

## **NORTH WALES FIRE AND RESCUE AUTHORITY**

Minutes of the meeting of North Wales Fire and Rescue Authority held on Monday 17 March 2014 at Denbighshire County Council Chamber, Ruthin. Meeting commenced at 10.50am.

### **PRESENT**

#### **Councillor**

M LI Davies (Chair)  
P R Lewis (Deputy Chair)  
R Davies  
A I Dunbar  
B Dunn  
J G Evans  
G Lowe  
D A MacRae  
H McGuill  
D J Miles  
P Owen  
R E Parry  
P H Pemberton  
W P Shotton  
J R Skelland  
A Tansley  
W O Thomas  
R Wright

#### **Representing**

Denbighshire County Council  
Conwy County Borough Council  
Denbighshire County Council  
Flintshire County Council  
Flintshire County Council  
Anglesey County Council  
Wrexham County Borough Council  
Conwy County Borough Council  
Flintshire County Council  
Conwy County Borough Council  
Denbighshire County Council  
Conwy County Borough Council  
Wrexham County Borough Council  
Flintshire County Council  
Wrexham County Borough Council  
Conwy County Borough Council  
Flintshire County Council  
Gwynedd Council

### **Also present:**

S A Smith (Chief Fire Officer and Chief Executive); C Everett (Clerk and Monitoring Officer); K W Finch (Treasurer to the Authority); D Docx (Deputy Chief Fire Officer); R Simmons and R Fairhead (Assistant Chief Fire Officers); G W Griffiths (Training and Development Manager); K Roberts (Senior Operations Manager); L Roberts (Senior Control and Business Continuity Manager); Rh Williams (Corporate Communications Officer); S Forrest (Accountant, Conwy County Borough Council); C Dingle (Finance Manager); A Davies (Member Liaison Officer) and S Jones (Member Liaison Assistant).

### **APOLOGIES**

#### **Councillor**

L W Davies  
J M Evans  
A Jones  
L A W Jones  
W R Owen  
W T Owen  
P Penlington  
M A Reece

#### **Representing**

Anglesey County Council  
Anglesey County Council  
Wrexham County Borough Council  
Gwynedd Council  
Gwynedd Council  
Gwynedd Council  
Denbighshire County Council  
Flintshire County Council

1 DECLARATIONS OF INTEREST

- 1.1 There were no declarations of interest, but Cllr P Pemberton indicated that he would leave the meeting before the discussion on the Wrexham fire and ambulance project.

2 MINUTES OF THE MEETING HELD ON 16 DECEMBER 2013

- 2.1 The minutes of the Fire and Rescue Authority meeting held on 16 December 2013 were submitted for approval.

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

3 MATTERS ARISING

- 3.1 It was noted that the Clerk would provide an update on minute 15.4 in part II of the meeting.

- 3.2 Draft Budget 2014-15 – at the last meeting, the Treasurer had indicated that a special meeting may have to be held to determine any changes to the budget, however, there had been no changes to the provisional agreement on the budget made in December and therefore a special meeting had not been required.

4 URGENT MATTERS

- 4.1 There were no urgent matters.

5 CHAIR'S REPORT

- 5.1 The report listed meetings and events attended by Cllr M LI Davies and Cllr P R Lewis in their roles of Chair and Deputy Chair of North Wales Fire and Rescue Authority between January and March 2014.

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

6 POST OF ASSISTANT CHIEF FIRE OFFICER

- 6.1 The Chief Fire Officer explained that a two-day selection process had been held consisting of officer and member interviews. It had been a unanimous decision to appoint Richard Fairhead and the CFO congratulated ACFO Fairhead and this was reiterated by the Chair and Members.

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

7 PROVISIONAL OUTTURN 2013-14

- 7.1 The Treasurer presented the report which informed Members about the estimated provisional outturn for the financial year 2013-14.

- 7.2 The Treasurer confirmed that the projected underspend currently was approximately £614,000 and that this was unlikely to change significantly before the end of March, unless there were any major incidents, for example gorse fires or flooding.
- 7.3 At the Authority meeting on 16 December 2013 Members had agreed in principle to use the revenue budget to finance part of the capital programme in the current year, as this would reduce the future debt charges arising from the current capital programme and therefore reduce budget increases in coming years. In order to further reduce the debt charges, it was recommended that any remaining underspend be used to pay for capital assets.
- 7.4 In response to a Member's question about the cost of the industrial action, the DCFO explained that although a lot of officers' time had been spent on preparing for the industrial action, the main cost incurred was for the training of military support. Members were reminded that the WG had asked if the FRAs in Wales would need military support during strike action and initially the Authority had accepted the offer but at a later date was reassured that it would be able to manage without the military support, by which point, the military had been trained and the cost shared between the three FRAs in Wales.
- 7.5 **RESOLVED to**  
**(i) note the estimated underspend;**  
**(ii) agree to set money aside to finance approved capital expenditure, in order to reduce future debt charges.**
- 8 PRUDENTIAL INDICATORS, TREASURY MANAGEMENT STRATEGY, INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY
- 8.1 Members were presented with the Prudential Indicators, Treasury Management Strategy, Investment Strategy and Minimum Revenue Provision (MRP) Policy for 2014/15. The Treasurer explained that the Audit Committee has delegated power to review these documents in finer detail and this had been done at its meeting on 27 January 2014.
- 8.2 **RESOLVED to approve each of the four key elements of the report and the recommendations contained therein**  
**(i) a list of prudential indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities;**  
**(ii) the Treasury Management Strategy outlining the strategy to be followed regarding short and long-term borrowing for 2014/15 in accordance with the CIPFA code of Practice on Treasury Management;**  
**(iii) the strategy to be followed regarding the investment of Fire and Rescue Authority funds;**  
**(iv) Minimum Revenue Provision Statement.**

