

ROYAL BERKSHIRE FIRE AUTHORITY'S EXECUTIVE COMMITTEE MINUTES 14 MARCH 2005

**HELD AT BRIGADE HEADQUARTERS COMMENCING AT 6.30PM AND CONCLUDED
AT 7.52PM**

Present: Terry Mills (Chairman), Mike Adams, Christine Borgars,
James Mole, Barrie Patman

Apologies: Jeff C G Brooks (Vice-Chairman)

THE LATE DAVID DISTIN JP

The Committee stood in silent tribute to the memory of David Distin JP, an Independent Member of the Royal Berkshire Fire Authority's Standards Committee, who sadly passed away on Wednesday 2 March 2005.

3.01/05 DECLARATION OF INTERESTS

Having been reminded that in accordance with the Fire Authority's Code of Conduct, Members are required to declare interests, which are Personal or Personal and Prejudicial, where appropriate, it was noted that on this occasion there were no such declarations to be made.

3.02/05 PART I MINUTES: 24 JANUARY 2005

The Part I Minutes of the last meeting held on Monday 24 January 2005, having been previously circulated, were taken as read and signed by the Chairman as a correct record subject to the following amendment:

Minute 2.12/05 FiReControl Project – Regional Fire Control Centres

In paragraph 8 amend the section in Italics to read:

“This Authority recognises the ODPM's intention to establish a net work of Regional Control Centres and will support the initiative which improves public safety and service effectiveness. However there are many issues which are still unclear and the Authority has concerns over the rapid time-scale for implementation, the lack of both effective consultation and clear information regarding proposed governance, technological and financial measures.”

3.03/05 COMMUNITY SAFETY FORUM – TERMS OF REFERENCE AMENDMENTS

The Committee's approval was sought (Agenda item 4 – not reproduced) to amend the Community Safety Forum's Terms of Reference as recommended by the Forum at its meeting on Wednesday 22 December 2004.

At its inaugural meeting in December 2004, the Community Safety Forum, following a Presentation on the Community Safety Strategy, reviewed its Terms of Reference and agreed that they should be amended to reflect new initiatives etc.

A copy of the Terms of Reference was presented as Appendix 1 and having considered the proposed amendments identified in bold italics the Committee supported the amended version subject to the following additional minor amendments:

In Section 1,2 and 3 delete “Working Party” and insert “Forum”

In Section 5 insert the words “in total” after “observers”

A copy of the amended Terms of Reference is attached to the Minutes as Appendix 1.

RESOLVED: That the Community Safety Forum’s Terms of Reference (as amended) be approved and adopted.

3.04/05 MEMBERS EXPENSES POLICY

The Committee’s approval was sought (Agenda item 5 – not reproduced) to the proposed Members Expenses Policy for recommendation to the Fire Authority Meeting in June 2005.

Members of the Fire Authority are entitled to be reimbursed for expenses incurred when attending functions, meetings, events etc, on behalf of the Authority and the aim of the Draft Policy, a copy of which was presented as Appendix 2 (not reproduced), is to articulate the existing Policy in a written form. The purpose of this proposal is to avoid any abuse of the scheme and/or disagreement between Officers and Fire Authority Members as to what expenses can actually be claimed.

The written Policy is also part of the Fire Authority’s goal to strengthen all aspects of Corporate Governance and once approved will eventually be included in the New Members Handbook. Consideration was therefore given to the Draft Policy and the following is a summary of the comments made;

- It was suggested that subject to there being no legal complications the word “Allowances” throughout the Policy be deleted and replaced with “Expenses”
- MA3 – Amend a) to read “Performing an “approved duty” (see MA4(a) below)”
- MA5 – Amend first sentence to read “Expenses may be claimed for attendance at any type of meeting, subject to it being an “approved duty” (see MA4(a) above) or conference provided etc.....”
- MA22 –Make final sentence a new paragraph and in first line delete “MEMEBERS” and insert “MEMBERS”

The Authority Treasurer was also requested look at the procedure for seeking dispensation for income tax purposes and advise Members accordingly.

RESOLVED: That the proposed Members Expenses Policy (as amended), presented as Appendix 2, be endorsed and referred to the Fire Authority at its meeting on Wednesday 29 June 2005, with a recommendation that it be approved and adopted.

3.05/05 POLICY AND PROCEDURE ON SURVEILLANCE UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000

The Committee’s approval was sought (Agenda item 6 – not reproduced) to a draft Policy and Procedure for covert surveillance pursuant to the Act.

The Human Rights Act 1998 (HARD) was introduced to give effect to the European Convention on Human Rights (ECHO) and came into force in October 2000, which means that ECHO became part of the Country's domestic law. HARD imposes a duty upon the Royal Berkshire Fire Authority to act in a way that is compatible with the rights under the ECRU and failure to do so may enable a person to seek damages against the Authority or to use our failure as a defence in any proceedings brought against it.

