

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

14 December 2015

Present:-

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

Apologies:-

Councillors Ball and Horsfall

DSFRA/36. Minutes

RESOLVED that the Minutes of the meeting held on 7 October 2015 be signed as a correct record.

DSFRA/37. Minutes of Committees

(a) Resources Committee

The Chair of the Committee, Councillor Dyke, **MOVED** the Minutes of the meeting held on 19 November 2015 which had considered, amongst other things:

- a report on Treasury Management performance as at Quarter 2 of the current (2015-16) financial year; and
- a report on financial performance as at Quarter 2 of the current (2015-16) financial year.

RESOLVED

- (i) that the recommendation at Minute RC/9 (Financial Performance Report 2015-16: Quarter 2) to transfer the sum of £1.5m to Earmarked Reserves for future funding of capital expenditure be approved;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

(b) Commercial Services Committee

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meeting held on 25 November 2015 which had considered:

- a report on commercial leads and opportunities being progressed as at October 2015; and
- a commercial financial update.

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

(c) Human Resources Management & Development Committee

The Chair of the Committee, Councillor Bown, **MOVED** the Minutes of the meeting held on 7 December 2015 which had considered, amongst other things:

- an update on the Authority's Equality Strategy "Safer Lives, Brighter Futures";
- a report on absence management by the organisation;

- a request for retirement and re-employment; and
- an update report on arrangements for working with trades unions.

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

DSFRA/38. Local Pensions Board - Additional Appointments

The Authority considered a report of the Director of Corporate Services (DSFRA/15/26) on a request from the Local Pensions Board, established by the Authority in February 2015 in compliance with legislative revisions to the Firefighters' Pensions Schemes, to increase the overall size of the Board by both an additional Scheme Manager and Scheme Member representative.

RESOLVED

- that Councillor Radford be appointed as an additional Scheme Manager representative on the Authority's Local Pensions Board, with the term of office to be initially until the Authority Annual Meeting in May 2017, and thereafter annually with appointments to be made at the Annual Meeting of the Authority each year;
- that the Director of People and Commercial Services be delegated authority to undertake an appropriate process to appoint an additional Scheme Member representative to the Board.

DSFRA/39. Treasurer to the Authority - Extension of Contract

The Authority considered a report of the Director of Corporate Services (DSFRA/15/27) seeking the endorsement by the Authority of the decision of the Chief Fire Officer, taken in accordance with the contract documentation, to extend the contract for the current Authority Treasurer for a further two years (until 3 November 2017).

RESOLVED

- that the extension by the Chief Fire Officer, of the appointment of the Treasurer (to 3 November 2017) at the revised contract rate indicated in this report, both in accordance with the terms of the initial contract, be endorsed; and
- that a report be submitted to the Authority meeting in December 2016 on the process to secure an Authority Treasurer to serve post-November 2017.

DSFRA/40. Commercial Governance - Further Developments

The Authority considered a report of the Chief Fire Officer (DSFRA/15/28) on the latest developments and proposals to effect revised governance and operating arrangements for commercial activities.

RESOLVED

- that the proposed revised governance arrangements for commercial activities (i.e by an expanded Board of Directors of Red One Ltd. to include three additional non-executive directors appointed from Membership of the Authority), as summarised in paragraph 2.2 of report DSFRA/15/28, be approved;
- that the process for the appointment of three Authority non-executive directors to the Board, as outlined in paragraph 3.2 of the report, be approved;

- (c) that the initial and subsequent appointment to, and term of office for, non-executive directors on the Board of Red One Ltd., as set out in paragraph 3.3 of the report, be approved;
- (d) that, subject to (a) to (c) above, the Commercial Services Committee be formally dissolved upon establishment of the new, extended Board of Directors of Red One Ltd. (i.e. on 19 February 2016);
- (e) that, upon dissolution of the Commercial Services Committee, the revisions to the Authority's approved Financial Regulations, Scheme of Delegations and to the Terms of Reference of the Resources Committee, as set out in Section 5 of the report, be approved with the powers previously exercised by the Commercial Services Committee exercised as indicated paragraphs 5.9 and 5.10 of the report;
- (f) that the Clerk be authorised to make the consequential amendments to the constitutional governance framework documents resulting from (e) above;
- (g) that the proposed process for the appointment, should this be required, of independent non-executive director (and Board Chairman), as indicated at Section 6 of the report, be noted.

DSFRA/41. Devon & Somerset Fire & Rescue Authority Approved Scheme of Members Allowances 2016-17

The Authority considered a report of the Director of Corporate Services (DSFRA/15/29) to which was appended the report of the Independent Advisor commissioned to review the Authority's approved Scheme of Members Allowances with a view to informing the Scheme to operate from April 2016.

