



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

M. Pearson
CLERK TO THE AUTHORITY

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

(see below)

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

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DEVON & SOMERSET FIRE & RESCUE AUTHORITY **(Annual Meeting)**

Friday, 8 June, 2018

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10.00 am in Conference Rooms, Service Headquarters, Exeter** 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 **Election of Chair**
To elect a Chair to serve until the Authority's Annual Meeting in 2019.
- 3 **Election of Vice-Chair**
To elect a Vice-Chair to serve until the Authority's Annual Meeting in 2019.
- 4 **Minutes (Pages 1 - 6)**
None-restricted Minutes of the previous meeting held on 30 April 2018 attached.
- 5 **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

6 Proposed Change to Standing Orders (Pages 7 - 8)

In accordance with Standing Order 19, the Chair has asked that this item be placed on the agenda for this meeting.

Report of the Director of Corporate Services (DSFRA/18/11) attached.

7 Review of Constitutional Governance Framework (Pages 9 - 14)

Joint Report of the Director of Corporate Services and Director of Finance (DSFRA/18/12) attached.

8 Schedule of Appointments to Committees, Outside Bodies etc. (Pages 15 - 28)

Report of the Director of Corporate Services (DSFRA/18/13) attached.

9 Draft Calendar of Meetings 2018-19 (Pages 29 - 34)

Report of the Director of Corporate Services (DSFRA/18/14) attached.

10 Exclusion of the Press and Public (Pages 35 - 36)

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 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.

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

11 Restricted Minutes (Pages 37 - 38)

of the Authority meeting held on 30 April 2018.

RECOMMENDATION that the restricted Minutes be signed as a correct record.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Randall Johnson (Chair), Best, Biederman, Bown, Bowyer, Clayton, Coles, Colthorpe, Drean, Eastman, Ellery, Greenslade, Radford, Hannaford, Healey MBE (Vice-Chair), Hendy, Hosking, Napper, Peart, Prowse, Redman, Saywell, Thomas, Trail BEM, Vjeh and Wheeler

NOTES

1.	<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.
2.	<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.
3.	<u>Declarations of Interests at meetings (Authority Members only)</u> If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest in any matter being considered or to be considered at the meeting then, unless you have a current and relevant dispensation in relation to the matter, you must: <ul style="list-style-type: none">(i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then(ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest. 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 (i) and (ii) above. Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation. Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.
4.	<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.
5.	<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.

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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).

Agenda Item 6

REPORT REFERENCE NO.	DSFRA/18/11
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	8 June 2018
SUBJECT OF REPORT	PROPOSED CHANGE IN STANDING ORDERS
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<i>That the Authority considers this report and determines whether it would wish to amend Standing Orders relating to the appointment of Committee Chairs and Vice-Chairs.</i>
EXECUTIVE SUMMARY	<p>Standing Orders currently provide for Committee Chairs and Vice-Chairs to be appointed at the first meeting of the Committee concerned held following the Authority's Annual Meeting.</p> <p>In accordance with Standing Order 19, Councillor Randall Johnson has asked that this item be placed on the agenda for this meeting to enable the Authority to consider amending its Standing Orders to provide for Committee etc. Chairs and Vice-Chairs to be appointed by the Authority at its Annual Meeting when appointments to such bodies are made. Such a change would ensure that there was no period where Committee etc. Chairs/Vice-Chairs were not in place, i.e. between appointments to Committees at the Authority's Annual meeting and the first meeting of each Committee. Additionally, such a change would allow all Members of the Authority to vote on the appointment of Committee etc. Chairs and Vice-Chairs.</p> <p>If the Authority was minded to approve this change in Standing Orders, it would reflect similar procedures currently operating in Devon County Council, Somerset County Council and Plymouth City Council.</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing equalities and human rights legislation
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Authority Standing Orders

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Agenda Item 7

REPORT REFERENCE NO.	DSFRA/18/12
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (ANNUAL MEETING)
DATE OF MEETING	8 JUNE 2018
SUBJECT OF REPORT	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK
LEAD OFFICER	Director of Corporate Services and Director of Finance
RECOMMENDATIONS	<p><i>(a). that the Authority grants a dispensation to those Members it appoints as non-executive directors on the Board of Red One Ltd. to speak, but not propose motions or vote on, any item on Red One Ltd. coming before any meeting of the Authority (or its Committees) for consideration;</i></p> <p><i>(b). that the proposed revisions to Financial Regulations and the Treasury Management Policy, as identified in paragraphs 3.5 and 3.8 of this report, be approved;</i></p> <p><i>(c). that the changes to Financial Regulations and the Treasury Management Policy (to reflect either internal structural changes or a change in external provider), as identified in paragraphs 3.4 and 3.7 of this report, be endorsed;</i></p> <p><i>(d). that the revisions to the Code of Conduct and Standing Orders to give effect to earlier decisions of the Authority, as identified in this report, be noted; and</i></p> <p><i>(e). that, subject to (a) and (d) above, the constitutional framework documents as listed at paragraph 1.1 of this report be endorsed.</i></p>
EXECUTIVE SUMMARY	This report sets out information on the most recent review of the Authority's constitutional governance framework documents (Standing Orders, Financial Regulations etc.), which, while not a statutory requirement, is undertaken at least annually as a matter of good practice.
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	Nil.

