



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

M. Pearson  
CLERK TO THE AUTHORITY

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

(see below)

**SERVICE HEADQUARTERS  
THE KNOWLE  
CLYST ST GEORGE  
EXETER  
DEVON  
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Your ref :  
Our ref : DSFRA/MP/SY  
Website : [www.dsfire.gov.uk](http://www.dsfire.gov.uk)

Date : 6 December 2018  
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## **DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

**Friday, 14 December, 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 Minutes (Pages 1 - 4)**

of the previous meeting held on 31 October 2018 attached.

**3 Items Requiring Urgent Attention**

Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.

**PART 1 - OPEN COMMITTEE**

**4 Questions and Petitions from the Public**

In accordance with [Standing Orders](#), to consider any questions and petitions submitted by the public. Questions must relate to matters to be considered at this meeting of the Authority. Petitions must relate to matters for which the Authority has a responsibility or which affects the Authority. Neither questions nor petitions may require the disclosure of confidential or exempt information. Questions and petitions must be submitted in writing or by e-mail to the Clerk to the Authority (e-mail address: [clerk@dsfire.gov.uk](mailto:clerk@dsfire.gov.uk)) **by midday on Tuesday 11 December 2018.**

**5 Addresses by Representative Bodies**

To receive addresses from representative bodies requested and approved in accordance with Standing Orders.

**6 Questions from Members of the Authority**

To receive and answer any questions submitted in accordance with Standing Orders.

**7 Minutes of Committees**

**a Chief Fire Officer's Appraisals Panel (Pages 5 - 6)**

The Chair of the Panel, Councillor Randall Johnson, to **MOVE** the Minutes of the meeting held on 24 October 2018, attached.

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

**b Standards Committee (Pages 7 - 16)**

The Chair of the Committee, Councillor Thomas, to **MOVE** the Minutes of the meetings held on 26 October and 3 December 2018 attached.

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

**c Audit & Performance Review Committee (Pages 17 - 20)**

The Vice-Chair of the Committee, Councillor Napper, to **MOVE** the Minutes of the meeting held on 9 November 2018, attached.

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

**d Resources Committee (Pages 21 - 24)**

The Chair of the Committee, Councillor Coles, to **MOVE** the Minutes of the meeting held on 15 November 2018, attached.

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

**(SEE ALSO ITEM 10 BELOW).**

**e Community Safety & Corporate Planning Committee (Pages 25 - 26)**

The Chair of the Committee, Councillor Redman, to **MOVE** the Minutes of the meeting held on 3 December 2018, attached.

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

**8 Confirmation of Members' Allowances Scheme 2019-20 (Pages 27 - 32)**

Report of the Director of Corporate Services (DSFRA/18/23) attached.

**9 Exclusion of the Press and Public (Pages 33 - 34)**

**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 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**

**10 Resources Committee – Restricted Minutes (Pages 35 - 36)**

The Chair of the Committee, Councillor Coles, to **MOVE** the restricted Minutes of the meeting of the Resources Committee held on 15 November 2018.

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

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

Membership:-

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

**NOTES**

<b>1.</b>	<b><u>Access to Information</u></b> 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.
<b>2.</b>	<b><u>Reporting of Meetings</u></b> 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 Chair - 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 Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
<b>3.</b>	<b><u>Declarations of Interests at meetings (Authority Members only)</u></b> 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"><li>(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</li><li>(ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.</li></ul> 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 an 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.
<b>4.</b>	<b><u>Part 2 Reports</u></b> 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.
<b>5.</b>	<b><u>Substitute Members (Committee Meetings only)</u></b> Members are reminded that, in accordance with Standing Order 37, 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.

## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

31 October 2018

### Present:-

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

### Apologies:-

Councillors Colthorpe, Prowse and Vijeh.

### **DSFRA/25    Minutes**

**RESOLVED** that the Minutes of the meeting held on 30 July 2018 be signed as a correct record.

### **DSFRA/26    Minutes of Committees**

#### a    **Chief Fire Officer's Appraisals Panel**

The Chair of the Panel, Councillor Randall Johnson, **MOVED** the Minutes of the meeting held on 30 July 2018 which had undertaken a mid-year appraisal of Chief Fire Officer GA. The Chair of the Panel also informed the Authority that the Minutes of the meeting of the Panel held on 24 October 2018 would be submitted for adoption at the next full Authority meeting.

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

#### b    **Resources Committee**

The Chair of the Committee, Councillor Coles, **MOVED** the Minutes of the meeting held on 5 September 2018 which had considered, amongst other things:

- A report on Treasury Management performance for the first quarter of the current (2018-19) financial year;
- A report on financial performance for the first quarter of the current (2018-19) financial year;
- A proposed response to the Technical Consultation on the Local Government Financial Settlement 2019-20; and
- A report on the financial performance of Red One Ltd. for the first quarter of the current (2018-19) financial year.

### **RESOLVED**

- (i). That the recommendation at Minute RC/3 (Financial Performance Report 2018-19 – Quarter 1) be approved; and
- (ii). That, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

**(SEE ALSO MINUTE DSFRA/29 BELOW).**

c **Human Resources Management & Development Committee**

The Chair of the Committee, Councillor Bown, **MOVED** the Minutes of the meeting of the Committee held on 21 September 2018 which had considered, amongst other things:

- A report on the proposed extension of the secondment of Chief Fire Officer Lee Howell to the Avon & Somerset Constabulary as Senior Responsible Officer for the Home Office funded Multi-Agency Integrated Service Analytics Hub (Office for Data Analytics);
- A report on progressing the development of apprenticeship opportunities with the Devon & Somerset Fire & Rescue Service;
- A report on absence management; and
- A quarterly update on work being taken on culture, diversity and inclusion in the Service in support of the new Integrated Risk Management Plan and national guidance.

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

d **Treasurer's Appointments Panel**

The Chair of the Panel, Councillor Randall Johnson, **MOVED** the Minutes of the Panel held on 19 October 2019 which had undertaken an appointments process for the post of Director of Finance (Treasurer and Proper Officer for the Authority in accordance with Section 112 of the Local Government Finance Act 1988).

**RESOLVED**

- (i). That, having appointed to the post of Director of Finance (Treasurer and Proper Officer for the Authority in accordance with Section 112 of the Local Government Finance Act 1988), the Panel be disbanded; and
- (ii). That, subject to (i) above, the Minutes of the meeting held on 19 October 2018 be adopted in accordance with Standing Orders.

e **Community Safety & Corporate Planning Committee**

The Chair of the Committee, Councillor Redman, **MOVED** the Minutes of the meeting held on 22 October 2018 which had considered, amongst other things:

- A report and presentation on community risk mapping in support of the Integrated Risk Management Plan (IRMP); and
- A report on the proposed timeline for the delivery of work as set out in the Change & Improvement Programme (which would address those issues identified in both the community-facing Integrated Risk Management Plan and the organisational Fire & Rescue Plan).

