

**NORTH WALES FIRE AND RESCUE AUTHORITY**

Minutes of the Executive Panel meeting of the North Wales Fire and Rescue Authority held on 28<sup>th</sup> July 2008 at Fire and Rescue Service Headquarters, St. Asaph. Meeting commenced at 10.00 a.m.

**Present:**

**Councillor**

T Roberts (Chairman)  
S Frobisher (Vice-Chairman)

W P Roberts  
M Thomas  
G C Evans  
B Dunn  
E Morgan Jones  
W T Owen  
P Jeffares  
A M Jones  
J V Owen

**Representing**

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

**Attending as Observers:**

D Mackie  
A Minshull

Flintshire County Council  
Flintshire County Council

**Also present:**

S A Smith (Chief Fire Officer and Chief Executive); C P Everett (Clerk and Monitoring Officer to the Authority); C Hanks (Deputy Chief Fire Officer); P S Claydon (Assistant Chief Fire Officer, Operational Assurance); R Simmons (Assistant Chief Officer, Organisational and People Development); S Morris (Corporate Planning Manager); R Fairhead (Senior Fire Safety Manager); D Mottram (Executive Support Manager); S Forrest (Accountant, Treasurer's Department, Conwy County Borough Council); M Halstead (Head of Audit and Procurement Services, Conwy County Borough Council); Keith Williams (Principal Auditor, Conwy County Borough Council) and Sian Jones (Members Liaison Assistant).

**PART I**

**1) Apologies**

**Councillor**

M Ll Davies  
G James  
T Evans

**Representing**

Denbighshire County Council  
Flintshire County Council  
Wrexham County Borough Council

The Chairman opened the meeting by welcoming members to this, the first meeting of the Executive Panel of the new Authority. He advised members that following the recent resignation of the Member Liaison Officer, the Corporate Planning Manager would be taking the minutes of today's meeting.

## **2) Notice of Urgent Matters**

No urgent items had been submitted to the Chairman or the Clerk for consideration.

## **3) Minutes**

The following minutes were submitted:

- i. Executive Panel meeting held on 6<sup>th</sup> March 2008.

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

## **4) Matters Arising**

There were no matters arising from the minutes.

## **5) Internal Audit Strategy 2008 to 2012**

The Head of Audit and Procurement Services of Conwy County Borough Council introduced his report and appendix (previously circulated) which informed members of the high level internal audit strategy for 2008-2012. He described the strategy that he and his internal audit team would be adapting to meet the requirements of the Service Level Agreement (SLA) for the provision of financial services that the Authority had with Conwy County Borough Council. He confirmed that all the internal audit activity completed under the SLA would be in compliance with standards set by the Chartered Institute of Public Finance and Accountancy (CIPFA). He went on to detail the contents of his report and drew members' attention to Appendix A which listed the various identified auditable areas. He explained that the frequency of auditing each area had been determined according to a risk based needs assessment, as indicated by risk ratings from A (high risk, requiring annual review) to D (low risk, requiring quadrennial review).

Replying to a question from the Clerk, Mr Halstead confirmed that he and his team had been liaising closely with the external auditors through regular meetings to ensure that internal and external audit programmes were co-ordinated to avoid duplication.

In response to a member's question, Mr Halstead confirmed that despite recent national concerns about fuel, the audit area relating to fleet management and fuel (no. 22 in Appendix A) had been allocated only a 'C' risk rating. He explained that internal audit focussed on internal procurement processes, and that to undertake a wider study of the procurement environment would entail a large body of work for which his own team would not have sufficient capacity. He added that in his opinion, reports of large savings being made through different procurement

processes had been greatly exaggerated, and that in reality the Service was already procuring fuel at comparatively low prices.

