

**NORTH WALES FIRE AND RESCUE AUTHORITY**

Minutes of the Executive Panel meeting of North Wales Fire and Rescue Authority held on Tuesday, 5<sup>th</sup> February 2008 at Fire and Rescue Service Headquarters, St. Asaph. Meeting commenced at 1pm.

**Present:**

**Councillor**

T Roberts (Chairman)  
E C George (Vice-Chairman)

J A MacLennan  
J M Vaughan  
J A Smith  
E F Evans  
E Morgan Jones  
G M Craddock  
M Williams  
J A Roberts

**Representing**

Gwynedd Council  
Wrexham County Borough Council

Conwy County Borough Council  
Conwy County Borough Council  
Denbighshire County Council  
Flintshire County 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); I K Hearle (Acting Monitoring Officer); K W Finch (Treasurer to the Authority); C Enness (Deputy Chief Fire Officer); D Docx (Assistant Chief Officer, Finance and Procurement); S Morris (Corporate Planning Manager); W A Murphy (Senior Operations Manager); G Brandrick (Service Development Manager); K Hughes (Senior Fire Safety Manager); L Roberts (Fire Control Manager); D Mottram (Executive Support Manager); T Williams (Corporate Communications Manager); Ll Gutierrez-Jones (HR Manager) and Rh Evans (Member Liaison Officer).

**PART I**

**1) Apologies**

**Councillor**

S Frobisher  
D Barratt  
W T Owen  
W J Chorlton  
P S Claydon  
C Hanks

**Representing**

Denbighshire County Council  
Flintshire County Council  
Gwynedd Council  
Ynys Môn County Council  
Assistant Chief Fire Officer (Service Delivery)  
Assistant Chief Fire Officer (Service Support)

The Acting Monitoring Officer deputised for the Clerk/Monitoring Officer for the first part of the meeting.

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

Members were informed by the Chairman that no urgent items had been submitted to either him or the Clerk for consideration.

Prior to the commencement of the meeting's business the Chief Fire Officer informed members that, regrettably, he had to report yet another accidental dwelling fire fatality to them. The latest tragedy had occurred the previous week in Carmel, near Caernarfon, where an elderly gentleman had later died in hospital following a fire at his home. Members were briefed on the circumstances surrounding the fire and about the work which the Service had carried out in the area in the aftermath of the tragedy. He emphasised that it was extremely disappointing that these types of incidents were continuing to happen and that the latest tragedy had occurred in one of the two local authority areas which were yet to sign the data-sharing protocol. The Chairman registered his disappointment that his own local authority, where this tragedy had occurred, was yet to sign the protocol. He informed the Panel that he would once again raise the matter with the chief officers of the local authority. The Chief Fire Officer expressed his gratitude to all Authority members for their assistance in trying to secure that all local authorities signed the protocol.

## **3) Minutes**

The following minutes were submitted:

- i. Executive Panel meeting held on 15<sup>th</sup> November 2007

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

## **4) Matters Arising**

The following matters arose from the minutes:

**Pages 8 and 9 – Item 13a, Update on Statutory Appointments and Service Level Agreements:** members were advised by the Chief Fire Officer that, following receipt of Denbighshire County Council's notification that it would not be applying to renew its contract to provide legal services to the Authority when the current service level agreement expired on 31<sup>st</sup> March 2008, another constituent authority had applied to provide these services from 1<sup>st</sup> April 2008. Due to time constraints, and in an attempt to secure a smooth transition between the two providers, a draft Service Level Agreement (SLA) between the Authority and the prospective provider had been drawn up for the Panel's consideration. The Assistant Chief Officer (Finance and Procurement) detailed the contents of the draft SLA to members, which included the annual fee, the number of work hours covered by the agreement and the hourly rate for any hours over and above

those covered by the agreement. Although he did not have any issues with the draft SLA the Vice-Chair registered his disappointment that members had not seen the draft document until the current meeting. Officers reassured Councillor E F Evans that although one of the appendices to the draft agreement had been inadvertently omitted from the copy presented to members this would not in any way alter the draft agreement. Members:

**Resolved: - to inform Conwy County Borough Council that the Panel would be recommending the Fire and Rescue Authority, at its meeting on 17<sup>th</sup> March 2008, to accept its terms and conditions for the provision of Legal Services to the Authority via a Service Level Agreement for a period of four years commencing on 1<sup>st</sup> April 2008.**

Councillors from Conwy County Borough Council declared an interest in this item of business and withdrew from the discussion and vote on the item.

