

**NORTH WALES FIRE AUTHORITY**

These are the minutes of the Executive Panel meeting of the North Wales Fire Authority held on Thursday 26<sup>th</sup> August 2004 at Fire and Rescue Service Headquarters, Rhyl. Meeting commenced at 11:30am.

**Present:**

**Councillor**

**Representing**

T Roberts (Chairman)  
M Williams (Vice-Chairman)

Gwynedd Council  
Wrexham County Borough Council

J M Vaughan  
D Jones MBE  
J A Smith  
D Barratt  
E F Evans  
W T Owen  
G M Craddock  
W J Chorlton

Conwy County Borough Council  
Denbighshire County Council  
Denbighshire County Council  
Flintshire County Council  
Flintshire County Council  
Gwynedd Council  
Wrexham County Borough Council  
Ynys Môn County Council

**Also present:**

S A Smith (Chief Fire Officer and Chief Executive); C Enness (Deputy Chief Fire Officer); I R Miller (Clerk and Monitoring Officer to the Authority); K W Finch (Treasurer to the Authority); P S Claydon (Assistant Chief Fire Officer, Service Delivery); P L Slee (Assistant Chief Officer, Corporate Services); S Morris (Projects Officer); and Rh Evans (Member Liaison Officer).

**PART I**

**1) Apologies**

**Councillor**

**Representing**

S C Jones  
E Morgan Jones  
E C George  
J A Roberts

Conwy County Borough Council  
Gwynedd Council  
Wrexham County Borough Council  
Ynys Môn County Council

C Hanks

Assistant Chief Fire Officer (Service Support)

The Chairman welcomed everyone to the first meeting of the Executive Panel following the local authority elections. He extended a very warm welcome to a

number of new members who were attending their first meeting of the Panel. The Clerk referred members to his letter dated 6 August 2004, which accompanied the terms of reference for all the Fire Authority's committees, before giving members an overview of the Executive Panel's role and responsibilities.

## **2) Notice of Urgent Matters**

The Chairman advised that two items had been submitted for consideration:

- i. Recruitment of retained personnel
- ii. Protocol for political representatives to visit fire and rescue service establishments

Councillor W J Chorlton enquired why business item 13, relating to an update on industrial relations, had been included under Part II business. The Chief Fire Officer and Clerk advised that, when the business agenda had been drawn up, officers were not aware of the nature of the information that would be reported to members. The Clerk advised that as the information related to a trade dispute, legislation permitted the discussion to be undertaken under Part II business. Councillor Chorlton was of the view that the item should have been included under Part I business at the outset and, if deemed necessary on the day of the meeting, moved to Part II.

The Chairman proceeded to inform the Panel that, due to the outcome of a meeting of the Chairs/Portfolio Holders of all UK fire authorities held the previous day in London, which he had attended, he would update members at this point under Part I business. He proceeded to explain that Brendan Barber, Secretary General of the Trades' Union Congress, had been tasked with redrafting the wording for the Grey Book section dealing with "stand-down time" - the only major issue that was preventing phases 2 and 3 of the "Pay and Conditions of Service Agreement" being finalised. At the meeting which he had attended the previous day the delegates had recommended that the National Joint Council for Local Authorities' Fire Brigades (NJC) should approve the revised draft. The NJC was due to consider the recommendation that day and, pending their approval, it was hoped that the dispute would be brought to a satisfactory conclusion. There were a few other items still to be finalised. These included agreement on the new constitution of the NJC and certain other matters relating to the disciplinary procedures. The Employers' side had also agreed, in principle, to apply a different timescale for completion of the verification process for authorities in both Northern Ireland and Scotland.

Councillor W J Chorlton enquired if any progress had been made, following the Fire Authority's decision at its meeting on 19 July 2004, on the nominations for Welsh fire authorities' representatives on various bodies including the NJC, and, whether the representative on the latter would be attending a meeting of the North Wales Fire Authority to update members on current issues. The Chairman advised that these nominations were still awaiting formal ratification and that a

meeting of the Wales Fire Services' Forum had been arranged for 2 September 2004 for this purpose. He undertook to report the outcome of the meeting to the Authority.

**Boscastle disaster:** The Chairman informed members that the Deputy Chief Fire Officer had contacted Cornwall Fire Brigade to offer assistance and resources during the recent flooding disaster in Boscastle. Cornwall Fire Brigade was appreciative of the offer but did not require the use of any resources from North Wales.

