

NORTH WALES FIRE AUTHORITY

These are the minutes of the Executive Panel meeting of the North Wales Fire Authority held on Thursday 22nd April 2004 at Fire and Rescue Service Headquarters, Rhyl. Meeting commenced at 10:00am.

Present:

Councillor

Representing

T Roberts (Chairman)
M LI Davies (Vice-Chairman)

Gwynedd Council
Denbighshire County Council

J R Hughes
D Jones MBE
D M Morris
R P MacFarlane
W J Chorlton
J A Roberts

Conwy County Borough Council
Denbighshire County Council
Denbighshire County Council
Flintshire County Council
Isle of Anglesey County Council
Isle of Anglesey County Council

Also present:

S A Smith (Chief Fire Officer and Chief Executive); I R Miller (Clerk and Monitoring Officer to the Authority); P S Coles (Deputy Chief Fire Officer); P S Claydon (Assistant Chief Fire Officer, Service Delivery); P L Slee (Assistant Chief Officer, Corporate Services); S Forrest (Treasurer's Department, Conwy County Borough Council); S Morris (Projects Officer); DO S Neale (Temporary Senior Staff Officer) and Rh Evans (Member Liaison Officer).

PART I

1) Apologies

Councillor

Representing

S C Jones
D G Parry
D B Evans
W T Owen
E C George
F A Nichols

Conwy County Borough Council
Flintshire County Council
Gwynedd Council
Gwynedd Council
Wrexham County Borough Council
Wrexham County Borough Council

K W Finch
C Hanks

Treasurer to the Authority
Assistant Chief Fire Officer (Service Support)

2) Notice of Urgent Matters

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

The Chief Fire Officer apologised to members for the availability of an English only version of the report on the "Draft Fire and Rescue Service National Framework for Wales for Consultation", he explained that the Service's own translator had been unwell and it had been necessary to call upon the services of a freelance translator which, due to the Easter holidays, had proved rather difficult.

The Chief Fire Officer informed members that Divisional Officer Steve Neale, Temporary Senior Staff Officer, was attending the meeting as an observer. The Chairman welcomed DO Neale to the meeting.

3) Minutes

The following minutes were submitted:

- i. Executive Panel meeting held on 23rd February 2004
- ii. Executive Panel meeting held on 19th March 2004

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

4) Matters Arising

The following points were raised from the minutes of the meeting held on 23rd February 2004:

Page 3 -Attendance of Standards Committee Members at Authority meetings:

The Clerk advised the Panel that he had reflected on the point raised by Councillor W J Chorlton as to whether it would be appropriate for a member of the Standards Committee, who witnessed an incident which subsequently became the subject of a Standards Committee investigation, to participate in any way, in the investigation of that particular complaint. Following careful consideration he had come to the conclusion that it would be inappropriate for the member concerned to sit in deliberation of the complaint.

Page 6 – Allowances for Fire Authority Members: Members were informed by the Clerk that following the Panel's request the Minister for Finance, Local Government and Public Services had agreed to meet a delegation from the Authority to discuss their grievances concerning the regulations, as drafted, for a scheme of allowances for fire authority members in Wales. The meeting was scheduled to take place on 29th April 2004 at Llandudno. Members agreed to the Chairman's request that he be allowed to appoint substitutes to the delegation if any of the nominated members were unable to attend.

Page 7 – Fire and Rescue Services Bill: The Panel were informed by the Clerk that the Bill had now completed its stages in the House of Commons and had started its passage through the House of Lords. Members were advised that the Draft Bill presented to the Lords for consideration included two amendments on which North Wales Fire Authority had lobbied the Government: that the Draft Fire and Rescue Service National Framework for Wales should not be subject to Parliamentary procedures, and that the National Assembly for Wales (NAfW) should be given the powers to specify the operation of the Best Value regime for fire authorities in Wales. The Clerk emphasised that the Authority was continuing the lobbying process on the other issues it had raised and local Peers had been contacted with a view to securing their support on the Authority's behalf for further amendments to the Bill to be tabled. These further amendments included issues such as the provision for allowances that were to be paid to fire authority members to be pensionable in the same way as allowances paid to county councillors, and that the NAfW should not be given the power to appoint members to serve on fire authorities.

