



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

**M. Pearson
CLERK TO THE AUTHORITY**

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

(see below)

**SERVICE HEADQUARTERS
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DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Annual Meeting)

Tuesday, 29 June, 2021

The Annual Meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10.00 am in the Chiefs Suite, Sandy Park, Exeter** to consider the following matters.

M. Pearson
Clerk to the Authority

AGENDA

PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS

1 Apologies

2 Election of Chair

To elect a Chair to serve until the Authority's Annual Meeting in 2022.

3 Election of Vice-Chair

To elect a Vice-Chair to serve until the Authority's Annual Meeting in 2022.

(Note: in accordance with the Authority's Standing Orders, the Vice-Chair must be from a different appointing constituent authority than the Chair).

4 Minutes

a Authority Budget Meeting 19 February 2021 (Pages 1 - 20)

Attached.

b Authority Extraordinary Meeting 20 April 2021 (Pages 21 - 24)

Attached.

5 Items Requiring Urgent Attention

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

PART 1 - OPEN COMMITTEE

6 Review of Constitutional Governance Framework (Pages 25 - 108)

Report of the Director of Governance & Digital Services (DSFRA/21/12) attached.

7 Schedule of Appointments to Committees and Outside Bodies (Pages 109 - 114)

Report of the Director of Governance & Digital Services (DSFRA/21/13) attached.

8 Draft Calendar of Meetings 2021-22 (Pages 115 - 120)

Report of the Director of Governance & Digital Services (DSFRA/21/14) attached.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Best, Biederman, Bown, Brazil, Buchan, Chesterton, Clayton, Coles, Corvid, Drean, Hannaford, Healey MBE, Long, McGeough, Napper, Parker-Khan, Peart, Prowse, Radford, Randall Johnson (Chair), Redman, Roome, Scott, Shayer, Thomas and Vijeh.

NOTES

1. **Access to Information**

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.

2. **Reporting of Meetings**

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.

3. **Declarations of Interests at meetings (Authority Members only)**

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:

- (i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then
- (ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.

If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have 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.

	NOTES (Continued)
4.	<p><u>Part 2 Reports</u></p> <p>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.</p>
5.	<p><u>Substitute Members (Committee Meetings only)</u></p> <p>Members are reminded that, in accordance with Standing Orders, 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.</p>
6.	<p><u>Other Attendance at Committees)</u></p> <p>Any Authority Member wishing to attend, in accordance with Standing Orders, a meeting of a Committee of which they are not a Member should contact the Democratic Services Officer (see “please ask for” on the front page of this agenda) in advance of the meeting.</p>

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Budget Meeting)

19 February 2021

Present:

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

Apologies:

Councillor Eastman, Hernandez and Mountstevens).

DSFRA/67 Minutes

RESOLVED that the Minutes of the meeting held on 16 December 2020 be approved as a correct record.

DSFRA/68 Appointment of Director of Finance & Resourcing and Treasurer

(An item of urgent business taken in accordance with Section 100(B)(4) of the Local Government Act 1972.

The Chair decided that this should be considered as a matter of urgency to enable the Authority to determine at the earliest opportunity an appointments process for a replacement Director of Finance & Resourcing and Treasurer. The current incumbent had indicated, following publication of the agenda for this meeting, that they would be leaving the Authority in early May 2021.

The Chair advised the Authority that the existing Terms of Reference for the Appraisals & Disciplinary Committee provided for it to undertake an appropriate process for a successor.

RESOLVED that, following the recruitment process, the Appraisals & Disciplinary Committee be authorised to:

- (a). confirm the new appointment of Director of Finance & Resourcing and Treasurer; and
- (b). confirm the person so appointed as Treasurer shall serve as the officer responsible for the proper administration of the Authority's financial affairs, in accordance with the provisions of Section 112 of the Local Government Finance Act 1988.

DSFRA/69 Minutes of Committees

a Community Safety & Corporate Planning Committee

The Chair of the Committee, Councillor Redman, **MOVED** the Minutes of the meeting held on 11 December 2020 which had considered:

- an update on the Service Safer Together Programme; and

- an update on progress made by the Service in implementing recommendations from the Grenfell Phase 1 inquiry and use of additional grant funding.

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

b Human Resources Management & Development Committee

The Chair of the Committee, Councillor Hannaford, **MOVED** the Minutes of the meeting held on 14 December 2020 which had considered the Service Gender Pay Gap report for 2020.

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

c Resources Committee

The Chair of the Committee, Councillor Drean, **MOVED** the Minutes of the budget meeting held on 10 February 2021 which had considered, amongst other things:

- a draft 2021-22 Revenue Budget and Council Tax levels;
- a report on the Authority's Capital Strategy;
- a report on the proposed Capital Programme 2021-22 to 2023-24;
- a report on the Authority's Medium Term Financial Plan;
- a report on the proposed Treasury Management Strategy (including Prudential and Treasury Indicators) 2021-22;
- a report on Treasury Management Performance for quarters 2 and 3 of the current (2020-21) financial year;
- a report on Service financial performance for quarters 2 and 3 of the current financial year; and
- a report on the financial performance of Red One Ltd. for quarters 2 and 3 of the current financial year.

RESOLVED

(i). that the recommendations at Minutes:

- RC/41 (Medium Term Financial Plan);
- RC/39 (Capital Strategy);
- RC/38 (2021-22 Revenue Budget and Council Tax Levels);
- RC/40 (Capital Programme 2021-22 to 2023-24); and
- RC/42 (Treasury Management Strategy [including Prudential and Treasury Indicators] 2021-22)

be considered in conjunction with Minutes DFSRA/70, DSFRA/71 and DSFRA/72(a) to (c), inclusive and respectively, below;

(ii). that, as recommended at Minute RC/44 (Financial Performance report 2020-21: Quarters 2 and 3), the following virements (budget transfers) be approved in accordance with Financial Regulations:

Line Ref.	Description	Debit £m	Credit £m
	<i>To fund Pay for Availability in future years delayed in 2021 – see paragraph 3.1 of report RC/21/7</i>		
1	Decrease Service Delivery Staff		(1.442)
36	Create Earmarked Reserve to help fund future year costs	1.442	
		1.442	(1.442)

- (iii). that, subject to (i) and (ii) above, the Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTES DSFRA/70, DSFRA/71 AND DSFRA/72(a) TO (c) BELOW).

DSFRA/70 Medium Term Financial Plan

The Authority considered a report of the Director of Finance & Resourcing (Treasurer) on the Authority’s Medium Term Financial Plan (MTFP) for the next five financial years (to 2025-26), outlining funding, income and expenditure forecasts. The requirement to produce and publish a Medium Term Financial Plan was included in the current iteration of the Fire & Rescue National Framework for England.

The MTFP identified how the financial forecast is constructed (including funding sources and expenditure/cost pressures) together with savings targets over the period covered and the Service Change & Improvement Programme (Safer Together) which was the principal vehicle for delivering these savings. As such, the MTFP should be considered alongside the Safer Together Programme (which aimed to deliver against those objectives in the community-facing Integrated Risk Management Plan [IRMP] and organisation-facing Fire & Rescue Plan) and the Authority Reserves Strategy.

The MTFP would be updated at least annually as part of the budget setting process and would be refreshed more frequently as soon as any information making a material difference became available.

This report was initially considered by the Resources Committee at its budget meeting on 10 February 2021 which resolved to recommend that the Authority endorse the MTFP (Minute RC/41 refers).

RESOLVED that, as recommended by the Resources Committee, the Medium Term Financial Plan 2021-22 to 2025-26, as appended to report DSFRA/21/1, be endorsed.

(SEE ALSO MINUTE DSFRA/69(c) ABOVE).

DSFRA/71 Capital Strategy

The Authority considered a report of the Director of Finance & Resourcing (Treasurer) (DSFRA/21/2) on a proposed Capital Strategy (“the Strategy”) for the Authority.

The 2017 Prudential Code included the requirement for all Local Authorities to produce and approve an annual capital strategy. The Strategy was a key document for the Authority and formed part of the financial planning arrangements, reflecting the priorities set out in the Fire & Rescue Plan and the Medium-Term Financial Plan.

The Strategy provided a high level overview of how capital expenditure, and the way it is financed, would contribute to the provision of services together with an overview of how associated risk would be managed and the implications for future financial sustainability. The Strategy also detailed the governance process for approval and monitoring of capital expenditure.

RESOLVED that, as recommended by the Resources Committee, the Authority Capital Strategy as appended to report DSFRA/21/2, be endorsed.

(SEE ALSO MINUTE DSFRA/69(c) ABOVE).

DSFRA/72 REVENUE AND CAPITAL BUDGETS

a 2021-22 Revenue budget and Council Tax Levels

The Authority considered a joint report of the Director of Finance & Resourcing (Treasurer) and the Chief Fire Officer (DSFRA/21/3) on the proposed 2021-22 revenue budget and associated Council Tax levels.

On 17 December 2020 the provisional local government finance settlement was announced. This was a one year settlement for 2021-22 only. The provisional settlement indicated an increase in Settlement Funding Assessment (SFA) for this Authority of 0.16% over 2020-21 (from £22.319m to £22.354m). This nonetheless represented an overall reduction of 24% from the 2015-16 settlement of £29.413m.

The Authority had also been awarded, for 2021-22, £0.445m as its share of the £85m Rural Services Grant available only to the most sparsely populated rural areas. As part of a suite of measures to support local authorities in off-setting the impacts of the Covid-19 pandemic, the Authority had received grant funding of £0.970m against the increased costs of the Local Council Tax Support Scheme. The proposed revenue budget also included an estimated £2.856 funding as the Authority's share of National Non-Domestic Rate grants made to businesses because of the pandemic. These Section 31 grants were included as one-off income rather than forming part of the base budget.

The Ministry for Housing, Communities and Local Government announced, for 2021-22, a threshold of 2% for increases in Council Tax beyond which it would be necessary to hold a referendum. The administration costs associated with a referendum for this Authority were estimated to be in excess of £2.3m. Consequently, no proposals for an increase in Council Tax beyond 2% were presented.

Two budgetary options were presented for consideration by the Authority:

- Option A, representing no increase in Council Tax over 2020-21; and
- Option B, representing a 1.99% increase in Council Tax over 2020-21 (an increase of £1.74p per annum [15p a month] – from £88.24 to £90.00 for a Band D property).

The Authority was reminded that each 1% increase in Council Tax represented a £0.538m variation on the revenue budget. Both Council Tax options proposed represented a decrease on the overall budget available as a result of the economic impacts of the pandemic on Council Tax base, surplus and business rates income.

The Core Budget Requirement for 2021-22 (which included provision for pay and inflation and inescapable commitments) had been identified at £72.222m. This was designed to support reform of the Service by:

- maintaining investment of £1.224m in the Pay for Availability system, representing half the annual cost should all stations take up the new system;
- £0.415m to fund 12 development firefighter posts to support strategic workforce planning by providing resilience to offset potential retirements from 2022 and increase opportunities for diversity in the workforce; and
- £0.151m for the introduction of Microsoft 365 to support more efficient ways of working.

The proposed revenue budget exceeded the amount currently available. Consequently, it was proposed that – should Option B be approved – the shortfall would be met from a £0.512m contribution from reserves.

As required by the Local Government Finance Act 1992, non-domestic rate payers had been consulted on expenditure proposals for 2021-22. Additionally, telephone and on-line surveys of businesses and residents had been undertaken. The detailed survey results were appended to the report but in summary the majority of respondents felt it would be reasonable for the Authority to consider increasing its precept for 2021-22, with both businesses and residents expressing satisfaction with the services provided and agreeing that the Service provided value for money.

Also appended to the report was a statement prepared by the Chief Finance Officer in accordance with Section 25 of the Local Government Act 2003 on the robustness of the budget estimates and the adequacy of the level of reserves.

The proposed revenue budget and associated Council Tax levels had been considered by the Resources Committee (budget) meeting on 10 February 2021 which had resolved to recommend that the Authority approve Option B including the additional £0.415m funding for twelve firefighter development posts (Minute RC/38 refers).

RESOLVED

- (i). that, as recommended by the Resources Committee at its meeting 10 February 2021, the level of Council Tax in 2021-22 for a Band D property be set at £90.00, as outlined in Option B of report DSFRA/21/3, representing a 1.99% increase over 2020-21;
- (ii). that, accordingly, a Net Revenue Budget Requirement for 2021-22 of 72.222m be approved;
- (iii). that, as a consequence of the decisions at (i) and (ii) above:

- (A). a tax base for payment purposes of the precept required from each billing authority for payment of a total precept of £54,849,642 (Option B), as detailed on page 3 of the respective budget booklet (circulated separately with the agenda for the meeting) and reproduced in the following table, be approved:

Billing Authority	Tax Base used for collection	Surplus/ (Deficit) for 2020-21 £	Precepts due in 2021-22 £	Total due 2021-22 £
East Devon	60,084.00	148,808	5,407,560	5,556,368
Exeter	37,377.00	45,621	3,363,930	3,409,551
Mendip	41,332.49	(18,671)	3,719,924	3,701,253
Mid Devon	28,594.38	(37,327)	2,573,494	2,536,167
North Devon	34,397.87	40,021	3,095,808	3,135,829
Plymouth City	73,115.00	32,633	6,580,350	6,612,983
Sedgemoor	40,991.35	(88,485)	3,689,222	3,600,737
Somerset & West Taunton	55,947.87	3,295	5,035,308	5,038,603
South Hams	38,298.32	(11,108)	3,446,849	3,435,741
South Somerset	61,152.95	(36,701)	5,503,765	5,467,064
Teignbridge	48,410.00	(31,063)	4,356,900	4,325,837
Torbay	45,464.53	(97,154)	4,091,808	3,994,654
Torridge	24,035.20	(6,403)	2,163,168	2,156,765
West Devon	20,239.51	(2,715)	1,821,556	1,818,841
	609,440.47	(59,249)	54,849,642	54,790,393

- (B). that the Council Tax for each property band A to H associated with the total precept of £54,849,642 (Option B), as detailed on page 3 of the respective budget booklet and reproduced in the following table, be approved:

Valuation Band	Ratio	Government Multiplier %	Council Tax (£.p)
A	6/9	0.667	60.00
B	7/9	0.778	70.00
C	8/0	0.889	80.00
D	1	1.000	90.00
E	11/9	1.222	110.00
F	13/9	1.444	130.00
G	15/9	1.667	150.00
H	18/9	2.000	180.00

- (iv). that £0.415m of funding be made available to fund an additional 12 development firefighter posts;
- (v). that the Treasurer's "Statement of the Robustness of the Budget Estimates and the Adequacy of the Authority Reserve Balance", as set out in Appendix C to report DSFRA/21/2 and reproduced at Appendix A to these Minutes, be approved.

(SEE ALSO MINUTE DSFRA/69(c) ABOVE).

b Capital Programme 2021-22 to 2023-24

The Authority considered a report of the Director of Finance & Resourcing (Treasurer) (DSFRA/21/4) on the proposed Capital Programme 2021-22 to 2023-24 for estates and operational assets (fleet and equipment).

The Service was currently refreshing its Estates Strategy and undertaking a full condition survey of its estate to inform a risk-based approach to future investments. Consequently, the Capital Programme proposed for 2021-22 had been limited to existing projects (e.g. the new Plymstock fire station and a refurbishment of Camels Head fire station).

A risk based review of the fleet profile (Rapid Intervention Vehicles [RIVs]; Light Rescue Pumps [LRPs]; and Medium Rescue Pumps [MRPs]) had been undertaken as part of the Safer Together Programme to support the operational requirements of the new Service Delivery Operating Model. A ten-year fleet replacement programme had been developed alongside an equipment replacement programme (to be funded from revenue). A project had commenced to review and replace Aerial Ladder Platforms (ALPs) and to review other specialist appliances.

The proposed programme and funding would decrease the external borrowing requirement from the current external borrowing of £24.9m to £23.8m by 2023-24. The debt ratio remained below the 5% maximum limit throughout the planning period. The proposed programme had been prepared on the basis that that increased revenue contributions to capital would be limited to the amount saved from reduced borrowing, thereby maintaining the overall cost envelope for the Capital Programme. Nonetheless, significant pressures still remained which would require further asset rationalisation in alignment with the Authority's future community risk management planning.

The report also detailed Prudential Indicators for the programme to 2023-24 along with profiled indicators (based on indicative capital programme levels) for a further two years to 2025-26 to inform longer term planning.

The report had previously been considered by the Resources Committee (budget) meeting on 10 February 2021 which had resolved to commend the Capital Programme 2021-22 to 2023-24 and associated Prudential Indicators to the Authority for approval.

RESOLVED

- (i). that, as recommended by the Resources Committee (budget) meeting on 10 February 2021, the draft Capital Programme 2021-22 to 2023-24 and associated Prudential Indicators, as detailed in this report and summarised in Appendices B and C respectively to these Minutes, be approved;
- (ii). that, subject to (i) above, the forecast impact of the proposed Capital Programme from 2023-24 onwards on the 5% debt ratio Prudential Indicator, as indicated in the report, be noted.

(SEE ALSO MINUTE DSFRA/69(c) ABOVE AND MINUTE DSFRA/72(c) BELOW).

c Treasury Management Strategy (Including Prudential and Treasury Indicators) 2021-22 to 2023-24

The Authority considered a report of the Director of Finance & Resourcing (Treasurer) (DSFRA/21/5) on the Treasury Management Strategy and Annual Investment Strategy for 2021-22, Treasury Management Indicators, Prudential Indicators associated with the proposed Capital Programme 2021-22 to 2023-24 and a Minimum Revenue Provision Statement for 2021-22 as required by relevant legislation and regulations. The report also identified an extension to the Strategy reflect the potential for a loan to be made to the Authority's subsidiary company (subject to associated terms and conditions being approved by the Authority).

