

**NORTH WALES FIRE AND RESCUE AUTHORITY
EXECUTIVE PANEL**

Minutes of the Executive Panel Meeting of the North Wales Fire and Rescue Authority held on 3 February 2014 at Fire and Rescue Headquarters, St Asaph. Meeting commenced at 2pm.

PRESENT

Cllr M LI Davies (Chair)	Denbighshire County Council
Cllr P R Lewis (Deputy Chair)	Conwy County Borough Council
Cllr R Davies	Denbighshire County Council
Cllr B Dunn	Flintshire County Council
Cllr A Evans	Wrexham County Borough Council
Cllr H McGuill	Flintshire County Council
Cllr P W Owen	Denbighshire County Council
Cllr W R Owen	Gwynedd Council
Cllr W T Owen	Gwynedd Council
Cllr R E Parry	Conwy County Borough Council
Cllr P Pemberton	Wrexham County Borough Council

ALSO PRESENT:

S A Smith (Chief Fire Officer and Chief Executive); C Everett (Clerk and Monitoring Officer); K Finch (Treasurer); D Docx (Deputy Chief Fire Officer); P Claydon, R Simmons and R Fairhead (Assistant Chief Fire Officers); G Brandrick (Senior Fire Safety Manager); G W Griffiths (Senior Development Manager); K Roberts (Senior Operations Manager); S Morris (Corporate Planning Manager); T Williams (Corporate Communications Manager); A Davies (Member Liaison Officer).

Apologies:

Cllr L W Davies	Anglesey County Council
Cllr J M Evans	Anglesey County Council
Cllr A Tansley	Conwy County Borough Council
L Roberts	Senior Control and Business Continuity Manager

1 DECLARATIONS OF INTERESTS

1.1 None.

2 MINUTES OF THE MEETING HELD ON 28 OCTOBER 2013

2.1 The minutes of the last meeting were submitted for approval.

2.2 **RESOLVED to approve the minutes as a true and correct record.**

3 MATTERS ARISING

3.1 Fire and Rescue Service Project in Wales - the CFO had previously informed Members about the three-phased project and gave Members an update. The completed report had been presented to the Minister and shared in confidence with the Chair and Chief Fire Officer. Members were informed that the Chairs and Chief Fire Officers of the three fire and rescue authorities in Wales had concerns about the report and the Minister had asked for those concerns to be put in writing to her. Members will be given a further update at the Authority meeting in March.

3.2 **RESOLVED to agree that the matter be dealt with by the Chair and Chief Fire Officer.**

4 PERFORMANCE MONITORING

4.1 The Deputy Chief Fire Officer presented the report which provided performance monitoring information for the first three quarters of the year from 1 April 2013 – 31 December 2013. As requested by Members an additional traffic light column had now been included on the tables of performance showing the average figure over the last three year period and this was welcomed by Members.

4.2 The following issues were noted in relation to improvement objective 1 - preventing deaths and injuries from accidental fires in dwellings:

- an increase of 12% in accidental fires in dwellings compared to the same period last year, and the figure is also higher than the three year average
- there had been two deaths, one in May and one in June, and the Coroner had confirmed that both were due to accidental fires in dwellings
- the number of dwelling fires attended where a smoke alarm was fitted had slightly increased but the number of dwellings experiencing a fire without a smoke alarm had also increased
- 32% of home fire safety checks had been completed following a referral from a partner organisation which exceeds the Service's target of 25%.

4.3 Members were reminded that the weather tends to play a part in influencing the performance figures. The total number of fires had increased compared to the same period in 2012-13 mainly because the number of grassland fires in 2013-14 had more than doubled compared to the previous year, reflecting the wetter than average weather of 2012-13 and the drier Spring/Summer in 2013-14. Also, as a consequence of the weather there had been a reduction of 36% in the number of special service calls - during the first three quarters of the year there had been significantly fewer calls relating to flooding incidents compared to 2012-13.

