

**MINUTES OF THE ANNUAL MEETING OF THE ROYAL BERKSHIRE
FIRE AUTHORITY**



Held on Thursday 28 June 2012

**Council Chamber, Bracknell Forest Council, Easthampstead House,
Town Square, Bracknell Berkshire RG12 1AQ**

Those present:

| | |
|------------------------------|--|
| *Councillor Alistair Auty | *Councillor Christine Bateson |
| *Councillor Phillip Bicknell | *Councillor Chris Bowring |
| *Councillor Prue Bray | *Councillor Jeff Brooks |
| *Councillor Dr Paul Bryant | *Councillor David Burbage |
| Councillor Diana Coad | *Councillor Andrew Cumpsty |
| *Councillor Colin Dudley | *Councillor Haqeeq Dar |
| Councillor Adrian Edwards | *Councillor Paul Gittings |
| Councillor David Holtby | *Councillor Mrs Pauline Helliar-Symons |
| *Councillor Peter Jones | *Councillor John Lenton |
| *Councillor Chris Maskell | *Councillor Iain McCracken |
| Councillor Edward Plenty | *Councillor Mohammed Rasib |
| *Councillor Angus Ross | *Councillor Rebecca Rye |
| *Councillor Alan Ward | *Councillor Miss Emma Webster |
| <i>*present</i> | |

In Attendance: Olaf Baars (Deputy Chief Fire Officer, DCFO)
Iain Cox (Chief Fire Officer, CFO)
Prof Christopher Guy (Independent Standards Committee, Chairman)
Caroline Redzikowska (Director Corporate Services, DCS)
Carolyn Rowe (Committee Manager)
Fayth Rowe (Committee Officer)
Paul Southern (Assistant Chief Fire Officer, ACFO)
Andrew Vallance (Director Resources, DR)

Observers: Gene Ashe (Area Manager, Prevention and Protection)
Lincoln Ball (Fire Bridge Union Representative)
John Giles (Independent Standards Committee Member)
Christopher Glenn (Document and Information Request Officer) (part)
Andy Mancey (Area Manager, Response)
Samantha Shepherd (Strategic Policy & Programme Manager)
Baldav Sian (Independent Standards Committee Member)
Jonathan Taylor (Independent Standards Committee Member)
Jane Weller (Community Safety Officer)

Action

282. ELECTION OF CHAIRMAN FOR THE 2012/13 MUNICIPAL YEAR

The Director Corporate Services (DCS) opened the meeting and called for the nomination of Chairman for the 2012/13 municipal year. Councillor Paul Gittings proposed Councillor Colin Dudley as Chairman. This was seconded by Councillor Emma Webster.

Resolved:

- a) That Councillor Colin Dudley be elected as Chairman of the Fire Authority for the 2012/13 Municipal year.

283. CHAIRMAN TO MAKE DECLARATION OF ACCEPTANCE OF OFFICE

The Chairman accepted his appointment, and conveyed his thanks to Members for their continued support. He advised due to ongoing financial constraints the forthcoming year would continue to be difficult and advised that Royal Berkshire Fire Authority (RBFA) and Berkshire Fire and Rescue Service (RBFRS) would continue to demonstrate its efficiency to Westminster.

284. ELECTION OF VICE-CHAIRMAN FOR THE 2012/13 MUNICIPAL YEAR

The Chairman proposed the nomination of Councillor Pauline Helliard-Symons as Vice –Chairman for the 2012/13 municipal year. This was seconded by Councillor Phillip Bicknell.

Resolved:

- a) That Councillor Mrs Pauline Helliard-Symons be elected Vice-Chairman of the Fire Authority for the 2012/13 Municipal year.

285. VICE-CHAIRMAN TO MAKE DECLARATION OF ACCEPTANCE OF OFFICE

In accepting her appointment, the Vice-Chairman reiterated the major challenges ahead and advised that RBFA may need to do things differently. She reported that she was convinced RBFRS was the best Fire and Rescue Service in the country and was proud of RBFRS firefighters and impressed with RBFA.

