

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

28 June 2019

Present:-

Councillors Randall Johnson (Chair), Best, Biederman, Buchan, Coles, Colthorpe, Doggett, Drean, Eastman, Hannaford, Napper, Peart, Radford, Redman, Trail BEM, Vijeh, Way, Wheeler (Vice-Chair) and Yabsley.

Apologies:-

Councillors Bown, Clayton, Healey MBE, Prowse, Saywell, Singh and Thomas

DSFRA/13 Minutes

RESOLVED that the Minutes of the Annual and Ordinary meetings of the Authority held on 7 June 2019 be signed as correct records.

DSFRA/14 Questions from Members of the Public

In accordance with Standing Orders, Exeter City Councillor Rob Newby asked the following question at the meeting and received the response indicated:

Question I would like to ask if a different proposal for Station 45, Topsham, could be looked at by your committee, being not to close the station but to leave one pump in post and remove the other to Middlemoor?

Response If approved, the consultation process will allow for alternative options to be suggested and subsequently considered as part of any final proposals to be decided by the Authority in the future.

Additionally, some six questions were received from Gideon Amos OBE (Liberal Democrat Parliamentary Candidate for Taunton Deane) on a range of issues including central government grant funding for the Authority; the effect on response times in areas where station closures may be proposed; pay increases for on-call firefighters; the impact of removal of appliances on wholtime firefighter posts; and whether options to be subject to consultation would indicate both benefits and disadvantages. Mr. Amos was unable to attend the meeting and consequently, in accordance with Standing Orders, would be sent written responses to the questions asked.

DSFRA/15 Addresses by Representative Bodies

a Address from the Fire Brigades Union

The Authority received an address from the Fire Brigades Union (FBU) expressing its views on the proposal for public consultation on Service Delivery Operating Model options. These views included:

- that the options for consultation did not represent efforts to match resources to risk but rather represented cuts to front line services;
- that issues of unavailability of on-call appliances could be better addressed by improving contractual conditions for on-call staff;
- that more accurate, up-to-date data was needed to inform any service delivery proposals; and

- that, in light of the above and other issues, the options as presented should not be the subject of public consultation.

The Authority thanked the Fire Brigades Union for its address.

(SEE ALSO MINUTES DSFRA/16 AND DSFRA/17 BELOW)

b Address from the Fire and Rescue Services Association

The Authority received an address from the Fire & Rescue Association (FRSA) expressing its views on the proposal for public consultation on Service Delivery Operating Model options. These views included:

- the significance of the on-call service (including those stations identified for possible closure) in providing resilience and support at major incidents; and
- that the Service had not secured any evolution in the on-call service over the years.

(SEE ALSO MINUTES DSFRA/16 AND DSFRA/17 BELOW)

DSFRA/16 Community Safety & Corporate Planning Committee

The Chair of the Committee, Councillor Redman reported on the meeting held on 27 June 2019 which had considered reports on Phase 2 of the Safer Together programme – the proposed re-allocation of resources for the Service Delivery Operating Model and the associated consultation process for this.

(SEE ALSO MINUTES DSFRA/15[a] and [b] ABOVE AND DSFRA/17 BELOW)

DSFRA/17 Safer Together Programme Service Delivery Operating Model Phase 2 - Reallocation of Resources and Consultation Process

The Authority considered a report of the Chief Fire Officer (DSFRA/19/5) to which was appended the following two reports as considered previously by the Community Safety & Corporate Planning Committee at its meeting on 27 June 2019:

- Report CSCPC/19/2 – Safer Together Programme Service Delivery Operating Model Phase 2 – Reallocation of Resources; and
- Report CSCPC/19/3 - Safer Together Programme Service Delivery Operating Model Phase 2 – Consultation Process.

The first report identified that the Devon & Somerset Fire & Rescue Service (“the Service”) had undertaken a comprehensive strategic risk analysis of the fire and rescue related risks faced by its communities through the Integrated Risk Management Planning (IRMP) process. This had been supported by an organisational risk analysis detailed in the Fire & Rescue Plan. The two analyses had identified that changes to the current Service Delivery Operating Model were required to deliver against the Service objectives of:

- prioritising and increasing its capacity to deliver prevention and protection activities, targeted and focused to secure a reduction in known risks in each area;
- securing the best response possible in meeting statutory duties and by effectively matching existing resources to known risks; and
- utilising resources efficiently to ensure the right response is made at the right time.

The Integrated Risk Management Plan approved by the Authority in 2018 identified the following community risks:

- an increasingly ageing population;
- common health and well-being risks;
- the unavailability of on-call appliances;
- the historical distribution of service delivery resources;
- an increasing demand for emergency medical responses; and
- an increase in the number of serious fires affecting commercial premises.

The development of the Service Delivery Operating Model was aimed at reshaping service delivery provision to provide an efficient response to risk, meeting statutory dwelling fire and road traffic collision duties, addressing over and under capacity, updating duty systems to better match both response requirements and staff needs and releasing resources to support further investment in prevention and protection activities to reduce future risk. Consequently, the proposals encompassed stations, appliances, operational duty systems and staffing levels.