This report had previously been considered by the Resources Committee (budget) meeting on 10 February 2021 which had resolved to commend the Treasury Management Strategy and Annual Investment Strategy and Minimum Revenue Provision Statement for 2021-22 to the Authority for approval.

RESOLVED that, as recommended by the Resources Committee (budget) meeting on 10 February 2021:

- (i). the expansion of approved counter parties, to include subsidiary entities, be approved, with the terms and conditions of any such arrangement being reserved to the Authority;
- (ii). the Treasury Management Strategy and Annual Investment Strategy for 2021-22, as detailed in report DSFRA/21/5, be approved;
- (iii). the Prudential Indicators and Treasury Management Indicators as detailed in the report and set out at Appendix C to these Minutes be approved; and
- (iv). the Minimum Revenue Provision (MRP) Statement as set out in the report and attached at Appendix D to these Minutes be approved.

(SEE ALSO MINUTES DSFRA/69(c) AND DSFRA/72(b) ABOVE).

DSFRA/73 Localism Act 2011 - Pay Policy Statement 2021-22

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/21/6) to which was attached the proposed Pay Policy Statement to operate for the Authority for the forthcoming (2021-22) financial year. The Localism Act 2011 required such a statement, setting out the Authority's policy towards a range of issues relating to the pay of its workforce (particularly senior staff and the lowest paid employees), to be approved prior to the commencement of each financial year and published, as a minimum, on the Authority's website.

The proposed Pay Policy Statement for 2021-22 had been updated to reflect current pay levels of senior officers but other than that was unchanged from the previous year.

RESOLVED that the Pay Policy Statement for the 2021-22 financial year, as appended to report DSFRA/21/6, be approved and published on the Authority's website.

DSFRA/74 Red One Ltd. - Appointment of Non-Executive Directors

(Councillors Saywell and Thomas each declared a personal, non-pecuniary interest in this item by virtue of being an Authority-appointed non-executive director on the Board of Red One Ltd. Councillors Saywell and Thomas both abstained from voting on this issue).

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/21/7) on a proposal to extend the current term of office of the Independent Non-Executive Director (Chair) of the Board of Red One Ltd. (“the Company”), and the two Authority-appointed Non-Executive Directors, for a further twelve months, as provided for in the Company’s Articles of Association. Such an extension would provide greater stability for the company during the current pandemic.

RESOLVED

- (a). that, in accordance with the Articles of Association of Red One Ltd., the current Independent Non-Executive Director (Board Chair) and two Authority-appointed Non-Executive Directors be re-appointed to these roles for a further twelve months, subject to the latter two remaining serving Members of the Authority; and
- (b). that the Director of Governance & Digital Services be authorised to undertake an appointments process to identify potential successors for recommendation to the Authority in sufficient time to enable an appropriate transition in 2022.

DSFRA/75 Authority Governance

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/21/8) on the outcomes of a review of the Authority’s governance structure commenced in December 2018 and supported, from 2020, by the Centre for Governance & Scrutiny (CfGS), an independent charitable organisation with a proven record in assisting with local authority governance reviews.

In particular, the report set out the findings of CfGS (as contained its appended report) and the work undertaken by the Governance Review Working Group established to progress the issues identified in the CfGS report as considered at three initial workshops held for Authority Members.

The report identified two options proposed by the Governance Review Working Group to amend the Authority’s governance structure.

In debating the report, the view was expressed that the forthcoming local elections in May could have a significant impact on membership of the Authority and that consequently there could be benefit in deferring consideration of this issue until after the elections.

Councillor Redman **MOVED**, with Councillor Vijeh seconding:

- “(a) that the Authority notes the report and agrees to defer the final decision on potential alternative governance arrangements as this will provide the incoming Authority (post the May 2021 elections) the opportunity to shape its own future;

- (b) that the Authority recognises the extensive work carried out by the Working Party on behalf of the Authority to explore alternative governance arrangements and thanks the Members, officers and the Centre for Governance & Scrutiny for their part in this important work.”

The motion was put to the vote and declared **CARRIED** whereupon it was **RESOLVED**

- (a) that the Authority notes the report and agrees to defer the final decision on potential alternative governance arrangements as this will provide the incoming Authority (post the May 2021 elections) the opportunity to shape its own future;
- (b) that the Authority recognises the extensive work carried out by the Working Party on behalf of the Authority to explore alternative governance arrangements and thanks the Members, officers and the Centre for Governance & Scrutiny for their part in this important work.

DSFRA/76 **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 involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) (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/77 **Restricted Minutes of the Resources Committee (Budget) Meeting held on 10 February 2021**

(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 being Authority-appointed Non-Executive Directors on the Board of Red One Ltd.)

The Chair of the Committee, Councillor Drear, **MOVED** the restricted Minutes of the Resources Committee (budget) meeting held on 10 February 2021 which had considered (amongst other things):

- the restricted Minutes of the Committee meeting held on 12 October 2021; and
- a Red One Ltd. financial performance report for quarter 3 of the current (2020-21) financial year.

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

DSFRA/78 Disposal of Former Topsham Fire Station

(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 Finance & Resourcing (Treasurer) and the Director of Governance & Digital Services (DSFRA/21/9) on the proposed disposal of Topsham Fire Station in the context of the policy approved by the Authority, at its meeting on 23 October 2020, for the disposal of land (Minute DSFRA/51 refers).

At the same meeting, the Authority had asked officers to explore potential community uses for the site. The report now identified the outcome of this exploration. Five organisations had expressed interest in acquiring the site but none had identified a proposed primary use aligned to the Authority's statutory functions. Each had, though, identified potential secondary uses which could do so.

The Authority was reminded that:

- the general expectation, as per Section 123 of the Local Government Act 1972, was that any land should be disposed of for the best consideration that could reasonably be obtained. This was the main principle of the Authority's approved policy on the disposal of land;
- that, in order to exercise its discretionary power to sell land at an undervalue, it would need to establish a tangible benefit to the Authority which could be quantified, financially. Failure to do so would expose the Authority to a risk of judicial challenge.

The report indicated that the proposed secondary uses identified were already well provided for by the Devon & Somerset Fire & Rescue Service and that the approved Integrated Risk Management Plan did not identify any proposed community use to support those services which the Authority had a statutory duty to secure.

If the Authority was minded to progress disposal of the Topsham site at an undervalue, it would need to commission an external, independent assessment to quantify, financially, the benefit of the proposed secondary uses to the Authority. This would entail further delays and expense in disposal of the site with no guarantee that the assessment could identify a sufficient quantifiable benefit, in which case the Authority would be required to dispose of the site for the best consideration that might reasonably be obtained.

In debating this item, the view was expressed that there may be merit in exploring further whether some form of community use for the site, compatible with Authority functions, could be ascertained. The Chair **MOVED**, with Councillor Peart seconding:

- “(a) that the report be noted;

- (b) that officers undertake further work to assess in more detail what would be required to develop a framework for the effective evaluation of bids in compliance with the exercise of the discretionary power conferred under the “general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained”; and
- (c) that the matter be reported back to a future meeting of the Authority.”

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

- (a). that the report be noted;
- (b). that officers undertake further work to assess in more detail what would be required to develop a framework for the effective evaluation of bids in compliance with the exercise of the discretionary power conferred under the “general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained”; and
- (c). that the matter be reported back to a future meeting of the Authority.”

The meeting started at 10.00 am and finished at 1.01 pm

**APPENDIX A TO THE MINUTES OF THE AUTHORITY BUDGET MEETING HELD ON
19 FEBRUARY 2021**

**STATEMENT OF THE ROBUSTNESS OF THE BUDGET ESTIMATES AND THE
ADEQUACY OF THE DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY
LEVELS OF RESERVES**

It is a legal requirement under Section 25 of the Local Government Act 2003 that the person appointed as the 'Chief Finance Officer' to the Authority reports on the robustness of the budget estimates and the adequacy of the level of reserves. The Act requires the Authority to have regard to the report in making its decisions.

THE ROBUSTNESS OF THE 2021-22 BUDGET

The net revenue budget requirement for 2021-22 has been assessed as £74.222 (Option B in report). In arriving at this figure a detailed assessment has been made of the risks associated with each of the budget headings and the adequacy in terms of supporting the goals and objectives of the authority as included in the Integrated Risk Management Plan and the Fire and Rescue Plan. It should be emphasised that these assessments are being made for a period up to the 31 March 2022, in which time external factors, which are outside of the control of the authority, may arise which will cause additional expenditure to be incurred. The most significant example of this is the Coronavirus pandemic. For example, the majority of On Call pay costs are dependent on the number of call outs during the year, which can be subject to volatility dependent on spate weather conditions. Other budgets, such as fuel are affected by market forces and lockdowns that often lead to fluctuations in price that are difficult to predict. Details of those budget heads that are most at risk from these uncertainties are included in Table 1 overleaf, along with details of the action taken to mitigate each of these identified risks.

Local government and the fire sector are entering a period of significant uncertainty over funding and cost pressures going forward. It is possible that further cuts of 5% in real terms may be made to fire funding which when combined with changes to the Business Rates Retention scheme and the Relative Needs Assessment Reviews could result in significant changes to available resources. Unfunded pension schemes and legal challenges over pension terms represent a significant risk to the Authority going forward. It is therefore vitally important that resourcing and investment decisions are made which minimise risks going forward to enable the Authority to be as resilient as possible in future years.

Whilst there is only a legal requirement to set a budget requirement for the forthcoming financial year, the Medium Term Financial Plan (MTFP) provides forecasts to be made of indicative budget requirements over a five year period covering the years 2021-22 to 2025-26. These forecasts include only prudent assumptions in relation future pay awards and prices increases, which will need to be reviewed in light of pay settlements and movement in the Consumer Prices Index.

TABLE 1 – BUDGET SETTING 2021-22 ASSESSMENT OF BUDGET HEADINGS MOST SUBJECT TO CHANGE

Budget Head	Budget Provision 2021-22 £m	<i>RISK AND IMPACT</i>	MITIGATION
Service Delivery staff costs	51.8	There is a high level of uncertainty around future pay increases, particularly whether pay awards will be linked to a change to the Firefighter role map to include emergency medical response. Each 1% pay award is equivalent to £0.470m of additional pressure on the revenue budget. No provision for pay awards have been made in the 2021-22 budget.	In establishing a General Reserve an allowance has been made for a potential pay award. The payment for availability reserve will support those stations which transition to the new pay model in year.
Fire-fighter's Pensions	2.4	Whilst net pension costs funded by the government through a top-up grant arrangement, the Authority is still required to fund the costs associated with ill-health retirements, and the potential costs of retained firefighters joining the scheme.	In establishing a Pensions Reserve an allowance has been made for a potential overspend on this budget
Insurance Costs	0.9	The Fire Authority's insurance arrangements require the authority to fund claims up to agreed insurance excesses. The costs of these claims are to be met from the revenue budget. The number of claims in any one-year can be very difficult to predict, and therefore there is a risk of the budget being insufficient. In addition some uninsured costs such as any compensation claims from Employment Tribunals carry a financial risk to the Authority.	General Reserve

Fuel Costs	0.7	This budget has been reduced since 2020-21 in recognition of new ways of working and the green agenda	General Reserve
Treasury Management Income	(0.1)	As a result of the economic downturn in recent years, and the resultant low investment returns, the ability to achieve the same levels of income returns as in previous years is diminishing. The uncertainty over future market conditions means that target investment returns included in the base budget could be at risk.	The target income has been set at a prudent level of achieving only a 0.3% return on investments. Budget monitoring processes will identify any potential shortfall and management informed so as any remedial action can be introduced as soon as possible.
Income	(0.8)	Whilst the authority has only limited ability to generate income, the budget has been set on the basis of delivering £0.8m of external income whilst setting the reliance on the Service budget for Red One Income at £0.3m. Due to economic uncertainty this budget line may be at risk and is dependent on the ability of Red One Ltd to generate income.	Budget monitoring processes will identify any potential shortfall and management informed so as any remedial action can be introduced as soon as possible. A provision for doubtful debts is available to protect the Authority from potential losses.
Capital Programme	10.7	Capital projects are subject to changes due to number of factors; these include unforeseen ground conditions, planning requirements, necessary but unforeseen changes in design, and market forces.	Capital projects are subject to risk management processes that quantify risks and identify appropriate management action. Any changes to the spending profile of any capital projects will be subject to Committee approval in line with the Authority Financial Regulations.
Revenue Contribution to Capital	2.0	£0.3m of the Contribution is dependent on maintaining trading income levels, if these are not achieved the capital budget will need to be reduced by this amount	Capital programme and strategy, £21.7m Capital Reserve

Business Rates	(4.5)	There is a high degree of uncertainty over levels of Retained Business rates income and the method of allocation between funding and revenue grants in future years. £2.9m of this has been estimated grant income to offset funding losses yet to flow through from 20-21 business rates losses.	General Reserve
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THE ADEQUACY OF THE LEVEL OF RESERVES

Total Reserve balances for the Authority as at April 2020 is £38.8m made up of Earmarked Reserves (committed) of £33.5m, and General Reserve (uncommitted) of £5.3m. This will decrease by the end of the financial year as a result of planned expenditure against those reserves during the year. A General Reserve balance of £5.3m is equivalent to 6.9% of the total revenue budget, or 25 days of Authority spending, the figure is subject to a risk assessment annually.

The Authority has adopted an “in principle” strategy to maintain the level of reserves at a minimum of 5% of the revenue budget for any given year, with the absolute minimum level of reserves only being breached in exceptional circumstances, as determined by risk assessment. This does not mean that the Authority should not aspire to have more robust reserve balances based upon changing circumstances, but that if the balance drops below 5% (as a consequence of the need to utilise reserves) then it should immediately consider methods to replenish the balance back to a 5% level.

It is pleasing that the Authority has not experienced the need to call on general reserve balances in the last five years to fund emergency spending, which has enabled the balance, through budget underspends, to be increased to a level in excess of 5%. The importance of holding adequate levels of general reserves has been highlighted on a number of occasions in recent times, the impact of the pandemic and the problems experienced by the global financial markets are just two examples of external risks which local authorities may need to take into account in setting levels of reserves and wider financial planning.

The Authority’s Reserves Strategy is reviewed annually and is available on the website www.dsfire.gov.uk.

CONCLUSION

It is considered that the budget proposed for 2021-22 represents a sound and achievable financial plan, and will not increase the Authority’s risk exposure to an unacceptable level. The estimated level of reserves is judged to be adequate to meet all reasonable forecasts of future liabilities.

**APPENDIX B TO THE MINUTES OF THE AUTHORITY BUDGET MEETING HELD ON
19 FEBRUARY 2021**

Capital Programme 2021/22 to 2025/26

2020/21 £000 Budget	2020/21 £000 Forecast Outturn	Item	PROJECT	2021/22 £000 Budget	2022/23 £000 Budget	2023/24 £000 Budget	2024/25 £000 Indicative Budget	2025/26 £000 Indicative Budget
3,557	1,907	1	Estate Development Site re/new build (subject to formal Authority approval)	2,150	0	0	0	0
5,591	1,437	2	Improvements & structural maintenance	5,089	3,600	1,300	3,500	3,700
9,148	3,344		Estates Sub Total	7,239	3,600	1,300	3,500	3,700
5,034	2,839	3	Fleet & Equipment Appliance replacement	5,157	2,300	2,800	2,800	2,000
710	370	4	Specialist Operational Vehicles	440	5,100	1,900	700	700
0	0	5	Equipment	0	0	0	0	0
159	9	6	ICT Department	400	0	0	0	0
46	46	7	Water Rescue Boats	0	0	0	0	0
5,949	3,264		Fleet & Equipment Sub Total	5,997	7,400	4,700	3,500	2,700
(3,800)	0	9	Optimism bias Sub Total	(2,600)	400	1,000	1,200	0
11,297	6,608		Overall Capital Totals	10,636	11,400	7,000	8,200	6,400
7,672	2,663	15	Programme funding Earmarked Reserves:	6,575	7,998	3,417	0	0
2,037	2,037	16	Revenue funds:	2,037	2,037	2,300	2,300	2,300
60	380	17	Capital receipts:	0	0	0	0	0
1,528	1,528	18	Borrowing - internal	2,024	1,365	1,283	3,019	1,918
		19	Borrowing - external	0	0	0	2,881	2,182
11,297	6,608		Total Funding	10,636	11,400	7,000	8,200	6,400

The “Optimism Bias” incorporates learning that these figures will change throughout the year, the reasons for any such changes will be outlined in subsequent papers

**APPENDIX C TO THE MINUTES OF THE AUTHORITY BUDGET MEETING HELD ON
19 FEBRUARY 2021**

<u>PRUDENTIAL INDICATORS</u>	INDICATIVE INDICATORS 2023/24 to 2024/25				
	2021/22	2022/23	2023/24	2024/25	2025/26
	£m Estimate	£m Estimate	£m Estimate	£m Estimate	£m Estimate
Capital Expenditure					
Non - HRA	10.636	11.400	7.000	8.200	6.400
HRA (applies only to housing authorities)					
Total	10.636	11.400	7.000	8.200	6.400
Ratio of financing costs to net revenue stream					
Non - HRA	4.28%	3.91%	3.74%	3.87%	4.26%
HRA (applies only to housing authorities)	0.00%	0.00%	0.00%	0.00%	0.00%
Capital Financing Requirement as at 31 March	£000	£000	£000	£000	£000
Non - HRA	24,758	24,264	23,771	26,120	27,984
HRA (applies only to housing authorities)	0	0	0	0	0
Other long term liabilities	907	791	656	509	349
Total	25,665	25,055	24,426	26,629	28,333
Annual change in Capital Financing Requirement	£000	£000	£000	£000	£000
Non - HRA	(196)	(610)	(628)	2,203	1,704
HRA (applies only to housing authorities)	0	0	0	0	0
Total	(196)	(610)	(628)	2,203	1,704
<u>PRUDENTIAL INDICATORS - TREASURY MANAGEMENT</u>					
Authorised Limit for external debt	£000	£000	£000	£000	£000
Borrowing	26,189	26,071	25,553	28,058	29,875
Other long term liabilities	1,056	947	823	681	527
Total	27,244	27,018	26,376	28,739	30,401
Operational Boundary for external debt	£000	£000	£000	£000	£000
Borrowing	24,951	24,857	24,364	26,752	28,479
Other long term liabilities	1,010	907	791	656	509
Total	25,961	25,765	25,155	27,408	28,988
<u>Maximum Principal Sums Invested over 364 Days</u>					
Principal Sums invested > 364 Days	5,000	5,000	5,000	5,000	5,000

TREASURY MANAGEMENT INDICATORS

	Upper Limit %	Upper Limit %
Limits on borrowing at fixed interest rates	100%	70%
Limits on borrowing at variable interest rates	30%	0%
<i>Maturity structure of fixed rate borrowing during 2021/22</i>		
Under 12 months	30%	0%
12 months and within 24 months	30%	2%
24 months and within 5 years	50%	15%
5 years and within 10 years	75%	3%
10 years and above	100%	80%

**APPENDIX D TO THE MINUTES OF THE AUTHORITY BUDGET MEETING HELD ON
19 FEBRUARY 2021**

MINIMUM REVENUE PROVISION STATEMENT 2021-22

Supported Borrowing

The Minimum Revenue Provision will be calculated using the regulatory method (option 1). Minimum Revenue Provision will therefore be calculated using the formulae in the old regulations, since future entitlement to RSG in support of this borrowing will continue to be calculated on this basis.

