

**ROYAL BERKSHIRE FIRE AND RESCUE SERVICE  
MEETING OF THE OVERVIEW AND SCRUTINY  
COMMITTEE - PART I**



**Held on Tuesday 13 March 2007**

Strategic Command Centre, Headquarters, Royal Berkshire  
Fire and Rescue Service, 103 Dee Road, Tilehurst,  
Reading, Berkshire, RG30 4FS

**Those present:** Councillor Mrs Prue Bray (Member, Fire Authority)  
Councillor Geoff Findlay (Member, Fire Authority)  
Councillor John Green (Member, Fire Authority) (*Chairman*)  
Councillor Jagjit Grewal (Member, Fire Authority)

**In attendance:** Rosemary Lansdowne (Clerk and Monitoring Officer)  
Andrew Vallance (Authority Treasurer)  
Christopher Gill (Divisional Officer, Performance Review)

**Action**

**01.01.07 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Tom Crisp (Member, Fire Authority), Councillor David Howes (Member, Fire Authority) and the Chief Fire Officer.

**01.02.07 DECLARATIONS OF INTEREST**

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 made.

**01.03.07 PART I MINUTES OF MEETING HELD ON 20 NOVEMBER 2006**

The Committee was informed that the amendment, as advised by the Chief Fire Officer at the last meeting, to the data relating to the number of accidental fire-related deaths in the home, as contained within the report entitled 'Performance of the Authority, its Committees, Sub Committees and Working Parties' presented at item 03.07.06, was incorrect and was, in fact, as stated on the report presented at the meeting on 20 November 2007.

The Minutes of the meeting held on 20 November 2006 were **Approved** by the Overview and Scrutiny Committee, and signed by the Chairman as a correct record, and were amended by hand, as detailed above, and initialled by the Chairman.

**01.04.07 ITEMS FOR CONSIDERATION**

- a) The Committee considered the Priority List with a view to deciding what item should be considered at the next meeting of the Committee. It was **Agreed**

that a report on the 'recruitment and retention of persons from ethnic and minority backgrounds' would be considered at the next meeting.

- b) The Committee **Noted** that the next meeting of the Committee would be after the annual Fire Authority meeting in July 2007 when the Membership of the Committee could change. The Committee therefore **Agreed** that the new Committee should be tasked with reviewing the priority list.
- c) It was **Agreed** that the Chairman would give a report to the annual meeting of the Fire Authority on 27 June 2007, the report to include a summary of all the issues that the Committee had looked at during the municipal year.

The Chairman's report would also note that the Committee had deferred the important issue of recruitment and retention of ethnic and minority groups, but that the Committee felt this was a very important issue to review.

The Chairman's report would also cover the issue of the quality of Officer reports to Fire Authority Committees. The Committee **Noted** that, initially, there had been an improvement in the quality of Officer reports to Committees and that the amount and type of information given, particularly to the Executive Committee, had improved as a result of the Overview and Scrutiny Committee's work.

The Chairman thanked the Clerk and Monitoring Officer (CMO) for her part in instigating an improvement in report writing. However, having scrutinised the Executive Committee agenda for the meeting to be held on 19 March 2007 [see below], the Committee felt that some Officers were slipping back into old habits and that the general standard of the reports for that agenda was poor, and, particularly when very large sums of money were involved, the reports often failed to give sufficient and clear details for Members about the sums involved and the need to comply with EU and other procurement legislation. The Committee **Noted** that the 3 Chief Officers had not commented upon many of the Executive Committee reports, either because they had not had sufficient notice or because they had not been sent the reports. The Committee felt that, in order to protect the Fire Authority, it was particularly important for the Treasurer to confirm that proposed expenditure was within budget and for the Clerk and Monitoring Officer to confirm that the proposed action was lawful.

Councillor Geoff Findlay felt that one of the weaknesses of the Executive Committee was that it tended to be reactionary rather than helping develop policy. It was **agreed** that the Chairman's report would highlight that the lack of a formal Policy Development Committee was a potential weakness in the Fire Authority's structure, which should be addressed in the future by the Overview and Scrutiny Committee reviewing the development of policy. This was clearly within the remit of the Overview and Scrutiny Committee. The next Overview and Scrutiny Committee would be requested to examine policy making more diligently than had been possible to date. The Chairman also to suggest that the Executive Committee have a formal Forward Action Plan which could then be the subject of scrutiny.