Councillor David Jones suggested that it would be fitting for a letter to be sent, on the Fire Authority's behalf, to Cornwall County Council extending the Authority's sympathies to the inhabitants of Boscastle, and its congratulations to everyone who had been involved in the successful evacuation and rescue exercise. It was:

**Resolved: - that a letter be sent, on behalf of North Wales Fire Authority, to Cornwall County Council extending its sympathies to the inhabitants of Boscastle and congratulating everyone involved in the evacuation and rescue exercise**

### **3) Minutes**

The following minutes were submitted:

- i. Executive Panel meeting held on 20<sup>th</sup> May 2004
- ii. Special Appointments Panel held on 4<sup>th</sup> June 2004

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

### **4) Matters Arising**

The following point was raised from the minutes of the meeting held on 20<sup>th</sup> May 2004:

**Page 2 – Allowances for Fire Authority Members:** The Clerk informed members that a letter had been received from the Welsh Assembly Government's (WAG) Minister for Finance, Local Government and Public Services, Mrs Sue Essex AM, following the meetings she had held with representatives of North Wales Fire Authority and the Wales Fire Services' Forum, updating fire authorities on the progress of the draft Local Authorities (Allowances for Members of Fire Authorities)(Wales) Regulations 2004. The Chairman then read the Minister's letter to the Panel. The letter indicated, amongst other things, that members who currently receive allowances for serving as board or executive members of their own constituent authorities would not be barred from receiving an allowance if they were elected an officeholder with a fire authority; a point on which the Authority had lobbied tirelessly. However, the Minister indicated in her letter that she was not willing to backdate the payment of any allowances as the advice she had received stressed that she did not possess the necessary

legal powers to authorise any backdated payments. The Chairman remarked that the decision to send a copy of his last letter to the Minister to all North Wales Assembly Members had generated a huge amount of interest and support from AMs of all political parties.

The Clerk informed the Panel that he had received a further letter from the Minister advising that it was her intention to lay the revised regulations before the Assembly on 21<sup>st</sup> September 2004. A discussion on the revised draft regulations was scheduled for the Assembly's plenary session on the 28<sup>th</sup> September, with the regulations to come into force on 29<sup>th</sup> September 2004. The Minister had undertaken to send him a copy of the revised draft regulations ahead of the publication date of 21<sup>st</sup> September; to date no copy had been received. Members were informed by the Clerk that he still had misgivings about the Minister's reluctance to backdate the allowances, as county councils were allowed to backdate payment of allowances to the 1<sup>st</sup> April of a current financial year. On receipt of the revised draft regulations, if he saw any discrepancies with the Authority's wishes, he would contact AMs requesting that amendments be tabled to the revised draft regulations prior to the scheduled debate at the Assembly's plenary session.

In reply to a question on whether, if backdating was granted, members of the fire authority prior to the elections would be entitled to receive any arrears, the Clerk advised that he did not envisage they would be entitled to any such payments.

## **5) Fire Service Pay and Conditions Agreement: Local Verification Report Phase 2**

The Chairman welcomed Mr David Jones and Mr Mark Roberts from the Audit Commission in Wales (ACiW) to the meeting to present their report (previously circulated). Under Section 33 of the Audit Commission Act 1998, the Commission had agreed to undertake the assessment study on the Authority's progress in implementing the modernisation of the Fire Service in line with the changes outlined in the National Pay and Conditions of Service Agreement and the White Paper "Our Fire and Rescue Service". The findings under Phase 1 had been reported to members at the Authority's March meeting. The current report detailed the findings from the second phase of their work. Mr Jones emphasised that the Commission would not be making any recommendations as to whether stage 3 of the pay award should be implemented.

