

# MINUTES OF THE MEETING OF THE ROYAL BERKSHIRE FIRE AUTHORITY



Held on Wednesday 25 June 2014 at 6.30pm

Council Chamber (First Floor), Royal Borough of Windsor and  
Maidenhead, Town Hall, St. Ives Road, Maidenhead, Berkshire SL6  
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**Members:**

- \* Councillor Frank Abe
- \* Councillor Debs Absolom
- \* Councillor Alistair Auty
- \* Councillor Joginder Bal
- \* Councillor Christine Bateson
- \* Councillor Phillip Bicknell
- \* Councillor Jeff Brooks
- \* Councillor Paul Bryant
- \* Councillor David Burbage
- \* Councillor Colin Dudley
- \* Councillor Adrian Edwards
- \* Councillor Paul Gittings
- \* Councillor Pauline Helliar-Symons
- \* Councillor John Lenton
- \* Councillor Chris Maskell
- \* Councillor Tom McCann
- \* Councillor Iain McCracken
- \* Councillor Eileen McElligott
- \* Councillor Edward Plenty
- \* Councillor Ian Pittock
- \* Councillor Angus Ross
- \* Councillor Ishrat Shah
- \* Councillor Alan Ward
- \* Councillor Emma Webster
- \* Councillor Richard Willis

**In Attendance:**

- Gene Ashe (Head of Learning and Development)
- Conor Byrne (Senior Accountant)
- Moira Fraser (Democratic Services Manager, DSM)
- Andy Fry (Chief Fire Officer, CFO)
- Andy Mancey (Acting Assistant Chief Fire Officer, A/ACFO)
- Paul Maynard (Acting Area Manager – Response)
- Andy Parsons (Interim Head of Estates, IHE)
- Dave Phillips (Area Manager – Prevention and Protection)
- Linda Pye (Principal Policy Officer, PPO)
- Caroline Redzikowska (Director Corporate Services, DCS)
- Nikki Richards (Interim Head of Strategic Planning and Programme Management)
- Fayth Rowe (Committee Officer, CO)
- Paul Southern (Temporary Deputy Chief Fire Officer, T/DCFO)
- Nicole Target (Head of Corporate Communications)
- Andrew Vallance (Director of Resources, DR)

**Observers:**

- Officers, Royal Berkshire Fire and Rescue Service
- Members of Representative Bodies
- Members of the Public

## 1. ELECTION OF CHAIRMAN FOR THE 2014/15 MUNICIPAL YEAR

**RESOLVED** that Councillor Colin Dudley be elected as Chairman of the Fire Authority for the Municipal Year 2014/15.

**Action**

## **2. CHAIRMAN TO MAKE DECLARATION OF ACCEPTANCE OF OFFICE**

The new Chairman read and signed the Declaration of Acceptance of Office and thanked Members of the Fire Authority for electing him as Chairman.

2013 had been a challenging year but as a result of Members and Officers working together a number of projects had progressed. The new Headquarters which was nearing completion would provide a more efficient and effective working environment and the new Fire Station at Tinkers Lane, Windsor would provide the Authority with more resilience.

The new Thames Valley Control would serve Berkshire, Oxfordshire and Buckinghamshire from one state of the art facility.

The Fire Authority was also looking at a new policy direction which would provide clarity around the key priorities for the future and would give a steer to Officers. Councillor Dudley stated that he looked forward to serving all the residents of Berkshire to the best of his ability in the forthcoming municipal year.

## **3. ELECTION OF VICE-CHAIRMAN FOR THE 2014/15 MUNICIPAL YEAR**

The Chairman requested nominations for the position of Vice-Chairman of the Fire Authority for the Municipal Year 2014/15.

**RESOLVED that** Councillor Pauline Helliard-Symons be elected as Vice-Chairman of the Fire Authority for the Municipal Year 2014/15.

## **4. VICE-CHAIRMAN TO MAKE DECLARATION OF ACCEPTANCE OF OFFICE**

The Vice-Chairman had given her apologies for the meeting and would therefore sign the Declaration of Acceptance of Office at a later date.

## **5. APOLOGIES FOR ABSENCE**

Apologies for inability to attend the meeting were received on behalf of Councillors Debs Absolom, Pauline Helliard-Symons, Eileen McElligott and Alan Ward.

Councillor David Burbage informed the Authority that he would need to leave the meeting at 7.45pm.

