scheme. Discretion to vary date at which pensionable service commences.</p> <p>The Fire & Rescue Authority has discretion to determine the date at which a person's pensionable service will commence if the person opts into the Scheme and the Authority considers that beginning of the first pay period after the option is exercised would be inappropriate.</p>
-	-	-	Reg. 16(2)(b)	<p>Opting out of the Scheme. Discretion to determine date at which pensionable service ceases.</p> <p>The Fire & Rescue Authority has discretion to determine the date at which a person's pensionable service will cease if the person opts out of the Scheme and the Authority consider that the first day of the first pay period beginning on or after the date on which the option is exercised would be inappropriate.</p>
-	-	-	Reg. 28(2)	<p>Establishment of pension accounts: general. Discretion to keep in such form as the Fire & Rescue Authority consider appropriate.</p> <p>The Fire & Rescue Authority must establish and maintain pension accounts for members in accordance with the Regulations but may be kept in the form it considers appropriate.</p> <p>In practice, this is a Scheme administration matter dealt with by the Authority's pensions provider (currently Peninsula Pensions).</p>
-	-	-	Reg. 37	<p>Closure and re-establishment of active member's account. Fire & Rescue Authority's discretion to select appropriate account where more than one account held.</p> <p>In accordance with Regulation 37(3) and (4), if a member has more than two active member's accounts with the Authority and ceases pensionable service with less than three months' qualifying service in respect of one account, the Authority shall close that account and aggregate benefits with one of the others; the member may select which one. In accordance with Regulation 37(5), if the member fails to make a choice, the Authority may make a decision on the member's behalf, selecting whichever appears to be the most appropriate account in the circumstances.</p> <p>In practice, this is a Scheme administration matter dealt with by the Authority's pensions provider (currently Peninsula Pensions).</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Reg. 49	<p>Closure of deferred member’s account after gap in pensionable service not exceeding 5 years. Discretion to select which account is to be closed where more than one account is held.</p> <p>If a deferred member re-enters pensionable service under the Scheme after a gap in pensionable service not exceeding 5 years, the Fire & Rescue Authority shall close the deferred member's account and re-establish the person's active member's account with the appropriate entries in accordance with Regulation 49.</p> <p>If the person had more than one relevant deferred member's account, he/she must select – within three months of re-entering Scheme employment - which one should close. If the person fails to make a selection, the Fire & Rescue Authority may make the choice for them in accordance with Regulation 49(4).</p> <p>In practice, this is a Scheme administration matter dealt with by the Authority’s pensions provider (currently Peninsula Pensions).</p>
-	-	-	Reg. 63	<p>Exercise of partial retirement option - Discretion as to form in which notice must be given.</p> <p>Agreement of the Fire & Authority with member concerned as to date on which the partial retirement option in accordance with Regulation 63 is to be exercised. Regulation 63 allows a member aged at least 55 and who would be entitled, if s/he left, to immediate payment of a retirement pension in relation to a continuous period of pensionable service to opt to continue in pensionable service under the Scheme and claim the whole of the pension accrued prior to exercise of the option. The member concerned must give prior notice to the Authority of the wish to exercise this option.</p> <p>In practice, this is a Scheme administration matter dealt with by the Authority’s pensions provider (currently Peninsula Pensions).</p>
-	-	-	Reg. 70	<p>Commencement of pensions. Discretion to determine date of commencement of payments.</p> <p>In accordance with Regulation 70(1) and (2), where an active member has not claimed payment of the retirement pension before the date on which they retire, the Fire & Rescue Authority shall, determine the date on which payment will commence and will notify the member accordingly.</p> <p>In accordance with Regulation 70(8), if a member requests deferral of payment of a deferred pension beyond deferred pension age (Regulation 70(5)(a)), or requests early payment with an early payment reduction before deferred pension age (Regulation 70(5)(b)), the Authority shall decide the payment date after the claim for payment has been made.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Reg. 75	<p>Adjustment of allocated benefit. Discretion to adjust allocated benefit if member dies after reaching age 75.</p> <p>If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the Fire & Rescue Authority has discretion to adjust it in such manner as they may determine.</p>
-	-	-	Reg. 95	<p>Person to whom lump sum death benefit payable. Discretion of Fire & Rescue Authority to select recipients.</p> <p>Regulation 95 gives the Fire & Rescue Authority absolute discretion to pay any lump sum death benefit to or for the benefit of the member's nominee, personal representative or any person appearing to have been a relative or dependent of the member.</p>
-	-	-	Reg. 102	<p>Provisional awards of eligible child’s pensions: Discretion for later adjustments.</p> <p>If the Fire & Rescue Authority has paid children's pensions under the Scheme to certain persons on the basis that they were eligible children at the date of the member's death and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the Authority has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively.</p>
-	-	-	Reg. 104	<p>Discretion to adjust benefits to comply with Finance Act 2004 where members die over age 75.</p> <p>If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Fire & Rescue Authority has discretion to adjust the benefit payable to the person so that it would qualify as a dependant's scheme pension in accordance with that section of the Act.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Reg. 110	<p>Member contributions. Discretion to specify circumstances where a reduction in pensionable pay shall be disregarded for purposes of determining member contributions.</p> <p>Regulation 110(7)(h) give the Authority discretion to specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded.</p>
-	-	-	Reg. 135	<p>Statement of transfer value entitlement. Discretion to extend period in which guarantee date falls.</p> <p>In accordance with Regulation 135 (statement of entitlement) of the Regulations 2014, the Authority must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement.</p> <p>The Authority also has discretion to extend this date to within six months of the date of the member's application if, for reasons beyond the Authority's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period.</p>
-	-	-	Regs 142 and 144	<p>Transfer statement and club transfer value statement. Discretion to require member to request manager of other pension scheme to provide statement of transfer value.</p> <p>In accordance with Regulations 142(2) and 144(2) the Authority may require that, before making a transfer payment request, the member must ask the scheme manager of the other scheme to provide a statement of the amount of transferred pension that the person would be entitled to count if the transfer were to proceed.</p>
-	-	-	Reg. 165	<p>Recovery of overpayment of benefits. Discretion to decide means of recovery of overpayment resulting from a percentage decrease in earnings in a revaluation order.</p> <p>In accordance with Regulation 165 of the Firefighters' Pension Scheme (England) Regulations 2014 if, in a financial year, a percentage decrease in earnings is specified in an order made under section 9 of the Public Service Pensions Act 2013 ("revaluation"), the Authority must recover any overpayment of benefits that has occurred as a result of the application of the retirement index adjustment for that year. The Authority can determine, however, the method of recovery e.g. by reducing the amount of each instalment of pension until recovery is completed, or omitting to pay any increase in the amount of any pension due until the amount of overpayment is recovered.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Reg. 173	<p>Forfeiture of lump sum death benefit: offences committed by other persons: discretion to restore any benefit withheld</p> <p>If a person is convicted of a relevant offence (i.e. the murder, manslaughter or any other offence of unlawful killing of a Scheme member), the Fire & Rescue Authority must withhold all of any lump sum death benefit payable to that person. If the conviction is subsequently quashed on appeal, however, the Authority has discretion, on appeal by the person and to such extent and to such duration as it thinks fit, restore to the person the amount of benefit withheld. Any such restoration is, however, cancelled in the event of the person subsequently being convicted of a relevant offence.</p>
-	-	-	Reg. 178	<p>Payment by the Fire & Rescue Authority, on behalf of a Scheme member, of a “lifetime allowance” charge</p> <p>The Authority may, at the request of a Scheme member, pay on behalf of the member any amount payable by way of a “lifetime allowance” charge under Section 214 of the Finance Act 2004, subject to the member either:</p> <ul style="list-style-type: none"> (a) paying to the Authority the amount in question prior to the “lifetime allowance” charge becoming payable; or (b) authorising the Authority to deduct the amount from a lump sum becoming payable to the Member under the Scheme at the time the “lifetime allowance” charge becomes payable.
-	-	-	Sch. 1	<p>Payments for Added Pension</p> <p>In accordance with this Schedule, the Authority has discretion to:</p> <ul style="list-style-type: none"> • cancel, upon written notice, any election by a Scheme member to pay periodical payments for added pension where it appears to the Authority that the overall limit for extra pension will be exceeded if the member continues to make periodical payments (paragraph 4(2)); • determine the minimum periodical payment for added pension (paragraph 7(3)); • agree with Scheme member method of payment for additional pension other than periodical payments deducted from pensionable pay; and • extend the period of notice (6 months from the end of any period of assumed pensionable pay or period of reduced pay) for a Scheme member to authorise deduction of aggregated payments which would have been made during any period of assumed pensionable pay or period of reduced pay.