1.10pm: The Treasurer joined the meeting at this juncture.

In relation to the statutory appointment of Clerk/Monitoring Officer the Chief Fire Officer advised that, in response to an advert placed in the Daily Post, a local authority chief officer had registered an interest in taking on this role. Discussions had taken place with the Leader of the local authority concerned and he had consented to the chief officer taking up the role of Clerk/Monitoring Officer to the Fire and Rescue Authority in addition to his/her local authority duties. The identity of the individual concerned was revealed to the Panel and the constituent authority's representatives did not vote on the matter. It was:

**Resolved: -**

- i. that a letter be sent to all Fire and Rescue Authority members advising them of the identity of the individual that the Executive Panel would be recommending to the Authority, at its meeting on 17<sup>th</sup> March 2008, it should appoint as its next Clerk/Monitoring Officer for a period of four years with effect from 1<sup>st</sup> April 2008, and due to time constraints, seeking members to inform officers beforehand if they had any objections or queries regarding the appointment; and***
- ii. in the meantime, ahead of the Fire and Rescue Authority meeting on 17<sup>th</sup> March 2008, that the Chairman, Vice-Chairman, Councillor J A MacLennan and Councillor J A Smith meet with the prospective Clerk/Monitoring Officer to discuss the appointment.***

**Pages 6 and 7 – Item 13, Proposals for Draft Budget 2008/09:** the Vice-Chairman enquired, in light of the fact that members had not yet approved the minutes of either the Extraordinary Fire and Rescue Authority meeting held on 11<sup>th</sup> December or the Fire and Rescue Authority meeting of 17<sup>th</sup> December 2007 at which the proposals for the 2008/09 draft budget were discussed, when would members be informed of whether the Authority would require to revise the contributions it had requested from the constituent authorities to the Combined

Fire Service Fund for 2008/09. In responding, officers advised the Panel that the minutes of both meetings would, as per Standing Orders, be submitted to the next "suitable meeting" for approval, this would be the next Fire and Rescue Authority meeting on 17<sup>th</sup> March 2008. The Treasurer reminded members that the Authority had decided in December 2007 to delegate powers to the Executive Panel to alter the budget level if any changes to the required level transpired before 15<sup>th</sup> February 2008. Although some of the constituent authorities had been awarded slightly higher Revenue Support Grant (RSG) settlements than provisionally notified, no revision of the overall budget level was required as the Authority had set its budget based on the Authority's own needs, not on the constituent authorities' RSG settlements. As the Authority had not, to date, been successful in securing a meeting with the Welsh Assembly Government's (WAG) Minister for Social Justice and Local Government to discuss Fire and Rescue Service funding the position had therefore not changed, hence the decision not to include an item on next year's budget on the current meeting's agenda.

On the issue of the meeting requested with the Minister the Chairman advised that both he and officers had strived extremely hard to secure a meeting but, as yet this had not proved possible. The Minister had since offered to include funding issues on the agenda of the next Wales Fire and Rescue Service Liaison Group meeting, scheduled for 19<sup>th</sup> February 2008. Whilst this offer had been accepted the Chairman was of the view that the Authority should continue to lobby on the issue of funding and in its bid to secure a meeting with the Minister. The Treasurer advised the Panel that if the Authority was successful in lobbying for additional funding for Community Fire Safety (CFS) work it would not therefore need to increase the amounts levied on the constituent authorities. WAG officials had recently indicated to Service officers that the Government was more likely to sanction funding for specific projects or areas of work than to increase revenue funding. It was anticipated that a statement about the timing of funding announcements would form part of the revised draft Fire and Rescue National Framework for Wales 2008/09-2010/11 document, the publication of which was expected in the near future.