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

f **Standards Committee**

The Chair of the Committee, Councillor Ellery, **MOVED** the Minutes of the meeting of the Committee held on 24 October 2018 which had considered a pre-hearing process in relation to allegations of breaches by Subject Member X of the Authority's Approved Code of Members' Conduct.

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

**DSFRA/27**     **Proposed Revision to Standing Orders on Election of Authority Chair and Vice-Chair**

The Authority considered a report of the Director of Corporate Services (DSFRA/18/22) on a request by Councillor Healey, made in accordance with Standing Order 20, for the Authority to consider revising its Standing Orders to provide for the positions of the Authority Chair and Vice-Chair to be rotated amongst constituent authorities on a four-year cyclical basis. Councillor Healey considered that this would promote cohesiveness for the Authority and reduce/remove any actual or perceived dominance by any one or more of the constituent authorities.

The report set out a potential revision to Standing Orders but also identified, under constitutional considerations, that – in light of the anticipated legislation that would enable Police and Crime Commissioners (PCCs) to become voting Members of the Authority (which the Authority had already approved in principle – Minute DSFRA/11 of the meeting held on 12 June 2017 refers) – it would be necessary to allow for a PCC to be eligible for election as Chair the Authority as otherwise this would be contrary to the relevant provisions as set out in the statutory Combination Scheme Order for the Authority.

The issue was then debated at some length, with some Members expressing support for the proposal while others considered that existing Standing Orders currently reflected the provisions of the Combination Scheme Order and provided for any Authority Member to become Chair on the basis of merit.

Councillor Coles **MOVED**, with Councillor Clayton seconding:

“that the matter be deferred for further work by Officers on potential models, with a report back to a future meeting of the Authority”

The Motion was put to the vote and declared **LOST**, with 10 votes for the Motion to 12 against.

Councillor Wheeler then **MOVED**, with Councillor Hannaford seconding:

“that the existing arrangements for the election of Authority Chair and Vice Chair, as currently set out in the Authority’s Standing Orders and which are consistent with the provisions of the Combination Scheme Order, be maintained.”

The Motion was put to the vote and declared **CARRIED**, by 14 votes in favour of the motion to 8 against, whereupon it was:

**RESOLVED** that the existing arrangements for the election of Authority Chair and Vice Chair, as currently set out in the Authority’s Standing Orders and which are consistent with the provisions of the Combination Scheme Order, be maintained

**DSFRA/28**     **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/29

**Restricted Minutes of the Resources Committee meeting held on 5 September 2018**

(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 Thomas and Saywell each declared a personal interest in this matter. Councillor Thomas spoke to this item and both Councillors Thomas and Saywell left the meeting during the relevant vote to adopt the Minutes, in accordance with the terms of the dispensation granted by the Authority at its annual meeting on 8 June 2018 (Minute DSFRA/5(a) refers).

Councillor Coles **MOVED** the restricted Minutes of the meeting of the Resources Committee held on 5 September 2018 which had considered a report on the financial performance of Red One Ltd. for Quarter 1 of the current (2018-19) financial year. Several Members sought to raise questions on the Minutes. It was noted that the Authority had delegated the monitoring of the financial performance of Red One Ltd. to the Resources Committee and Councillor Coles assured the Authority that all pertinent questions would be raised at the next meeting of the Resources Committee.

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

The Meeting started at 10.00 am and finished at 11.40 am

## **CHIEF FIRE OFFICER'S APPRAISALS PANEL**

(Devon & Somerset Fire & Rescue Authority)

24 October 2018

### Present:-

Councillors Randall Johnson (Chair), Best and Hannaford.

### Apologies:-

Councillor Vijeh.

\* **AP/18/4**

### Minutes

**RESOLVED** that the Minutes of the meeting held on 30 July 2018 be signed as a correct record.

\* **AP/18/5**

### 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 1 of Part 1 of Schedule 12A (as amended) to the Act, namely information relating to an individual.

\* **AP/18/6**

### Chief Fire Officer Lee Howell - Appraisal

(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 Panel, advised by Bryony Houlden [Chief Executive, South West Councils], undertook the appraisal of Chief Fire Officer Lee Howell (LH). The appraisal process was informed by a document submitted by LH addressing, amongst other things, performance over the last twelve months, personal development undertaken during that period and identified development needs.

In respect of the development needs, it was noted that a place had been secured for LH to attend the police Strategic Command Course run by the Home Office, to run from January to February 2019. Although this was prior to the end of LH's current secondment to the Avon & Somerset Constabulary, the cost of funding attendance on the Course would fall to the Devon & Somerset Fire & Rescue Authority. The Panel noted that one of the objectives of the course was to:

“...provide a unique opportunity for senior police staff and leaders from across the public sector to engage in a demanding and stretching leadership development programme. All participants greatly benefit from the broad range of experience and perspectives shared by colleagues from within policing nationally and internationally and from partner organisations”

The Panel also noted that the Chief Fire Officer was due to return to the Devon & Somerset Fire & Rescue Service at the end of his secondment (31 March 2019) and that there was no indication at this stage that the secondment would be further extended.

In light of the above, the Panel considered that attendance on the Course would represent a good investment for the Service and the wider public sector generally.

**RESOLVED** that attendance by LH on the Strategic Command course be approved, with the cost of course to be met by the Devon & Somerset Fire & Rescue Authority.

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

The Meeting started at 2.00 pm and finished at 3.00 pm

## **STANDARDS COMMITTEE**

(Devon & Somerset Fire & Rescue Authority)

26 October 2018

### Present:-

Councillors Ellery (Vice-Chair, in the Chair), Bown, Drean, Hannaford (vice Thomas), Prowse and Trail BEM.

### Apologies:-

Councillor Redman.

#### \* **SC/4**      **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 the following Paragraph(s) of Part 1 of Schedule 12A (as amended) to the Act:

- Paragraph 1 (information relating to an individual);
- Paragraph 2 (information likely to reveal the identity of an individual); and
- Paragraph 3 (information relating to the financial and business affairs of any particular person – including the authority holding that information).

#### \* **SC/5**      **Standards Committee Hearing – Councillor Mark Healey MBE**

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

The Committee conducted a hearing into allegations that Councillor Mark Healey MBE (“the Subject Member”) had failed to comply with the Authority’s approved Members’ Code of Conduct (“the Code”). The Committee conducted the hearing in two stages, the first to determine “findings of fact” as to whether or not, on the balance of probabilities, the alleged breaches of the Code had been established. The second stage dealt with the imposition of sanctions – including hearing submissions in mitigation - in the event that breaches of the Code were found to have been established.