286. RECEIPT OF ANNOUNCEMENTS

The Chairman welcomed the three newly appointed RBFA Members, Councillors Alistair Auty, Chris Maskell and Rebecca Rye and presented them with RBFA badges.

The Chairman announced he had great pleasure, on behalf of the Fire Authority in welcoming Christopher Glenn who had dedicated 40 years to the Fire and Rescue Service. A presentation was made on behalf of RBFA in recognition of his service, and members showed their appreciation. Through the Chairman, Christopher Glenn gave a brief speech of acceptance and appreciation.

287. APOLOGIES FOR ABSENCE

Apologies for absence were received Councillor Diana Coad and Councillor Adrian Edwards, and Edward Plenty.

288. DECLARATIONS OF INTEREST

There were no Declarations of Interest received from Members and Officers.

289. MINUTES OF THE MEETING HELD ON 11 APRIL 2012

Resolved:

- a) That the Minutes of the Meeting held on 11 April 2012 be Approved for signing by the Chairman.

The Vice-Chairman expressed her concern on the low percentage of RBFRS Performance Development Interviews (PDI's). She advised PDI's were vital to ensure staff was receiving the training and support they need and added, that she hoped the target would be closer to 90% next year.

The Assistant Chief Fire Officer (ACFO) informed RBFA that a report was due to go to the Audit, Performance and Review Committee on 30 May 2012 but the meeting had to be postponed. The PDI's percentage was between 86 – 90%% as the software currently did not reflect the percentage accurately. A report is due at the next Audit and Governance Committee meeting in July 2012.

290. PARTICIPATION OF THE PUBLIC UNDER STANDING ORDERS 19 AND 25

There were no items received under standing orders 19 and 25, participation of the public.

291. QUESTIONS FROM MEMBERS UNDER STANDING ORDER 30

The Chairman advised receipt of a written question from Councillor Prue Bray (*a copy of the Question put and the response given is attached at Appendix 1 to the Minutes*).

The Chief Fire Officer (CFO) read the tabled response and advised that the debate within each Fire Authority was ongoing.

Councillor Prue Bray asked a supplementary question, saying that she was in favour of Pensions but concerned about the financial impact on RBFA . She asked, in the event that RBFA faces this budgetary pressure, would the Conservative Group join the Liberal Democrat Group in writing to the Government?

Councillor Iain McCracken advised that he recently sent Fire Commission minutes via email to RBFA Members. In his email he reiterated the potential financial burden on RBFA and requested Members to join a letter of protest to the Minister detailing a practical proposition of how this issue could be resolved. He suggested the letter be addressed to the Fire Commission, Fire Minister and MP's.

The Chairman concluded that he was happy to write a letter to the Fire Commission and forward a copy to all MP's in Berkshire.

Chairman

292. NOTICES OF MOTION UNDER STANDING ORDER 44

There were no notices of motion under Standing Order 44.

293. NEW STANDARDS ARRANGEMENTS

The Director, Corporate Services (DCS) advised that following the introduction of the Localism Act 2011 a new Standards mechanism would be implemented on 1 July 2012. Under the new legislation, although Authorities were no longer required to have a Standards Committee, there was a requirement to have a Code of Conduct and for a mechanism for handling Member complaints. Members also be required to register their interests.

The report suggested utilizing the Disciplinary Appeals and Grievance Committee (DAG) as a mechanism to deal with Member complaints, and sought agreement to amend the Terms of Reference (TOR) of both that Committee and the Audit, Performance and Review Committee (APRC), and rename it Audit and Governance Committee.

In referring to the draft Code of Conduct attached as an appendix to the report, DCS advised that she had included a section on Disclosable Pecuniary Interests as this was a requirement of the legislation and suggested adopting this Code to make RBFA legally compliant. She suggested that Audit and Governance Committee then examine and revise the Code of Conduct more fully.

DCS reported that she was working alongside fellow Monitoring Officers in the county to provide a similar Register of Interests. With regard to the requirement to appoint an Independent Person, recent amendments to the Regulations now permit the reappointment of previous independent members of the Standards Committee.

