

NORTH WALES FIRE AUTHORITY

These are the minutes of the Executive Panel meeting of the North Wales Fire Authority held on Monday 31st January 2005 at Fire and Rescue Service Headquarters, Rhyl. Meeting commenced at 10:30am.

Present:

Councillor

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

J M Vaughan
D Jones MBE
J A Smith
D Barratt
E F Evans
E Morgan Jones
W T Owen
G M Craddock
E C George
J A Roberts

Representing

Gwynedd Council
Wrexham County Borough Council

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

Also present:

S A Smith (Chief Fire Officer and Chief Executive); I R Miller (Clerk and Monitoring Officer to the Authority); S Forrest (Treasurer's Department Conwy County Borough Council); C Enness (Deputy Chief Fire Officer); C Hanks (Assistant Chief Fire Officer, Service Support); P S Claydon (Assistant Chief Fire Officer, Service Delivery); P L Slee (Assistant Chief Officer, Corporate Services); S Morris (Projects Officer); K Roberts (Chief Officers' Advisory Team Support Officer); Linda Roberts (Fire Control Manager) and Rh Evans (Member Liaison Officer).

PART I

1) Apologies

Councillor

S C Jones
W J Chorlton

K W Finch

Representing

Conwy County Borough Council
Ynys Môn County Council

Treasurer to the Authority

Members were welcomed to the meeting by the Chairman. He extended the Authority's condolences to Councillor W J Chorlton whose father had passed away over the weekend.

2) Notice of Urgent Matters

The Chairman advised that no items had been submitted to either the Clerk or him for consideration.

The Chief Fire Officer welcomed and introduced Kevin Roberts, Chief Officers' Advisory Team Support Officer, and Linda Roberts, Fire Control Manager, to the meeting.

Members' attention was drawn to a copy of an article, circulated at the meeting, titled "We're winning fire safety war – but too many people still getting injured" which had appeared in the Daily Post on 27th January 2005. The article referred to the fact that during 2004 the Authority had recorded its lowest number of fire deaths since its formation in 1996. The Chief Fire Officer emphasised that this achievement was down to the sheer dedication and determination of Service personnel at all levels. It was also an indication that the Community Fire Safety work undertaken was paying dividends. Although this was a pleasing and positive achievement to report, the Chief Fire Officer cautioned against complacency. Members joined in with the Chief Fire Officer and Chairman in extending their congratulations to all personnel on this achievement.

3) Minutes

The following minutes were submitted:

- i. Executive Panel meeting held on 18th October 2004

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

4) Matters Arising

Page 6 – 1st paragraph – new internal organisational structure: In reply to a question from Councillor E F Evans the Chief Fire Officer confirmed that the new structure was now operational.

5) Local Authority Trading Powers

The Clerk introduced his report (previously circulated) with a view to seeking the Panel's agreement to a response, on the Fire Authority's behalf, to the Welsh Assembly Government's (WAG) consultation paper on local authority trading powers. Members were informed that the consultation paper contained proposals for an order to be made under Section 95 of the Local Government Act 2003 conferring the power to trade for a profit on best value authorities.

Under an equivalent order in England similar powers had not been conferred on fire and rescue authorities, but the WAG was keeping “an open mind” on the issue and invited comments. The Clerk proceeded to explain that, in his view, fire and rescue authorities should be given the powers to trade. Any decision on whether to use those powers would lie with each individual authority. Every authority that decided to use the powers would have to prepare and approve a business plan before it could begin to trade and would not be permitted to subsidise any trading company it established. It was the Clerk’s opinion that these criteria could not be opposed, but he was firmly of the view that the Authority should oppose the proposal to withdraw, under certain circumstances, the power to trade from an authority. Members agreed with the Clerk’s advice and:

Resolved: - that the Clerk, on behalf of the Authority, submit a response to the Assembly Government in line with paragraphs 6 and 7 of the report, arguing that the power to trade be made available to all fire and rescue authorities, and that the Assembly should not remove the power to trade from any authority