The Chief Fire Officer suggested that the member's concern may have related to the availability of fuel as opposed to its procurement, and reassured the committee that discussions had already taken place between himself and his counterparts in the other Welsh fire and rescue services and the police service regarding the possibility of reintroducing fuel storage bunkers. He explained that following the decommissioning of fuel bunkers many years ago, all service vehicles now refuel at petrol stations, which makes better economic sense. However, in light of recent events, chief officers across Wales had agreed to look into the possibility of reintroducing some kind of fuel storage system. Members:

**Resolved: - to accept the Internal Audit Strategy 2008-2012 as presented.**

#### **6) Summary of Internal Audit Activity 2007/08 and Needs Assessment and Draft Audit Plan for 2008/09**

The Head of Audit and Procurement Services of Conwy County Borough Council introduced his report and appendices (previously circulated) which summarised the internal audit activity completed during 2007/08, and presented for approval the internal audit needs assessment and draft internal audit plan for 2008/09. Mr Halstead reassured members that based on the internal audit work undertaken during 2007/08, the internal audit opinion was that the systems of internal control were satisfactory. Referring to Appendix A of the report, Mr Halstead stated that in relation to opinions of individual auditable areas he would prefer to see 'good' audit opinions rather than 'satisfactory' ones being recorded, but that he was not unduly concerned by any of the audited areas. He commented that auditors are particularly interested in follow-up audits, and referred members to Appendix B which listed follow-up audit activity during 2007/08 in four audited areas, all of which received an audit opinion of either 'good' or 'satisfactory'.

Members' attention was then drawn to the summary of internal audit activity 2007/08 in Appendix C, and to the audit of network management that had been deferred until 2008/09 and the audit of recruitment and selection that had unfortunately not been achieved during the year. Mr Halstead explained that there was flexibility in the number of planned audit days, and that these frequently changed depending on what was discovered during the course of the audit. He reassured members that the work would be completed and that they should not be concerned by slippage.

In terms of the total time allocated to internal audit, Mr Halstead reported that 3 days had been set aside for contingencies, and that although this may not seem many, it was 6% of the overall allocation, which was not untypical in the audit framework.

In response to a question from the Clerk, Mr Halstead gave reasons why some auditable areas assigned a high risk category (category 'A', auditable annually) did not appear in the annual audit plan. He explained that in some cases, this would be as a result of discussions with external auditors and wishing to avoid duplication, but

that in others it was simply a question of resource availability. He went on to say that North Wales Fire and Rescue Authority (NWFRA) currently pays for 50 days of internal audit activity, but that if it decided to increase that number significantly, then he and his team would not be able to provide that number. Members:

**Resolved: - to note the Summary of Internal Audit activity 2007/08 and approve the Needs Assessment and Draft Internal Audit Plan for 2008/09 as presented.**

## **7) Internal Audit Annual Statement of Assurance 2007/08**

The Head of Audit and Procurement Services of Conwy County Borough Council introduced his report and appendix (previously circulated) aimed at meeting the requirements of the Accounts and Audit Regulations to review the effectiveness of the Authority's system of internal control, of which internal audit forms a significant part. He explained that KPMG/Wales Audit Office also reviewed Internal Audit themselves in order to provide assurance of their fitness to provide internal audit services.

Mr Halstead referred members to paragraph 13 of his report, in which he stated that he was satisfied that for 2007/08 NWFRA had satisfactory internal control and corporate governance processes to manage the achievement of the Authority's objectives.

Mr Halstead also made the point that audits were increasingly focusing on areas beyond purely financial aspects, particularly in public sector organisations. In effect, therefore, NWFRA will increasingly need to take informed decisions about its level of risk tolerance, and decide which areas it considers to be priority areas to undergo internal audit. He forewarned that although he was confident now that he could base his conclusions about the whole Authority on those areas of service that had been audited, he could not say with confidence that he would be able to continue to draw conclusions about the whole Authority based only on selective audits of some areas.

In response to a member's enquiry as to whether Mr Halstead was advising the Authority to increase the number of internal audit days, he contended that although the requirement for audit is increasing, the number of days available is not. He continued that it was therefore up to the Executive Panel to make informed decisions relating to the Authority's risk appetite and risk management. He explained that internal audits were streamlined through working with external auditors, and in some cases by undertaking 'light touch' audits on areas that were closely associated with other areas, such as reviewing payroll of starters and leavers where audit work in Conwy CBC had contributed to the findings. He summarised by explaining that his intention had been only to raise members' awareness of this rather than to suggest that it was a cause for concern.