In light of the above, DCS advised that she canvassed the current Independent Standards Committee Members and that the Chairman, Professor Christopher Guy and the following Independent Standards Committee members Mr. John Giles and Mr. Jonathan Taylor had expressed their interest in being appointed. She advised, subject to RBFA's appointment of the Independent Members and adoption of the new mechanism, the aforementioned Independent Standards Committee Members would resign with immediate effect and be appointed under the new mechanism.

With regard to the new complaints procedure, DCS outlined the proposal and stated the Code of Conduct was in draft and comments would be welcomed. .

Councillor Prue Bray proposed an amendment to the Recommendation to include the request for Members' view on the operation of these arrangements after one year, and this was supported by Members.

Resolved:

a) That the following Recommendations be Agreed;

Constitution

1.1 That the terms of reference of the Discipline Appeals and Grievances and the Audit and Performance Review Committees be Amended and Adopted and that the Audit and Performance Review Committee be renamed the Audit and Governance

- 1.2 That, in accordance with the matters outlined on the Disclosure of Interests and withdrawal from meetings the Rules of Procedure of the Fire Authority and other committees be Amended to make it clear that a member must withdraw from a meeting during the consideration of any item of business in which he/she has a disclosable pecuniary interest (except where he or she is permitted to remain as a result of a grant of dispensation) and that the Monitoring Officer be given delegated authority to make appropriate changes to any other sections of the constitution affected.

Code of Conduct

- 1.3.1 That, in order to assist in the promotion and maintenance of high standards of conduct, the Code of Conduct be Adopted; subject to further assessment by the Director Corporate Services (DCS) in consultation with the Audit and Governance Committee; and
- 1.3.2 That DCS be authorised to amend the Code of Conduct and issue it to all Members of the Fire Authority and advise them of the effective date of operation.
- 1.3.3 That, as a temporary expedient until such time as the Monitoring Officer notify Members of the effective date of operation of the Code of Conduct , the Fire Authority's Code of Conduct for Members should comprise paragraphs 3 to 9 of the existing Code, require registration of Personal Interests (as defined by the current Code), and incorporate provisions in respect of the registration and disclosure of Pecuniary Interests (as defined by Regulations made under the Localism Act 2011).
- 1.4 That training be provided for all Members of Fire Authority on the new Code and the proposed arrangements both prior to and post the adoption of the new Code of Conduct.

Register of Interests

- 1.5 That the Monitoring Officer be authorised to set up and maintain a Register of Interests to be made available for inspection and be placed upon the Fire Authority's website

Independent Persons

- 1.6 That the Independent Chairman of the Standards Committee, Professor Chris Guy be invited to act as an Independent Person under section 28 of the Localism Act 2011 and that the current Independent Members of the Standards Committee be invited to act as reserve or deputy Independent Persons
- 1.7 That the Independent Person(s) receive(s) an allowance £450 per annum and be reviewed following operation of the new standards arrangements after 12 months.

Complaints "Arrangements"

- 1.8 That the complaints "arrangements" be Adopted and their operation be reviewed after one year by the Audit and Governance Committee such review to include the view of all Members.

Code of Conduct Complaints

- 1.9
- (1) That the Monitoring Officer be Appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
 - (2) That the Monitoring Officer be authorised;
 - (a) in consultation with the Chairman of the DAG Committee to determine whether a complaint merits formal investigation and to arrange an investigation
 - (b) to seek resolution of complaints without formal investigation where appropriate and to report annually or at such shorter intervals deemed appropriate (in light of the number of complaints received) to the DAG Committee;
 - (c) where an investigation finds no evidence of failure to comply with the Code of Conduct, following consultation with the Chairman of the DAG Committee, to close the matter provide a copy of the report and findings of the investigation to the complainant, to the Member, the Chairman of the DAG Committee, the statutory Independent Person and report the findings to the Audit and Governance Committee for information;
 - (d) where an investigation finds a failure to comply with the Code of Conduct, in consultation with the Chairman of the DAG Committee and the statutory Independent Person to seek a resolution to the satisfaction of the complainant in appropriate cases with a summary report for information submitted to the DAG Committee. Where such local resolution is not appropriate or possible, the Monitoring Officer will submit the complaint to the DAG Committee for a hearing and advise the DAG Committee on whether the Member has contravened the Code of Conduct and if so what sanction should be imposed,

2.10 Dispensations

- (1) That the process regarding dispensations be Adopted.
- (2) That the Monitoring Officer be Authorised to grant dispensations where in her opinion;
 - (a) that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business
 - (b) that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote.

