

**Minutes of the Meeting of
Shropshire and Wrekin Fire and Rescue Authority
held on Wednesday, 24 April 2013 at 3.00 pm,
at Service Headquarters, Shrewsbury**

Present

Members

Councillors Adams, Mrs Barrow, Bennett, Mrs Blundell, Hartin (from 3.05 pm), Hurst-Knight (until 4 pm), Dr Jones, Kiernan, Mellings, Minnery (Vice-Chair), Price, Thompson and West (Chair)

Officers

Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer (Corporate, Performance and Operations) Assistant Chief Fire Officer (Human Resources), Treasurer, Head of Finance, Head of Development, Safety and Risk, Monitoring Officer and Executive Support Officer

A revised agenda was tabled to the meeting due to an urgent item of business that needed to be considered (item 13a on the revised agenda). A copy of the tabled agenda will be placed on the signed minute book.

1 Apologies for Absence

Apologies for absence had been received from Councillors Mrs Bould, Miss Reynolds and Roberts. Councillor Carter did not attend the meeting but did provide apologies after the meeting had closed.

2 Disclosable Pecuniary Interests

The Chair reminded Members that they must not participate in the discussion of, 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.

No Disclosable Pecuniary Interests were declared.

3 Minutes

Members received the minutes of the Fire Authority meeting, held on 13 February 2013.

It was proposed by Councillor Price, seconded by Councillor Hurst-Knight and, with Councillor Minnery abstaining, as he had not been present at the meeting, it was

Resolved that the minutes of the Fire Authority meeting, held on 13 February 2013, 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

5a Minutes

Members received the minutes of the Audit and Performance Management Committee meeting, held on 7 March 2013, and considered the recommendation at item 9 of the minutes.

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

Resolved that the minutes of the Audit and Performance Management Committee meeting, held on 7 March 2013, be noted and that the recommendation at item 9 of the minutes, as given below, be agreed:

Item 9 – Review of Anti-Fraud, Bribery and Corruption Strategy

Resolved that the Fire Authority re-affirm the Anti-Fraud, Bribery and Corruption Strategy without amendment.

Councillor Hartin arrived at this point (3.05 pm).

5b Annual Report

This report presented the Annual Report of the Audit and Performance Management Committee for the period April 2012 to March 2013.

Councillor Dr Jones, as Chair of the Committee, presented the report and thanked the Committee and the Vice-Chair, Councillor Mellings, for their work throughout the year. Councillor Dr Jones also thanked officers for their work in relation to the Committee.

Resolved that the Fire Authority note the Annual Report of the Audit and Performance Management Committee.

6 Standards Committee Minutes

Members received the minutes of the Standards Committee meeting, held on 8 March 2013, and considered the recommendations at items 7, 8, 10, 11 and 12 of the minutes.

Councillor Bennett, as Chair of the Committee reported that there had been much discussion at the meeting about the issue of when the Committee should meet. To avoid a protracted period without a Chair of the Standards Committee, Councillor Bennett had subsequently proposed that the Chair of the Standards Committee be elected immediately after the Annual Meeting of the Fire Authority and this proposal had been circulated to various Members of the Authority for consideration.

Councillor Minnery commented that he was in favour of this proposal and that it should be applied to the Chair and Vice Chair of all Committees. All Members of the Fire Authority agreed with this proposal.

Committee Clerk note

As a result of the Authority's agreement of this proposal, the election of Committee Chairs and appointment of Committee Vice-Chairs will be placed on the agenda for the Annual Meeting of the Fire Authority, which will be held on 10 July 2013.