## **6. DECLARATIONS OF INTEREST**

In accordance with the provisions of the Fire Authority's Local Code of Conduct, Councillors Angus Ross and Paul Bryant each declared a non-pecuniary interest due to the fact that they were members of the Programme Sponsoring Group for the Joint Thames Valley Control Project.

There were no Declarations of Interest received from Officers.

## **7. MINUTES OF THE MEETING HELD ON 23 APRIL 2014**

### **Resolved:**

That the Minutes of the meeting held on 23 April 2014 be approved as a true and

correct record and signed by the Chairman.

## **8. PARTICIPATION OF THE PUBLIC UNDER STANDING ORDERS 19 AND 25**

There was no participation of the public under Standing Orders 19 and 25.

## **9. RECEIPT OF ANNOUNCEMENTS**

The Chairman made the following announcements:

### **New Members**

The Chairman welcomed the following new Members to the Authority: Councillors Debs Absolom, Eileen McElligott and Richard Willis from Reading Borough Council, Councillors Frank Abe, Joginder Bal and Ishrat Shah from Slough Borough Council and Councillor Ian Pittock from Wokingham Borough Council.

### **Outgoing Members**

The Chairman thanked the following Members who had not been reappointed to the Authority and those who had stood down: Councillors Andrew Cumpsty, Peter Jones and Rebecca Rye from Reading Borough Council, Councillors Diana Coad, Haqeeq Dar and Mohammad Rasib from Slough Borough Council and Councillor Chris Bowring from Wokingham Borough Council.

### **Independent Members**

The Chairman thanked professor Chris Guy, John Giles and Jonathan Taylor for undertaking the role of Independent Members of the Fire Authority for the past two years although thankfully no complaints about potential breaches of the Code of Conduct had been received during this time. In accordance with the Localism Act 2011 their term had now come to an end and the Authority would have to re-advertise the positions. The Chairman felt that, given the level of complaints, it would only be necessary to appoint one Independent Person and one substitute.

### **Fire Authority Members Planning Workshop**

The Chairman noted that this would be the first of these annual workshops that would be arranged in June each year. The purpose of the event was to continue the process of ensuring clear alignment between the political leadership and managerial leadership within the organisation. An initial workshop had been held in February 2014 which had proved to be a very useful and enjoyable experience and had been well received by all attendees. The Chairman urged as many Members as possible to attend the next workshop which would take place on the 30 June 2014 from 5pm to 8pm at The Avenue School in Conway Close, Reading. Members were asked to confirm their attendance with Fayth Rowe as soon as possible.

### **Update on Industrial Action on 12 June 2014**

The Chairman was very pleased to note that twelve appliances were available during the strike period and that the contingency arrangements had worked well.

### **Update on Industrial Action on 21 June 2014**

The Chairman noted that 17 calls had been received during the seven hour strike period and that six incidents were attended. Once again the contingency arrangements had worked well.

## **10. QUESTIONS FROM MEMBERS UNDER STANDING ORDER 30**

There were no questions from Members under Standing Order 30.

## **11. NOTICES OF MOTION UNDER STANDING ORDER 44**

There were no Notices of Motion under Standing Order 44.

## **12. FUTURE POLICY DIRECTION OF ROYAL BERKSHIRE FIRE AUTHORITY**

Andy Fry, Chief Fire Officer (CFO), presented a report which summarised progress on the development of a refreshed policy direction for the Royal Berkshire Fire Authority (RBFA) following the Fire Authority Members' Planning Workshop held in February 2014 and the Fire Authority meeting on 23<sup>rd</sup> April 2014. The report also:

- Presented, for ratification, a revised set of Fire Authority Strategic Commitments with supporting Policy Statements, which had been endorsed by the Management Committee members;
- Presented, for consideration, revised Member Champion roles that were intended to better align political leadership with the refreshed policy direction being put forward for ratification by the Fire Authority;
- Advised Members that ratification of a new policy direction, should Members be minded to adopt the approach, would trigger the first phase of a staff engagement exercise, which was intended to communicate details of that policy direction;
- Confirmed that the Members' Planning Workshop, which would take place on 30<sup>th</sup> June 2014, would be used as an opportunity for Councillors and Senior Officers to jointly explore how they would work together in developing the Fire Authority's new policy direction.