294. MEMBERSHIP AND STRUCTURE OF THE FIRE AUTHORITY ANNUAL UPDATE

DCS introduced the report and advised that the current committee structure was successful and no complaints had been received from Members. With regard to the scheme of allowances, a review would be conducted during this year, for recommendation from next year.

DCS advised that an examination of the size of membership during the current municipal year should also be considered. She further advised that although Fire Authorities were not required by legislation to conduct an independent assessment, RBFA used an Independent Assessor in order to stand up to any scrutiny, if there was a challenge.

DCS advised that she was minded to use the Independent Assessor used by RBFA in 2009. In response to a question from the Chairman, DCS advised that RBFA was not required to use an Independent Assessor and confirmed that as had been suggested Independent Members from DAG could be used as an alternative, but pointed out that Independent Members had some connection to RBFA.

Councillor Alan Ward reported of the advantages of the named Independent Assessor that conducted the review on scheme of allowances in 2009 and further advised due to prior knowledge, the review would be carried out expeditiously .

In supporting the proposed independent assessor , Councillor Pauline Helliar-Symons outlined that 1), he had a wide knowledge and therefore equitable view, 2) he knew the Fire Authority, and 3) he is a leading academic in this field, and formally moved this proposal..

Councillor Paul Gittings asked about the cost, and DCS suggested that she bring an estimate back for decision. Councillor Jeff Brooks proposed that DCS simply provide a comparison of other Fire Authority scheme of allowances in the country, and questioned if it would be appropriate to spend resources on anything at this time.

Cllr McCracken seconded the motion of Cllr Helliar-Symons.

In referring to the number of RBFA Special Responsibility Allowances (SRAs), Councillor Pauline Helliar-Symons suggested a review of SRAs. Councillor Emma Webster asked that the SRAs in other Fire Authorities be examined, and brought back before deciding. The DCS advised that if a review was agreed, information would be sought from other FAs as last time.

The Chairman put the motion to the vote where it fell (with 4 votes in favour) .

Councillor Jeff Brooks proposed a motion

That the Director Corporate Services undertake a review of the scheme of allowances with similar size Fire Authorities and bring that back to the Fire Authority. This was seconded by Cllr Rebecca Rye

Cllr McCracken moved an amendment that it be brought back to the Audit and Governance Committee to make a decision, which was accepted.

On being put to the vote with 15 for and 1 against, the Fire Authority:

Resolved:

- a) That the report be Noted;
- b) That the Director Corporate Services undertake a review of the scheme of allowances with similar size Fire Authorities and report this to the Audit and Governance Committee.

DCS

DCS

295. APPOINTMENT OF COMMITTEES AND WORKING PARTIES

The DCS introduced the report and highlighted the recommendation from the Standards Committee that each political group be represented on DAG Committee. The Fire Authority was advised to adopt political proportionality or in order for non-proportionality, there must be a vote against. It would also be possible to give up a seat to another party. The Chairman stated that the Conservatives had decided to do this and as such he had given up his seat.

Resolved:

- a) That the rules on political proportionality be applied to the allocation of Committee places be Agreed; and
- That the following be Agreed;
- i) That the Committees and Working Parties indicated in paragraph 3.2 of the report be appointed, as Standing Committees;
- ii) That the number of seats on the Appointed Standing Committees be determined;
- iii) That seats on those Committees be allocated
- iiii) That in accordance with the rules relating to political balance and as indicated in **Table 5B**;

| Committee | Conservative | Labour | Liberal Democrat | Total places on Committee |
|----------------------------------|--------------|----------|------------------|---------------------------|
| Management (8) | 5 | 2 | 1 | 8 |
| Audit/Governance (8) | 5 | 2 | 1 | 8 |
| Strategic Asset Management (8) | 5 | 2 | 1 | 8 |
| DAG (4) | 3 | 1 | 0 | 4 |
| Total per Political Group | 18 | 7 | 3 | 28 |

- v) That Members be appointed to each of the Committees in accordance with the wishes of the political groups;
- vi) 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 have been appointed to that committee or sub-committee;
- vii) 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.