1. **BACKGROUND**

1.1 it's the Authority's Constitutional Governance Framework documents include, amongst other things:

- The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset Fire & Rescue Authority
- Members' Code of Conduct;
- Member/Officer Protocol;
- Policy on Gifts and Hospitality;
- Scheme of Members Allowances;
- Standing Orders;
- Financial Regulations;
- Contract Standing Orders;
- Scheme of Delegations;
- Corporate Governance Code;
- Treasury Management Policy;
- Strategy on the Prevention and Detection of Fraud and Corruption; and
- "Whistleblowing" Code (Confidential Reporting Policy).

1.2 The Authority Constitutional Governance Framework documents may be viewed on the Authority's website by following the link below.

<https://fireauthority.dsfire.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13108>

The constitutional operation of the Authority also features a Committee structure (with associated terms of reference). This is addressed by a report elsewhere on the agenda for this meeting.

1.3 The documents referred to above were drafted by reference to a number of sources, some statutory; some based upon "models" issued either by central government or by professional bodies (e.g. the Chartered Institute for Public Finance Accountancy – CIPFA); and others based on "best practice" documents in use by other local authorities (including combined fire and rescue authorities). While there is no legal requirement for the documents to be reviewed, they are nonetheless reviewed at least annually to ensure that they continue to be "fit for purpose". This clearly does not preclude making revisions at any time to any of the documents where this might be required by changes in legislation or internal structure; or the approval of new documents to enhance the governance framework.

2. OUTCOME OF MOST RECENT REVIEW

- 2.1 Each of the Authority's Constitutional Framework documents have again been subject to review over the last twelve months and will continue to be subject to ongoing review with any further proposed revisions submitted to future meetings of the Authority as required.
- 2.2 The outcome of the most recent review is that the documents remain fit for purpose. Some have, however, been subject to change over the last twelve months to give effect to changes approved by the Authority. These are addressed in the next section of this report.

3. CHANGES TO CONSTITUTIONAL FRAMEWORK DOCUMENTS

Standing Orders

- 3.1 At its meeting on 30 April 2018 the Authority approved a convention whereby neither the Authority Chair nor Vice-Chair are eligible for appointment by the Authority as a director on any company controlled by the Authority (Minute DSFRA/77 refers). The Clerk was authorised to amend the Authority's Standing Orders to reflect this. Accordingly, Standing Orders have now been amended to include the following as new Standing Order 6:

APPOINTMENTS TO AUTHORITY CONTROLLED COMPANIES

Neither the Authority Chair nor Vice-Chair is eligible for appointment by the Authority to serve as a director of any company controlled by the Authority.

- 3.2 Additionally, Standing Order 22 (Registration and Disclosure of Interests) has been amended to align with the procedures as contained in the revised Code of Conduct approved by the Authority at its meeting held on 30 April 2018 ((Minute DSFRA 72(b) refers).
- 3.3 Finally, elsewhere on the agenda for this meeting is an item raised by the Cllr. Sara Randall Johnson for the Authority to consider amending its Standing Orders to provide for Committee Chairs and Vice-Chairs to be appointed by the Authority at its Annual Meeting each year. If approved, Standing Orders will be revised accordingly to reflect this amendment.

Financial Regulations

- 3.4 Financial Regulations have been amended to reflect the realignment of responsibilities following internal structure changes (e.g. Director of Service Improvement for [former] Director of People and Commercial Services for person responsible for determining and monitoring adherence to staffing policies and procedures; Human Resources Manager for [former] Director of People and Commercial Services for providing advice on proper use of appointment procedures). These changes are not considered material or substantial and in this context the Authority is invited to endorse them.
- 3.5 It is proposed that the following be added to the Schedule to Financial Regulations (which summarises delegation levels beyond which the approval of either the Resources Committee or the full Authority is required) to align procedures for reserves with those already in place for revenue budget virements:

	Resources Committee	Full Authority
<u>Transfers to/from or between reserves</u>		
Use of or transfers to reserves from the revenue budget	£50,000	£150,000
Movements between Earmarked or General reserves	£50,000	£150,000

3.6 The Authority is asked to approve this addition to Financial Regulations.

Treasury Management Policy

3.7 The Treasury Management Policy has been updated to identify the current Treasury Management external advisor (Link Asset Services – “Link”) rather than the former external advisor (Sector). This change is not considered material or substantial and in this context the Authority is invited to endorse them.

3.8 It is proposed that subsection (d) (Dealing Limits) of Schedule 5 to the Treasury Management Policy (Treasury Management Practice No. 5 – Organisation, Clarity and Segregation of Responsibilities; Dealing Limits) be replaced with the following to give effect to a recommendation that explicit limits be detailed, as made by the Devon Audit Partnership following a recent internal audit:

“The following daily limit shall apply to the dealing of short-term (Less than 365 days) and long-term (Greater than 365 days) funding and investment decisions:

Position	Daily Limit
Director of Finance (Treasurer)	£15 million
Head of Finance, Assistant Head of Finance, Senior Finance Manager	£10 million
Finance Officer, Senior Finance Officer, Finance Manager	£ 5 million

For the avoidance of doubt, all investments will be subject to approval by an Officer on the Executive Board prior to dealing.

The following limits shall apply to the total invested in each class of investment (percentages refer to the total investment portfolio on the date of investment).

