

DEVON & SOMERSET FIRE & RESCUE AUTHORITY

(Ordinary Meeting)

10 June 2024

Present:

Councillors Coles (Chair), Atkinson, Best, Biederman (Vice-Chair), Brazil, Carter, Clayton, Cook-Woodman, Fellows, Gilmour, Hendy, Kendall, Kerley, Luggar, Randall-Johnson, Peart, Power, Radford, Roome, Sproston, Sully and Trail BEM.

Apologies:

Councillors Chesterton and Sellis.

DSFRA/24/7 Minutes of Committees

a Appointments & Disciplinary Committee

The former Chair of the Committee, Councillor Cook-Woodman, **MOVED** the public Minutes of the meetings held on 18 March, 26 April and 13 May 2024 which, in each case, had considered matters relating to the appointment of the Chief Fire Officer/Chief Executive Officer.

RESOLVED

- (i). That the recommendation at Minute ADC/23/12 (Appointment of Chief Fire Officer/Chief Executive Officer) be considered in conjunction with Minute DSFRA/24/??);
- (ii). That, subject to (i) above, the Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTE DSFRA/24/13) BELOW)

b Audit & Governance Committee

The former Chair of the Committee, Councillor Coles, **MOVED** the Minutes of the meeting of the Audit & Governance Committee held on 26 March 2024 which had considered, amongst other things:

- The Authority Financial Statements 2022-23;
- The Annual Statement of Assurance 2022-23;
- A report on journals posted during the 2023-24 financial year to date;
- The Annual Internal Audit Report 2023-24;
- An Internal Audit follow-up report;
- A report on the Internal Audit Charter 2024-25 Plan and Internal Audit 2023-25 Charter and Strategy; and

- A report on progress against the Action Plan to address Areas for Improvement falling within the remit of the Committee as identified by His Majesty's Inspectorate of Constabulary & Fire & Rescue Services following the last inspection of the Service.

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

c People Committee

The Chair of the Committee, Councillor Clayton, **MOVED** the Minutes of the meeting held on 24 April 2024 which had considered, amongst other things:

- A report as at Quarter 4 of the 2023-24 financial year on performance against those Key Performance Indicators agreed by the Committee against three strategic priorities as approved by the Authority;
- The Diversity Data Annual Report 2023;
- A report on progress to date against the Action Plans developed to address both the Cause for Concern and Areas for Improvement falling within the remit of this Committee and as identified by His Majesty's Inspectorate of Constabulary & Fire & Rescue Services (HMICFRS) following its last inspection; and
- A report on progress against the 25 recommendations contained in the HMICFRS report on values and culture in the fire and rescue service.

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

d Community Safety Committee

The Chair of the Committee, Councillor Hendy, **MOVED** the Minutes of the meeting held on 26 April 2024 which had considered, amongst other things:

- A report on performance as at Quarter 4 of the current (2023-24) financial year against those Key Performance Indicators (KPIs) falling within the remit of the Committee and aligned to Authority-approved Strategic Priorities 1 and 2;
- A report on the reasons for a backlog in the number of Home Fire Safety Visits completed;
- A report on charging for responses to unwanted fire signals;
- A report on the Service response to the Serious Violence duty;
- A report on Service Community Safety campaigns 2024-25; and
- A report on progress against the Action Plan to address Areas for Improvement falling within the remit of this Committee and as identified by His Majesty's Inspectorate of Constabulary & Fire & Rescue Services following its last inspection of the Service.

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

(SEE ALSO MINUTE DSFRA/24/11 BELOW)

e Resources Committee

The Chair of the Committee, Councillor Peart, **MOVED** the Minutes of the meeting held on 9 May 2024 which had considered, amongst other things:

- A report on Treasury Management performance for quarter 4 of the current (2023-24) financial year together with a summary of annual performance as compared to the treasury management strategy;
- A report on the provisional financial outturn 2023-24;
- A report on revisions to the capital programme 2024-25 to 2026-27;
- A report on the Reserves Strategy 2024-25; and
- A report on progress against the Action Plan to address those Areas for Improvement falling within the remit of this Committee and as identified by His Majesty's Inspectorate of Constabulary & Fire & Rescue Services following its last inspection.

