



MINUTES OF THE MEETING OF THE CHESHIRE FIRE AUTHORITY held on Wednesday 12 December 2012 at Fire Service Headquarters, Winsford at 10.30 a.m.

PRESENT: Councillors M Biggin, D Brickhill, P Carey, D Flude, P Harris, E Johnson, L Jones, J Joyce, J Kerr-Brown, J Leather, B Livesley, G Merry, H Mundry, S Nelson, R Polhill, B Rudd, T Sherlock, M Simon, A Tate, C Thorley, D Topping, J Weatherill and N Wright.

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

None.

B CHAIR'S ANNOUNCEMENTS

Arson In Mind Conference

The Service had hosted its fourth national conference "Arson in Mind" at Crewe Hall on the 6th November. The theme of the day was exploring the links between arson and mental health and the speakers, as well as delegates (which included a number of Fire Authority members) came from a wide-range of sectors and disciplines.

Cheshire Safety Day

The Chair thanked Members for their participation in the third annual Cheshire Safety Day. He commented that he found it to be a worthwhile day that was designed to help the elderly during the cold weather period.

Members who had been unable to go out with Officers that day were advised that they would be provided with an opportunity to go out on safety visits at a future date.

C DECLARATION OF MEMBERS' INTERESTS

Item 4 – Consultation on the Draft Integrated Risk Management Plan 2013-14 (IRMP10)

Councillor Dorothy Flude stated that she was a Local Authority Governor on the Mid Cheshire Hospitals NHS Foundation Trust, one of the consultees in relation to IRMP10. She was advised that this would not affect her ability to take part in the debate and vote in relation to the item.

D MINUTES OF THE FIRE AUTHORITY

RESOLVED:

That the Minutes of the meeting of the Cheshire Fire Authority held on 19 September 2012 be confirmed as a correct record.

E MINUTES OF THE POLICY COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Policy Committee held on 14 November 2012 be received, for information.

F MINUTES OF THE PERFORMANCE AND OVERVIEW COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Performance and Overview Committee held on 3 October 2012 be received, for information.

G MINUTES OF THE PERFORMANCE AND OVERVIEW COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Performance and Overview Committee held on 5 December 2012 be received, for information.

H MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Governance and Constitution Committee held on 26 September 2012 be received, for information.

I MINUTES OF THE PAY AND PERFORMANCE COMMITTEE

RESOLVED:

That the Minutes of the meeting of the Pay and Performance Committee held on 15 November 2012 be received, for information.

J NOTES OF THE MEMBER TRAINING AND DEVELOPMENT GROUP

RESOLVED:

That the notes of the meeting of the Member Training and Development Group held on 20 September 2012 be received, for information.

MATTERS ARISING

The Deputy Chair wished to thank Members of the Performance and Overview Committee who attended the Equality Task Group on the rise of the October meeting.

2 ANNUAL AUDIT LETTER 2011 – 12

The Head of Finance introduced this report, from the Authority's External Auditors. He advised Members that the Audit Commission had produced an Annual Audit Letter which related to the Authority's previous years audit. He explained that this Audit Letter provided an overall summary of the Audit Commission's assessment of Cheshire Fire Authority. He brought Members attention to the unqualified opinion reported within the Audit Letter and advised that the Auditors had no further comments to report.

The Head of Finance advised Members that, with effect from the 1st September 2012, the Audit Commission had been disbanded. He explained that an external tender exercise had been undertaken nationally and that Grant Thornton had been appointed as the Authority's External Auditors.

The Chair of the Authority requested that a letter of thanks be sent to the Audit Commission, on behalf of the Authority.

RESOLVED: That

[1] the 2011 – 12 Annual Audit Letter be noted.

3 2013/14 DRAFT BUDGET, COUNCIL TAX AND MEDIUM TERM FINANCIAL PLAN

The Head of Finance presented this report which advised Members that the Authority was required to approve a budget and set the Council tax precept for the year commencing 1 April 2013. He informed Members that, for the budget to be approved, the Authority must have regard to all relevant factors. These included the likely impact of policy options on the fire and rescue service, the prevailing economic climate and the impact of future grant reductions during the current Comprehensive Spending Review period (2011-12 to 2014-15) and beyond. He explained that the implications regarding a number of these factors were still to be finalised, which included the full detail in the Autumn Statement from the government. He advised that this was the first of three budget reports, another to be considered at Policy Committee on 30 January and the final report by the Authority on 13 February 2013.