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	-	Sch 2: Part 1, Para. 3(3).	<p>Discretion to determine tapered protection date in some cases.</p> <p>In accordance with Paragraph 3(3), the Authority can use its discretion to determine a tapered protection closing date for a tapered protection member of the Firefighters' Pension Scheme 2006 to whom Paragraphs 9(5) or 21 apply (members returning to pensionable service) according to the circumstances of the case.</p>
-	-	Part 1, Rule 11, paras. (5) and (6):	-	<p>Determining pensionable pay in certain cases (retained firefighters).</p> <p>Where the Authority is unable to determine the period of a person's service from their records and do not hold records of that person's pay for any period and the necessary documents cannot be obtained from the person, the Authority may estimate the person's pensionable pay from records it holds and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.</p>
-	-	Part 2, Rule 3, para. 6	-	<p>Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed to the circumstances in which the injury was sustained.</p> <p>The Authority has discretion to reduce the amount or sum referred to in paragraph 2 or 4 of Rule 3 by such amount as it considers appropriate where the firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained, if it is felt appropriate according to the circumstances of any case which falls within the terms of Part 2, Rule 3.</p>
-	-	Part 3, Rule 2, paras. 2 (b) and (c):	-	<p>Discretion to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.</p> <p>Where a person who is or has been a firefighter dies from the effects of a qualifying injury or infirmity of mind or body occasioned by a qualifying injury where the injury was received in the execution of duties performed in circumstances where there was an intrinsic likelihood of the firefighter receiving a fatal injury, for the immediate purpose of saving the life of another person or of preventing loss of human life, an augmented award would be paid to the surviving spouse or civil partner.</p> <p>According to the circumstances of an individual case, if the Authority is of the opinion that the above conditions <u>may</u> have been satisfied and that this Rule should apply, or that it would be inequitable if this Rule were not to apply, it can consider paying an augmented award.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	Part 5, Rule 1	-	<p>Discretion to award an adult dependent relative's special pension for such period(s) as the Fire & Rescue Authority may determine.</p> <p>Discretion for the Authority to consider, according to the circumstances of an individual case, the payment of a dependent relative’s special pension to an adult dependent relative not entitled to any other award in respect of the same firefighter. It would be calculated in accordance with Schedule 4, Part 1 of the Order.</p>
-	-	Part 5, Rule 2, para. 3	-	<p>Discretion to award a dependent relative's gratuity.</p> <p>The Authority has discretion to pay a dependent relative’s gratuity to a dependent relative not entitled to any other award in respect of the same firefighter according to the circumstances of an individual case. The gratuity or gratuities payable must not exceed the amount of the deceased’s contributions.</p>
-	-	Part 7, Rule 2 and Rule 4	-	<p>Discretion to increase an award for a serviceman who, at the end of his/her forces period, is permanently disabled by a qualifying injury or injury received during his/her forces period.</p> <p>Should a serviceman be permanently disabled at the end of his/her forces period and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during his/her forces period or by a qualifying injury, the Authority may consider paying or increasing any pension payable under the Firemen’s Pension Scheme Order 1992, the Firefighters’ Pension Scheme (England) Order 2006 and the Firefighters’ Pension Scheme (England) Regulations 2014 in accordance with Part 7, Rule 2 and Rule 4 of the Firefighters’ Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.</p>
-	-	Part 7, Rule 3 and Rule 4	-	<p>Discretion to increase dependants' benefits under the Firefighters’ Pension Scheme 1992 to the level of a flat-rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury.</p> <p>Should a serviceman –</p> <ul style="list-style-type: none"> (a) die during his/her forces period, or (b) be permanently disabled at the end of that period, not since have been a firefighter, and die from the effects of an injury that occasioned his/her incapacity for the performance of duty or while in receipt of a pension, <p>the may consider increasing any dependants’ benefits as allowed under Part 7, Rule 3 and Rule 4 of the Firefighters’ Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	Part 7A, Rules 2 and 4	-	<p>Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period or as a result of a qualifying injury.</p> <p>If a person takes up employment with the Authority on or after 6 April 2006 or, having been employed before that date, becomes a member of the Firefighters’ Pension Scheme 2006 or the Firefighters’ Pension Scheme 2015 and becomes a reservist, for the purposes of the Firefighters’ Compensation Scheme 2006 he/she shall be treated as if they had continued to be a firefighter during the period of relevant service in the armed forces (the “forces period”).</p> <p>If at the end of the forces period or subsequently after resuming service as a firefighter the person is permanently disabled and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during the forces period or by a qualifying injury, the Fire & Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters’ Pension Scheme 2006 or the Firefighters’ Pension Scheme 2015, subject to the limitations of Schedule 7 of the 2006 Order.</p>
		Part 7A, Rules 3 and 4		<p>Discretion to increase dependants’ benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury.</p> <p>If a person takes up employment with the Authority on or after 6 April 2006 or, having been employed before that date becomes a member of the Firefighters’ Pension Scheme 2006 and becomes a reservist, for the purposes of the Firefighters’ Compensation Scheme 2006 he/she shall be treated as if they had continued to be a firefighter during the period of relevant service in the armed forces (the “forces period”).</p> <p>If the person dies during the forces period or is permanently disabled at the end of the forces period and dies from the effect of an injury that occasions incapacity for the performance of duty the Fire & Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters’ Pension Scheme 2006 or the Firefighters’ Pension Scheme 2015, subject to the limitations of Schedule 7 of the Firefighters’ Compensation Scheme (England) Order 2006.</p>