RESOLVED

- (i). That the recommendation at Minute RC/23/25 (Revisions to the Capital Programme 2024-25 to 2026-27) be approved;
- (ii). That the recommendations at Minutes RC/23/24 (Provisional Financial Outturn 2023-24) and RC/23/26 (Reserves Strategy 2024-25) be considered in conjunction with Minutes DSFRA/24/8 and DSFRA/24/9 below;
- (iii). That, subject to (i) and (ii) above, the Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTES DSFRA/24/8 AND DSFRA/24/9 BELOW).

f Shareholder Committee

The Chair of the Committee, Councillor Cook-Woodman, **MOVED** the public Minutes of the meeting held on 14 May 2024 which had considered, amongst other things:

- The Terms of Reference for the Committee;
- A report on proposed Revised Articles of Association for Red One Ltd.;
- A report on the financial performance of Red One Ltd. during Quarter 4 of the current (2023-24) financial year, together with the year end position;
- the Red One Ltd. draft financial accounts 2023-24; and
- a report on the appointment of the independent non-executive Chair of the Board of Red One Ltd.

RESOLVED

- (i). that the recommendations at Minutes SC/23/3 (Revised Articles of Association – Red One Ltd.) and SC/23/6 (Appointment of Independent Non-Executive Chair of the Board of Red One Ltd.) be considered in conjunction with Minutes DSFRA/24/15 and DSFRA/24/16, respectively, below;
- (ii). That, subject to (i) above, the public Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTES DSFRA/24/14, DSFRA/24/15 AND DSFRA/24/16 BELOW).

DSFRA/24/8 Provisional Financial Outturn 2023-24

The Authority considered a report of the Head of Finance (Treasurer) (DSFRA/24/21) on the provisional financial outturn 2023-24. This indicated that spending would be £4.968m (3.9%) below the approved revenue budget for the financial year. The report identified variances against the budget of 2% for pay lines or 5% for non-pay lines. The underspend was largely due to vacancies being held in light of a review of working patterns for wholetime station-based staff but the Authority had also benefited from significant returns on investments made.

When setting the 2023-24 budget, the Authority had delegated authority to the Treasurer to draw on reserves to a maximum of £2.8m to balance the budget in the event that operational staff final pay award settlements for 2022-23 and 2023-24 exceeded the budgeted amounts for those years (5% and 2% respectively) (Minute DSFRA/22/31(a)(iv)(a) refers). In the event, however, the Service had managed to absorb the increased pay award from within the approved budget for 2023-24 and still secure an indicative underspend of £4.968m.

Capital spending for 2023-24 was £5.966m against a final, approved Capital Programme of £13.086m. Of the unspent £7.120m, £7.039 was accounted for by timing differences and would be carried forward to 2024-25. £0.081m was accounted for by savings. There had been no new external borrowing during the 2023-24 financial year with £0.493m of previous borrowing having been repaid, resulting in a reduction of external borrowing to £23.771m as at 31 March 2024. The report also indicated provisional performance against the Prudential Indicators for:

- Capital Expenditure;
- Capital Financing Requirement – External Borrowing;
- Capital Financing Requirement – Other Long-term Liabilities;
- Authorised Limit and the Operational Boundary for External Debt; and
- Ratio of Financing Cost to Net Revenue Stream.

Capital control legislation required the Authority to determine its use of capital finance resources and proposals for this were set out in the report.

The Resources Committee, at its meeting on 9 May 2024, had considered the provisional financial outturn and resolved to recommend that the Authority transfer £2.356m of the indicative underspend to the Revenue Contribution to Capital Reserve, with an element transferred to the General Reserve to ensure it was within 5% of the revenue budget for 2023-24 (Minute RC/23/24 refers).

RESOLVED

- (a). That, as recommended by the Resources Committee, £2.356m of the provisional underspend against the 2023-24 revenue budget be transferred to the Contribution to Capital reserve and £0.348m transferred to the General Reserve to ensure it is within 5% of the revenue budget for 2023-24;
- (b). that it be noted that the resultant net underspend of £2.264m is allocated as follows:
 - (i). £1.125m to fund the fire control system change;
 - (ii). £1.00m transfer to the Change & Improvement programme;
 - (iii). Transfer of £0.099m to the Grants Unapplied Reserve as required under International Financial Reporting Standards (IFRS) relating to a grant received during the 2023-24 financial year but not utilised;
 - (iv). £0.040m to fund the fire cover review.
- (c). that in accordance with capital control legislation, it be noted that actual capital expenditure of £5.966m in 2023-24 was funded as follows:
 - (i). £1.283m external borrowing from previous years;
 - (ii). £4.283m capitalised and funded from revenue contributions to capital spending, either directly from the 2023-24 revenue budget or from balances in Earmarked Reserves; and
 - (iii). £0.400m capital receipts.
- (d). that, subject to (a) to (c)above, the draft position in respect of the 2023-24 revenue and capital outturn, as indicated in report DSFRA/24/21, be noted.

