

## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

30 July 2018

### Present:-

Councillors Randall Johnson (Chair), Biederman, Bown, Bowyer, Clayton, Coles, Colthorpe, Drear, Ellery, Hannaford, Healey MBE, Hendy, Mathews, Napper, Peart, Radford, Redman, Saywell, Thomas, Trail BEM, Vijeh and Wheeler (Vice-Chair).

### Apologies:-

Councillors Best, Eastman, Hook and Prowse

### **DSFRA/15     Minutes**

**RESOLVED** that the Minutes of the Annual and Ordinary Meetings held on 8 June 2018 be signed as correct records.

### **DSFRA/16     Minutes of Committees**

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

The Chair of the Committee, Councillor Bown, **MOVED** the minutes of the meeting held on 3 July 2018 which had considered, amongst other things:

- a report on the Service's performance in relation to absence management;
- a report on the outcome of a high-level review undertaken into Service sickness absence;
- proposed revisions to the Authority's Pensions Discretions Policy;
- a review of the Service expenses policy in respect of accommodation and subsistence;
- appointments to the Internal Disputes Resolution Panel; and
- a report on workforce culture, diversity and inclusion.

For ease of reference, a copy of report HRMDC/18/25 (Pension Discretions – Firefighters' Pension Scheme) was appended to the Minutes.

### **RESOLVED**

- (i) that, as recommended by the Committee at Minute HRMDC/29, the following amendments to the Authority's Pensions Discretions Policy be approved:
  - a. that the upper age limit for Injury Retirements medical reviews are aligned to that of Ill-health Retirements as set out in paragraphs 2.7 and 2.8 of report HRMDC/18/25; and
  - b. that a Voluntary Scheme Pays arrangement is introduced for the payment of annual pension Annual Allowance tax liabilities, but applicable only in one (or both) of those circumstances as identified in paragraph 3.11 of report HRMDC/18/25;
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

**b Community Safety & Corporate Planning Committee**

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

- a report on the mandate for the Change & Improvement Programme 2018 – 2022; and
- a report of production of public facing documents, in common format, for the Integrated Risk Management Plan, the Fire & Rescue Plan and the Change & Improvement Programme.

For ease of reference, a copy of reports CSCPC/18/3 (Change & Improvement Programme 2018 – 2022 – Mandate) and CSCPC/18/4 (Integrated Risk Management Plan [IRMP], Fire & Rescue Plan (FRP) and Change & Improvement Programme – Public Facing Documents), as considered by the Committee, were included with the agenda for this meeting.

**RESOLVED**

- (i). that, as recommended by the Committee at Minute CSCPC/2, the mandate for the Change & Improvement Programme 2018 – 2022, as set out in report CSCPC/18/3 and included with the agenda for this meeting, be approved and a more detailed report on timescales be submitted to the Committee in due course;
- (ii). that, subject to (a) above, the Minutes be adopted in accordance with Standing Orders.

**c Audit & Performance Review Committee**

The Chair of the Committee, Councillor Healey MBE, **MOVED** the Minutes of the meeting held on 27 July 2018 which had considered, amongst other things:

- draft audit findings of the external auditor (Grant Thornton) on the Authority's financial statements 2017-18 (including the final Statement of Accounts and a Letter of Representation);
- the final 2017-18 Annual Statement of Assurance;
- a report on progress against the approved internal audit plan for 2018-19;
- a report on performance of the Devon & Somerset Fire & Rescue Service during April 2017 to March 2018 against agreed measures and targets;
- the Local Pensions Board Annual Report 2017-18; and
- a "Going Concern" review prepared by the Director of Finance in response to a request from the external auditor (Grant Thornton) and setting out a review of the Authority's financial position as at 31 March 2018 together with an assessment of the ability of the Authority to continue operating for the foreseeable future.

**RESOLVED**

- (i). that, as recommended by the Committee at Minute APRC/6 (Local Pensions Board Annual Report 2017-18), the Terms of Reference for the Committee be amended to provide for it to receive an Annual Report from the Authority's Local Pensions Board; and
- (ii). that, subject to (a) above, the Minutes be adopted in accordance with Standing Orders.

**DSFRA/17 Appointments to Committees etc.**

The Authority considered a report of the Director of Corporate Services (DSFRA/18/16) inviting the Authority to make appointments to those vacancies arising from change in representation from Devon County Council to the Authority.

**RESOLVED** that the following appointments be made as indicated, the term of office to be until the Authority's Annual Meeting in 2019:

Resources Committee – Councillor Hook;

Vice-Chair of Resources Committee – Councillor Drean (proposed by Councillor Hendy and seconded by Councillor Peart);

Capital Programme Working Party – Councillor Coles;

Local Pensions Board – Councillor Wheeler.