#### ***STAGE 1 – FINDINGS AS TO FACT***

During this stage the Committee:

- considered a report of the Director of Corporate Services (SC/18/2) to which was appended:
  - a report of the external Investigating Officer summarising the complaint and the investigation findings into the alleged breaches of the Code; and
  - a copy of the complaint itself;
- considered a written submission of Councillor Healey, with supporting documentation including a written statement from witness A and a written statement from Character Witness B as circulated with the agenda for the meeting;

- considered a written witness partial statement and accompanying documentation submitted by witness C in support of Councillor Healey. This supplementary documentation had been provided to the Committee on 24 October, 8 days after the deadline for submission of witness statements and on the day of the Committee's pre-hearing process;
- received presentations from both the Investigating Officer and Councillor Healey, who was accompanied by a legal consultant;
- received evidence from one witness (the Complainant) as to the findings of fact (this witness was given permission to attend by the Committee at its pre-hearing on 24 October and following a properly submitted request from the Investigating Officer); and
- considered a request from the Subject Member that witness C be allowed to give evidence as witness C had made special arrangements to be available. In considering this request the Committee was of the view that it had determined, as part of the pre-hearing on 24 October, that whilst the late statement from witness C would be allowed as evidence, witness C would not be given permission to attend because the Committee had not been afforded the clearly prescribed time to assess whether it was necessary to ask witness C any questions. The Committee was of the view that the position had not changed and the Subject Member's request for permission for witness C to be allowed to be present to give evidence was refused.

The Investigating Officer, Councillor Healey and the Complainant were also questioned in some depth on their submissions by each of the Committee Members and the Independent Person. Additionally, the legal consultant supporting Councillor Healey was afforded the opportunity to question both the Investigating Officer and the Complainant as to the findings of fact.

The report of the Investigating Officer detailed that relevant legislation to the investigation included Chapter 7 of Part 1 of the Localism Act 2011. The Investigating Officer had concluded at the outset of the investigation that, at all relevant times outlined in the complaint, Councillor Healey was acting in his official capacity as a Member of the Authority and as such was bound by the Code.

The hearing focussed on the following alleged breaches of the Code as identified in the Investigating Officer's report:

1. an unauthorised disclosure by Councillor Healey to a third party of information discussed during that part of a Resources Committee meeting from which the press and public had been excluded, where Councillor Healey knew, or ought reasonably to have known, that the information was of a confidential nature (including exempt information as defined in Schedule 12A [as amended] of the Local Government Act 1972). The Investigation report concluded that this was in breach of paragraph 4.27 of the Code of Conduct;
2. An e-mail sent by Councillor Healey to the Complainant on 18 May 2018 containing an implied threat. The Investigation report concluded that this was contrary to paragraphs 4.1(1), 4.1(2) and 4.2(9) of the Code; and
3. the making by Councillor Healey on 31 May 2018 of an aggressive telephone call to the Complainant. The Investigation report concluded that this was contrary to paragraphs 4.1(1), 4.1(2) and 4.2(9) of the Code, specifically:
  - a. a requirement for conduct consistent with the Authority's duty to promote and maintain high standards of conduct by its members (paragraph 4.1(1));

- b. a requirement to treat others with courtesy and respect (paragraph 4.1(2)); and
  - c. a requirement not to conduct oneself or behave in such a way as to give a reasonable person the impression that you have brought your office or the Authority into disrepute (paragraph 4.2(9)).
4. That, on 17 April 2018, Councillor Healey attended a meeting at which the Complainant was present smelling strongly of alcohol. The Investigation report concluded that this was contrary to paragraphs 4.1(1) and 4.2(9) of the Code.

In relation to (1), the Committee heard arguments advanced by the legal consultant supporting Councillor Healey and which included, amongst other things:

- whether or not confidential information had been disclosed;
- that the information had been relayed to Councillor Healey by a Member or Members of the Resources Committee and that other Members of the Resources Committee had also contacted the third party to discuss the information but that those Members were not being subject to Code of Conduct allegations;
- that, in any event, the third party to whom Councillor Healey had disclosed the information was subject to a non-disclosure agreement; and that there had been incorrect application of the legislation relating to exempt information at meetings.

The Committee also heard from the Investigating Officer, however:

- That, during the course of the Investigation, endeavours had been made to identify which of the Resources Committee Members had discussed the information with Councillor Healey and which Members had spoken to the third party about the information. Both Councillor Healey and the third party (witness C) had refused to divulge the identities of these Councillors and the written partial statement provided by witness C had confirmed the telephone conversation with Councillor Healey had taken place and that Councillor Healey was the first person to contact witness C about the discussions at the Resources Committee. One of the requirements prior to establishing any breach of the Code was that the complaint was against a named Member of the Authority. In relation to the other Members, the report of the Investigating Officer commented:

“It may never be established who provided the information to the Subject Member and this breach is something that Authority will need to address outside of this process”;

- That, during the course of the investigation, the Investigating Officer had spoken to the third party recipient of the information (witness C) and considered, on the basis of this responses of the third party as referenced at paragraph 4.13 of the Investigation report, that the information was of a confidential nature. This was corroborated in the written partial statement provided by witness C (the third party recipient of the information);

- That, at the time of the disclosure, there was no contractual relationship between the third party (witness C) and the Authority and that a non-disclosure agreement would only usually safeguard information exchanged during such a relationship. In any event, the allegation was that Councillor Healey had breached the Code by the unauthorised disclosure of the information in circumstances that did not accord with the exceptions provided for by the Code;
- That the Resources Committee had correctly passed a resolution to exclude the press and public from the meeting while the information in question was discussed. As to whether this was exempt information, the Investigating Officer advised that its nature was such that, even if it was subsequently the subject of a Freedom of Information Act request, this request could be resisted by virtue of the exemption at Section 43(2) of that Act and, consequently, that the application of the legislation relating to exempt information at meetings was correct;
- That Councillor Healey was an experienced Councillor who would have known, or ought reasonably to have known, that the information was of a confidential nature.

In relation to (2), the e-mail of 18 May 2018 was reproduced in the report of the Investigating Officer. There was no dispute as to its contents. The legal consultant supporting Councillor Healey advanced arguments that this e-mail was sent from Councillor Healey's personal e-mail address. The Committee also noted, however, that the e-mail itself referenced the Resources Committee. Additionally, the Complainant, when being questioned, indicated that they would have no reason to believe that the e-mail sent by Councillor Healey was in any capacity other than his being a Member of the Authority. The Investigating Officer had advised that the Code applied when a Member behaved in such a way as to give a reasonable person the impression that they were acting as a representative of the Authority. In this respect, the Investigating Officer contended that the actual e-mail address the e-mail originated from was irrelevant and not a determining factor.

