

# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

10 November 2021

## Present:

Councillors Randall Johnson (Chair), Best, Biederman, Chesterton, Clayton, Coles, Corvid, Drean, Healey MBE, Long, McGeough, Napper, Parker-Khan, Peart, Prowse, Radford, Scott, Shayer and Thomas (Vice-Chair).

## Apologies:

Councillors Bown, Brazil, Dr. Buchan, Hannaford, Redman, Roome and Vijeh.

### **DSFRA/21/25    Minutes**

**RESOLVED** that the Minutes of the meeting held on 29 September 2021 be signed as a correct record.

### **DSFRA/21/26    Questions from Authority Members**

In accordance with Standing Order 15, Councillor Hannaford had submitted a series of questions on firefighter safety and protection from contaminants when undertaking operational activities.

The questions together with written responses were circulated at the meeting.

### **DSFRA/21/27    Minutes of Committees**

#### **a    People Committee**

In the absence of the Committee Chair, the Committee Vice-Chair, Councillor Clayton, **MOVED** the Minutes of the meeting held on 14 October 2021 which had considered, amongst other things:

- an update on the Service People Strategy;
- a report on progress against Authority-approved strategic priorities relevant to this Committee; and
- a request for retirement and re-employment.

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

#### **b    Audit & Governance Committee**

The Chair of the Committee, Councillor Healey MBE, **MOVED** the Minutes of the meeting held on 28 October 2021 which had considered, amongst other things:

- a report on progress against the approved Internal Audit Plan 2021-22;
- a quarterly report on the Service Corporate Risk Register;
- the Authority's financial statements for the year ended 31 March 2021 (including the external auditor's audit findings and Letter of Representation).

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

**c Community Safety Committee**

The Chair of the Committee, Councillor Chesterton, **MOVED** the Minutes of the meeting held on 2 November 2021 which had considered, amongst other things:

- Service performance during the first quarter of 2021-22 against key performance indicators associated with Authority-approved strategic priorities relevant to this Committee;
- an overview of the Service collaboration activity;
- a report on Service progress in addressing outcomes from the Grenfell Tower fire inquiry; and
- the draft Community Risk Management Plan 2022-27.

**RESOLVED**

- (i). that the recommendation at Minute CSC/21/9 (Draft Community Risk Management Plan 2022-27) be considered in conjunction with item DSFRA/21/27 below; and
- (ii). that, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

***(See also Minute DSFRA/21/28 below)***

**DSFRA/21/28 Draft Community Risk Management Plan 2022-27**

The Authority considered a report of the Chief Fire Officer (DSFRA/21/25) to which was appended a draft Community Risk Management Plan 2022-27 (“the draft Plan”). The Fire and Rescue Service National Framework required every fire and rescue authority to have in place a plan identifying foreseeable risks to communities served and measures to mitigate or address these risks in terms of prevention, protection and response activities.

The appended plan had been revised to incorporate the majority of amendments proposed by the Community Safety Committee at its meeting held on 2 November 2022.

The Authority also considered a supplementary report of the Chief Fire Officer (DSFRA/21/28) to which was appended a document setting out prior achievements in relation to the Integrated Risk Management Plan 2018-22 and actions against improvements required by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services following its inspection of the Service in 2019. It was proposed that this document be incorporated into the “Looking Back” section of the draft Plan.

The draft Plan had been subject to extensive engagement with the Authority and pre-consultation with the public and key stakeholders to inform its content. The draft Plan was supported by a Strategic Risk Analysis and Equality Impact Assessment, which should be read alongside the draft Plan and which were also appended to the report.

Once approved by the Authority, the draft Plan would be subject to a formal public consultation period the result of which would be reported to a future meeting to inform the decision on adoption of a final Plan.

The debate on this matter included consideration of:

- the potential for the Service to provide greater support to businesses in the development of fire safety plans, bearing in mind the enforcement role of the Authority;
- the role of other partner agencies and organisations in supporting areas such as flood prevention and targeted fire safety activities; and
- the detrimental impact on Service resources of false alarms from automatic fire alarm systems.

In relation to public consultation on the draft Plan, Members commented that there could be benefit in producing a short video promoting the Plan and its contents and a summary document, with hyperlinks to the content in the main draft Plan, to secure greater engagement.

**RESOLVED** that, subject to incorporation of the content of the additional document appended to report DSFRA/21/28 into the “Looking Back” section, the draft Community Risk Management Plan 2022-27 be approved for public consultation purposes.

***(See also Minute DSFRA/21/27(c) above)***

#### **DSFRA/21/29 Firefighters Pensions Schemes - Immediate Detriment Framework**

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/21/26) on the publication by the Local Government Association (LGA) of an Immediate Detriment Framework (“the Framework”) to assist fire and rescue authorities in addressing, at the earliest opportunity, age discriminatory aspects relating to the Firefighters Pension Scheme 2015. The Framework was based on an understanding of the remedy provisions as contained in the Public Service Pensions and Judicial Offices Bill and was the subject of a Memorandum of Understanding between the LGA and the Fire Brigades Union aimed at mitigating the potential for further litigation in this area.

[This Authority had previously agreed steps to address immediate detriment cases for staff approaching retirement \(Minute DSFRA/82 of the extraordinary meeting held on 20 April 2021 refers\)](#), based on legal advice obtained and Home Office guidance at the time. The Framework, however, would also apply to individuals who had already retired (subject to those individuals being “in-scope”, as defined in the Framework).

While the LGA was encouraging all fire and rescue authorities to adopt the Framework, the report identified a number of areas (notably the costs of making unauthorised pension payments; capacity to process immediate detriment cases within the Framework timeframes; and legal powers of the Authority to revisit commutation decisions made at the time of retirement) where further assurance was currently being sought.

Additionally, the Director of Governance & Digital Services reported that Her Majesty's Revenue and Customs had advised that taxation legislation would need to be revised to facilitate certain aspects of the remedy provisions and that, pending this revision, any adjustments to lump sum payments made could result in significant additional charges to Authority. Consequently, it might be reasonable for the Authority to adopt the Framework in part (i.e. for individuals approaching retirement) rather than in full.

**RESOLVED** that, subject to satisfactory resolution of those issues as identified in report DSFRA/21/26 and as indicated above, the Chief Fire Officer be authorised to adopt the Immediate Detriment Framework on behalf of the Authority to process immediate detriment cases pending enactment of the remedy legislation.

**DSFRA/21/30**    **Confirmation of Members' Allowances Scheme 2022-23**

The Authority considered a report of the Director of Governance & Digital Services (DSFRA/21/27) on the proposed Scheme of Members' Allowances for the 2022-23 financial year.

**RESOLVED**

- (a). that the Scheme of Allowances to operate for the 2022-23 financial year, as set out in report DSFRA/21/27, be approved; and
- (b). that the Clerk to the Authority be authorised to publicise details of the Scheme in one or more local newspapers circulating in the area served by the Authority.