The Vice-Chairman then read a letter which Ms Lesley Griffiths, AM for Wrexham, had received from the Minister for Social Justice and Local Government. In his letter the Minister stated that it was the WAG's intention to "continue to support the expansion of Fire and Rescue Authority Home Fire Safety Checks through the provision of further funding for the next three years". This commitment would be included in the draft National Framework document.

## **5) Update on the Draft Risk Reduction Plan 2009/10**

The Chief Fire Officer informed the Panel that due to time constraints the Risk Reduction Plan (RRP) Working Group had been unable to conclude its business at its meeting earlier that day and would therefore not be seeking the Panel to formulate recommendations in relation to the draft RRP Action Plan 2009/10 at the present meeting. The Working Group was due to meet again on Monday 3<sup>rd</sup> March 2008 to discuss the proposals to be included in the draft RRP Action Plan

2009/10. Following this meeting proposals would be submitted to the Executive Panel meeting on 6<sup>th</sup> March 2008 for it to formulate recommendations in relation to the draft RRP Action Plan 2009/10 for submission to the Fire and Rescue Authority on 17<sup>th</sup> March 2008.

## **6) Performance Monitoring**

The Assistant Chief Officer (Finance and Procurement) introduced her report (previously circulated) providing members with information relating to the Service's performance against various performance indicators (PIs) during the period April to December 2007. Members' attention were drawn to a number of statistics contained in the report. To date, compared to last year's figures, there had been a reduction in the number of primary fires reported, this was primarily due to a fall in the number of deliberate primary fires recorded. Although it was pleasing to report that the number of deliberate fires was falling officers reassured members that the Service would not be complacent in this area. Disappointingly, the number of accidental fires in dwellings was showing an overall increase on last year's figure, this was due to the high number of incidents recorded during the summer months. To date this year, seven people had died in accidental dwelling fires. This figure did not include the latest fatality, reported earlier in the meeting. However, since the report had been compiled information had been received notifying the Service that one of the deaths, originally classified as a 'fire death', had now been attributed to another cause. Therefore, the total to date remained at seven. On average, approximately three people per month were injured in accidental dwelling fires, whilst 88.8% of people caught up in accidental dwelling fires managed to escape unharmed without the Service's assistance. Another pleasing statistic to report was the fact that the number of malicious false alarms received and attended was continuing to show a downward trend year-on-year. It was also encouraging to report that the number of dwelling fires which the Service had attended and at which a smoke alarm had activated continued to be higher than last year's figure. Other pleasing statistics to report included the fact that on average the number of days or shifts lost due to sickness were decreasing, whilst to date 91.5% of undisputed commercial invoices had been paid in less than 30 days. Members:

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

## **7) Management of Health and Safety at Incidents**

The Chief Fire Officer introduced his report (previously circulated) which provided members with information in relation to the Improvement Notice recently served on Warwickshire Fire and Rescue Service and its potential consequences for fire and rescue services across the UK. Members were reminded of the tragic incident which had occurred at a food packing plant at Atherstone on Stour last November resulting in the deaths of four Warwickshire firefighters, one of whom was a wholetime firefighter with the other three being retained firefighters, and which had given rise to an investigation by the Health and Safety Executive (HSE)

and Warwickshire Police. The Chief Fire Officer detailed the contents of the report and reminded members that under legislation fire and rescue authorities had a statutory obligation to ensure that they had adequate arrangements in place for the purposes of extinguishing fires and for protecting life and property. This obligation extended to providing the necessary level of protection for firefighters. It was believed that the on-going investigation in Warwickshire centred around the level of information available to frontline firefighters.

1.40pm: The Clerk entered the meeting at this juncture.

Members were advised by the Chief Fire Officer that the conclusions drawn from this investigation and the recommendations that would stem from it would have widespread repercussions across the UK fire and rescue services. It was widely expected that each fire and rescue authority would, in due course, be required to re-examine all their operational policies and procedures. In anticipation of this the Chief Fire Officer informed the Panel that he had already instructed personnel to commence extensive work in this area. Since the announcement that the Improvement Notice had been served on Warwickshire Fire and Rescue Service he had requested that this work be expedited. Members:

**Resolved: - to note the implications and impending workloads.**

1.45pm: The Clerk took over from the Acting Monitoring Officer at this point.