- Banks – the greater of £7m or 20%
- Building Societies – the greater of £4m or 10%
- Money Market Funds – the greater of £5m or 10%
- Debt Management Office – the greater of £10m or 25%”

3.9 The Authority is asked to approve this amendment to the Treasury Management Policy

Members Code of Conduct – Proposed Grant of Dispensation

3.10 At its meeting on 30 April 2018 the Authority approved a revised Code of Conduct, together with associated guidance on making a complaint alleging failure to follow the Code (Minute DSFRA 72(b) refers). The revised Code and guidance have now been published on the Authority’s website

3.11 The revised Code provides that Members who have either a pecuniary, personal or non-registerable interest (as defined in the Code) in any matter under consideration at any Authority meeting (including Committee meetings) must declare that interest, leave the room and take no part in any debate or decision on the matter in question unless a relevant and current dispensation is held.

- 3.12 While this is entirely appropriate for the vast majority of situations, one unintended consequence relates to those Members appointed by the Authority to represent it as non-executive directors on the Board of Red One Ltd (“the company”). This would constitute a “personal interest” as defined in the Code but, given that part of the function of such appointments is to ensure that the interests of the Authority (as sole shareholder) are considered by the company board of directors, it would seem somewhat perverse for such Members to be prevented from discussing matters relating to the company during meetings of the Authority.
- 3.13 The Authority approved procedures currently provide for the Standards Committee to consider and grant dispensations in all cases other than where the dispensation is necessary to allow for a quorate decision to be taken on any particular issue (which is currently delegated to the Monitoring Officer). This provision relates, however, primarily to disclosable pecuniary interests and is currently silent on the issue of dispensations for personal interests.
- 3.14 It is now proposed, therefore, that to overcome the situation referred to in paragraph 3.12 above, the Authority grants a dispensation to those Members appointed by the Authority as non-executive directors of Red One Ltd. enabling them to speak, but not vote or propose motions, on any item relating to the company under consideration at Authority/Committee meetings.
- 3.15 Moving forward, it is proposed that the granting of dispensations relating to disclosable pecuniary interests **and personal interests** should (other than when necessary solely to facilitate a quorate decision, which is already delegated to the Monitoring Officer) be delegated to the Standards Committee. This will require a slight, clarifying amendment to the terms of reference for that Committee and is addressed elsewhere on the agenda for this meeting.

4. CONCLUSION

- 4.1 The Service has a commitment to continuous improvement to achieve and sustain its stated ambition of being an “excellent” organisation. As part of this, the Authority’s constitutional governance framework documents will continue to be subject to ongoing review with any further proposals for amendments being submitted as and when required.
- 4.2 In the meantime, the Authority is asked to:
- (a) approve the dispensation referred to in paragraph 3.14 above;
 - (b) note the revisions made to both the Code of Conduct and Standing Orders, to give effect to previous Authority decisions;
 - (c) approve the proposed revisions to Financial Regulations and the Treasury Management Policy;
 - (d) endorse the revisions to Financial Regulations and the Treasury Management Policy made to reflect either internal, structural changes or the change in external advisor; and
 - (e) subject to (a) and (d) above, to endorse the Constitutional Framework documents as listed in paragraph 1.1

MIKE PEARSON
Director of Corporate Services

AMY WEBB
Director of Finance (Treasurer)

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Agenda Item 8

REPORT REFERENCE NO.	DSFRA/18/13
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	8 JUNE 2018
SUBJECT OF REPORT	SCHEDULE OF APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC.
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<p>(a) <i>that:</i></p> <ul style="list-style-type: none"> (i). <i>that, as referred to in paragraph 2.7 of this report, the Authority determines whether it would wish to increase the size of the Standards Committee from five to seven Members; and</i> (ii). <i>that, subject to (i) above and in accordance with Standing Orders, appointments be made to Committees etc. as shown in Part A of the Schedule at Appendix A to this report for the 2018-19 municipal year, the term of office to be until the Authority annual meeting in 2019;</i> <p>(b) <i>that, subject to any earlier decision of the Authority to change Standing Orders, Chairs and Vice-Chairs be appointed to Committees etc., the term of office to be until the Authority annual meeting in 2019;</i></p> <p>(c) <i>that the appointment of Mr. David Watson as the Authority's Independent Person as required by the procedures introduced by the Localism Act 2011, for a further twelve months until the Authority's annual meeting in 2019 be confirmed;</i></p> <p>(d) <i>that appointments be made to Outside Bodies as shown in Part B of the Schedule for the 2018-19 municipal year, the term of office to be until the Authority's annual meeting in 2019 unless otherwise indicated;</i></p> <p>(e) <i>that:</i></p> <ul style="list-style-type: none"> (i). <i>subject to any earlier decision relating to amending the Authority's Financial Regulations, the proposed revision to the Terms of Reference of the Resources Committee as identified in paragraph 2.4 of this report be approved;</i> (ii). <i>that the clarifying amendment to the Terms of Reference of the Committee as identified in paragraph 2.5 of this report be endorsed;</i>

