

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

23 October 2020

Present:

Councillors Randall Johnson (Chair), Best, Biederman, Buchan, Clayton, Coles, Colthorpe, Corvid, Doggett, Drear, Eastman, Hannaford, Healey MBE, Napper, Peart, Prowse, Radford, Redman, Saywell, Thomas, Trail BEM, Vijeh, Wheeler (Vice-Chair) and Yabsley.

Apologies:

Councillor Bown

Alison Hernandez (Devon & Cornwall Police & Crime Commissioner)

Sue Mountstevens (Avon & Somerset Police & Crime Commissioner)

DSFRA/47 **Minutes**

a **Authority Budget Meeting 18 February 2020**

RESOLVED that the Minutes of the Authority budget meeting held on 18 February 2020 be approved.

b **Public Minutes of the Authority Extraordinary Meeting 13 March 2020**

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item by virtue of their being Non-Executive Directors appointed by the Authority to the Board of Red One Ltd.)

RESOLVED that the public Minutes of the Authority extraordinary meeting held on 13 March 2020 be approved.

(SEE ALSO MINUTE DSFRA/57 BELOW)

DSFRA/48 **Minutes of Committees**

a **Audit & Performance Review Committee**

The Chair of the Committee, Councillor Healey, **MOVED** the Minutes of the meetings held on 4 March and 7 September 2020 which had considered, amongst other things:

4 March 2020

- an external audit progress report and sector update;
- the proposed external audit plan for the year ending 31 March 2020;
- an internal audit and review progress report for 2019-20;
- the proposed 2020-21 internal audit plan;
- the 2019-20 draft Annual Statement of Assurance;
- a progress report against actions identified following the inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS);
- a proposed review of corporate performance measures; and

- a report on the Authority's policy associated with the Regulation of Investigatory Powers Act (RIPA) 2000.

7 September 2020

- Devon & Somerset Fire & Rescue Authority Financial Statements 2019-20;
- 2019-20 Annual Statement of Assurance;
- Going Concern Review;
- Audit & Review Year End report 2019-20;
- Audit & Review 2020-21 progress report;
- the Local Pension Board Annual Report 2019-20; and
- a report on a revision of the law relating to the acquisition of communications data and its implications for the Authority.

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

b Resources Committee

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item by virtue of their being Non-Executive Directors appointed by the Authority to the Board of Red One Ltd.)

The Chair of the Committee, Councillor Drean, **MOVED** the Minutes of the meetings held on 2 July and 12 October 2020 which had considered, amongst other things:

2 July 2020

- Urgency Decisions – 2019-20 Revenue Budget Outturn;
- COVID-19 Financial Implications; and
- a report on the financial performance of Red One Ltd. as at Quarter 4 of 2019-20.

12 October 2020

- Treasury Management Performance as at Quarter 1 of 2020-21;
- the Quarter 1 2020-21 financial performance report;
- the Reserves Strategy 2020-21; and
- a report on the financial performance of Red One Ltd. as at Quarter 1 of 2020-21.

RESOLVED

- (i) that the recommendations at Minutes RC/32 (Financial Performance Report 2020-21: Quarter 1) and RC/33 (Reserves Strategy 2020-21) of the meeting held on 12 October 2020 be approved; and
- (ii) that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTE DSFRA/58 BELOW)

c Community Safety & Corporate Planning Committee

The Chair of the Committee, Councillor Redman, **MOVED** the Minutes of the meeting held on 16 July 2020 which had considered, amongst other things:

- a report on the impact of COVID-19 on the Safer Together Programme;
- a report on progressing recommendations from the Grenfell Inquiry; and
- a briefing paper on support afforded to date by the Devon & Somerset Fire & Rescue Service to other organisations during the COVID-19 pandemic.

It was noted that the Minutes of the Committee meeting held on 14 October 2020 would be submitted for adoption at the next full Authority meeting.

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

d Appraisals & Disciplinary Committee

The Chair of the Committee, Councillor Randall Johnson, **MOVED** the Minutes of the meetings held on 27 July and 25 September 2020 which had considered:

27 July 2020

- appointments of a Deputy Chief Fire Officer and Assistant Chief Fire Officers;

25 September 2020

- a mid-year appraisal against those objectives set for the Chief Fire Officer.