He advised that the report provided background on the financial position of the Authority, referred to the national context and identified some of the risks that the Authority should take into consideration. He brought Members attention to the following key areas within the report:

- Comprehensive Spending Review: Details were provided where significant reductions were anticipated from Central Government support in 2013-14 and 2014-15;
- Medium Term Financial Plans: These were detailed as two appendices within the report and showed how the Authority could produce a

balanced budget for 2013-14, with the Council Tax Freeze Grant being accepted and without accepting the Council Tax Freeze Grant. He explained that a number of assumptions had been made within the plans but that, whichever option was decided upon by Members, there was a need for savings of circa £6m or £7m to be made over the next four years;

- Funding of the budget: The Government had changed the system of funding in relation to Council Tax benefit from 2013-14. Whilst Fire Authorities can expect to lose some local funding the Government has indicated that a grant will be paid to cover the anticipated deficit. However, the details had not been shared with the Authority and the commitment was not firm. He advised that an additional risk identified had been in relation to income from Council Tax, as billing authorities may find it harder to collect in future years and the Authority would be vulnerable to this as it would share in any deficit.
- Capital programme funding: The distribution of capital grants had changed and the Government had invited bids for capital grants for 2013-14 and 2014-15. He advised that the Fire Authority had submitted a bid earlier in the year and was awaiting the outcome. He confirmed that the capital programme reported was not dependent on the success of the bid.
- Reserves: The Authority had a General Reserve of £6.5m and the Medium Term Financial Plans assumed transfers of funds into an IRMP reserve to support the delivery of the proposed IRMP10 (and beyond) changes. He explained that once the consultation process had been completed the financial impacts of delivering the programme would become clearer and would be assessed in detail.

The Head of Finance advised that there would be a number of further changes to the draft budget as final details for each of the key areas became clearer. A final report would be delivered to the Authority at its February meeting.

Members queried how quickly the Authority's reserves would be used if a major incident took place. The Head of Finance responded that as part of the overall budgeting process, the Corporate Risk Register was assessed and a monetary value allocated to each risk. Further information on the financial impact identified in the Corporate Risk Register would be considered as part of the final budget report to Members in February 2013.

Members queried the capital bid submitted by the Authority and asked where the funds would be allocated if the bid was successful. The Head of Finance explained that it would be added to the funding for delivery of IRMP. This would reduce the use of the Authority's cash balances, and the need for possible future borrowing.

A Member commented that the Authority needed to be mindful of all areas of the Service when identifying efficiencies and savings, as well as the focus on

the frontline service. The Chief Fire Officer advised Members that the value for money programme continued to take place, which was reviewing every department within the back office structure and would identify efficiencies and savings. The Chair commented that Members should be involved in any key decisions required on the outcomes of the value for money reviews.

The Chair of the Authority invited the Member Champions for Finance to provide their views on the budget report.

The two Member Champions commented that, at this stage of the budget process, the report was scene setting and a lot more work would be required before the final detail could be reported. The budget position would be more challenging in the years that followed, as the IRMP10 programme continued. It was felt that the impact of council tax not being collected could be higher than anticipated and this would need to be considered. There could also be more pressure from representative bodies if low levels of pay continued over the next few years. They felt that it would be worthwhile to work with the Head of Finance to review the way the Medium Term Financial Plan was reported to better clarify the key figures provided to Members. They commented that this was a comprehensive report considering the current circumstances and were happy to note the report at this stage.

RESOLVED: That

[1] the 2013-14 Draft Budget, Council Tax and Medium Term Financial Plan report and information relevant to the setting of the budget be noted.

4 CONSULTATION ON THE DRAFT INTEGRATED RISK MANAGEMENT PLAN 2013-14 (IRMP10)

The Head of Planning, Performance and Communications presented the report to Members which provided initial feedback about the consultation programme which was being carried out on 'Making Cheshire Safer', the Authority's draft annual action plan for 2013-14 (IRMP10). He advised that the consultation programme continued until December 17 and the information contained in this report was based on views and comments received up to 28th November 2012.

He informed Members that the enhanced programme of stakeholder briefings and community roadshows together with an increased range of communications channels, which were summarised within the report, had ensured that this had been the Authority's most successful consultation to date.

He advised Members that, due to the extensive nature of the proposals, the Authority had agreed to seek accreditation for the programme under the national Consultation Institute's Compliance Assessment Scheme. Officers had held a mid point review meeting with the Institute and had since received a letter which formally recognised that the programme remained on track and satisfied the compliance criteria.

