

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Devon & Somerset Fire & Rescue Authority)

19 April 2023

Present:

Councillors Randall-Johnson (Chair), Aspinall, Best, Biederman, Chesterton, Coles, Cook-Woodman (Vice-Chair), Drean, Hannaford, Hendy, Kendall, Kerley, McGeough, Peart, Prowse, Radford, Roome, Sully and Thomas

Apologies:

Councillors Brazil, Clayton, Long, Power, Sellis, Shayer and Trail BEM

DSFRA/22/35 Application for Retirement/Re-employment

NB. The Clerk to the Authority (Director of Governance & Digital Services) left the room during the deliberation and decision on this item.

The Authority considered a report of the Chief Fire Officer setting out an application that had been received for retirement and re-employment at Executive Board level in accordance with the approved Pay Policy Statement for 2023-24 and requirements of the Localism Act 2011.

RESOLVED that the application for retirement and re-employment as set out at paragraph 2.3 of report DSFRA/23/8 be approved.

DSFRA/22/36 Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public (with the exception of Bryony Houlden, Chief Executive of South West Councils for Minutes DSFRA/39 and DSFRA/40) 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 the following Paragraphs of Part 1 of Schedule 12A (as amended) to the Act:

- For Minute DSFRA/37, DSFRA/39 and DSFRA 40, Paragraph 1, namely information relating to a particular individual;
- For Minute DSFRA/37, DSFRA/39 and DSFRA/40, Paragraph 2, namely information likely to reveal the identity of an individual;
- For Minute DSFRA/37, DSFRA/38 and DSFRA/39, Paragraph 3, namely information relating to the financial or business affairs of any authority including the Authority holding the information; and
- for Minute DSFRA/39, 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.

DSFRA/22/37 Appointment of Monitoring Officer and Clerk to the Authority

(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 Chief Fire Officer (DSFRA/23/9) advising of the forthcoming retirement of the Monitoring Officer and setting out options for the discharge of the functions of both Monitoring Officer and Clerk to the Authority in future.

RESOLVED

- (a). That the Authority appoints Plymouth City Council to provide the services of Monitoring Officer and Clerk to the Authority from 2 May 2023 until the Authority's Annual Meeting in June 2024;
- (b). That the Authority confirms Emma Jackman as Monitoring Officer and Clerk to the Authority with effect from 2 May 2023; and
- (c). That the Clerk be authorised to make any consequential changes to Authority Constitutional Governance Framework documents (Standing Orders, Scheme of Delegations etc.) as may be necessitated by the decision of the Authority in relation to the discharge of the roles of Monitoring Officer and Clerk.

DSFRA/22/38 Digital Service Provision

(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 Chief Fire Officer (DSFRA/23/10) setting out options for the delivery of the Service's Information Communication Technology (ICT) function in future which was a key enabler for all aspects of service delivery. This built on the report submitted to the Authority at its meeting on 12 December 2022 (Minute DSFRA/22/26 refers) which had set out options for digital transformation within the Service to facilitate progression of the Service's Target Operating Model being developed currently to ensure:

- the Service was affordable both now and in the future;
- the provision of core service delivery functions effectively; and
- that communities were kept safe.

Since the Authority meeting on 12 December 2022, two options had been subject to further consideration by the Service's Executive Board, including:

- An in-house proposal that introduced an organisational digital capability, harnessed by an "intelligent customer" function; and
- A shared service option which would see the transfer (via TUPE arrangements) of existing Service ICT staff to DELT Shared Services Ltd. – a publicly owned shared services organisation serving multiple public sector and charitable organisations in the South West.

It was noted that pursuance of the second option above would require the Authority to become 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). The DELT option would also require an “in principle” decision to join whereupon a full Business Case (to consider governance, shareholding, financial savings/investment and implementation) would be developed with key Gateway Reviews scheduled during this process.

Following a lengthy debate, it was suggested that, should the DELT option be pursued, the Gateway Reviews should include Authority involvement via a Member Working Party to work with Officers to progress the requisite Business Case, whereupon Councillor Hannaford **MOVED** (seconded by Councillor Peart) the recommendations set out within report DSFRA/23/10 with the addition of a new resolution at part (b):

- “(b). That a Member Working Party be established to work alongside Officers to oversee development of the Business Case for the DELT Shared Services option”.