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

Resolved that the minutes of the Standards Committee meeting, held on 8 March 2013, be noted and that the recommendations at items 7, 8, 10, 11 and 12 of the minutes, as given below, be agreed:

Item 7 – Committee Constitution

Resolved that the Fire Authority agree the amendments to the Standards Committee Constitution

Item 8 – Review of Role Descriptions and Skills and Competencies

Resolved that the Fire Authority agree:

- The amendments to the Role Descriptions of the Standards Committee Chair and Vice-Chair;
- To delete the existing Role Description and Person Specification for Independent, Non-Elected Member of the Standards Committee; and
- The Role Description and Skills and Competencies for the Fire Authority's Independent Person

Item 10 – Update on Implementation of the New Standards Regime

Resolved that the Fire Authority agree the recommendation of the Standards Committee that on 1 July 2013 Mr Christopher Humphries be appointed as the sole Independent Person (as set out in section 28 of the Localism Act) and that Mr Michael Tebbutt be removed from his Independent Person responsibilities in accordance with statutory requirements.

Item 11 – Review of Protocol on Gifts and Hospitality

Resolved that the Fire Authority agree the amendments to the Protocol on Gifts and Hospitality

Item 12 – Protocol on Member / Officer Relations

Resolved that the Fire Authority agree the amendments to the Protocol on Member / Officer Relations.

7 Strategy and Resources Committee

7a Minutes

Members received the minutes of the Strategy and Resources Committee meeting, held on 14 March 2013.

Resolved that the minutes of the Strategy and Resources Committee meeting, held on 14 March 2013, be noted.

7b Annual Report

This report presented the Annual Report of the Strategy and Resources Committee for the period March 2012 to April 2013.

Resolved that the Committee note the Annual Report of the Strategy and Resources Committee.

8 Human Resources Committee

Members received the minutes of the Human Resources Committee meeting, held on 21 March 2013.

Councillor Adams, as Chair of the Committee, drew the Fire Authority's attention to item 9 on the minutes which concerned the Part Time Workers (Prevention of Less Favourable Treatment) Regulations Agreement and advised that this issue should be fully resolved soon.

Resolved that the minutes of the Human Resources Committee meeting, held on 21 March 2013, be noted

9 Fire Authority Work Plan 2013/14

This report reviewed progress against the Fire Authority's 2012/13 Work Plan and put forward a 2013/14 Work Plan for consideration and approval by Members. It also asked the Fire Authority to consider delegating powers to its Committees to approve various documents.

Councillor Minnery reinforced the recommendation at c) and commented that in certain circumstances, the delegated powers of committees should be increased although policies and strategies should still come to the Fire Authority for ratification. The Monitoring Officer confirmed that the relevant Terms of Reference will be changed to reflect the Authority's decision and will be brought to the Annual Meeting of the Authority for agreement.

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

Resolved that the Fire Authority:

- a) Note progress made against the Fire Authority 2012/13 Work Plan, as detailed at paragraph 4 of the report;

- b) Approve the 2013/14 Work Plan (attached at the appendix to this report), with no amendments; and
- c) Agree that powers should be delegated to its Committees to approve various documents

10 Update from Chair of the Strategic Risk and Planning Working Group

Following the Grant and Budget announcements of late 2012 and March 2013 the Fire Authority asked its Strategy and Resources Committee to find a further £1.2 to £1.6 million per year budget reductions to be implemented to enable a balanced budget by 2020.

This short report updated Members on the work thus far. Normally a paper would come through the Strategy and Resources Committee but, because of election dates, this report had come directly from the Chair of the Fire Authority's Strategic Risk and Planning Working Group.

Resolved that the Fire Authority note the report

11 Coroner's Rule 43 Letter – Shirley Towers, Hampshire

This report set out the recommendations made in the Coroner's Rule 43 Letter relating to a fire at Shirley Towers, Hampshire.

The Chief Fire Officer (CFO) explained that a more detailed report on this issue and the Fire Authority's response to it will be taken to a future meeting of the Audit and Performance Management Committee with a summary being brought to the Fire Authority via the Committee minutes.

Councillor Price commented that it was a sobering report and that the Coroner's Rule 43 Letter, which is only issued if needed, would also have been sent to registered providers. Councillor Price asked how a high-rise building was defined and how many there were in Shropshire. He also asked for further detail of action taken in response to the letter.