	<p>(f) that:</p> <p>(i). subject to any earlier decision to increase the size of the Standards Committee, the proposed revision to the Terms of Reference of that Standards Committee, as identified in paragraph 2.11 of this report, be approved;</p> <p>(ii). that the proposed amendment to the Terms of Reference of the Standards Committee as set out in paragraph 2.7 of this report be approved; and</p> <p>(g) that, subject to (e) and (f) above, the Terms of Reference for Committees etc., as set out at Appendix B to this report, be endorsed.</p>
EXECUTIVE SUMMARY	<p>Appendix A to this report sets out appointments to Authority Committees, outside bodies etc., with Appendix B listing the Terms of Reference for each of the Authority's committees etc. under the current structure.</p> <p>The Authority is invited to make appointments to committees and outside bodies and confirm the Terms of Reference. In doing so, the Authority is asked to consider the issues identified in Section 2 of this report.</p>
RESOURCE IMPLICATIONS	Any resource implications associated with attendance at committee and outside body appointments etc. will be met from the approved budget for Members Allowances
EQUALITY RISKS AND BENEFITS ASSESSMENT (ERBA)	N/A
APPENDICES	<p>A. Appointments to Committees, Working Parties etc. and Outside Bodies.</p> <p>B. Terms of Reference of Committees</p>
LIST OF BACKGROUND PAPERS	None.

1. **BACKGROUND AND INTRODUCTION**

- 1.1 Following its establishment in 2007 the Authority put in place a committee structure to assist it in discharging its functions. The Authority also determined to make appointments to a number of outside bodies (e.g. the Local Government Association etc.) whose objectives accord with furthering the interests of the Authority.
- 1.2 Appointments to these are traditionally made at the Authority's Annual Meeting. Schedule A, appended to this report, lists those Committees and outside bodies to which Authority would usually make appointments at its Annual Meeting. As in previous years, it is proposed that appointments to these be considered initially at a forthcoming Members' Forum meeting with the intention being to table on the day of the Authority Annual Meeting a draft, populated Schedule A for consideration.
- 1.3 In considering this, however, the Authority is reminded that its Standing Orders require that such appointments should take account of the principles of political proportionality as set out in the Local Government and Housing Act 1989.

2. **ISSUES FOR CONSIDERATION**

Appointment of Committee Chairs and Vice-Chairs

- 2.1 Elsewhere on the agenda for this meeting is an item raised by Councillor Randall Johnson, in accordance with Standing Order 19, asking the Authority to consider amending its Standing Orders to provide for Committee etc. Chairs and Vice-Chairs to be appointed by the Authority at its Annual Meeting.
- 2.2 In the event that the Authority resolves to make this change to its Standing Orders, the Authority is asked, in addition to making appointments to Committees etc. until the annual meeting in 2019, to also appoint Chairs and Vice-Chairs to these Committees etc. (again, to serve until the Authority's annual meeting in 2019).

Resources Committee

- 2.3 Elsewhere on the agenda for this meeting is a proposal to amend the Authority's Financial Regulations to include an additional provision to align procedures for reserves with those already in place for revenue budget virements.
- 2.4 In the event that this is approved, it is proposed that the Terms of Reference of the Resources Committee be similarly amended to reflect additional provision. This proposed amendment is shown in ***bold italics*** in the Terms of Reference for the Committee as set out in Appendix B to this report and the Authority is asked to approve this amendment (subject to the initial amendment to Financial Regulations being approved).
- 2.5 The opportunity has also been taken to clarify the Terms of Reference to include reference to the procedures already in place and provided for by Financial Regulations in relation to revenue budget virements. The Authority is asked to endorse this clarification (also shown in ***bold italics***) to the Terms of Reference.

Standards Committee

- 2.6 At its meeting on 30 April 2018, the Authority approved a revised Code of Conduct, guidance on making a complaint under the Code and revised Terms of Reference for the (newly-named) Standards Committee.

- 2.7 The Terms of Reference for the Committee as approved provide for it to determine any requests for dispensations where a Member might otherwise be prevented by the Code from speaking and voting on any particular issue. As currently drafted, this provides mainly for dispensations to speak/vote on disclosable pecuniary interests but it may be that a dispensation might be required for a Member to speak and vote on an issue in which they have personal interest. To this end, it is proposed that the following minor amendment (shown in ***bold, italics***) be made to the Terms of Reference, for clarification purposes:
- “To consider, following submission in writing to the Monitoring Officer by the Member concerned, any request for a dispensation either to talk or to talk and vote in relation to ***either*** a disclosable pecuniary interest ***or a personal interest*** in the following circumstances:
- that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to potentially alter the outcome of any vote on the matter;
 - That the Committee considers that the dispensation is in the interests of persons living in the authority’s area; or
 - That the Committee considers that it is otherwise appropriate to grant a dispensation.”
- 2.8 This proposed amendment has been incorporated (again using ***bold, italics***) into the Terms of Reference for the Standards Committee as set out in Appendix B to this report.
- 2.9 Also, arrangements approved by the Authority in 2012 provide for the Monitoring Officer (in consultation with the Independent Person) to undertake initial assessment of complaints to determine whether or not they should be subject to investigation ***unless*** to do so might be considered sensitive or potentially compromised (for example, the Monitoring Officer has previously advised the Member on the subject matter of the allegation). In such cases, the arrangements (as reflected in the current Terms of Reference for the Committee) provide that the initial assessment decision (i.e. whether or not to investigate) should be undertaken by the Standards Committee.
- 2.10 In light of experience and to better facilitate this should it be necessary, the Authority is asked to consider increasing the size of its Standards Committee from 5 to 7 Members. This would then allow for a small sub-committee of three Members to be selected from the main Committee membership to undertake an initial assessment (if considered necessary), with the remaining Members then being available to undertake any hearing (again, if necessary). This would then avoid any potential issues of conflict of interest and/or predetermination of the matter.
- 2.11 If the Authority is minded to approved this increase in overall size, it is also proposed that the Terms of Reference be amended as indicated (using ***bold, italics***) below to reflect the provisions set out in paragraph 2.9 above:
- “In the event of “sensitive”/***potentially compromised*** allegations of Code breach (e.g. where the Monitoring Officer may have previously advised the Member subject to the allegation on the matter concerned), to ***appoint from amongst its Membership a small Sub-Committee*** to determine, following consultation with the independent person, whether or not an allegation should be investigated.”