(It was noted that in light of the new Standards measures already agreed during the meeting, the Conservative Group had agreed that 1 of their 3

allocated seats be filled by a member of the Liberal Democrat Group on the DAG Committee).

296. ELECTION OF CHAIRMAN OF THE FIRE AUTHORITY AS CHAIRMAN PRO-TEM OF COMMITTEES AND WORKING PARTY

Resolved:

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

297. ADJOURNMENT OF MEETING

Resolved:

- a) 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 2012/13 and to conduct the business as outlined on the Agenda.

298. RECOMMENCEMENT OF MEETING

The meeting of the Fire Authority was recommenced following the conclusion of the meeting of the Integrated Risk Management Plan Working Party.

299. APPOINTMENT OF CHAMPIONS

Resolved:

- a) That Chairman be appointed as the Communications Champion;
- b) That Councillor Emma Webster be appointed as the Community Safety Champion;
- c) That Councillor Chris Bowring be appointed as the Environmental Champion;
- d) That Councillor Alan Ward be appointed as the Equality and Diversity Champion (who will act as Chairman of Community, Engagement and Equality Group) (CEEG). Councillor Prue Bray was also proposed and seconded as the Equality and Diversity Champion and, on being put to the vote, it was resolved that Councillor Alan Ward be appointed.
- e) That Councillor Alistair Auty be appointed as the Member Development Champion;
- f) That Councillor Alan Ward be appointed as the Health and Safety Champion. Councillor Prue Bray was also proposed and seconded, and on being put to the vote it was resolved that Councillor Alan Ward be appointed.

300. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES FOR THE 2012/13 MUNICIPAL YEAR

Resolved:

- a) That Councillor John Lenton be appointed as the Fire Authority's representative on The Royal Borough of Windsor and Maidenhead Local Strategic Partnership;
- b) That the Chairman of the Fire Authority be appointed as the Fire Authority's representative on the South East Regional Management Board; and that in the event of the Chairman of the Fire Authority not being able to attend, then the Chairman will nominate another Member of the Management Committee to attend the South East Regional Management Board as his substitute, and, in line with the Constitution, the Director Corporate Services (DCS) will notify the Clerk to the Regional Management Board accordingly;
- c) That Councillor Iain McCracken be appointed as the Fire Authority's representative on the Local Government Association;
- e) That Councillor Phillip Bicknell be appointed as Director on the Board of the Royal Berkshire Fire and Rescue (Training) Limited.

DCS

301. ROYAL BERSKHIR FIRE AND RESCUE (TRAINING) LTD ANNUAL REPORT

Councillor Phillip Bicknell introduced the report. He advised that Royal Berkshire Fire and Rescue (Training) Ltd contributed £56,000 to the training budget. He advised the profit margins were not as good as they used to be, however, sales increased up to 70%.

In answer to a question from Councillor Prue Bray, about opportunities following changes to the Fire Service College, the Chief Fire Officer reported that would continue to scan for the best provision, and there may a little overlap Royal Berkshire Fire and Rescue Training Ltd. with .

Resolved:

- a) That the report be Noted.

302. ANNUAL REPORTS FROM COMMITTEE CHAIRMAN, CHAMPIONS AND REPRESENTATIVES

The Chairman welcomed Professor Guy and invited him to speak to his report.:

- a) Professor Christopher Guy – Standards Committee

The Chairman of the Standards Committee introduced his report and thanked Fire Authority Members and confirmed that there had been no complaints against Members. He also thanked the Independent Members. He also thanked the DCS, Committee Manager and Committee Officer and paid tribute to Mrs Lynda Kenyon.