The CFO explained that the key issue is the use of plastic ducting in housing stock to hold electrical cables. The Service is writing to all registered providers in Shropshire, explaining the issue and enclosing a copy of the Rule 43 Letter. The Government has the power to change regulations regarding the use of plastic ducting but is currently not minded to do so. Neither will there be any changes to sprinkler legislation in the near future, so the issue will have to be tackled through the risk assessments of registered providers.

The Head of Development, Safety and Risk (HDSR) explained that a high-rise building is a building that is over 30 metres in height and that there are no high-rise buildings in Shropshire. The building involved in the incident in Hampshire was also of a complex design and there are none of these in Shropshire either.

The HDSR referred to recommendation 4) of the Rule 43 Letter regarding fallen cables and explained that wire cutters have been provided on the breathing apparatus (BA) boards and emergency evacuation kits.

A risk assessment has been carried out on the Service's BA cylinder covers and no changes need to be made to the BA sets. An awareness package has been developed as part of the training programme and an entanglement unit is being purchased. Hampshire has also produced a training package on the issue and officers are looking at this.

Resolved that the Fire Authority note the contents of the report.

12 Fire Control Room Project Update

This report provided a summary update regarding progress with the Fire Control project from both a national and local perspective.

Resolved that the Fire Authority note progress made to date (both nationally and locally) to implement resilient control room functions

13 Commercial Trading

This report outlined a business case and business plan, leading to the formation of a commercial trading company wholly owned by Shropshire and Wrekin Fire and Rescue Authority.

The CFO presented this report and began by explaining that the Fire Authority had previously resisted taking this route. The proposal to establish a Local Authority Controlled Company (LACC) would, however, enable the Fire Authority to generate profit. This profit would contribute to the Service's income and be used for the people of Shropshire and Telford and Wrekin area, which would be a benefit in the current economic environment.

The LACC would be established with a Board of Directors made up of Fire Authority Members. The CFO highlighted the options, set out on page 4 of the report, for the make-up of the Board.

The CFO explained that officers are aware of the risks involved in establishing such a company but they also know that there are companies, who are keen to trade with the LACC. The correct controls need to be in place, however, before the company begins to trade, which is why delegated authority is sought for officers to agree the start-up date of the company. The CFO explained that the loan to the company, as detailed on page 6 of the report, would be at the commercial interest rate of about 4% to keep risks low.

Councillor Price congratulated officers on the quality of the Business Plan and commented that, whilst this was not necessarily something that the Authority wants to do, it needs to be viewed from the perspective of Shropshire Fire and Rescue Service and its need to protect the communities of Shropshire and its staff. Councillor Price also commented that the risks appear to be limited, especially as there are minimal assets required.

Councillor Dr Jones commented that, whilst she understood the benefits of looking outward, the fact that caution about establishing such a venture had been exercised previously was concerning. She also felt uncomfortable that the Representative Bodies had not been involved and that this appeared to be a massive change in the Authority's approach, which has always been inclusive and supported staff involvement.

Councillor Dr Jones concluded that, whilst the Business Case was well put together, she personally felt that it was being rushed and that the Authority was being forced to make a decision without due consideration.

The CFO responded that there had been little detail given to Members or pre-emptive work done, as the Authority was in direct competition with other companies and needed to move quickly. The CFO also explained that, apart from one member of staff, no current staff will be used and assured Members that a full consultation process will be undertaken, if there is to be any impact on current staff.

Councillor Mrs Barrow referred to the Board of Directors and suggested that five directors, rather than three, would be a better number. She also suggested that one Member should be involved in the decision to release the loan to the company to ensure transparency. The CFO assured Members that the decision to release the loan would be made in consultation with the Board of Directors.

Councillor Hartin commented that he agreed with Councillor Dr Jones concerns and asked for clarification about union involvement in the process. The CFO reiterated that there was currently no union involvement and that the development of the Business Case had been driven by proportionality and also the need to start trading, before challenges are received from other companies.