MIKE PEARSON
Director of Corporate Services

SCHEDULE OF APPOINTMENTS TO COMMITTEES, WORKING PARTIES ETC. AND APPOINTMENTS TO OUTSIDE BODIES

PART (A) COMMITTEES, WORKING PARTIES ETC.

AUDIT & PERFORMANCE REVIEW COMMITTEE

7 Members in total

CON	LD	LAB	IND

CHIEF FIRE OFFICER'S APPRAISALS PANEL

4 Members in total (NOTE: when establishing this Panel at its meeting on 18 December 2017 [Minute DSFRA/51 refers] , the Authority resolved that it should comprise four Members - the Authority Chair, one Member from each of the other two main political parties and a fourth Member)

CON	LD	LAB	IND

COMMUNITY SAFETY & CORPORATE PLANNING COMMITTEE

7 Members in total

CON	LD	LAB	IND

HUMAN RESOURCES MANAGEMENT & DEVELOPMENT COMMITTEE

7 Members in total

CON	LD	LAB	IND

RESOURCES COMMITTEE

7 Members in total

CON	LD	LAB	IND

STANDARDS COMMITTEE

5 (OR 7) Members in total

CON	LD	LAB	IND

PLUS Independent Person as required by the Localism Act: Mr. David Watson (appointment to be confirmed at this annual meeting).

CAPITAL PROGRAMME WORKING PARTY

(NOTE: this is a non-decision making Working Party, with meetings to be arranged as and when required.

4 Members in total

CON	LD	LAB	IND

MEMBER APPOINTMENT TO LOCAL PENSIONS BOARD¹

Councillor

EQUALITY AND DIVERSITY MEMBER CHAMPION

One appointment (Councillor).

CLIMATE CHANGE AND SUSTAINABILITY MEMBER CHAMPION

One appointment (Councillor).

¹ This Board was established in accordance with Regulations to assist the Authority (as Scheme Manager) in ensuring the efficient and effective governance of the statutory Firefighters Pensions Schemes.

PART (B) APPOINTMENTS TO OUTSIDE BODIES

LOCAL GOVERNMENT ASSOCIATION (LGA)

(a) Fire Commission

Two appointments – usually Authority Chair and one other (Chair and Councillor).

(Provisional dates of meetings in 2018-19: Friday 12 October 2018; Friday 24 May 2019)

(b) General Assembly

Four appointments exercising the votes as shown.

<u>Member</u>	<u>No. votes exercised</u>
Authority Chair	2 Service and 1 Corporate
	1 Service
	1 Service
	1 Service

(**NOTE:-** The General Assembly usually meets annually with Authority attendance being dependent on inclusion of fire and rescue related items in the business to be discussed. Date of next meeting: Tuesday 3 July 2018).

SOUTH WEST COUNCILS

The South West Councils brings together the 41 local authorities in the region to:

- Provide a voice for constituent local authorities on major issues affecting the South West;
- Influence Government policy as it affects the region;
- Encourage partnership working between local authorities and other organisations and agencies in the South West on policy issues where a broader regional approach is required;
- Promote the sharing of good practice.

One Member – Authority Chair

SOUTH WEST PROVINCIAL COUNCIL

The Provincial Council is the joint negotiating machinery for the South West. It comprises the employers' side (South West Employers) and the trade union side and provides a forum for discussion, debate and negotiation on human resource issues.

The Provincial Council meets twice yearly and the Employers' side has a Management Committee, which meets three times a year to continue business.

The functions of the Provincial Council are:

- To exchange ideas with the view of increasing the understanding of the two Sides;
- To promote good industrial relations practice and training, including the development of good personnel practice;

- To undertake tasks as required by the National Joint Council;
- To establish and give legitimacy to dispute and conciliation machinery;
- To facilitate, should the need arise, the negotiation of collective agreements;
- To issue advice, as appropriate, to Local Authorities and Unions;
- To provide a forum for discussion on key strategic issues affecting Local Government industrial relations/training/personnel.

One Member (usually, Chair of the Human Resources Management and Development Committee).

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

COMMITTEES, WORKING PARTIES ETC. - TERMS OF REFERENCE

AUDIT AND PERFORMANCE REVIEW COMMITTEE

Advisory ONLY

1. To oversee the content and operation of the Authority's Strategy on the Prevention and Detection of Fraud and Corruption, making recommendations to the Authority as appropriate.