- 4.4 It was pleasing to note that despite an increase in the number of non-domestic premises across North Wales there had been a decrease of 24% in the number of fires occurring on such premises and this was considered partly attributable to the work that the Service has undertaken with the owners of premises.
- 4.5 The Service had attended fewer calls because of false alarms compared to the same period in 2012-13. However, there had been an increase in the number of false alarms made with good intent and this could be because of the increase in links to Careline therefore was not to be discouraged.
- 4.6 In response to a Member's question, it was confirmed that when a fire occurs the Service will take the opportunity to offer home fire safety checks to those nearby. It was also confirmed that all press releases have a paragraph about how to make arrangements to book a home fire safety check.
- 4.7 **RESOLVED to note the information provided.**
- 5 INCIDENTS OF NOTE
- 5.1 The report was presented following Members' request to have more information about incidents of note and in particular the length of time spent at an incident and the resources involved. Key incidents during December 2013 and January 2014 had been included in the report as well as good news stories indicating where smoke alarms had been of assistance in detecting fires. Members welcomed the report and found it very informative.
- 5.2 **RESOLVED to note the information and request a similar report be presented again in six months' time.**
- 6 IMPROVEMENT OBJECTIVES 2014-15
- 6.1 The report summarised the responses to the Authority's consultation on its draft improvement objectives 2014-15. The consultation was made available on the Authority's website and sent electronically to a range of local and national stakeholders and partner organisation as well as links to social media.
- 6.2 As part of the consultation process, the CFO, DCFO and the Chair had attended a meeting at each of the six councils' sub-committees to give a presentation and to discuss the consultation in more detail. The Clerk commented that the presentations had been very well received and although not all councils had provided written responses, feedback had been given at the meetings; this was confirmed by the Treasurer. Cllr Dunn had chaired the Flintshire meeting and reiterated the Clerk's words; he also felt that a presentation on an annual basis would be welcomed.
- 6.3 The DCFO explained that eight written responses had been received and they reflected broad agreement with the three proposed improvement objectives. One response had taken exception to the use of the term 'vulnerable people' and had suggested alternative phrases. It was noted that the term has different meanings to different people and the Deputy Chair

suggested 'people at risk from fire'. The CFO gave Members an explanation about why the Service used the term vulnerable and that it was a consequence of the research undertaken in 2006 when the Chief Fire Officer's Task Group was established. Having spoken to various organisation and other agencies, it became apparent that they had various levels of risk and to them the term 'vulnerable' had a much higher threshold. However, the Task Group came to the conclusion that in terms of being at risk of a fire in their home, people were vulnerable due to their lifestyle and living circumstances and therefore the term was deemed appropriate as it captures a broader section of people that the Service is trying to help. Members were reminded that the CFO Task Group report identified seven key characteristics which contributed to accidental fire deaths and that of the 10 people who died in 2006, each one had at least three of those seven characteristics. Members noted the CFO's explanation and asked that it be included in the Improvement Plan. It was confirmed that the seven key characteristics will be referred to in the plan in order to clarify the use of the term 'vulnerable'.

6.4 **RESOLVED to approve**

- (i) **the production of a final draft of the Improvement Plan 2014-15 based on the same proposals contained in the consultation draft and including additional explanation of: a) what is meant by 'vulnerable' when referring to fires in the home; and b) the Authority's decision regarding its 2014-15 budget;**
- (ii) **that the final draft of the Improvement Plan 2014-15 will then be presented to the full Fire and Rescue Authority at its 17 March 2014 meeting for approval, followed by publication before the end of March 2014.**

7 MEMBERSHIP OF IMPROVEMENT PLANNING WORKING GROUP

7.1 The DCFO introduced the report which asked Members to agree the membership of the Improvement Plan Working Group for 2014-15.

7.2 As the Clerk had previously indicated the working group will need to discuss budget plans for the future in addition to the improvement objectives and as some members were still relatively new to the work of the Authority, it was considered prudent to again invite all members of the Executive Panel to be members of the IP working group. The working group meetings will give members and officers the opportunity to explore ideas and information in informal meetings prior to making suggestions to the Executive Panel meeting in a formal capacity.