Upon a vote, the motion was **CARRIED** unanimously.

RESOLVED

- (a). that the Authority approves, in principle, becoming a shareholder in DELT Shared Services Ltd. to facilitate ICT/Digital Services provision to the Service from DELT;
- (b). That a Member Working Party be established to work alongside Officers to oversee development of the Business Case for the DELT Shared Services option, membership to include Councillors Coles, Hendy, Peart, Randall Johnson and Thomas; and
- (c). that relevant Officers be delegated authority to implement, on behalf of the Authority, this in principle agreement subject to production of, and approval by the Executive Board, a satisfactory full Business Case identifying all relevant risks, costs and benefits to the Service.

DSFRA/22/39 Staffing Matter (1)

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).

NB. Bryony Houlden, Chief Executive of South West Councils and external adviser to the Authority’s Appraisal Panel and Appointments and Disciplinary Committee, was present for this item of business. The Chief Fire Officer left the room during the deliberation and decision on this item.

The Authority considered a report of the Chief Fire Officer (DSFRA/23/11) setting out details of an opportunity for the Chief Fire Officer to be seconded to the National Fire Chiefs Council on current terms and conditions until his retirement in September 2024.

Should such a secondment be agreed, it was noted that the Chief Fire Officer would provide regular updates on the progress being made on national issues. The Authority requested that any such updates, should the secondment be approved, be given in person.

During the debate, Councillor Kerley **MOVED** (seconded by Councillor Sully):

“that this item be deferred to facilitate the provision of further, detailed information on costings for the secondment”.

Upon a vote, this motion was declared **LOST**.

Councillor Randall Johnson **MOVED** the recommendations set out in report DSFRA/23/11 (seconded by Councillor Peart) with an amendment (duly **MOVED** by Councillor Roome and seconded by Councillor Coles) that:

“a part (b). be added to require that agreement of the secondment was subject to the immediate submission of the Chief Fire Officer’s letter of retirement with effect from 13 September 2024”.

Upon a vote, the recommendations set out in report DSFRA/23/11 with the inclusion of the amendment above were declared **CARRIED** whereupon it was:

RESOLVED

- (a). that the Chief Fire Officer be released on a full-time secondment on current terms and conditions, until his retirement on 13 September 2024, to inform Home Office/national Fire Chiefs Council strategic issues; and
- (b). that the above release on a full-time secondment be subject to the immediate submission of the Chief Fire Officer’s letter of retirement with effect from 13 September 2024”
- (c). that the Authority determines who is to be appointed as the temporary Chief Fire Officer/Head of Paid Service until a separate appointments process is completed during 2024.

DSFRA/22/40 Staffing Matter (2)

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).

NB. Bryony Houlden, Chief Executive of South West Councils and external adviser to the Authority’s Appraisal Panel and Appointments and Disciplinary Committee, was present for this item of business.

The Authority considered the appointment of a new, temporary Chief Fire Officer, in light of the decision taken at Minute DSFRA/23/39 above resulting from the secondment of the existing Chief Fire Officer, to be effective until his retirement on 13 September 2024.

It was noted that a recommendation on this temporary appointment had been made by the Authority's Appointments & Disciplinary Committee which met on 3 April 2023 to consider applications received for this role. The recommendation of the Committee on this temporary appointment was reported to the Authority for consideration and **MOVED** by Councillor Randall Johnson (seconded by Councillor Hannaford).

In debating the matter further, the Authority expressed the view that the Chief Fire Officer should be operationally competent. In light of this, an amendment was **MOVED** by Councillor McGeough (seconded by Councillor Biederman):

“that the officer appointed should be operationally competent and that DCFO Gavin Ellis be appointed as the temporary Chief Fire Officer and Head of Paid Service for the next approximately 18 months over the period of secondment of the existing Chief Fire Officer”.

Upon a vote, the motion was declared **CARRIED**, whereupon it was:

RESOLVED that the officer appointed should be operationally competent and that DCFO Gavin Ellis be appointed to lead Devon & Somerset Fire & Rescue Service as temporary Chief Fire Officer and Head of Paid Service for the next approximately 18 months over the period of secondment of the existing Chief Fire Officer.

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

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