SCHEDULE 2 – FIREFIGHTERS’ PENSIONS SCHEMES – OTHER DISCRETIONS

SCHEME/RULE REF.				NARRATIVE/DESCRIPTION
92	06	COMP	15	
-	-	Part 8, Rule 1	-	<p>Discretion to pay an injury award to or in respect of an employee of a Fire & Rescue Authority who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of duties as an employee of the Authority.</p> <p>If an employee who is not a firefighter suffers an injury without their own default –</p> <p>(a) while in attendance at a fire, and</p> <p>(b) in the execution of their duties as an employee of the Fire & Rescue Authority, and</p> <p>(c) has to retire in consequence of the injury</p> <p>the Authority, having regard to the circumstances of the case, may grant such pension or gratuity under the Firefighters’ Compensation Scheme (England) Order 2006 as the Authority think fit.</p> <p>If in the circumstances outlined in (a) and (b) above, the person dies from the effect of the injury, either before or after retiring from the employment, the Authority, having regard to the circumstances of the case, may grant such pension, gratuity or allowance as they think fit to a surviving spouse, civil partner and/or child.</p> <p>If granted, such awards would be subject to the terms and limits of Part 8, Rule 1 of the Firefighters’ Compensation Scheme (England) Order 2006.</p>
-	-	Part 9, Rule 4, para. 4	-	<p>Discretion to restore at any time and to such extent as the Fire & Rescue Authority think fit, a pension withdrawn under Part 9, Rule 4, paragraphs 1 to 3, to the pensioner or to apply it for the benefit of any dependant of the pensioner.</p> <p>If the Authority withhold a pension in whole or in part, under Part 9, Rule 4, paragraphs 1 to 3 of the Firefighters’ Compensation Scheme (England) Order 2006, according to the circumstances of the case they may determine, at such time as they think fit, to restore it to the pensioner or to apply it for the benefit of any dependant of the pensioner.</p>
		Part 10, Rule 2, para. 7		<p>Discretion to pay a gratuity in instalments, rather than as a lump sum, of such reasonable amounts and over such reasonable period as the Authority thinks fit.</p>

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

(Devon and Somerset Fire and Rescue Authority)

23 September 2015

Present:-

Councillors Bown, Dyke (vice Colthorpe), Eastman, Ellery, Hill, Leaves and Redman

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

RESOLVED that Councillor Eastman be elected Chair of the Committee until the first meeting after the Annual General Meeting of the Fire and Rescue Authority in May 2016.

***CSCPC/2. Minutes**

RESOLVED that the Minutes of the meeting held on 17 September 2014 be signed as a correct record.

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

RESOLVED that Councillor Leaves be elected Vice Chair of the Committee until the first meeting after the Annual General Meeting of the Fire and Rescue Authority in May 2016.

***CSCPC/4. Community Safety Work in Plymouth - Presentation**

Watch Manager Dave Evans gave a presentation at the meeting in respect of the work that has been undertaken in Plymouth linked to community and workplace equalities and wider community engagement.

This work included supporting people from Black and Minority Ethnic (BME) communities and funding had been secured recently through the Fire Service to support a community hub in Plymouth to assist BME communities in the city to obtain help and advice.

Shoker Abobeker, representing the Kurdish community in Plymouth, also attended the meeting and gave an overview of the support that had been provided by the Fire Service through the community hub, which it was felt had been a great success. The key points made were that people arriving in Great Britain for the first time did not have any knowledge of the language or the laws of the country and were often afraid of people in uniform due to regimes in place in their home countries. The support provided through the hub had been of great value and had assisted with basic educational needs such as what people should do in the event of fire. The partnership working had also enabled the building of trust within the community with the emergency services.

The Committee commended the excellent work that had been undertaken in Plymouth and suggested that this should be emulated in other areas of the Service but that additional work should be undertaken to bring the business community on board with such an initiative. The Committee also requested that the presentation be given at a Full Authority meeting.

***CSCPC/5. Strategic Plan: 'Our Plan 2016 to 2021'**

The Committee received for information a presentation given by the Area Manager (Strategy and Business Change) in respect of the work that was being undertaken in drawing up the next iteration of the Authority's Strategic Plan – "Our Plan 2016 – 2021".

It was noted that the work involved a refresh of the existing Plan for 2015-2020, which incorporated the Integrated Risk Management Plan. The Strategic Plan was based on the 3 key priorities that had been developed in 2014/15, namely:

- public safety;
- staff safety;
- efficiency and effectiveness.

One of the objectives of the refresh was to introduce performance outcomes and also to improve the clarity of the work that was being undertaken to achieve the priorities. To this end, a performance matrix had been designed to record the outcomes linked to each of the key priorities. A draft of the Strategic Plan would be produced shortly and this would then be submitted to the Authority in February 2016 for approval.

