

**Non-Exempt Minutes of the Meeting of
Shropshire and Wrekin Fire and Rescue Authority
Held on Wednesday, 26 September 2012 at 3.00 pm
at Service Headquarters, Shrewsbury**

Present

Members

Councillors Adams, Bennett, Mrs Blundell, Mrs Bould, Carter, Hartin, Hurst-Knight, Dr Jones, Kiernan, Mellings, Minnery (Vice-Chair), Price, Roberts, Thompson and West (Chair)

Officers

Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer (Human Resources), Head of Operational Planning, Treasurer, Clerk and Monitoring Officer to the Fire Authority and Corporate Services Manager

1 Apologies for Absence

Apologies for absence had been received from Councillors Mrs Barrow and Miss Reynolds.

The Chair advised that Executive Support Officer, Lynn Ince, had recently undergone a minor operation. It was agreed that a card be sent to her on behalf of the Fire Authority, wishing her a speedy recovery.

2 Disclosable Pecuniary Interests

The Chair reminded Members that they must not participate in the discussion or voting on any matter, in which they have a Disclosable Pecuniary Interest, and that they should leave the room prior to the commencement of the debate.

There were no Disclosable Pecuniary Interests.

3 Minutes

Members received the non-exempt minutes of the Fire Authority Annual Meeting, held on 18 July 2012.

It was proposed by Councillor Carter, seconded by Councillor Price and

Resolved that the non-exempt minutes of the Fire Authority Annual Meeting, held on 18 July 2012 be agreed and signed by the Chair as a correct record

4 Public Questions

No questions, statements or petitions had been received from members of the public.

5 Audit and Performance Management Committee

Members received the minutes of the Audit and Performance Management Committee meeting, held on 6 September 2012.

It was proposed by Councillor Bennett, seconded by Councillor Mellings and

Resolved that the Fire Authority:

- a) Note the minutes of the Audit and Performance Management Committee meeting, held on 6 September 2012;
- b) Approve the Annual Governance Statement 2011/12 and Improvement Plan 2012/13; and
- c) Extend the authority previously delegated to its Audit and Performance Management Committee, to approve the Statement of Accounts, to include approval of the Annual Governance Statement and Improvement Plan

6 Review of Scheme of Delegation to Officers and of Standing Orders

This report asked the Fire Authority to receive and note the amendments to the Scheme of Delegation to Officers and Standing Orders, which had been agreed at, and stood adjourned from, the Annual Meeting of the Fire Authority.

Resolved that the Fire Authority receive and note the amendments to the Fire Authority's Scheme of Delegation to Officers and to its Standing Orders (set out at paragraphs 4 and 6 of the report), which stood adjourned from the Annual Meeting of the Fire Authority, held on 18 July 2012

7 Appointment of the Independent Person

This report asked the Fire Authority to consider and agree the appointment of an Independent Person and reserve to assist the Standards Committee and the Monitoring Officer in administering the new ethical framework for Members.

The Clerk advised that it would be necessary to limit the period of appointment of Mr Tebbutt to meet legislative requirements. He had previously served as the Chair of the Fire Authority's Standards Committee, which placed a restriction on how long he could serve as an Independent Person to the Authority.

It was proposed by Councillor Dr Jones, seconded by Councillor Roberts and

Resolved that the Fire Authority agree:

- a) The appointment of Mr Michael Tebbutt to the role of Independent Person, as set out in section 28 of the Localism Act 2011, until 30 June 2013 (inclusive) with immediate effect;
- b) The appointment of Mr Christopher Humphries to the role of Independent Person, as set out in section 28 of the Localism Act 2011, in the capacity as a reserve for Mr Tebbutt, until 30 June 2013 (inclusive) with immediate effect; and
- c) To receive a further report in 2013 for arrangements post 30 June 2013

8 Code of Corporate Governance 2012/13

This report put forward a draft Code of Corporate Governance 2012/13 for consideration and formal adoption by the Fire Authority.

It was proposed by Councillor Hurst-Knight, seconded by Councillor Kiernan and

Resolved that the Fire Authority agree formally to adopt the 2012/13 Code of Corporate Governance without amendment

9 Financial Performance to August 2012 including the Annual Treasury Report 2011/12

This report provided information on the financial performance of the Service, and sought approval for action, where necessary.