## 9 PAY POLICY STATEMENT

### 9.1 The report was presented to

- inform Members about the requirement for the Authority to produce a pay policy statement on an annual basis under Section 38(1) of the Localism Act 2011;
- seek approval of the pay policy statement for 2014/15 as detailed in the report.

9.2 It was noted that the statement had been amended for 2014/15 in order to comply with the revised guidance notes for 'Pay Accountability in Local Government in Wales'. The Clerk clarified that the pay policy statement is an annual description of the Authority's current policy and procedure which has to be published by 31 March.

9.3 In response to a Member's question about re-employment, it was confirmed that this policy is in line with Government guidelines and regulations and includes anyone retiring under a firefighter pension scheme.

9.4 In response to another question about bonuses being paid to chief officers, it was confirmed that unlike other fire and rescue authorities this Authority does not pay bonuses to any of its staff.

### **9.5 RESOLVED to approve the pay policy statement for 2014/15.**

## 10 IMPROVEMENT AND RISK REDUCTION PLAN 2014-15

10.1 The draft Improvement and Risk Reduction Plan 2014-15 was presented to Members for approval prior to publication. Fire and Rescue Authorities in Wales are required to prepare, publicly consult on and publish an Improvement Plan for each financial year.

10.2 The DCFO explained that following the consultation on the proposed improvement objectives, the Executive Panel had considered the responses received and approved the production of a final draft of the Plan for approval by the full Authority. Members were reminded of the three improvement objectives as follows:

- Improvement Objective 1 - To help to keep people and communities safe by preventing deaths and injuries from accidental fires in living accommodation.
- Improvement Objective 2 - To implement a 3-year financial plan for 2014/15 to 2016/17 that funds the current level of service, but that aims to limit the cost of doing so to the equivalent of an extra £1 per year per head of population.
- Improvement Objective 3 - To ensure that North Wales gets the best possible level of service within financial constraints, use a variety of management solutions to optimise fire and rescue cover in the area.

- 10.3 Members confirmed their support for the three objectives and were pleased that the Authority had been able to freeze its budget for a fourth year running whilst maintaining services and also recognised the importance of partnership working in order to try to reduce demand on the fire and rescue service. The CFO explained that although the underpinning strategy of the Authority is to continue to reduce the demand on the Service, it is not always possible to reduce the budget in line with the current demand as the number of incidents may increase again in future.
- 10.4 **RESOLVED to approve the final draft of the Improvement Plan 2014-15 for publication on the Authority's website before the end of March 2014.**
- 11 ENDING VIOLENCE AGAINST WOMEN AND DOMESTIC ABUSE (WALES) BILL
- 11.1 The report was presented to inform Members about the progression of the above Bill, its implications for the Fire and Rescue Authority and the actions being taken to meet those responsibilities.
- 11.2 Members discussed the report and the proposed Bill and were supportive of the work being done on an all-Wales basis in preparation for the introduction of the legislation. The Clerk commented that North Wales Safer Communities Board is accountable for the action plan of the 10,000 safer lives project and that it is progressing well.
- 11.3 **RESOLVED to note the**  
**(i) contents of the report and timings associated with the Bill;**  
**(ii) work that is progressing through the all-Wales Community Risk Reduction Committee;**  
**(iii) implications for the Fire and Rescue Authority.**
- 12 THE REPORT OF THE COMMISSION ON PUBLIC SERVICE GOVERNANCE AND DELIVERY (THE WILLIAMS REPORT)
- 12.1 Members were aware of the Williams Report that had recently been published and the CFO explained the potential impact of the Report on the fire and rescue authorities in Wales; almost all the provisions contained in the report could impact on the Authority in some form or another. Discussions have been held at NIC and Executive Panel meetings and it had been decided not to comment further until the WG has published its response to the report. The Clerk confirmed that this was also the view of the WLGA.
- 12.2 **RESOLVED to note the information provided.**
- 13 INDEPENDENT REMUNERATION PANEL FOR WALES
- 13.1 The Clerk presented the report which informed Members that the Independent Remuneration Panel's annual report 2014/15 had been published. The report contained recommendations in relation to members' remuneration which the Authority has to adopt.