In noting the information presented in respect of ECHO, the impact of investigations and the policy and procedure as set out in paragraphs 3 to 11 of the report (not reproduced), Members were advised that to ensure that authorisations and procedures are applied in a consistent way, the Authority has drafted a Policy and Procedure, a copy of which was presented as Appendix 3 (not reproduced), with its purpose being to cover the authorisation and use of surveillance.

The Authority's Policy and Procedure, if Members are minded to approve its adoption, will be reviewed on a regular basis to reflect any changes in legislation, case law, or for the better performance of the Procedure. Whilst it is inappropriate for Elected Members to be involved in the actual authorisation process, they need to be able to assure themselves that the Authority's surveillance activities are undertaken in accordance with RIPA. It is therefore proposed to prepare a half-yearly summary of the authorisations given, reviewed, renewed and cancelled under the Policy, which will be open for inspection by Members.

Consideration was therefore given to the Draft Policy and Procedure as set out in Appendix 3 and in response to a question the Clerk and Monitoring Officer confirmed that as indicated in the Policy the named Authorisation Officers would be the CFO, DCFO, ACFO, DHR and the AT.

RESOLVED: That:

- 1. The proposed Policy and Procedure on Surveillance, as set out in Appendix 3, be approved and adopted accordingly.**
- 2. The following named Officers shall be the Authorising Officers for the purpose of Investigatory Powers Act 2000 and that any small alterations to the Policy as required from time to time be delegated to the Chief Fire Officer:**

Iain Cox(CFO), Olaf Baars(DCFO), Desmond Tidbury(ACFO),

David Wallace(DHR), Andrew Vallance(AT)

3.06/05 SINGLE TENDER ACTION – INTERNAL AUDIT CONTRACT

The Committee's approval was sought (Agenda item 7 – not reproduced) to the extension of the Contract, under single tender action, for internal audit services with Reading Borough Council (RBC) for a further two years. This is in accordance with the advice from the ODPM that, where possible, existing contracts should only be extended for short periods in order to allow regional collaboration on procurement as soon as the necessary machinery is in place.

RBC has provided an effective internal audit service to the Authority since April 2000 and the five year contract expires on 31 March 2005. Whilst the daily rate is increasing from £256.00 to £295.00, the Authority Treasurer is of the opinion that this still represents good value for money. It is hoped that sufficient progress will be made regionally on procurement collaboration to enable a full tendering exercise to take place before this two-year extension expires on 31 March 2007.

RESOLVED: That, in accordance with the Fire Authority's Standing Orders Relating to Contracts, the Authority Treasurer be authorised, under single tender action, to

extend the Internal Audit Contract with Reading Borough Council for a further two years until 31 March 2007.

3.07/05 SINGLE TENDER ACTION – PAYROLL AND PENSIONS ADMINISTRATION CONTRACT

The Committee's approval was sought (Agenda item 8 – not reproduced) to the extension of the Contract with Liberata, under single tender action, for the provision of payroll services and pensions administration for a further two years and six months respectively in accordance with the advice from the ODPM as referred to in Minute 3.06/05 above.

Liberata (formally CSL) has supplied a variety of financial services to the Authority since April 1998 and the current five-year contract expires on 31 March 2005. Liberata has offered to provide payroll services for a further two years at the existing price of £39,758 and as reported in the previous item it is hoped that sufficient progress will be made regionally on procurement collaboration to enable a full tendering exercise for payroll services to take place before this two-year extension expires on 31 March 2007.

Liberata has also offered to extend the pensions administration elements of the contract for a further two years, but as a result of their plans to close its Reading office and relocate to Croydon, the Royal Borough of Windsor and Maidenhead (RBWM) is proposing to take in-house, from October 2005, the staff who administer both the Berkshire Local Government Pension Scheme and this Authority's Fire-Fighters Pension Scheme.

The Authority Treasurer is currently negotiating with RBWM to determine whether it wishes to undertake pensions administration for fire-fighters and following a meeting held on March 8 2005, these negotiations are continuing. The Authority Treasurer reported that as a result of that meeting with RBWM negotiations are continuing. If RBWM do not wish to provide the pensions administration then a report seeking Members approval to extend the contract with Liberata for a further eighteen months will be presented to the Committee at its meeting in May 2005.

It is nevertheless necessary to extend Liberata's contract for pensions for a least six months at an estimated cost of £3,220.00. In addition it is proposed that during this six month extension Liberata should computerise the RBFRS pension records, at an estimated cost of £9,250.00, which is necessary to all RBFRS to supply all scheme members with annual pension statements.