#### **8) Review of the Authority's Policy on Re-employment of Members of the Firefighters' Pension Scheme following Retirement**

The Chief Fire Officer introduced his and the Clerk's joint report and appendices (previously circulated) detailing the Authority's current policy in relation to the re-employment of members of the Firefighters' Pension Scheme following retirement and seeking the Panel's views on amendments to the policy. He reminded members that the information contained in Appendix 4 to the report was exempt from disclosure under paragraphs 12, 13 and 14 of Schedule 12A to the Local Government Act 1972, therefore if members wished to discuss any matters detailed in this appendix the Panel would be requested to exclude press and public from the meeting. The Chief Fire Officer proceeded to explain to members that the report was being presented to them in response to concerns recently raised with him about the current policy in the wake of the media coverage another UK fire and rescue authority had attracted following the re-employment of a principal officer. The Chief Fire Officer informed members that the circumstances surrounding the case which had received extensive media interest were quite different to the position in North Wales, as the authority concerned had not adopted a policy on the re-employment of retired members of the Firefighters' Pension Scheme. Members were then briefed on the contents of the report, including background and historical information on why the Authority had been required to draw-up and adopt a policy. The Panel was reminded that it, in September 2006 having received a report on changes to the Firefighters' Pension Scheme, had "delegated to the Chief Fire Officer the

responsibility to formulate a policy taking into account the legislative changes to the pension scheme, to include the re-employment of staff following retirement." Following the drafting process, as per normal practice, staff representative bodies, in this case the Fire Brigades Union (FBU), had been consulted on the policy. Subsequently the FBU had given its full agreement to the policy. Officers proceeded to brief members on the advantages of the policy for both the Authority and for personnel. They also advised that only a percentage of personnel who elect to access their pension benefits applied for re-employment with the Service.

In response to a question on whether all decisions on re-employment could be made subject to annual review or for a fixed-term only, the Clerk advised that as there was no longer a fixed retirement age stipulating such conditions when re-employing an individual could in itself be interpreted as being discriminatory.

2.05pm: Councillors J A Roberts and J M Vaughan left the meeting at this juncture.

The Clerk drew members' attention to paragraph 9.1 of the policy which emphasised that no Pension Scheme member had an automatic right to re-employment and that the decision to re-employ would be based strictly on organisational needs. He also stressed that the Authority should not take decisions relating to organisational restructuring on the basis of staff retirements. Decisions on organisational restructuring should form part of the RRP process. The Chief Fire Officer confirmed that every post within the Service which became vacant was assessed in line with the requirements of the current RRP prior to a recruitment exercise being undertaken. Members agreed with officers' views that the current policy was a commendable one and that for the purposes of decisions in relation to the re-employment of principal officers it would benefit from member involvement, in order to give those decisions added robustness and transparency. Members:

**Resolved:** -

- i. to recognise the financial and human benefits of the existing policy on re-employment following retirement;***
- ii. that paragraphs 10.1.3.2 and 10.1.3.3 of the policy be amended to include, where not already included, that the Chairman, Vice-Chairman and two other Fire and Rescue Authority members constitute the Panel that considers applications for re-employment from Principal Officers;***
- iii. that the Chief Fire Officer amends the wording of the policy document in Sections 9 and 10 as indicated in the report; and***
- iv. following the incorporation of the above amendments into the policy that a copy of the revised policy is circulated to all Fire and Rescue Authority members.***

## **9) Extensions of Sick Pay**

The Deputy Chief Fire Officer introduced his report (previously circulated) informing members of the decisions taken by the Chief Fire Officer following consultation with the Chairman in respect of the granting of extensions of sick pay. Members were advised that the Service made every effort to ensure that personnel were assisted to return to work as soon as possible following periods of sickness absence. It was:

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

## **10) Urgent Matters**

None.