13.2 Cllr Dunbar expressed disappointment with the Independent Remuneration Panel and its report and asked that it be minuted that he was against the recommendations made in the report. His view was that councillors on the FRA are paid enough remuneration without any increases and that in the current economic climate with all public sector bodies striving to save money, it was unfair to the tax payer that councillors were having an increase in their remuneration. The Clerk reiterated that the Authority is obliged to increase the remuneration paid to members under the Local Government (Wales) Measure 2011.

13.3 Cllr Wright also expressed disappointment with the lack of attendance from his colleagues from Gwynedd Council at Authority meetings and felt that members should not be paid unless they attended meetings.

13.4 **RESOLVED to note that the following will be implemented on 1 April 2014:**

- (i) **a Basic Salary rate of £1,700 per annum for a time commitment of 20 days per year will be payable to members other than the Chair and Deputy Chair of the Authority and the Chair of the Audit Committee;**
- (ii) **the Chair of the Authority will be paid a Welsh FRA Senior Salary aligned with the Band 3 salary (£10,400);**
- (iii) **the Deputy Chair of the Authority will be paid a Senior Salary aligned with the Band 4 salary (£5,400);**
- (iv) **the Chair of the Audit Committee will be paid a Senior Salary of £5,400;**
- (v) **travel, subsistence and care allowance rates remain the same as current rates.**

14 THE STANDARDS COMMITTEE'S ANNUAL REPORT TO THE FIRE AND RESCUE AUTHORITY

14.1 The report was presented to ask Members to note and approve the annual report from the Standards Committee.

14.2 **RESOLVED to note the Standards Committee's annual report.**

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. It was noted that the protocol had been discussed by the Standards Committee and the Executive Panel and had been recommended for approval by the full Authority.

15.2 **RESOLVED to approve:**

- (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 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.

## 16 MEMBER/OFFICER RELATIONS PROTOCOL

16.1 The Clerk introduced the report which asked Members to consider a member/officer relations protocol for the Authority. It was noted that the protocol had been discussed by the Standards Committee and the Executive Panel and had been recommended for approval by the full Authority.

16.2 Having discussed whether training on member/officer relations was required it was agreed that constituent authorities should be providing training on such issues and there would be a possible duplication should the Authority also provide training; it was also noted that all Members sign a code of conduct which should sufficiently protect the Members and the Authority.

16.3 **RESOLVED to approve the member/officer relations policy.**

## 17 LOCAL RESOLUTION PROCEDURE

17.1 The Clerk introduced the report which asked Members to consider a Local Resolution Procedure for complaints in respect of Members. It was noted that the protocol had been discussed by the Standards Committee and the

Executive Panel and had been recommended for approval by the full Authority.

17.2 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.

17.3 **RESOLVED to approve the local resolution procedure.**

18 MINUTES FOR INFORMATION

18.1 The minutes of the following meetings were submitted for information:

- Audit Committee meeting held on 27 January
- Standards Committee meeting held on 29 January
- Executive Panel meeting held on 3 February.

18.2 **RESOLVED to note the minutes for information.**

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.

At this juncture, Cllr P Pemberton left the meeting.

19 JOINT FIRE AND AMBULANCE STATION - WREXHAM

19.1 The DCFO provided Members with the latest information relating to the proposed joint fire and ambulance station development in Wrexham.

19.2 Having discussed the issues contained in the report and noting the key project dates, it was

19.3 **RESOLVED to approve the submission of the full business case to the Welsh Government based on a projected revised figure of £6,176,173.**

At this juncture, Cllr D Miles left the meeting.

20 INDUSTRIAL DISPUTE

20.1 The Chief Fire Officer provided an update on the industrial dispute and it was noted that there had been no further strike action since 3<sup>rd</sup> January 2014. Members will be kept informed of any further developments.

20.2 **RESOLVED to note the update.**



- 21 WELSH GOVERNMENT'S "FIRE AND RESCUE SERVICES IN WALES 2013 PROJECT"
- 21.1 The report was presented to share the final report on the "Fire and Rescue Services in Wales 2013 Project" with Members.
- 21.2 Members had been made aware of the project at the Authority meeting in June 2013. Since then, Members had been kept informed about developments with the project. The final report submitted to the Minister had now been shared in confidence with Members together with the Chair's letter to the Minister dated 10th February 2014 and her letter in response dated 4th March 2014.
- 21.3 **RESOLVED to note the contents of the report and the written correspondence between the Chair and the Minister.**
- 22 MATTERS ARISING UNDER PART II OF THE MINUTES OF THE MEETING HELD ON 16 DECEMBER 2013
- 22.1 The Clerk referred to the Authority's resolutions on the senior management structure. He explained that the establishment allows for three ACFOs and following Paul Claydon's retirement and the permanent appointment of Richard Fairhead to the ACFO post, the establishment continued to have only two ACFOs. Future options are being considered on whether to recruit to the third post of ACFO and Members will be kept informed.
- 22.2 The Clerk had undertaken a review of the comparative job sizing and evaluation of the three ACFOs' posts and having consulted with the Chair and Deputy Chair, it had been determined that there should be parity of pay within a single unified pay grade, provided that the remuneration level of such a pay grade would not exceed the highest current salary of three existing posts.
- 22.3 **RESOLVED to note the update provided.**