Matters with Delegated Power to Act

2. To oversee internal and external audit arrangements and to approve annual audit plans.
3. To receive the reports of internal and external audit and external assessments of the organisation and to ensure that any recommendations and findings are appropriately addressed, implemented and monitored.
4. To receive regular reports monitoring the performance of the Service against agreed plans and agree action to address any shortfalls identified.
5. To receive regular corporate risk management reports and agree action to ensure that corporate risks are effectively managed.
6. To consider and approve the Authority's Statement of Accounts and Annual Governance Statement for the previous financial year.
7. To review, at least annually, the Authority's Regulation of Investigatory Powers (RIPA) policy and approve any consequential amendments to the policy as may be necessary.
8. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

CHIEF FIRE OFFICER'S APPRAISALS PANEL

Matters with Delegated Power to Act

1. To undertake an annual appraisal process for the Chief Fire Officer, including the setting of objectives for the forthcoming year;
2. To commission any external advice as is felt appropriate to facilitate the annual appraisal process;
3. To approve any developmental action (including associated costs) as may be identified from the annual appraisal process;
4. To address and resolve any in-year performance issues that may arise;
5. To address and resolve any performance issues relating to other Service Executive Board officers as might be referred to the Panel from time to time by the Chief Fire Officer.

COMMUNITY SAFETY AND CORPORATE PLANNING COMMITTEE

Advisory ONLY

6. To oversee development of the Corporate Plan and make recommendations as appropriate to the Authority.

7. To develop community safety priorities and make recommendations as appropriate to the Authority.

Matters with Delegated Power to Act

8. To consider and monitor the community risk profile to ensure that services are delivered effectively.
9. To approve new partnership arrangements in accordance with the Authority's Partnership Framework.
10. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE

Advisory ONLY

1. To consider and make recommendations to either the Resources Committee or the Authority, as appropriate, on any proposed changes in Service structure, terms and conditions of service, or issues in relation to equality and fairness, pensions entitlements, health and safety and training of all employees where the financial implications of any such changes cannot be met from within existing resources or would require a virement(s) in excess of the lower threshold as set out in Financial Regulations.

Matters with Delegated Power to Act

2. Where a discretionary policy has been determined, to consider individual cases as may be referred by the Chief Fire Officer.
3. In accordance with the Authority's approved Pay Policy Statement, to determine applications for the re-employment of any member of staff below Executive Board level and who has previously been made redundant or who has retired from the Devon & Somerset Fire & Rescue Service.
4. To approve and monitor a Member Development Strategy.
5. To provide in the first instance for membership of Appointments Panels for the posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer and Clerk.
6. To approve and monitor the operation of any Code of Conduct for Employees.
7. To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters' Pensions Scheme Internal Dispute Resolution Procedure.
8. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

RESOURCES COMMITTEE

Advisory ONLY

1. To give preliminary consideration to and recommend to the Authority a provisional budget and Council Tax requirement and the Treasury Management and Investment Strategy and Minimum Revenue Provision (MRP) Statement for the forthcoming year.
2. To consider in the first instance the financial implications of any proposals for which resources have not already been approved and to make recommendations on these as appropriate to the Authority.

3. To make recommendations to the full Authority on the use of any dividend declared by the Board of Red One Ltd.

Matters with Delegated Power to Act

4. To consider budget monitoring reports and to approve any necessary modifications and specifically to authorise virements within the thresholds as set out in the Financial Regulations subject to all financial implications being contained within the overall revenue budget.
5. To consider quarterly financial performance reports relating to Red One Ltd. in terms of expenditure on operating costs, costs recovered and profit generated.
6. In accordance with Contract Standing Orders, to authorise any increase in high/low contract financial thresholds for the purpose of determining officer responsibility.
7. In accordance with Financial Regulations:-
 - to approve of the acquisition or disposal of any land or buildings subject to a conveyance;
 - **to approve in-year virements within the thresholds as set out in the Schedule to the Regulations;**
 - **to approve transfers to/from or between reserves within the thresholds as set out in the Schedule to the Regulations;**
 - to approve of the disposal of any material asset where the estimated disposal value is within the thresholds as set out in the Schedule to the Regulations;
 - to write off any redundant stock and equipment within the thresholds as set out in the Schedule to the Regulations;
 - to write-off any stock and equipment deficiencies within the thresholds as set out in the Schedule to the Regulations;
 - to write-off any debt within the thresholds as set out in the Schedule to the Regulations;
 - to write off any overpayment of salary or allowance within the thresholds as set out in the Schedule to the Regulations;
 - to make any grant within the thresholds as set out in the Schedule to the Regulations;
 - in relation to commercial activity, to approve variations in the commercial services budget (including approval of additional resources, subject to these being matched by corresponding income) up to the threshold as set out in the Scheduled to the Regulations.
8. To monitor progress of schemes included in the approved Capital Programme including the schedule of individual schemes funded from either the Ring Fenced Maintenance or Other Projects generic capital budgets and specifically in accordance with Financial Regulations:-
 - to approve any proposal to finance a capital scheme from the revenue budget where the level of expenditure to be incurred is within the thresholds as set out in the Schedule to the Regulations;

- to approve any excess of estimated expenditure for an individual major capital scheme over approved Capital Programme provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question;
 - to approve the excess of overall expenditure on Other Projects or Ring Fenced generic capital budgets over the approved budget provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question.
9. To implement and regularly monitor the Authority's Treasury Management Policies and Practices.
 10. To ensure effective scrutiny of the Authority's Treasury Management Strategy and Policies.
 11. To approve responses to external consultation documents on issues within the remit of this Committee and as referred by officers.

