

**AWDURDOD TÂN AC ACHUB CANOLBARTH A GORLLEWIN  
CYMRU**



**MID AND WEST WALES FIRE AND RESCUE AUTHORITY**

**NOTE: THESE MINUTES ARE SUBJECT TO CONFIRMATION BY THE FIRE  
AUTHORITY AT ITS NEXT MEETING**

**COFNODION**

**CYFARFOD YR AWDURDOD TAN**

Ystafell Caer,

Pencadlys Y Gwasanaeth Tân Ac Achub, Caerfyddin

**11 RHAGFYR 2017**

**MINUTES**

**OF THE FIRE AUTHORITY MEETING**

The Caer Suite,

Fire and Rescue Service Headquarters, Carmarthen

**11 DECEMBER 2017**

**10.00 – 12.05**

**60% PRESENOLDEB/ATTENDANCE**

Presennol yn y Cyfarfod/Present at Meeting:

<b>Cadeirydd/ Chair:</b>	Councillor R Rees-Evans
<b>Is-Gadeirydd/ Deputy Chair:</b>	J Curtice
<b>Aelodau/Members:</b>	Cyng/Cllrs: A Brinn, M Charles, C Evans, L Frayling, T Hennegan, A Llewelyn, K Madge, G Tanner, E Thomas, G Walker, J Warman, E Williams, A Woolcock
<b>Ymddiheuriadau/Apologies:</b>	Cyng/Cllrs M Crowley, K Curry, J Hale, P James, K Laurie-Parry, C Mills, T Van-Rees, D Thomas
<b>Yn Bresennol /In Attendance:</b>	C Davies, R Quin, R Thomas, K Jones, I Cray, M Harries, S Jenkins, C Flannery, D Daycock, C Jackson, S Mansbridge, H Jones, M Jones (Wales Audit Office - WAO)

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Crowley, K Curry, J Hale, P James, K Laurie-Parry, C Mills, T Van-Rees, and D Thomas.

## **2. DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS**

All Members present declared that they had a personal interest in matters relating to, or likely to affect their own Constituent Authority.

All Members present declared a personal interest in matters relating to Item 7 of the Agenda, relating to the budget setting process.

Councillor J Curtice declared a prejudicial interest in relation to agenda item 8, namely the Draft Annual Report of the Independent Remuneration Panel for Wales 2018/19. All other Members present declared a personal interest in this item.

All Senior Fire Service Officers present affected by Item 14 declared a personal interest in Item 14 of the Agenda, namely the Chief Officers' Annual Pay Review and indicated that they would depart the meeting during consideration of that item of business.

## **3. CHAIR'S ANNOUNCEMENTS / PERSONAL MATTERS**

The Chair referred with deep regret to the recent sudden death of former Welsh Government Cabinet Secretary for Communities and Children, Carl Sargeant AM. Tributes were paid to the former Assembly Member, whose passing had sent a great sense of sorrow and shock throughout the Wales, and the Welsh Government. The Chair reported that Alun Davies AM had been appointed as Cabinet Secretary for Local Government and Public Services and that the Chair looked forward to working with the new Cabinet Secretary to maintain the positive relationship between Welsh Government and the Fire Authority.

The Chair was delighted to welcome Mr Dave Daycock, Clerk and Monitoring Officer back to the Fire Authority following his period of ill-health and expressed his gratitude to Mr Robert Edgecombe and Mr Steve Murphy for their assistance to the Authority in recent weeks in covering Mr Daycock's duties .

The Chair also wished to record his thanks to Clare Williams, Temporary Head of Finance and Section 151 Officer, who had left the Authority, for her sterling contribution in restructuring the Service's Finance department during a particularly challenging period of time. The Authority wished Ms Williams well in her future endeavours.

A warm welcome was extended to Mr M Jones of the Wales Audit Office who was in attendance in respect of item 10 of the Agenda, namely the Audit of the Statement of Accounts 2015/16 and 2016/17.

The Chair also extended a warm welcome to Mr Hywel Jones who was in attendance to present item 5 of the Agenda, namely the Standards Committee Annual Report 2016/17. Members of the Authority congratulated Mr Jones on his recent appointment as Chair of the Standards Committee at Ceredigion County Council.

Reference was made to the Service's Annual Carol Service which took place in Caersalem Chapel, Pontyberem on Wednesday 6 December 2017 whereby the Chair was delighted to announce that a total of £639.31 had been raised for charity.

The Chair congratulated the 12 firefighter recruits who had successfully completed a 14 week training course which had culminated in a passing out parade on 7 December 2017.