He informed Members that since the report had been written, the number of responses received had increased to over 1,100 with over 260 staff responses. This was an improvement on last year's response.

The Head of Planning, Performance and Communications highlighted some of the emerging themes from the initial feedback received so far and advised that full details of all responses received were due to be presented to the Fire Authority on 13th February 2012.

He brought Members attention to the results received to date on each of the specific area's proposals detailed within the consultation and advised that the responses included over 1,000 individual comments about both the proposals in general and the area specific options. He informed Members that this feedback would be analysed and included in the final consultation report provided to the Fire Authority in February.

He also advised Members that the local branch of the Fire Brigades Union (FBU) had given some initial feedback and Officers had been advised that a formal response from the FBU would be circulated to Fire Authority Members.

Members commented that they were pleased to see the improvements to the consultation process and the increase in responses received.

Members also discussed their concerns with some of the proposed sites for new stations in their local areas. The Chief Fire Officer confirmed that this would be discussed in more detail at the Member Planning Days and also confirmed that the Members local knowledge was very important in identifying and agreeing potential new sites.

The Chair requested that Members had further discussions in respect of local issues with regard to potential sites at their local Unitary Performance Group meetings. Feedback from these meetings would be reported to the Authority.

RESOLVED: That

- [1] the interim feedback on the consultation programme for the draft 2013-14 Annual Action Plan (IRMP10) be noted.**

5 APPOINTMENT OF INDEPENDENT PERSONS

The Head of Legal and Democratic Services introduced this report which informed Members about the outcome of a process which identified suitable

individuals to act as Independent Persons to assist the Authority in handling complaints about breaches of the Members' Code of Conduct. Section 28(7) of the Localism Act 2011 placed a duty on the Fire Authority to appoint at least one Independent Person and an appointment could only be made if a majority of Members of the Fire Authority were in favour.

The majority of Members of the Fire Authority voted in favour of the appointment of the candidates detailed within the report as Independent Persons for the Fire Authority.

RESOLVED: That

- [1] Robert Fousert and David G Sayer be appointed to the role of Independent Person for Cheshire Fire Authority for a period of three years (until December 2015).**

6 DRAFT REVISED MEMBERS' CODE OF CONDUCT

The Head of Legal and Democratic Services presented the draft revised Members' Code of Conduct to be considered by the Authority and advised that it included a suggested obligation associated with the Code for inclusion in the Fire Authority's Constitution.

He explained that the Governance and Constitution Committee were provided with two versions of codes of conduct, which showed Members two extremes of approaches adopted by two local public bodies. He advised that the draft revised Code, presented as an Appendix to this report, was pitched between the two versions and was favoured by members of Governance and Constitution Committee. He explained that it was important Members understood the Code of Conduct and advised that training would be provided, if required.

He brought Members attention to the references within the report to non-pecuniary interests and provided examples such as membership of 'outside bodies; and examples of where dispensations would be necessary.

Members debated whether the level of the requirement to declare the acceptance of gifts, benefits or hospitality was appropriate. They felt that it should be doubled from £25 to £50.

Members also discussed the definition of Disclosable Non-Pecuniary Interests, expressing concerns about the wording related to charitable

interests. They wanted to avoid the need to declare an interest in a charity where they simply had a membership and did not hold a position of control or management. The Head of Legal and Democratic Services confirmed that he would review the wording of this definition to ensure clarity and proportionality.

RESOLVED: That

- [1] the draft revised Members' Code of Conduct be adopted to replace the existing Members' Code of Conduct;**
- [2] the Head of Legal and Democratic Services be authorised to make such minor changes to the Members' Code of Conduct as indicated by Members and as are necessary to deliver a document that is and remains fit for purpose;**
- [3] an obligation to comply with the Members' Code of Conduct be adopted and included in the Fire Authority's Constitution; and**
- [4] Members update their declarations of interest form within 28 days of receipt from the Monitoring Officer be agreed.**

7 PROGRAMME OF MEMBER MEETINGS 2013/14

The Head of Legal and Democratic Services introduced this report which provided Members with the programme of meetings for the Fire Authority and other bodies within the political structure, for the following municipal year.

He brought Members attention to the proposed Pay and Performance Committee meeting scheduled for the 15th May 2013 and advised that this meeting clashed with a local authority meeting. This meeting would be re-scheduled and the new date would be confirmed to Members.

RESOLVED: That

- [1] the programme of Member meetings for 2013 – 14 be approved subject to the following amendment:
 - i) the 15th May 2013 Pay and Performance Committee to be re-scheduled****