

Minutes of the Annual Meeting of the TYNE AND WEAR FIRE AND RESCUE AUTHORITY held in the Fire and Rescue Service Headquarters, Barmston Mere on MONDAY 11 JUNE 2012 at 10.30 am.

Present:

Councillor T Wright in the Chair

Councillors Ahad, Bell, M Forbes, N Forbes, Gambling, Haley, McAtominey, Mortimer, Mulvenna, Ord, Padgett, Renton, Stephenson, and Waller.

Part I

Appointment of Chairman

1. RESOLVED that Councillor Wright be appointed as Chairman of the Authority for the ensuing period to the next Annual Meeting.

Apologies for Absence

An apology for absence was submitted to the meeting on behalf of Councillor Mole.

Appointment of Vice-Chairman

2. RESOLVED that Councillor N Forbes be appointed as Vice-Chairman of the Authority for the ensuing period to the next Annual Meeting.

Declarations of Interest

There were no declarations of interest.

Minutes

3. RESOLVED that the minutes of the meeting of the Authority, Part I held on 30 April 2012, be confirmed and signed as a correct record.

DCFO Hindmarch confirmed that he had written to staff to acknowledge and recognise their invaluable contribution within the organisation.

A letter had also been sent to the Culture Secretary expressing disappointment that control room staff had not been included in commemorating the Diamond Jubilee Medal Occasion and rewarding people who dedicated their lives to the public good. A response had not yet been received.

Membership of Authority, Appointment to Committees and Appointment of Spokesmen for 2012/2013

The Deputy Clerk to the Authority submitted a report to notify the appointments to the Fire and Rescue Authority made by the Constituent Authorities and to consider the appointments to the Committees and the spokesmen for 2012/2013.

Consideration having been given to the report, it was: -

4. RESOLVED that: -
 - (i) the undermentioned Members be appointed to serve on the Committees of the Authority indicated for the Municipal Year 2012/2013: -
 - (a) Governance Committee

Independent Chairman	-	Mr G N Cook
Independent Member	-	Mr I Paterson
Independent Member	-	Ms G Goodwill
Councillors Gambling, Mole, Padgett, Waller, M. Forbes and Ord.		
 - (b) Standards Committee

Councillors Bell, Haley, Padgett, Mulvenna, Renton and Mortimer.		
--	--	--
 - (c) Policy and Performance Committee

Councillors N Forbes, Ahad, Mulvenna, Padgett, McAtominey and M. Forbes.

(d) Human Resources Committee

Councillors Bell, Haley, Stephenson, Mole, Waller, Wright, Renton and M Forbes.

(e) Appointments Committee

Councillors Wright, N Forbes, Bell, Haley, Stephenson, Ord and M Forbes

(f) Disciplinary Appeals Committee

Councillors Wright, N Forbes, Bell, Mulvenna and Mortimer

(g) Personnel Appeals Sub-Committee

Councillors Ahad, Padgett, N Forbes, McAtominey, Ord and M. Forbes.

(h) Emergency Sub-Committee

Councillors Wright, N Forbes and Ord

- (ii) the undermentioned Members be appointed as spokesmen for the purpose of answering questions from Members of the Constituent Councils on the discharge of the Authority's functions: -

Gateshead	-	Councillor Mole
Newcastle	-	Councillor N Forbes
North Tyneside	-	Councillor Gambling
South Tyneside	-	Councillor Bell
Sunderland	-	Councillor Wright

- (iii) the undermentioned Members be appointed as Lead Members and Support Members: -

Community Engagement and Partnerships

Lead Member	-	Councillor Bell
Support Member	-	Councillor Haley

Diversity and Equality

Lead Member - Councillor N Forbes
Support Member - Councillor Ahad

Performance Management

Lead Member - Councillor Wright
Support Member - Councillor N Forbes

- (iv) Councillors Wright, and N Forbes, with Councillor Haley as a substitute, be appointed as the Authority's representatives on the Local Government Association.
- (v) Councillor Wright be appointed to the Local Government Association Urban Commission.
- (vi) Councillors Wright and Padgett, with Councillors N. Forbes and Haley as substitutes, be appointed to the Association of Metropolitan Fire and Rescue Authorities (AMFRA).
- (vii) Councillors Bell and Haley be appointed to the North East Fire Control Company.