Having considered the contents of the report, the Chair then took each of the recommendations on the paper in turn with the outcome being as follows:

Recommendation b)

It was proposed by Councillor Hurst-Knight, seconded by Councillor Kiernan and on a vote, with 8 Members voting for and 5 Members voting against, it was

Resolved that the Fire Authority agree to the establishment of a trading arm, as described in the business plan

Recommendation c)

It was proposed by Councillor Price, seconded by Councillor Kiernan and on a vote, with 8 Members voting for, 3 Members voting against and 2 Members abstaining, it was

Resolved that the Fire Authority agree to the provision of a loan at commercial rates to the new company

Recommendation d)

Councillor Mrs Barrow proposed that the recommendation be amended to read as follows:

‘Appoint five Members of the Fire Authority to sit on the Board of Directors of the company’

This was seconded by Councillor Price and on a vote, with 8 Members voting for, 1 Member voting against and 4 Members abstaining, this was carried as a substantive motion.

Members then voted on the amended recommendation d) and, with 8 Members voting for, 3 Members voting against and 2 Members abstaining, it was

Resolved that the Fire Authority agree to appoint five Members of the Fire Authority to sit on the Board of Directors of the company

Councillor West suggested that of these five Members, there should be one Member from each of the two constituent authorities, with the remaining three being decided by a free vote. Councillor Minnery then moved that, in perpetuity, one of the five seats on the Board should be taken by a Member of Shropshire Council and one by a Member of Telford & Wrekin Council. This was seconded by Councillor Mrs Barrow and on a vote, with 9 Members voting for and 4 Members abstaining, it was

Resolved that, in perpetuity, one of the five seats on the Board should be taken by a Member of Shropshire Council and one by a Member of Telford & Wrekin Council.

Councillor Hurst-Knight then proposed that the Vice-Chair of the Fire Authority should sit on the Board. This was seconded by Councillor Mrs Barrow and on a vote, with 9 Members voting for and 4 Members abstaining, it was

Resolved that the Vice-Chair of the Fire Authority should sit on the Board

It was then proposed by Councillor Hurst-Knight that the remaining two seats be filled by a free vote. This was seconded by Councillor Mrs Barrow and on a vote, with 9 Members voting for and 4 Members abstaining, it was

Resolved that the remaining two seats should be decided by a free vote

Councillor Mrs Barrow asked the Members, who were abstaining in the voting, if they wished to sit on the Board. Councillor Dr Jones explained that she had voted against initially because of her concerns about the lack of staff involvement in the initial process and was now abstaining for the same reason. Councillor Mrs Barrow suggested that this was a reason for Councillor Dr Jones to sit on the Board to ensure that these issues are dealt with. Councillor Hartin agreed with Councillor Dr Jones and stated that he was uncomfortable with making these decisions at present.

Councillor Minnery commented that it appeared that the decision of who to appoint to the Board may be easier to make after the Business Case had been discussed in closed session. He, therefore, proposed that consideration of recommendations d) and e) be deferred until after closed session. This was seconded by Councillor Bennett and on a vote, with 12 Members voting for and one Member abstaining, it was

Resolved that the consideration of recommendations d) and e) on the report be deferred to after the closed session of the meeting, at which point the meeting would revert to open session.

13a Variation to Capital Programme

The capital programme approved by the Fire Authority in February contained a scheme in 2014/15 for the procurement of three new appliances at a total cost of £660,000. Officers have been informed that, due to new European emission regulations, the purchase price and running costs of appliances will increase for all new light goods vehicles bought after April 2014. It is estimated that each appliance will cost an additional £10,000 and running costs over the 15-year life will exceed an additional £10,000 per vehicle. To mitigate these additional costs, orders for the new appliances had to be placed by 22 April 2013.

As a result of this development, the Chief Fire Officer secured the approval of the Chair and the Vice Chair of the Fire Authority to bring forward the scheme for appliances from 2014/15 to 2013/14, to take advantage of these developments for the Fire Authority. This approval was sought in conjunction with the Treasurer and the Monitoring Officer.

The Fire Authority's financial regulations state that approval of the Authority should be obtained for this variation to its capital programme, and Members were now asked to retrospectively approve the transfer of the 2014/15 appliance replacement scheme to 2013/14. No other changes were necessary to the 2013/14 programme in light of this change, and there were no revenue consequences of the movement of this scheme in 2013/14, as the scheme is to be funded from existing balances.