In response to a question concerning fees paid to KPMG, Mr Halstead reassured members that they would not be paying any higher fees than they would to the Wales Audit Office as fees for public sector work were negotiated by the Auditor General. The Clerk added that during negotiations with external audit bodies they

were also being pressed to achieve their own efficiencies, mirroring the quest for efficiencies across the public sector. Members:

***Resolved: - to accept the recommendation that the Internal Audit Annual Statement of Assurance be accepted and utilised to contribute to the evidence content of the 2007/08 Statement of Internal Control.***

## **8) Constitutional Review**

The Clerk introduced his report (distributed at the meeting) in which he proposed that a process and terms of reference for a constitutional review of the Authority be drawn up for reporting to the Authority. He drew members' attention to an important typographical error in the first line of paragraph 7 of the report, which should read, 'From those discussions the Terms of Reference should not include:'. He reminded members of the background to his report, which emanated from the Authority's decision taken on the 16<sup>th</sup> June 2008 to review constitutional issues previously discussed by the Authority, and to address the recommendations contained in reports from the Wales Audit Office. Mr Everett also referred to paragraph 6 of his report and the advice he gave at the June meeting that given the size of the Authority an Audit Committee might –initially, at least - be able to fulfil overview and scrutiny functions in addition to audit.

The Clerk stated that he was keen not to effect a sudden increase in the number of meetings being held. Moving to paragraph 10 of his report, the Clerk indicated that of the two options for a process for the review, the first might be difficult to complete within the recommended three month timescale as convening a review group might be difficult over the summer months. He therefore recommended the second option, whereby he and the Chief Fire Officer would research and evaluate the options for constitutional change, to invite all members to comment on those options, and to report to the full Authority with fully appraised options.

Replying to a question from the Chairman, the Clerk confirmed that under the second option, the work could be completed in time for the next full Fire and Rescue Authority meeting in October.

Responding to a question on including an elected member to work on the review with the Chief Fire Officer and himself, the Clerk suggested that consulting with the Chairman might suffice, given that all members' views would be sought through a survey and proposals would be presented for consideration to the full membership at the October meeting. This proposal was accepted, with the addition that the Vice-Chairman would be consulted as well as the Chairman.

Acknowledging a member's observation that North Wales Fire and Rescue Authority operates in an area with scattered communities and is therefore unlike many other fire and rescue authorities, the Clerk agreed that complex scrutiny arrangements would not be appropriate, and that constitutional arrangements for the Authority would need to be proportionate. Members:

**Resolved: to ask the Clerk and the Chief Fire Officer (in consultation with the Chairman and the Vice-Chairman) to research and evaluate the options for constitutional change, to invite all members, via a survey, to comment on those options, and to report to the full Fire and Rescue Authority on appraised options at its meeting in October 2008.**

#### **9) Corporate Manslaughter Act**

The Assistant Chief Fire Officer (Operational Assurance) introduced his report (previously circulated) in which he outlined the Corporate Manslaughter and Homicide Act 2007 that came into force on the 6<sup>th</sup> April 2008. He summarised the background to corporate manslaughter becoming legally admissible in Court, and explained that this new legislation builds on existing legislation to make corporations - including local authorities and a range of Crown bodies - liable for the way in which their organisation's activities are or were run by its senior managers.

Mr Claydon went on to explain the concepts of a 'gross' breach of the duty of care, and of 'senior management' under this law. He emphasised how relevant organisations must owe a duty of care to the victim as defined under section 2 of this new act as well as under the law of negligence, e.g. as an employer, an occupier of premises or as a supplier of goods and services. He emphasised that under this new law, any duty of care owed by a public authority in respect of a decision as to the matters of public policy (including in particular the allocation of public resources or the weighing of competing public interests) is not considered to be a 'relevant duty of care', which he said should provide reassurance for members when facing difficult decisions about how resources are to be allocated.

The Assistant Chief Fire Officer (Operational Assurance) also reported that the Fire Service Lawyers Network had expressed a view that they did not believe that the introduction of this new act should be a concern to fire and rescue services as their policies and procedures and the high priority given to health and safety meant they were unlikely to be found guilty of committing gross breaches of their duty of care.