Finally, the Chair referred to the tragic fire incident in Llangammarch Wells, Powys, which occurred on Monday 30th October 2017, and the Temporary Deputy Chief Fire Officer provided Members with an update on the ongoing fire investigation process in this regard. The Authority commended the professionalism of staff in dealing with an extremely difficult incident and paid tribute to Councillor T Van-Rees for the support provided to the local community.

#### **4 TO RECEIVE AND NOTE A REPORT ON THE APPOINTMENT OF AN INTERIM SECTION 151 OFFICER**

The Chief Fire Officer presented a report on the appointment of an Interim Section 151 Officer. It was reported that temporary arrangements had been put in place in line with Article 19.34 of the Constitution in order to maintain lawfulness in decision making and service delivery due to the recent departure of the previous interim Section 151 Officer and Deputy Section 151 Officer.

The Chief Fire Officer explained that the Service's recently appointed Head of Finance had been allocated the role of Interim Section 151 Officer and assured Members that the Officer possessed the formal qualifications necessary to fulfil this role in compliance with the Local Government Finance Act 1972.

In response to a query from a Member, the Chief Fire Officer explained that it was unclear whether the previous Section 151 Officer had appointed the Head of Finance as a Deputy Section 151 Officer, therefore for the avoidance of doubt, it was considered prudent to regularise the post and accordingly, as an interim measure, the Chief Fire Officer had utilised his emergency powers in this regard.

The Chief Fire Officer provided an overview of the proposed alternative arrangements in terms of engaging the services of a permanent Section 151 Officer as part of a Service Level Agreement in future, and it was envisaged that these proposals would be presented to the Appointments Committee for consideration in early 2018.

#### **RESOLUTION**

***It was RESOLVED that the interim arrangements put in place by the Chief Fire Officer and Article 19.34 of the Constitution be noted.***

**5. TO RECEIVE AND NOTE THE STANDARDS COMMITTEE ANNUAL REPORT 2016/17**

The Chair of the Standards Committee, Mr H Jones presented the Standards Committee Annual Report for 2016/17. Members were provided with a synopsis of the Standards Committee's composition, remit and the work undertaken during the reporting period in terms of overseeing, maintaining and strengthening high standards of conduct in public office. Mr H Jones stated that it was pleasing to note that during his term of office, no complaints had been made against Members in respect of their role as members of the Mid and West Wales Fire and Rescue Authority. Accordingly, whilst no matters had been referred to the Committee for investigation or decision, nevertheless the Committee had an important role in maintaining a culture of compliance within the letter and spirit of the Members' Code of Conduct.

Mr H Jones reported that the Standards Committee Members were also kept abreast of good practice arising throughout Wales in the important areas of standards and probity by means of attendance at the Wales Standards Committee Conference and also by evaluation of guidance and case reports provided by the Public Services Ombudsman for Wales.

Mr H Jones took the opportunity to pay tribute to the late Councillor Janice Dudley who had played a pivotal leadership role in the Authority during her tenure as Chair and who he felt was an exemplary public servant, unswervingly supportive of colleagues and friend who would be very dearly missed.

In response to a query from a Member, Mr H Jones confirmed that meetings of the Standards Committee were generally convened biannually, though any requests for dispensations received outside these timeframes would be accommodated where possible.

**RESOLUTION**

***It was RESOLVED that the Standards Committee Annual Report 2016/17 be noted.***

**6 TO RECEIVE AND APPROVE A REPORT ON THE REAPPOINTMENT OF AN INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE**

The Clerk/Monitoring Officer reported that Mr M Jehu was appointed as Independent Members of the Standards Committee in 2012 and had indicated that he wished to be considered for reappointment for a further consecutive and second term of office in accordance with the provisions laid out in the Standards Committees (Wales) (Amendment) Regulations 2006.

Members were asked to agree and ratify the reappointment, and were assured that Mr Jehu had taken a proactive approach to his role on the Standards Committee and continued to show leadership and integrity within the role.

In response to a query raised by a Member, the Clerk/Monitoring Officer explained that Mr Jehu's reappointment to the Standards Committee would preserve continuity of experience and avoid the cost and delay associated with a lengthy recruitment process. It was further explained that the Standards Committee Regulations (Wales) had been amended in 2006 given its view that the operation of the original Regulations which prevented an Independent Member service more than one term was unreasonably restrictive and had caused many Authorities practical difficulties in retaining and recruiting suitable members of Standards committees.