RESOLVED: That:

- 1 In accordance with the Fire Authority's Standing Orders Relating to Contracts, the Authority Treasurer be authorised, under single tender action to:
 - (i) Extend the payroll contract with Liberata for a further two years until 31 March 2007 at a cost of £39,758.00.**
 - (ii) Extend the pensions administration with Liberata for a further six months until 30 September 2005 at a cost of £3,220.00.**
 - (iii) Enter into a contract with Liberata to computerise the pensions database at a cost of ££9,250.00.****
- 2 In the event of RBWM not wishing to provide the pensions administration then a report seeking Members approval to extend the contract with Liberata for a further eighteen months be presented to the Committee at its meeting in May 2005.**

3.08/05 CHANGES TO FINANCING OF FIREFIGHTERS PENSION SCHEME

The Committee's comments were sought (Agenda item 9 – not reproduced) on the ODPM's Consultation Paper entitled "Government proposals for new arrangements for financing firefighter pensions", a copy of which was presented as Appendix B (not reproduced) together with a copy of Section 3 of Fire Service Circular 4-2005, presented as Appendix A (not reproduced), which in addition to requesting comments on the proposals in general, also asks a series of specific questions.

In speaking to the report the Authority Treasurer reported that the new financing arrangements, as summarised in Section 1 of the Circular, involves the creation of a new pensions account, into which employee deductions and a new employers' contribution would be paid. Pensions and lump sums would then be paid from this account and any surpluses or deficits on the account would be paid to or from the ODPM each year. The Authority would not have to surrender any pensions reserves or provisions.

There appears to be several advantages to the Authority from the new arrangements in that the funding of the "pensions timebomb" would be met by the ODPM and the volatility of pensions spending would be reduced. This would eliminate this Authority's particular problem of large numbers of transfers from out of our scheme into other Brigades' schemes.

The key issue emerging from this exercise appears to be how fair the arrangements will work for individual Brigades in that the ODPM say that the changes should be cost neutral for local taxpayers. There will however be further consultation in July 2005 on the changes to the Grant system.

Having considered both Appendices A and B, Members requested the Authority Treasurer to formulise the Authority's response based on the advantages and disadvantages summarised in the report. In addition specific reference should also be made to paragraph 5.11 which requests comments on the most appropriate system for making payments of the top-up grant. Members were of the opinion that progressive payments should be made during the year rather than a one-off top up payment at the end of each financial year and the Treasurer was requested to include this in his response.

The Authority Treasurer reported that a representative from the ODPM would be visiting the Brigade next week and in view of this the Chairman asked that if Members had any further comments to make they should be sent direct to the Treasurer by Monday of next week.

RESOLVED: That the Authority Treasurer be authorised to respond to the ODPM's Consultation Paper based on the direction provided by Members and summarised above.

3.09/05 DRAFT BEST VALUE PERFORMANCE PLAN SUMMARY (BVPP) 2005/2006

The Committee's approval was sought (Agenda item 10 – not reproduced) to the Draft Best Value Performance Plan Summary 2005/2006, a copy of which was presented as Appendix 5 (not reproduced), and its format is unchanged from that approved by Members for 2004/2005.

RESOLVED: That, subject to limited editorial changes being made and the Best Value Performance Indicators (BVPs) being updated prior to publication, the Draft BVPP Summary 2005/2006, as presented in Appendix 5, be approved.

3.10/05 DATE OF NEXT MEETING

It was noted that the next Executive Committee meeting is scheduled to take place on Monday 16 May 2005 at Brigade Headquarters commencing at 6.30pm.

3.11/05 EXCLUSION OF THE PUBLIC

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the said Act indicated:

	Agenda item	Paragraph
13	Part II Minutes – Monday 24 January 2005	1, 7 & 8
14	Annual Review of Local Pay Ranges	1
15	Staywise Project	7 & 8

(Note: The following is a summary of the items considered in the Party II Agenda of the Royal Berkshire Fire Authority's Executive Committee meeting held on Monday 14 March 2005)

3.12/05 PART II MINUTES: 24 JANUARY 2005

The Part II Minutes of the last meeting held on Monday 24 January 2005 were received and approved as a correct record.

(Note: Prior to consideration of the next item the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, ADO(Service Delivery) and the Authority Treasurer withdrew from the meeting. The DHR remained in the meeting to present the report and answer Members questions)

3.13/05 ANNUAL REVIEW OF LOCAL PAY RANGES

The Committee approved the revised pay ranges for Senior Management and Information Services local pay groups, to take effect from 1 April 2005.

(Note: At this point the Senior Managers returned to the meeting and were advised of the Committee's decision by the Chairman).

3.14/05 STAYWISE PROJECT

It was noted that this report had been deferred and would be presented to the Committee at its next meeting on Monday 16 May 2005.