The Chairman thanked the Clerk for his meticulous lobbying on the Authority's behalf.

Page 9 – Former Llanfairfechan Fire Station site: In reply to a question from the Vice-Chairman as to whether the party interested in the site of the former fire station had submitted a business plan, the Deputy Chief Fire Officer advised that although a plan had been requested, to date it had not been received.

5) Draft Fire and Rescue Service National Framework for Wales for Consultation

The Chief Fire Officer introduced his report (previously circulated) to seek the Panel's views on the Authority's proposed response to the Draft Fire and Rescue Service National Framework for Wales document. Members were reminded by the Chief Fire Officer that they had already approved, at an earlier meeting, a response to the English "Draft Fire and Rescue Service National Framework" document. The document under consideration at the current meeting was the most important document published in the context of the fire and rescue services in Wales, with responses to be submitted to the Welsh Assembly Government (WAG) by 3rd May 2004. Although parts of the document replicated the English Draft Framework the Chief Fire Officer advised that other areas, such as the governance of the service, were markedly different.

The Deputy Chief Fire Officer detailed to the Panel each point contained in the report, which had been formatted in a style that replied to the questions asked within the Framework document itself, and answered members' questions. He commented that the drafting of the document was rather loose and ambiguous in some areas and left much to be desired, it also contained examples of confused terminology and it was not always apparent to which sections the questions asked referred.

Members agreed that the proposed Wales Fire and Rescue Service Strategic Committee (WFRSSC), which would be responsible for advising the Minister, should be a robust body. They were firmly of the view that it was essential that its membership included elected members who would, after all, be accountable to the electorate. It needed to be emphasised that, at the very minimum, the Chairman and Chief Fire Officer of each fire authority should sit on this Committee; to this effect it was requested that the word "envisage" in paragraph 2.1 of the report be replaced with "essential". It was also important that this Committee did not replicate the now defunct Central Fire Brigades Advisory Council (CFBAC). A request should also be made that the Committee's terms of reference be circulated to all fire authorities as soon as possible.

Regarding the proposal to introduce a new category of "preventable fire deaths", the majority of members shared the Officers' sentiments that this would be incompatible with current arrangements and inconsistent with performance management in other parts of the UK. They felt it was therefore essential that a clear definition of what the term "preventable fire deaths" encompassed be obtained in order to ensure a consistent approach across all authorities. Other members were of the view that the proposal to introduce a "preventable fire deaths" category should be abandoned altogether.

On the issue of legislating with a view to reducing the number of fire deaths, members agreed with the view held by Officers that all that could be done was being done in this area. Fire related deaths were occurring in domestic properties which were outside the remit of the legislative framework. The Panel were of the opinion that it would be worthwhile to include a comment in the response reiterating the Authority's support for the promotion of sprinkler system installation in residential properties as an effective tool in saving lives and mitigating fire damage.

11:05am: Councillor D Jones joined the meeting at this point.

Councillor J A Roberts declared an interest prior to the discussion on co-responder schemes and withdrew from the discussion and the vote. The majority of members were of the view that the advantages and implications of a co-responding scheme should, at least, be explored as the general public would not be concerned about which service had saved a person's life. Members were also of the opinion that the Service should not, at any time, become an alternative for the ambulance service. Councillor W J Chorlton requested that his opposition to the co-responder scheme be recorded. He was firmly of the view that, over time, and once fire and rescue service personnel had been trained to paramedic standard, the duties of an overstretched ambulance service would be offloaded onto the fire and rescue service. In his opinion this could give rise to possible litigation against the Authority if the wrong treatment was administered during an emergency situation. Councillor Chorlton voted against the inclusion of the comment on a co-responder scheme in the Authority's response to the document. The proposal to include the comment was carried by a majority vote.