The detailed risk modelling process had identified an over-provision of resource to the extent that 17 appliances could be removed from the existing fleet of 121 and 8 stations closed without any significant impact on the risks faced by the community. Three stations could change status from having whole-time staff on duty both day and night to crewing with whole-time staff during the day and on-call staff at night. Another 14 appliances could have availability varied to more effectively align to risk, again all without significant impact. Additionally, analysis of the changing risk across Devon and Somerset highlighted a need for a more flexible response to changes to risk that could occur daily and seasonally. To address this, it was proposed to introduce day-duty “roving” appliances that could be deployed dynamically and targeted at known risk “hot spots”.

A pre-consultation exercise had been undertaken by an external company – the Consultation Institute – to sample the population of Devon and Somerset and gauge their expectations of the fire and rescue service. The report detailed some of the responses from the pre-consultation exercise, the outcomes of which had informed development of the final options proposed for full public consultation. The methodology for the full public consultation (including publication of a consultation document and associated questionnaire, stakeholder analysis, staff engagement events and public “drop in” exhibitions) was detailed in report CSCPC/19/3.

As Chair of the Community Safety & Corporate Planning Committee, Councillor Redman commented that while the Committee had resolved, after considerable debate, to recommend that the Authority approve the options for public consultation, concern had been expressed at the meeting that, in presenting the options, the flexibility within the proposals should be clarified. Given this, Councillor Redman **MOVED**, with Councillor Buchan seconding:

- (a). *that, as recommended by the Community Safety & Corporate Planning Committee on 27 June, the following options be approved for the purposes of public consultation;*

Option 1 - Station closures

Option 2 - Station closures and removal of all third engines

Option 3 - Station closures, removal of all third and some second engines

Option 4 - Station closures, removal of all third and some second engines and change of status to day crewing

Option 5 - Station closures, removal of all third and some second engines, change of status to day crewing with a change of status to On Call at night

Option 6 - Station closures, removal of all third and some second engines, change of status to day crewing with a change of status to On Call at night, change of status to some additional second engines to become On Call at night only and the introduction of day crewed wholetime roving engines.

- (b). *that, in approving the above options for public consultation purposes, the presentation of options for consultation be amended to make clear the flexibility of the proposals, specifically that:*
- (i) *with the exception of Option 6 (which is dependent upon Option 4 for personnel together with either Options 2, 3 or 5 for fire engines), each option may be considered individually as part of the public consultation;*
 - (ii) *the individual elements of the options can be explored as part of the public consultation;*
 - (iii) *subject to (i) above, any final recommendations following public consultation could comprise all, some or a combination of the elements of the options that have been subject to public consultation;*
 - (iv) *that full risk assessment information on the options will be available as part of the public consultation as required.*
- (c). *that report CSCPC/19/3 on the consultation process to be undertaken (as attached at Appendix B to report DSFRA/19/15 to this Authority meeting and considered by the Community Safety & Corporate Planning Committee on 27 June 2018) be noted.*

The subsequent debate on the Motion and proposals included the following points:

- clarification was sought and provided on the “roving” appliances proposal;
- clarification was sought and provided on removal of appliances from the fleet

Some Members expressed concerns that, given the level of public response they had already received raising a number of issues, there might be benefit in deferring a decision on public consultation to allow more time for discussions with staff and other stakeholders on proposed options for consultation. The Assistant Chief Fire Officer (Service Improvement) advised that considerable effort had been undertaken to identify and verify the risk data used to inform development of the options and that there had also been considerable engagement with both representative bodies and other stakeholders (including the Authority).

Councillor Biederman **MOVED**, with Councillor Way seconding:

that the Motion [moved by Councillor Redman] be referred to a future meeting for consideration

In debating the amendment, other Members acknowledged that there had already been considerable engagement on the issues, including a pre-consultation process. It was acknowledged that some of the proposals may have generated a level of public concern but equally a view was expressed that deferring the public consultation would not afford any advantages and that the full public consultation would present the appropriate opportunity for the public to express its views.

The amendment was put to the vote and declared **LOST**.

There being no other amendments proposed, the substantive motion proposed by Councillor Redman was put to the vote and declared **CARRIED**, following which it was

RESOLVED

- (a). that, as recommended by the Community Safety & Corporate Planning Committee on 27 June, the following options be approved for the purposes of public consultation;
- Option 1 - Station closures
 - Option 2 - Station closures and removal of all third engines
 - Option 3 - Station closures, removal of all third and some second engines
 - Option 4 - Station closures, removal of all third and some second engines and change of status to day crewing
 - Option 5 - Station closures, removal of all third and some second engines, change of status to day crewing with a change of status to On Call at night
 - Option 6 - Station closures, removal of all third and some second engines, change of status to day crewing with a change of status to On Call at night, change of status to some additional second engines to become On Call at night only and the introduction of day crewed wholtime roving engines.
- (b). that, in approving the above options for public consultation purposes, the presentation of options for consultation be amended to make clear the flexibility of the proposals, specifically that:
- (i) with the exception of Option 6 (which is dependent upon Option 4 for personnel together with either Options 2, 3 or 5 for fire engines), each option may be considered individually as part of the public consultation;
 - (ii) the individual elements of the options can be explored as part of the public consultation;
 - (iii) subject to (i) above, any final recommendations following public consultation could comprise all, some or a combination of the elements of the options that have been subject to public consultation;
 - (iv) full risk assessment information on the options will be available as part of the public consultation as required.
- (c). that report CSCPC/19/3 on the consultation process to be undertaken (as attached at Appendix B to report DSFRA/19/15 to this Authority meeting and considered by the Community Safety & Corporate Planning Committee on 27 June 2018) be noted.

