

## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

30 April 2018

### Present:-

Councillors Randall Johnson (Chair), Best, Biederman, Bown, Clayton, Chugg, Coles, Colthorpe, Greenslade, Hannaford, Healey MBE (Vice-Chair), Hendy, Hosking, Leaves, Peart, Prowse, Saywell, Thomas, Trail BEM, Vijeh and Wheeler.

### Apologies:-

Councillors Eastman, Ellery, Napper, Redman and Riley.

### **DSFRA/71     Minutes**

**RESOLVED** that the Minutes of the Budget Meeting of the Authority held on 16 February 2018 be signed as a correct record.

### **DSFRA/72     Minutes of Committees**

#### **a     Human Resources Management & Development Committee**

The Chair of the Committee for this meeting, Councillor Healey, **MOVED** the Minutes of the meeting held on 23 March 2018 which had considered, amongst other things:

- a quarterly update on workforce culture, diversity and inclusion;
- production of the first Gender Pay Gap report for the Service;
- a report on proposed alternative approach to the provision of vehicles for Service employees; and
- a report on absence management and the health of the organisation.

For ease of reference, a copy of report HRMDC/18/21 (“Provision of Vehicles to Employees”), as considered by the Committee at its meeting, was appended to the Minutes.

### **RESOLVED**

- (i) that, as recommended by the Committee (Minute HRMDC/24 refers), the following be approved:
  - A. discontinuation of the Contract Car Hire Scheme for both uniformed and non-uniformed employees;
  - B. the introduction of a car allowance option for eligible officers (as defined in report HRMDC/18/21) who wish to have a vehicle for both business and private use;
  - C. consultation with employees on and subsequent implementation of car allowance payments and mileage rates on the basis of one of the options as set out in Appendix B to the report; and
  - D. payment of an Essential User Allowance, on the basis of one of the options identified in Appendix A to the report, for other employees not covered by (B) above but who are required to provide a vehicle for business use;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

**b Determinations & Dispensations Committee**

The Chair of the Committee, Councillor Thomas, **MOVED** the Minutes of the Committee held on 9 April 2018 which had considered:

- a report on a review of current Standards arrangements, including proposals for a revised Code of Conduct and associated documentation; and
- a report on a consultation on reviewing local government ethical standards.

For ease of reference, the revised Standards documentation and proposed consultation response, amended as required by the Committee, were appended to the Minutes.

**RESOLVED**

- (i) that, as recommended by the Committee (Minutes DDC/3 and DDC/4 refer):
- A. the revised Code of Conduct attached as Appendix A to the Minutes be approved;
  - B. the revised form for Declaration of Members' Registerable Interests attached as Appendix B to the Minutes be approved;
  - C. the revised Guide to Making a Complaint attached as Appendix C to the Minutes be approved;
  - D. the Committee be renamed as the Standards Committee;
  - E. the revised Terms of Reference for the Standards Committee attached as Appendix D to the Minutes be approved;
  - F. the Clerk to the Authority be authorised to make consequential amendments to the Authority's constitutional governance framework stemming from the decisions at A to E inclusive above;
  - G. the draft response to the Committee on Standards in Public Life consultation on local government ethical standards attached as Appendix E to the Minutes be approved and the Clerk authorised to submit it on behalf of the Authority;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

**c Resources Committee**

The Chair of the Committee, Councillor Coles, **MOVED** the non-restricted Minutes of the special meeting held on 11 April 2018 which had considered:

- a proposal for an additional meeting date for the Committee in May 2018; and
- a Red One Ltd. update report.

**RESOLVED** that the non-restricted Minutes be adopted in accordance with Standing Orders.

**(SEE ALSO MINUTE DSFRA/80 BELOW)**

**d Audit & Performance Review Committee**

The Chair of the Committee, Councillor Wheeler, **MOVED** the Minutes of the Committee held on 26 April 2018 which had considered, amongst other things:

- an update report on work undertaken for the Authority by its external auditor, Grant Thornton;

- compliance letters required in accordance with International Financial Reporting Standards (IFRS) ISA240;
- the external audit plan for 2017-18;
- the external audit fee letter 2018-19;
- a report on progress against the approved internal audit plan 2017-18;
- the internal audit plan 2018-19;
- a report on the Authority's Policy for the Regulation of Investigatory Powers Act (RIPA) 2000 and the outcome of recent inspection;
- a report on performance of the Devon & Somerset Fire & Rescue Service against agreed measures during the period April to December 2017, with a particular focus on the third quarter of 2017-18; and
- an progress report following audit and review of IT security.