The Head of Finance presented the report, advising that overspends would be reviewed and monitored throughout the year and a full report on activity within the Capital Programme would be taken to the Strategy and Resources Committee in November. She responded to a number of questions from Members regarding interest rates, reserves and variances.

The Chair advised that, contrary to the recommendation in the report, it would be the full Fire Authority, which would agree the recommendations.

It was proposed by Councillor Minnery, seconded by Councillor Roberts and

Resolved that the Fire Authority:

- a) Note the position of the revenue budget;
- b) Approve virements to the revenue budget where requested;
- c) Note the position on the capital programme, including developments at Wellington Fire Station;
- d) Note performance against prudential indicators for 2011/12;
- e) Note performance against prudential indicators to date in 2012/13;
- f) Note the annual review of treasury activities for 2011/12; and
- g) Note performance in Treasury Management to date in 2012/13

10 Budget Projections from 2013/14

The report updated Members with the projections currently being used by officers to plan future service strategy. The report also updated the Authority with the latest information on future expenditure and income.

The Head of Finance pointed out that the figure, given in the second paragraph on page 3 of the report, should have been 9.00%, not 9.8%.

A discussion took place about the changes to be introduced by the Government relating to business rates income and the potential impact of this, including top ups and tariffs, on the Fire Authority. The Treasurer emphasised that the information provided in the report was the best-known at the time but there was considerable uncertainty about this issue.

Councillor Mellings asked whether it was now possible to reconsider removal of the rescue tender from Wellington, as the Fire Authority's financial position had improved since February. He also asked whether officers would look at the impact of a 2%, rather than 3%, increase in council tax. The Chief Fire Officer responded that the financial position was constantly changing and it was necessary to ensure that any change in strategy would be sustainable into the future. More concrete figures would be available in December and a final decision regarding the rescue tender would not be required until 2014. In the meantime a number of options would be worked on by officers and brought to the Fire Authority for consideration.

Councillor Minnery, as Chair of the Strategy and Resources Committee, gave a standing invitation to the Chair and Vice Chair of the Audit and Performance Management Committee (Councillors Dr Jones and Mellings respectively) to attend any meetings of the former Committee to listen to the deliberations of that Committee regarding preparations for setting the 2013/14 budget.

It was proposed by Councillor Minnery, seconded by Councillor Adams and

Resolved that the Fire Authority:

- a) Note the current position of budget surplus / deficits;
- b) Confirm assumptions to plan future budget strategy; and
- c) Task officers with the modelling of alternative levels of precept increase

The Chair thanked both the Treasurer and Head of Finance for the quality of their reports and the explanations given to Members regarding their contents.

11 Community Right to Challenge

This report recommended the arrangements, which the Fire Authority should adopt, in order to operate the new Community Right to Challenge.

The Clerk advised that there continued to be much debate regarding the definition of statutory functions and duties and that the Fire Lawyers' Network was currently seeking counsel's opinion in this respect, because of the complex interlinking of functions within the Fire Service.

Councillor Bennett stated that Shropshire Council was working with the community and voluntary sector on how they could bid for pieces of work. There would, therefore, be some merit in the Fire Authority liaising with the Council, should an expression of interest come forward from this sector.

A debate ensued as to whether the Fire Authority needed at this stage to address the final recommendation in the report regarding taking a policy decision as to whether it wished to support community and voluntary participation, and/or staff mutual participation in the provision of services. The consensus was that such a policy decision should not be taken until after an expression of interest had been submitted.

The Corporate Services Manager advised that, although the report stated that there were no financial implications associated with it, there would be a cost, should the Monitoring Officer be required to deal with an expression of interest. This would be at the hourly rate set out in the service level agreement with Telford & Wrekin Council for the provision of legal services.