Date, Time and Venue of Future Meetings

The Chief Fire Officer, Clerk to the Authority, Finance Officer and Personnel Advisor submitted a joint report setting out the proposed dates, times and venue of meetings of the Authority and its Committees, together with the Awareness and Development Programme for the Municipal Year 2012/2013.

5. RESOLVED that the cycle of meetings 2012/2013 as set out in the report be approved.

Localism Act 2011 – The New Standards Regime

The Clerk to the Authority submitted a report to consider and make recommendations upon the New Standards Regime.

The Deputy Clerk to the Authority spoke to the report and in doing so reminded that the changes to the Standards regime were expected to come into force with effect from 1 July 2012. The new Regulations had been put before Parliament on Friday 8 June. The draft code (Appendix 3) therefore needed to be revisited in light of these regulations.

The Deputy Clerk then explained each of the recommendations within the report in turn.

The first issue required Members to consider establishing a Standards Committee comprising six elected members. Although the political balance on current figures would be 5:1:0 it was proposed to appoint to 4:1:1 as an alternative arrangement, in order to provide for all-party representation on the committee. Members welcomed this proposal.

With regards to a code of conduct, two drafts Codes had been issued, one, as expected from the Local Government Association (LGA) and another by CLG. The Deputy Clerk commented that both were very similar and were very general in terms. It was suggested that neither draft was very satisfactory.

As the Governance Committee had previously expressed support for consistent Codes to be adopted by Authorities in the region, a North East Code of Conduct was proposed, subject to the views of the members of each individual authority. The section relating to DPI's would need to be revisited upon receipt of these regulations. Members felt that this was a sensible approach.

A discussion then ensued in relation to dealing with misconduct complaints, whereby it was proposed to simplify the process and give increased scope for informal resolution of complaints.

Members were asked to consider taking advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint required investigation, subject to consultation with the Independent Person and the ability to refer complaints to the Standards Committee, where appropriate. Members welcomed this proposal.

In response to a question from Councillor Mulvenna, the Deputy Clerk explained the process for appointing an Independent Person and advised that this was currently a process in its own entirety for the Fire Authority however members could opt to use Sunderland's Independent Member, as host authority, if they wished to do so. Members agreed to appoint their own Independent Member and were advised that the fees attached to the position were modest to reflect the amount of work to be undertaken. This could be reviewed in the future.

The Deputy Clerk then went on explain whilst there was no requirement to put in place any appeals mechanism, Members may wish to include a provision for a finding/sanction to be referred to the Independent Person of another authority for review.

With regards to Members' Interests, regulations would define DPI's and extended the requirement to also cover those of his/her spouse or civil partner, or someone living with him/her in a similar capacity.

Whilst the Act did not require Members with DPI's to declare them at the meeting and withdraw from the room, Members were asked whether they felt it appropriate to voluntarily adopt such a requirement. This proposal was welcomed.

Councillor N Forbes reminded Members that they would be required to think differently and should not assume that their declarations for the Fire Authority were the same as for their individual authorities.

Taking all the above into account, the Deputy Clerk agreed to prepare a final draft Code for approval by Members, and an Extraordinary Meeting would be held on Friday 29 July 2012 to consider this. This Code would then be effective from 1 July 2012.

6. RESOLVED that:-

- (i) the recommendations within the report be approved; and
- (ii) approval be given to extending the operation of its existing Code of Conduct until a different Code is adopted.

Revenue Budget Outturn 2011/2012 and Revenue Budget First Review 2012/2013

The Chief Fire Officer and the Finance Officer submitted a joint report advising Members of the Revenue Budget Outturn position for 2011/2012 as it currently stood, outlining the main areas of variance and any related proposed actions.

Members were referred to Appendix A which showed spend against both the original and revised budget. A small number of issues were still to be resolved though any changes were unlikely to have a material impact on the Authority's position.

The total net revenue expenditure for 2011/12 was £56.125m compared with an original budget of £56.132m. The underspend of £7,000 had been added to the General Reserve.

Members were then reminded of the main areas of variance as detailed within the report together with the movement of earmarked reserves (Appendix B).