Un-Supported Borrowing (including un-supported borrowing prior to 1 April 2008)

The Minimum Revenue Provision in respect of unsupported borrowing under the prudential system will be calculated using the asset life method (option 3). The Minimum Revenue Provision will therefore be calculated to repay the borrowing in equal annual instalments over the life of the class of assets which it is funding. The repayment period of all such borrowing will be calculated when it takes place and will be based on the finite life of the class of asset at that time and will not be changed.

Finance Lease and PFI

In the case of Finance Leases and on balance sheet PFI schemes, the Minimum Revenue Provision requirement is regarded as met by a charge equal to the element of the annual charge that goes to write down the balance sheet liability. Where a lease of PFI scheme is brought, having previously been accounted for off-balance sheet, the Minimum Revenue Provision requirement is regarded as having been met by the inclusion of the charge, for the year in which the restatement occurs, of an amount equal to the write-down for the year plus retrospective writing down of the balance sheet liability that arises from the restatement. This approach produces a Minimum Revenue Provision charge that is comparable to that of the Option 3 approach in that it will run over the life of the lease or PFI scheme and will have a profile similar to that of the annuity method.

Minimum Revenue Provision will normally commence in the financial year following the one in which the expenditure was incurred. However, when borrowing to construct an asset, the authority may treat the asset life as commencing in the year in which the asset first becomes operational. It may accordingly postpone the beginning to make Minimum Revenue Provision until that year. Investment properties will be regarded as becoming operational when they begin to generate revenues.

Minimum Revenue Provision Overpayments

A change introduced by the revised MHCLG Minimum Revenue Provision Guidance was the allowance that any charges made over the statutory Minimum Revenue Provision, Voluntary Revenue Provision or overpayments, can, if needed, be reclaimed in later years if deemed necessary or prudent. In order for these sums to be reclaimed for use in the budget, this policy must disclose the cumulative overpayment made each year. Up until the 31 March 2020 the total Voluntary Revenue Provision overpayments were £nil.

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Extraordinary Meeting)

20 April 2021

Present:

Councillors Randall Johnson (Chair), Best, Biederman, Bown, Buchan, Clayton, Coles, Colthorpe, Drean, Hannaford, Healey MBE, Long, Peart, Prowse, Radford, Redman, Vijeh, Wheeler (Vice-Chair) and Yabsley.

Apologies:

Councillors Corvid, Eastman, Napper, Saywell, Thomas and Trail BEM.

Alison Hernandez (Devon & Cornwall Police & Crime Commissioner).

Sue Mountstevens (Avon & Somerset Police & Crime Commissioner).

DSFRA/79 Section 112 Proper Officer

(An item taken in accordance with Section 100B(4)(b) of the Local Government Act 1972).

The Chair determined that this should be considered as a matter of urgency to ensure that the Authority was compliant with the requirements of Section 112 of the Local Government Finance Act 1988.

The Authority was advised that, in line with its earlier decision (Minute DSFRA/68, budget meeting held on 19 February 2021 refers), the Appraisals & Disciplinary Committee had, on 24 March 2021, interviewed for and appointed to the post of Director of Finance & Resourcing and had also designated the successful candidate as the officer responsible for the proper administration of the Authority's financial affairs.

The successful candidate had accepted the appointment but a commencement date was still to be confirmed. Pending this commencement and from the date of leaving (6 May 2021) of the current post holder, it would be necessary for the Authority to designate an existing officer as the officer responsible for the proper administration of the Authority's financial affairs, as required by Section 112 of the Local Government Finance Act 1988.

RESOLVED that, with effect from 7 May 2021 and until commencement of the Director of Finance & Resourcing, the Service Head of Finance be designated as the officer responsible for the proper conduct of the Authority's financial affairs in accordance with Section 112 of the Local Government Act 1988.

DSFRA/80 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 Part 1 of Schedule 12A (as amended) to the Act:

- for Minute DSFRA/81, Paragraph 4, namely information relating to consultations or negotiations or contemplated consultations in connection with a labour relations matter arising between the Authority or a Minister of the Crown and employees of or office holders under the Authority; and
- for Minute DSFRA/82, Paragraph 5, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

DSFRA/81 Authority "In Principle" Agreement to join Delt Shared Services Ltd. as a Shareholder

(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 Deputy Chief Fire Officer (DSFRA/21/10) on a proposal relating to human resources and organisational development provision for the Devon & Somerset Fire & Rescue Service (the Service).

In response to issues raised by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) on Service performance against the People pillar of the Inspection, the Service had commissioned an external review of its human resources and organisational development provision.

Stemming from the review, the Service aspiration was to secure level 4 on the Deloitte Burin Maturity Model.

Options to secure this had been evaluated by the Service Executive Board which considered that the optimum solution would be to enter into a shared services arrangement with Delt Shared Services Ltd.(Delt), a private limited company which was 100% owned and governed by public sector shareholders.

The report identified what would be involved in this process, which would require the Authority becoming a shareholder in Delt and the TUPE transfer of existing Service staff to Delt on their existing terms and conditions of employment (including pension entitlement). Affected staff would continue to work from Service Headquarters.

A full business case was being prepared for consideration by the Service Executive Board. The next Service Inspection was scheduled for Autumn 2021 at which time HMICFRS would, amongst other things, be seeking evidence that improvement areas identified at the last inspection either had been or were being addressed.

RESOLVED

- (a). that the Authority approves, in principle, becoming a shareholder in Delt Shared Services Ltd. to facilitate a combined human resources and organisational development provision to the Service from Delt; and

- (b). that the Chief Fire Officer be delegated authority to implement, on behalf of the Authority, this in-principle decision subject to production of and approval by the Service Executive Board of a satisfactory full business case identifying all risks, costs and benefits to the Service.

DSFRA/82 Firefighters' Pension Scheme (FPS) - Age Discrimination Remedy

(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 (DSFRA21/11) on a proposal for the Authority to address “immediate detriment” cases following the McCloud/Sargeant ruling, in December 2018, that the transitional protections for the Firefighters Pension Scheme (FPS) 2015 were age discriminatory.

A subsequent Employment Appeal Tribunal decision had established an expectation that, in light of the ruling, fire and rescue authorities should seek to remedy “immediate detriment” cases at the earliest opportunity and prior to the government’s ultimate remedy solution, which had been subject to consultation but which would require legislative change and was not anticipated until April 2022 at the earliest.

Both the government and the Local Government Association had issued guidance to fire and rescue authorities but this guidance did not carry legal standing. Additionally, there were still a number of issues (including individual tax liabilities) that were still to be resolved.

Consequently, legal advice had been commissioned on behalf of the Authority on progressing “immediate detriment” cases at the earliest opportunity while mitigating any potential risks to which the Authority might be exposed. This advice (as appended to the report) had informed the proposals in the report.

RESOLVED

- (a). that the Authority notes that the effect of the law is that the original pension protection arrangements were unlawful and discriminatory but Sections 61 and 62 of the Equality Act 2010 have the effect of disapplying any discriminatory provisions in a pension scheme and, as a result of this, in principle all firefighters who belonged to the FPS 1992 immediately before 1 April 2012 and were still members as at 31 March 2015, are protected from transfer to the FPS 2015 until 1 April 2022;
- (b). that the Authority approves that:
 - (i). any staff still subject to transitional, tapered, protection from transfer into the FPS 2015 under the previous discriminatory protection provisions will no longer be subject to that transitional protection and will not be placed in the FPS 2015 at the end of that period but rather will remain in the FPS 1992 until 1 April 2022 when the Government will enact new legislation providing for a new public service pensions scheme;

- (ii). officers be delegated authority to approve as required any “immediate detriment cases”, as defined by the Home Office Guidance of 21 August 2020, on a case-by-case basis in accordance with the principle that, if chosen by the individual concerned, they may retire (prior to 1 April 2022) on pensions calculated under the FPS 1992 subject to:
 - 1. There being no continuing and/or unresolved complexities and uncertainties that mean that it would not be practical and/or appropriate to process such cases in that manner at the time; and
 - 2. Those members entering into settlement agreements protecting the Authority from liability for any future changes to the arrangements that may arise from Government policy or actions and/or in regard to any future liabilities that apply as a result of the transfer back into the FPS 1992;
- (c). that the Authority confirms its awareness of:
 - (i). the Government’s commitment to allow those who were members of the FPS 1992 the choice of having their pension benefits calculated under the FPS 1992 or FPS 2015 until 31 March 2022 for the “remedy period” of 1 April 2015 to 31 March 2022; and
 - (ii). there being a range of legal complexities and uncertainties that surround giving effect to the above and in regard to treating those wrongly transferred out of the FPS 1992 as if they had always remained in that scheme; and
- (d). that this Authority confirms its commitment both to maintaining a vigilant watch on developments in regard to the above and, subject to those further developments and clarifications, to seeking to comply fully with its legal duties in regard to pension benefits.

The Meeting started at 9.30 am and finished at 10.20 am

Agenda Item 6

REPORT REFERENCE NO.	DSFRA/21/12
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	29 JUNE 2021
SUBJECT OF REPORT	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<p><i>(a). that the Authority endorses those minor changes to constitutional governance documents as indicated in paragraph 2.2 of this report;</i></p> <p><i>(b). that the Authority approves:</i></p> <ul style="list-style-type: none"> <i>(i). the changes to constitutional governance documents as set out in Appendix A to this report;</i> <i>(ii). the revised Committee Terms of Reference as set out in Appendix B to this report;</i> <i>(iii). the revised Members' Code of Conduct as set out at Appendix C to this report; and</i> <i>(iv). the document "Accountabilities, Roles and Responsibilities of Members and Officers of the Devon & Somerset Fire & Rescue Authority" as set out at Appendix D to this report.</i> <p><i>(c). that the Clerk be authorised to publish all revised constitutional governance framework documents on the website.</i></p>
EXECUTIVE SUMMARY	This report sets out information on the most recent review of the Authority's constitutional governance framework documents (Standing Orders, Financial Regulations etc.), which, while not a statutory requirement, is undertaken at least annually as a matter of good practice.
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS	The contents of this report are considered compatible with existing human rights and equalities legislation.

<p>APPENDICES</p>	<p>A. Proposed revisions to constitutional governance documents.</p> <p>B. Proposed Committee Terms of Reference</p> <p>C. Proposed Members' Code of Conduct</p> <p>D. Proposed document "The Accountabilities, Roles and Responsibilities of Members and Officers of the Devon & Somerset Fire & Rescue Authority.</p>
<p>BACKGROUND PAPERS</p>	<p>1. <u>Local Government Act 1972.</u></p> <p>2. <u>Localism Act 2011.</u></p> <p>3. <u>Local Government Association Model Councillor Code of Conduct.</u></p> <p>4. <u>The Fire and Rescue National Framework for England.</u></p>

1. **BACKGROUND**

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

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

1.2 [The Authority Constitutional Governance Framework documents may be viewed here on the website.](#)

1.3 The documents referred to above were drafted by reference to a number of sources, some statutory; some based upon "models" issued either by central government or by professional bodies (e.g. the Chartered Institute for Public Finance Accountancy – CIPFA); and others based on "best practice" documents in use by other local authorities (including combined fire and rescue authorities).

1.4 While there is no legal requirement for the documents to be reviewed, they are nonetheless reviewed, in consultation with relevant officers, at least annually to ensure that they continue to be "fit for purpose". This process does not preclude making revisions at any time to any of the documents where this might be required by changes in legislation or internal structure; or the approval of new documents to enhance the governance framework.

2. OUTCOME OF MOST RECENT REVIEW

- 2.1 Each of the Authority's Constitutional Framework documents have again been subject to review over the last twelve months and will continue to be subject to ongoing review with any further proposed revisions submitted to future meetings of the Authority as required.
- 2.2 As a result of the review, each of the documents listed at paragraph 1.1 above has been subject to minor change including:
- alignment of roles to appropriate officer e.g. Monitoring Officer rather than Clerk;
 - updated definitions sections.
- 2.3 The Treasury Management Policy has been amended to incorporate the expansion of approved counter parties to include any subsidiary entities (subject to approval of the terms and conditions of any such arrangements being reserved to the Authority) as previously approved by the Authority at its budget meeting on 19 February 2021 (Minute DSFRA/72(c) refers).
- 2.4 Additionally, more substantial changes have been made to the following documents:
- Standing Orders;
 - Financial Regulations;
 - Scheme of Delegations;
 - Corporate Governance Code;
 - Protocol for Member/Officer Relations; and
 - Policy on Gifts and Hospitality
- 2.5 Rather than issue each of these revised documents and to seek to minimise documentation, Appendix A to this report sets out the changes proposed for each of the documents, together with a brief rationale for the changes proposed. The Authority is asked:
- (a). to endorse the minor changes as indicated at paragraph 2.2 above;
 - (b). to approve those changes as identified in Appendix A to this report; and
 - (c). to authorise the Clerk to publish the revised documents on the website.

3. COMMITTEE TERMS OF REFERENCE

- 3.1. The Authority's committee structure has remained largely unaltered since its inception. The Authority is reminded that the ability to establish committees derives from Section 101 of the Local Government Act 1972. By this, the Authority may delegate functions either to a Committee or an officer. The legislation providing for the delegation of functions to an individual Member does not apply to this Authority.

- 3.2. In 2020, the Authority, supported by the Centre for Governance and Scrutiny, undertook an extensive review of its governance structure. As a result of this review, it was felt that:
1. there would be benefit to the Authority in establishing annual Strategic Policy Objectives. This issue is subject to a paper on the agenda for the Ordinary Meeting to follow on the conclusion of this meeting; and
 2. while the existing Committee structure was, in the main, still considered appropriate, there would be benefit in revising the Terms of Reference of these Committees to make their role in scrutinising Service performance against Authority approved Strategic Policy objectives more explicit.
- 3.3. In light of (2) above, the opportunity has been taken to revise the Committee Terms of Reference, which are now shown at Appendix B. By and large the Committee structure remains unchanged. Rather, the Committees have been retitled, with the Terms of Reference emphasising the scrutiny role of each Committee. The opportunity has also been taken to merge the former Standards Committee into the new Audit & Governance Committee. Flowing from this, it is proposed the new Audit & Governance Committee should comprise nine Members (rather than the seven for the Community Safety, People and Resources Committees). This is to provide sufficient membership to allow for Panels as may be required for the process in addressing Code of Conduct complaints.
- 3.4. The Authority is asked to approve the revised Committee Terms of Reference as set out in Appendix B.

4. MEMBERS' CODE OF CONDUCT

- 4.1 Section 27 of the Localism Act 2011 (the Act) places a duty on the Authority to promote and maintain high standards of conduct by its Members and co-opted Members. In support of this, Section 28 of the Act requires the Authority to adopt a Members' Code of Conduct which, when viewed as whole, [is consistent with the Seven Principles of Public Life \(the "Nolan" principles\)](#). Section 28 also requires the Authority to have in place arrangements to investigate and determine allegations of a breach of the Code.
- 4.2 Following an initial report by the Committee on Standards in Public Life (CSPL) and a subsequent consultation, [the Local Government Association \(LGA\) published, in May 2021, a Model Councillor Code of Conduct](#). The Model Code is intended as a template for authorities to adopt in whole and/or with local amendments. The LGA has indicated that it will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
- 4.3 The Authority's Code of Conduct has been reviewed against the LGA Model Code. Other than the inclusion of:
- (a). a specific requirement for Members to register with the Monitoring Officer, within 28 days of its receipt, any gift or hospitality with an estimated value of £50 or more (as recommended by CSPL); and

- (b). a requirement to declare, as a personal interest, membership of any body directed to charitable purposes,

the LGA Model Code introduces no substantive changes to the content of Authority's previous Code.

- 4.4 The opportunity has been taken, though, to introduce the additional two requirements as referenced in paragraph 4.3 above and to reformat the Authority's Code to make it consistent with the formatting and layout in the LGA Model Code (which includes explanatory guidance for each specific obligation). The revised Code is now attached at Appendix C for approval by the Authority.
- 4.5 The revised Code does not require any changes to the Authority's arrangements for investigating and determining breaches of the Code.

5. THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY

- 5.1. This document has been revised to clarify the distinction in the roles of Members and Officers of the Authority. Specifically, a new Section on the role of Authority Officers, featuring an extract from the [Fire and Rescue National Framework for England](#), has been inserted. This document is now attached at Appendix D for approval by the Authority.

6. CONCLUSION

- 6.1. The Service has a commitment to continuous improvement to achieve and sustain its stated ambition of being an "excellent" organisation. As part of this, the Authority's constitutional governance framework documents will continue to be subject to ongoing review with any further proposals for amendments being submitted as and when required.
- 6.2. In the meantime, the Authority is asked to approve the recommendations as set out in this report.

MIKE PEARSON
Director of Governance & Digital Services

APPENDIX A TO REPORT DSFRA/21/12

NOTE: the letter **(O)** next to a document reference or paragraph number indicates the document reference or paragraph number in the existing, Authority approved, version. **(N)** indicates the document reference/paragraph number in the proposed new version.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
STANDING ORDERS			
SO 1(1) (O)	Each member of the Authority will be appointed by a constituent authority. The number of persons appointed by each constituent authority will, so far as it practicable, be proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.	Each constituent authority must, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas	Required by amended wording to the Combination Scheme introduced by the Combined Fire and Rescue Authorities (Membership and Allowances) (Amendment) Regulations 2020 ("the amending Regulations"). See also SO 1(2) below.
SO 1(2) (new)	-	Each representative appointed by a constituent authority [under paragraph 1 above] must be appointed from its own members.	Required by amended wording to the Combination Scheme introduced by the amending Regulations. See also SO 1(1) above.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SO 2 (<i>new</i>)	-	<p><u>APPOINTMENT OF A POLICE & CRIME COMMISSIONER</u></p> <p>(1) The Authority may appoint a relevant police and crime commissioner to be a member of the Authority, but the Authority may only make such an appointment in response to a request from the commissioner.</p> <p>(2) If the Authority receives a request from a relevant police and crime commissioner, it must:</p> <ul style="list-style-type: none"> (a) consider the request; (b) give reasons for its decision to agree or refuse the request; and (c) publish those reasons in such manner as it thinks appropriate. <p>(3) Where a relevant police and crime commissioner:</p> <ul style="list-style-type: none"> (a) is appointed as a member of the Authority; and 	New Standing Order required by provisions in the Combination Scheme introduced by the amending Regulations

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<p>(b) arranges, under Section 18 of the Police Reform and Social Responsibility Act 2011, for another person to attend a meeting of the Authority on the commissioner's behalf</p> <p>then the person attending the meeting on behalf of the commissioner may speak at that meeting but:</p> <p>(a) may not vote; and</p> <p>(b) is not to be treated as a member of the Authority for any other purpose.</p> <p>(4) A relevant police and crime commissioner appointed in accordance with this Standing Order:</p> <p>(a) comes into office on the date of that appointment; and</p>	

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<p>(b) continues to be a Member of the Authority until the commissioner's term of office comes to an end in accordance with Section 50(7)(b) of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"), subject to (c) below;</p> <p>(c) if a vacancy in the office of the relevant police and crime commissioner arises in accordance with Section 59 of the 2011 Act before the end of that term, the commissioner ceases to be a Member of the Authority on the date on which the vacancy in the office is regarded as occurring under Section 59(1) of the 2011.</p>	

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		(5) The provisions of Standing Order 1(3)(a) and 1(3)(c) apply to any relevant police and crime commissioner appointed in accordance with this Standing Order.	
SO 2(2) (O) SO 3(2) (N)	Any person elected as Vice-Chair must be from representatives on the Authority of a different appointing constituent body to the person elected as Chair.	Any person elected as Vice-Chair must: (a). if the Chair is a Member appointed by a constituent authority, be from a different constituent body to the person elected as Chair; or (b). if the Chair is a Police and Crime Commissioner, not be another Police and Crime Commissioner.	Revision to reflect change as per the amending Regulations and to reflect the potential for a PCC to be elected as Chair.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SO 4(5) (O) SO 5(5) (N)	At least five clear working days before any meeting of the Authority a summons to attend signed by the Clerk to the Authority will be sent to the usual place of residence of each Member. The summons will specify the date, time and place of the meeting and the business to be transacted including - as appropriate - the minutes of the last meeting together with such reports as are available.	At least five clear working days before any meeting of the Authority a summons to attend signed by the Clerk to the Authority will be sent to every Member of the Authority by an appropriate method . The summons will specify the date, time and place of the meeting and the business to be transacted including - as appropriate - the minutes of the last meeting together with such reports as are available.	Change made to reflect the provisions of the Local Government (Electronic Communications) (England) Order 2015 (S.I. 2015/5) - as inserted into Schedule 12 of the Local Government Act 1972 – allowing for electronic agenda publication.
SO 7(3) (O) SO 8(3) (N)	The Chair of the Authority (or person so presiding at the Authority meeting) may, at his/her discretion and with the exception of items (a) to (e) above, vary the order of business.	The Chair of the Authority (or person so presiding at the Authority meeting) may, at their discretion and with the exception of item (a), vary the order of business.	To allow discretion, if required, for the Chair to move a Part 2 item to the immediate commencement of a meeting. Note: item (a) requires the election of a Member to preside at a meeting in the event that neither the Chair nor Vice-Chair are present.
SO 12 (6)(d) (O) SO	-	Additional sentence to SO13(6): “All signatories must have permanent residence in the area served by the Authority”	Clarification and alignment to SO 13(12) (which provides right to assess authenticity of petition and verification of signatories)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SO 20 (O) SO 21(2) (N)	-	No such item will be placed on the agenda for a forthcoming meeting if the outcome could be that, if approved, the item would rescind a previous decision made within the last six months.	To align with provisions of Standing Order 20 preventing Motions seeking to rescind, within six months, a previous decision.
SO 27 (3) (new)	-	Any Member present at a meeting may move without notice that a vote on an appointment be undertaken by secret ballot. If seconded and duly approved by a majority of those present and voting, a secret ballot will be held for the appointment in question.	Clarify process for requesting secret ballot for a vote on an appointment.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SO 40 (N)	-	<p><u>AGENDA ITEMS AT COMMITTEE OR SUB-COMMITTEE MEETINGS</u></p> <p>(1) Any Authority Member who wishes to raise any matter appropriate to any Committee or Sub-Committee for its consideration may do so by giving notice in writing to the Clerk to the Authority at least ten clear working days before the date of the meeting at which it is to be raised. Such notice will contain particulars of the matter which the Member wishes to raise. Wherever practicable, the item will be considered in conjunction with a written report prepared by the appropriate officer(s).</p> <p>(2) The Member will then have the right to attend the meeting to explain and discuss the matter, but will not be entitled to vote on it (unless they are a Member of the Committee/Sub-Committee concerned).</p>	<p>Clarification on application to Committees etc. of Standing Order provisions for requesting agenda items for full Authority meetings. While separated out for clarification, this is not a new Standing Order as such and was previously captured as a sub-paragraph of Standing Order 39 (Other Attendance at Committees and Sub-Committees).</p>

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		(3) No such item will be placed on the agenda for a forthcoming meeting if the outcome could be that, if approved, the item would rescind a previous decision made within the last six months.	
SO 39 (4) (O)	In cases of urgency, the Chief Fire Officer may, with the exceptions as set out in Paragraph (5) below and following consultation with the Chair or Vice-Chair of the relevant Committee/Sub-Committee, exercise the rights, powers and duties of the Authority which by virtue of paragraph (1) of this Standing Order have been delegated to Committees/Sub-Committees of the Authority. In exercising such powers and duties in accordance with this Standing Order the Chief Fire Officer may consult with other officers as appropriate. The Chief Fire Officer MUST report, for information, any decision taken under this Standing Order to the next ordinary meeting of the Committee/Sub-Committee as the case may be.	Deleted.	Remove duplication. This Urgency provision is contained at Standing Order 28 for the full Authority and is applied to Committees (making the necessary changes) by virtue of Standing Order 29.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SO 52 (O) SO 54(4) (N)	-	For the avoidance of doubt, no part of this Standing Order 54 may be suspended.	Clarification that Standing Order 54 (dealing with suspension of Standing Orders) cannot itself be suspended.
FINANCIAL REGULATIONS			
C12(b)	the disposal of any material asset exceeding the value as indicated in the threshold as set out in the Schedule to these Regulations;	the disposal of any material asset (other than land or buildings) as contained in the fixed asset register and exceeding the value as indicated in the threshold as set out in the Schedule to these Regulations.	Reference to fixed assets register. Material assets of plant and equipment now covered by reworded C13 – see below.
C13 (O)	In relation to Financial Regulation C12(b) (disposal of material assets), “material asset” is defined as any asset recognised on the Authority’s fixed asset register or any asset which is not subject to an agreed disposal method via replacement.	Deleted.	No longer required as material assets are now effectively defined in C12(b) and C13 (as amended)
C14 (O)/ C13 (N)	Material assets will be disposed of via one of the following approved methods:	Material assets of plant and equipment as contained in the fixed asset register will be disposed of via one of the following approved methods:	See C12(b) above.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
SCHEME OF DELEGATIONS			
4.10 (N)	-	Following consultation with either the Authority or relevant Committee Chair (as the case may be), to establish any Working Party or “task and finish” group as considered conducive and timely to the work of the Authority (NOTE: this delegation may also be exercised by the Clerk).	Alignment to Standing Order 31(1) (O) / 32(1) (N)
4.18(a) (O) / 4.19(a) (N)	effect minor variations in the establishment between uniformed and non-uniformed posts where this is in the best interests of the Service and subject to consultation with representative bodies and to there being no additional resource implications associated with the variation;	effect variations in the establishment between uniformed and non-uniformed posts where this is in the best interests of the Service and subject to consultation where necessary with representative bodies and to there being no additional resource implications associated with the variation;	Consistency with operational role of Chief Fire Officer as provided for in National Framework. Not all variations in establishment will necessarily require consultation with representative bodies.
4.18(f) (O)	consider on their individual merits requests for extensions of service beyond the normal retirement age and, if appropriate and subject to a satisfactory medical exam, to approve such requests in line with the conditions as set out in the new Grey Book and the Firefighters’ Pension Scheme.	Deleted.	There is no longer a “normal retirement age” for firefighters.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
4.19(f) (N)	-	[to] determine, in accordance with the Authority's approved Pay Policy Statement, applications for the re-employment of any member of staff at Firefighter to Watch Manager level (or non-uniformed equivalent) and who has previously been made redundant or who has retired from the Service	Alignment with revised Authority Pay Policy Statement and with proposed new Terms of Reference for People Committee.
4.18(h) (O) / 4.19(h) (N)	approve for membership of a Local Authority, Health Authority or other Public Body (including school/college governing body), to stand as a parliamentary candidate or be a Justice of the Peace and approval of special paid or unpaid leave in relation to these functions;	approve, subject to the statutory restrictions on politically restricted posts and any other associated statutory restrictions, either special paid or unpaid leave for: <ul style="list-style-type: none"> • attendance at meetings of a local authority, health authority or other public body to which the individual may have been elected; and • serving as a Justice of the Peace; 	Clarification.
-	-	New Section 5 (Matters Delegated to the Clerk) and Section 6 (Matters Delegated to the Monitoring Officer) reproduced at Annex 1 to this Appendix.	No new content but separating out the respective roles (given that, potentially, they could be exercised by different people).

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
CORPORATE GOVERNANCE CODE			
1 (N)	-	-	Inclusion of definitions section (as per Standing Orders etc.) for clarification
1.4 (O)	The Authority will publish, annually, an Annual Statement of Assurance on the extent to which it has complied with the six core principles for good governance as set out in this Code, how it has monitored effectiveness of its governance arrangements during the year in question and identifying any changes proposed for the future.	Deleted.	Remove duplication. Annual Statement of Assurance referenced elsewhere in the Code.
1.5 (O)	Any documents or plans referred to in this Code may be viewed on the Authority's website. Alternatively, a hard-copy of any such document may be obtained from the Clerk to the Authority on request – either by e-mail (clerk@dsfire.gov.uk) or in writing to Service Headquarters, The Knowle, Clyst St. George, Exeter EX3 0NW.	Deleted.	Relevant documents now hyperlinked.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
2.1 (O)	The Authority will produce a Corporate Plan setting out a vision and overarching aims for the fire and rescue service together with initiatives proposed for the twelve month period immediately following production of the plan and targets against which performance will be measured. This plan will be subject to annual revision following consultation as appropriate and will comply with all statutory requirements on the production of relevant plans (e.g. Integrated Risk Management Plan and associated yearly Action Plans; Best Value Performance Plan)	Deleted.	Replaced with new para. 3.1 reflecting current practice.
2.2 (O)	The Authority will produce and review annually a Medium Term Financial Plan (MTFP) providing a financial planning framework for at least three years.	Deleted.	Reformatting only. Now covered in new para. 3.2

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
2.3 (O) / 3.3 (N)	The Authority will publish annually an Audited Statement of Accounts, including a Statement of Internal Control, setting out the financial position and performance of the Authority for the previous financial year.	The Authority will publish annually an Audited Statement of Accounts setting out the financial position and performance of the Authority for the previous financial year. As set out above, the annual governance statement in support of Statement of Accounts is incorporated within the Statement of Assurance required by the Fire & Rescue National Framework for England.	Clarification and alignment with revised para. 3.2(e) (N)
2.4 (O) / 3.4 (N)	The Authority will have in place a policy for consultation with the public and all relevant stakeholders on all matters for which it has a statutory duty to consult (e.g. future action plans; changes to how services are provided; level of Council Tax precept in any given year)	The Authority has Engagement Principles and a Communications and Engagement Strategy on the strategic direction of the Service for communicating and engaging with relevant audiences to support Service priorities over the next three years.	Updated to reflect current position.
2.5 (O) / 3.5 (N)	The Authority will set and publish annual performance targets, following consultation as appropriate. These targets will be subject to regular monitoring – by the Authority’s Audit & Performance Review Committee – and action plans developed as required to address any action that may be necessary to remedy any identified shortfalls in service performance	The Authority will establish annual performance targets and publish performance against these targets regularly. Action plans will developed as required to address any identified shortfalls in Service performance.	Updated to reflect current position.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
2.6 (O) / 3.6 (N)	The Authority will establish and keep under constant review a Business Continuity Plan.	Service Business Continuity Plans will be developed and kept under constant review. Business continuity exercises will be undertaken to assess preparedness and test existing business continuity arrangements.	Updated to reflect current position.
3.1 (O) / 4.1 (N)	The Authority has responsibility for providing for those core functions as set out in the Fire and Rescue Services Act 2004 in relation to fire safety, fire-fighting, road traffic accidents; and for any other emergencies and functions as may be directed by the Secretary of State under the Act. The Authority is responsible for enforcement action under the Regulatory Reform (Fire Safety) Order 2005 and is also a Category 1 responder for the purposes of the Civil Contingencies Act 2004.	The Authority is responsible for ensuring that provision is made to discharge the core functions of the Fire and Rescue Services Act 2004 in relation to fire safety, fire-fighting, road traffic collisions; and for any other emergencies and functions as may be directed by the Secretary of State under the Act. The Authority is responsible for enforcement action under the Regulatory Reform (Fire Safety) Order 2005 and is also a Category 1 responder for the purposes of the Civil Contingencies Act 2004.	Additional accuracy/clarity to mirror legislative wording.
3.1 (N)	-	A Fire & Rescue Plan will be produced setting out the vision and overarching strategic aims for the Service along with targets against which performance will be measured. This Plan is supported by a range of other Service plans (e.g. Department Plans) to promote accountability.	Reflects current practice.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.2 (N)	-	<p>Additionally, as required by the Fire & Rescue National Framework for England (“the Framework”), the Authority will also produce:</p> <p>(a). a Community Risk Management Plan (CRPM) covering a minimum three year period and setting out, amongst other things:</p> <ul style="list-style-type: none"> • an up-to-date risk analysis and assessment of all foreseeable fire and rescue related risks for the geographical counties of Devon and Somerset; • prevention, protection and response activities to mitigate the risks so identified; • required service delivery outcomes including allocation of resources to mitigate the risks; and • a risk-based inspection programme in relation to the Authority’s fire safety enforcement role; 	Alignment with National Framework requirements.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<p>(b). a Medium Term Financial Plan (MTFP) providing a financial planning framework for at least three years;</p> <p>(c). a reserves strategy;</p> <p>(d). a capital strategy; and</p> <p>(e). an annual Statement of Assurance on how the Authority has, for the previous twelve months, complied with the Framework, its CRMP and any other strategic plan approved by the Authority and which will provide assurance for both the community and the government on financial, governance and operational matters.</p> <p>For this Authority, the annual Statement of Assurance also incorporates the annual governance statement which the Account and Audit Regulations 2015 require the Authority to produce in support of its Statement of Accounts.</p>	

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.3 (O)	<p>The Authority has a defined constitutional framework and as part of this has – taking account of all appropriate statutory requirements and best practice guidance – developed, approved and keeps under constant review:</p> <ul style="list-style-type: none"> • Standing Orders governing the conduct of business by both the Authority and its Committees; and • Financial Regulations for managing the Authority’s financial affairs and ensuring that its use of resources is legal, properly authorised, provides value for money and achieves best value; • a Scheme of Delegations indicating where officers of the Authority have been authorised to undertake certain decisions on its behalf. This Scheme identifies the officers concerned and the limits of the authority delegated to them. 	Deleted.	Reformatting. More expansive description of constitutional governance framework now set out at para. 4.3 (N)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.4 (O) / 4.5 (N)	<p>The Authority has appointed:</p> <ul style="list-style-type: none"> • a Chief Fire Officer (who is also chief executive and Head of Paid Service) responsible to the Authority for all aspects of service management; • a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control; • a Clerk responsible to the Authority for exercising those functions of Monitoring Officer as required by the Local Government and Housing Act 1989, including ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with. 	<p>The Authority has appointed:</p> <ul style="list-style-type: none"> • a Chief Fire Officer (who is also chief executive and Head of Paid Service) responsible to the Authority for all aspects of service management; • a Treasurer as the proper officer as required by Section 112 of the Local Government Finance Act 1988 responsible to the Authority for ensuring that appropriate advice is given on financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal control; • a Monitoring Officer, as required by the Local Government and Housing Act 1989, responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with. 	Clarification of role of Monitoring Officer