The Committee endorsed the approach being taken with the Plan but expressed the view that there may be a perception that there was a priority attached to the order of these as they were numbered 1, 2 and 3. It was suggested that the Service may wish to revise this, possibly by using A, B and C as an alternative.

***CSCPC/6. Lift Release Call Reduction**

The Committee received for information a report of the Director of Operations (CSCPC/15/1) that set out details of the approach being taken by the Service to reduce the incidence of unwanted lift releases whilst maintaining its obligation to attend emergency incidents as required by the Fire and Rescue Services Act 2004. In the past 3 years, (2011 to 2014) there had been an average of 420 lift releases per year with 25% of premises having two incidents in a four week period or three in a twenty six week period.

The Committee was advised that a six month pilot had been undertaken in East Devon on a new approach which had showed how proactive communication and early intervention could reduce both the number of incidents and consequently, the cost to the Service. The pilot used the unwanted fire signals poor performance trigger thresholds and a 28% reduction in repeat calls was seen. The trigger thresholds involved:

- 2 incidents in a rolling 4 week period; and
- 3 incidents in a rolling 26 week period.

It was noted that, based on this evidence from the pilot, a policy had been developed aimed at improving the efficiency and effectiveness of the Service by reducing unnecessary mobilisations to lift releases. The cost saving that could be achieved as a result of this change was £0.758million.

In response to questions from the Committee, the Call Reduction Manager confirmed that the Service would still mobilise one appliance to incidents requiring lift release in the interests of protecting the person(s) trapped. The Service would engage with the person responsible for the premises, however, to give advice on this matter and then, depending on the circumstances, would consider charging if a second incident occurred within the rolling 4 week period.

The Committee endorsed the approach being taken on this matter but suggested that, in the interest of public perception, the “unwanted” be removed from the terminology within the policy so that it was read as Lift Release.

RESOLVED that the approach taken on Lift Releases be endorsed and the report be noted.

***CSCPC/7. Update on Community Safety Campaign and Key Messages**

The Committee received for information a presentation given by the Corporate Communications Manager at the meeting.

The presentation covered, amongst other matters, the campaigns that the Corporate Communications Team had undertaken in support of community safety initiatives including:

- “Make the Call”;
- Hoarding;
- Keep your Home Safe;
- Cold water Shock; and
- Business Safety Week.

The Committee also received copies of the literature that had been utilised for these campaigns and was informed about the utilisation of social media as a tool to assist with communicating key messages.

***CSCPC/8. Biker Down Initiative**

The Committee received for information a presentation given by the in respect of Road Safety issues and the “Biker Down” initiative specifically, which was a programme that the Devon and Somerset Fire and Rescue Service had initiated recently.

It was noted that the Biker Down initiative was set up originally by Kent Fire & Rescue Service in 2011. Kent was recognised for their campaign with the prestigious Prince Michael International Road Safety Award in January 2013. 17 other Fire & Rescue Services, including Devon and Somerset, now deliver the Biker Down initiative, which is a workshop for motorcyclists consisting of 3 modules, namely scene and dynamic risk assessment, basic first aid and the science behind being seen. Since this initiative had been instigated within Devon and Somerset, very positive feedback had been received from motorcyclists and two further workshops had been planned and were both fully booked.

The Committee also received an update on the Learn2Live campaign which was about to commence in Devon in October 2015. Members of the Committee were encouraged to attend this event to see the impact of the presentation given to 17 to 24 year old people at first hand. Learn2live had been proven in recent research undertaken by Plymouth University to improve young people's (in particular young females) attitudes towards risky driving and intentions to behave safely as a passenger.

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

The meeting started at 10.00hours and finished at 13.10hours

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

28 September 2015

Present:-

Councillors Radford (Chair), Dyke (vice Singh), Edmunds, Healey, Horsfall, Randall Johnson and Way

***APRC/9. Minutes**

RESOLVED that the Minutes of the meeting held on 10 July 2015 be signed as a correct record.

***APRC/10. Audit Findings for the Devon & Somerset Fire & Rescue Authority for the year ended 31 March 2015**

The Committee considered a document prepared by Grant Thornton, the Authority's external auditor, on its findings and opinion on the Authority's financial statements for the year ended 31 March 2015. The Committee also considered the Authority's draft Statement of Accounts for 2014-15 and additionally, was asked to approve a draft Letter of Representation to accompany the Audit Findings and Statement of Accounts for 2014-15.

In presenting his findings to the Committee, Peter Barber, representing Grant Thornton, reported on the work undertaken in respect of the audit findings. He stated that the standard of the financial statements and the supporting working papers showed a significant improvement on the previous year. He drew attention to one material adjustment, however, that had been made post consideration of the draft financial statement, namely:

- that the Pension Ombudsman's determination on the calculation of pensioners' lump sum amounts on commutation since 1998 was not based on the correct actuarial data, although it was recognised that this was a national issue and was beyond the control of the Devon and Somerset Fire and Rescue Authority.

It was noted that this adjustment had been made in the final version of the financial statements presented to the Committee and there was no impact on the reported outturn.

Reference was made to the position for this and other local authorities in respect of the Authority's strategic financial planning. This was the only area scored under the assessment of Value for Money as "amber" in view of the significant savings required to bridge the gap between Service expenditure and Government funding for this and future years. The Treasurer responded that the Authority had a robust Medium Term Financial Plan (MTFP) in place for the next five years, although it was recognised that this was based on some financial assumptions such as the level of grant settlement to be received from Government in the future.

Based on the work undertaken, Mr Barber reported that he anticipated issuing an unqualified opinion on both the financial statements and Value for Money conclusion and indicated that this would be issued to the Authority in the near future.

The Chairman, on behalf of the Committee, thanked the Treasurer and his team for their efforts in preparing the statement of accounts. He also thanked the auditors for the clear and comprehensive report that had been submitted.

RESOLVED

- (a) That the Audit Findings 2014-15 be approved;
- (b) That the revised Statement of Accounts 2014-15 containing the financial statements on which the Audit Findings were based be approved, and;
- (c) That the Letter of Representation also enclosed with the agenda for this meeting be approved and the Treasurer be authorised to sign it on behalf of the Authority.

***APRC/11. 2014-15 Annual Statement of Assurance**

The Committee considered a report of the Audit and Review Manager (APRC/15/10) on the Authority's Annual Statement of Assurance for 2014-15 prepared to satisfy the requirements of the Accounts and Audit (England) Regulations 2011 and the current version of the Fire and Rescue Authority National Framework. The document set out issues of financial, governance and operational assurance and included an action plan to address any issues identified.