**DSFRA/18 Appointment of Authority Members as Non-Executive Directors on the Board of Red One Ltd.**

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this matter [by virtue of being existing Authority Members appointed as non-executive directors on the Board of Red One Ltd.] and took no part in the voting on this item).

The Authority considered a report of the Director of Corporate Services (DSFRA/18/17) on the outcome of a process to identify Authority Members to serve as non-executive directors on the Board of Red One Ltd. The process had been undertaken by Ramsay Hall (an organisation with experience in identifying and recruiting non-executive directors) who had been commissioned following a procurement exercise.

**RESOLVED**

- (a). that, as recommended by Ramsay Hall, Councillors Saywell and Thomas be re-appointed as Authority Member non-executive directors on the Board of Red One Ltd.;
- (b). that Red One Ltd. be asked to facilitate the advised training on corporate governance and business strategy;
- (c). that matters relating to the term of office for these appointments and the number of Authority Member non-executive directors on the Board of Red One Ltd. be addressed as part of the Red One Ltd. Annual General Meeting, featured elsewhere on the agenda for this meeting.

***(SEE ALSO MINUTE DSFRA/24 BELOW).***

**DSFRA/19 Reserves Strategy**

The Authority considered a report of the Director of Finance (DSFRA/18/18) setting out a Reserves Strategy for the Authority in accordance with the requirements of the latest iteration of the Fire and Rescue National Framework for England. The Strategy explained the purpose of each ear-marked reserve, analysed the General Fund and indicated expected timing of expenditure from the reserves.

The report detailed a risk assessment undertaken of the General Reserve and proposed that ear-marked reserves be combined into broader categories to aid reporting. The reserves strategy (which had been prepared using the new categories as proposed) had been produced as a stand-alone document for the current financial year but would become part of the budgetary cycle and form an element of the Medium Term Financial Plan document for the 2019-20 financial year onwards.

## **RESOLVED**

- (a). that the transfers between reserves as outlined in Appendix B to report DSFRA/18/18 be approved;
- (b). that the new reporting categories for Earmarked Reserves as shown in Appendix C to the report be approved; and
- (c). that, subject to (a) and (b) above, the report be noted.

### **DSFRA/20 Arrangements for Authority Proper Financial Officer/Treasurer**

The Authority considered a report of the Director of Corporate Services (DSFRA/18/19) on options to secure a proper financial officer (as required for the Authority by statute) on conclusion of the temporary promotion period for the current incumbent.

## **RESOLVED**

- (a). That Option 3, an external competitive recruitment process for either a full-time or part-time position, be approved;
- (b). That an Appointments Panel comprising Councillors Best, Bown, Hannaford, Randall Johnson, Vijeh and Wheeler be appointed with delegated authority to interview candidates and determine the appointment; and
- (c). That the existing temporary appointment be extended for a further two month period (to the end of December 2018) to allow sufficient time for the recruitment process and also for a hand-over period, if required.

### **DSFRA/21 Secondment of Chief Fire Officer Lee Howell**

The Authority considered a report of the Director of Corporate Services (DSFRA/18/20) on the current position in relation to the secondment of Chief Fire Officer Lee Howell to the Avon & Somerset Constabulary as the Senior Responsible Officer for a Home Office funded initiative to develop a multi-agency integrated service analytics hub (now known as the Office for Data Analytics).

The secondment had been approved by the Authority at its meeting on 20 October 2017 for an initial twelve month period, commencing on 1 November 2017. Any proposed extension was to be subject to further consideration and determination by the Authority.

The Authority would still be required to have determined this issue by the end of the current secondment period (31 October 2018) but at this point in time there remained a number of issues still required resolution prior to the Avon & Somerset Constabulary formulating any formal request for the secondment to be extended. These issues included confirmation of funding arrangements. As the next Authority meeting was not scheduled until 31 October it was consequently proposed that the Authority might wish to delegate authority to its Human Resources Management & Development Committee to consider and determine any proposal that may be received on extension of the secondment of Chief Fire Officer Lee Howell.

**RESOLVED** That the Human Resources Management & Development Committee be delegated authority to consider and determine any proposals relating to an extension of the secondment of Chief Fire Officer Lee Howell to the Avon & Somerset Constabulary as Senior Responsible Officer for the Office for Data Analytics initiative.