Regulations required the Authority to set its allowances scheme prior to the commencement of each financial year. The Authority was not required to have its own Independent Remunerations Panel but, in setting its allowances scheme, was required to "have regard to" any recommendations made by the Independent Remuneration Panels of its constituent authorities in relation to allowances payable by those authorities. Additionally, the regulations required that any automatic annual uprating mechanism contained in a scheme should only operate for a maximum period of four years prior to seeking as further review.

The Authority's scheme had last been subject to a substantive review in 2012. An Independent Advisor had again been commissioned to review this and advise on the Scheme to operate from April 2016 onwards. In undertaking the review, reference had been made to recommendations of constituent authority Independent Remuneration Panels together with other benchmarking data on allowances payable by other combined fire and rescue authorities.

Following debate on the report of the Independent Advisor, Councillor Radford **MOVED**, with Councillor Edmunds seconding:

"that the recommendations as summarised at pages 42 and 43 and contained in the Independent Review of Allowances be approved for implementation with effect from 1 April 2016 subject to:

- (a) deletion of recommendation (v)
- (b) deletion of recommendation (vi) and its replacement with the following;

“that the Special Responsibility Allowance attracting to the role of Authority-appointed non-executive director on the Board of Red One Ltd. be set at a flat rate of £6,000 per annum, with this allowance to commence from the date of appointment of the non-executive directors if such appointments are made prior to 1 April 2016 (it is expected at appointments will be made at the Authority meeting on 19 February 2016);

- (c) deletion of recommendation (vii) and its replacement with the following:

“No Member may receive more than one Special Responsibility Allowance, with the exception of those Members appointed as non-executive directors to the Board of Red One Ltd. who should be eligible to claim the Special Responsibility Allowance attracting to that role in addition to one other Special Responsibility Allowance (if eligible).”

- (d) deletion of recommendation (viii);
(e) consequential renumbering of other recommendations

and that it be noted that the effect of the above proposals will result in a net annual saving of £12,250 on the Scheme of Members' Allowances.”

Councillor Randall Johnson proposed that the Motion be **amended** by the addition of the following recommendation:

“that each Authority Member appointed as a non-executive director to the Board of Red One Ltd. be required to submit a written review report on their activities to each full Authority meeting for the first twelve months of operating the new arrangements”.

Councillors Radford and Edmunds indicated their acceptance to incorporation of this amendment into the substantive Motion.

Councillor Hill then proposed, with Councillor Randall Johnson seconding, that the substantive Motion be further **amended** as follows:

“after the words “approved for implementation with effect from 1 April 2016 subject to”, insertion of the following:

- (a) recommendations (i), (ii), (iii) and (iv) being deleted and replaced with the following:

That the Basic Allowance be frozen at the current level (i.e. £2,581 per annum), with the multipliers in relation to the Special Responsibility Allowances for the Authority Chair, Vice Chair and Committee Chairs remaining at their current level (i.e. 5 x Basic Allowance [£12,903]; 2.5 x Basic Allowance [£6,451]; and 1.5 x Basic Allowance [£3,871])

and the renumbering of paragraphs (a) to (e) inclusive in the substantive motion as paragraphs (b) to (f) respectively”.

The amendment was put to the vote and declared **LOST** by 13 votes against to 7 for, with two abstentions.

Councillor Wheeler then proposed, with Councillor Randall Johnson seconding, that the substantive Motion be further **amended** as follows:

“deletion of all words after “approved” i.e. the substantive motion to read “that the recommendations as summarised at pages 42 and 43 and contained in the Independent Review of Allowances be approved”.

The amendment was put to the vote and declared **LOST** by 16 votes against to 4 votes for, with 2 abstentions.

There being no further amendments, the substantive Motion was put to the vote and declared **CARRIED** by 17 votes for to 2 votes against, with 3 abstentions whereupon it was