In relation to (3), the Committee noted that there was no dispute that a telephone conversation had taken place. The Committee heard arguments advanced by the legal consultant supporting Councillor Healey that the Complainant's reaction to the telephone call was perception. The Committee noted, however, that in his written statement Councillor Healey stated that he regretted any offence and upset caused. Additionally, in response to questions from the Committee following his submission, Councillor Healey commented that, while he did not entirely agree with the transcript of the telephone conversation as produced by the Complainant and appended to the Investigating Officer's report, he did regret his actions and that some of the language used during the conversation may have come across as threatening.

In relation to (4), the Committee heard from the Investigating Officer that two other witnesses in addition to the Complainant had confirmed, during the course of the investigation, that there was a smell of alcohol from Councillor Healey on the day in question (17 April 2018). The Committee also noted, however, the arguments advanced by the legal consultant supporting Councillor Healey and in Councillor Healey's written statement, that if there was any such smell it would have been from the consumption of wine the evening before and that there was no question either that Councillor Healey was intoxicated or his functioning impaired on the day in question.

Having considered all the submissions, the Committee adjourned to consider the findings of fact. On reconvening, the Committee

**RESOLVED** that, on the balance of probabilities having considered all the submissions received:

- (a). That Councillor Healey had made an unauthorised disclosure to a third party of information that he knew, or ought reasonably to have known, was of a confidential nature. This was a breach of 4.27 of the Code of Conduct;
- (b). That the e-mail from Councillor Healey to the Complainant was a breach of paragraphs 4.1(1) and 4.1(2) of the Code. The Committee did not consider that this represented a breach of paragraph 4.2(9) of the Code as the Committee did not consider the contents of the e-mail so extreme as to bring Councillor Healey's office into disrepute and that it had very limited circulation (i.e. only to the Complainant);
- (c). That the telephone call from Councillor Healey to the Complainant was a breach of paragraphs 4.1(1) and 4.1(2) of the Code. The Committee did not consider that the telephone call represented a breach of paragraph 4.2(9) of the Code as the Committee did not consider the nature of the telephone conversation so extreme as to bring Councillor Healey's office into disrepute, having been made to only one individual (i.e. only to the Complainant);
- (d). That the allegation of attending a meeting smelling of alcohol did not represent a breach of paragraphs 4.1(1) and 4.2(9) of the Code as the Investigating Officer had concluded that there was no evidence of additional aggravating factors (e.g. intoxication; inability to discharge his duties). The Committee did not consider that smelling of alcohol alone constituted a breach of the Code. (**NOTE** the Independent Person did not agree with this decision, considering, on the balance of probabilities in light of the submissions, that the allegation did represent such a breach of the Code).

## **STAGE 2 – SUBMISSIONS IN MITIGATION AND SANCTIONS**

Having established, on the balance of probabilities having considered all the submissions received, breaches of the Code of Conduct, the Committee then went on to consider submissions in mitigation and the imposition of sanctions.

The Committee considered the written statement provided by Character Witness B, together with submissions by the legal consultant supporting Councillor Healey. These centred around Councillor Healey's long service as a councillor and as a Member of the Devon & Somerset Fire & Rescue Authority, during which time Councillor Healey had always endeavoured to serve in the best interests of the Authority. The Committee took note of the backdrop to the e-mail and telephone call, as described by Councillor Healey, and Councillor Healey's frustration in relation to other matters which he perceived were in some way attributable to the Complainant. The Committee also noted that, in his written submission and in the course of the hearing, Councillor Healey had expressed regret for his actions and apologised for any distress that he may have caused the Complainant. Given this, the legal consultant supporting Councillor Healey asked that any sanctions imposed be proportionate to the nature of the breaches of the Code of Conduct established.

Having considered the submissions in mitigation, the Committee then

**RESOLVED** that, by way of sanctions:

- (a). That Councillor Healey write a meaningful letter of apology to the Complainant both for the e-mail on 18 May and the telephone call on 31 May;

- (b). That Councillor Healey write a letter to the Devon & Somerset Fire & Rescue Authority acknowledging and apologising for his actions that represented breaches of the Code of Conduct;
- (c). that the letters referred to at (a) and (b) be agreed by the Chair of the Committee hearing;
- (d). That Councillor Healey agree to undertake individual refresher training, to be arranged by the Authority's Monitoring Officer, on the handling of confidential information (including his responsibilities under the Authority's Code of Conduct).

**SC/6**

**Action in the Event of Failure to Comply with Sanctions (Minute \*SC/5)**

**RESOLVED** That, in the event of Councillor Healey not complying with all of the sanctions as identified at (a), (b) and (d) of Minute SC/5 above within 28 days of this decision, the Authority be recommended to authorise the Monitoring Officer to write to the Monitoring Officer of Somerset County Council requesting that Councillor Healey be removed from the Authority for a period of four months.

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

The Meeting started at 9.00 am and finished at 5.27 pm

## **STANDARDS COMMITTEE**

(Devon & Somerset Fire & Rescue Authority)

3 December 2018

### Present:-

Councillors Thomas (Chair), Coles (vice Bown), Drean, Ellery (Vice-Chair), Redman and Trail BEM.

### Apologies:-

Councillors Bown and Prowse.

#### \* **SC/7**      **Minutes**

**RESOLVED** that the Minutes of the meetings held on 24 and 26 October 2018 be signed as correct records, subject to:

- (a). The Minutes of the meeting held on 24 October 2018 being amended to record the apologies of Cllr. David Thomas; and
- (b). The Minutes of the meeting held on 26 October being amended to record that Fr. David Watson (Independent Person) was in attendance and to record the apologies of Cllr. David Thomas.

#### \* **SC/8**      **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 1 of Part 1 of Schedule 12(A) as amended to the Act, namely information relating to an individual.

#### \* **SC/9**      **Standards Committee Hearing - Councillor Mark Healey MBE**

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

The Committee conducted a hearing into allegations that Councillor Mark Healey MBE (“the Subject Member”) had failed to comply with the Authority’s approved Members’ Code of Conduct (“the Code”). The Committee conducted the hearing in two stages, the first to determine “findings of fact” as to whether or not, on the balance of probabilities, the alleged breaches of the Code had been established. The second stage dealt with the imposition of sanctions – including hearing submissions in mitigation – in the event that breaches of the Code were found to have been established.