6) Provision of indemnities to members and officers of relevant authorities

The Chief Fire Officer introduced his report (previously circulated) requesting members to agree a response to the WAG’s consultation document ‘*Providing indemnities to members and officers of relevant authorities*’. Copies of the consultation document and a draft response, prepared jointly by the Chief Fire Officer, Clerk and Treasurer, were annexed to the report for members’ consideration. Members were advised that the publication of the consultation document was timely as the Authority had raised this issue at its meeting in December 2004. Responses on the consultation were required by 1st March 2005. Panel members were informed by the Chief Fire Officer that the layout of the draft response reflected the format of the questions asked in the consultation document itself. Following the consultation period, an Order would be laid before the Assembly. Once the Order had been approved and regulations had been made the Authority would then be required to draw up its own scheme of indemnities. In reply to various questions the Clerk advised that members would only be covered by their own council’s indemnity schemes in respect of decisions taken during the transaction of that authority’s affairs, the indemnity would not extend to cover them on fire and rescue authority business. A decision on whether the Authority should purchase insurance to cover such liabilities or, alternatively, establish a fund to protect itself against claims would not need to be taken until such powers had been granted. The Clerk advised the Panel that, in his opinion, the Authority should support the widest possible provision of indemnities to members and officers. It was:

Resolved: -

- i. to note the publication of the consultation document and the draft response prepared by the Chief Fire Officer, Clerk and Treasurer; and***

- ii. that a response, as drafted and annexed to the report as Appendix B, be submitted to the Welsh Assembly Government on behalf of the Authority**

7) Allowances for Independent Members of the Standards Committee

The Clerk introduced his report (previously circulated) requesting the Panel to form a view on whether the Authority should make arrangements to pay allowances to independent members of the standards committee. He explained that the origin of the report was a request made by the Standards Committee, at its meeting on 15th December 2004, that consideration be given to the question. The Committee was of the opinion that the payment of an allowance might assist in attracting more applicants to serve on the Committee when the terms of office of the current independent members expired. The Clerk was also of the view that the current position, whereby the two elected members serving on the Committee received a fire authority allowance, but the three independent members received no remuneration whatsoever, constituted both inconsistent and unfair treatment. Panel members were informed by the Clerk that, further to the information contained in the report on the availability of powers to pay allowances to independent members, he had been given to understand that sufficient powers were not currently available to permit fire and rescue authorities to pay such allowances.

In reply to various questions on the workload of the Standards Committee, the Clerk advised that the Committee was required by legislation to hold at least one meeting per calendar year, but it had resolved to hold at least two meetings every year. In addition, it would meet as and when required, dependent upon any complaints or requests for the granting of dispensations received. Its members would also be attending any relevant conferences, seminars and, periodically, Fire Authority or committee meetings. Although no provision had been incorporated within the draft budget for the payment of allowances to independent members, the Clerk could not foresee that the total amount payable in any year would exceed £1000. He then quoted examples of the level of allowances paid to independent members of its Standards Committee by one of the constituent authorities and by the Police Authority, and advised that the council's committee, in all probability, would deal with a greater workload than the Fire Authority's Standards Committee was ever likely to encounter. Councillor D Jones agreed with the principle of paying allowances to independent members of standards committees but was of the view that the Assembly should bear the responsibility for financing them. In reply, the Clerk advised that it would be highly unlikely that the Assembly would agree to such a request. Councillor E C George suggested that, if regulations were made for the payment of such allowances, it was imperative for the Authority to enquire with other authorities regarding the levels of allowances they paid to independent standards committee members before it set its own rates. Councillor E F Evans proposed that the Authority should make representations to the Welsh Assembly Government that regulations are made to enable fire and rescue authorities to pay allowances to independent members of their standards

committees. Councillor D Jones seconded the proposal but with the inclusion of an amendment that the representations should also include that the regulations, when drafted, stipulate that the level of allowances paid to independent members of all public bodies' standards committees be set at the same rate pro rata. The Panel:

Resolved: - that

- i. the Authority make representations to the Welsh Assembly Government for the introduction of suitable powers to enable it to pay allowances to independent members of its Standards Committee;***
- ii. the regulations when drafted should include a stipulation that the level of allowances paid to independent standards committee members should be set at the same rate pro rata, be they a local authority, fire and rescue authority, or any other public organisation's standards committee; and***
- iii. when such powers have been introduced, that the Authority then set the level of allowances it wishes to pay to the independent members of its Standards Committee***