At the Fire Authority meeting held on 23<sup>rd</sup> April 2014 Members had received a report setting out a proposed, revised set of Strategic Commitments and supporting policy statements for consideration and agreement. At the same meeting feedback had also been provided on the Operational Assurance Peer Review process which had taken place in February 2014. In view of the feedback received, and in recognition of the important link between the findings of the Peer Review and the Authority's future policy direction it had formally been resolved that a revised draft set of Fire Authority Strategic Commitments to external stakeholders would be agreed. Draft policy statements to support the Strategic Commitments would also be agreed which would explain to stakeholders what the draft Commitments meant in practice. A copy of the Strategic Commitments, policy statements and findings of the Peer Review had been circulated to Members of the Fire Authority for further consideration and any feedback received had been considered by members of the Management Committee prior to final ratification by the Fire Authority. Having reviewed the feedback received, Management Committee members had agreed a number of amendments to the eight Strategic Commitments and supporting policy statements which had been presented in the '*Our Commitments to the People of Royal Berkshire*' document which had been attached to the report at Appendix 2.

It had been agreed that prior to the Fire Authority AGM the Chairman would, in

consultation with existing Member Champions, review their role and focus, to determine whether any changes were required to better align political leadership with the Fire Authority's refreshed policy direction. The Chairman had undertaken this review and had determined that Member Champion roles should be reconfigured to reflect the revised Commitments and supporting policy statements and the rationale for that was set out in Section 3.7 of the report. Areas of focus for Member Champions would be as follows:

- Community Safety
- Member Learning and Development
- Safety, Health, Fitness and Wellbeing
- Income Generation
- Shared Services
- Organisational Development

Once the Fire Authority's strategic policy direction had been set it would need to be translated into a clear programme of work for implementation from the start of the 2015/16 financial year.

In order to achieve buy in from key stakeholders, the first phase of a comprehensive stakeholder engagement exercise would be undertaken in July/August to explain the policy direction and why it had been set. The engagement sessions would be led by middle-managers with support from senior colleagues and any feedback received would be used to inform preparation of a second phase of engagement which would involve staff contributing to the process of translating the Fire Authority's strategic policy direction into a detailed programme of work which would be aimed at achieving real change on the ground.

In parallel with the staff engagement exercise it would be necessary to ensure that political and senior managerial leadership was also well aligned during the process of taking forward the Authority's new policy direction and therefore it was proposed that a joint Member/Senior Officer workshop would take place on 30<sup>th</sup> June which would be supported by specialist facilitators from the Local Government Association.

Councillor Colin Dudley stated that since the last Fire Authority meeting Members had had a further opportunity to comment on the future policy direction for the Fire Authority. Councillor David Burbage confirmed that he was happy with the Strategic Commitments but he queried whether the Peer Review information had been circulated. The CFO confirmed that the Peer Review report had not been finalised at the time and therefore a summary of the key findings had been circulated to Members.

Councillor Emma Webster asked if volunteers could also be included in the stakeholder engagement briefings.

**Resolved:**

- Details of progress that had been made on developing a refreshed policy direction for Royal Berkshire Fire Authority, since the Fire Authority meeting of 23<sup>rd</sup> April 2014 be noted;
- The revised Strategic Commitments and supporting policy statements which

had been endorsed by Management Committee members be agreed and which were set out in the 'Our Commitments to the People of Royal Berkshire' document attached as Appendix 2 to the report;

- The revised Member Champion roles, presented for consideration in the report be agreed;
- It be noted that ratification of a new policy direction would initiate the first phase of a staff engagement exercise.
- It be noted that the Members' Planning Workshop which would take place on 30<sup>th</sup> June 2014 would be used as an opportunity for Councillors and Senior Officers to jointly explore how they would work together in delivering the Fire Authority's new policy direction.

### **13. MEMBERSHIP AND STRUCTURE OF THE FIRE AUTHORITY ANNUAL UPDATE**

Caroline Redzikowska, Director Corporate Services (DCS), presented a report which informed the Fire Authority of changes to the membership of the Authority.

The Constitution of the Fire Authority stated that:

- "11 (1) *The Authority shall consist of not more than 25 Members save that, where the minimum number of Members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number.*
- (2) *Each Member of the Authority shall be appointed by a constituent authority from its own Members in accordance with this Part.*
- 12 *Each constituent authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent Authorities' areas."*

In February 2014 the DCS had asked each constituent Unitary Authority to confirm the number of Local Government electors on their respective electoral rolls. Table 1 set out in the report showed that the electoral arithmetic appeared to have remained relatively static with only small fluctuations in numbers and therefore the Membership remained at 25 for this municipal year. Unusually Slough Borough Council had held all out elections and would be holding their usual thirds election in 2015. It was four years since the Fire Authority had last reviewed the size of its membership, and in line with the recent Internal Audit report it was suggested that as good practice the Fire Authority should review this position during this municipal year to ensure that it remained effective.