#### ***STAGE 1 – FINDINGS OF FACT***

During this stage, the Committee:

- Considered a report of the Director of Corporate Services (SC/18/3) to which was appended the final report of the external Investigating Officer summarising the complaint and the investigation into the alleged breaches of the Code; and
- Received an oral submission from and put questions to the Subject Member.

The report of the Investigating Officer detailed that relevant legislation to the investigation included Chapter 7 of Part 1 of the Localism Act 2011. The hearing focussed on the following alleged breaches of the Code as identified in the Investigating Officer's report:

- That the Subject Member had, on 14 June 2018, posted an inappropriate video on his "Twitter" account, the nature of which was considered to be contrary to paragraph 4.1(1) of the Code (a requirement to conduct oneself in a manner consistent with the Authority's duty to promote and maintain high standards of conduct by its Members) and paragraph 4.2(9) of the Code (a requirement not to conduct oneself in a manner or behave in such a way as to give a reasonable person the impression that you have brought your office or the Authority into disrepute). The investigation report also noted that the "Twitter" feed was headed up as "Mark Healey, Vice Chairman of the Devon & Somerset Fire & Rescue Authority" and that the way the account was set up at the time of the post would give the reader the impression that the Subject Member was acting in his official capacity. It was this link that caused the alleged breaches of the Code.

The Committee viewed the video during the hearing.

The Committee heard from the Subject Member that there was no malice involved in making the post and nor was it intended to cause any offence. The Subject Member regretted any offence caused and had, immediately on being notified of the alleged breach, removed the post, amended the heading on the "Twitter" account to remove the reference to the Authority and had written an apology to the Monitoring Officer.

Having considered all the submissions, the Committee adjourned to consider the findings of fact. On reconvening, the Committee

**RESOLVED** that, on the balance of probabilities having considered all the submissions received, Councillor Healey had breached the Code as follows:

- (a). By posting the video as he did with the Twitter account linked to his official capacity, Councillor Healey had brought his office (but not the Authority) into disrepute, which was contrary to paragraph 4.2(9) of the Code; and
- (b). By posting as he did, Councillor Healey had failed to adhere to the general principles of public life underpinning the Code and had therefore conducted himself in a manner contrary to paragraph 4.1(1) of the Code, namely the Authority's statutory duty to promote and maintain high standards of conduct.

Having established on the balance of probabilities, on the basis of the submissions received, that the "Twitter" post did amount to breaches of the Code, the Committee went on to consider submissions in mitigation and the imposition of sanctions.

The Committee noted that the Subject Member regretted any offence caused and had, immediately on being notified of the alleged breach, removed the post, amended the heading on the "Twitter" account to remove the reference to the Authority and had written an apology to the Monitoring Officer. This was acknowledged in the investigation report which also recommended – in light of the previous actions – that no further action be taken. The Subject Member also indicated that he had not used his "Twitter" account since being notified of the alleged breaches of the Code.

At this stage, the Committee gave regard to an e-mail received from the Independent Person (Fr. David Watson) who agreed with the investigating officer's view that no further action be taken.

**RESOLVED**

- (a). That, given the actions already undertaken by the Subject Member, no further sanctions be imposed for the breaches of the Code identified; and
- (b). That the Monitoring Officer be requested to provide all Authority Members with a copy of any Social Media Policy in place for Service employees.

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

The Meeting started at 12.00 pm and finished at 12.40 pm

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## **AUDIT & PERFORMANCE REVIEW COMMITTEE**

(Devon & Somerset Fire & Rescue Authority)

9 November 2018

### Present:-

Councillors Napper (Vice-Chair, in the Chair), Bowyer, Clayton, Coles (vice Healey), Mathews, Peart (vice Saywell) and Wheeler.

### Apologies:-

Councillor Healey MBE

#### \* **APRC/8** Minutes

**RESOLVED** that the Minutes of the meeting held on 27 July 2018 be signed as a correct record, subject to amendment under Minute \*APRC/1 to change the word "Mionate" to "Minute" and "te" to "the".

#### \* **APRC/9** External Audit Update

Aditi Chandramouli was introduced to the Committee as the new Engagement Manager from Grant Thornton.

The Committee received for information a report submitted by the Authority's external auditors, Grant Thornton, setting out the progress made in delivery of its audit responsibilities to the Devon & Somerset Fire & Rescue Authority (up to October 2018). The report covered the following matters, amongst others:

- The progress made to date with the financial statements audit, the value for money conclusion and the Annual Audit Letter (Minute \*APRC/4 below refers);
- A fire sector update including an up to date summary of emerging national issues together with insights from the local authority sector and reports of interests;
- The National Fire Chiefs Council (NFCC) response to the Hackitt Review into the Grenfell Tower fire;
- a number of recent CIPFA publications including "the guide to local government finance" 2017 edition;
- a Department for Communities and Local Government (DCLG) consultation on proposed changes to the prudential framework of capital finance.

#### \* **APRC/10** Annual Audit Letter

The Committee received for information the Authority's Annual Audit Letter for the year ended 31 March 2018 as submitted by the Authority's external auditor, Grant Thornton.

Peter Barber, representing Grant Thornton, drew attention to the work that had been undertaken with the Authority during the year, including the Statement of Accounts and the Value for Money conclusion, both of which had received an unqualified opinion.

\* **APRC/11 Audit & Review Update: Quarter 2**

The Committee received for information a report (APRC/18/18) that provided an update on the progress made to date against the approved 2018-19 Internal Audit Plan and which also provided an update on the additional audit work undertaken.

The report also provided assurance statements for the audits completed to date and recorded the progress against the approved Internal Audit Plan. Additionally this included an overview of key assurance activities completed by other teams who contributed to the audit plan, such as Information Assurance, Operational Assurance, and Safety Assurance. The report set out an overview of the assurance tracking process and the current high priority recommendations that remain as 'open' on the assurance tracker. It was noted that, over the last 12 months, a 67% decrease had been seen in overdue recommendations with no update, to 43 (132) reported in September 2018).

\* **APRC/12 Corporate Risk Register**

The Committee received for information a report (APRC/18/xx) that set out information on the Service corporate risk register, captured and described the Authority's most significant risks, with a focus on cross-cutting risks and major projects. The report also set out the new risks that had been identified, namely:

- CR041 - Outstanding policies may adversely impact on safe systems of work and reduce existing compliance standards.
- CR042 Restrictive business rules for minimum operational crewing levels impacts
- CR043 ICT business continuity plans that support organisational restoration should be tested regularly for plan adequacy.