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.5 (O)	The Authority has adopted a Member Standard Profile detailing the roles and responsibilities associated with an elected Member on the Authority	Deleted.	Remove duplication. Now referenced in revised para. 4.3. (N)
3.6 (O) / 4.6 (N)	The Devon & Somerset Fire & Rescue Service, by which the Authority discharges its statutory functions, has in place an Executive Board and Service Leadership Team for strategic and day-to-day oversight as required. Both Executive Board and Service Leadership Team have Terms of Reference. The officers who serve on the Executive Board and the Service Leadership Team have clearly defined roles and responsibilities– both individually and collectively. Details of the terms and conditions of employment and remuneration of the officers on the Executive Board can be found in the Pay Policy Statement published on the Authority’s website in accordance with the requirements of the Localism Act 2011.	The Service has in place an Executive Board and Service Leadership Team for strategic and day-to-day oversight as required. Both the Executive Board and Service Leadership Team have Terms of Reference. The officers who serve on the Executive Board and the Service Leadership Team have clearly defined roles and responsibilities– both individually and collectively. Details of the terms and conditions of employment and remuneration of the officers on the Executive Board can be found in the Pay Policy Statement published on the Authority’s website in accordance with the requirements of the Localism Act 2011.	Slight amendment and reformatting only. Now inserted as para 4.6 (N)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.7 (O)	The Authority has in place a scheme for the payment of allowances to elected Members compliant with existing regulations in so far as they apply to combined fire and rescue authorities.	Deleted.	Remove duplication. Now referenced in revised para. 4.3. (N)
4.1 (O)	The Devon & Somerset Fire & Rescue Service has developed and implemented "Our Values" to influence all of its actions at all levels of the organisation. These values reflect a learning organisation committed to continuous improvement and seek to promote fairness and respect, equality of opportunity, diversity, transparency and accountability of decision making.	Deleted.	Reformatting only. Now inserted as para 5.3 (N)
4.2 (O)	The Authority uses these values to act as a guide for decision making and as a basis for developing positive and trusting relationships.	Deleted.	Remove duplication. Referenced in para 5.3.
4.3 (O)	The Authority has adopted a Code of Conduct for Members as required by the Localism Act 2011 and has in place arrangements for addressing any alleged breaches of this Code.	Deleted.	Reformatting only. Now inserted as para 5.1 (N)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
4.3 (N)	-	<p>The Authority has a defined constitutional framework and as part of this has – taking account of all appropriate statutory requirements and best practice guidance – developed, approved and keeps under constant review:</p> <ul style="list-style-type: none"> • Standing Orders governing the conduct of business by both the Authority and its Committees; and • Financial Regulations for managing the Authority’s financial affairs and ensuring that its use of resources is legal, properly authorised, provides value for money and achieves best value; • Contract Standing Orders governing the Authority’s procurement processes; • a document setting out the respective roles and responsibilities of both the Authority and its senior officers; • a Member/Officer Protocol; 	Reformatting. More expansive description of constitutional governance framework previously at para. 3.3 (O)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<ul style="list-style-type: none"> • a Scheme of Delegations indicating where officers of the Authority have been authorised to undertake certain decisions on its behalf. This Scheme identifies the officers concerned and the limits of the authority delegated to them; • a Members' Code of Conduct and associated complaints procedure; and • a Scheme of Members' Allowances. 	
4.4 (O)	The Authority maintains, as required by legislation, a General Register of Interests for Members and a register to record pecuniary interests by officers in contracts.	Deleted	Reformatting only. Now inserted as para. 5.2 (N).
4.4 (N)	-	Each of the documents comprising the Authority's constitutional governance framework may be viewed on the Service website here ⁴ .	Provides hyperlink to relevant documents.
5.1 (N)	-	As required by the Localism Act 2011, the Authority: <ul style="list-style-type: none"> • has approved a Members' Code of Conduct together with associated procedures for dealing with complaints against Members; and 	Reformatting. Was previously included as para. 4.3. (O)

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<ul style="list-style-type: none"> maintains General Register of Interests for Members and publishes Member interests on the Service website 	
5.2 (N)	-	A register recording pecuniary interests of officers in contracts is maintained. Gifts and hospitality afforded both to Members and officers are recorded and published on the Service website.	Reformatting. Was previously included as para. 4.4. (O)
5.5 (N)		The constitutional framework is subject to continuous review (at least annually) and puts in place appropriate arrangements and processes to ensure that neither Authority Members nor officers are influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and external organisations (including providers of goods and services).	Reformatting. Was previously captured in para. 4.5 (O)
7.1 (O) / 8.1 (N)	<p>The Authority has a comprehensive and dynamic Consultation Policy informing:</p> <ul style="list-style-type: none"> the identification of all relevant issues which should be subject to consultation – either as required by statute or as considered best practice; 	A Communications and Engagement Strategy has been developed to provide the strategic direction for communicating and engaging with all key stakeholders to support Service priorities over a three year time frame. All consultation and engagement will be:	Updated to reflect current position.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
	<ul style="list-style-type: none"> • aligned to this, the identification of those communities, stakeholders and other interested parties, both internal and external, with whom consultation should be undertaken; • the identification of consultation processes both appropriate and proportionate to the issue(s) subject to consultation and the consultee(s) 	<ul style="list-style-type: none"> • appropriate – a range of engagement methods will be employed which are creative, responsive, sensitive and appropriate to the community or topic, ensuring that each activity is evaluated and lessons learned to underpin future engagement work; • meaningful – engagement activities will be planned, outcome-focussed and proportionate i.e. duplication and over-consultation will be avoided; • accessible – engagement activities will be accessible to all, using a wide range of languages, formats and styles; • open – engagement outcomes will be shared in a timely, accessible way with all those involved – both internally and externally. Evidence of the impact of involvement will be highlighted and celebrated; 	

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
		<ul style="list-style-type: none"> professional and ethical – all engagement activities will be underpinned by a clear rationale and methodology, evaluated and with lessons learnt used to inform future activities thereby promoting constant reflection and learning. All information will be treated sensitively and used appropriately. 	
-	-	-	Appendix (List of principal policies etc. in support of corporate governance arrangements) has been amended to reflect current documents.
PROTOCOL FOR MEMBER/OFFICER RELATIONS			
1 (N)	-	-	New definitions section (as per Standing Orders etc.)
2 (O)	Extract from Members' Code of Conduct	-	Deletion of entire section 2 (extract from Members Code of Conduct) to remove duplication with existing documentation.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.1 (N)	-	Both the Authority and the Service are committed to promoting standards of behaviour which reflect the proper, professional, working relationship which should exist between Members and officers at all times and to ensure normal standards of respect, courtesy and behaviour between individuals.	Statement of intent.
3.2 (N)	-	<u>The Members' Code identifies the General Principles of Public Life ("the Nolan Principles") and sets out a number of specific obligations that should be adhered to.</u> Any behaviour contrary to these general obligations would, on the face of it, be a breach of the Code exposing the Member concerned to investigation and possible sanction.	Reflection of approved Members' Code of Conduct

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.3 (N)	-	<p>“Our Values”, as set out at Appendix A to this document, were designed by the Service and are at the heart of everything the Service does (including decision making, leadership, designing new ways of working, recruitment, induction, development and progression). These values are supported by other Service policy documents covering issues such as bullying and harassment. Failure to follow these values could result in disciplinary action for the officer concerned.</p>	Reflects current position for officers.
3.4 (N)	-	<p>Additionally, in May 2021 a Core Code of Ethics for Fire and Rescue Services (England), together with accompanying guidance, was issued. This Code was developed jointly by the National Fire Chiefs’ Council, the Local Government Association and the Association of Police and Crime Commissioners. The Core Code supports a consistent approach to ethics, including behaviours designed to help fire and rescue service employees act in the best way towards each other and while serving the public.</p>	Reflects current position for officers.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
3.5 (N)	-	The five ethical principles of the Core Code are reproduced at Appendix B. Initial assessment has indicated a high degree of consistency with “Our Values” but further work is ongoing to ensure that “Our Values” are fully consistent with the Core Code.	Reflects current position for officers.
5.5 (N)	-	In accordance with both Freedom of Information and statutory Access to Information provisions, all Members may request any information or reports which are legitimately available in the public domain.	Reflect applicable legal principles.
4.5 (O) / 5.6 (N)	A Member also has a right to see papers where he/she genuinely has a “need to know” in connection with his/her duties as a member of the Devon & Somerset Fire & Rescue Authority. This test is easily satisfied if he/she is a Member of the Committee to which the issue relates but less so in other cases. Applications should be made to the Clerk to the Authority (who also serves as the Authority’s Monitoring Officer).	In the case of confidential or exempt information (as defined in the Local Government Act 1972), a Member has a right to see such information only where they can demonstrate a genuine “need to know” in connection with their duties as a member of the Authority.	Reformatting – see para. 5.7 (N) below.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
5.7 (N)	-	This test is easily satisfied if they are a Member of the Committee to which the issue relates but less so in other cases. Applications to see confidential or exempt information should be made to the Monitoring Officer.	Reformatting – see para. 5.6 (N)
4.7 (O) / 5.9 (N)	The Authority has adopted the following guidelines in relation to the general obligation in the Members Code of Conduct concerning the disclosure of confidential and exempt information.	The Authority has adopted the following guidelines on confidential and exempt information . These guidelines are in addition to the general obligation in the Members Code of Conduct relating to the non-disclosure of confidential and exempt information.	Make explicit that the following guidelines relate to confidential and exempt information

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
4.8 (O) / 5.10 (N)	Where a Member, during the course of discussion of a Part II item (where the press and public are excluded from a meeting because of the confidential OR exempt nature of the business), is aware that he/she would wish to make a statement to the press or communicate information to a third party, they should advise the Authority/Committee (as appropriate) of their intention and at that time seek guidance as to the extent to which it would be proper for them to do so and, if possible, determine a text or form of words which would not breach the responsibility for maintaining confidentiality	Where a Member, during the course of discussion of a Part II item (where the press and public are excluded from a meeting because of the confidential OR exempt nature of the business), is aware that they would wish to make a statement <i>on the confidential/exempt matter</i> to the press or communicate information on the matter to a third party, they should advise the Authority/Committee (as appropriate) of their intention and at that time seek guidance as to the extent to which it would be proper for them to <i>make a statement or communicate information to a third party. If a statement or communication is permissible, then the text of the statement or communication - which does not breach the obligation for confidentiality - must be agreed with the Monitoring Officer prior to the statement being made.</i>	Clarification of process to safeguard confidential and exempt information.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
4.9 (O) / 5.11 (N)	Where, after the meeting has closed, a Member is approached either by press or media or a member of the public for information they should, before making any comment, contact either the Clerk to the Authority or the Authority Chair or relevant Committee Chair. The Authority Chair or relevant Committee Chair may in turn may wish to contact the Clerk to the Authority to seek advice, when it will be possible for the text of any statement that the Member may wish to make to be agreed.	Where, after a meeting has closed, a Member is <i>asked by either the media or any third party (e.g. member of the public) to comment on any confidential or exempt matter, the Member must, before making any comment, contact the Monitoring Officer and may wish to contact the Authority Chair or relevant Committee Chair. To preserve the obligation for confidentiality, any statement must be agreed with the Monitoring Officer prior to it being made.</i>	Clarification of process to safeguard confidential and exempt information.
4.10 (O)	Alternatively, if the Member so wishes, they should refer the person enquiring to the Authority Chair or relevant Committee Chair for them to make a statement on the matter after consultation with the Clerk to the Authority as necessary.	Deleted.	Remove duplication. Covered by para. 5.11 (N).

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
5.4 (O) / 6.4 (N)	The Authority's Standing Orders provide that the Chief Fire Officer may take action between meetings of the Authority in consultation with the Chair or Vice-Chair when a decision is urgently required. Whilst such action is sometimes, incorrectly, referred to as "Chair's action", it is the Officer, rather than the Chair, who takes the action and it is the Officer who is accountable for it. This process should only be used sparingly and where it is used, a report must be submitted to the next meeting giving an account of the action taken.	The Authority's Standing Orders provide that the Chief Fire Officer may take action between meetings of the Authority in consultation with the Chair or Vice-Chair when a decision is urgently required. Whilst such action is sometimes, incorrectly, referred to as "Chair's action", it is the Officer, rather than the Chair, who takes the action and it is the Officer who is accountable for it. <i>This procedure should be used only if it is impractical to convene a quorate meeting of the Authority in the time available before the decision must be made.</i> Where the procedure is used then a report, for information, must be submitted to the next ordinary meeting of the Authority giving an account of the action taken.	Clarification on use of urgency provisions in line with guidance issued to support the Local Government Act 2000.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
6.2 (O) / 7.2 (N)	Official letters on behalf of the Authority should normally be sent out in the name of the appropriate officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear under the name of a Member, but this should be the exception rather than the norm. Letters that, for example, create obligations or give instructions on behalf of the Authority should never be sent out under the name of a Member	Official letters on behalf of the Authority must only be prepared by an authorised officer and should normally be sent out in the name of that officer, rather than under the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to be signed by a designated Member (e.g. the Chair of the Authority), but such letters should still be prepared by an authorised officer and a copy retained in the Authority's records. <i>For the reasons set out in paragraph Error! Reference source not found. above, no letter that would either create an obligation for the Authority or give instructions on behalf of the Authority may be sent out under the name of a Member.</i>	Clarification and emphasis.
8.1 (N)	-	Unlike constituent authorities (where Members are elected to represent a particular division or ward), Members to the Authority are not appointed to represent any particular locality. Instead, Members should aim to serve the best interests of all communities within the Authority's area.	Clarification

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
7.1 (O) / 8.2 (N)	Whenever a public meeting is organised by the Authority to consider a local issue, the relevant local Authority Member should as a matter of course be invited to attend the meeting. Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, the local Member(s) should be notified at the outset of the exercise.	Nonetheless, it is appreciated that Members will feel an affinity with the area to which they have been elected and may feel some affinity with local, surrounding areas. Consequently, whenever a public meeting is organised by the Authority to consider a local issue, the Member(s) living most locally to the area concerned should as a matter of course be invited to attend the meeting.	Clarification.
10 (O)	Bullying	Section deleted in entirety	Removed duplication. Both the Members' Code of Conduct and Service procedures have clear sections on bullying.
POLICY ON GIFTS AND HOSPITALITY			
6 (O) / 3.2 (N)	invitation to take part in a sporting event;	invitation to represent the Authority and/or Service by participating (i.e. playing) in a sporting event;	Clarification that this category of acceptable hospitality relates only to participation in a sporting event.
6 (O) / 3.2 (N)	invitation to take part in a Company jubilee or other anniversary occasion.	invitation to take part in a not-for-profit organisation's jubilee or other anniversary occasion.	Clarification that this category of acceptable hospitality relates only to participation in such events organised by a not-for-profit company.
6 (O) / 3.2 (N)	-	invitation to attend an event (e.g. sporting event, concert etc.) as a spectator (new bullet point)	Distinguishing clarification with hospitality associated with participation in a sporting event.

Doc Ref./ Para. No.	Original Text	Revised/New Text	Rationale for change
7 (O) / 3.2 (N)	In general it will often be more acceptable to join in hospitality offered to a group than to accept something unique to oneself. When a particular matter is currently at issue with the Authority e.g. an arbitration, then commonsense dictates that offers of hospitality should be refused even if during other times they might be considered acceptable.	In general it will often be more acceptable to join in hospitality offered to a group than to accept something personal to oneself. When a particular matter is currently at issue with the Authority (e.g. an arbitration; a contract for the provision of goods or services) then common sense dictates that offers of hospitality should be refused even if during other times they might be considered acceptable.	Additional clarification.

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AUTHORITY APPROVED SCHEME OF DELEGATIONS

5. MATTERS DELEGATED TO THE CLERK

- 5.1 In accordance with the Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006 (as amended), to calculate annually the apportionment of places on the Authority to constituent authorities, using the most up-to-date local government electoral roll statistics available on the Office for National Statistics website, and to notify constituent authorities of the outcome of this in sufficient time to enable relevant appointments to be made at their annual meetings.
- 5.2 To receive and/or publish notices in accordance with the provisions of Standing Orders
- 5.3 In accordance with Standing Orders, to call an extraordinary meeting of the Authority if so required.
- 5.4 In accordance with Standing Orders and following consultation with either the Authority or relevant Committee Chair (as the case may be), to establish any Working Party or “task and finish” group as considered conducive and timely to the work of the Authority (**NOTE:** this delegation may also be exercised by the Chief Fire Officer).
- 5.5 “Proper Officer” for the purposes of Regulations 13 and 14 of the Local Government (Committees and Political Groups) Regulations 1990.
- 5.6 To approve and grant any dispensation to exempt a Member from the requirement in Standing Orders to attend at least one Authority meeting within a six month consecutive period, subject to the dispensation being approved and granted either prior to, or before the end of, the six month consecutive period concerned. For clarity, Authority meeting also includes Committee meetings of the Authority or any joint committee to which a Member has been appointed by the Authority.
- 5.7 In accordance with Standing Orders, to affix (and attest the affixing of) the Seal of the Authority to any relevant document.