During the discussion on the Integrated Personal Development System (IPDS) Councillor W J Chorlton requested that the Authority be given a presentation on IPDS, if possible at its July meeting, as he was aware of a number of concerns regarding the system. The Chief Fire Officer reminded members that a report on IPDS had been presented to the Authority at the March meeting, but undertook to give members a further presentation as soon as it was practicable.

Following an in-depth discussion members:

Resolved: - to approve the comments contained in the report, pending the inclusion of the modifications and amendments listed below, for submission to the Welsh Assembly Government (WAG) by 3rd May 2004;

- i. that the word "envisage" in paragraph 2.1 be replaced with the word "essential";***
- ii. that WAG circulate the terms of reference of the Wales Fire and Rescue Service Strategic Committee (WFRSSC) to all fire authorities as soon as possible;***
- iii. that clarification be sought on the definition of the term "preventable" in the context of the new performance management category "preventable fire deaths";***
- iv. that a statement be included reiterating North Wales Fire Authority's views on the benefits of installing sprinkler systems in domestic properties as an effective method of reducing the number of fire deaths and mitigating fire damage to property;***
- v. that the Authority was concerned by the obvious lack of references to equalities and Welsh language issues in the consultation document;***
- vi. once the letter of response has been drafted that the Chairman approves the final version, on the Authority's behalf, prior to its submission to the WAG; and***
- vii. that a presentation be given to the Authority on the Integrated Personal Development System as soon as practicably possible***

The meeting adjourned at 11:30am and reconvened at 11:40am

The Chairman informed the Panel that an additional item of business would be included at this point as the Chief Fire Officer was anxious for members to be given the opportunity to see a video which had been recently been released. The video "From Strength to Strength", dealt with the modernisation of the Service and would be shown to all firefighters over the coming weeks. Following the showing of the video normal agenda business resumed.

6) Consultation on "Charging by Fire and Rescue Authorities"

The Chief Fire Officer introduced his report (previously circulated) seeking the Panel's views on the Office of the Deputy Prime Minister's (ODPM) consultation document "Charging by Fire and Rescue Authorities", a copy of which was annexed to the report, with a view to seeking an agreement to a response on the Authority's behalf.

Members were informed by the Clerk that the Bill, as currently drafted, would remove some of the powers the Authority already possessed in relation to charging. Currently, authorities could levy a charge, over and above the service provision cost, for the provision of some special services. Under the proposals contained in the consultation document authorities would be restricted to levying a charge that did not exceed the service provision cost. Therefore, authorities would not be allowed to generate a "profit" from the provision of special services.

The Assistant Chief Officer (Corporate Services) drew the Panel's attention to the fact that the consultation document did not include a proposal that would enable fire authorities to levy a charge for responding to repeated false alarms from automatic fire detection apparatus. This issue had been identified under the Authority's Integrated Risk Management Plan (IRMP) as one of the main areas that required to be tackled in order to mitigate the unnecessary use of valuable resources. The power to levy a charge against repeated "offenders" would be an effective tool in attempting to reduce the number of these types of callouts. In reply to a question as to whether the Authority would levy a charge against commercial and/or domestic landlords when the service was repeatedly called upon under these circumstances, the Clerk advised that the Authority could decide at a later date the extent to which it would levy charges for this service. Such a decision could be taken once the power to charge had been granted.

According to the Assistant Chief Officer (Corporate Services) another area, of particular interest to North Wales Fire Authority, which had not been included in the consultation document, was charging for fire fighting at sea, or under the sea. Members agreed with his view that the response should include a proposal that the power to charge for the provision of this service be included in the first order. Councillor W J Chorlton commented that the consultation made no reference to salvage rights. It was:

Resolved: - that the Chief Fire Officer responds to the consultation document on behalf of the Authority; and

- i. that he incorporates into the response, the Authority's opposition to the proposal to restrict any charges levied for the provision of special services to an amount which does not exceed the cost of the service provision, which is narrower than the powers currently conferred on authorities;***
- ii. that the first order should include the power to charge for responding to repeated false alarms from automatic fire detection apparatus;***
- iii. that the first order should include the power to charge for firefighting at sea, or under the sea; and***
- iv. once a first order is made under Clause 19, a further report is submitted to the Executive Panel to determine the circumstances in which it chooses to levy any charge***