\* **APRC/13 Devon & Somerset Fire & Rescue Service Performance report: April to September 2018**

The Committee received for information a report of the Director of Service Improvement (APRC/18/20) that set out the Service's performance for the period of April 2017 to September 2018 with a focus on quarter 2 of 2018-19. The report highlighted the new format for the performance information which set out a measure status of good performance, monitor performance' or negative exception. This was established through an assessment of the different types of analysis, for example, performance versus the previous year, performance versus the previous quarter and trends and performance against normal variation to give a more rounded picture and which directed focus more effectively on emerging issues. Where a measure was reported as an exception, a separate report would be provided.

Three of the eight measures were showing positive performance whilst three measures were showing negative performance with two requiring monitoring. In terms of the measures showing negative performance, the following was noted:

***Positive performance:***

- Fire-related injuries where people live had seen a reduction in both the reporting quarter (-15.4%) and year-to-date figures (-12.5%);
- Fires where people live had seen a reduction in incidents in both the reporting quarter (-9.5%) and year-to date (-12.3%);.

- Emergency response standards for fires where people live were showing improvement compared to previous year for the reporting quarter and only a slight deterioration in year-to-date performance. The long-term trend is also positive.

#### ***Monitoring Performance:***

- Fire-related injuries where people work, visit and in vehicles was showing variable performance with the reporting quarter showing no change from previous year and year-to-date showing a slight improvement. Both three and five-year trends are upward. The number of injuries recorded were low and as such small variations within the data could affect measurement significantly.
- Emergency response standards for road traffic collisions was showing variable performance and should be monitored. There has been a slight decline in performance during Quarter 2 of 2018/19 and year-to-date performance was also slightly worse than previous year. However, three and five-year trends were positive.

#### ***Negative Performance***

- There had been five fire-related deaths between April and September 2018; three due to fires where people live, one due to a vehicle fire and one due to an out of control bonfire. Where a death unfortunately had occurred the related measures will be reported as exceptions;
- Fires where people work, visit and in vehicles had increased for both the reporting quarter and year-to-date. The rolling three-year trend is upward, however, the five-year trend was down. Analysis indicated that the increase was likely to be linked to the sustained period of dry hot weather experienced over the summer months.

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

The Meeting started at 10.00 am and finished at 11.20 am

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## RESOURCES COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

15 November 2018

### Present:-

Councillors Coles (Chair), Drean (Deputy Chair), Radford, Hook and Wheeler (vice Peart)

### Also in attendance:-

Dr. Sian George and Lisa Compton – Red One Ltd. and Councillor Saywell – Authority appointed Non-Executive Director of Red One Ltd.

### Apologies:-

Councillors Biederman and Hendy

#### \* **RC/8**      **Minutes**

**RESOLVED** that the Minutes of the meeting held on 5 September 2018 be signed as a correct record.

#### \* **RC/9**      **Treasury Management Performance 2018-19 - Quarter 2**

The Committee received for information a report of the Director of Finance (Treasurer) (RC/18/17) that set out details of the treasury management performance for the second quarter of 2018-19 (to September 2018) as compared to the agreed targets for the year.

Adam Burleton, representing Link Asset Services – the Authority's Treasury Management Adviser – was present at the meeting and gave an overview of the Service's performance to date against the approved Treasury Management Strategy. He made reference to the following points:

- The first half of 2018/19 had seen UK economic growth post a modest performance at 1.5% with the interest rate remaining at 0.75% currently. The quarterly inflation report forecast was that growth might rise to 1.8% in 2019 albeit with a caveat in terms of Brexit. The Bank Base rate needed to be in the region of 1.5% by March 2021 for inflation to stay on track;
- The bank base rate was currently 0.75% with a further rate rise forecast for the second half of 2019;
- The Authority's focus remained on security and liquidity of its assets over yield;
- The Authority had outperformed the 3 month LIBID benchmark of 0.61% with a return of 0.86% in quarter 2 and investment interest of £0.043m; and
- There had been no new borrowing in this quarter with none planned and current external borrowing reducing to £25.537m by the end of the financial year; and
- the Authority had not breached its Prudential Indicators (affordability limits).

\* **RC/10**      **Financial Performance Report 2018-19 - Quarter 2**

The Committee considered a report of the Director of Finance (Treasurer) (RC/18/18) that set out the Service's financial performance during the second quarter of 2018-19 against the targets agreed for the current financial year. The report provided a forecast of spending against the 2018-19 revenue budget with explanation of the major variations.

The Committee noted that it was forecast that spending would be £0.825m (1.12%) less than budget. The Director of Finance (Treasurer) advised this was attributable largely to the savings on uniformed pay costs made as a result of the pay settlement for 2018-19 which was 2% instead of the 3% that had been included within the budget.

The Director of Finance (Treasurer) also explained the reasons behind the proposed budget transfers (£0.081m) as set out at Table 3 of the report.

Reference was made to the Community Infrastructure levy (CIL) and the Director of Corporate Services elaborated upon the utilisation of this within Devon & Somerset Fire & Rescue Service. He undertook to submit a report to the Committee on this matter in due course.

**RESOLVED**

- (a) That the budget transfers shown in Table 3 of this report be approved;
- (b) That the monitoring position in relation to projected spending against the 2018-19 revenue and capital budgets be noted;
- (c) That the performance against the 2018-19 financial targets be noted.

\* **RC/11**      **Reserves Benchmarking**

The Committee received for information a presentation given by the Director of Finance (Treasurer) in respect of the benchmarking survey that had been led by Devon & Somerset Fire & Rescue Service (DSRS) across the Fire Sector (for English Fire & Rescue Authorities {FRAs}) and which would be used to inform the submission to be made by the National Fire Chiefs Council (NFCC) for the next Spending Review.

The presentation covered the following areas:-

- The level of total useable reserves held as compared with the revenue budget;
- General fund reserves as compared with the revenue budget;
- The reserves make up.

The Committee noted that the Service had a higher level of useable reserves held than the average for English FRAs, which was due largely to the strategy to invest in capital (58% of total reserves) as compared with the average (45%) and in Digital Transformation (16% of total reserves) compared with the average (2%). The Committee commented that this reflected the Authority's forward thinking strategy to invest in change that would help to secure a sustainable operating model. The Committee also noted that the Authority's total reserves was forecast to dip by 2022-23 in line with the national trend.

It was further noted that the Authority's General Fund reserve was 7.1% currently compared to the English FRA average of 8.75% and it was expected that this would remain fairly static (dipping to 6.8%) compared to the English FRA average which was forecasting a dip to about 5% by 2022-23. It was noted that 5% was the CIPFA recommended level for General Fund reserves. An assessment had been undertaken which indicated that the Authority's reserves needed to meet potential financial risks should be £5.329m with the Authority's General Fund reserves currently held being ££5.315m.