Agenda  
10.07.07

**C Gill**  
Agenda  
10.07.07  
**Chairman/  
C Gill**

Agenda  
10.07.07

## 01.05.07 EXECUTIVE COMMITTEE AGENDA OF THE MEETING TO BE HELD ON MONDAY 19 MARCH 2007

### Composition of Executive Committee

The Overview and Scrutiny Committee considered the current composition of the Executive Committee. It was **Noted** that, due to the rules on political proportionality, West Berkshire Council currently had 3 out of 6 places on the Executive Committee and that Slough Borough Council and Reading Borough Council were not represented at all. The Committee felt this was an unhealthy position, particularly when there were conflicts of interest the Executive Committee could end up being inquorate. The Committee also felt that the Chairman and Vice-Chairman, if possible, should be from a different Unitary Authority, again to avoid conflicts of interest and to ensure no one Unitary Authority was unfairly represented. The Clerk and Monitoring Officer was asked what happened at other Fire Authorities and she thought that there was a mixture between Fire Authorities who operated political proportionality and those who insisted one member from each constituent Authority should sit on the main decision-making Committees. The Committee **Noted** that Members of the Fire Authority had been concerned about the issue at the last full Fire Authority meeting when most had been in favour of the new Property Committee not being politically proportional but instead had one member from each Unitary Authority. It was **Agreed** that the Clerk and Monitoring Officer would take a paper to the Annual Fire Authority meeting for the Fire Authority to consider the composition of the Executive Committee and if the Standing Orders should be altered to say that the Chairman and Vice-Chairman of the Authority should be from different Unitary Authorities.

**CMO**  
Fire  
Authority  
Agenda  
27.06.07

### Item 4 - Review of Compensation Policy

The Committee felt that the report was not very clear on which option, if any, was being recommended to Members. The cost of each possible option was not given. It was **Noted** that the Authority Treasurer (AT) and Clerk and Monitoring Officer had not commented upon the report. It was also **Noted** with concern, that the Fire Brigades Union (FBU) did not appear to have been consulted about the proposals. The Committee felt that it was very important for all 3 Chief Officers to be given sufficient time to read and comment upon Executive Committee reports. The Committee also felt, that it was always preferable for Officers to make a formal recommendation to Members, even if the proposal was controversial. The Committee **Recommended** to the Executive Committee that the report be withdrawn and that it be re-submitted at the next Executive Committee setting out the full pros, cons and cost of each possible option with a firm Officer recommendation and view from the FBU on its preferred position.

### Item 5 b(ii) - IT and Communications Expenditure

Whilst the Committee noted that there was an approved budget for IT, the practical effect of agreeing the wording in recommendation 5b(ii) was to give an extremely wide delegation to Officers to spend almost what ever they liked on IT and related equipment. The Committee felt that the Executive Committee should give very careful consideration to this recommendation and, in particular, consider carefully

exactly what it did want to delegate to Officers without any future scrutiny by the Executive Committee on expenditure, particularly as the Chief Fire Officer, Authority Treasurer and Clerk and Monitoring Officer had not commented on the proposals.

### **Item 8 - Human Resources Monitoring Report**

The Committee welcomed the format of and detail in this report, and asked the Executive Committee to note that this issue would be scrutinised in more detail as a special topic at the next meeting of the Overview and Scrutiny Committee when Human Resources would be making a full presentation on the subject.

### **Item 14 - Mutual Insurance Company**

It was **Noted** by the Committee that the Authority Treasurer had in fact consulted the Clerk and Monitoring Officer on this matter and she had seen the QC's legal opinion from Firebuy.

### **Item 15 - Service Level Agreement for Property Services**

The Committee were extremely concerned about the content and general layout of this report. The Committee felt it was unclear exactly what the Executive Committee was being asked to approve, but it appeared to be a contract for services to run the Fire Authority's property and estate services.

Firstly, the Committee felt that there should be a detailed balancing exercise between keeping this service in-house and buying the services externally. The report made no attempt to explain why these functions could not be performed by either current Fire Authority staff or, if no staff existed, why the Fire Authority should not employ its own estates managers and/or surveyors, which was common in Unitary Authorities. A balancing exercise had to be undertaken of the pros and cons with full costs for the Executive Committee to make an informed decision.

If the Executive Committee decided that it is best to outsource this service, then the Overview and Scrutiny Committee **Noted**, on advice from the Clerk and Monitoring Officer and Authority Treasurer, that the contract would be subject to public procurement rules and that an OJEU (Official Journal of European Communities) notice was required. [NB: The current European Union (EU) limits for a service contract is EUR 200,000 and this contract appears to be about £300,000 +].

The Committee was very concerned that no competitive tendering exercise had been undertaken. Given that the contract value appeared to be £15,000 retainer per annum plus at least a further £100,000 in fees, the Fire Authority had no way of knowing if the contract with Hampshire County Council represented best value. Although, it was accepted that Central Government was pushing for the establishment of regional centres of excellence, this did not negate or, in any way, absolve the Fire Authority from complying with EU procurement rules on service contracts. The Committee felt that there were no good/lawful reasons put forward to explain why this large contract should be exempt from the Fire Authority's own Contract Standing Orders.

The Authority Treasurer explained that he recalled that the Statutory Instrument (SI) establishing the Fire Authority for Hampshire was significantly different from the one for Berkshire, in that it permitted Hampshire Fire Authority to purchase goods and services directly from Hampshire County Council and it was possible that the Officers at Hampshire County Council were not giving the Berkshire Fire Authority the correct advice on procurement procedures because they were referring to the wrong SI. The Committee **Recommended** to the Executive Committee that it postpone a decision on this matter until it had a full and detailed presentation and written report dealing with all of the financial and legal issues. It was **Agreed** that the Clerk and Monitoring Officer, on behalf of the Chairman of the Committee, Councillor Green, would send an urgent e-mail to Dr Paul Bryant (Chairman of the Executive Committee) explaining the Overview and Scrutiny Committee's concerns about this particular issue.