### **RESOLUTION**

***It was RESOLVED that Mr M Jehu be reappointed to the Standards Committee for a further consecutive term of office of up to 4 years.***

#### **7 TO RECEIVE AND APPROVE THE JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE INTERIM TREASURER ON THE BUDGET INDICATIONS FOR THE FINANCIAL YEAR 2018/19**

The Chief Fire Officer presented the report on the budget indications for the financial year 2018/19 which had been informed and directed by the Budget Corporate Planning days held in July and September 2017, whereby Members provided informal indication on the budget levels to be considered for the forthcoming year. Following those meetings, and in the context of the financial implications surrounding the 2018/19 settlement, the Fire Authority had supported a proposed 2.8% increase to the budget at its meeting on 18 September 2017. The Chief Fire Officer was pleased to report that a further review of the budget had resulted in a minor adjustment to the budget which equated to a 2.7% increase falling on the Constituent Authorities, and represented a 'standstill' service level based upon assumptions of known budget pressures, inflation increases and the provisional pay award under negotiation. The Chief Fire Officer explained that the budget would be further reviewed once further information in respect of the ongoing negotiations on the national pay award was available.

Members were provided with a breakdown of the Local Government Finance settlement for each Constituent Authority and it was noted that the Autumn Budget had been announced on 22 November 2017.

Members were provided with an overview of the substantial real cash efficiencies made in recent years from a combination of operational and corporate initiatives. An overview of the Service Review Team commissioned in October 2015, including its remit and progress to date, was also provided to Members. Progress relating to the Emergency Services Network contract, together with an analysis of the impact of the General Data Protection Regulations was also considered by Members.

The Chief Fire Officer reported that in the light of comments made by Members, the use of reserves to support an increase in insurance premiums would no longer be used. It was also hoped that the use of reserves would not be used in future to support the budget.

The Chief Fire Officer emphasised that any cuts to the Authority's budget for 2018/19 would adversely affect frontline services.

The Members' attention was drawn to Appendix A of the report which set out the Medium Term Financial Plan and Budget Requirement for 2018/19, together with Appendix B of the report which outlined the proposed Capital Programme 2018-2022.

It was reported that 5 of the 6 Constituent Authorities had postponed the Chief Fire Officer's annual presentation to their respective full Council meetings until the new year, which may have been an indication that Treasurers were not overly concerned regarding the Authority's budget proposal.

Councillor J Warman commended Officers on the construction of the budget proposal, together with the level of consultation and engagement with Members. Councillor J Warman further emphasised the challenging decisions having to be made by Members, though he was of the opinion that the Fire Authority's budgetary requirement was justified in terms of its provision of an emergency, life-saving service to the public, and that the preventative initiatives put in place also provided a vital role in reducing the demands upon the response element of the Service. Councillor J Warman also referred to the level of efficiencies already realised by the Service and emphasised the need to support the proposed budget to ensure an effective fire and rescue service which he felt demonstrated the best use of resources and value for money to the public in order that the safety of local communities was not compromised in any way.

Councillor A Woolcock outlined the difficulties of being 'twin-hatted', with the necessity to balance the requirements of the Authority and safety of the communities members served, against the need to operate in a difficult economic environment and within the parameters of the Constituent Authorities' settlements. However, whilst Councillor A Woolcock expressed his support for the Authority's 2018/19 Draft Budget, he indicated that in his view, any further increases would be unsustainable as the significant budget pressures facing Constituent Authorities would need to be alleviated.

A number of Members commended the proactive community safety work undertaken within the organisation, which was seen as a vital community service driving down the number of fire incidents. Members also acknowledged the significant efficiencies generated by the Service over the last 10 years and raised concerns that any further cuts would consequently adversely impact upon frontline services.

Councillor A Llewelyn sought assurances that formal arrangements were in place to ensure appropriate lines of communication between the Fire Authority, Welsh Government and each Constituent Authority which the member felt was vital in terms of effective financial planning. The Head of Finance provided an overview of the structure in place for the Regional Treasurers Meetings which included representatives from the Fire Authority, Police, WLGA and Constituent Authorities. The Temporary Director of Resources noted that there had been a hiatus in the Authority's attendance at these meetings due to the significant ongoing work in relation to the Statement of Accounts, though Members were assured that attendance would be resumed at future meetings. In response to a query, the Temporary Director of Resources agreed that Members would be provided with an explanation of the arrangements in place within

the Authority to ensure appropriate communication and consultation with Constituent Authorities.

Members then voted on all 6 Recommendations. By a show of hands all Members present voted in favour of all 6 Recommendations.