7.3 **RESOLVED to**

- (i) **agree that the full membership of the Executive Panel becomes the membership of the IP Working Group;**
- (ii) **note the dates of the IP Working Group meetings as follows:
24 February 2014 2pm;
31 March 2014 2pm;
12 May 2014 12pm (prior to the Executive Panel meeting).**

8 OPERATIONAL RESOURCING STRATEGY (JANUARY 2014 – MARCH 2015)

8.1 The report briefed Members on the Service's operational resource strategy for the period January 2014 to March 2015.

8.2 ACFO Simmons reminded Members of decisions taken by the Authority going back to December 2010 when it was unanimously agreed to freeze the budget at £32 million for three years; this required savings of £2.45 million. A financial strategy for 2011 – 2014 was created based on a set of principles agreed by Members which included evenly spreading the reduction in budget over the three years and to mitigate the risk of compulsory redundancies. The strategy had been adhered to whilst making the necessary savings.

8.3 The new operational resourcing strategy will enable the Service to focus on the delivery of a professional and resilient emergency response service and includes proposals around recruitment. Members were informed about the new form of contract due to be introduced which will give existing RDS firefighters the option to apply for firefighter posts which were for 21 hours per week. It is anticipated that this contract will improve work/life balance for RDS firefighters as it will be less restricting and they will know their hours of work in advance.

8.4 Members noted that the Service has an ageing profile and that the resourcing strategy will enable the Service to create youth employment opportunities through firefighting apprenticeships. Cllr R Davies was very supportive of having apprenticeships and ACFO Simmons explained that the Service will work in partnership with schools and colleges to have a joint youth engagement and work experience programme in place those aged 18 and over. The DCFO commented that this was a good news story as other FRSs are making people redundant, North Wales FRS will be offering ringfenced jobs to RDS firefighters and offering apprenticeships to young people.

8.5 **RESOLVED to note the content of the report.**

9 PROCESS FOR APPOINTMENT OF ASSISTANT CHIEF FIRE OFFICER

9.1 The CFO presented the report which informed Members about the arrangements for the recruitment to one of two anticipated vacant Assistant Chief Fire Officer posts. As with all appointments to the senior management team, it will be a member appointment and the interviews involving members will be held on 5th March. The appointments panel will consist of a representative from each council as follows:

Meirick Lloyd Davies (Chair) (Denbighshire)
Peter Lewis (Deputy Chair) (Conwy)
Lewis Davies (Ynys Môn)
Geoff Lowe (Wrexham)
Hilary McGuill (Flintshire)
W Tudor Owen (Gwynedd)

- 9.2 It was noted that the selection process will also involve the Chief Fire Officer, Deputy Chief Fire Officer, Treasurer and Clerk.
- 9.3 **RESOLVED to note the process and approve the membership as noted above.**
- 10 IMPROVEMENT ASSESSMENT LETTER
- 10.1 Ron Price from the Wales Audit Office was in attendance to present the improvement assessment letter to Members. The Auditor General for Wales was positive in his comments and confirmed that the Authority had discharged its improvement reporting duties under the Measure.
- 10.2 Mr Price indicated that there was potential for the Authority to strengthen its improvement reporting by using more comparative data. At the last meeting, Cllr Lewis had asked who should the Authority compare itself with and what kind of information should be compared. Mr Price stated that the guidance is specific about the improvement authorities including the comparative data but that it was non-prescriptive on how the organisation could compare itself to others. Mr Price was aware that the NIC had discussed the matter and he was of the view that the Authority could use comparative data in a number of broad areas to tell the narrative.
- 10.3 Other suggestions for improvement included ensuring the assessment of performance report is promoted and published widely and inviting input from the public about the assessment. The Clerk's view was that the annual performance assessment was an useful and more critical tool for the Authority, and that the public will be acutely aware of the Service's performance where it affects them.
- 10.4 Cllr Anne Evans commented that she had been astounded since joining the Authority by the high quality of information provided for all meetings in order for Members to be able to make decisions and decide if the Authority is managed in a professional and safe manner. She praised the Service for continuing to manage its day to day business in addition to the recent industrial action and flooding incidents. Cllr Evans felt that the points raised by the Auditor although valid were very minor details and was confident the Authority will rise to the challenge.
- 10.5 Mr Price reiterated the positive aspects of the letter around compliance and that the suggestions for improvement would hopefully assist the Authority's continuous improvement for the future.
- 10.6 **RESOLVED to accept the Improvement Assessment Letter and note that an Annual Improvement Report for the Authority will be published by the end of March 2014.**