The Chairman proposed that this report and reports b)-h) be noted, and this was agreed.

- b) Councillor Iain McCracken - Local Government Association (Fire Forum);
- c) Councillor Phillip Bicknell – Member Development Champion;
- d) Councillor Chris Bowring – Environment Champion Report;
- e) Councillor Colin Dudley – Communications Champion;

- f) Councillor Fred Pugh / Area Manager (Prevention & Protection) – Community Safety Champion;
- g) Councillor Alan Ward - Equality and Diversity Champion / Chairman of the Community, Engagement and Equality Group; and
- h) Councillor Alan Ward - Health and Safety Champion;

303. MINUTES OF THE STANDING COMMITTEES, WORKING PARTIES AND OTHER GROUPS

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

- a) Strategic Asset Management Committee – 8 February 2012, 17 April 2012 (not yet approved)
- b) Standards Committee – 1 March 2012, 10 May 2012 (not yet approved)
- c) Audit and Performance Review Committee – 14 March 2012 (not yet approved),
- d) Management Committee – 26 March 2012, 21 May 2012 (not yet approved)

304. FORWARD PLAN

Resolved:

- a) That the Forward Plan be Noted.

302. DATE OF NEXT MEETING

- Tuesday 17 July 2012, at 6.30 pm in the Council Chamber, Wokingham Borough Council, Civic Offices, Shute End, Wokingham, Berkshire RG40 1BN.

305. EXCLUSION OF THE PUBLIC

Resolved:

- a) That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following Agenda Items on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraphs 1, 2, 3 and 4 of Part I of Schedule 12A of the said Act indicated and is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

306. PART II MINUTES OF THE MEETING HELD ON 11 AND 25 APRIL 2012

Resolved:

- a) That the Part II Minutes of the Meeting held on 11 and 25 April 2012 be Approved for signing by the Chairman.

Part II minutes were subsumed into Part I

The Chairman thanked all Officers that contributed to the delivery of the Members Induction Day held earlier in the afternoon. In referring to a point made in the Standards Committee Chairman 's report, he requested Fire Authority Members to organise a substitute to attend Committee and or Working Parties in their absence.

The Chairman thanked the Mayor of Bracknell Forest Council for her attendance at RBFA annual meeting.

The meeting closed at 8.14 pm



MEETING: Royal Berkshire Fire Authority's Annual Meeting

Thursday 28 June 2012

DATE

Appendix 1

To receive written questions from Members under Standing Order 30

Question 1

The following question has been received from Councillor Mrs Prue Bray:

“As a result of an Employment Tribunal judgement, retained duty staff will have the right to buy back pensionable service for the period 1 July 2000 to 5 April 2006. DCLG has been negotiating a settlement with the FBU on retained fire-fighters pensions, and is intending to consult for 12 weeks on an Amendment order to implement the settlement, with the consultation likely to be starting in July. The government appears to be leaning towards the view that Fire Authorities will be responsible for finding the money for any additional employer pension liabilities arising from this change. If this view prevails, it is likely to impose significant extra costs on RBFRS.

Could you please give an estimate of how many retained duty staff in RBFRS are affected by this change, and also provide figures on the potential financial impact on the authority's budget?”

Response from the Chief Fire Officer

There is as yet no agreement as to how the potential costs are to be funded. If the Fire Authority is required to meet these costs they will fall between the following ranges.

There are currently 25 eligible retained firefighters in the new pension scheme. If these firefighters bought back service between 2000-2006, employer contributions for the period would amount to £146,000, assuming an employer contribution rate of 11% (new scheme rate), or £283,000 at the old scheme rate of 21.3%.

There are currently 42 eligible retained firefighters who are not in the pension scheme. If all of these employees chose to backdate their service, the cost to the Authority would be £195,000 (new scheme rate) or £377,000 (old scheme rate).

If the 276 retained firefighters who were employed by RBFRS during the period 2000-2006 chose to buy back pension service, the cost to the Authority would be £877,000 (new scheme rate) or £1,697,000 (old scheme rate).