7) Delegation of Powers to the Chief Fire Officer

The Clerk introduced his report (previously circulated) requesting members to consider the proposed revisions to the delegations to the Chief Fire Officer as laid out in the report and appendix. He explained that the report had originally been presented to the Panel at their meeting on 27th October 2003, but had since been revised in the light of the publication of the Fire and Rescue Services Bill and the Draft Fire and Rescue Services National Framework for Wales. The Clerk proceeded to explain that the report contained a number of existing delegations which had built up over time along with a number of proposed new delegations. Members were advised that the proposed delegations, if adopted, would give the Chief Fire Officer, or anyone to whom he wished to delegate those functions, responsibilities for operational decisions whilst the strategic policy decisions would remain the remit of the Authority.

Prior to detailing each of the proposed delegations the Clerk informed the Panel that some of the current delegations would either become obsolete or would require to be amended upon enactment of the Fire and Rescue Services Bill; provision had been made within the report for any amendments required to be approved at the same time as the delegations themselves were approved.

The Clerk then explained each of the proposed delegations and answered members' questions. A member was anxious that the eighth proposed delegation may enable the Chief Fire Officer to close a fire station permanently by undermining its viability over a period of time. The Panel were reminded by the Clerk that it was the Authority that had the powers to close fire stations. The Authority's policies and strategies, adopted under its IRMP, would determine whether stations remained operational. Members accepted the recommendation subject to the omission of the word "permanently".

The Panel was advised by the Clerk that, if the Authority adopted the proposed delegations relating to personnel issues, it would bring its procedures into line with how many local authorities operated personnel issues. The Panel were uncomfortable with these recommendations and asked the Clerk to revise their drafting prior to their submission to the meeting of the Fire Authority in July. It was:

Resolved: - to recommend to the Fire Authority at its meeting in July 2004:-

- i. proposed delegations 1 to 7 inclusive and 9 and 10 as listed in the appendix to the report;***
- ii. subject to the deletion of the word "permanently", proposed delegation 8 listed in the appendix to the report;***
- iii. omit the proposed delegation 11 in the appendix to the report; and***
- iv. that the Clerk review the wording of proposed delegations 11 to 14 inclusive in the appendix to the report prior to their submission to the Fire Authority meeting in July 2004 so that they reflected the current position***

8) Temporary Delegation of Powers Prior to the Annual General Meeting

The Clerk introduced his report (previously circulated) with a view to seeking members' approval to delegate powers during the period from the end of office of the present members of the fire authority to the first meeting of the fire authority after the elections in June. He explained that between 14th June 2004 and the date of the Fire Authority's first meeting, scheduled for 19th July 2004, there would be no mechanism in place to deal with urgent matters of business which would usually fall to the Executive Panel, such as consultation exercises that required a response before the date of the Authority's first meeting. Therefore it was advisable that the Authority adopted a mechanism for the intervening period. Members:

Resolved: - that all powers of the fire authority, its committees and its office holders be delegated to the chair and vice-chair of the fire authority elected in June 2003 if one or both of them are re-appointed to the fire authority or, if neither of them is so re-appointed, to the Chief Fire Officer, in consultation with the Clerk and Treasurer. The delegation applies during the period from 14 June 2004 until the first meeting of the fire authority after the elections on 10 June 2004, so far as such powers relate to decisions that cannot reasonably be delayed until the date of that first meeting.

9) Tenders

The Chief Fire Officer introduced his report (previously circulated) with a view to seeking members' approval to accept the tenders received for the construction of training houses at Pwllheli and Benllech fire stations. He explained that in accordance with the Authority's Contract Standing Orders he had to seek the Authority's approval before he could accept any tender that exceeded the budget provision by 10% or more. Members:

Resolved: - to authorise the Chief Fire Officer to accept the tender for the training house at Benllech at £82,357 and the training house at Pwllheli at £89,500.