It was also noted that the Committee Structure which had been introduced in 2009 was now several years old and it would therefore be prudent to look at the Committee Structure and their terms of reference during the forthcoming municipal year even if no changes were required. It was proposed that the Audit and Governance Committee be tasked with reviewing the structure.

At its meeting on 12<sup>th</sup> June 2014, the Audit and Governance Committee had determined that the role of Member Development Champion should be retained and had recommended to the Fire Authority that that role should be allied to the

Chairmanship of the Audit and Governance Committee, which was the lead Committee on Member Development.

It was noted that in determining the previous item in relation to the future policy direction of the Fire Authority the Member Champion roles might have changed prior to consideration of this report. However, Champions in principle received a Special Responsibility Allowance (SRA) under the existing Scheme of Allowances as approved by the Fire Authority in 2013. The Scheme stated:

*“That no more than 12 SRAs should be paid at any one time. If more than 12 Members are eligible for a SRA, it should be a reserved function of the Standards Committee to decide on which SRA(s) should lie fallow to comply with the 12 maximum SRAs payable rule”*

and

*“that a Member who holds more than one remunerated post is only eligible to receive one SRA, normally the higher SRA.”*

Currently there were 15 SRAs, however, four had been abated as the Members concerned held two or more SRA appointments. If the Audit and Governance recommendation was accepted, then one SRA would automatically be abated as the Member Development Champion would also be the Chair of the Audit and Governance Committee. A further review of the Scheme of Allowances would not be required for a further three years as it had last been reviewed in 2013.

**Resolved:**

- The report be noted;
- The size of the membership during the current municipal year be reviewed;
- The Committee Structure and Terms of Reference of each Committee during the 2014/15 municipal year be reviewed.

DCS  
DCS

**14. APPOINTMENT OF COMMITTEES AND WORKING PARTIES**

Caroline Redzikowska, Director Corporate Services (DCS), presented a report which set out the appointments to the Committees of the Fire Authority in accordance with the Constitution and, if applicable, the rules relating to political balance.

It had previously been agreed that the Standards Committee would be disbanded and that the Terms of Reference of the Discipline Appeals and Grievance Committee and the Audit and Governance Committee should be amended to include Standards matters. The Fire Authority were therefore being asked to confirm the appointment of the following standing Committees and Working Parties for the forthcoming Municipal Year:

- Management Committee
- Strategic Asset Management Committee
- Audit and Governance Committee
- Discipline Appeals and Grievance Committee
- Integrated Risk Management Plan Working Party

From the Annual meeting in June 2014 the Fire Authority would have 25 members

of whom 16 would be Conservative, 7 Labour and 2 Liberal Democrat members. The allocation of seats to political groups would vary depending on the total number of Committee places as well as the size of each Committee. The report set out various options in relation to allocation of seats on Committees depending on whether the rules on political proportionality were applied or not. For the rules not to be applied then these arrangements would need to be approved by way of a vote at a full Fire Authority meeting in which no member of the Authority voted against. Working Parties were not required to be politically balanced and therefore the Fire Authority was free to decide how those seats should be allocated.

Councillor Jeff Brooks noted that the Liberal Democrat Group had to choose which 2 of the 3 Committees they wished to sit on and Councillor Brooks confirmed that the Group would like seats on both the Management Committee and the Strategic Asset Management Committee but not the Audit and Governance Committee.

**Resolved:**

- (1) It be agreed that the rules on political proportionality should apply to the allocation of Committee places; and
- (2) The following be agreed:
  - (a) That the Committees and Working Parties indicated in paragraph 3.2 of the report be appointed, as Standing Committees;
  - (b) That the number of seats on the Appointed Standing Committees be determined;
  - (c) That seats on those Committees be allocated in accordance with the rules relating to political balance and as indicated in Table 5B;
  - (d) That Members be appointed to each of the Committees in accordance with the wishes of the political groups;
  - (e) That in accordance with, and subject to the exceptions in, SO113 of the Fire Authority's Standing Orders, all Members of each political group not appointed to a Committee or Sub-Committee be named as alternate members for the member or members of that group who had been appointed to that Committee or Sub-Committee;
  - (f) That the Integrated Risk Management Working Party be re-appointed to consist of 8 Members appointed on a politically balanced basis, in accordance with the wishes of the political groups.