In terms of the make-up of reserves, the Authority was not dissimilar to the other FRAs although the notable variance was that the Authority had invested substantially in Digital Transformation (16%) compared with the other FRAs (2%).

Councillor Drean expressed thanks on behalf of the Committee for the excellent work that had been undertaken by the Director of Finance and her team on the reserves benchmarking survey.

\* **RC/12**      **Exclusion of the Press and Public**

**RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public, with the exceptions of Dr Sian George and Lisa Compton [Red One Ltd.] and Councillors Saywell [Authority appointed Non-Executive Director on the Board of Red One Ltd] be excluded from the meeting for the following items of business on the grounds that they involved 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.

\* **RC/13**      **Restricted Minutes of the Resources Committee held on 5 September 2018**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972, during which the press and public, with the exceptions of Dr Sian George and Lisa Compton [Red One Ltd.] and Councillor Saywell [Authority appointed Non-Executive Director on the Board of Red One Ltd], were excluded from the meeting.

(Councillor Saywell declared a personal interest in this matter but in accordance with the dispensation granted by the Authority at its Annual Meeting on 8 June 2018 – Minute DSFRA/5(a) refers – remained for the debate).

**RESOLVED** that the Restricted Minutes of the meeting held on 5 September 2018 be signed as a correct record.

\* **RC/14**      **Red One Financial Performance 2018-19 - Quarter 2**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972, during which the press and public, with the exceptions of Dr Sian George and Lisa Compton [Red One Ltd.] and Councillor Saywell [Authority appointed Non-Executive Director on the Board of Red One Ltd], were excluded from the meeting.

(Councillor Saywell declared a personal interest in this matter but in accordance with the dispensation granted by the Authority at its Annual Meeting on 8 June 2018 – Minute DSFRA/5(a) refers – remained for the debate).

The Committee received for information a report of the Director of Finance (Treasurer) (RC/18/19) that gave an update on the current financial position in respect of Red One Ltd. for Quarter 2 of 2018-19.

\* **RC/15**      **Red One Limited Credit Risk**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972, during which the press and public, with the exceptions of Dr Sian George and Lisa Compton [Red One Ltd.] and Councillor Saywell [Authority appointed Non-Executive Director on the Board of Red One Ltd], were excluded from the meeting.

(Councillor Saywell declared a personal interest in this matter but in accordance with the dispensation granted by the Authority at its Annual Meeting on 8 June 2018 – Minute DSFRA/5(a) refers – remained for the debate).

The Committee received for information a report of the Director of Finance (Treasurer) (RC/18/20) that set out details of the credit risk assessment.

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

The meeting started at 10.00 am and finished at 12.55 pm

## COMMUNITY SAFETY & CORPORATE PLANNING COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

3 December 2018

### Present:-

Councillors Redman (Chair), Colthorpe, Eastman (Vice-Chair), Ellery, Radford and Trail BEM.

### Apologies:-

Councillor Prowse.

#### \* **CSCPC/7**     **Minutes**

**RESOLVED** that the Minutes of the meeting held on 22 October 2018 be signed as a correct record.

#### \* **CSCPC/8**     **Change & Improvement Programme Service Delivery Operating Model - Phase 1 - Duty Systems & Contracts for Operational Staff**

The Committee considered a report of the Director of Service Improvement (CSCPC/18/7) on the first phase of the Service Delivery Operating Model workstream of the Change & Improvement Programme. The Service Delivery Operating Model would develop a new model for service delivery, driven by the Integrated Risk Management Plan to most effectively match Prevention, Protection and Response resources to identified risk. The Service Delivery Operating Model workstream involved a number of complex interdependencies and would be addressed in several phases, the first of which dealt with whether current duty systems enabled the Service to achieve its desired goal of increasing its capacity for prevention and protection activities; increase its ability to match response to risk; and deliver an effective Service with a shrinking budget.

The report identified extensive engagement with staff and representative bodies in developing the following four options in relation to duty systems:

**Option 1** – do nothing. Continue with the current wholetime and on-call contracts the Service currently deploys;

**Option 2** – enable the Service to deploy a variety of duty systems from an agreed suite of options, tailored to the risk of the particular area served. This might include a hybrid of wholetime and on-call systems to allow greater flexibility and adaptability, taking a holistic systems approach;

**Option 3** – retain the “2-2-4” wholetime system (fixed watches of two day duties from 09:00 to 18:00hours, two night duties from 18:00hours to 09:00hours followed by a period of 96 hours off) but offer more flexible on-call duty systems to encourage greater availability; and

**Option 4** – keep the current on-call duty system but alter the 2-2-4 shift start and end times.

The report identified the high level benefits and disadvantages for each option. The Service Executive Board had approved Option 2 as being the only option that recognised the diversity between different communities served and provided the flexibility to adapt to differing risks in the future while recognising the Service workforce, holistically, as two complementary parts of the same dynamic system.

In relation to Option 2, the report detailed a suite of 9 duty solutions from which the Service could select and match to individual stations based on the key principles of increasing prevention and protection activities, increasing crew availability and matching resources to risk effectively and efficiently.

It was recognised that approval of Option 2 at this stage would then entail further work, including staff and representative body engagement, to fully develop the suite of viable options. This could also require consultation and negotiation to secure collective agreements.

The Committee also recognised that whilst it was within the remit of the Service to explore alternative crewing options that might secure improvements in prevention, protection and response activities, better matching resources to risks, other means of securing improvements (e.g. funding) were outside of the direct control of the Service and Authority and may require lobbying to the relevant bodies.

### **RESOLVED**

- (a) that the Service approach of progressing Option 2, namely

Recognising that one size does not fit all, enabling the Service to deploy a variety of approved duty systems from an agreed suite of solutions, tailored to the risks of the particular area served and allowing, as required, a hybrid of wholetime and on-call systems to allow greater flexibility and adaptability and thereby implementing a holistic systems approach to addressing risk

be endorsed; and

- (b) that a further report be submitted to the Committee for information once the options have been fully developed.