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

**DSFRA/73**      **The "Molly" Principle**

The Authority received, for information, a report of the Chief Fire Officer (DSFRA/18/6) on the introduction of improvement in Control Room operating procedures following the fatality at Sussex Road in October 2016. The improvement, named in memory of the deceased, would facilitate any staff member present in the Control Room when a call was received to require attendance of an appliance in instances where the member of staff held a reasonable belief that life could be at risk.

**DSFRA/74**      **Consultation on Police & Crime Commissioner Membership of Fire & Rescue Authorities - Further Considerations**

The Authority considered a report of the Director of Corporate Services (DSFRA/18/7) on recent correspondence with the Home Office in light of the previous response of the Authority to proposed revisions to its Combination Scheme to facilitate Police & Crime Commissioners joining the Authority.

Specifically, the Home Office was seeking clarification as to whether the Authority wished its response to the consultation to be regarded as a formal objection necessitating a public inquiry in accordance with the provisions of the Fire & Rescue Services Act 2004.

**RESOLVED** that the Clerk to the Authority be authorised to advise the Home Office that the Authority would not wish its response to the earlier consultation on Police & Crime Commissioners joining the Authority to be treated as a formal objection.

***(NOTE: In accordance with Standing Order 24(3), Councillor Colthorpe requested that her vote against this decision be recorded)***

**DSFRA/75**      **Process for Appointment of Non-Executive Directors from Authority Membership to the Board of Red One Ltd.**

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item [and abstained from voting on it] by virtue of being appointed by the Authority to serve as non-executive directors on the Board of Red One Ltd.)

The Authority considered a report of the Director of Corporate Services (DSFRA/18/8) on a process for the appointment of Members of the Authority to serve as non-executive directors on the Board of Red One Ltd.

As had happened previously, it was proposed that the Clerk be authorised to commission an independent external company specialising in the appointment of non-executive directors to undertake a process to identify and recommend to the Authority up to three Authority Members to serve as non-executive directors on the Board. In response to questions, the Director of Corporate Services confirmed that a proportionate procurement exercise would be undertaken to identify the external company to be used for this exercise.

Given the forthcoming elections at Plymouth City Council and constituent authority annual meetings, which might impact on Authority Membership, it was also proposed that the term of office of those Authority Members currently serving as non-executive directors on the Board be extended to the July Authority meeting to allow sufficient time for the appointments process to be undertaken.

#### **RESOLVED**

- (a) that the Clerk be delegated authority to identify and commission an independent external company specialising in the appointment of non-executive directors to undertake a process to identify and recommend to the Authority up to three Authority Members to serve as non-executive directors on the Board of Red One Ltd.;
- (b) that, to facilitate (a) above and allow for expressions of interest to be sought from all those eligible for consideration, the term of office of those Authority Members currently serving as non-executive directors on the Board be extended until the Authority meeting in July 2018.

#### **DSFRA/76 Remuneration of Non-Executive Directors appointed from Authority Membership to the Board of Red One Ltd.**

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item [and abstained from voting on it] by virtue of being appointed by the Authority to serve as non-executive directors on the Board of Red One Ltd.)

The Authority considered a report of the Director of Corporate Services (DSFRA/18/9) on a proposal for the Authority to reinstate, with effect from 1 April 2018, the Special Responsibility Allowance (SRA) previously payable to those Authority Members appointed as non-executive directors on the Board of Red One Ltd (“the company”). The decision to cease payment of the SRA had initially been taken in light of the recently undertaken review of the governance framework for the company when it was understood that payment of director remuneration would be made directly by the company. Subsequently, however, the new Independent Chair of the Board had advised that, based on previous experience of general commercial practice, it would be highly unusual for non-executive directors appointed as representatives of the shareholder to be remunerated by the company concerned, but rather would be remunerated directly by the shareholder.