(SEE ALSO MINUTE DSFRA/24/7(e) ABOVE).

DSFRA/24/9 Reserves Strategy 2024-25

The Authority considered a report of the Head of Finance (Treasurer) (DSFRA/24/22) on a proposed Reserves Strategy 2024-25 as required by the current version of the Fire & Rescue National Framework for England.

The Strategy included a risk assessment and analysis of the General Fund and identified Earmarked Reserves with expected timing of expenditure from the reserves.

The proposed Reserves Strategy had been considered by the Resources Committee at its meeting on 9 May 2024 which had resolved to recommend that the Authority approve the Strategy for publication (Minute RC/23/26 refers).

RESOLVED that, as recommended by the Resources Committee, the Reserves Strategy 2024-25 as set out in report DSFRA/24/22 be approved for publication.

(SEE ALSO MINUTE DSFRA/24/7(e) ABOVE).

DSFRA/24/10 Strategic Policy Objectives 2024-25

The Authority considered a report of the Chief Fire Officer (DSFRA/24/23) to which was appended proposed Strategic Objectives 2024-25. The proposed Objectives remained unchanged, following review, from those adopted in previous years albeit it was acknowledged that an in-year amendment may be required depending on the outcome of the forthcoming fire cover review.

RESOLVED that the Strategic Policy Objectives 2024-25, as appended to report DSFRA/24/23, be approved.

DSFRA/24/11 Devon & Somerset Fire & Rescue Authority Performance Report 2023-24 and Quarter Four

The Authority received, for information, a report of the Assistant Director (Corporate Services) (DSFRA/24/24) on performance to the end of Quarter 4 of the 2023-24 financial year against Key Performance Indicators aligned to Authority-approved Strategic Policy Objectives.

In particular, the report focussed on those measures in exception (i.e. requiring improvement) and the outcome of scrutiny undertaken by the respective committees in relation to these.

DSFRA/24/12 Exclusion of the Press and Public

RESOLVED that the press and public, with the exception of representatives of the Board of Red One Ltd. for Minute DSFRA/24/17 only, 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:

- For Minute DSFRA/24/13, in Paragraphs 1 and 2 of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972, namely information relating to an individual and information likely to reveal the identity of an individual, respectively;
- For Minutes DSFRA/24/14 and DSFRA/24/15, in the following paragraphs of Schedule 12A (as amended) to the Local Government Act 1972:
 - Paragraph 3, namely the financial or business affairs of any particular person (including the authority holding that information); and

- Paragraph 5, namely information in respect of which a claim to legal or professional privilege could be maintained in legal proceedings;
- For Minute DSFRA/24/16, in the following paragraphs of Schedule 12A (as amended) to the Local Government Act 1972:
 - Paragraphs 1 and 2, namely information relating to an individual and information likely to reveal the identity of an individual, respectively; and
 - Paragraph 3, namely the financial or business affairs of any particular person (including the authority holding that information);
- For Minute DSFRA/24/17, in Paragraph 3 of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972, namely the financial or business affairs of any particular person (including the authority holding that information).

DSFRA/24/13 Restricted Minutes of the Appointments & Disciplinary Committee held on 13 May 2024

(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 Chair of the Committee, Councillor Cook-Woodman, **MOVED** the restricted Minutes of the meeting held on 13 May 2024 which had considered the appointment of the Chief Fire Officer/Chief Executive Officer.

RESOLVED

- (a). That, as recommended by the Committee (Minute ADC/23/12 refers), Gavin Ellis be appointed as Chief Fire Officer/Chief Executive Officer of the Devon & Somerset Fire & Rescue Service with effect from 13 September 204 (on retirement of the current, substantive Chief Fire Officer);
- (b). That, subject to (a) above, the restricted Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTE DSFRA/24/7(a) ABOVE).

DSFRA/24/14 Restricted Minutes of the Shareholder Committee held on 14 May 2024

(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 Brazil and Radford each declared a non-pecuniary interest in this matter by virtue of being Authority-appointed non-executive directors on the Board of Red One Ltd. In accordance with the dispensation granted by the Authority, Councillors Brazil and Radford participated in the debate but neither participated in any voting thereon and left the meeting at that time.