STANDARDS COMMITTEE

Advisory ONLY

1. In accordance with the provisions of the Localism Act 2011:
 - a. To consider and recommend to the Authority any actions considered necessary to discharge the statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Authority; and
 - b. To develop, keep under review and make recommendations to the Authority on a Code of Conduct expected of Members and Co-opted Members of the Authority when acting in that capacity.
2. To oversee the content and operation of the Authority's "Whistleblowing" Code (Confidential Reporting Policy), making recommendations to the Authority as appropriate.

Matters with Delegated Power to Act

1. To oversee the arrangements for the assessment, investigation and determination (as appropriate) of allegations of any breach of the Code of Conduct.
2. To consider, following submission in writing to the Monitoring Officer by the Member concerned, any request for a dispensation either to talk or to talk and vote in relation to **either** a disclosable pecuniary interest **or a personal interest** in the following circumstances:
 - that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to potentially alter the outcome of any vote on the matter;
 - That the Committee considers that the dispensation is in the interests of persons living in the authority's area; or
 - That the Committee considers that it is otherwise appropriate to grant a dispensation.
3. In the event of "sensitive"/**potentially compromised** allegations of Code breach (e.g. where the Monitoring Officer may have previously advised the Member subject to the

allegation on the matter concerned), to **appoint from amongst its Membership a small Sub-Committee** to determine, following consultation with the independent person, whether or not an allegation should be investigated.

4. To consider the findings of any investigation into an alleged breach of the Authority's approved Code of Conduct (affording the Member subject to the allegation ["the subject Member"] a right of hearing) and – in consultation with the "independent person" - to determine whether or not (on the basis of the evidence available and on the balance of probabilities) a breach of the approved Code has been proven.
5. In the event that a Code breach is proven, to consider:
 - a. whether a sanction should be imposed; and
 - b. if so, determine what the sanction(s) should be from the following:
 - i. censure the subject member. The Committee will determine the terms and manner of this censure (which may include, but is not limited to, notifying the subject member's appointing constituent authority and/or arranging for details of the censure to be published in local media circulating in the area of the Authority);
 - ii. recommend to the full Authority that the subject member be removed from any Committees, Sub-Committees, Working Parties or outside bodies to which they have been appointed or nominated by the Authority;
 - iii. withdraw any Authority facilities that may have been provided to the subject member (e.g. e-mail accounts);
 - iv. exclude the subject member from the Authority's premises (save to the extent that the subject member requires access to attend meetings of the full Authority or any Committee etc. to which the subject member may have been appointed by the Authority);
 - v. instruct the Monitoring Officer to arrange for training for subject member.
6. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

CAPITAL PROGRAMME WORKING PARTY

To oversee the development of the Authority's asset management plans making recommendations as appropriate to the Resources Committee and/or full Authority.

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Agenda Item 9

REPORT REFERENCE NO.	DSFRA/18/14
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (ANNUAL MEETING)
DATE OF MEETING	8 JUNE 2018
SUBJECT OF REPORT	DRAFT CALENDAR OF MEETINGS 2018-19
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<i>That, subject to any amendments as may be indicated at the meeting, the draft Calendar of Authority Meetings for the 2018-19 Municipal Year be approved.</i>
EXECUTIVE SUMMARY	Attached for consideration is a draft Authority Calendar of Meetings for the forthcoming (2018-19) municipal year.
RESOURCE IMPLICATIONS	N/A
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	N/A
APPENDICES	A. Draft Authority Calendar of Meetings 2018-19 Municipal Year.
LIST OF BACKGROUND PAPERS	Constituent Authority Calendars of Meetings (as available).

1. INTRODUCTION

- 1.1. Attached at Appendix A to this report is a proposed Authority Calendar of Meetings for the forthcoming (2018-19) municipal year. As in previous years, in compiling this Calendar consideration has been given both to the business requirements of this Authority and to the calendars of constituent authorities (as available) to avoid wherever possible any clashes in meeting dates.

2. MEMBERS' FORUM SESSIONS

- 2.1 The Forum is intended to provide the opportunity for more informal engagement with all Authority Members on a wide range of issues, both national and local, to impart information and to help steer policy formation at a very early stage and prior to any decisions being required through the formal meeting structure. In this way, it offers a useful mechanism to assist Members in remaining current with and contributing actively towards existing and emerging issues.
- 2.2 Proposed dates for Forum meetings during the 2018-19 municipal year, based on a total of eight meetings, are included in the draft Calendar now appended.

3. CAPITAL PROGRAMME WORKING PARTY

- 3.1 The Capital Programme Working Party's Terms of Reference are "to oversee the development of the Authority's asset management plans making recommendations as appropriate to the Resources Committee and/or full Authority".
- 3.2 The Working Party is intended to be ad hoc and thus will meet as and when required. For this reason, the Calendar of Meetings does not include any proposed dates for the Working Party.

4. CONCLUSION

- 4.1 The Authority is asked to consider the above issues with a view to then approving (subject to any amendments as may be indicated at the meeting) the draft Calendar of Authority meetings for the forthcoming (2018-19) municipal year.

