

NORTH WALES FIRE AUTHORITY

These are the minutes of the Executive Panel meeting of the North Wales Fire Authority held on Wednesday 14th January 2004 at Fire and Rescue Service Headquarters, Rhyl. Meeting commenced at 10:30am.

Present:

Councillor

Representing

T Roberts (Chairman)
M LI Davies (Vice-Chairman)

Gwynedd Council
Denbighshire County Council

J R Hughes
D Jones MBE
D M Morris
W T Owen
R P MacFarlane
D G Parry
W J Chorlton
J A Roberts
E C George

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

Also present:

S A Smith (Chief Fire Officer and Chief Executive); I R Miller (Clerk and Monitoring Officer to the Authority); K W Finch (Treasurer to the Authority); P S Coles (Deputy Chief Fire Officer); C Hanks (Assistant Chief Fire Officer, Service Support); P S Claydon (Temporary Assistant Chief Fire Officer, Service Delivery); S Morris (Projects Officer); Rh Owen (Personnel Manager) and Rh Evans (Member Liaison Officer).

PART I

1) Apologies

Councillor

Representing

S C Jones
F A Nichols

Conwy County Borough Council
Wrexham County Borough Council

and P L Slee (Assistant Chief Officer, Corporate Services)

2) Notice of Urgent Matters

The Chairman advised that the Fire and Rescue Services Bill had been published recently and that the Clerk and the Chief Fire Officer would give a brief overview of its contents under business item number 6.

3) Minutes

The following minutes were submitted:

- i. Executive Panel meeting held on 27th October 2003

Resolved: - to approve the minutes as a true and correct record of proceedings

4) Matters Arising

The Clerk drew members' attention to his letter dated 7th January 2004 informing them of the reasons why the report on the "Delegation of Powers to the Chief Fire Officer" would not be presented at the current meeting.

Members were reminded that a visit had been arranged to the Fire & Rescue Service International Training Centre at Chorley for Monday 2nd February 2004 and were advised of the times and meeting points for the coach journey.

Councillor E C George asked whether any progress had been made, following the Authority's recommendation at its December meeting, that the Wales Fire Services' Forum consider strengthening its representation of elected members. The Chairman advised that the matter had been discussed at the Forum's meeting in December when it had been resolved to ask the 3 Chief Fire Officers to produce a report on the way forward for the Forum for consideration at its March meeting, with a view to implementing the new arrangements from May 2004.

5) Revenue Budget update 2004/05

The Treasurer introduced his report (previously circulated) advising members of the current situation regarding the 2004/05 revenue budget. He advised that the situation had not changed dramatically since the Authority approved the Draft Budget at its December meeting. No further concrete information was available on transitional funding for fire authorities in Wales, and that it was understood that any such funding would be in the form of a loan paid directly to the Fire Authority rather than through the Revenue Support Grant (RSG) paid to each constituent authority. The Chief Fire Officer added that the National Assembly for Wales (NAFW) was currently looking at the amount of transitional funding that may be available for allocation to each fire authority. In reply to a question on whether the Authority would consider submitting an application, if funding became available, the Treasurer replied that his advice would be to submit an

application only if it would not be a loan and would therefore alleviate budgetary pressures. Members:

Resolved: - to note the report

6) Discussion on the “Draft Fire & Rescue National Framework” and “The Future of Fire & Rescue Service Control Rooms in England and Wales” documents

The Chief Fire Officer advised members that these items had been included for discussion at the Authority’s request following its December meeting, when copies of both reports were distributed to all members.