(SEE ALSO MINUTES DSFRA/15[a] and [b] AND DSFRA/16 ABOVE)

(At this point – 13.00hours – the meeting was adjourned, reconvening at 13.10hours)

DSFRA/18 Process for Complaints Against Proper Officers - Further Considerations

The Authority considered a report of the Chief Fire Officer (DSFRA/19/16) on a review of the Authority's process for addressing complaints against its statutory officers (Chief Fire Officer, Monitoring Officer and Treasurer). The review had been prompted by correspondence received by relevant authorities (excluding combined fire and rescue authorities) from the Joint Negotiating Committee for Chief Executives of Local Authorities (JNC). The correspondence invited relevant authorities to ensure, prior to the start of a new municipal year, that a compliant process was in place to address disciplinary issues for statutory officers.

The report identified that, whilst the Devon & Somerset Fire & Rescue Authority was not a relevant authority for the purposes of the relevant regulations and JNC correspondence, it was nonetheless appropriate for it to have procedures in place which were comparable with those of county and unitary authorities and which, in turn, were based on the Model Disciplinary Procedure and Guidance issued by the JNC initially in 2015.

The process proposed for the Authority featured:

1. delegation to a [retitled] Appraisals and Disciplinary Committee to undertake the initial stages associated with receipt of a complaint against statutory officer i.e.:
 - a. determination of whether the complaint should be investigated;
 - b. if so, to decide – in agreement with the officer subject to the complaint – the designated independent person to undertake the investigation;
 - c. consider the outcome of the resultant investigation and determine:
 - i. whether any sanction, short of dismissal, should be imposed;
or
 - ii. to recommend dismissal to the full Authority;
2. establishment of an Appeals Committee to consider appeals by the officer subject to the complaint against imposition of any sanction other than dismissal;
3. in the event of a recommendation of dismissal, an independent review stage (to be undertaken by the Authority's Independent Person(s) appointed in accordance with the Localism Act 2011) prior to consideration by full the Authority of the recommendation to dismiss; and
4. delegation to the Monitoring Officer of power to suspend – following consultation with the Authority Chair - the Chief Fire Officer immediately in an emergency or if an exceptional situation arose whereby allegations of misconduct by the Chief Fire Officer were such that their continued presence at work would pose a serious risk to the health and safety of others or the resources, information or reputation of the Authority.

The above aligned with the process advocated for county and unitary authorities by the JNC.

The report also proposed minor amendments to the Authority's approved Scheme of Delegations to clarify the power of the Chief Fire Officer to suspend the Monitoring Officer and Treasurer – should this be felt necessary – on receipt of any complaint against one of these officers.

RESOLVED

- (a). that the Chief Fire Officer's Appraisals Panel be retitled the Appraisals and Disciplinary Committee with revised Terms of Reference, as indicated in paragraph 3.1 and Appendix B to report DSFRA/19/16, to undertake initial stages associated with any complaint received against a statutory officer;
- (b). that the assessment criteria for use in determining whether or not a complaint should be subject to independent investigation, as set out in paragraph 3.2 of the report, be approved;
- (c). that an Appeals Committee comprising Councillors Colthorpe, Napper, Thomas and Wheeler be established to consider appeals by statutory officers against any sanction, short of dismissal, imposed by the Appraisals and Disciplinary Committee following consideration of an independent investigation report into a complaint;
- (d). that the function of independently reviewing any recommendation of dismissal made by the Appraisals and Disciplinary Committee and providing advice, views and recommendations to the Authority prior to any such dismissal be exercised by the Authority's Independent Person(s);
- (e). that the Monitoring Officer be delegated authority, following consultation with the Authority Chair, to suspend the Chief Fire Officer immediately in an emergency or if an exception situation arises whereby allegations of misconduct by the Chief Fire Officer are such that their continued presence at work poses a serious risk to the health and safety of the others or to the resources, information or reputation of the Authority;
- (f). that the minor, consequential amendments to the Authority's approved Scheme of Delegations as set out in paragraph 3.10 of the report be approved.

DSFRA/19

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 of the Local Government Act 1972, namely information relating to the financial or business affairs of any particular person – including the authority holding that information.

DSFRA/20

Devon & Somerset Fire & Rescue Authority - Restricted Minutes of the Ordinary Meeting held on 7 June 2019

(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).

RESOLVED that the Restricted Minutes of the ordinary meeting of the Authority held on 7 June 2019 be signed as a correct record.