**15. ELECTION OF CHAIRMAN OF THE FIRE AUTHORITY AS CHAIRMAN PRO-TEM OF COMMITTEES AND WORKING PARTIES**

**Resolved:**

That the Chairman of the Fire Authority be elected as Chairman pro-tem of the Committees and Working Party.

**16. ADJOURNMENT OF MEETING**

**Resolved:**

That the meeting be adjourned to enable the Committees and Working Party

appointed by the Fire Authority to meet for the purposes of appointing their respective Chairman and Vice-Chairman for the Municipal Year 2014/15 and to conduct the business as outlined on the Agenda.

*(The meeting was adjourned at 7.19pm)*

## **17. RECOMMENCEMENT OF MEETING**

The meeting of the Fire Authority was recommenced at 7.25pm following the conclusion of the meeting of the Strategic Asset Management Committee.

## **18. RECOMMENDATIONS OF COMMITTEES**

### **RESOLVED:**

The Fire Authority noted that agenda item 19 had been recommended from the Audit and Governance Committee at their meeting on 12 June 2014.

## **19. ANNUAL REPORT ON GOVERNANCE**

Caroline Redzikowska, Director Corporate Services (DCS), presented the annual report which set out the recommendations of the Audit and Governance Committee and updated the Fire Authority on matters of governance relating to the Fire Authority and its Committees in the previous twelve months.

The Fire Authority had agreed at its Annual meeting on 28 June 2012 that the Audit and Governance Committee should be responsible for governance, for any complaints against Members and also for the reporting to the Fire Authority on both Member Allowances and Member attendance.

The Fire Authority had been successful in achieving the Charter for Member Development. In awarding the Charter, South East Employers, the Charter Assessors made a number of recommendations which had been accepted by the Fire Authority who had delegated responsibility to the Audit and Governance Committee and its members to ensure that the recommendations were implemented. One of the recommendations stated that the Audit and Governance Committee would develop/amend the Terms of Reference for submission to the next Fire Authority meeting. Consequently, the DCS, in consultation with the Chairman of the Audit and Governance Committee, had amended the current Terms of Reference to incorporate this new responsibility and to update and simplify the terms wherever possible and these were set out in Appendix 1 to the report. The Audit and Governance Committee had agreed the revised Terms of Reference at its meeting on 12<sup>th</sup> June 2014.

The Fire Authority had also delegated responsibility to the Audit and Governance Committee to determine the role of the Member Development Champion. This was an annual appointment and the Audit and Governance Committee had determined at its meeting on 12<sup>th</sup> June 2014 to retain the role of Member Development Champion and that the role should be undertaken by the member appointed as Chairman of the Committee. This would provide a single point of contact to liaise with all Members of the Fire Authority and to assist in embedding the Charter into the Authority.

The Audit and Governance Committee had also considered and approved amended version of the Access to Information Rules and the Gifts and Hospitality Protocol for Members for recommendation to this meeting of the Fire Authority for

adoption and these had been set out in Appendix 2 to the report.

The DCS reported that as in the previous year, there had been no complaints received against Members for the current year.

The term of the current Independent Person was coming to an end and it was noted that under the rules, the appointment of an Independent Person had to be advertised. It was therefore suggested that subject to applications being received, and following past procedure, the interviews would be conducted by the Chief Fire Officer and the Chairman of the Fire Authority.

The Fire Authority had adopted a new Scheme of Allowances at its meeting on 25<sup>th</sup> September 2013 and therefore the scheme did not need to be reviewed again until 2017 unless there were significant changes in the structure of the Fire Authority which would require the scheme to be reviewed sooner.

The attendance of Fire Authority Members for the Municipal Year 2013/14 was set out in Appendix 3 to the report which included all meetings for the year. Where there had been date changes or additional meetings these had been marked up as it was recognised that these might be more difficult to attend. The number of changes to meetings and additional meetings had increased this year and this was something that the Fire Authority might want to consider. It was noted that attendance this year had generally been good in so far as no meetings had been inquorate which meant that all business had been able to be conducted. In future all apologies received in good time would be included on the agenda list when dispatched.

The DCS reported that to date no dispensations had been made or requested since the last Annual meeting.

The Chairman congratulated Councillor Emma Webster on her 100 percent attendance record at meetings which was the only one which matched his own. The Chairman also noted that Members were willing to support all the recommendations with the exception of recommendation 2.3. While it was agreed that the Member Development Champion should be a Member of the Audit and Governance Committee they did not support the role being undertaken by the Chairman.