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

Resolved that the Fire Authority agree the variation to the Capital Programme, as set out above

14 Local Government Act 1972

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

Resolved that, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting room for the following items on the grounds that they 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.

Councillor Hurst-Knight left the meeting at this point (4.00 pm).

15 Commercial Trading – Business Case and Outline Business Plan 2013 – 2018 (Paragraph 3)

Members considered the business case and outline business plan, which was the exempt Appendix to report 13.

Resolved that the business case and outline business plan be noted.

16 Appointment of Chief Fire Officer (Paragraphs 1, 2 and 3)

This report asked the Fire Authority to ratify the decision of its Brigade Managers' Employment Panel on the appointment of a new Chief Fire Officer. It was proposed by Councillor Minnery, seconded by Councillor Mellings and

Resolved unanimously that the Fire Authority ratify the appointment of the current Deputy Chief Fire Officer, John Redmond, to the post of Chief Fire Officer with effect from 9 July 2013

At this point the meeting reverted to open session (4.18 pm).

13 Commercial Trading

Councillor West reminded Members of the decisions made earlier in the meeting, that there should be five Fire Authority Members on the Board of Directors. Of these, there would be one Member from each of the two constituent authorities and the Vice Chair of the Fire Authority. He then asked the meeting to consider how the remaining two seats should be designated.

Councillor Thompson suggested that there should be a political balance to the Board. Councillor West acknowledged this but stated that the Fire Authority is apolitical. The Monitoring Officer confirmed that there was no statutory requirement for the Board to be politically balanced in the way that Committees are.

Councillor Minnery commented that he was keen for the Board membership to be agreed today and that the Authority needed to ensure that there was at least one Member from the Opposition Group on the Board.

Recommendation d) continued

Councillor Minnery then nominated Councillor Kiernan and Councillor Mrs Barrow as the representatives of each of the constituent authorities. The reasoning for this was that, as Councillor Kiernan is a Telford & Wrekin Member and did not have elections that year and Councillor Mrs Barrow's seat was unopposed, they could be contacted, should the Board need to make any decisions in the period between the Shropshire Council elections and the Annual Meeting of the Fire Authority. Councillor Minnery's proposal was seconded by Councillor Price and on a vote, with 9 Members voting for, 1 Member voting against and Councillors Mrs Barrow and Kiernan abstaining, it was

Resolved that Councillor Mrs Barrow and Councillor Kiernan sit on the Board of Directors

With this agreed and with one seat being taken by the Vice-Chair of the Fire Authority, there were two seats remaining to be filled by a free vote. Councillor Dr Jones proposed Councillor Mellings for one seat. This was seconded by Councillor Minnery and it was

Resolved unanimously that Councillor Mellings sit on the Board of Directors

Councillor Minnery proposed Councillor Hartin for the final seat on the Board. This was seconded by Councillor Price and it was

Resolved unanimously that Councillor Hartin sit on the Board of Directors

Recommendation e)

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

Resolved unanimously that the Fire Authority delegate authority to the Chief Fire Officer, Treasurer, Monitoring Officer and Head of Finance jointly to agree the start-up date of the company

Before formally closing the meeting, the Chair acknowledged that this was the current Chief Fire Officer's final Fire Authority meeting. The Chair explained that there would be a formal presentation to the CFO at the Medal Ceremony in June but he wanted to take this opportunity to thank the CFO for his work and his commitment to both the Service and the Authority. The Chair also praised the excellent working relationship that the CFO had established with both the Chair and the Fire Authority as a whole.

The Chair then wished success to those Members, who were standing for election in Shropshire Council, and thanked all Fire Authority Members for their continued support.

The Vice-Chair then thanked the Chair for the work that he did on behalf of the Fire Authority, particularly the lobbying that he had undertaken with regard to the grant cuts. The Chair also thanked the Vice-Chair for his support.

The meeting closed at 4.28 pm.

Chair.....

Date.....