8) The National Framework for the Fire and Rescue Services in Wales

The Chief Fire Officer introduced his report (previously circulated) with a view to informing members of the progress made by the National Assembly for Wales (NAfW) on the Welsh Fire and Rescue National Framework, and the outcome of the Authority's response to the consultation on the Draft Framework which took place in April 2004. Copies of the Authority's response to the original consultation along with a copy of the 'near final version' of the Framework document, which had been submitted and discussed at the Assembly's Social Justice and Regeneration Committee on 8th December 2004, and extracts of Sections 21 to 24 of the Fire and Rescue Services Act 2004 (along with explanatory notes) were annexed to the report. The latest information received from the Assembly indicated that the intention was to present the final version of Framework document to the Assembly's plenary session for approval in early 2005, prior to its publication. Members were informed by the Chief Fire Officer that this was a cause for concern as the 'near final' draft of the Framework included a number of areas that seemed to deviate quite considerably from the original document issued for consultation. Three key areas were a major cause for concern: the membership of the Wales Fire and Rescue Service Strategic Committee (WF&RSSC), the proposal to "obtain the approval of the Assembly Government to any proposals emerging from the authority's IRMP to close or downgrade a fire station", and the suggestion that minimum attendance standards would be reintroduced in Wales. The Assembly's approach to these key areas contrasted to the approach taken by the Office of the Deputy Prime Minister (ODPM) for the same areas in the National Framework for England.

The Panel was advised that the Chairman and Chief Fire Officer, along with their counterparts from the other Welsh fire and rescue authorities, had met with the Minister for Social Justice and Regeneration twice within a six day period recently to discuss, amongst other matters, these issues. Both the Chairman and the Chief Fire Officer indicated that, as a result, they were now hopeful that changes would be made to the Framework document prior to its submission to the Assembly's plenary session. Members were informed that a meeting had been arranged, for 7th February 2005, between the Chairs and Chief Fire Officers of the Welsh fire and rescue authorities, and the Leader and Director of the Welsh Local Government Association (WLGA) to discuss a number of issues including the Framework document. The WLGA were of the view that the changes contained in the 'near final' draft of the Framework document were fundamental ones which should therefore constitute a requirement on the Assembly's behalf to consult on the revised document. The Clerk concurred with this view as Section 21(5) of the Fire and Rescue Services Act 2004 stipulated that the Minister was required to consult with fire and rescue authorities on "*any revisions to the Framework which appear to him to be significant*". He also expressed his concern about the constitutional validity of the suggested consent mechanism. In his opinion powers of intervention had been bestowed upon the Minister under the 2004 Act and it was not clear that the framework could be written in a way so as to create consent mechanisms. The Clerk and Chief Fire Officer confirmed to the Panel that once the Framework received Plenary approval it would then become the final adopted version. It was therefore imperative that any representations the Authority wished to make were presented in advance of its submission to Plenary.

Members were firmly of the view that the Authority should continue to lobby for the Chairs and Chief Fire Officers of the three Welsh fire and rescue authorities to serve on the WF&RSSC; a point on which all three authorities were in agreement. It was also vital that the terms of reference for this Committee were made public as this was the "strategic committee" that would be responsible for advising the Minister on Service issues. The Chairman was of the view that the WLGA would be pressing the WAG for the laying of the Framework document before the Assembly's plenary to be postponed until all concerned had been given sufficient time to make further representations. He undertook to raise this issue with the other authorities and the WLGA at the meeting on 7th February. Councillor E C George felt that these issues were of the utmost importance and that it was vital that the Authority lobbied the WLGA and all local Assembly Members on the points raised and appeal for their support to ensure that the 'final' version was published for consultation prior to being submitted to Plenary. After all, the Framework was the blueprint for the future of the fire and rescue service in Wales. It was therefore vitally important that all key stakeholders were in agreement before it was adopted and published. The Panel requested that their dissatisfaction with the way the WAG had dealt with the Framework process be registered. It was:

Resolved: -

- i. to note the existence of the 'near final' draft of the Framework document; and***
- ii. that a letter be sent to the Welsh Assembly Government stating that as the 'near final' draft of the National Framework document appeared, in some areas, to deviate significantly from the original draft Framework document published for consultation, the 'final' version of the document should be consulted upon prior to its submission to the Assembly's Plenary for approval, as per the requirements of Section 21(5) of the Fire and Rescue Services Act 2004 ;***
- iii. that members lobby their local Assembly Members on the issues raised; and***
- iv. that, once the date for the laying of the Framework document before the Assembly's plenary session was known, an extraordinary meeting of the Executive Panel be called to discuss the final version and to decide on any further lobbying required***

9) Identification of efficiency savings for the 2005/06 budget

The Chief Fire Officer introduced his report (previously circulated) requesting the Panel, in line with the Authority's decision at its meeting on 20th December 2004, to consider how best to achieve the required 1% efficiency savings in the 2005/06 budget. He explained that the Assembly had stated in its policy document "Making the Connections: Delivering Better Services for Wales" that it expected all public organisations in Wales to become approximately "1% more efficient year-on-year for the next five years". In line with this requirement it was necessary for the Authority to identify and deliver savings of £294,123 during the course of the 2005/06 financial year. The report presented members with a number of areas which had been identified as possible areas in which savings could be made in order to contribute towards achieving the required efficiencies. Panel members were reminded by the Chief Fire Officer that any efficiencies identified would have to be recurring year on year savings, as all possible one-off savings had been used in order to mitigate the increase in the 2005/06 draft budget. Members were advised that in the past Her Majesty's Fire Services' Inspectorate (HMFSI) had insisted that the Authority budget for a 'full establishment' level, which included a full complement of retained firefighters. In reality, the Authority had never realised a 'full establishment' and therefore regularly incurred an underspend on its retained budget. The 2004 Fire and Rescue Services Act did not stipulate such a requirement. As a result, and without compromising service delivery, the Authority could primarily look at this area of the budget with a view to generating efficiencies. The Clerk advised that further efficiencies may present themselves from the reviews and reports to be undertaken as part of the Authority's Integrated Risk Management Plan (IRMP), of which the second year action plan was currently out for public consultation. In future the Authority may also be able to generate revenue by charging for the provision of special services. The possible income benefits to the

Authority from this source were still unclear as the Assembly was yet to consult on the powers to charge under Section 19 of the Fire and Rescue Services Act 2004, although the consultation was expected to be undertaken in the near future. In reply to a question from Councillor D Jones the Chief Fire Officer advised that the savings realised from the management structure review had already been included in the draft budget for 2005/06, recently approved by the Authority. Panel members were of the view that it would be unfair and impractical to cut individual budgets by 1% and that the Authority should monitor the overall budget expenditure on a regular basis, it was therefore:

Resolved: - to

- i. note the report and the areas identified in the report from which the 1% efficiency savings the Authority was required to achieve for the 2005/06 financial year could be met; and***
- ii. that an update report, on the efficiency savings attained to date from within the 2005/06 retained budget, along with other possible savings or potential underspend that might present themselves, be submitted to the Executive Panel on a regular basis***

10) IRMP update – The Future of the Fire and Rescue Service Control in North Wales

The Chief Fire Officer introduced his report (previously circulated) containing recommendations on the future of the North Wales Fire and Rescue Service control room. In its first IRMP the Authority had identified, under “Challenges for the Future”, undertaking a feasibility study on the practicalities and benefits of sharing control room facilities with the other emergency services in North Wales. Members were reminded by the Chief Fire Officer that the Mott MacDonald report had recommended that the “optimum solution” would be for Wales to be serviced by a single fire and rescue service control room. Following the devolution of responsibility for the fire and rescue services in Wales to NAFW the Welsh Assembly Government had stated that “*the case for further amalgamation has not been made*”. However, the ‘near final version’ of the Framework document encouraged greater collaboration between the emergency services. Members were advised by the Chief Fire Officer that the Fire and Rescue Service’s Control Manager, Linda Roberts, had visited various sites throughout the UK as part of the feasibility study undertaken to assess the practicalities of re-location and co-location. The study had concluded that, from a logistics point of view, it was feasible to relocate the fire and rescue service control room. Fire Control Manager Linda Roberts briefed members on the various set-ups of the co-located control rooms visited and gave examples of the different types of working environments and practices operated within these co-located controls. In her view control rooms which operated without any physical barriers between different service operators seemed to create a more harmonious working environment. A direct result of this was that staff seemed to benefit from interacting with their counterparts from the other services which contributed to building better working relationships all-round.