6. MATTERS DELEGATED TO THE MONITORING OFFICER

- 6.1. To maintain a Register of Interests for Members and Co-opted Members in accordance with Section 29 of the Localism Act 2011 and to ensure that:
- (a). the Register is available for public inspection at all reasonable hours; and
 - (b). the Register is published on the Authority's website.
- 6.2. In accordance with Section 33(2)(a) of the Localism Act 2011, to grant a dispensation from the restriction either not to participate in discussion of, or participate in discussion of and vote on, any matter in which a Member or Co-opted Member has a disclosable pecuniary interest only in instances where, without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the relevant body as to impede transaction of the business.
- 6.3. In relation to the Members Code of Conduct adopted in accordance with Section 27(2) of the Localism Act 2011, to:
- (a). receive any allegations of breaches of the Code and determine, in consultation with the "independent person" whether or not any such allegation should be investigated; and
 - (b). to arrange for the undertaking of any investigations as required and report as required on the outcomes of such investigations to the Standards Committee or Hearing Panel thereof.
- 6.4. To maintain a register of interests in contracts declared by Officers of the Devon and Somerset Fire and Rescue Authority in accordance with Section 117 of the Local Government Act 1972;
- 6.5. "Proper Officer" for the purposes of Part VA (sections 100A to 100K)(as inserted by the Local Government (Access to Information) Act, 1985) of the Local Government Act 1972, specifically as the officer who:
- (a) shall determine whether to exclude reports from agendas and connected reports of meetings of the Authority (or its committees or sub-committees) made available to public inspection on the grounds that the excluded report may, in his opinion, be considered by the meeting in the absence of the public;
 - (b) shall make a written summary (without disclosing exempt information) of the proceedings of any part of any meeting during which the public were excluded where the minute(s) of those proceedings does not provide the public with a reasonably fair and coherent record of the proceedings; and
 - (c) shall compile, and determine the contents of, lists of background papers used in the drafting of reports which are open to inspection by the public.

- 6.6. In accordance with Standing Orders, to institute, defend or settle legal proceedings (either in the name of the Authority or an individual officer of the Authority) at common law or under any enactment, statutory instruments order or bye law conferring functions upon the Authority (or in respect of functions undertaken by it) and to lodge an appeal in respect of any such proceedings. For the avoidance of doubt, this delegation shall extend to the taking of all procedural steps including service of notices - statutory or otherwise - counter-notices, the Laying of Informations and to any proceedings which the Monitoring Officer considers expedient to take for the protection of the interests of the inhabitants of the Authority's area. **(NOTE:** this function may also be exercised by the Chief Fire Officer).
- 6.7. In accordance with Standing Orders, to sign on behalf of the Authority any document necessary to any legal procedure or proceedings **unless:**
- (a). another person is required by law (e.g. Act of Parliament) to sign such a document; or
 - (b). the Authority has specifically authorised another officer to sign the document in question.
- 6.8. To receive, return (if appropriate) and open tenders in accordance with Contract Standing Orders.
- 6.9. Following consultation with the Authority Chair, to suspend the Chief Fire Officer immediately in an emergency or if an exceptional 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 others or to the resources, information or reputation of the Authority.

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APPENDIX B TO REPORT DSFRA/21/12

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

COMMITTEES, WORKING PARTIES ETC. - TERMS OF REFERENCE

AUDIT AND GOVERNANCE COMMITTEE

COMMITTEE MAIN OBJECTIVES:

1. To scrutinise and monitor the internal and external audit performance of the Authority;
2. To scrutinise and monitor the management of corporate risks on behalf of the Authority;
3. To consider and approve the Annual Statement of Accounts and Annual Statement of Assurance; and
4. To discharge the Authority's statutory requirements for the promotion and maintenance of high standards of conduct by Authority Members.

Advisory ONLY

1. In accordance with the provisions of the Localism Act 2011, to develop, keep under review and make recommendations to the Authority on a Code of Conduct expected of Members and Co-opted Members of the Authority when acting in that capacity.

Matters with Delegated Power to Act

(a). Audit

1. To approve internal and external audit plans.
2. To receive the reports of internal and external audit and external assessments of the organisation, ensuring (through appropriate scrutiny arrangements) that any recommendations and findings are appropriately addressed, implemented and monitored.
3. To consider and approve the Authority's Statement of Accounts and Annual Governance Statement for the previous financial year.

(b). Corporate Risk

4. To receive regular corporate risk management reports and agree action to ensure that corporate risks are effectively managed.

(c). Standards Issues

5. To oversee any actions considered necessary to discharge the statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Authority.

6. To oversee the arrangements for the assessment, investigation and determination (as appropriate) of allegations of any breach of the Code of Conduct.
 7. To consider, in accordance with the Authority's approved procedure, any request for a dispensation either to talk or to talk and vote in relation to either a disclosable pecuniary interest or a personal interest.
 8. In the event of "sensitive"/potentially compromised allegations of Code breach, to appoint from amongst its Membership a small Sub-Committee to determine, following consultation with the independent person, whether or not an allegation should be investigated.
 9. To provide for membership of a Hearings Panel comprising three Members of the Committee (selected by the Monitoring Officer in consultation with the Committee Chair) to consider the findings of any investigation which has concluded a breach of the Code and indicative sanctions and, in accordance with the Authority's approved procedures, determine the matter.
- (d). Other**
10. To monitor, as required, operation of the Authority's policies for the prevention and detection of fraud and corruption and "whistleblowing" (confidential reporting).
 11. To receive an annual report on use of the Authority's powers under the Regulation of Investigatory Powers (RIPA) legislation and make any amendments as required to the Authority's policies and procedures in relation to these powers.
 12. To receive an Annual Report from the Local Pensions Board.
 13. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

COMMUNITY SAFETY COMMITTEE

<p>COMMITTEE MAIN OBJECTIVE: to scrutinise and monitor the effectiveness of Service performance against Authority approved Community Safety Strategic Policy Objectives and the Community Risk Management Plan</p>

Advisory ONLY

1. Acting as a Working Party, to consider with relevant officers the development of potential Strategic Community Safety policy objectives for forthcoming years.
2. To consider and recommend for approval by Authority a Community Risk Management Plan, complying with any requirements as may be contained in the Fire and Rescue National Framework for England and/or any relevant guidance as may be issued by the National Fire Chiefs' Council.

Matters with Delegated Power to Act

1. To scrutinise and monitor the effectiveness of Service performance against the Authority approved Community Safety Strategic Policy Objectives and Community Risk Management Plan.
2. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

PEOPLE COMMITTEE

COMMITTEE MAIN OBJECTIVE: To scrutinise and monitor the effectiveness of Service performance against the Authority approved People Strategic Policy Objectives.

Advisory ONLY

1. Acting as a Working Party, to consider with relevant officers the development of potential People Strategic Policy Objectives for forthcoming years.
2. To consider and make recommendations to either the Resources Committee or the Authority, as appropriate, on any proposed changes in Service structure, terms and conditions of service, or issues in relation to equality and fairness, pensions entitlements, health and safety and training of all employees where the financial implications of any such changes cannot be met from within existing resources or would require a virement(s) in excess of the threshold as set out in Financial Regulations.

Matters with Delegated Power to Act

1. To scrutinise and monitor the effectiveness of Service performance against the Authority approved People Strategic Policy Objectives.
2. Where a discretionary policy has been determined, to consider individual cases as may be referred by the Chief Fire Officer.
3. In accordance with the Authority's approved Pay Policy Statement, to determine applications for the re-employment of any member of staff from Station Manager to Area Manager level (or non-uniformed equivalent) and who has previously been made redundant or who has retired from the Service.
3. To oversee development and implementation of a Member Development Strategy.
4. To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters' Pensions Scheme Internal Dispute Resolution Procedure.

Original Approval Date: 11 April 2007

Revision No. and Date: 1 (July 2007); 2 (May 2008); 3 (March 2009); 4 (Feb 2010); 5 (March 2010); 6 (July 2011); 7 (February 2012); 8 (May 2012); 9 (July 2012); 10 (Feb 2014); 11 (Dec 2014); 12 (Feb 2015); 13 (July 2015); 14 (Oct 2015), 15 (Feb 2016); 16 (May 2016); 17 (Dec. 2017); 18 (June 2018); 19 (July 2018); 20 (7 June 2019); 21 (28 June 2019); 22 (???)

5. To approve the financial implications associated with the exercise of discretions under the Local Government Pension Scheme and Firefighters Pensions Schemes in accordance with the thresholds set out in the Financial Regulations.
6. To approve responses to external consultation documents on issues within the remit of the Committee and as referred by officers.

RESOURCES COMMITTEE

COMMITTEE MAIN OBJECTIVE: To scrutinise and monitor the effectiveness of Service performance against the Authority approved Efficiency Strategic Policy Objectives.

Advisory ONLY

1. Acting as a Working Party, to consider with relevant officers the development of potential Efficiency Strategic Policy Objectives for forthcoming years.
2. To give preliminary consideration to and recommend to the Authority: a provisional budget and Council Tax requirement; the Treasury Management and Investment Strategy; the Minimum Revenue Provision (MRP) Statement; and Reserves Strategy for the forthcoming year.
3. To consider in the first instance the financial implications of any proposals for which resources have not already been approved and to make recommendations on these as appropriate to the Authority.
4. To consider any Business Plan prepared by Red One Ltd. and make recommendations as appropriate to the Authority.
5. To make recommendations to the full Authority on the use of any dividend declared by the Board of Red One Ltd.

Matters with Delegated Power to Act

1. To scrutinise and monitor the effectiveness of Service performance against the Authority approved Efficiency Strategic Policy Objectives.
2. To consider monitoring reports of expenditure against the approved revenue budget and to approve any necessary modifications and specifically to authorise virements within the thresholds as set out in the Financial Regulations subject to all financial implications being contained within the overall revenue budget.
2. To consider quarterly financial performance reports relating to Red One Ltd. in terms of expenditure on operating costs, costs recovered and profit generated.
3. In accordance with Contract Standing Orders, to authorise any increase in high/low contract financial thresholds for the purpose of determining officer responsibility.

4. In accordance with Financial Regulations, to:
 - approve in-year virements within the thresholds as set out in the Schedule to the Regulations;
 - approve transfers to/from or between reserves within the thresholds as set out in the Schedule to the Regulations;
 - approve of the disposal of any material asset (excluding land) where the estimated disposal value is within the thresholds as set out in the Schedule to the Regulations;
 - write off any redundant stock and equipment within the thresholds as set out in the Schedule to the Regulations;
 - write-off any stock and equipment deficiencies within the thresholds as set out in the Schedule to the Regulations;
 - write-off any debt within the thresholds as set out in the Schedule to the Regulations;
 - write off any overpayment of salary or allowance within the thresholds as set out in the Schedule to the Regulations;
 - make any grant within the thresholds as set out in the Schedule to the Regulations;
5. To monitor the approved Capital Programme and in accordance with Financial Regulations to:
 - approve any proposal to finance a capital scheme from the revenue budget where the level of expenditure to be incurred is within the thresholds as set out in the Schedule to the Regulations;
 - approve any excess of estimated expenditure for an individual major capital scheme over approved Capital Programme provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question;
 - approve the excess of overall expenditure on Other Projects or Ring Fenced generic capital budgets over the approved budget provision within the thresholds as set out in the Schedule to the Regulations and subject to the additional expenditure being contained from within the overall capital programme limit for the year in question.
6. To implement and regularly monitor the Authority's Treasury Management Policies and Practices.
7. To ensure effective scrutiny of the Authority's Treasury Management Strategy and Policies.
8. To approve responses to external consultation documents on issues within the remit of this Committee and as referred by officers.

APPOINTMENTS AND DISCIPLINARY COMMITTEE

Matters with Delegated Power to Act

1. To determine appointments for the posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer and Monitoring Officer.
2. To determine, in the first instance, whether any allegation of misconduct by a statutory officer should be subject to independent investigation;
3. To determine whether the statutory officer subject to the allegation should be suspended while any independent investigation is conducted;
4. To agree with the statutory officer subject to the allegation the designated independent person to investigate the allegation;
5. To consider the outcome of any resultant independent investigation and, on the basis of this, to either:
 - a. dismiss the allegation; or
 - b. uphold the allegation and determine a sanction short of dismissal; or
 - c. uphold the allegation and recommend dismissal to the full Authority.
6. To provide membership of a Chief Fire Officer's Appraisals Panel that will appraise the performance of the Chief Fire Officer against the strategic policy objectives set by the Authority and set any associated personal development objectives.

APPEALS COMMITTEE

Matters with Delegated Power to Act

1. To consider appeals against any sanction (other than dismissal) imposed by the Appointments and Disciplinary Committee and to determine whether:
 - (a). the sanction should be confirmed; or
 - (b). a lesser sanction should be imposed; or
 - (c). no sanction at all should be imposed.

(NOTE: the Membership of this Committee must be different to that of the Appointments and Disciplinary Committee).

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

CODE OF MEMBERS' CONDUCT

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1. DEFINITIONS

1.1. For the purposes of this Code of Conduct:

“Authority” means the Devon & Somerset Fire & Rescue Authority; and

“Constituent authority” means Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council.

“Member” includes:

- (a). any person appointed by a constituent authority to serve on the Authority;
- (b). a Police & Crime Commissioner (PCC) appointed by the Authority; and
- (c). a “co-opted member”, that is someone who is appointed by the Authority to serve on one of its bodies (e.g. Local Pensions Board)

“Monitoring Officer” is that person duly appointed by the Authority to discharge those functions specified in Section 5 of the Local Government and Housing Act and who will have responsibility for providing or procuring appropriate legal advice and assistance to the Authority and its Officers to ensure compliance with all legal, statutory and judicial processes.

“Service” means the Devon & Somerset Fire & Rescue Service.

2. INTRODUCTION

2.1. Members of the Authority work to develop better services and deliver local change. The public have high expectations of Members and entrusts them to represent the local area served by the Authority; taking decisions fairly, openly, and transparently. Members have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Members should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone, including the general public.

2.2. This Code is based on the Model Councillor Code of Conduct developed by the Local Government Association (LGA) in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

2.3. This Code has been designed to protect the democratic role, encourage good conduct and safeguard the public’s trust in local government. The remainder of this Code is drafted as if being read by a Member of the Authority (i.e. where “you/your” refers to the Member of the Authority).

- 2.4. Finally, this Code will be reviewed at least annually to ensure it remains fit-for-purpose and complies both with legislative requirements and any best practice guidance (e.g. LGA Model Councillor Code of Conduct) in place at the time.

3. PURPOSE OF THE CODE OF CONDUCT

- 3.1. The purpose of this Code of Conduct is to assist you in modelling the behaviour that is expected of you, to provide you with a personal check and balance, and to set out the type of conduct that could lead to action being taken against you if you fail to act in accordance with the Code. It is also to protect you, the public, officers of both the Authority and the Devon & Somerset Fire & Rescue Service (“the Service”) and the reputation of the Authority.
- 3.2. It sets out general principles of conduct expected of you and specific obligations placed upon you in relation to standards of conduct.
- 3.3. Wherever practicable, endeavours will be made to use support, training and/or mediation prior to formal action being taken using the Code. The fundamental aim of the Code remains, though, to create and maintain public confidence both in your role and that of the Authority.

4. APPLICATION OF THE CODE

- 4.1. This Code applies to you as soon as you are appointed by/to the Authority and continues to apply to you until you cease to be a Member.
- 4.2. This Code of Conduct applies to you when you are acting in your capacity as a Member. This includes when:
- (a) you are engaged in the business of the Authority ; and/or
 - (b) your actions would give the impression to a reasonable person, with knowledge of all the facts, that you are acting as a Member or as a representative of the Authority.
- 4.3. Where you act as a representative of this Authority:
- (a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply also with that other authority’s Code of Conduct except in so far as this may result in a conflict; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct except in so far as this may conflict with any lawful obligations to which that other body may be subject.

In the event of a potential conflict, advice should be sought from the Monitoring Officer of this Authority.

- 4.4. Paragraphs 4.2, 4.3 and 4.5 apply to all forms of communication and interaction, including:
- face-to-face meetings;
 - online or telephone meetings;
 - written communication;
 - verbal communication;
 - non-verbal communication; and
 - electronic and social media communication, posts, statements and comments.
- 4.5. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.
- 4.6. The Authority’s Monitoring Officer has statutory responsibility for the implementation of this Code and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate it.
- 4.7. In relation to your membership of other local authorities, you must ensure that you comply with the Code of Conduct in place for the authority concerned when acting in your capacity as member of that authority. Please note that your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice on this can be sought from the Monitoring Officer or Democratic Services.

5. GENERAL PRINCIPLES OF MEMBER CONDUCT

- 5.1. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Authority Members and officers of the Authority and Service; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are reproduced at Appendix A to this Code.
- 5.2. Building on these principles, the following general principles have been developed specifically for your role.
- 5.3. In accordance with the public trust placed in you, on all occasions you:
- **must** act with integrity and honesty;
 - **must** act lawfully;
 - **must** treat all persons fairly and with respect; and
 - **must** lead by example and act in a way that secures public confidence in your role.
- 5.4. In undertaking your role, you:
- **must** exercise your responsibilities impartially, in the interests of the area served by the Authority;

- **must** not seek to confer, improperly, an advantage, or disadvantage, on any person;
- **must** avoid conflicts of interest;
- **must** exercise reasonable care and diligence; and
- **must** ensure that public resources are used prudently in accordance with the Authority's requirements and in the public interest.

6. **MEMBER CONDUCT - SPECIFIC OBLIGATIONS**

- 6.1. Set out below are ten, specific, obligations placed on you. These are the ***minimum*** standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 6.2. Guidance is included to help explain the reasons for the obligations and how they should be followed.

1. ***Respect***

As a Member, you:

(a) ***must treat all individuals with respect, both as an individual and in relation to any role they may discharge. For the avoidance of doubt, this extends to (not exclusively):***

- ***other Members;***
- ***Authority officers;***
- ***Service employees;***
- ***employees and representatives of partner organisations;***
- ***anyone volunteering for the Authority and/or Service;***
- ***members of the public; and***
- ***journalists and other media representatives;***

(b) ***must not make trivial or malicious allegations against any individual.***

Guidance

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Authority, the relevant social media provider or the police.