**DSFRA/22**      **Exclusion of the Press and Public**

**RESOLVED** that the press and public (with the exceptions of Dr. Sian George, Andrew Andreou, Andy Appleton and Carrie Southgate – all Red One Ltd. - for Minute DSFRA/24 only) 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 in the following Paragraphs of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972:

- (a). For Minute DSFRA/23 (General Purposes Committee – Confidential Minutes of the Meeting held on 6 June 2017):
  - Paragraph 1 (information relating to an individual);
  - Paragraph 2 (information likely to reveal the identity of an individual); and
  - Paragraph 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).
- (b). For Minute DSFRA/24, Paragraph 3 (information relating to the financial and business affairs of any particular person – including the authority holding that information).

**DSFRA/23**      **General Purposes Committee - Confidential Minutes of the Meeting held on 6 June 2017**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Authority considered a report of the Director of Corporate Services (DSFRA/18/21) to which was appended confidential Minutes of the meeting of the General Purposes Committee held on 6 June 2017.

During the course of auditing the Authority's financial statements for 2017-18 the external auditor (Grant Thornton) had challenged the completeness of an audit trail recording the decision of the Committee in relation to the final figure authorised to settle an employment tribunal claim. Following further discussions, the external auditor had indicated that the matter could be resolved by the Authority retrospectively approving and adopting a set of confidential minutes of the 6 June 2017 meeting of the Committee which detailed the agreed maximum financial quantum to settle the matter.

Councillor Randall Johnson **MOVED**, with Councillor Clayton seconding:

“that the confidential Minutes of the meeting of the General Purposes Committee held on 6 June 2017, as appended to report DSFRA/18/21, be approved and adopted by the Authority in accordance with Standing Orders.”

The Motion was put to the vote and declared **CARRIED**, whereupon it was

**RESOLVED** that the confidential Minutes of the meeting of the General Purposes Committee held on 6 June 2017, as appended to report DSFRA/18/21, be approved and adopted by the Authority in accordance with Standing Orders.

***(THE MEETING WAS THEN ADJOURNED AT 11.23HOURS, RECONVENING AT 11.45HOURS)***

**Red One Ltd. Annual General Meeting**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public [with the exception of Dr. Sian George, Andrew Andreou, Andy Appleton and Carrie Southgate – all Red One Ltd.] were excluded from the meeting).

(Councillors Saywell and Thomas each declared a personal interest in this matter by virtue of being Authority Members appointed as non-executive directors on the Board of Red One Ltd. Both Councillors left the meeting during any voting by the Authority [in its capacity as sole shareholder] on this item).

The Authority (in its capacity as sole shareholder in Red One Ltd.) attended the Annual General Meeting of the Company and received presentations on the activities of the company in relation to:

- health and safety measures;
- the company risk register and mitigation process;
- an overview of the financial and commercial performance of the company during the current (2018-19) financial year;
- strategic commercial opportunities for the company for 2018-19 and beyond.

The Board had also proposed a Special Resolution to the Authority (as sole shareholder) to adopt revised Articles of Association.

Councillor Randall Johnson **MOVED**, with Councillor Peart seconding

- (a). that the following Special Resolution be approved by the Authority in its capacity as sole shareholder of Red One Ltd. (“the Company”):
 

“That the [third edition of the] Articles of Association [as considered at the Annual General Meeting on 30 July 2018] be adopted as the Articles of Association of the Company in substitution for and to the exclusion of the existing Articles of Association”;
- (b). that, in adopting the revised Articles of Association as circulated at the Annual General Meeting, the Authority formally delegates to the Service Executive Board authority to appoint Service Officer Non-Executive Directors to the Board of Red One Ltd and that this be recorded in Authority’s scheme of delegations; and
- (c). that, subject to (a) and (b) above, the discussions on those matters raised at the Red One Ltd. Annual General Meeting be noted.

This Motion was put to the vote and declared **CARRIED** whereupon it was

**RESOLVED**

- (a). that the following Special Resolution be approved by the Authority in its capacity as sole shareholder of Red One Ltd. (“the Company”):
 

“That the [third edition of the] Articles of Association [as considered at the Annual General Meeting on 30 July 2018] be adopted as the Articles of Association of the Company in substitution for and to the exclusion of the existing Articles of Association”;
- (b). that, in adopting the revised Articles of Association as circulated at the Annual General Meeting, the Authority formally delegates to the Service Executive Board authority to appoint Service Officer Non-Executive Directors to the Board of Red One Ltd and that this be recorded in Authority’s scheme of delegations; and

- (c). that, subject to (a) and (b) above, the discussions on those matters raised at the Red One Ltd. Annual General Meeting be noted.

The Meeting started at 10.00 am and finished at 1.05 pm