Members agreed that the establishment of one fire and rescue service control room for Wales was not a viable solution. Further amalgamation was not an option that should be considered, collaboration with the other emergency services was the way forward. They felt it was important that the three emergency services in North Wales were seen to be collaborating on this initiative. In due course this may also present efficiency savings in estates and maintenance costs for all three services. Members were of the view that, as this was such an important project, it was essential that another elected member serve on the Project Management Board in addition to the Chairman. Councillor E C George also requested that the Authority commit itself to protect the terms and conditions of service of all personnel involved. Following a discussion it was:

Resolved: -

- i. to note the work that had been done to date in establishing the feasibility of sharing a joint control facility with both the ambulance and the police in North Wales;***
- ii. to note the commitment in the National Framework document for Wales for the emergency services to explore collaborative ventures where they deliver operational benefits and represent best value for everyone concerned;***
- iii. that the Chief Fire Officer take part in a fully managed project, with the police and ambulance services, to develop the existing expressions of commitment into concrete proposals for co-location of the three emergency service controls, reporting regularly to the Executive Panel on progress; and***
- iv. that the Chairman and the Vice-Chairman of the Fire and Rescue Authority represent the Authority at political level within the project management arrangements***

11) IRMP update – Co-responder Scheme

The Chairman advised that due to some late developments regarding this item of business and following consultation with the Chief Fire Officer he had taken the decision to withdraw it from the current business agenda. It would be submitted for discussion at a future meeting.

12) Update on Capital Projects

The Chief Fire Officer introduced his report (previously circulated) updating members on the Property Department capital programme. Members were advised that the attachment to the report came under Part II business, therefore the press and public would have to be excluded before any discussion could take place on questions arising from it. The Chief Fire Officer advised that it was his intention that this item of business would, in future, become a standard information item on Panel's business meeting agenda to ensure that members were regularly updated on the Authority's capital projects. Assistant Chief Fire

Officer Colin Hanks proceeded to brief members on each of the projects listed in the report and answered members' questions accordingly. In replies to various questions Assistant Chief Fire Officer Hanks advised that the Authority was expected to vacate the Maes Gwyn Road site in Wrexham by the end of February 2005 and that the majority of staff would be re-located, on a temporary basis, to the first floor of Wrexham fire station and to the new area office at Flint, whilst the search for suitable premises for the area office continued. In reply to a question from Councillor E C George the Chief Fire Officer confirmed that there were presently no plans to relocate Wrexham fire station.

Councillor D Jones registered his disappointment at the way some members had questioned Officers advice in relation to estates and property matters at the recent Fire Authority meeting. Members then:

Resolved: - to note the contents of the report

13) Number of Fire and Rescue Service Personnel on detachment

The Chief Fire Officer introduced his report (previously circulated), in response to a request received at the Panel's previous meeting, informing members of the number of operational personnel currently on detached duties. He invited Assistant Chief Fire Officer Paul Claydon to brief the Panel on its contents. Prior to answering members' questions on the various facts and figures quoted, Assistant Chief Fire Officer Claydon detailed the information contained in the report and gave definitions of the terminology used in the report for the different ranks and roles. He explained that it was the Authority's policy to recruit and train wholtime personnel in advance of any anticipated retirements. By interrogating data for previous years the Personnel Department could estimate fairly accurately the number of likely retirements on health grounds. Information on the number of retirements on the completion of 30 years' service was readily available from personnel records. Although, under the proposed changes to the Firefighters' Pension Scheme, opportunities would exist for operational personnel who had to retire on health grounds to stay in the Service in a non-operational capacity, this option was not as straight forward as it seemed. Members:

Resolved: - to note the contents of the report

14) Grievance, Discipline and Capability Procedures

The Chief Fire Officer introduced his report (previously circulated) setting out the new policies and procedures for dealing with discipline, grievance and capability following the abolition of the Fire Services (Discipline) Regulations 1985. Section 17 of the Fire Services Act 1947 had been repealed on 10th November 2004 by the introduction of the Fire and Rescue Services Act 2004 and the National Framework document explicitly stated that fire and rescue services should implement disciplinary procedures for all staff based on the Advisory, Conciliation and Arbitration Service's (ACAS) best practice guide. Following these guidelines Officers of all three Welsh fire and rescue authorities had

collaborated to produce draft discipline, grievance and capability procedures for members' consideration (copies of which were attached to the report). Although the Fire Services (Discipline) Regulations 1985 had been repealed on the 10th November 2004 the National Joint Council for Local Authority Fire and Rescue Services (NJC) had agreed that until new discipline and grievance procedures had been approved existing measures would remain in place. Any outstanding hearings or appeals which had been lodged under the old regime would be dealt with under those procedures. If adopted, any discipline, appeals or grievance cases received from the 1st February 2005 onwards would be dealt with under the new procedures. In reply to a question, Assistant Chief Fire Officer Hanks confirmed that no officers were currently under suspension. Whereas the old regulations meant that there was a dual approach to discipline procedures, the new arrangements would apply equally to uniformed and non-uniformed personnel.

Deputy Chief Fire Officer Chris Enness proceeded to take members through the report and highlighted the significant changes in each of the three procedures. He expressed his gratitude to the trade unions for their cooperation and to ACAS for their assistance in drawing up the policies. The Fire Brigades Union (FBU) had responded positively to the policies as had AMICUS but, despite a number of requests, UNISON had not submitted an acknowledgement or any comments. As part of the adoption process ACAS had requested that an undertaking be signed by all parties regarding the agreement of the new policies. That document was currently being drawn up by ACAS and would be available in the near future. Deputy Chief Fire Officer Enness informed the Panel that the Clerk, prior to the commencement of the meeting, had drawn to his attention to the fact that the words "without following proper procedures" required to be included after the word "employer" and before "may" in paragraph 8.4 of the Capability Policy. Its inclusion would not in any way alter the meaning of the clause; rather it would provide further clarification of the position to all parties concerned. After the policies had been in place for twelve months it was a requirement that they had to be reviewed. This would be an issue for management in the first instance, with any significant changes being reported to members for approval.

The Clerk informed the Panel that if the new policies were adopted the Executive's Panel's role, as the Authority's body for the hearing of appeals, would change significantly. The matrices to the policies listed the appeals that would be heard by the Authority: other disciplinary cases or appeals would be dealt with by Service officers. Subsequently, this would necessitate a revision of the Panel's terms of reference which would require the Fire Authority's ratification. The Clerk advised members that, if the policies received the Panel's approval, he would prepare a report on the Panel's revised terms of reference for consideration by the Authority at its next meeting in March. Councillor E C George thanked Officers and the representative bodies for their work in negotiating and drawing up the new procedures. It was:

Resolved: -

- i. to note that the effect of working together with the trade unions and ACAS training on the grievance, discipline and capability policies clearly demonstrated the commitment of North Wales Fire Authority to effective consultation;***
- ii. to note that agreement to these policies had been obtained from the recognised trade unions;***
- iii. that following the inclusion of the words “without following proper procedures” after “employer” and before “may” in paragraph 8.4 of the ‘Capability Policy’, to agree the implementation date of the new Discipline, Grievance and Capability Policies as 1st February 2005; and***
- iv. that a report be submitted to the Fire Authority in March on the consequential changes to the terms of reference of the Executive Panel***

15) Sickness Absences

The Chief Fire Officer introduced his report (previously circulated) informing members of the decisions taken by him following consultation with the Chairman in respect of the granting of extension of sick pay. He explained that this was a standard information item and that all the details were contained in the report. Members:

Resolved: -to note the report

16) Urgent Matters

None.

17) Date(s) of future meetings

It was:

Resolved: - that the Chairman in consultation with Officers set the date of the next Executive Panel meeting dependent upon the timing of the presentation of the final draft of the National Framework document to the Assembly’s plenary session

PART II

No business.

Meeting concluded at 12:30pm.

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

Signed: T Roberts

Dated: 25 April, 2005