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

The Meeting started at 2.00 pm and finished at 4.05 pm

# Agenda Item 8

<b>REPORT REFERENCE NO.</b>	DSFRA/18/23
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
<b>DATE OF MEETING</b>	14 DECEMBER 2018
<b>SUBJECT OF REPORT</b>	CONFIRMATION OF MEMBERS ALLOWANCES SCHEME 2019 - 20
<b>LEAD OFFICER</b>	Director of Corporate Services
<b>RECOMMENDATIONS</b>	<p><b>(a) that, as required by the relevant Regulations, the Authority:</b></p> <ul style="list-style-type: none"> <li><b>(i). considers the content of this report with a view to confirming the Scheme of Allowances (as set out in Section 2 of the report) to operate for the 2019-20 financial year;</b></li> <li><b>(ii). authorises the Director of Corporate Services to publicise details of the Scheme so confirmed in one or more local newspapers circulating in the area served by the Authority; and</b></li> </ul> <p><b>(b) that the Authority authorises the Director of Corporate Services to arrange for an independent review of the Authority's allowances scheme, the review to report in sufficient time to inform the 2020-21 budget setting process.</b></p>
<b>EXECUTIVE SUMMARY</b>	<p>Regulations require the Authority to have in place its own Scheme for the payment of a basic allowance to each of its Members. The Authority may also provide for the payment of Special Responsibility Allowances and reimbursement of travel and subsistence expenditure. The Regulations also require the details of any such Schemes to be confirmed and published by the Authority for each financial year in question.</p> <p>This report details allowances currently payable and invites the Authority to confirm the Scheme to operate for the 2019-20 financial year. Additionally, while the Regulations do not require the Authority to have its own Independent Remunerations Panel, they do require that any automatic uprating mechanism should only operate for a maximum of four years. Previously, the Authority has commissioned an independent review of its allowances scheme to be undertaken every four years. The last such review was undertaken to inform the 2016-17 budget setting process. Consequently, it is proposed that a further independent review be undertaken to inform the 2020-21 budget setting process.</p>
<b>RESOURCE IMPLICATIONS</b>	Provision has been made within the draft Revenue Budget 2018-19 for the payment of allowances at the rates as indicated in this report.
<b>EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)</b>	The content this report is considered compatible with equality and human rights legislation.
<b>APPENDICES</b>	Nil.

<b>LIST OF BACKGROUND PAPERS</b>	The Local Authority (Members' Allowances)(England) Regulations 2003 Report DSFRA/15/29 ("Devon & Somerset Fire & Rescue Authority Approved Scheme of Members' Allowances 2016-17), together with report of Independent Consultant, as submitted to the Authority meeting on 14 December 2015).
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## 1. **BACKGROUND**

1.1 The Local Authority (Members' Allowances)(England) Regulations 2003 require the Authority to make a Scheme of Members Allowances that:

- MUST provide for payment of a basic allowance to every Member of the Authority (to recognise the time commitment of all Members and cover incidental costs such as postage, telephone calls etc. in connection with Authority duties); and
- MAY provide:
  - for payment of a Special Responsibility Allowance (SRA) for those Members undertaking additional roles (e.g. Authority and Committee Chairs); AND
  - payment of travel and subsistence expenses in relation to Authority duties.

1.2 The Regulations also require the Authority to confirm its Scheme of Allowances for each financial year in question and for this information to be published in one or more local newspapers circulating in the area served by the Authority.

## 2. **AUTHORITY APPROVED SCHEME**

2.1 At its meeting on 15 December 2015 the Authority considered a review of its Allowances Scheme as conducted by an independent consultant and determined – in accordance with the review recommendations - rates payable for basic and special responsibility allowances in the 2016-17 financial year together with an automatic annual uprating mechanism to apply (Minute DSFRA/41 refers). Although the Regulations do not require combined fire and rescue authorities to establish their own Independent Remuneration Panels, they do provide that application of any automatic uprating mechanism should be constrained to a maximum period of four years after which a further independent review should be undertaken.

2.2 The annual uprating so approved following the last independent review in 2015 was by reference to any pay award made by the National Joint Council for Local Government Services (“the Green Book”) but the Authority approved that this should only apply from 1 April 2017 onwards. The rates currently payable for Basic and SRAs are shown in the table below. These rates have applied from 1 April 2018 and reflect the Green Book pay award for the 2018-19 financial year.

### ***Rates Payable for Basic and Special Responsibility Allowances***

<b>Type of Allowance</b>	<b>Amount per annum £</b>
Basic	2,676
Special Responsibility	
• Authority Chair (5 x basic)	13, 395
• Authority Vice-Chair (2.5 x basic)	6, 698
• Committee Chairs (1.5 x basic)	4,019
• Non-Executive Directors appointed by the Authority to the Board of Red One Ltd.	6,181

2.3 The Allowances Scheme also provides that Members may, normally, receive only one SRA, at the highest appropriate rate, in addition to the Basic Allowance irrespective of how many eligible positions they hold. The exception to this relates to non-executive directors to the Board of Red One Ltd. who may receive the SRA attracting to that role in addition to any one other SRA that they may be eligible to. It should also be noted here that the Authority's Standing Orders preclude both the Chair and Vice-Chair from being appointed to serve as a non-executive director on any company controlled by the Authority.

2.4 The Allowances Scheme also provides for the reimbursement of travel and subsistence expenses as shown below:

**Rates Payable for Reimbursement of Travel Expenses**

	<b>Rate per mile</b>	
	<b>First 10,000 miles</b>	<b>Above 10,000 miles</b>
Cars	45p	25p
Motorcycles	24p	24p

- 5p per passenger per mile (up to 4 passengers);
- 20p per mile bicycle allowance

2.5 The annual uprating mechanism is by reference to rates published by Her Majesty's Revenue and Customs (HMRC). It should be noted that "home-to-Service Headquarters" journeys are classified by HMRC as taxable, with any tax element being deducted at source.

**Rates Payable for Reimbursement of Subsistence Expenses**

Breakfast	£7.00
Lunch	£10.00
Tea	£4.00
Evening meal if returning home after 8.00pm	£12.00
Evening meal if staying overnight	£22.00

2.6 The rates payable for subsistence expenses are referenced to the rates and conditions on reimbursement of expenses as per Devon & Somerset Fire & Rescue Service employees.

**3. CONCLUSION**

3.1. The Authority Scheme was last subject to a major review in 2015 and the existing automatic uprating mechanism can only remain in place for a maximum period of four years after which a further, major review should be undertaken. The next major review is scheduled to inform the 2020-21 budget setting process.

3.2. The Authority is invited to consider this report and:

- (a). in accordance with the relevant Regulations, to:
  - (i) confirm the Scheme to operate for the 2018-19 financial year;
  - (ii) authorise the Director of Corporate Services to publish the rates so confirmed in one or more local newspapers circulating in the area served by the Authority; and

- (b). to authorise the Director of Corporate Services to arrange for an independent review of the Authority's Allowances Scheme, the review to report in sufficient time to inform the 2020-21 budget setting process.

**MIKE PEARSON**  
**Director of Corporate Services**

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# Agenda Item 9

**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 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.

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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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