- 11 COMMISSIONER'S FEEDBACK ON WELSH LANGUAGE ANNUAL MONITORING REPORT
- 11.1 ACFO Fairhead presented the report which informed Members about the feedback from the Welsh Language Commissioner in relation to the Service's Welsh Language Monitoring Report 2012-13.
- 11.2 The Commissioner had welcomed many aspects of the Authority's work in relation to the Welsh language and in particular she had commented on the Service's new level 3 CD recorded for use by Welsh learners and the fact that the number of staff trained to higher levels of Welsh language skills had increased. It was noted that in readiness for the statutory standards due to be published in the coming months, the three fire and rescue services in Wales have already started working together to ensure they are fully prepared towards meeting the standards once they are published.
- 11.3 **RESOLVED to note the progress made in relation to the Welsh Language Scheme and the Service's commitment to continue to monitor progress.**
- 12 DRAFT PUBLIC SERVICES (WORKFORCE) (WALES) BILL: RESPONSE TO CONSULTATION
- 12.1 ACFO Simmons presented the report which informed Members of the Welsh Government consultation document 'Supporting our Public Service Workforce through Collective Leadership and Legislation': Consultation on a Draft Public Services (Workforce) (Wales) Bill. The closing date for consultation was the end of February and therefore Members were asked to delegate authority for approving the Authority's response to the Chair and Chief Fire Officer.
- 12.2 The consultation sought views on the proposed Bill which would initially give Welsh Ministers powers to issue specific statutory guidance on several public service workforce matters and also provided for the list to be augmented in the future.
- 12.3 ACFO Simmons explained that, given the extent of the powers contained within the Bill, there were grave concerns around loss of organisational independence, flexibility and local accountability. The Executive Summary of the consultation notes that the power granted by the Bill would be used by Welsh Ministers in particular to support agreements reached at the Workforce Partnership Council (WPC). Members noted that the Authority does not have a seat on the WPC but is represented by Cllr Tudor Davies of South Wales Fire and Rescue Service.
- 12.4 The Chair had attended a meeting of the WLGA Joint Council for Wales and the Bill had been discussed. The consensus at that meeting was to reject the Bill as it was not conducive to enabling local innovation and agreement which was essential in these financial circumstances. Cllr W R Owen agreed with the Chair and was disappointed that the Authority was not represented on the WPC.

- 12.5 **RESOLVED to**
- (i) **note the "grave" concerns raised in relation to the Draft Public Services (Workforce) (Wales) Bill;**
 - (ii) **agree that given the deadline for responding to the Welsh Government's consultation on the Bill that the Authority's response will be approved through the Chair and the Chief Fire Officer.**

13 MEMBER/OFFICER RELATIONS PROTOCOL

- 13.1 The Clerk introduced the report which asked Members to consider a member/officer relations protocol for the Authority. The local code of governance sets out principles and standards aimed at helping the Authority in discharging its accountability for the proper conduct of business. One of the principles of good governance adopted is 'Members and Officers working together to achieve a common purpose with clearly defined functions and roles'. The protocol codified existing good practice in member/employee relations within the Authority.
- 13.2 Cllr Dunn confirmed that the protocol had been discussed by the Standards Committee at its meeting on 29th January and was recommended to the Executive Panel.
- 13.3 **RESOLVED to recommend the draft member/officer relations policy to the Authority for approval.**