“Draft Fire & Rescue National Framework”: The Chief Fire Officer emphasised that, whilst the Framework document may be of interest to fire authority members in Wales, it only applied to English fire authorities. National Assembly officials were currently drafting the Welsh equivalent of the national framework document. Its publication was expected during the spring with the official launch to be held at the “Wales Fire” conference in May 2004. It was the Chief Fire Officer’s view that, although parts of the Welsh national framework document would resemble the English document, other sections on issues such as the governance of the Service would differ considerably. Although some members were of the view that they should not submit comments on the Draft National Framework document, others were of the opinion that it was important to be seen to be responding to issues that had cross-border implications, such as “Firelink” and building regulations. The Clerk commented that the document, contrary to other recent local government guidance and legislation, seemed to have a strong centralisation flavour to it. It was therefore:

Resolved: - that the Chief Fire Officer prepare a response on the “Draft Fire & Rescue National Framework” document, for presentation to the next meeting of the Executive Panel for approval, on all issues contained in the report that had cross-border implications

The future of Fire and Rescue Service Control Rooms in England and Wales:

Members were informed by the Chief Fire Officer that this document, which related to both England and Wales, was an updated version of “*The Future of Fire Service Control Rooms and Communications in England and Wales*” report published originally in April 2000. The Clerk pointed out that the Authority had recently agreed, in principle, to explore the benefits of joint working with other emergency services in North Wales. He also remarked that this document, although it made reference to the fact that the decision on the number of fire service control rooms in Wales was a matter for NAFW, strongly implied that the optimum scenario would be for Wales to be served by one control room; although it did not venture to make any recommendations for the other devolved nations. The Chairman commented that the Authority’s view on this issue was quite clear in that it was firmly opposed to any proposal to establish a single fire service control room for Wales; the Chief Fire Officer confirmed that the Assembly were currently of the same opinion. The Chief Fire Officer advised the

Panel that although this report, in the main, related to England, some of the proposals contained in it would undoubtedly impact on fire authorities in Wales. Members agreed with the Clerk's view that it was important that the Authority submitted a response to this report, reiterating its opposition to the suggestion that a single fire service control room would be the optimum solution for Wales; it was also vital that this standpoint was stressed at this moment in time, ahead of the introduction of a new national radio system. It was:

Resolved: - that a response be sent to the Office of The Deputy Prime Minister (ODPM) on the proposals contained in the "The Future of Fire and Rescue Service Control Rooms in England and Wales" report, reiterating North Wales Fire Authority's opposition to the conclusion that Wales would be better served by a single fire service control room

Fire and Rescue Services Bill: Copies of the Bill and explanatory notes were distributed to all members present at the meeting; non Panel members would be sent copies by post. The Clerk explained that the Bill had been published on the 13th January, the day before the meeting; this meant that officers had not been given sufficient time to study its contents in detail nor to consider its implications fully. He advised that having quickly read through the Bill there seemed to be a considerable divergence from some of the proposals originally included in the White Paper "Our Fire and Rescue Service". The Clerk drew members' attention in particular to "Clause 59" of the Bill which stated that all references to the Secretary of State should, in Wales, be substituted with a reference to the National Assembly for Wales. The enactment of the Bill would therefore transfer all the powers for the fire service in Wales, currently held by the Secretary of State, to the National Assembly. This would include responsibility for pay and conditions of service, the power to establish its own negotiating body and the provision for payment of pensions; this was far in excess of the proposals contained in the White Paper and would result in the Assembly having far greater powers bestowed upon it for the fire service in Wales than the Scottish Parliament currently held for the service in Scotland. The Bill itself, upon receiving Royal Assent, would devolve the responsibility for the fire service to the NAfW; it would not necessitate a transfer of functions order. The Clerk was of the view that the Authority should contact the ODPM urgently to seek clarification of the powers that were to be devolved and to establish whether there were any drafting errors in the Bill. If it transpired that all powers were to be devolved, the Authority should then seek an undertaking that sufficient revenue would also be transferred to the Assembly to adequately fund the Service in Wales.

The Clerk proceeded to point out that the Bill contained further anomalies: a person who knowingly made a false fire call would be committing an offence but intentional false calls to flooding, spillage incidents and road traffic accidents for example, although responding to genuine incidents of this nature would now be a statutory duty, did not seem to be classed as criminal offences. Although the Bill devolved all powers for the fire service in Wales to the Assembly, its drafting seemed to contradict the whole concept of devolution in other

areas, as it indicated that the Assembly would have to present the Draft National Framework for Wales to the UK Parliament.