10) Sickness Monitoring

The Chief Fire Officer introduced his report (previously circulated) informing members of the decisions taken by him and confirmed by the Chairman in respect of the granting of extension of sick pay, and informing the Panel of the Authority's sickness absence levels for the last quarter. Members:

Resolved: - to note the report

11) Arrangements for the appointment of a Deputy Chief Fire Officer

The Chief Fire Officer informed members that as the Deputy Chief Fire Officer would be retiring from his post on 17th July 2004 advertisements had been issued

via the normal channels for a successor, with applications to be received by 7th May 2004. The intention was to complete the first round of interviews and aptitude tests during the week ending 21st May 2004, with the second round of interviews and selection being undertaken during the week 1st to 4th June 2004.

Past appointments of senior officers had been made by a special appointments panel consisting of Authority members representing each of the constituent authorities and members were of the view that this was the best route to follow for this appointment. They were also of the view that it would be appropriate, if possible, for the same members to serve on this appointment panel that served on the panel which recently appointed an Assistant Chief Fire Officer. The Chairman requested that the Vice-Chairman also serve on this appointment panel in addition to the other members. Councillor J A Roberts indicated that he would be unavailable to serve on the Panel this time and Councillor W J Chorlton was nominated to serve as his replacement. It was:

Resolved: -

- i. that the interviews for the post of Deputy Chief Fire Officer be held on Friday 4th June 2004 at Fire and Rescue Service Headquarters, Rhyl; Panel members to set aside the whole day for the appointment process; and;***
- ii. that Councillors T Roberts (Chairman), M Ll Davies (Vice Chairman); E C George, J R Hughes, R P MacFarlane, D M Morris, W T Owen and W J Chorlton serve on the Appointment Panel;***

12) Urgent Matters

None.

The Chairman informed members that it was recommended that the remainder of the business items on the agenda be discussed without the public or Press present. Members:

Resolved: - ***pursuant to Section 100A(4) of the Local Government Act, 1972 that the Press and Public be excluded from the meeting during consideration of the following items of business because it was likely that there would be disclosed to them exempt information as defined in Paragraphs 1, 8, 9 and 10 of Part I of Schedule 12A of the Local Government Act, 1972.***

PART II

13) Repeated Request for a Grievance Hearing

The Clerk introduced his report (previously circulated) seeking the Panel's decision on a repeated request by the Fire Brigades Union (FBU) for a grievance hearing; and to draw members' attention to a number of recent requests by the FBU to invoke dispute and national procedures in respect of decisions taken by

the fire authority. He explained that all the information was as contained in the report and apologised that the title of the Welsh version of the report was slightly misleading.

Prior to the commencement of the discussion on this item of business Councillors R P MacFarlane and W J Chorlton declared an interest as retired members of the FBU. They were assured by the Clerk this did not exclude them from participating in the debate or the vote as they were no longer serving firefighters and therefore had no personal interest in the outcome.

Members were given a briefing on all the issues contained within the report and were given a verbal update on the current position regarding the failure to agree which the FBU had registered in connection with the restructuring of the Skills, Learning and Development Centre. Following a deferment of 2 weeks, at the Union's request, to allow for further negotiations an agreement had been reached on all but one of the outstanding issues. Members were advised by the Clerk that they were now required to set a date for a hearing on the outstanding issue. The date needed to be set within 14 days of the request being received. Following a discussion members:

Resolved: -

- i. not to entertain the request for a personal grievance hearing on the grounds that the matter has already been investigated and dealt with under the Discipline Regulations;***
- ii. to note the information on other requests by the FBU to invoke dispute and national procedures; and***
- iii. that the Executive Panel meet at 10am on Thursday 20th May 2004 at Fire and Rescue Service Headquarters, Rhyl to deal with the outstanding issue registered by the FBU as a failure to agree in connection with the restructuring of the Skills, Learning and Development Centre***

Meeting concluded at 12:40pm.

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

Signed: I Roberts

Dated: 20 May, 2004