## **11) Date(s) of future meetings**

Following a discussion members:

**Resolved: - to change the date and time for the next Executive Panel meeting from 1pm on Monday, 3<sup>rd</sup> March 2008 to 10am on Thursday, 6<sup>th</sup> March 2008. The Risk Reduction Plan Working Group meeting would continue to be held at 10am on Monday 3<sup>rd</sup> March 2008, whilst the meeting of the Community Safety and Member Support and Development Champions' Working Group would change from 10am to 2pm on Thursday, 6<sup>th</sup> March 2008. All meetings to be held at Fire and Rescue Service Headquarters, St. Asaph.**

The Chairman informed members that it was recommended that the remaining item of business on the meeting's agenda be discussed without the public or Press present. It was:

**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 item 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.**

All officers except the Service's Principal Officers, the Clerk/Monitoring Officer, Treasurer and the Member Liaison Officer left the meeting at this juncture. The Acting Monitoring Officer also left the meeting at this point.

## **PART II**

The following report was excluded from disclosure under paragraphs 12, 13 and 15 of Schedule 12A to the Local Government Act 1972.

## **12) Appraisal Arrangements and Performance Related Pay for Principal Officers**

The Clerk introduced his report (previously circulated) seeking members to decide on arrangements for appraising the performance of the Chief Fire Officer and whether the Authority wanted to proceed with the introduction of performance related pay for principal officers. In introducing this item of business the Clerk detailed the background which had given rise to the report and briefed members on the appraisal arrangements already in place for principal officers below Chief Fire Officer level. In addition he advised the Panel that regular and robust appraisal arrangements for senior staff were a recognised feature of good corporate governance in high performing public authorities. In order to operate effectively, appraisal arrangements would require meaningful targets to be set and sufficient time to be allocated to demonstrate performance against those targets. In the case of the Chief Fire Officer the Authority's RRP could be used as the basis for his priorities and targets. The Clerk gave members an overview of how senior staff appraisals were conducted in local authorities. Generally, similar to the mechanism already in place in North Wales Fire and Rescue Service, corporate directors' appraisals were undertaken by the Chief Executive. The Chief Executive's appraisal was undertaken by the Leader of the council or a group of members. Members were advised that whatever arrangements the Authority adopted for the Chief Fire Officer's appraisal, all individuals taking part in the process would be required to undertake training beforehand in appraisal methodology. In addition, it would be advisable for them to be supported throughout the appraisal process by an external facilitator. The Vice-Chairman commented that the appraisal processes for school headteachers were undertaken by a panel of people supported by an external facilitator. He was of the view that the Authority may wish to adopt a similar approach.

The Chief Fire Officer advised members that he would welcome the establishment of appraisal arrangements for the Chief Fire Officer as it would bring the procedures for that role in line with those already in place for other principal officers and for all personnel.

On the issue of Performance Related Pay (PRP) the Panel was advised by the Clerk that initially it needed to decide whether it agreed with the principle of PRP. If the Authority decided to pursue the route of awarding PRP it would then need to decide the parameters for any such awards and the details of the PRP Scheme it would establish. It was also important to bear in mind that if the Authority decided to introduce a PRP Scheme it would have on-going financial implications for the Authority's budget. No provision for the introduction of or for supporting a PRP scheme had been built-in to the Authority's budget. Following a detailed discussion the Panel:

### **Resolved: -**

- i. to establish an appraisal panel for the Chief Fire Officer consisting of the Authority's Chair, Vice-Chair and two other Fire and Rescue***

- Authority members supported by an external facilitator and subject to the members of the panel having received training;***
- ii. having given regard to the principle and among other things the potential financial implications, not to proceed with the introduction of performance related pay for principal officers; and***
  - iii. following delivery of the necessary training that the Appraisal Panel consisting of the Chair, Vice-Chair, Councillors J A MacLennan and J A Smith meet with the Chief Fire Officer and external facilitator for the purpose of setting targets for the Chief Fire Officer for 2008/09 based on the Authority's 2008/09 Risk Reduction Plan.***

Meeting concluded at 2.45pm.