**Resolved:**

- The recommendations from the Audit and Governance Committee be noted;
- The revised Terms of Reference for the Audit and Governance Committee as set out in Appendix 1 be approved;
- It be agreed that the role of Member Development Champion be undertaken by a Member appointed to the Audit and Governance Committee;
- The updated Access to Information Rules and Gifts and Hospitality Protocol for Members as set out in Appendix 2 be approved;
- It be noted that in order to fulfil the requirements under section 28 of the Localism Act 2011 an advert would be placed for an Independent Person; and
- The 2013/14 attendance record of Royal Berkshire Fire Authority Members set out in Appendix 3 be noted.

## **20. APPOINTMENT OF CHAMPIONS FOR 2014/15**

### **Resolved:**

- (a) That Councillor Emma Webster be appointed as the Community Safety Champion.
- (b) That Councillor Frank Abe be appointed as the Member Learning and Development Champion.
- (c) That Councillor Alan Ward be appointed as the Safety, Health, Fitness and Wellbeing Champion.
- (d) That Councillor Phillip Bicknell be appointed as the Income Generation Champion.
- (e) That Councillor David Burbage be appointed as the Shared Services Champion.
- (f) That Councillor Pauline Helliard-Symons be appointed as the Organisational Development Champion.

## **21. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES FOR THE 2014/15 MUNICIPAL YEAR**

Members considered the appointments to Outside Bodies. There was some discussion as to whether an appointment was required to be made to the Royal Borough of Windsor and Maidenhead's Local Strategic Partnership. Officers would look into this outside of the meeting and it was agreed that if an appointment was required Councillor John Lenton would be appointed as the Authority's representative.

### **Resolved:**

- (a) That Councillor Colin Dudley be appointed as the representative on the South East Fire Improvement Partnership and that Councillor Angus Ross would be the substitute.
- (b) That Councillor Ian McCracken be appointed as the representative on the Local Government Association and that Councillor Paul Bryant be appointed as a substitute.
- (c) That Councillor Phillip Bicknell and Councillor Paul Bryant be appointed as Directors of the Training Company.
- (d) That, if required, Councillor John Lenton be appointed as the representative on the Royal Borough of Windsor and Maidenhead's Local Strategic Partnership.

## **22. LOCAL GOVERNMENT PENSION SCHEME EMPLOYER DISCRETIONS – STATEMENT OF POLICY**

Caroline Redzikowska, Director Corporate Services (DCS), presented a report which outlined the requirements of Royal Berkshire Fire Authority in respect of the Local Government Pension Scheme (LGPS) Regulations 2013. The Fire Authority was required to publish and keep under review statements of policy in relation to the exercise of discretion under the Regulations. This report incorporated

recommendations to the Fire Authority on both compulsory and recommended statements in respect of certain Scheme Regulations. The statements of policy had to be published by 30<sup>th</sup> June 2014.

The Fire Authority had published LGPS Employer Discretion Statements of Policy in accordance with earlier legislation, with the most recent statement published on 31<sup>st</sup> March 2013. However, as a result of new Regulations in respect of the Local Government Pension Scheme, the Fire Authority needed to publish new Statements of Policy on the discretionary elements of these Regulations.

The report set out in detail the recommendations made to the Fire Authority.

Councillor Jeff Brooks queried paragraph 3.17 (Assumed Pensionable Pay) on page 77 of the agenda and in particular whether there would be any increased financial liability for the authority. The DCS stated that as far as she was aware there would not be any increased financial liability but that in any event each one would be dealt with on a case by case basis as was normal practice.

**Resolved:**

The Statements of Policy about Exercise of Discretionary Functions to be adopted as set out in Appendix 1 be agreed.

**23. UPDATE ON BHQ**

Andy Parsons, Interim Head of Estates, updated Members of the Fire Authority on progress in relation to the development of the new Brigade Headquarters.

As reported to the Fire Authority on 23<sup>rd</sup> April 2014 progress with regard to the delivery of the various construction packages was progressing, but there was concern in relation to the delivery of the overall programme. A number of work packages had been delayed and consequently the contractual completion date of 18<sup>th</sup> April 2014 had not been achieved. Discussions had taken place between the Authority's professional advisers, the contractor and officers, in order to agree a realistic contractual completion date, without the need to revert to administering the contract. However, it had not been possible to reach agreement with the contractor and therefore the provisions of the contract that formed part of the design and build agreement were now being administered.