He also emphasised the fact that the Corporate Manslaughter Act does not amend section 37 of the Health and Safety at Work etc., Act 1974, and that individual managers could still be held liable for breaches in this latter act. Members:

**Resolved: - to note the contents of the report.**

#### **10) Business Continuity Management Update**

The Corporate Planning Manager gave a presentation outlining the progress made since the adoption by the Authority in October 2007 of a Business Continuity Management Policy. She reminded members of the requirement under the Civil Contingencies Act 2004 for category one responders to have in place Business Continuity Management processes, and proceeded to describe the work that had already been completed in terms of compiling a prioritised risk register, addressing and reducing identified risks, and setting up monitoring procedures whereby heads of departments reported quarterly against agreed action plans. She reiterated the

importance of embedding business continuity throughout an organisation as stated in the British Standard for Business Continuity Management - BS25999. She also reported that exercising and testing of plans would begin in September 2008, initially as announced tabletop exercises and eventually building up to more extensive unannounced exercises involving the partial or total closure of a department or function. Members will receive further updates of progress at future meetings.

## **11) Presentation on the Annual Returns Figures 2007/08**

The Corporate Planning Manager gave a presentation on the provisional annual returns that had been submitted to the Local Government Data Unit for the 2007/08 financial year. She explained that some of these were due to be audited later the same week, and that it was therefore possible that some minor amendments would be made. She also explained that the information would be published in the Authority's Improvement Plan by 31<sup>st</sup> October.

She proceeded to present comparative performance, activity and resource information for 2007/08, making comparisons with the previous financial year where comparators were available. Information presented related to the prompt payment of invoices, community fire safety activities, legislative fire safety procedures, staffing levels, non-availability of staff due to sickness absence and training sessions, staff injury rates, staff starters and leavers, ill-health retirements and operational activity.

Members were then shown the Authority's performance against the new set of National Strategic Indicators and Core Indicators,

Responding to a question about fires in tents, the Senior Fire Safety Manager confirmed that these were classed as primary fires, and that public safety messages had recently been issued on this subject.

The Chief Fire Officer stated that in terms of fire deaths, the number in North Wales had been high, and that any rate of more than 1 fire death per 100,000 population could be considered to be too high. He added that reducing the incidence to below 1 should be a target for North Wales. In response to a member's question, he confirmed that the high incidence of fire deaths was not due to people coming into the area, as all those who had died in dwelling fires in North Wales recently had been resident in the area.

The Senior Fire Safety Manager added that the incidence of deaths from accidental fires in dwellings had been lower in 2007/08 than the 1.48 per 100,000 population in the previous year. The Deputy Chief Fire Officer also added that unlike in England, fire deaths in houses in multiple occupation (HMOs) were not a particular problem in Wales.

The Chief Fire Officer suggested that new members might be interested in having a presentation on the findings of a review of fire deaths in North Wales undertaken by an internal Task Group. He explained that although the review related only to fire deaths up to the end of the 2006/07 year, the findings were still valid. Members were

informed that an item on fire safety was already on the agenda for the next meeting, and members:

**Resolved: - to include a presentation on the findings of the Chief Fire Officer's Task Group on the agenda for the next Executive Panel.**

The Chairman thanked the Corporate Planning Manager for her presentation, and it was:

**Resolved: - that copies of the figures in the presentation be circulated to members.**

## **12) Capital Programme 2008/09**

In light of concerns amongst some members about recent reports in the local press relating to Deeside Fire Station in Queensferry, the Chief Fire Officer prefaced the introduction of this report with some general comments. He informed members that enquiries are regularly received from developers wishing to purchase fire stations and the land surrounding them. He also stated that all fire station premises were *potentially* for sale, provided that the purchaser could meet the cost of both the purchase of the premises and the cost of setting up a new fire station in a different and acceptable location. He added that although it was not uncommon to be approached by developers, in almost every case the potential purchase does not proceed beyond the initial enquiry as the conditions attached are considered to be too unattractive.

Some members were concerned at what had been perceived by some as 'scaremongering' in the local press that Deeside fire station was earmarked for closure, and questioned the advisability of placing such details as were contained in this paper in the public domain. Members from Flintshire County Council were particularly concerned, and a suggestion was put forward that the Authority should respond to the article in the Flintshire Chronicle denying that any such proposal was being considered. The Chief Fire Officer explained that papers prepared for Authority meetings were required by law to be placed in the public domain unless they were to be considered under Part II of the agenda, and that copies were routinely sent to the press at the same time as they were distributed to members. Some members were concerned that they were being approached by the press for comments before they had been properly briefed, and were advised that in such cases it was advisable for members to contact officers for information.