The Chair of the Committee, Councillor Cook-Woodman, **MOVED** the restricted Minutes of the meeting held on 14 May 2024 which had considered, amongst other things:

- The Terms of Reference for the Committee;
- A report on proposed Revised Articles of Association for Red One Ltd.;
- A report on the financial performance of Red One Ltd. during Quarter 4 of the current (2023-24) financial year, together with the year end position;
- the Red One Ltd. draft financial accounts 2023-24; and
- a report on the appointment of the independent non-executive Chair of the Board of Red One Ltd.

RESOLVED

- (i). that the recommendations at Minutes SC/23/3 (Revised Articles of Association – Red One Ltd.) and SC/23/6 (Appointment of Independent Non-Executive Chair of the Board of Red One Ltd.) be considered in conjunction with Minutes DSFRA/24/15 and DSFRA/24/16, respectively, below;
- (ii). That, subject to (i) above, the restricted Minutes be adopted in accordance with Standing Orders.

(SEE ALSO MINUTES DSFRA/24/7(f) ABOVE AND DSFRA/24/15 AND DSFRA/24/16 BELOW).

DSFRA/24/15 Revised Articles of Association - Red One Ltd.

(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 Brazil and Radford each declared a non-pecuniary interest in this matter by virtue of being Authority-appointed non-executive directors on the Board of Red One Ltd. In accordance with the dispensation granted by the Authority, Councillors Brazil and Radford participated in the debate but neither participated in any voting thereon and left the meeting at that time.

The Authority considered a report of the Clerk to the Authority (and Monitoring Officer) (DSFRA/24/25) on proposed revisions to the Articles of Association for Red One Ltd. and the mechanism for securing adoption of the revised Articles.

Having debated the contents of the report, Councillor Randall Johnson **MOVED**, with Councillor Kerley seconding:

“that the matter be deferred and discussed further at the next full Authority meeting”.

Councillor Biederman **MOVED**, with Councillor Atkinson seconding, that the above Motion be **AMENDED** as follows:

“deletion of all words after “that the” and addition of the following “proposed Articles of Association (Fourth Edition) for Red One Ltd. as set out at Appendix B to report DSFRA/24/25 be approved””.

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

RESOLVED

- (a). That the proposed Articles of Association (Fourth Edition) for Red One Ltd., as set out at Appendix B to report DSFRA/24/25, be adopted;
- (b). That the Clerk to the Authority (and Monitoring Officer) be authorised to write to the Board of Red One Ltd. requesting that it proposes, passes and subsequently issues to the Authority (as sole Shareholder) a Written, Special Resolution for adoption of the new Articles.

(SEE ALSO MINUTES DSFRA/24/7(f) AND DSFRA/24/14 ABOVE).

DSFRA/24/16 Appointment of Independent, Non Executive Director Chair of the Board of Red One Ltd.

(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 Brazil and Radford each declared a non-pecuniary interest in this matter by virtue of being Authority-appointed non-executive directors on the Board of Red One Ltd. In accordance with the dispensation granted by the Authority, Councillors Brazil and Radford participated in the debate but neither participated in any voting thereon and left the meeting at that time.

The Authority considered a report of the Clerk to the Authority (and Monitoring Officer) (DSFRA/24/26) on a proposal for the appointment of an independent non-executive director to serve as the Chair of the Board of Red One Ltd.

The issue had originally been considered by the Shareholder Committee at its meeting on 14 May 2024 which had resolved to recommend that the current incumbent be reappointed for a further three years i.e. until 20 June 2027 (Minute SC/23/6 (a) of the Restricted Minutes refers).

RESOLVED that, as recommended by the Shareholder Committee, Dr. Sian George, be re-appointed as non-executive director to Chair the Board of Red One Ltd. for a further three years until 20 June 2027.

(SEE ALSO MINUTES DSFRA/24/7(f) AND DSFRA/24/14 ABOVE).

DSFRA/24/17 Red One Ltd. Annual General Meeting 2024

(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, in its capacity as sole shareholder, attended the Red One Ltd. Annual General Meeting (chaired by Dr. Sian George) at which the following matters were discussed:

- Report and Accounts for the year to 31 March 2024;
- Debt Repayment Status and Dividend Policy;
- Business Objectives and Forecast for year to 31 March 2024;

- Re-appointment of Auditors for year to 31 March 2025;
- Reappointment of non-executive directors;
- Remuneration of non-executive directors; and
- New Articles of Association for approval.

The Meeting started at 10.55 am and finished at 2.00pm