It was proposed by Councillor Minnery, seconded by Councillor Adams and

Resolved that the Fire Authority agree:

- a) To appoint the Monitoring Officer to be the proper officer for the receipt, validation and acceptance or rejection of expressions of interest;
- b) That the proper officer bring forward for approval a timetable for the acceptance or rejection of expressions of interest;
- c) That the proper officer be authorised to determine whether grounds exist to reject an expression of interest, and after agreement with the Chief Fire Officer or Deputy Chief Fire Officer, subject to prior consultation with the Chair of the Authority, to accept or reject an expression of interest on behalf of the Authority;
- d) That the proper officer report quarterly to the Authority on any expressions of interest received;
- e) To appoint the Deputy Monitoring Officer to be a deputy for the proper officer to act in a situation where the proper officer is absent or if a conflict situation exists between the proper officer and the expression of interest submitted;
- f) That discussion take place with the authorities with whom the Authority has joint arrangements with decisions about how these are to be handled;
- g) That the Authority designate a Procurement Officer to act as the project lead for any procurement exercises;
- h) That the Procurement Officer be instructed to propose to the Authority timescales for the period between acceptance of an expression of interest and start of the procurement exercise;

- i) That the Proper Officer (or Deputy) be responsible for managing each procurement exercise, subject to agreement of the specification for the service and the evaluation of tenders being joint with the Chief Fire Officer or Deputy Chief Fire Officer;
- j) That the Procurement Officer be instructed, after consultation with appropriate officers, to propose a timetable of periods within which expressions of interest for specified services will be received;
- k) That where the Chief Fire Officer or Deputy Chief Fire Officer, after consultation with the Chair, decides that an in-house bid will be prepared and submitted, he / she must put in place arrangements for the identification of separate commissioning and bid preparation teams; and
- l) That the Authority take a policy decision on whether it wishes to support community and voluntary participation, and/or staff mutual participation, in the provision of services, once an expression of interest has been submitted

12 Indemnities for Members and Officers

This report examined the current position regarding indemnities and insurance and asked the Fire Authority to consider whether to set out a specific indemnity for Members and officers and, if so, to agree the wording of that indemnity.

It was proposed by Councillor Hurst-Knight, seconded by Councillor Price and

Resolved that the Fire Authority agree:

- a) To set out a specific indemnity for Members and officers; and
- b) The wording of that indemnity, as detailed in the appendix to the report

13 National Framework Document

This report informed Members of the requirements placed on Fire Authorities, by Government, by the new Fire and Rescue Service National Framework 2012 document. It also provided a position statement on how the Service currently performs in relation to those requirements.

Resolved that the Fire Authority note the contents of the report

14 Partnership with the Environment Agency

This report informed Members about the current partnership arrangement that exists between the Service and the Environment Agency and the opportunity that had arisen for the Service to improve its current environmental protection capabilities.

The Head of Resources advised that the total cost of an additional incident support unit (ISU) and the environmental protection trays was £42,000, i.e. £18,000 over and above the funds to be provided by the Environment Agency.

The introduction of an additional ISU at this point would remove the need to replace a Landrover as part of the 2013/14 Ranger and Landrover replacement capital scheme. It was, therefore, proposed that the additional £18,000 required be brought forward from this scheme to provide a new Toyota Hilux, equipped with an environmental protection tray, fire fogging (high pressure water pump) system and other trays identified as appropriate at this location. This would enable effective use of the funding provided to meet both the Environment Agency's and the Fire Authority's objectives.

Resolved that the Fire Authority:

- a) Note the existing agreement that the Service has with the Environment Agency to provide an Environmental Unit in Shropshire; and
- b) Note that the Environment Agency has presented the Service with an opportunity to upgrade its current environmental protection capabilities

15 Local Government Act 1972

It was proposed by Councillor Bennett, seconded by Councillor Minnery and

Resolved that, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting room for the following item on the grounds that it involved the likely disclosure of exempt information, as defined by the provisions of Part I of Schedule 12(A) to the Act, by virtue of Paragraphs 1, 2 and 3

16 Employee Personal Request (Paragraphs 1, 2 and 3)

This report informed Members of a personal request received from an employee.

Members considered the request and made a number of resolutions in this respect.

The meeting closed at 4.10 pm.

Chair.....

Date.....

After the meeting closed the Group Manager Prevention gave a presentation on Business Fire Safety.