Appendix C contained the Statement of General Balances. Members were reminded that it had previously been considered appropriate to retain uncommitted general balances of 5% of the revenue budget. The level of uncommitted balances as at 31 March 2012 was £3.206 million and took into account increased uncertainty in respect of future reduced grant settlements.

In response to a question from Councillor Haley, the Finance Officer explained that the RCC reserve would be earmarked for approximately 3 months until such a time when the transfer had been complete.

7. RESOLVED that:-

- (i) the Revenue Budget Outturn for 2011/2012, detailed at paragraph 2.4 of the report be noted;
- (ii) the sums earmarked within the Budget Carry Forward Reserve and the proposed transfers to the other earmarked reserves at paragraphs 2.10 to 2.12 and at Appendix B be noted;
- (iii) the position with regard to the Revenue Budget for 2012/2013 detailed at section 3 be noted;
- (iv) the Balances position detailed at paragraph 4.2 and at Appendix C be noted; and
- (v) delegated authority be given to the Finance Officer, in consultation with the Chief Fire Officer and the Chairman of the Authority to take any additional final accounts decisions in order to maximise the financial position of the Authority.

Capital Programme Outturn 2011/12 and Capital Programme First Review 2012/13

The Chief Fire Officer and the Finance Officer submitted a joint report to present the provisional capital outturn for 2011/2012, highlighting the main variances from the 2011/2012 Capital Programme Third Review; and to review the current year's programme to reflect the actual outturn 2011/2012 position and other changes since the original programme was approved.

The Finance Officer referred Members to section 2.1 of the report and highlighted that the Vehicle Replacement Programme resource had been utilised following a £2,527,000 purchase due to the best value option being the outcome of an option appraisal.

A full review of this programme had been undertaken to extend the lifespan of emergency vehicles and reduce the non-emergency fleet based on organisational need and usage had been undertaken. This would impact on future years to realise savings for the Authority. Future vehicle replacement would be reviewed annually and included as appropriate.

In response to a question from Councillor Mulvenna, the Chief Fire Officer confirmed that the extension of the lifespan of vehicles did not have a detrimental impact on maintenance costs as these modern vehicles were easier to maintain and the fleet was updated where possible.

With regards to 2012/2013, the Capital Programme had been increased by £698,462 from £4,014,817 to £4,713,279.

Councillor Haley questioned the monies assigned to the Control Project Grant of £1,000,000 and received confirmation that this was a staged payment of the overall £1,800,000 allocation.

8. RESOLVED that the revised Capital Programme for 2012/2013, as set out at Appendix A, in light of the capital outturn 2011/2012 be approved.

Annual Governance Review 2011/2012

The Chief Fire Officer, Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a report to provide details of the findings of the 2011/2012 Annual Governance Review and seeking approval to the Annual Governance Statement, prior to its incorporation in the Statement of Accounts.

DCFO Hindmarch outlined the report and referred the Authority to page 65 which diagrammatically set out the stages of the review.

All Area Managers had identified some future plans for improvement to their governance and control arrangements, however the majority of change during the coming months was closely related to implementation of the back office reviews.

One major action which would affect the Authority's future performance was the implementation of the new command and control system.

Of the 24 corporate risks faced by the Authority, 14 would be closely monitored by the Corporate Risk Management Group and 4 were considered high priority.

Councillor Stephenson reiterated the discussions previously had by members of the authority relating to the unfair distribution of grants and the significant cuts in funding the authority were to be faced with over the forthcoming years. Members agreed that lobbying needed to be undertaken at every given opportunity in order to express the deep concerns of Members.

In conclusion however, the Authority was found to have robust and effective governance and internal control arrangements in place. The views elicited during the review demonstrated that the principles of good governance were embedded.

Members were then referred to the Local Code of Corporate Governance (Appendix A), the Annual Governance Statement (Appendix B) and the Action Plan for 2012/2013 (Appendix C) for consideration.

9. RESOLVED that:-

- (i) the revised Code of Corporate Governance be noted and endorsed;
- (ii) the Annual Governance Statement be noted and endorsed; and
- (iii) further reports be received as appropriate.

Correspondence List

The Chief Fire Officer submitted a list of items of correspondence that had been received since the last meeting of the Authority, and were not subject to a separate report.

10. RESOLVED that the correspondence list be received for information.

(Signed) T WRIGHT
Chairman

Note:

The above minutes comprise those relating to items of business during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