In response to a question as to why this paper had not, in fact, been tabled under Part II of the agenda, the Clerk explained that following discussions between himself and the Treasurer, he had not considered the information contained within it to fall into the category of exempt information, or that it in any way compromised the Authority's position in relation to any potential procurement process. He also contended that the contents were of public interest, and that any request for the information under the Freedom of Information Act was likely to have resulted in its eventual release in any case. He further added that the figures in capital programmes were generalised and did not constitute information that would give an advantage to any party in the tendering process.



Supporting this, the Chief Fire Officer explained that the level of detail provided in papers relating to the capital programme had evolved over time to meet members' need for sufficient, but not excessive, detail. In this instance, he added, it was true that this particular paper had been compiled in the belief that it was going to be considered under Part II, and had it been known that it was not, a different style might have been adopted. However, he agreed with the Clerk that the information in it could potentially have been released under the Freedom of Information Act.

The Deputy Chief Fire Officer then introduced his report (previously circulated) in which he provided members with an update on the Facilities Management Department's capital programme. He detailed the progress being made to refurbish 13 fire stations in 2008 and 2009 to bring them up to the standards required under the Disability Discrimination Act, and drew members' attention to specific projects in Rhyl, Llangefni, Beaumaris, Buckley, Nefyn, Chirk, Wrexham and Deeside.

Mr Hanks reported that in Rhyl, the new flagship community fire station was nearing completion, and that an open day was being arranged for September 20<sup>th</sup> 2008, followed by an official opening by the First Minister, Rhodri Morgan AM, on October 3<sup>rd</sup> 2008.

He advised members that because of a lack of suitable land at the right price, the original proposal to co-locate the police station with the fire station in Llangefni had been abandoned in favour of a separate police station, with a police post facility being made available in a modernised and extended development of the existing fire station and county safety office.

Members were informed that the modernised fire station at Beaumaris would be officially opened by Ieuan Wyn Jones AM, the Deputy First Minister, in September. Mr Hanks congratulated Mr Stephen Roberts, Head of Facilities Management, and his team on their work to modernise Beaumaris fire station whilst retaining the unique character of the building.

Mr Hanks drew members' attention to the situation at Nefyn, and the work being undertaken to find out whether adapting the existing station or relocating to new premises would provide the most cost-effective solution. Further details will be presented to members for consideration in due course.

Concerning the project to co-locate the ambulance station and the fire station in Wrexham, Mr Hanks reported that there was still no response from the Welsh Ambulance Service Trust. He alerted members to the possibility that alternative plans for a standalone fire station may need to be made if confirmation of the joint venture is not forthcoming.

Cllr. Jeffares congratulated the Service on its capital programme, which, despite the unfortunate delay in receiving confirmation from the Ambulance Service, reflected an impressive amount of work being undertaken. Members:

**Resolved: - to note the contents of the report.**

### **13) Extensions of Sick Pay**

The Chief Fire Officer informed members of the background to this report (previously circulated) that has been routinely presented to the Authority for several years. He explained that the report gave details of decisions taken by the Chief Fire Officer in consultation with the Chairman in respect of operational members of staff whose conditions of service allowed for such extensions of pay to be granted.

He explained that when the procedure was set up initially, it had been useful to bring a routine monitoring report on the procedure to the Authority. Given that the procedure had been in place for several years now, however, the Chief Fire Officer suggested that there was no longer a need to continue to bring the routine report to members. Agreeing with the Chief Fire Officer's suggestion, members:

**Resolved: - to note the contents of the report, and discontinue the requirement to routinely report to the Authority on extensions of sick pay granted to operational staff.**

### **Urgent Matters**

None.

### **PART II**

No business.

Cllr. Merfyn Thomas congratulated the Service for taking part in a recent charity cricket match that he had attended. Members were informed that £1,200 pounds had been raised from it, and that Barclays Bank had matched this amount, giving a total of £2,400 to be donated to the Hope House charity.

Members were informed that as the new fire station at Rhyl was due to open soon, it was hoped that the next meeting of the Executive Panel could be held there.

Meeting concluded at 12:00.

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

**Signed: T. Roberts**

**Dated: 230908**