MIKE PEARSON
Director of Corporate Services

DEVON & SOMERSET FIRE & RESCUE AUTHORITY APPROVED CALENDAR OF MEETINGS 2018-19 MUNICIPAL YEAR

Please note that all meetings are held at Fire Service Headquarters, The Knowle, Clyst St George, Exeter unless otherwise indicated

DEVON & SOMERSET FIRE & RESCUE AUTHORITY PROPOSED CALENDAR OF MEETINGS 2018-19	
DATE & TIME	MEETING
CYCLE 1	
June 2018	
<i>Friday 22 June 2018, 11:00hours</i>	<i>LGA Fire Services Management Committee (Smith Square, London)</i>
Tuesday 26 June 2018 at 10:00hours	Human Resources Management & Development Committee (HRMDC)
July 2018	
<i>Tuesday 3 July 2018, 11.45hours</i>	<i>LGA General Assembly (Birmingham)</i>
Friday 13 July 2018, 10:00hours	Members' Forum
Thursday 26 July 2018, 10:00hours	Community Safety & Corporate Planning Committee (CSCPC)
Friday 27 July 2018, 10:00hours	Audit & Performance Review Committee (APRC)
Monday 30 July 2018, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
AUGUST 2018 – RECESS MONTH	
Monday 27 August 2018	
CYCLE 2	
September 2018	
Wednesday 5 September 2018, 10:00hours	Resources Committee (RC)
Friday 7 September 2018, 10:00hours	Members' Forum
Friday 21 September 2018, 10:00hours	Human Resources Management & Development Committee (HRMDC)
<i>Thursday 20 September 2018, 11:00hours</i>	<i>LGA Fire Services Management Committee (Smith Square, London)</i>
October 2018	
Tuesday 9 October 2018, 10:00hours	Members' Forum
<i>Friday 12 October 2018, 11:00hours</i>	<i>Local Government Association (LGA) Fire Commission (Smith Square, London)</i>
Monday 22 October 2018, 10:00hours	Community Safety & Corporate Planning Committee (CSCPC)

Wednesday 31 October 2018, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
CYCLE 3	
November 2018	
Friday 9 November 2018, 10:00hours	Audit & Performance Review Committee (APRC)
Thursday 15 November 2018, 10:00hours	Resources Committee (RC)
Friday 23 November 2018, 11:00hours	<i>Provisional LGA Fire Services Management Committee (Smith Square, London)</i>
Friday 30 November 2018, 10:00hours	Members' Forum
December 2018	
Monday 10 December 2018, 10:00hours	Human Resources Management & Development Committee (HRMDC)
Friday 14 December 2018, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
Tuesday 25 and Wednesday 26 December 2018 – Public Holidays	
Office closed Thursday 27 December to Monday 31 December 2018 inclusive	
CYCLE 4	
January 2019	
Tuesday 1 January 2019 – Public Holiday	
Friday 18 January 2019, 10:00hours	Audit & Performance Review Committee (APRC)
Tuesday 22 January 2019, 14:00hours	Community Safety & Corporate Planning Committee (CSCPC)
Friday 25 January 2019, 10:00hours	Members' Forum
Friday 25 January 2019, 11:00hours	<i>Provisional LGA Fire Services Management Committee (Smith Square, London)</i>
February 2019	
Thursday 7 February 2019 (budget), 10:00hours	Resources Committee (RC) (Budget Meeting)
Tuesday 19 February 2019, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget Meeting)
Monday 25 February 2019, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget Meeting) <i>(Reserve Date) (NOTE: will only be required in the event of the Authority being unable to meet on Tuesday 19 February 2019)</i>

CYCLE 5	
March 2019	
Friday 19 April 2019 and Monday 22 April 2019 – Public Holidays	
<i>Tuesday 12 to Wednesday 13 March 2019 - provisional</i>	<i>LGA Annual Fire Conference, Gateshead</i>
Friday 15 March 2019, 10:00hours	Members' Forum
<i>Monday 19 March 2019, 11:00hours</i>	<i>Provisional LGA Fire Services Management Committee (Gateshead – linked to Annual LGA Fire Conference)</i>
Monday 25 March 2019, 10:00hours	Human Resources Management & Development Committee (HRMDC)
April 2019	
Monday 8 April 2019, 10:00hours	Standards Committee (SC)
Thursday 25 April 2019, 10:00hours	Community Safety & Corporate Planning Committee (CSCPC)
Friday 26 April 2019, 10:00hours	Member's Forum
Tuesday 30 April 2019, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
May 2019	
Monday 6 May 2019 – Public Holiday	
Friday 10 May 2019, 10:00hours	Audit & Performance Review Committee (APRC)
Wednesday 15 May 2019, 10:00hours	Resources Committee (RC)
<i>Friday 24 May 2019, 11:00hours -</i>	<i>Provisional Local Government Association (LGA) Fire Commission (Smith Square, London)</i>
Friday 24 May 2019, 10:00hours	Members' Forum
Monday 27 May 2019 – Public Holiday	
June 2019	
Friday 7 June 2019, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
Friday 7 June 2019, 10:00hours (or on rising of Annual Meeting, whichever is later)	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Ordinary Meeting)

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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 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.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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