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

(SEE ALSO MINUTE DSFRA/49 BELOW).

e Standards Committee

The Chair of the Committee, Councillor Thomas, **MOVED** the Minutes of the meeting held on 6 August 2020 which had considered a proposed response to the Local Government Association consultation on a model Code of Conduct.

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

DSFRA/49 Report of Urgent Action (Standing Order 27)

The Authority received, for information, report of the Chief Fire Officer (DSFRA/20/12) on urgent actions undertaken following consultation with the Chair and in accordance with Standing Order 27. The decisions related to:

- retirement and re-employment requests;
- a restructure of the Executive Board and approval for the Appraisals & Disciplinary Committee to undertake a process for and approve the appointment of two substantive Assistant Chief Fire Officer posts;

- cancellation of the Authority Annual and Ordinary Meetings scheduled for 5 June 2020;
- the revenue budget outturn for 2019-20;
- approval of a Remote Meetings Protocol, associated Standing Orders and a Calendar of Authority meetings for the 2020-21 municipal year;
- changes in Authority Committee memberships for the 2020-21 municipal year;
- disposal of the Budleigh Salterton Fire & Rescue Station; and
- amendments to Standing Orders and the Scheme of Delegations relating to the six month meeting attendance rule.

A copy of each decision (including the reasons for them) was available on the Authority's website.

(SEE ALSO MINUTES DSFRA/48(d) ABOVE AND DSFRA/51 BELOW).

DSFRA/50 Response of the Devon & Somerset Fire & Rescue Service to the COVID-19 Pandemic

The Authority received, for information, a report of the Chief Fire Officer (DSFRA/20/19) on key details of the response to date of the Devon & Somerset Fire & Rescue Service ("the Service") to the COVID-19 pandemic. The report covered, amongst other things:

- the strategic intentions guiding the Service's response and recovery work;
- protection and prevention work undertaken;
- operational risk reduction;
- response activity (including support for other organisations);
- the approach to managing people issues (including more flexible ways of working and staff welfare);
- financial impacts and considerations; and
- key achievements.

DSFRA/51 Proposed Policy on Disposal of Land

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/20/13) on a proposed Authority policy on the disposal of land.

The process for disposal of the Budleigh Salterton Fire & Rescue Service had highlighted that, while the power in the Local Government Act 2000 to promote social, economic and environmental well-being were not available to the Authority, an analogous power did exist to the Authority by virtue of a General Disposal Consent ("the Consent") issued in 2003 by the [then] Secretary of State in accordance with Section 123(2) of the Local Government Act.

Guidance issued at the time on use of the Consent indicated, however, that in general it was anticipated that local authorities would, in disposing of land, seek to do so on the basis of the best consideration that could reasonably be obtained. Local authorities must also have regard to their fiduciary duty to use public funding for the purposes for which they were provided.

Additional legal advice indicated that, for a single-purpose authority such as a combined fire and rescue authority, exercise of the discretionary power under the Consent could be, potentially, difficult to justify and, if not undertaken with great care and clear rationale, could expose the Authority to the risk of judicial review for failure to follow proper procedure, irrationality or both.

RESOLVED that the Authority policy on the disposal of land will be:

- (a). as a general rule, to seek to obtain the best consideration (price) that can reasonably be obtained; and
- (b). that the discretionary power to dispose of land for less than the best consideration that can reasonably be obtained will be exercised only in exceptional circumstances and must always be subject to:
 - (i) independent assessment, prior to the sale process commencing, of the value to the Authority of any terms or conditions which might be attached by the Authority to the sale; and
 - (ii) any terms and conditions to be imposed by the Authority being consistent with its functions.

(SEE ALSO MINUTE DSFRA/52 BELOW).

DSFRA/52 Proposed Disposal of Topsham Fire Station

The Authority considered a report of the Chief Fire Officer (DSFRA/20/14) on the proposed disposal of Topsham Fire Station following the decision of the Authority, at its extraordinary meeting on 10 January 2020, to relocate the station to Service Headquarters (Minute DSFRA/32(a)(iii) refers). The report identified that, while the Service did have a discretionary power to dispose of land for less than that which might reasonably be obtained where this would promote economic, social or environmental well-being, the Service was not aware of any circumstances where such a sale at an undervalue would support the Authority's policy objectives as set out in its Integrated Risk Management Plan.