RESOLVED

- (a) that the Basic Allowance to operate with effect from 1 April 2016 be set at £2,600;
- (b) that the multiplier for the Authority Chair’s Special Responsibility Allowance remain at 5 x the Basic Allowance (i.e. £13,000 from 1 April 2016, given the increase in Basic Allowance);
- (c) that the Authority Vice-Chair’s Special Responsibility Allowance be set at 2.5 x the Basic Allowance (i.e. £6,500 from 1 April 2016, given the increase in Basic Allowance);
- (d) that the Committee Chair’s Special Responsibility Allowance be set at 1.5 x the Basic Allowance (i.e. £3,900 from 1 April 2016, given the increase in Basic Allowance);
- (e) that the Special Responsibility Allowance attracting to the role of Authority-appointed non-executive director on the Board of Red One Ltd. be set at a flat rate of £6,000 per annum, with this allowance to commence from the date of appointment of the non-executive directors if such appointments are made prior to 1 April 2016 (it being expected that appointments would be made at the Authority meeting on 19 February 2016);
- (f) that no Member may receive more than one Special Responsibility Allowance, with the exception of those Members appointed as non-executive directors to the Board of Red One Ltd. who should be eligible to claim the Special Responsibility Allowance attracting to that role in addition to one other Special Responsibility Allowance (if eligible).
- (g) that, in light of concerns in the Independent Advisor’s report about capacity to undertake the non-executive director role, the Board Independent Chair be invited to assess this as part of his review of candidates to recommend to the Authority to appoint;
- (h) that, in relation to the non-executive director roles on Red One, either Red One Ltd. or the Authority be asked to make arrangements to identify appropriate Director’s liability insurance and meet any costs associated with this on behalf of the Members undertaking the non-executive director roles (and similarly meet insurance costs for officers on the Board);
- (i) that uprating of allowances be linked to any annual increase agreed by the National Joint Council for Local Government Services, but that this uprating only be applied from 1 April 2017 onwards;

- (j) that travel rates should be linked to the rates published by Her Majesty's Revenue and Customs (HMRC) and amended accordingly;
- (k) that subsistence be linked to the employee scheme and updated accordingly;
- (l) that the Authority continue to provide development support to Members;
- (m) That the Authority consider a more detailed review, in advance of the normal 4 yearly reassessment, of the relative levels of responsibility, accountability, time and effort in the key roles attracting Special Responsibility Allowances in particular:
 - the relative levels of responsibility of the Chair and Vice-Chair;
 - the roles and responsibilities of Chairs of Committee to consider the possibility of differential rates applying to different Committees; and
 - the exact nature of the non-executive director role on Red One Ltd;
- (n) that each Authority Member appointed as a non-executive director to the Board of Red One Ltd. be required to submit a written review report on their activities to each full Authority meeting for the first twelve months of operating the new arrangements
- (o) that it be noted that the effect of the above proposals will result in a net annual saving of £12,250 on the Scheme of Members' Allowances.
- (p) that, following from the above decisions and in accordance with the requirements of the relevant Regulations, the Clerk to the Authority be authorised:
 - (i) to arrange for publication as soon as possible of those rates agreed in relation to Basic and Special Responsibility Allowances;
 - (ii) to amend the Authority Approved Scheme of Members Allowances accordingly.

DSFRA/42. Precept Consultation for 2016-17 Budget

The Authority considered a report of the Treasurer to the Authority (DSFRA/15/30) on consultation options in relation to the 2016-17 Authority budget and council tax precept.

The Authority had a statutory duty to consult with non-domestic ratepayers on its proposals for expenditure and in previous years had also undertaken similar consultation with the public.

RESOLVED that Option C as set out in report DSFRA/15/30 (consulting the business community via telephone survey and with the public via street level face to face surveys) be undertaken in relation to the Authority's proposed expenditure and level of council tax precept for 2016-17.

DSFRA/43. Chairman's Announcements

The Authority received, for information, a list of events attended by the Chair on its behalf since the last full meeting. These events had included, amongst other things:

- several meetings with the Chief Fire Officer and Chairs of Committees;

- attendance at the inaugural South West Emergency Services Forum meeting (also attended by representatives of the police, fire and ambulance services in the region), at which he was elected initial Chair; and
- attendance at meetings of the Local Government Association Fire Commission and Fire Service Management Committee.

DSFRA/44. Chief Fire Officer's Announcements

The Chief Fire Officer reported on his involvement in a range of issues since the last full Authority meeting, including:

- Discussions with the Devon & Cornwall and Dorset Constabularies on involvement in the Strategic Alliance;
- Attendance, with the Chair, at a meeting with Rebecca Pow MP at Taunton fire and rescue station where the opportunity was taken to lobby for a better funding settlement for the Devon & Somerset Fire & Rescue Authority;
- a meeting with Ken Wenman (Chief Executive, South West Ambulance Service NHS Foundation Trust) to discuss the potential for closer engagement in the provision of emergency medical services and co-responding;
- chairing a meeting of the Arson Prevention Forum in London.

The meeting started at 10.00hours and finished at 13.03hours.