14 LOCAL RESOLUTION PROCEDURE

- 14.1 The Clerk introduced the report which asked Members to consider a Local Resolution Procedure for complaints in respect of Members. It was noted that this was a result of the Ombudsman's Guidance on the Code of Conduct for Members of Local Authorities in Wales, first published in April 2010, which stated that he expected local authorities to implement local resolution procedures to deal with low level complaints which are made by a member against a fellow member.
- 14.2 It was noted that stage 2 of the process should involve the deputy clerk and this will be amended in the report ready to be presented to the March Authority meeting.
- 14.3 Cllr Dunn confirmed that the protocol had been discussed by the Standards Committee at its meeting on 29th January and was recommended to the Executive Panel.
- 14.4 **RESOLVED to recommend the procedure to the Authority.**

15 INDEMNITIES FOR MEMBERS AND OFFICERS

- 15.1 The report provided information about indemnity insurance costs and asked Members to decide on the way forward.

15.2 Various options were available and should the Authority want indemnity insurance the cost would be around £1000 per year. However, as the Authority has never had such a case in its history, Members could decide to have an indemnity policy in place with a cap of £20,000 and should it ever be required it would be paid out of the Authority's general reserve fund.

15.3 Cllr Dunn confirmed that the protocol had been discussed by the Standards Committee at its meeting on 29th January and was recommended to the Executive Panel.

15.4 **RESOLVED to propose to the Fire and Rescue Authority that:**

(i) an indemnity be granted to cover the legal costs of defending a complaint to the Public Service Ombudsman for Wales that a member has breached the code of conduct and note that no legal costs will be paid in respect of a complaint that is handled under the local resolution procedure;

(ii) if the member is found to have breached the code and

a. is disqualified or suspended; or

b. is found to have deliberately or recklessly breached the code (irrespective of any sanction)

then any and all money paid under the indemnity must be repaid to the authority and if the circumstances listed in sub- paragraphs a or b arise and:

- no money has been requested or paid under the indemnity; OR**
- some but not all the legal costs have been paid**

then no payments will be made at all or no further payments will be made (in addition to requiring any payments to be repaid).

(iii) if the member is found to have breached the code and either no sanction is imposed or the member is censured then the Authority may request that a proportion of any money paid under the indemnity should be repaid. In the event that

- no money has been requested or paid under the indemnity; OR**
- some but not all the legal costs have been paid**

then the Authority may choose to pay a proportion only of the members' costs, and may require that any costs paid which exceed that proportion be repaid;

iv) the costs of any claims under the indemnity will be limited to £20,000 and will be paid out of the general reserve.

Prior to closing part I of the meeting, the Chair reminded Members that ACFO Paul Claydon was due to retire mid-February and he paid tribute to ACFO Claydon's work for the Authority on various sensitive issues in the past and more recently the Wrexham fire and ambulance project. The Chair thanked ACFO Claydon and wished him and his family all the best for the future.

PART II - Pursuant to Section 100A (4) of the Local Government Act, 1972, the press and public were asked to leave the meeting during consideration of the following item(s) of business because it is likely that there would be disclosed to them exempt information as defined in Paragraph(s) 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972.

Only the following officers remained in the meeting for the following agenda items: Chief Fire Officer, Clerk, Treasurer, Deputy Chief Fire Officer, Assistant Chief Fire Officers, Members Liaison Officer and both translators.

16 WREXHAM FIRE AND AMBULANCE STATION PROJECT

16.1 Members were given an update on the Wrexham fire and ambulance station project and it was noted that further information would be provided at the March Authority meeting.

16.2 **RESOLVED to note the update.**

At this juncture, Councillors Anne Evans, Paul Pemberton and Brian Dunn left the meeting.

17 INDUSTRIAL ACTION

17.1 The CFO updated Members about the latest developments with regard to industrial action by the Fire Brigades Union (FBU) over pension reform. The last period of strike action had taken place on 2nd January and discussions were continuing between the Fire Minister in England, the Minister for Local Government and Government Business in Wales and the FBU.

17.2 **RESOLVED to note the information provided.**