Mr Mark Roberts then detailed the aims and objectives of Phase 2 of the study and the progress North Wales Fire Authority had made against each set objective, along with the progress achieved since the completion of the Phase 1 verification audit. He explained that, unlike in England, Welsh fire authorities could not be assessed on their progress in relation to their achievements in reorganising their structures on a regional basis, as this exercise had already taken place in Wales during the reorganisation of local government in 1996. Mr Roberts explained that 8 key areas had been measured, these being Integrated

Risk Management Plan (IRMP), Rank to Role assimilation, Integrated Personal Development System (IPDS), overtime, duty systems, part-time working, the modernisation agenda and the financial diagnostic. He proceeded to detail the Commission's findings on each area and the methodology used to assess the Authority's achievement. Mr Roberts advised that the Commission had concluded that the Authority had made good progress in the majority of areas and therefore occupied the middle-ground; the position occupied by the majority of authorities at present. This was a commendable achievement given the extremely tight timescale that had been set for the verification process. The Authority had sought to implement changes in the current day crewed duty systems but had been unable to progress these changes any further at present due to the prevailing national industrial relations situation. The Commission was also of the view that the Authority had made some progress in relation to part-time working and had considered the potential costs and benefits of overtime. In relation to the financial diagnostic, the Commission was of the view that the progress to date was adequate and acknowledged the fact that the Authority had still not received any transitional funding. Mr Roberts also advised that following the devolution of responsibility for the fire services in Wales to the National Assembly for Wales (NAfW), the Authority would be adhering to the Wales Programme for Improvement (WPI) and not the Comprehensive Performance Assessment (CPA) regime as operated in England. As a result it would become more difficult to compare fire authorities in Wales with their English counterparts.

Mr David Jones advised that the report contained some recommendations which were intended to assist the Authority to build upon the progress achieved to date. Future progress against these recommendations would be monitored through the normal audit process. He concluded by thanking all Authority members and personnel for their assistance and cooperation during the verification process.

Members were then given the opportunity to ask questions to both Mr Jones and Mr Roberts, which they duly answered. In reply to questions raised, both advised that no special provision had been included in their findings about the cost of bilingualism as this cost would be included in the Authority's budget provision for the conduct of everyday business. Both were of the view that all personnel whom they had interviewed during the verification process had been open and honest in their observations and replies. They informed the Panel that they had spoken to wholetime and retained personnel, Authority members, staff representatives and representatives from the other emergency services. They had also received written representations during the verification exercise. Meetings had taken place with the auditors undertaking the verification exercise for the other Welsh fire authorities in order to ensure an uniformity of approach and a consistency of findings in areas where collaborative working had taken place, such as IPDS.

The Chairman thanked both gentlemen for attending and presenting their findings and for their willingness to answer members' questions.

## **6) Integrated Risk Management Plan 2**

The Chief Fire Officer introduced his report (previously circulated) to inform members of the requirements of the second year Integrated Risk Management Planning (IRMP) process and suggesting areas for development and further exploration prior to submission to the Fire Authority's September meeting. He proceeded to give brief background information along with an outline of the IRMP process to new members and advised that future plans would need to be based around the NAFW's National Framework for Wales, publication of which was still awaited. He emphasised that it was not a requirement during the second year of the IRMP for the plan to be rewritten. In reply to a question from the Chairman, as to whether it would assist new members if an additional meeting was arranged to deal solely with the IRMP process, the Chief Fire Officer advised that the timescale for drawing up and consulting upon the second year action plan was extremely tight and it would prove extremely difficult to programme in such a meeting. He undertook to issue all new members with a copy of the Authority's first IRMP and confirmed that he, and other senior officers, would be willing to answer any questions that may emanate from the document. Panel members were also informed by the Chief Fire Officer that a session on the IRMP process would be held at the All-Wales Fire Authorities' Members' Seminar that was due to be held on 2 September; the majority of members had indicated their intention to attend this seminar.

The Chief Fire Officer then invited Mr Paul Claydon, Assistant Chief Fire Officer (Service Delivery) to detail each point listed in the report. Mr Claydon explained in detail each principal subject area contained in the report. He confirmed that developing these specific areas would ensure that the Authority kept within its own strategic objectives and would also comply with the requirements set out in the draft National Framework for Wales' document. The Assistant Chief Fire Officer (Service Delivery) emphasised that the purpose of the second year action plan was to complement and build upon the original Plan and not, in any way, to replace it. He also undertook to present an update report to the next Executive Panel meeting detailing the progress to date on the implementation of the proposals contained in the first year's action plan. Members were informed by the Chief Fire Officer that both the Office of the Deputy Prime Minister (ODPM) and the NAFW expected fire authorities, wherever possible, to collaborate and to explore the feasibility of joint initiatives with other emergency services in order to secure shared outcomes, whilst at the same time keeping their own distinct identity.