RESOLVED that that the final Annual Governance Statement - required to accompany the 2014/15 final accounts – be approved and published on the Authority's website.

***APRC/12. Audit and Review 2015-16 Progress Report**

The Committee received for information a report of the Audit and Review Manager (APRC/15/11) set out details of the work that had been undertaken by the Service's Audit and Review Team in conjunction with the Devon Audit Partnership to provide assurance in respect of the audits completed to date.

Reference was made to compliance reviews that had been undertaken and specifically, one in respect of the Gartan Payroll Module. The Committee expressed concern that this system had not been in operation for some months and that there had been issues with the sickness absence portal additionally and sought an assurance that the Information & Communications Technology (ICT) Department had measures in hand to deal with this. The Director of Corporate Services advised that the ICT Department was a small team seeking to deliver a number of large, significant projects (such as the Networked Fire Control Partnership System). This required effective and efficient prioritisation. He added that the issues with the sickness absence portal had not been due to the software but had been as a result of a field not being marked as "mandatory" for completion.

The Committee asked a number of questions on the sickness absence reporting issues, including:

- When the error on the portal came to light?
- What the period in time was between the error being identified and the rectification being made to the system?
- Whether the Service had captured this information retrospectively?
- Whether it was possible to make the adjustments to the data now?

Councillor Randall Johnson **MOVED** (seconded by Councillor Dyke):

“that the information outlined above be collated and a report thereon be submitted to this Committee at its next meeting”.

The motion was put to the vote and **CARRIED** unanimously whereupon it was

RESOLVED

- (a) That a report be submitted to the next meeting of this Committee covering the questions raised in respect of the sickness absence portal as above; and,
- (b) Subject to (a) above, the report be noted.

***APRC/13. Devon and Somerset Fire and Rescue Service Performance Report: July 2014 to June 2015**

The Committee received for information a report of the Chief Fire Officer (APRC/15/12) that set out the performance data for the Devon and Somerset Fire and Rescue Service for the period July 2014 to June 2015. This report was in the new style, focussing on whether any changes seen in the performance were normal, looking at the number of standard deviations that the data was away from the mean and therefore, whether a change in performance was a cause for concern.

The report also included an executive summary for the first time setting out the total number of calls handled within the reporting period together with the number of calls attended and not attended as a result. It was noted that, for July 2014 to June 2015, the Service received 20,329 calls, of which 2990 (15%) did not result in attendance at an incident and 17,339 (85%) resulted in attendance. This was broken down into the types of incidents attended and provided valuable information to gauge the outcomes of the action taken to meet the priorities within the Service's Corporate Plan, notably to increase public safety.

In terms of the performance measures, the following points were noted:

- Measures 1 (deaths which occurred where people lived) – in the period July 2014 to June 2015, there had been 11 fire deaths, with 4 occurring in the period April to June 2015;
- Measure 2 (injuries which occurred where people lived) – there had been 68 injuries in the 12 month period July 2014 to June 2015, with 20 occurring in the period April to June 2015, showing an increasing trend;
- Measure 3 (incidents which occurred where people lived) – there were 1000 dwelling fires in the period July 2014 to June 2015 with 258 occurring in the period April to June 2015
- Measure 4 (deaths which occurred where people worked and visited) – there was 1 fire death in the 12 months July 2014 to June 2015 but no fire deaths in the period April to June 2015;
- Measure 5 (injuries which occurred where people worked or visited) – there were 32 injuries in the period July 2014 to June 2015 but only 5 in the period April to June 2015;
- Measure 6 (incidents which occurred where people worked and visited) – the number of incidents, including both deliberate and accidental fires, in the period July 2014 to June 2015 was 1316 with 334 occurring between April to June 2015;

- Measures 7 and 8 (emergency response standards) – this was showing first attendance in 10 minutes of 69% in the 12 months July 2014 to June 2015 although this had increased in the first quarter of 2015 to 71%. There had been a slight decrease on first attendance within 15 minutes to road traffic collisions to 69% in the period July 2014 to June 2015 although this had increased to 71% in the first quarter of 2015.

The Human Resources Manager provided an update on sickness absence management. He commented that, whilst sickness absence levels were increasing, the Service had already instigated measures to address this, as reported to the Human Resources Management & Development Committee on 16 September 2015. In terms of the benchmarking data presented, the Committee requested that comparative data be sourced for both Devon & Cornwall and Avon & Somerset Police Forces.

The Committee commended the Service on the production of this report which it considered to be an excellent step forward.

*** DENOTES DELEGATED MATTER WOTH POWER TO ACT**

The meeting started at 10.00hours and finished at 11.55hours

REPORT REFERENCE NO.	DSFRA/15/20
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	7 OCTOBER 2015
SUBJECT OF REPORT	PROPOSED REVISIONS TO CALENDAR OF MEETINGS 2015-16 MUNICIPAL YEAR – COMMUNITY SAFETY & CORPORATE PLANNING COMMITTEE AND MEMBERS’ FORUMS
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p><i>(a) that the additional proposed date for the Community Safety & Corporate Planning Committee (i.e. 10.00hours, Tuesday 12 January 2016) be approved;</i></p> <p><i>(b) that the Authority indicates its preference in relation to future meetings of the Members Forum.</i></p>
EXECUTIVE SUMMARY	This report invites the Authority to give further consideration to its Calendar of Meetings for the current (2015-16) municipal year in light of comments raised in respect of meetings of both the Community Safety & Corporate Planning Committee and the Members’ Forum.
RESOURCE IMPLICATIONS	Nil.
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	Report DSFRA/15/11 to Authority Annual Meeting held on 28 May 2015

1. COMMUNITY SAFETY & CORPORATE PLANNING COMMITTEE

- 1.1 At its Annual Meeting on 28 May 2015 the Authority approved its annual Calendar of Meetings for the 2015-16 municipal year (i.e. May to May). The relevant report (DSFRA/15/11) contained the following in relation to meetings of the Community Safety & Corporate Planning Committee:

“The Service approach to Corporate - or Strategic Planning as it is now referred to – has evolved over the years against a backdrop of changes in funding, the impact of socio-economic changes on operational activity and the changing requirements in the Fire & Rescue Service National Framework relating to Integrated Risk Management Planning.