Members asked if representative bodies could also submit their views on the Bill in order that the Authority may raise all concerns at the earliest possible opportunity; Fire Brigades' Union (FBU) representatives, present at the meeting, indicated that they would submit their comments to the Clerk. The Chairman indicated that he would convene a special meeting of the Wales Fire Services' Forum in order to seek the views of the other fire authorities in Wales on the Bill. The Panel then requested that the Clerk in conjunction with other Officers prepare a detailed report for the Panel's next meeting listing all the significant implications of the Bill in its current format. They also agreed that, if the need arose, an emergency meeting of the Executive Panel be convened to discuss the Bill. It was:

Resolved: - that the Clerk contact the ODPM urgently

- i. with a view to clarifying the discrepancies raised, along with any other anomalies that come to light when officers had considered the Bill in detail, and in order to establish whether the Bill contained drafting errors;***
- ii. if it transpired that the powers for the fire service in Wales were to be devolved as stated in the Bill, that an undertaking be sought that sufficient resources would also be transferred to the NAFW in order to adequately finance the Service; and***
- iii. that a detailed report be presented to the Executive Panel at its next meeting listing the Bill's implications in full***

The Chief Fire Officer informed members that, as part of the modernisation programme, details of various changes seemed to be coming in on a weekly basis at present. He undertook to keep members informed but asked for their forbearance during this period of change.

7) Fire Authority Allowance Regulations

The Clerk introduced his report (previously circulated) with a view to seeking members' agreement to a response to the draft Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004. He advised members that they were not required to declare a "personal interest" in this item of business as they would be discussing the principle of establishing a scheme from which all members would benefit. It therefore did not constitute a "personal interest" as defined in legislation.

The Panel was informed by the Clerk that, following the Authority's decision at its December meeting, a letter had been sent to NAFW's Minister for Finance, Local Government and Public Services, registering the Authority's disappointment at the delay encountered in introducing a scheme of allowances for members of fire authorities in Wales. The letter also stressed that the regulations should be introduced without further delay, allow for backdating payments to the

beginning of this financial year, and that payments should be treated in the same way as payments made to county councillors and therefore become pensionable from 1st January 2004. In the meantime on 18th December 2003 the Welsh Assembly Government (WAG) had issued the Draft Regulations for consultation, with comments required by 21st January 2004; copies of both the consultation letter and the draft regulations were annexed to his report. Also annexed to the report was a draft letter of response to the consultation, prepared by the Clerk on the Authority's behalf, this letter reiterated all the Authority's previous decisions and observations on the issue. He then detailed to members all points as listed in the report and letter, and explained that the draft regulations included some issues which had not been cited in the original consultation. Under the draft regulations fire authority members would be barred from receiving a Special Responsibility Allowance (SRA) for the added responsibility of being chair or vice-chair of a fire authority, if they already received a similar allowance for responsibilities they held as cabinet or board members of their own constituent authorities. The draft regulations also included a proposal not to backdate the allowances; they would only become payable from the date the regulations came into force. Members agreed with the Clerk that these two proposals were both inconsistent and discriminatory to authority members and would not give them recognition for any extra work commitments, nor would they give members in Wales equal treatment with their counterparts in England. The Clerk agreed with the statement in the WAG's consultation letter that primary legislation powers, which the Assembly did not possess, were required to make the allowances pensionable; he was of the view that a reference to this point should also be included in the comments which were to be submitted to the ODPM on the "Fire and Rescue Services Bill". He also informed members that the regulations, once in force, would necessitate a report to be brought to the Fire Authority in order to establish and approve a scheme; if the power to establish a scheme was granted in February a report and a draft scheme could then be submitted to the Authority for consideration at its March meeting. In reply to a question on the administration of the scheme the Treasurer confirmed that this would be undertaken by the Authority and not by the constituent authorities. Members were firmly of the view that the regulations as drafted were unfair; the Chairman remarked that this was a view shared by the other Welsh fire authorities, and it was:

Resolved: - to approve the draft response annexed to the report for submission to the National Assembly for Wales

Assistant Chief Fire Officer (Service Delivery) left the meeting at this point.