As the contractor had failed to achieve the practical completion date of 18<sup>th</sup> April 2014, the contractor had been issued with a notice of non practical completion under the contract which allowed the Fire Authority to apply liquidated damages from that date if necessary.

The contractor had submitted an Extension of Time notice under the contract together with a revised construction programme which showed their actual planned completion date of 26<sup>th</sup> June 2014. Officers would be meeting with the contractors on site the following day to establish if the building was fit for purpose and had been built to expected quality levels and to review any outstanding matters. The details supporting the contractor's Extension of Time submission were currently being reviewed by the Authority's professional advisers and officers and a detailed response would then be issued in line with the contract procedures.

Negotiations with the contractor had enabled access to the Control area within the new BHQ being provided from 26<sup>th</sup> May 2014 to the Thames Valley Control Project which had ensured that the programme had not been adversely impacted by the

delays in completion of the new BHQ.

Following practical completion and the handing over of the building to the Fire Authority which was scheduled for 26<sup>th</sup> June 2014, there would be an 8 week programme to fit out the interior of the building and to relocate from Dee Road. The Authority's professional advisers and officers were continuing negotiations with the contractor with a view to prioritising the completion of the building to the required standard and the administration of the contract would continue until an acceptable resolution had been achieved.

Councillor Emma Webster queried whether the liquidated damages would cover the costs of the significant amount of Officer time that had been expended on the delayed project. Andy Parsons assured her that the costs would be covered and that no further expenditure was expected from the RBFRS in relation to the project. Councillor Emma Webster queried whether there would be an escalation in the liquidated damages should the project be delayed further. Officers explained that this was a flat rate which was incurred on a daily basis and that there would be no incremental increase in the daily cost.

Councillor Ian McCracken queried at what point the contractor would cease to be liable for liquidated damages. Andy Parsons explained that they would cease to be incurred at the point of practical completion. This period would be followed by a period in which defect liabilities could be incurred by the contractor. The contract also allowed for retentive monies to be withheld until all snagging issues had been completed.

Councillor Paul Bryant queried what financial impact the delay had cost the Council for example in the delay in disposing of Dee Road. Officers noted that they had not identified any financial costs to the Council.

Councillor Ian McCracken queried whether the Authority had incurred any obligations to sub-contractors arising out of the delay. Andy Parsons reassured Members that the main contractor was responsible for the work being carried out and they would incur any liability not the RBFRS.

It was agreed that Members would be updated following the meeting on the 26 June 2014. It was also agreed that a report would be taken to SAMC and to the July Management Team meeting. The report would be verbal if practical completion had not occurred or in written format if it was achieved. It was also noted that Audit and Governance Committee would be undertaking a full review of the project later in the year.

Councillor Angus Ross, speaking as Chairman of SAMC, explained that he and Councillor Adrian Edwards had recently visited the site and the signs were encouraging. He reminded Members that this was not a new building it was being refurbished under a budget constraint. He encouraged Members to visit the new BHQ but requested that they clear the visit with Andrew Vallance in advance.

*(Councillor David Burbage left the meeting at 7.45pm)*

**Resolved:**

That the report be noted.

## **24. ROYAL BERKSHIRE FIRE AND RESCUE (TRAINING) LTD ANNUAL REPORT**

Councillor Phillip Bicknell reported on the performance of the Royal Berkshire Fire and Rescue (Training) Limited (RBFRTL) for the year ended 31<sup>st</sup> March 2014.

Since its formation RBFRTL had struggled with a combination of challenging market conditions and high fixed costs. The resignation of the Team Leader and the appointment of a new Area Manager had presented the Board with an opportunity to strip out costs and transform the performance of the company. A decision had been made not to fill the vacant Team Leader post and instead the new Area Manager had assumed increased responsibility for day to day management and had re-focused the sales and marketing activity of the company. These changes had led to a marked improvement in the company's performance with a profit of £19,266 when compared to a loss of £7,662 in the previous year. RBFRTL had also paid £57,535 in recharged costs to the Fire Authority which represented real costs that the company would face if it were a standalone business. Therefore in reality the profit made by the company in 2013/14 was around £76,000 which was 33% of annual turnover.

Baker Tilly had produced the RBFRTL statutory accounts for 2013/14 which were still in a draft form and were attached as an appendix to the report. The company's accounts would be audited by Ernst & Young in August 2014 as part of its audit of the Fire Authority's 2013/14 financial statements.