The current approach to strategic planning – as detailed in the report to the February Authority meeting at which the current Strategic Plan (“Our Plan 2015-20) was approved (Minute DSFRA/ refers) – features a dynamic approach based around both a change programme and business as usual activities to deliver against three main, strategic priorities:

- *public safety;*
- *staff safety; and*
- *effectiveness and efficiency.*

Given this dynamic approach, it is proposed that, initially, for the forthcoming (2015-16) municipal year, two meetings of the Community Safety and Corporate Planning Committee should be scheduled (in September 2015 and April 2016) that can, amongst other things, be used to monitor progress against the current Strategic Plan, consider developments and propose initiatives for inclusion in future iterations. It may well be that further meetings of the Committee may be required and it is proposed to arrange these as and when the business need dictates”.

- 1.2 At the meeting on 23 September 2015, however, Members of the Community Safety & Corporate Planning Committee expressed a view that the Committee should meet with the same frequency as other Authority Committees (four meetings per year).
- 1.3 To address this, it is proposed that, for the current (i.e 2015-16) municipal year, it is proposed that, in addition to the meeting scheduled for Thursday 14 April 2016, a further meeting of the Community Safety & Corporate Planning Committee should be held **at 10.00hours on Tuesday 12 January 2016.**
- 1.4 The Authority is asked to approve this additional date for inclusion into its Calendar of Meetings for this municipal year. The Authority approves its Calendar of Meetings annually at the Annual Meeting. For 2016-17, four meetings of the Community Safety & Corporate Planning Committee will be proposed, aligned as far as practicable to business need. These proposed dates will feature as part of the draft Calendar of Meetings to be presented to the Authority for approval in May 2016.

2. MEETINGS OF MEMBERS’ FORUMS

- 2.1 Members’ Forums are monthly, non-decision making meetings held to provide an opportunity for all Authority Members to engage in in-depth discussions with officers of the Authority on a range of strategic issues prior to proposals being developed for consideration at formal Authority meetings.

- 2.2 At a recent meeting with the Chief Fire Officer, the Authority Chairman together with the Committee Chairs expressed a view that, as Authority meetings themselves tend to be lengthy, holding Forum meetings following on from full Authority meetings was not proving particularly productive and was perhaps imposing too great a demand on Member time and availability.
- 2.3 On the basis that the Forums do provide a useful mechanism for the shaping of policy and general information exchange and that the frequency (i.e. one meeting per month) is appropriate, there would seem to be two solutions to the above issue.
- 2.4 One solution would be to align Forum meetings to Committee/Workshop meetings rather than full Authority meetings. If this approach is preferred, then the following amendments are suggested for Forum meetings for the remainder of the current municipal year:

Original Date as per Calendar of Meetings approved on 28 May 2015	Proposed revised Forum date
Thursday 19 November 2015 (following on from meeting of Resources Committee)	NO CHANGE
Monday 14 December 2015 (following on from full Authority meeting)	Thursday 10 December 2015 (following on from Commercial Services workshop)
Thursday 14 January 2016 (following on from Audit & Performance Review Committee meeting)	NO CHANGE
Friday 19 February 2016 (following on from full Authority budget meeting)	Monday 22 February 2016 (following on from Commercial Services workshop)
Thursday 17 March 2016 (following on from Commercial Services Committee)	NO CHANGE
Thursday 14 April 2016 (following on from Community Safety & Corporate Planning Committee)	NO CHANGE
Wednesday 18 May 2016 (following on from Resources Committee)	NO CHANGE

- 2.5 Alternatively, Members may wish to hold Forum meetings on bespoke dates. If this is the case, the Authority may wish to ask the Clerk to seek to identify appropriate dates (by reference, amongst other things, to constituent authority calendars) and authorise the Clerk, following consultation with the Chairman, to circulate revised dates for Forum meetings for the remainder of the current municipal year.
- 2.6 Whichever option is preferred, the same methodology will be used when setting Forum meetings for inclusion in the draft Calendar of Meetings for 2016-17, which will be presented to the Authority annual meeting in May 2016 for approval.

MIKE PEARSON
Clerk to the Authority

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REPORT REFERENCE NO.	DSFRA/15/21
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	7 OCTOBER 2015
SUBJECT OF REPORT	TRANSFER OF GRANT FUNDING FROM THE DEVON & SOMERSET FIRE & RESCUE SERVICE TO SAFE SOUTH WEST
LEAD OFFICER	TREASURER TO THE AUTHORITY
RECOMMENDATIONS	<i>That, in accordance with Financial Regulations, the Devon & Somerset Fire & Rescue Authority approves the transfer by way of grant of Local Area Agreement funding of £105,676 from from the earmarked reserve currently held by the Devon & Somerset Fire & Rescue Service to SAFE South West.</i>
EXECUTIVE SUMMARY	<p>The Devon & Somerset Fire & Rescue Service (“the Service”) currently holds an earmarked reserve balance of £125,676 against a Local Area Agreement reward grant, of which an amount of £105,676 remains uncommitted.</p> <p>The initial reward grant of £260,000 was originally made to the Service in the 2010/11 financial year from the (then) Somerset Community Safety Partnership for use in assisting communities within the geographical county of Somerset with matters of community safety and emergency response.</p> <p>Historically, the reward grant was used to provide grants to community groups, organisations and Parish Councils in Somerset to enable them to purchase equipment (e.g. hi viz clothing, shovels, sand bag hoppers) to help them become more resilient.</p> <p>The Community Resilience In Somerset Project (CRISP) – the successor body to the Somerset Community Safety Partnership - has now suggested that the administration of and financial responsibility for the reward grant funding is transferred from the Service to SAFE South West. Somerset County Council’s Director and Lead Commissioner [Economic and Community Infrastructure] and Financial Governance Manager have confirmed that there would seem to be no obstacle to SAFE South West administering this funding, subject to the safeguard that all remaining funds would be ring fenced for the original purpose for which the grant was awarded i.e. community resilience use in the Somerset area only. This safeguard on use of the funding has been agreed and the funding will be held within SAFE South West as a designated fund which can only be used for this purpose.</p> <p>The transfer would also enable the charity to earn a small administration fee. Administration of this funding would not raise any issues of concern for the Charity Commission and sits well within SAFE South West’s charitable activities, specifically:</p> <p><i>We provide advice and expertise, make grants to local groups and organisations in need, raise funding, assist other groups to raise funding</i></p>