In reply to members' questions, Mr Claydon explained that the reason why Merseyside Fire and Rescue Service was not included on the list of neighbouring fire and rescue services with which the Authority would maximise its collaboration and risk management in relation to their action plans, was that North Wales did not share a common physical border with Merseyside. However, North Wales Fire and Rescue Service would continue its excellent working relationship with Merseyside. It was:

**Resolved: -**

- i. to note the contents of the report; and***
- ii. that a report be submitted to the Fire Authority meeting on 20<sup>th</sup> September 2004 detailing the proposed areas for further development and consideration, and recommending that the Authority delegates the powers to undertake the consultation on the IRMP Action Plan for 2005/06 to the Executive Panel on its behalf***

At this point members were advised that news had just been received that the NJC had agreed to the revised Grey Book wording on "stand-down time". It therefore brought the threat of industrial action by the Fire Brigades' Union (FBU) to an end. Members registered their relief that the dispute had finally been resolved and that an agreement had been brokered that resulted in a satisfactory outcome for both sides.

**7) Fire and Rescue Services Act 2004**

The Clerk introduced his report (previously circulated) to brief the Panel on the provisions of the Act and the timetable for its implementation. Prior to detailing the points listed in his report, for the benefit of new members, the Clerk gave an overview of the work the Executive Panel had undertaken in lobbying on the Fire and Rescue Services Bill on the Fire Authority's behalf. He proceeded to explain that although the successes, as listed in the report, had been limited, various clauses had been questioned and views aired prior to the Bill receiving Royal Assent on 22 July 2004. The Clerk explained that the focus had now moved to the Act's implementation. The WAG had made its views clear: it did not intend to replicate English practices in all areas of the Fire and Rescue Services' work in Wales, but rather it wanted to develop practices that met the needs of the Service in Wales. The Clerk advised that the latest information he had received indicated that the UK Government intended to commence the Act in England during September 2004. On making enquiries with the WAG he had been told that no specific date had been set for its commencement in Wales, but that it should not be too far behind the date for its commencement in England. The Panel was advised by the Clerk that both the Chief Fire Officer and the Chairman, along with the Chief Fire Officers and the Chairs of the other Welsh Fire and Rescue Authorities, had been summoned to a meeting with the WAG's Minister for Social Justice and Regeneration, Mrs Edwina Hart AM on 13 September 2004 with a view to discussing the timetable for the Act's implementation in Wales. The Clerk proceeded to explain that the Best Value Committee, at its meeting earlier that day, had raised a valid point on the commencement date of the Act in Wales - if the NAFW resolved to commence the Act in Wales on a later date than its commencement in England, it would therefore cause the ODPM to be charged with responsibility for fire and rescue services under two different pieces of legislation. It was:

**Resolved : -to**

- i. note the provisions of the Fire and Rescue Services Act 2004 and the other information as detailed in the report; and***
- ii. requested that the Clerk register the Authority's concerns with the WAG of the difficulties that may be encountered by the ODPM if the Act in Wales was commenced from a later date than its commencement in England***

**8) Standing Orders**

The Clerk introduced his report (previously circulated) requesting the Panel to give consideration to whether the Authority's standing orders should be amended in respect of chairing of committees and to take account of the existence of the Standards Committee. He explained that the Authority's Standing Orders seemed to contain a few anomalies which were at odds with the Authority's current practices regarding the chairing of committees and which also conflicted with the legislation that governed the work of standards committees. In the latter case the legislation would take precedence. The Clerk informed the Panel that his suggestions on how the Authority might best resolve these irregularities were included in the report for their consideration. Following consideration of the report the Panel:

**Resolved: -**

- i. to accept the Clerk's advice; and***
- ii. requested him to draw up amendments, in consultation with the Chair and Vice-Chair, on the preferred options as detailed in paragraphs 5.3 and 6.2 of the report; and***
- iii. that the amendments be presented to the Fire Authority's meeting on 20<sup>th</sup> September 2004 to be formally moved and adjourned for debate***

**9) Dolgellau Training Facility**

The Chief Fire Officer introduced his report (previously circulated) informing members of the Panel that the remodel and extension of Dolgellau Fire Station had been completed, but that it had exceeded the budget provision by more than 10%. He explained that this report had been presented to members as per the requirement stipulated in the Authority's Financial and Contractual Standing Orders relating to any contract where the final cost exceeded the budget provision by 10% or more. Members were informed by the Chief Fire Officer that all the relevant details, including the excess costs incurred, were contained in the report and appendix. It was:

**Resolved: - to note the contents of the report**

## 10) Urgent Matters

- (i) **Retained Recruitment:** Councillor W J Chorlton commented that it had been brought to his attention that two retained fire stations in his area were at present experiencing difficulties in recruiting personnel and he requested to know whether any measures were being taken in order to try and redress the situation. The Chief Fire Officer advised that, following the Pay and Conditions of Service Agreement which included a new definition of full-time part-time cover, which had resulted in an adverse effect on the Authority's budget, a temporary freeze had been put in place on the recruitment of retained personnel. The Deputy Chief Fire Officer explained that a new risk based approach was going to be implemented for the recruitment of retained personnel. This would mean that retained personnel would be recruited to match the demand time and the proximity of nearby fire stations. He proceeded to explain that the details of this new approach had been discussed with FBU officials the previous week and they had undertaken to report back with their proposals by 15<sup>th</sup> September 2004. The Deputy Chief Fire Officer advised that the shortfall in retained personnel was not only due to the financial constraints, another contributory factor was the lack of availability of suitable personnel in the vicinity of certain stations at the required time. Therefore any recruitment exercise would need to be undertaken on a holistic basis. In reply to a comment that the Authority would have to make financial provision available to recruit the required personnel, the Treasurer advised that since the Authority had already approved its budget for the current financial year members themselves would have to take any decisions to revise the budget. Subsequently, if any such decision was taken, and as combined fire authorities were prohibited by law from holding reserves, the Authority would therefore have no option but to approach the constituent authorities to request additional contributions.
- (ii) **Protocol on visits by politicians to fire and rescue service establishments -** Councillor W J Chorlton enquired why a decision had been taken that any politician who wished to visit a fire station had to give at least 28 days notice of any such visit. He was of the view that such protocols fettered members' rights. The Chief Fire Officer advised that the information given to fire stations had been misconstrued. The requirement to give 28 days notice of visits by politicians to fire stations and other such establishments related to visits by AMs, MPs or other national or European politicians, it did not apply to local Fire Authority members who wished to visit their local fire station. On two separate occasions recently a request had been received from national politicians requesting to visit fire stations at very short notice. Officers had now drawn up a protocol which required a 28 day notice period in order that the diary commitments of the Chairman, Vice Chairman and local members may be consulted and coordinated when arranging such visits. If individual members wished to visit their local fire station they were welcome to do so, but they were requested to contact the Member Liaison Officer in order that arrangements could be made to

ensure that at least one member of staff was present at a station during the visit to be their host.

### **11) Date(s) of future meetings**

Following a discussion it was:

***Resolved:* - to hold the Executive Panel's next meeting on Monday 18<sup>th</sup> October 2004 at 10am at Fire and Rescue Service Headquarters, Rhyl**

The Chairman informed members that it was recommended that the remainder of the business items on the agenda be discussed without the public or Press present. It was:

***Resolved:* - pursuant to Section 100A(4) of the Local Government Act, 1972 that the Press and Public be excluded from the meeting during consideration of the following items of business because it was likely that there would be disclosed to them exempt information as defined in Paragraphs 1, 8, 9 and 10 of Part I of Schedule 12A of the Local Government Act, 1972.**

## **PART II**

### **12) Former Llanfairfechan Fire Station**

The Chief Fire Officer introduced his report (previously circulated) requesting the Panel to consider the proposal to lease the site of the former Llanfairfechan Fire Station. He proceeded to inform members that the report in front of them contained the additional information they had requested from the prospective tenant/buyer for the former fire station site, including the business plan. In reply to a question as to whether the tenant would be allowed to make any structural changes to the building whilst leasing it from the Authority; the Clerk advised that this was covered in the lease agreement as detailed in appendix 1 to the report. Members:

***Resolved:* - to approve the leasing of the former Llanfairfechan Fire Station to Cwmni Penllan Cyf. Development Trust, with the option to further approve either extending the lease or the sale of the property (whichever sooner) when the situation arises in the future**

### **13) Update on industrial relations situation**

This item of business had already been dealt with under business item number 2. Meeting concluded at 1:35pm.

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

**Signed:** T Roberts

**Dated:** 18 October, 2004