This also applies to fellow Members, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the Authority's Member/Officer protocol.

2. Bullying, harassment and discrimination

As a Member, you must promote equalities and must not:

- (a) bully any person;***
- (b) harass any person;***
- (c) discriminate unlawfully against any person.***

Guidance

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the Authority*

As a Member you must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.

Guidance

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality.

You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. *Confidentiality and access to information*

As a Member, you must not:

(a) disclose information:

- (i) given to you in confidence by anyone; or***
- (ii) acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature or should not be further disclosed,***

unless:

- (i) you have received the consent of a person authorised to give it; or***
- (ii) you are required by law to do so; or***
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal or accountancy advice and provided that the third party agrees not to disclose the information to any other person; or***
- (iv) the disclosure is:***
 - 1. reasonable and in the public interest; and***
 - 2. made in good faith and in compliance with the reasonable requirements of the Authority; and***
 - 3. you have consulted the Monitoring Officer prior to its release.***

(NOTE: for the avoidance of doubt, the above paragraphs include both “confidential” and “exempt” information as defined in the Local Government Act 1972)

- (b) improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family members, your employer or your business interests.***

(c) prevent anyone from getting information that they are entitled to by law.

Guidance

The Authority must work openly and transparently, and its proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Member, you must not bring your role or the Authority into disrepute.

Guidance

As a Member, you are trusted to make decisions on behalf of the community served by the Authority and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or the Authority and may lower the public's confidence in your or the Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Authority into disrepute.

You are able to hold the Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Proper use of position

As a Member, you:

- (a) must make decisions based solely on the merits of the case and in the public interest;**
- (b) must have reasonable regard to any relevant advice provided to you by a statutory officer of the Authority (Chief Fire Officer; Monitoring Officer; and Chief Financial Officer) or other officer so acting on their behalf;**
- (c) must have regard to statutory or other requirements relating to local authority publicity (e.g. the Local Authority Code of Publicity); and**
- (d) must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.**

Guidance

Your position as a Member of the Authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Member, you:

- (a) **must, when using the resources of the Authority:**
- (i) ***act in accordance with the Authority's requirements; and***
 - (ii) ***ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which I have been appointed; and***
- (b) **must not misuse Authority resources.**

Guidance

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones and/or computers
- transport
- access to and use of Authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Member, you:

- (a) **must undertake Code of Conduct training provided by the Authority;**
- (b) **must cooperate with any Code of Conduct investigation and/or determination;**

- (c) ***must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct; and***
- (d) ***must not intimidate or attempt to intimidate any person who is likely to be involved in any Code of Conduct investigation or proceedings against you. For the avoidance of doubt, this includes complainants, witnesses and anyone involved in the administration of the investigation or proceedings.***

Guidance

It is extremely important that, as a Member, you demonstrate high standards, have your actions open to scrutiny and that you not to undermine public trust in the Authority or its governance. If you do not understand or are concerned about the Authority's processes in handling a complaint you should raise this with the Monitoring Officer.

9. Registration and Disclosure of Interests (Protecting your Reputation and that of the Authority)

As a Member, you must register and disclose your interests in accordance with the requirements as set out in Appendix B to this Code.

Guidance

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Authority.

You need to register your interests so that the public, fellow Members and employees of the Authority and/or the Service know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of Authority governance is maintained.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

You should also note that failure to register or disclose a disclosable pecuniary interest (as set out in Section 3 of Appendix B) is a criminal offence under the Localism Act 2011.

10. Gifts and hospitality

As a Member, you:

- (a) ***must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt;***
- (b) ***must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept; and***
- (c) ***must not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.***

Guidance

To protect your position and the reputation of the Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality.

However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor.

If you are unsure, please contact the Authority's Monitoring Officer for guidance.

APPENDIX A – THE SEVEN PRINCIPLES OF PUBLIC

1. *Selflessness*

Holders of public office should act solely in terms of the public interest.

2. *Integrity*

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

3. *Objectivity*

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. *Accountability*

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. *Openness*

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. *Honesty*

Holders of public office should be truthful.

7. *Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX B - INTERESTS

1. Definitions

- 1.1. Unless otherwise specifically stated, the following terms used in this Appendix will have the meanings given.

TERM	MEANING
<i>“beneficial interest”</i>	means the right to receive a financial benefit.
<i>“body in which...the relevant person has a beneficial interest”</i>	means a firm in which the relevant person is a partner <u>or</u> a body corporate of which the relevant person is a director <u>or</u> in the securities of which the relevant person has a beneficial interest.
<i>“close association”</i>	means an affiliation, more than just a passing casual acquaintance, which a reasonable person, aware of all the facts, would consider so significant as to prejudice your ability to act in the public interest.
<i>“director”</i>	means a director as defined by the Companies Act 2006 (or any subsequent amending legislation) <u>and includes</u> a member of the committee of management of an industrial and provident society.
<i>“disclosable pecuniary interest”, “personal interest” and “non-registerable interest”</i>	has the meaning as set out in this Appendix.
<i>“family”</i>	means any relative, whether by blood or by marriage, with whom you have a close association.
<i>“land”</i>	<u>excludes</u> any easement, servitude, interest, or right over land which does not carry with it a right for either you or a relevant person to occupy the land or to receive income
<i>“meeting”</i>	means any meeting of any meeting of the full Authority or any of its Committees, Sub-Committees, Working Parties etc. as may from time to time be established

TERM	MEANING
<i>“Member”</i>	means any Councillor appointed to serve on the Authority by one of its constituent authorities (Devon and Somerset County Councils; Plymouth City Council and Torbay Council); a Police & Crime Commissioner appointed by the Authority; and any person co-opted to membership of the Authority.
<i>“non-registerable interest”</i>	has the meaning as set out in this Appendix.
<i>“personal Interest”</i>	has the meaning as set out in this Appendix.
<i>“relevant authority”</i>	means the authority of which you are a member
<i>“relevant person”</i>	means <ul style="list-style-type: none"> • you; or • your spouse or civil partner; or • a person with whom you are living as husband and wife or as if they were civil partners and you are aware that that other person has an interest
<i>“relevant period”</i>	means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest
<i>“securities”</i>	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

2. **Registration of Interests**

2.1 You **must**, within 28 days of:

- (a). this Code being adopted by, or applied to, the Authority; **or**
- (b). your taking office as a Member of the Authority, whichever is the later, and annually thereafter, provide written notification to the Authority’s Monitoring Officer of:

- (i). any **disclosable pecuniary interest** (as defined by Regulations – see Section 3 below) that either you or a relevant person has; **and**
 - (ii). any **personal interest** as may be specified from time to time by the Authority – see Section 4 below;
- 2.2 Details of any interests so registered will, unless the Monitoring Officer has agreed that they are “sensitive” (see Section 7 below), be recorded in the Authority’s Register of Members’ Interests and made available for public inspection including on the Authority’s website at:
- <https://fireauthority.dsfire.gov.uk/uuCoverPage.aspx?bcr=1?siteCategoryld=10>
- 2.3 You must also, within 28 days of becoming aware of any new disclosable pecuniary or registerable personal interest, or change to any such interest already registered, provide written notification to the Authority’s Monitoring Officer of that new interest (or change in interest already registered, as the case may be).

(SEE ALSO PARAGRAPHS 6.3 AND 7.4 BELOW)

3. Disclosable Pecuniary Interests

- 3.1. Disclosable pecuniary interests, as currently defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464), are:
- (1) any employment, office, trade, profession or vocation carried on for profit or gain by you or by a relevant person;
 - (2) any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (3) any contract made between the Authority and you or a relevant person (or body in which you or the relevant person has a beneficial interest):
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged;
 - (4) any beneficial interest in land held by you or by a relevant person where the land is within the administrative area of the Authority;
 - (5) any licence (alone or jointly with others) to occupy land in the administrative area of the Authority for a month or longer;
 - (6) any tenancy where (to your knowledge):
 - (a) the landlord is the Authority; and
 - (b) the tenant is a body in which you or a relevant person has a beneficial interest;

- (7) any beneficial interest that you or a relevant person has in securities of a body where:
 - (a) that body (to your knowledge) has a place of business or land in the administrative area of the Authority and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

4. Personal Interests

4.1. You are also required to register the following personal interests:

- (1) Your membership of a trades union;
- (2) your membership of any body to which you have been appointed by the Authority;
- (3) your membership of any other body exercising functions of a public nature (e.g. County or District Council; Parish Council etc.);
- (4) your membership of any body directed to charitable purposes;
- (5) your membership of any other body influencing public opinion (e.g. political party);
- (6) your directorship or membership (within the meanings of the Companies Act 2006) of any company, where such directorship or membership **does not** constitute a disclosable pecuniary interest;
- (7) any contract made between the Authority and you or a relevant person (or body in which you or the relevant person has a beneficial interest):
 - (a) under which goods or services are to be provided or works are to be executed; and
 - (b) which has not been fully discharged;

where neither you nor the relevant person has a disclosable pecuniary interest.

- 4.2. Your participation in discharging the following functions of the Authority does not constitute a personal interest requiring either registration or disclosure at meetings:
- (1) the setting of any Authority allowance, payment or indemnity to Members; and
 - (2) the setting of the Authority budget and associated Council Tax precept.

5. Non-Registerable Interests

- 5.1 You have a non-registerable interest where a decision in relation to a matter being determined, or to be determined:
- (1) might reasonably be regarded as affecting the financial position or well-being of either yourself; or a member of your family; or any person with which you have a close association; or any body or group of which you are a member, more that it might affect the majority of council tax payers or inhabitants of the area served by the Devon & Somerset Fire & Rescue Authority; **and where**
 - (2) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest to be so significant that it is likely to prejudice your judgement of the public interest.
- 5.2 Business relating to the following functions will not give rise to a non-registerable interest:
- (1) setting of the council tax; and
 - (2) any allowance, payment or indemnity give to Members.

6. Declaration of Interests at Meetings

- 6.1. 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:
- (1) **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 (see Section 7 below) – the nature of that interest; **and then**
 - (2) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.
- 6.2. 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.
- 6.3. 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.

7. “Sensitive” Interests

- 7.1. You must notify the Monitoring Officer of the details of any interests which you consider are “sensitive” - namely, details which, should they be made available for inspection by the public, would be likely to create a serious risk that any person may be subjected to violence or intimidation.

- 7.2. Where the Authority’s Monitoring Officer agrees that any information relating to your interests is “sensitive” then the details of such interests will not be included in any published version of the register.
- 7.3. Similarly, the requirement to disclose interests at meetings shall, in relation to “sensitive” interests, be limited to declaring the existence of such interests and the detail of the “sensitive” interests need not be disclosed.
- 7.4. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer “sensitive”, notify the Authority’s Monitoring Officer asking that the information be included in the Authority’s Register of Members’ Interests.

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THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY

1. INTRODUCTION

- 1.1. The purpose of this document is to define the role of Members in ensuring that the Devon & Somerset Fire & Rescue Authority (“the Authority”) fulfils its duties and functions under the Fire and Rescue Services Act 2004 (as amended) and other relevant statutes in relation to the provision of services for the geographical counties of Devon and Somerset (incorporating those areas governed by the unitary authorities of Plymouth City Council and Torbay Council).

2. APPOINTMENT TO THE AUTHORITY

- 2.1. The Authority currently comprises 26 Members (elected Councillors) drawn from the four constituent authorities of Devon County Council (12 Members), Somerset County Council (8 Members), Plymouth City Council (4 Members) and Torbay Council (2 Members).
- 2.2. The Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006 (as amended) (“the Order”), which established the Authority as a legal body corporate, provides for the constituent authorities:
- to appoint to the Authority in relation to relative electoral roles; and
 - to determine the term of office of appointees to the Authority.
- 2.3. Once appointed, however, Members continue to serve on the Authority for the duration of their term of office unless:
- they submit in writing their resignation to Clerk to the Authority (in which case the Clerk may seek a replacement from the relevant appointing constituent authority); OR
 - they cease to be a Member of their appointing constituent authority.
- 2.4. The Order also allows for the Authority to appoint, on request, a relevant police and crime commissioner (where “relevant” means a police and crime commissioner all or part of whose area falls within the combined area served by the Authority). If the Authority approves such an appointment, then:
- (a). the relevant police and crime commissioner becomes a full Member of the Authority, with voting rights;
 - (b). the relevant police and crime commissioner serves as a Member of the Authority until their term of office as a relevant police and crime ends (unless, in the meantime, they resign or are otherwise disqualified from being a Member of the Authority); and
 - (c). the relevant police and crime commissioner may, in the event that they are unable to attend a meeting, arrange for a substitute to attend. Any substitute so attending may speak at the meeting but may not exercise a vote and is not to be treated as a Member of the Authority for any other purpose.

3. **CORE FUNCTIONS OF THE AUTHORITY – FIRE AND RESCUE SERVICES ACT 2004 (“THE ACT”)**

(a). The Fire and Rescue Services Act 2004 (“the Act”)

3.1. The core functions of the Authority are set down in the Act as follows:

- **Fire Safety** – a fire and rescue authority must make provision for the purpose of promoting fire safety in its area (Section 6 of the Act);
- **Fire Fighting** – a fire and rescue authority must make provision for the purpose of extinguishing fires in its area and protecting life and property in the event of fires in its area (Section 7 of the Act);
- **Road Traffic Collisions** – a fire and rescue authority must make provision for the purpose of rescuing people in the event of road traffic collisions in its area and protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic collisions in its area (Section 8 of the Act); and
- **Other Emergencies** – the Secretary of State may, by Statutory Order, confer on fire and rescue authorities functions relating to emergencies other than fires and road traffic collisions. These may include chemical, biological, radioactive and nuclear incidents, major transport incidents, search and rescue incidents and rescues from flooding.

3.2. These functions are discharged on behalf of the Authority by the Devon & Somerset Fire & Rescue Service (“the Service”). The Chief Fire Officer is appointed by the Authority to be the executive, operational and administrative head of the Service.

(b). The National Fire and Rescue Framework

3.3. Section 21 of the Act requires a fire and rescue authority to have regard to the National Fire and Rescue Framework (“the National Framework”), produced by the Secretary of State, when carrying out its functions. The National Framework, amongst other things:

- must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
- may contain guidance for fire and rescue authorities in connection with the discharge of their functions; and
- may contain any other matters relating to fire and rescue authorities and their functions as the Secretary of State considers appropriate.

3.4. The current version of the National Framework identifies the following priorities for fire and rescue authorities:

- make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
- identify and assess the full range of foreseeable fire and rescue related risks their areas face;
- collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide;
- be accountable to communities for the service they provide; and

- develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse

3.5. By virtue of Section 22 of the Act, the Secretary of State has the power to intervene in any fire and rescue authority that they consider is failing, or is likely to fail, to act in accordance with the National Framework. In this event, the Secretary of State may order the Authority to:

- do something;
- to stop doing something; and/or
- not to do something.

4. OTHER LEGISLATIVE FUNCTIONS

4.1. The Regulatory Reform (Fire Safety) Order requires that responsible persons in all premises, other than single private dwellings, carry out fire risk assessments. The auditing and enforcement of this activity is the responsibility of fire and rescue authorities to ensure people are protected from fire in places such as hotels, hospitals, entertainment venues and similar premises.

4.2. Under the Civil Contingencies Act 2004 fire and rescue authorities must, through local and regional resilience forums where appropriate, work in co-operation with other emergency services and agencies to ensure an effective response to a full range of emergencies from localised incidents to catastrophic emergencies. The Act imposes a range of duties on resilience forums that include:

- to have in place appropriate information sharing mechanisms between responders;
- to develop and implement business continuity plans;
- to produce and publish emergency plans as appropriate; and
- to agree arrangements for public awareness and information provision.

4.3. As a “responsible authority” under the Crime and Disorder Act 1998, the Authority has a statutory duty to work in partnership with key agencies in Crime and Disorder Reduction Partnerships. These are required to carry out annual strategic assessments to identify current and possible future crime, disorder and substance misuse issues from sound evidence and robust analysis.

4.4. As with the core functions, these functions are discharged on behalf of the Authority by the Service.

5. MATTERS THAT MUST BE CONSIDERED BY THE FULL AUTHORITY

5.1. In law, the following matters are reserved to the full Authority and may not be delegated either to a Committee or officer of the Authority:

1. setting, annually, a balanced budget and associated Council Tax precept;
2. approving the Authority’s Members Code of Conduct (including any revisions to it);

3. approving the appointment of Independent Persons as required by the Localism Act 2011;
 4. approving the Authority's annual Pay Policy Statement; and
 5. approving the annual Scheme of Members' Allowances.
- 5.2. Additionally, all strategic plans and strategic policies will be determined by the full Authority. While it is impracticable to produce a watertight definition of strategic plans/policies, these will include:
- the Authority's Community Risk Management Plan (CRMP);
 - any strategic policy agenda that may be set, akin to the Fire and Rescue Plan that Police, Fire and Crime Commissioners are required to set;
 - proposals designed to ensure that the Authority and Service complies fully with any requirements and expectations as contained within the Fire and Rescue Service National Framework; and
 - the constitutional governance framework for the Authority itself.
- 5.3. Each of the documents comprising the constitutional governance framework for the Authority can be found elsewhere in the "Library, Constitutional Governance" section on the Authority's website by following the link below:

<https://fireauthority.dsfire.gov.uk/ecCatDisplay.aspx?bcr=1&sch=doc>

6. ROLE AND RESPONSIBILITIES OF AUTHORITY MEMBERS

- 6.1. In general terms, Members of the Authority are, collectively, responsible for setting the overall strategic direction of the Authority (including the setting of its budget), promoting its values and ensuring that the Service for which it is responsible delivers effectively and efficiently those core and other functions as identified above to the benefit of the community it serves.
- 6.2. The main role of the Members can, therefore, be summarised as setting the overall strategic direction and associated budget for the Authority and to hold the Chief Fire Officer to account for ensuring:
- that this strategic direction is followed; and
 - that the statutory functions of the Authority are discharged effectively and efficiently.
- 6.3. The main elements of the Members' role are:
- To determine, in accordance with legislative requirements as appropriate, strategies and resources for future delivery of services including:
 - approval of the Community Risk Management Plan (the risk-based and evidential approach used to determine service delivery);
 - setting a strategic policy agenda;
 - the setting a budget to facilitate delivery of the strategic policy agenda;

- To ensure that the services for which the Authority is responsible are delivered effectively and efficiently in accordance with determined strategies and resources by:
 - putting in place appropriate scrutiny and monitoring arrangements for monitoring Service performance against the Authority's approved strategic policy agenda;
 - ensuring appropriate participation with any external assessment either of the Authority or Service; and
 - securing continuous improvements by requiring appropriate actions to be taken to redress performance deficits and further monitoring against such required actions.
- To promote the highest standards of corporate governance for the Authority in accordance with appropriate legislative and best practice requirements.