**RESOLVED** that the Special Responsibility Allowance payable to those Members appointed by the Authority as non-executive directors on the Board of Red One Ltd. be reinstated, with effect from 1 April 2018, on the basis of the former rate (£6,060 per annum).

#### **DSFRA/77 Convention Relating to Appointment of Non-Executive Directors from the Authority Membership to Authority-owned Companies**

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item [and abstained from voting on it] by virtue of being appointed by the Authority to serve as non-executive directors on the Board of Red One Ltd.)

In accordance with Standing Order 19, the Authority Chair (Councillor Randall Johnson) had asked the Authority to consider whether it would wish to introduce a convention whereby, to aid in managing potential conflicts of interest, neither the Authority Chair nor Vice-Chair should be eligible for appointment by the Authority as a director of any company controlled by the Authority.

This item was considered in conjunction with a report by the Director of Corporate Services (DSFRA/18/10) which referenced previously reports to the Authority on reviews of the governance arrangements for Red One Ltd. In particular, one report produced for the Authority by Cornwall Legal Services (as considered by the Authority at its meeting on 30 September 2016 and again at an Extraordinary Meeting held on 4 April 2017) had identified the various duties (including the duty to avoid conflicts of interest) placed on company directors by virtue of the Companies Act 2006 and had commented specifically that, for the Chair of the Authority, the likelihood of conflicts arising was much greater than for other Authority Members and consequently it was not generally advisable that the Chair be appointed as a director of an Authority controlled company.

Following debate on this matter, the Chair **MOVED**, with Councillor Hoskings seconding:

“that the Authority approves a convention whereby, to help in managing potential conflicts of interest, neither the Authority Chair nor Vice-Chair should be eligible for appointment by the Authority to serve as a director on any company controlled by the Authority and that, should this be approved, the Clerk be authorised to amend the Authority’s Standing Orders to include this provision.”

Councillor Greenslade **MOVED** that the above Motion be **AMENDED** by the addition of words to clarify that references to “he” in the governance review report referenced should be read as gender neutral (i.e. he or she).

Councillor Randall Johnson accepted this amendment whereupon the amended Motion was put to the vote and declared **CARRIED** (by 19 votes for to 1 against). Thereafter is was

#### **RESOLVED**

- (a) that a convention be approved whereby, to help in managing potential conflicts of interest, neither the Authority Chair nor Vice-Chair should be eligible for appointment by the Authority to serve as a director on any Authority-controlled company;
- (b) that the Clerk be authorised to amend the Authority’s Standing Orders to incorporate the above convention as approved;
- (c) that, for clarification purposes, references to “he” in the governance review report produced for the Authority by Cornwall Legal Services be read as gender-neutral (i.e. he or she).

#### **DSFRA/78 Chair's Announcements**

The Authority received, for information, details of events attended on its behalf by the Chair and Vice Chair since the last meeting. Particular reference was made to the engagement and consultation event held on 25 April 2018 for Authority Members and representative bodies to discuss and develop the connections between the Authority’s Integrated Risk Management Plan, the Fire & Rescue Plan and underpinning risk mapping.

**DSFRA/79**     **Exclusion of the Press and Public**

**RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to the financial and business affairs of any particular person – including the authority holding that information.

**DSFRA/80**     **Resources Committee**

(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).

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item [and refrained from voting on it] by virtue of being appointed by the Authority as non-executive directors on the Board of Red One Ltd.)

The Chair of the Committee, Councillor Coles, **MOVED** the restricted Minutes of the special meeting of the Resources Committee held on 11 April 2018. The restricted Minutes concerned an update on Red One Ltd. For ease of reference, a copy of the report of the Director of Finance (Treasurer) (RC/18/8), as considered by the Committee, was appended to the restricted Minutes of the meeting.

**RESOLVED**

- (a) that the recommendation at Minute RC/23 (“Red One Update”) be approved;
- (b) that, subject to (a) above, the restricted Minutes of the meeting be adopted in accordance with Standing Orders.

***(SEE ALSO MINUTE DSFRA/72(c) ABOVE).***