Councillor Hannaford **MOVED**, with Councillor Eastman seconding:

“that officers explore potential options for community use, including associated legal considerations, and report back on this to a future meeting prior to deciding how to dispose of Topsham Station”.

The motion was put to the vote and declared **CARRIED**. There being no further motions, it was then

RESOLVED that officers explore potential options for community use, including associated legal considerations, and report back on this to a future meeting prior to deciding how to dispose of Topsham Station.

(SEE ALSO MINUTE DSFRA/51 ABOVE).

DSFRA/53 **Environmental Strategy**

The Authority considered a report of the Director of Finance & Resourcing (DSFRA/20/15) inviting the Authority to recognise, formally, a climate emergency and to endorse an Environmental Strategy (as appended to the report) whereby the Devon & Somerset Fire & Rescue Service (“the Service”) would, through adaptation and mitigation, seek to address climate change issues.

RESOLVED

- (a). that the Authority declares a climate emergency;
- (b). that the Service Environmental Strategy appended to report DSFRA/20/15 aimed at addressing, by adaptation and mitigation, climate change be endorsed; and
- (c). that the Audit & Performance Review Committee, in consultation with the Authority’s Climate Change and Sustainability Champions, be asked to develop appropriate targets and/or Key Performance Indicators (KPIs) to facilitate monitoring by the Committee of progress in implementing the Service Environmental Strategy.

DSFRA/54 **Members' Allowances Further Considerations - Standards Committee**

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/20/16) reviewing whether membership of the Authority’s Standards Committee should attract a Special Responsibility Allowance (SRA), as requested by the Authority at its budget meeting on 18 February 2020 (Minute DSFRA/40[m] refers).

The report contained an analysis of the number and duration both of Standards Committees and Hearings Panels since 2012 as compared to the number and duration of other, standing Committees of the Authority. The report also set out the legislative basis for the payment of SRAs together with comparative information on allowances paid by both other combined fire and rescue authorities and the constituent authorities for this Authority in relation to membership of Standards Committees.

The views of the consultant who had undertaken, in 2019, the last review of the Authority’s approved Scheme of Allowances had also been sought. These concurred with the findings set out in the report that, on the basis of the available evidence, the Standards Committee did not normally meet either with exceptional frequency or for exceptionally long periods.

RESOLVED that no change be made to the approved Scheme of Members’ Allowances.

DSFRA/55 **Additional Authority Meeting**

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/20/17) on a proposal to hold an additional full Authority meeting, to be followed by the Annual General Meeting of Red One Ltd., in December 2020.

RESOLVED that an additional full Authority meeting be held on Wednesday 16 December 2020, commencing at 10.00hours.

DSFRA/56 **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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in the following paragraphs of Schedule 12A (as amended) to the Act:

For Minutes DSFRA/57 and DSFRA/58

Paragraph 3 – information relating to the financial or business affairs of any particular person, including the authority holding that information; and

For Minute DSFRA/59

Paragraphs 1 and 2 – information relating to an individual and information likely to reveal the identity of an individual (respectively).

DSFRA/57 **Exempt Minutes of the Authority Extraordinary Meeting held on 13 March 2020**

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

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item by virtue of their being Non-Executive Directors appointed by the Authority to the Board of Red One Ltd.)

RESOLVED that the exempt Minutes of the extraordinary Authority meeting held on 13 March 2020 be approved as a correct record.

(SEE ALSO MINUTE DSFRA/47[b] ABOVE).

DSFRA/58 **Exempt Minutes of the Resources Committee meetings held on 2 July and 12 October 2020**

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

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item by virtue of their being Non-Executive Directors appointed by the Authority to the Board of Red One Ltd.)

The Chair of the Committee, Councillor Drean, **MOVED** the exempt Minutes of the meetings held on 2 July and 12 October 2020.

RESOLVED that the Minutes be adopted in accordance with Standing Orders.
(*SEE ALSO MINUTE DSFRA/48[b] ABOVE*).

DSFRA/59

Standards Arrangements - Appointment of Second Independent Person

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

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/20/16) on the appointment of an independent person as required for Standards arrangements under the Localism Act 2011.

RESOLVED that Mr. Jason Bartlett be appointed to serve as an Independent Person, in accordance with Section 28(c)(iii) of the Localism Act 2011, for a two year period, renewable once (i.e. for a maximum period of four years).