6.4. In undertaking this role a Member of the Authority will be responsible for:

- representing the views of the Authority within their constituent authority communities and the views of their constituent authority communities to the Authority;
- ensuring that appropriate stakeholder consultation is undertaken with interested parties and the community in general to inform – as required – service strategies and policies, including funding issues;
- maintaining a up-to-date awareness of fire and rescue issues at both national sector and local authority level;
- maintaining a good working knowledge of Service policies and practices; and
- maintaining good working relationships with officers of the Authority.

6.5. The Authority is not responsible for the day-to-day management of the Service or day-to-day operational matters. This is the responsibility of the Chief Fire Officer who, in discharging the responsibility, must act in accordance with:

- the overall strategic direction approved by the Authority;
- the Authority approved budget; and
- the National Framework; and
- the Authority's approved Scheme of Delegations.

SEE ALSO SECTION 8 BELOW

7. MEMBER ACCOUNTABILITIES AND CONDUCT

7.1. Members appointed to the Authority represent the community served by the Authority as a whole – that is the area of the geographical counties of Devon and Somerset. Although not directly elected to the Authority, Members are nonetheless accountable to the community as a whole through their membership of and election to their appointing constituent authorities.

- 7.2. It is natural that, while serving on the Authority, Members will be mindful of the values and aspirations of their appointing constituent authorities (or, in the case of a relevant police and crime commissioner, the mandate on which they were elected). It is important to remember, however, that the Authority is a body corporate in its own right with its own values and aspirations. When serving on the Authority, all Members are there to promote these aspirations and values to the benefit of the Authority's community as a whole. Members are not delegates of their appointing constituent authorities and cannot be mandated by them to follow a particular course of action.
- 7.3. The Authority has adopted, as required by the Localism Act 2011 and associated Regulations, a Members' Code of Conduct setting out expected standards of Members of the Authority when acting in an official capacity. The Authority has also established arrangements for addressing alleged breaches of this Code, including the appointment of Independent Persons.
- 7.4. A copy of the Members' Code can be found elsewhere in the "Library, Constitutional Governance" section on the Authority's website by following the link below:

<https://fireauthority.dsfire.gov.uk/ecCatDisplay.aspx?bcr=1&sch=doc>

8. THE ROLE OF AUTHORITY OFFICERS

- 8.1. Section 4 (Governance) the National Framework requires:
- 4.4. Each fire and rescue authority will appoint an individual – commonly known as a Chief Fire Officer – who has responsibility for managing the fire and rescue service. This role does not have to be operational but includes managing the personnel, services and equipment secured by the fire and rescue authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004, and other enactments. Each fire and rescue authority must hold this person to account for the exercise of their functions and the functions of persons under their direction and control.**
- 4.5. The chief fire officer must, in exercising their functions, have regard to the fire and rescue authority's Integrated Risk Management Plan and any set objectives and priorities which may be outlined in a strategic plan. The fire and rescue authority should give due regard to the professional advice of the Chief Fire Officer while developing the Integrated Risk Management Plan and when making decisions affecting the fire and rescue service.**
- 8.2. To facilitate this, the Authority has approved, in accordance with Section 101(a) of the Local Government Act 1972, a Scheme of Delegations setting out in detail those matters delegated to its officers. [This Scheme of Delegations can be found in the "Library, Constitutional Governance" section on the Authority's website.](#)

- 8.3. The Chief Fire Officer, Treasurer, Clerk and Monitoring Officer are, jointly and severally, responsible for exercising those Authority functions which can lawfully be delegated and are consistent with the discharge of their responsibilities in accordance with their job descriptions and principal accountabilities. This includes the submission of appropriate reports to the Authority (and/or its Committees) to enable the Authority to monitor implementation of plans and policies and expenditure against approved budgets.
- 8.4. Specifically, as Head of Paid Service, the Chief Fire Officer is (by virtue of the National Framework and the Authority's approved Scheme of Delegations) responsible for a range of service delivery and personnel issues including (not exhaustively):
- the effective and efficient delivery of all Authority functions (i.e. all matters relating to protection, prevention and response) – including crewing systems, operational deployment of staff and equipment, use of buildings;
 - Service restructuring (within existing budgets);
 - staffing issues including appointments, retirements and disciplinary matters (up to and including dismissal).
- 8.5. This delegation **does not** extend, though to:
- the closure of a fire station **unless** this is explicitly mentioned in the Authority's approved Community Risk Management Plan **or** is the subject of a separate Authority resolution;
 - the appointment of officers to the Service Executive Board; and
 - dismissal of a Statutory Officer (i.e. Chief Financial Officer; and Monitoring Officer)

9. AUTHORITY MEETINGS AND OUTSIDE BODY APPOINTMENTS

- 9.1. The full Authority usually meets several times during the year. To assist in discharging its functions, the Authority has established a Committee structure which currently provides for:
- an Audit and Governance Committee;
 - a Community Safety Committee;
 - a People Committee; and
 - a Resources Committee.
- 9.2. With the exception of the Audit & Governance Committee (which has nine Members), each of these Committee has seven Members. [The current Terms of Reference for each Committee can be found in the "Library, Constitutional Governance" section on the Authority's website.](#)

- 9.3. The Authority also has an Appointments and Disciplinary Committee and an Appeals Committee. The primary role of both relate to the Authority approved process for addressing complaints against Statutory Officers. The Appointments and Disciplinary Committee is also responsible for appointments at Assistant, Deputy and Chief Fire Officer level and for making arrangements to appraise the performance of the Chief Fire Officer.
- 9.4. The Committee structure is reviewed yearly at the Authority's Annual Meeting, when appointments to Committees etc. are also made and a Calendar of Meetings approved. In addition to the full Authority, Members will usually only sit on one Committee.
- 9.5. In addition to full Authority meetings and Committee meetings, regular Members Forum meetings are also held to which all Authority Members are invited. These Forum meetings are informal and provide an opportunity for "networking" with other Members and Officers to discuss significant issues and assist in providing strategic direction prior to reports being submitted for determination at a future point.
- 9.6. The Authority also has a commercial trading arm – Red One Ltd. – established in accordance with existing legislation. Red One Ltd. has its own Board of Directors with an independent, non-executive director as Chair. Both the Authority and Service are able to appoint Members or officers, respectively, to sit as non-executive directors on the Board although it should be noted that neither the Authority Chair nor Vice-Chair may be so appointed.
- 9.7. Finally, some Members may be appointed to represent the Authority on local, regional or national bodies (e.g. the Local Government Association Fire Commission). Again, such appointments are made at the Authority's Annual Meeting, usually for a twelve month period unless otherwise specified at that time.

10. **REMUNERATION**

- 10.1. As required by relevant Regulations, the Authority has an approved Scheme of Members' Allowances. This provides for the reimbursement of expenditure incurred for travelling and subsistence and also provides for the payment of a Basic Allowance to Members of the Authority (**excluding** any relevant police and crime commissioner appointed by the Authority) to account, generally, for time spent on Authority business and incidental expenses (telephone costs etc.). The Scheme also provides for the payment of additional Special Responsibility Allowances linked to certain roles.
- 10.2. [A copy of the full Scheme, which is subject to annual review, can be found elsewhere in the "Library, Constitutional Governance" section on the Authority's website.](#)

11. OTHER REFERENCES (SOURCES OF INFORMATION)

- A. [Integrated Risk Management Plan \(Community Risk Management Plan from 2022\)](#). This document details those risks in the communities served by the Authority and how it proposes to address these risks.
- B. [Medium Term Financial Plan](#)
- C. [Capital Strategy](#)
- D. [Reserves Strategy](#)
- E. [Authority Constitutional Governance Framework](#). This contains all the Authority's governance documents including Standing Orders; Financial Regulations; Corporate Governance Code; Member/Officer Relationships Protocol; Approved Scheme of Members' Allowances; and Members' Code of Conduct).
- F. [Fire and Rescue Service National Framework](#)
- G. [Fire and Rescue Service National Equality and Diversity Strategy](#)

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Agenda Item 7

REPORT REFERENCE NO.	DSFRA/21/13
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	29 JUNE 2021
SUBJECT OF REPORT	SCHEDULE OF APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<p><i>That the Authority</i></p> <p><i>(a) confirms appointments to Committees/Panels and Outside Bodies as indicated in the Schedule at Appendix A to this report, to serve until the Authority Annual Meeting in 2022 unless otherwise indicated; and</i></p> <p><i>(b) appoints, in accordance with Standing Order 34, Chairs and Vice-Chairs to Committees, the Term of Office to be until the Authority Annual Meeting in 2022.</i></p>
EXECUTIVE SUMMARY	<p>This report invites the Authority to make appointments, for the 2021-22 municipal year, to those Committees and outside bodies as indicated in Appendix A.</p> <p>The Authority is reminded that, in accordance with Standing Order 30(2), appointments to Committees must accord with the principles of political proportionality as defined in the Local Government and Housing Act 1989 (and associated Regulations).</p> <p>It is intended to circulate a populated Schedule with proposed appointments either prior to or at the meeting.</p>
RESOURCE IMPLICATIONS	Any resource implications associated with attendance at committee and outside body appointments etc. will be met from the approved budget for Members Allowances
EQUALITY RISKS AND BENEFITS ASSESSMENT	N/A
APPENDICES	A. Schedule of Appointments to Committees and Outside Bodies.
BACKGROUND PAPERS	None.

MIKE PEARSON
Director of Governance & Digital Services

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SCHEDULE OF APPOINTMENTS TO COMMITTEES/PANELS AND APPOINTMENTS TO OUTSIDE BODIES

PART (A) STANDING COMMITTEES

AUDIT & GOVERNANCE COMMITTEE

9 Members in total

COMMUNITY SAFETY COMMITTEE

7 Members in total

PEOPLE COMMITTEE

7 Members in total

RESOURCES COMMITTEE

7 Members in total

APPOINTMENTS & DISCIPLINARY COMMITTEE

4 Members in total (Membership must include the Authority Chair)

APPEALS COMMITTEE

4 Members in total (Membership must differ from that of the Appointments & Disciplinary Committee)

PART (B) OTHER AUTHORITY APPOINTMENTS

SCHEME MANAGER APPOINTMENTS TO LOCAL PENSIONS BOARD¹

There are currently two Scheme Manager representative vacancies on the Board. The Authority is asked to:

- (a). appoint a Member to one of the vacancies; and
- (b). confirm the appointment of the Authority Treasurer (once in post) to the second vacancy.

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

EQUALITY AND DIVERSITY MEMBER CHAMPION

1 Member

CLIMATE CHANGE AND SUSTAINABILITY MEMBER CHAMPIONS

2 Members

PART (C) APPOINTMENTS TO OUTSIDE BODIES

LOCAL GOVERNMENT ASSOCIATION (LGA)

(a) Fire Commission

2 Members – usually the Authority Chair and one other

(Provisional dates of meetings in 2021-22 are indicated in the draft Calendar of Meetings).

(b) General Assembly

4 Members (usually the Chair and three others) exercising the votes as shown.

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

(NOTE: The General Assembly is held annually. Actual attendance by an Authority Member, as an approved duty, is subject to the inclusion of fire and rescue related items in the business to be discussed).

SOUTH WEST COUNCILS

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

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

1 Member – usually the Authority Chair

SOUTH WEST PROVINCIAL COUNCIL

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

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

The functions of the Provincial Council are:

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

1 Member (usually, Chair of the People Committee).

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Agenda Item 8

REPORT REFERENCE NO.	DSFRA/21/14
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	29 JUNE 2021
SUBJECT OF REPORT	DRAFT CALENDAR OF MEETINGS 2021-22
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<i>That, subject to any amendments as may be indicated at the meeting, the draft Calendar of Authority Meetings for the 2021-22 Municipal Year be approved.</i>
EXECUTIVE SUMMARY	Attached for consideration is a draft Authority Calendar of Meetings for the forthcoming (2021-22) municipal year. As in previous years, in compiling this Calendar efforts have been made to avoid obvious clashes with constituent authority meetings that may impact on Member availability.
RESOURCE IMPLICATIONS	N/A
EQUALITY RISKS AND BENEFITS ANALYSIS	N/A
APPENDICES	A. Draft Authority Calendar of Meetings 2021-22 Municipal Year.
BACKGROUND PAPERS	Constituent Authority Calendars of Meetings (as available).

MIKE PEARSON
Director of Governance & Digital Services

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APPENDIX A TO REPORT DSFRA/21/14

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

CALENDAR OF MEETINGS 2021-22 MUNICIPAL YEAR

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

DATE & TIME	MEETING
Monday 7 June 2021, 13:00hours	Members' Forum
Friday 18 June 2021, 10:00hours	Members' Forum
Tuesday 29 June 2021, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (AGM)
Tuesday 29 June 2021, 11:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Ordinary)
<i>Tuesday 6 July 2021, 11.45hours – LGA General Assembly, Liverpool</i>	
<i>Friday 9 July 2021, 11.00hours – LGA Fire Services Management Committee</i>	
CYCLE 1	
JULY 2021	
Monday 19 July, 2021, 10:00hours	Members' Forum
Wednesday 21 July 2021, 14:00hours	People Committee (PC)
Monday 26 July 2021, 10:00hours	Community Safety Committee (CSC)
Friday 30 July 2021, 10:00hours	Audit & Governance Committee (AGC)
AUGUST – RECESS MONTH – NO MEETINGS	
SEPTEMBER 2021	
<i>Friday 24 September 2021, 11.00hours – LGA Fire Commission, Smith Square, London</i>	
Friday 3 September 2021, 10:00hours	Members' Forum
Thursday 9 September 2021, 10:00hours	Resources Committee (RC)

DATE & TIME	MEETING
Monday 20 September 2021, 14:00hours	Chief Fire Officer's Appraisals Panel
Wednesday 29 September 2021, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
CYCLE 2	
OCTOBER 2021	
Tuesday 5 October 2021, 14:00hours	Members' Forum
Thursday 14 October 2021, 10:00hours	People Committee (PC)
Monday 18 October 2021, 10:00hours	Community Safety Committee (CSC)
Thursday 28 October 2021, 11:00hours	Audit & Governance Committee (AGC)
NOVEMBER 2021	
Monday 1 November 2021, 14:00hours	Members' Forum
Tuesday 30 November 2021, 14:00hours	Resources Committee (RC)
DECEMBER 2021	
Friday 10 December 2021, 11.00hours – LGA Fire Services Management Committee, Smith Square, London	
Wednesday 15 December 2021, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
CYCLE 3	
JANUARY 2022	
Wednesday 12 January 2022, 14:00hours	Members' Forum
Monday 17 January 2022, 10:00hours	People Committee (PC)
Tuesday 25 January 2022, 14:00hours	Community Safety Committee (CSC)

DATE & TIME	MEETING
Monday 31 January 2022, 10:00hours	Audit & Governance Committee (AGC)
FEBRUARY 2022 (NB. Half term is 21 to 25 February 2022)	
Tuesday 1 February 2022, 14:00hours	Members' Forum
Tuesday 8 February 2022 (budget), 14:00hours	Resources Committee (RC) (Budget Meeting)
Friday 18 February 2022, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget Meeting)
Monday 28 February 2022, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget Meeting) (Reserve Date)
CYCLE 4	
MARCH 2022	
March 2022 – date not set	LGA Annual Fire Conference
Monday 7 March 2022, 16:00hours – LGA Fire Services Management Committee (provisional)	
Wednesday 23 March 2022, 14:00hours	Members' Forum
Monday 28 March 2022, 14:00hours	Chief Fire Officers' Appraisals Panel
APRIL 2022 (Easter holidays 4 to 18 April – Easter Monday)	
Wednesday 27 April 2022, 10:00hours	Community Safety Committee (CSC)
Friday 29 April 2022, 10:00hours	Members' Forum
MAY 2022 (PH 2 May 2022 and Half term 30 May to 3 June 2022)	
Friday 20 May 2022 – LGA Fire Services Management Committee, Smith Square, London	
Tuesday 10 May 2022, 14:00hours	Audit & Governance Committee (AGC)
Thursday 12 May 2022, 14:00hours	People Committee (PC)
Wednesday 18 May 2022, 10:00hours	Resources Committee (RC)
Wednesday 25 May 2022, 10:00hours	Members' Forum

DATE & TIME	MEETING
JUNE 2022 (BH & Jubilee additional BH 2 & 3 June 2022)	
Friday 10 June 2022, 10:00hours	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
Friday 10 June 2022, 10:30hours (or on rising of Annual Meeting, whichever is later)	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Ordinary Meeting)

DRAFT