	The transfer would, however, in effect be a “grant” to SAFE South West and consequently it requires approval by the full Authority in accordance with Financial Regulations.
RESOURCE IMPLICATIONS	<p>The transfer would result in a small loss to the Service of circa £700 per annum from investment income as the Service engages in Treasury Management activity beyond that of the charity.</p> <p>SAFE South West would levy a fee to administer the fund of circa £3,000 pa. This would be met from the grant funding and has been agreed in principle by CRISP.</p>
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	Transfer to SAFE South West will help ensure that the grant fund is better publicised and that more communities get the opportunity to apply for and benefit from funding.
APPENDICES	nil
LIST OF BACKGROUND PAPERS	nil

1. BACKGROUND

- 1.1 A balance of £125,676 is currently held in the Devon & Somerset Fire & Rescue Service (“the Service”) accounts, by way of an earmarked reserve, in respect of a Local Area Agreement (LAA) reward grant. The reward grant of £260,000 was originally made to the Service by the [then] Somerset Community Safety Partnership in the 2010-11 financial year. The grant was restricted to use in assisting communities in the geographical county of Somerset with issues of community safety and emergency response. The grant is not available, therefore, for the totality of the area covered by the Devon & Somerset Fire & Rescue Authority.
- 1.2 Historically, the funding has been used to provide grants to community groups, organisations and Parish Councils in Somerset to enable them to purchase equipment (e.g. hi viz clothing, shovels, sand bag hoppers etc.) to help them become more resilient and better able to respond to an emergency. To be eligible for a grant, applicants must represent a local community within Somerset, there must be risk to the community (e.g. flooding, consequences of severe weather) and the community group must have a community emergency plan (or community flood plan) or be in the process of developing such a plan.
- 1.3 The administration of and financial responsibility for the grant funding has to date rested with the Somerset Command of the Service. Decision making on allocation of grants from the fund has rested with the Community Resilience in Somerset Project (CRISP). CRISP is a multi-agency group which includes all the members of the original Somerset Community Safety Partnership, which ceased to exist in 2012 following the merger of Community Safety Partnerships. Current membership of CRISP comprises representatives of the Service, Avon & Somerset Constabulary, Somerset County Council, Sedgemoor District Council, Taunton Deane Borough Council, Mendip District Council, South Somerset Council, West Somerset Council, the Environment Agency, SAFE South West, the Community Council for Somerset and the British Red Cross, together with some community representatives.

2. PROPOSED TRANSFER

- 2.1 SAFE South West became part of CRISP within the last 18 months, providing advice on grant application processes, designing an application form and grant offer letter and starting to seek funding to top up and add to the existing funding pot so that help can continue to be provided to communities throughout Somerset.
- 2.2 CRISP is effectively the successor body to the Somerset Community Safety Partnership and has the authority to suggest the transfer of the funding to SAFE South West. In this context, CRISP has proposed such a transfer with the administrative and financial responsibility for the funding stream, administration of the grants scheme, issuing of offer letters and reporting to CRISP also moving from the Somerset Command to SAFE South West. This proposal is supported by the Somerset Command of the Service and has been approved, in principle, by the Service Executive Board at a meeting held on 1 September 2015. CRISP would expect, though, a continued involvement in all future spend decisions (i.e. decision making on grant awards) via the existing CRISP sub group established for that purpose and which comprises many of the representatives (including the Service) of the main body (see paragraph 1.3 above).

- 2.3 Somerset County Council's Director and Lead Commissioner [Economic and Community Infrastructure] and Financial Governance Manager have confirmed that there would seem to be no obstacle to SAFE South West administering this funding, subject to the safeguard that all remaining funds would be ring fenced for the original purpose for which the grant was awarded i.e. community resilience use in the Somerset area only. This safeguard on use of the funding has been agreed and the funding will be held within SAFE South West as a designated fund which can only be used for this purpose.
- 2.4 As the LAA reward grant is currently administered by and held with Service accounts, however, actual implementation of the transfer would in effect be a grant by the Service to SAFE South West. Given the sum involved (a transfer of £105,676 less £20,000 to be retained by the Service – see paragraph 2.5 below), Financial Regulations require full Authority approval to the making of the grant.
- 2.5 Of the total amount of £125,676 currently held by the Service in an earmarked reserve, a balance of £20,000 would be retained by the Service to fund a new project approved by CRISP for delivery later in the current financial year and which will provide for the purchase and supply by the Service of hi viz clothing for around 65 community groups/ organisations in Somerset. It is advantageous for the Service to undertake this due to existing procurement arrangements.
- 2.6 In a recent development, CRISP has recently received a grant of £80,000 via the Somerset Rivers Authority to top-up the existing fund. This is in anticipation of an increase in the number of applications from flood affected communities. It is intended that this new grant money should come directly to SAFE South West to administer and have financial responsibility for.
- 2.7 The administration of the funding and issuing of grants fits well within SAFE South West's agreed charitable activities (see paragraph 2.1 below) and the transfer of the funding to SAFE South West would not raise any issues of concern with the Charity Commission

3. OTHER CONSIDERATIONS

- 3.1 There are a number of advantages to transferring both the administration, financial responsibility for and grant funding to SAFE South West:
- The work of issuing grants, offer letters etc. sits well within SAFE South West's charitable activities, specifically: *We provide advice and expertise, make grants to local groups and organisations in need, raise funding, assist other groups to raise funding.*
 - The administrative work will no longer fall to the Somerset Command;
 - The charity will levy a small administration fee; and
 - Having the funding held by SAFE South West should make it easier to secure any future "top-up" funding thereby enabling the grant giving work to continue
- 3.2 The transfer would, however, result in a small loss to the Service of circa £700 per annum from investment income as the Service engages in Treasury Management activity beyond that of the charity. This investment income would, in any event, diminish over coming years as more of the grant funding is utilised.