### Items 16, 17 and 18

It was **Noted** that the Clerk and Monitoring Officer had been asked for her comments on these reports and had given them but that they had probably been missed out because of the Committee Clerk's absence due to a family death, which was understandable in the circumstances.

### Item 19 - Proposed Redundancy

The Committee felt the content of this report was most unsatisfactory. The Committee was also concerned that the comments of the Authority Treasurer and Clerk and Monitoring Officer had not been included. The Committee felt that, without the Authority Treasurer's comments, they had no way of knowing if the recommendation was within budget and/or affordable. The Clerk and Monitoring Officer's views should be included so that the Executive Committee can be sure that the action proposed was lawful and would not result in a claim to the Employment Tribunal (ET). The Committee questioned why the redundancy was based on 33 years and were concerned to learn from the Authority Treasurer that the individual had already taken his pension after 30 years service and that he appeared to have only been in this post for about 3 years. The Overview and Scrutiny Committee **Agreed** there was no justification in this case for the redundancy to be based on actual pay. The Committee questioned why Human Resources or Service Delivery had not taken the appropriate action to ensure that the individual did not gain continuity of service and what steps were in place to prevent this occurring again when uniformed personnel retire and take non-uniformed posts.

The Committee **Recommended** for the future that all reports of this nature should include the views of the Chief Officers.

### Item 20 - Annual Review of Local Pay Ranges

It was noted that the review did not cover Director level posts. The Committee **Noted** that the Authority Treasurer's comments had not been received and felt that it was essential in this type of report that the Authority Treasurer's comments were included in time so that the Executive Committee knows that the Fire Authority can afford the recommended pay increases.

## General Comments on the Executive Committee Agenda

The Committee was very encouraged by the improvement in report writing evident from the previous Executive Committee Agenda. However, the Committee felt disappointed that in the latest Executive Committee Agenda, there had been considerable slippage in report writing from the acceptable standard that had been previously established.

The Committee emphasised that all reports should have a clear Officer recommendation and set out the facts clearly and explain all of the costs involved. In the case of reports seeking authority to award a particular contract, the report must clearly explain what the contract is for; who the contract is with; the length of the contract; how much is it for; whether the contract complies with the Fire Authority's Standing Orders and if not why not; if EU procurement rules apply and if they do, if all tender procedures, including OJEU notices, have been complied with.

### 01.06.07 PERFORMANCE OF THE AUTHORITY IN RELATION TO ITS POLICY OBJECTIVES AND PERFORMANCE TARGETS

Christopher Gill presented his report on the performance of the Fire Authority in relation to its policy objectives and performance targets.

It was **Noted** that there was little change, that 2006 had seen a slight increase in accidental fire-related deaths in the home, and that deliberate fires continued to reduce. Councillor Geoff Findlay asked about how accidental fires were recorded and wondered if they could be double counted, eg in circumstances where a car fire on a housing estate had been put out once but started again later in the day that would count as 2 incidents although really it was only one vehicle. The Committee **Agreed** with his suggestion that the Fire Authority should work closely with the Unitary Authorities to plot trends in incidents. Christopher Gill confirmed he would progress this.

Councillor Mrs Prue Bray stated that she was pleased to see an improvement in Control Staff figures. Christopher Gill explained that there was a discrepancy about the way the Fire Authority recorded the percentage of women in uniformed posts, which needed to be clarified, and he was in the process of doing this.

### 01.07.07 BUDGETS

The Committee **Noted** item 7 on the Executive Committee Agenda (19 March 2007 meeting). The Committee received an update on pensions from the Authority Treasurer who explained that employees joining from another employer were not obliged to tell the Fire Authority about other pension schemes they belonged to and they did not have to transfer into the Fire Authority's schemes. However, 2 transfers-in, during the past 12 months, had placed the Fire Authority in a healthy financial position. The Treasurer also explained that moving Control Staff to a Regional Control would affect the level of contributions to the Local Government Pension Scheme and it was likely that the Fire Authority's contributions in this regard would increase.

C Gill

Councillor Mrs Prue Bray asked about the figure for “other” under the budget heading “Supplies” which seemed to be a catch all category and significant due to its size. The Committee **Recommended** that for the future, the “other” category be expanded to show what items are included within this budget heading.

AT

#### **01.08.07 DATE OF NEXT MEETING**

The date of the next meeting of the Committee was **Noted** - Tuesday 10 July 2007 at 10am in the Strategic Command Centre, Headquarters, Royal Berkshire Fire and Rescue Service.

#### **01.09.07 EXCLUSION OF THE PUBLIC**

The Overview and Scrutiny Committee **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 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:

- Part II Minutes of the meeting held on Monday 20 November 2006

**Note: The following is a summary of the items considered in the Part II Agenda of the Overview and Scrutiny Committee meeting:**

#### **01.10.07 PART II MINUTES OF THE MEETING HELD ON 20 NOVEMBER 2006**

The Part II Minutes of the last meeting held on Monday 20 November 2006 were received and **Approved** as a correct record, and signed by the Chairman.