Councillor Bicknell confirmed that the company were always looking for new avenues of income but felt that it was going forward in the right direction and represented value for money. Consequently he would specifically like to thank Gene Ashe, Conor Byrne, Tina Lynch and everyone else in the team for all their hard work over the year.

Councillor Paul Bryant noted the close working links between Berkshire and Buckinghamshire and Oxfordshire in relation to the Thames Valley Control Room and he wondered if there was an opportunity here to unite the training function as well. It was confirmed that this was something which could be looked at as new opportunities for sales were always being considered. The CFO stated that with the new policy direction discussions would be required at a political level. However, the shared Fire Control Room would provide the Authority with a focal point and it was hoped that a meeting could be scheduled in the near future.

Councillor Jeff Brooks agreed that there had been a turnaround in the day to day management of the Training Company but he questioned how they would be made aware of the future strategic direction and business planning. Councillor Colin Dudley confirmed that Gene Ashe always attended any relevant meetings and was therefore the link between Directors and Management. The company was a small operation and therefore the staffing structure did not have many tiers.

Councillor Emma Webster referred to some recent fire awareness training she had attended and stressed that all local authorities should use the training company for their training.

Councillor Colin Dudley advised that he would be coming off as a Director of the training company.

**Resolved:**

That the report be noted.

## **25. PROVISIONAL OUTTURN**

Andrew Vallance, Director of Resources (DR), informed Members of the provisional revenue and capital outturns up to the end of March 2014.

Industrial action (£363,000) and the major flooding incident in February 2014 (£2,171,000) had been the main drivers of unbudgeted expenditure during 2013/14. However, the Authority would be able to recover all except £69k of the costs of responding to the flooding via the Bellwin scheme. Despite the additional costs as set out above there was still a corporate underspend of £563,000 which was mainly due to the ongoing difficulties in recruiting retained firefighters. The wholtime firefighter recruitment freeze was also a contributory factor in explaining the underspend on the uniformed employee budget.

There was an overspend on the non-uniformed budget line of £95,000 as a result of overtime payments during the major flooding incident as well as during industrial action. Payments had also been made to Emergency Fire Crews during the strikes.

The DR confirmed that any delays in expenditure as a result of delays to the BHQ project would be slipped into the following financial year as appropriate. Councillor Tom McCann was concerned that the authority had once again achieved an underspend. While he was conscious that the Authority was funded by the public purse he felt that the RBFRS owed it to residents to spend the budget whilst maintaining a small degree of flexibility. Officers explained that much of the underspend could be attributed to the difficulties in recruiting retained staff but that it was a policy decision not to cut retained budgets although that could change after the Parliamentary Review.

Members sought reassurance that the Bellwin claim would include all expenditure (except the £69k) incurred by the Fire Authority. Officers were confident that all expenditure had been accounted for and that the claim would be submitted by the end of that week.

Councillor Adrian Edwards queried whether around £50k of the underspend could be set aside and used to fund additional enhancements to the new BHQ. The Chairman stated that this might be possible but that he would not wish to see a target being set for Officers to spend up to on. This was something that SAMC could consider.

Councillor Jeff Brooks noted that an underspend had been achieved in fifteen of the last sixteen years. While he accepted that £563k only constituted around 1.5% of the total budget it was still a significant sum of money. Members agonised each year about what services could no longer be afforded and what needed to be cut and he felt that the annual underspend should be factored into discussions before services were cut unnecessarily. Councillor Paul Bryant commented that transferring the underspend to the budget for the following year helped to ensure that the Authority was able to keep its precept as low as possible. He noted that RBFRS's precept was the second lowest in the country. Councillor Emma Webster noted Councillor Brook's frustration and explained that the IRMP would be looking at the issue of retained fire fighters closely that year.

**Resolved:**

- The corporate underspend of £563,00 be noted;
- The transfer of £170,000 of the corporate underspend to an earmarked reserve to fund the Authority's contribution to the new Windsor Fire Station be approved;
- The transfer of the remaining balance of £393,000 to the Development Fund be approved.

## **26. MINUTES OF THE STANDING COMMITTEES**

The Fire Authority received the Minutes of the following meetings of the Fire Authority's Committees:

- Management Committee – 7<sup>th</sup> April 2014

## **27. FORWARD PLAN**

### **Resolved:**

That the Forward Plan be noted.

## **28. DATE OF THE NEXT MEETING**

Monday 22<sup>nd</sup> September 2014 at 6.30pm at Brigade Headquarters, Pincents Lane, Calcot, Reading, Berkshire, RG31 7SP

*The meeting concluded at 8.15 pm*