KEVIN WOODWARD
Treasurer

REPORT REFERENCE NO.	DSFRA/15/22
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	7 OCTOBER 2015
SUBJECT OF REPORT	CONSULTATION – “ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES”
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<i>that the Authority be invited to indicate what response it would wish to make to the consultation and the process for doing so.</i>
EXECUTIVE SUMMARY	This report advises the Authority on publication by the Department of Communities and Local Government of a consultation on proposals for closer working between the emergency services. The deadline for submitting responses is 23 October 2015.
RESOURCE IMPLICATIONS	There are no resource implications associated with responding to this consultation.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	Not applicable
APPENDICES	A. “Enabling Closer Working between the Emergency Services” - specific questions.
LIST OF BACKGROUND PAPERS	Government Consultation Document “Enabling Closer Working between the Emergency Services”, a copy of which can be found by following the link below: https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services

1. BACKGROUND

- 1.1 The government is committed to driving increased collaboration between the emergency services to deliver more effective and efficient services for the public. Specifically, in its 2015 election manifesto, the Conservative Party made a commitment to "...enable fire and police services to work more closely together and develop the role of our elected and accountable Police and Crime Commissioners".
- 1.2 Since the election, the Department for Communities and Local Government, in partnership with the Home Office and Department for Health, has been working on proposals which seek to drive a greater level of joint working between the emergency services, not only between police and fire services but also with the ambulance service, delivering more effective and efficient services for communities.

2. CONSULTATION

- 2.1 A joint consultation paper was published on 11 September 2015 seeking views on a series of measures to transform the delivery of local fire and police services and drive greater collaboration between the police, fire and rescue and NHS ambulance services. The measures being consulted on are:
1. introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness;
 2. enabling Police and Crime Commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made;
 3. where a Police and Crime Commissioner takes on the responsibilities of a fire and rescue authority, enabling him or her to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management;
 4. in areas where a Police and Crime Commissioner has not become responsible for fire and rescue services, enabling them to have representation on their local fire and rescue authority; and
 5. abolishing the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case in Greater Manchester.
- 2.2 In relation to points 2 and 3 above, the consultation document contains the following section on the process to be followed for a transfer of governance/employment arrangements:
- "We would expect the process for determining whether a Police and Crime Commissioner should assume governance for fire and rescue to be based on the legislative provisions that exist currently for the merger of fire and rescue authorities with each other, as follows:
- Where a Police and Crime Commissioner is interested in taking on governance of the fire and rescue service, they would work with the fire and rescue authority to prepare and publish a business case. The Police and Crime Commissioner would be required to consult locally on the business case and seek views on whether the transfer should take place. The business case would need to consider any equality issues as a result of the proposals in accordance with the Equality Act 2010.

Where the Police and Crime Commissioner and all the relevant constituent authorities for the area are in agreement that the fire and rescue service should transfer to the Police and Crime Commissioner, and subject to the outcome of the public consultation, the Police and Crime Commissioner would request that the Government introduces secondary legislation to give effect to the transfer.

If all parties are not in agreement, the Police and Crime Commissioner would be able to submit the business case to the Home Secretary and Secretary of State for Communities and Local Government, for them to reach a view as to whether the governance change was in the interests of economy, efficiency and effectiveness or public safety. To inform their view, they could seek an independent assessment and would take into account the results from the local consultation. This could be from the Chief Fire and Rescue Advisor and HM Inspectorate of Constabulary or from an otherwise independent person with appropriate expertise. The Secretaries of State would take a decision on whether or not to approve the transfer of fire and rescue services to a Police and Crime Commissioner based on the findings of that independent assessment.

The secondary legislation referred to above would transfer responsibility for governance of the local fire and rescue service to the Police and Crime Commissioner. This would allow Police and Crime Commissioners to drive ambitious reform of their local fire and rescue service and collaboration with police to improve services and deliver value for money. It would also give fire and rescue services direct local accountability through elected Police and Crime Commissioners”.

- 2.3 In addition to inviting general views, the consultation document poses some 14 questions specific to the proposals outlined. The questions as contained in the consultation document are reproduced at Appendix A, for information. A hard-copy of the full consultation document has already been circulated to Authority Members and can be found, electronically, by following the link below:

<https://www.gov.uk/government/consultations/enabling-closer-working-between-the-emergency-services>

The closing date for receipt of responses to the consultation is 23 October 2015.

- 2.4 Given that the nature of the document is fundamentally concerned with the potential for changes in governance for the fire and rescue service, it is felt that the Authority may wish to give full consideration to what response it would wish to make and the process for doing so.

MIKE PEARSON
Clerk to the Authority

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ENABLING CLOSER WORKING BETWEEN THE EMERGENCY SERVICES – SPECIFIC QUESTIONS

1. How do you think this new duty would help drive collaboration between the emergency services?
2. Do you agree that the process set out above would provide an appropriate basis to determine whether a Police and Crime Commissioner should take on responsibility for fire and rescue services?
3. Do you agree that the case for putting in place a single employer should be assessed using the same process as for a transfer of governance?
4. What benefits do you think could be achieved from empowering Police and Crime Commissioners to create a single employer for police and fire and rescue personnel, whilst retaining separate frontline services, where a local case has been made to do so?
5. Do you agree that the requirement for a chief officer to have previously held the office of constable should be removed for senior fire officers?
6. How do you think the requirement for a Police and Crime Commissioner to have access to an informed, independent assessment of the operational performance of the fire service should best be met?
7. Do you agree that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its remit extended to scrutinise decision making in relation to fire services?
8. Do you think that where a Police and Crime Commissioner takes responsibility for a fire and rescue service, the Police and Crime Panel should have its membership refreshed to include experts in fire and rescue matters?
9. Do you think that where a Police and Crime Commissioner puts in place a single employer for fire and rescue and police services personnel, complaints and conduct matters concerning fire should be treated in the same way as complaints and conduct matters concerning the police?
10. Do you agree that Police and Crime Commissioners should be represented on fire and rescue authorities in areas where wider governance changes do not take place?
11. Do you agree that the London Fire and Emergency Planning Authority should be abolished and direct responsibility for fire and rescue transferred to the Mayor of London?
12. In the event that the London Fire and Emergency Planning Authority is abolished, how should responsibility for fire and rescue be incorporated into the mayoral structure?
13. To what extent do you think there are implications for local resilience (preparedness, response and recovery) in areas where the Police and Crime Commissioner will have responsibility for police and fire?
14. To what extent do you think there are implications for resilience responsibilities in areas where an elected metro mayor is also the Police and Crime Commissioner and responsible for the fire and rescue service?

15. Are there any other views or comments that you would like to add in relation to emergency services collaboration that were not covered by the other questions in this consultation?
16. Do you think these proposals would have any effect on equalities issues?