8) Sickness Monitoring

The Chief Fire Officer introduced his report (previously circulated) to inform members of the decisions taken by him and confirmed by the Chairman in respect of the granting of extension of sick pay, and to inform them of the Service's sickness absence levels. He advised members that the report indicated that there had been a substantial increase in the number of days lost due to

long term sickness amongst flexi/day duty staff during the period shown compared with the same period the previous year; this seemed worse because of the disproportionate effect a small number of people on sick leave had on an employee category which constituted only a small number of staff. The figures shown on the report were broken down into certain categories of staff at the Authority's request; if these statistics were broken down any further the Authority may be at risk of being accused that individuals could be identifiable from the statistics provided. The Chief Fire Officer reassured the Panel that the Authority took all reasonable steps to assist individuals in returning to work. It did not have a blanket policy about reducing sickness pay. Due consideration was given to personal circumstances and the professional opinion of the occupational health physician and therapeutic considerations were investigated. It was:

Resolved: - to note the report

9) Arrangements for the appointment of an Assistant Chief Fire Officer

The Chief Fire Officer informed members that following the Authority's decision to approve the implementation of the Management Structure Review of the North Wales Fire Service at its December meeting, advertisements had been placed for the post of Assistant Chief Fire Officer, with applications to be received by 16th January 2004. The advertisement had specified that, although the ability to speak Welsh was not an essential qualification, the candidate would be expected to demonstrate a commitment towards the language and culture of Wales. Past appointments had been made by a special appointments panel consisting of Authority members representing each of the constituent authorities, and members were advised that Mr Rhys Owen, the Service's Personnel Manager, was present at the meeting to answer any questions they may wish to raise. Councillor R P MacFarlane asked whether any formal training would be given to members of the Special Appointments Panel on conducting interviews prior to the interviews being held; the Chief Fire Officer advised that due to time constraints this would not be possible for the present appointment. Prior to the interview all candidates will be subject to assessment centre tests and a series of interviews with Chief Fire Officer, Deputy Chief Fire Officer and the Clerk. The Clerk advised that all questions would be prepared and distributed to Panel members beforehand, and that both the Chief Fire Officer and he would be present during the interview process in an advisory capacity. Members then:

Resolved: -

- i. that the interviews for the post of Assistant Chief Fire Officer be held on Thursday 12th February 2004 at Fire and Rescue Service Headquarters, Rhyl; the Panel to convene at 9:30am with the first candidate to be interviewed at 10:00am;***
- ii. that Councillors T Roberts (Chairman), E C George, J R Hughes, R P MacFarlane, D M Morris, W T Owen and J A Roberts serve on the Panel; and***
- iii. that enquiries be made with both the Local Government Association (LGA) and the Welsh Local Government Association (WLGA) about the availability of***

training packages for elected members who serve on appointments panels for future appointments

10) Urgent matters

The item submitted had already discussed under business item 6.

Councillor W J Chorlton enquired whether the Chairman of the Authority's Standards Committee, who was present at the meeting, was in any way compromising his position by attending meetings of the Authority and its committees. The Clerk advised that all Authority meetings were public meetings and were therefore open to the press and the general public. He was aware of some local authorities where it was common practice for members of their standards committees to be present as observers at meetings. One of the general duties of standards committees was to advise members on conduct matters. If an incident did occur at a meeting at which a member of the standards committee was in attendance, the member would not be party to the complaint process as he/she would not be involved in the meeting, but he/she would be a witness to that incident.

Councillor Chorlton acknowledged the Clerk's view but requested that his objection to members of the Authority's standards committee attending meetings of the Authority and its committees be recorded.

11) Date(s) of future Executive Panel meetings(s)

Following a discussion and subject to the possible requirement noted under business item 6, for an emergency meeting of the Panel to be convened, it was:

Resolved: - that the next scheduled meeting of the Executive Panel be held on Monday 23rd February 2004 at Fire and Rescue Service Headquarters, Rhyl or any other suitable venue

PART II

No items of business.

Meeting concluded at 12:10pm.

The above minutes, pending any inclusions shown, are approved as a true and correct record of proceedings.

Signed: I Roberts

Dated: 23 February, 2004