## **RESOLUTION**

***It was RESOLVED that the Fire Authority: -***

- I. Agree the assumptions for inflation, estimated pay awards and other commitments set out in the report at Appendix A.***
- II. Agree the Capital Programme for the period to 2021/22 set out at Appendix B.***
- III. Agree that the above would result in an increase of 2.7% on the Constituent Authorities.***
- IV. Agree that the additional insurance costs continue to be paid for by supporting the budget by £150k from reserves.***
- V. Agree that there is no further funding of the revenue budget from reserves.***
- VI. Agree that the resulting budget would be a minimum of £46,808,670 with £46,658,670 falling on the Constituent Authorities (an increase of £1,222,830 or 2.7%) and £150,000 falling on reserves, as set out in Appendix A.***

## **8 TO RECEIVE AND APPROVE THE DRAFT ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2018/19**

*Councillor J Curtice declared a prejudicial interest and departed the meeting at this point.*

The Clerk / Monitoring Officer presented a report to Members which summarised the findings contained within the draft annual report of the Independent Remuneration Panel for Wales 2018/19, regarding Members' allowances and remuneration.

It was reported to Members that the IRPW had determined that there was to be an increase of £30.00 on the basic salary for Members of Fire and Rescue Authorities, which would equate to £1,745 per basic salary, made payable from the date of the Authority's Annual General Meeting.

Members were also reminded that the Fire Authority had formerly resolved to not adopt senior salaries for Committee Chairs or the Deputy Chair of the Fire Authority. However, the Clerk / Monitoring Officer explained to Members that the Democratic Services Forum had considered the draft IRPW report for 2018/19 at its meeting on 16 October 2017 and had referred the issue of payment of additional senior salaries to the Resource Management Committee on 13 November 2017 for further consideration.

The Resource Management Committee had accordingly resolved to put forth a recommendation to the Fire Authority that a senior salary be reinstated for the Deputy Chair but that no senior salaries be paid to the Chairs of Committees. It was reported should the Authority resolve to adopt a senior salary for the Deputy Chair, this would incur an additional cost of £3,700 for 2018/19. Members of the Committee were invited to consider matter and make a recommendation to the Fire Authority.

Members considered and debated the implications of reinstating a senior salary to the Deputy Chair. A number of Members expressed the view that a senior salary for the Deputy Chair of the Authority should be reinstated to reflect the additional workload and responsibilities allocated to that role, which had also been extended to a two-year term of office.

Some Members noted their disappointment that the IRPW's salary determinations were not reflective of the role of Members and was not conducive in encouraging young people to participate in local government.

## **RESOLUTION**

*It was RESOLVED that*

- i The IRPW's draft determinations in relation to members' allowances and remuneration, for implementation in the 2018/19 municipal year be noted.*
- ii A senior salary be adopted for the Deputy Chair of the Authority made payable from the date of the Authority's Annual General Meeting 2018.*

*Councillor J Curtice re-joined the meeting.*

*Cllr C Evans departed the meeting at this point.*

## **9 TO RECEIVE AND NOTE A REPORT ON THE CERTIFICATE OF COMPLIANCE FOR THE AUDIT OF MID AND WEST WALES FIRE AND RESCUE AUTHORITY'S 2016/17 ANNUAL PERFORMANCE ASSESSMENT**

The Head of Corporate Communications and Business Development presented a report on the Certificate of Compliance issued by the Auditor General for Wales setting out for the Authority his assessment of its performance for 2016/17.

Members gave consideration to the contents of the Certificate which was set out at Appendix 1 of the report, and which confirmed Auditor General's view that the Authority had discharged its duties in accordance with section 17 of the Local Government (Wales) Measure 2009 in terms of making arrangements to secure continuous improvement in the exercise of its functions, meeting its improvement objective and meeting performance standards.

## **RESOLUTION**

***It was RESOLVED that the Audit of Mid and West Wales Fire and Rescue Authority's assessment of 2016-17 performance as outlined in the Certificate of Compliance be noted.***

**10 TO RECEIVE AND APPROVE A REPORT ON THE AUDIT OF STATEMENT OF ACCOUNTS 2015/16 AND 2016/17**

The Head of Finance presented the report on the audit of Statement of Accounts 2015/16 and 2016/17 to Members.

It was reported that the Audit on the 2015/16 Statement of Accounts commenced during the summer of 2016 and was paused due to issues regarding the recovery of VAT and material errors relating to historical matters identified during the initial audit work in the valuation of assets. The issue relating to assets and a number of other errors which had subsequently been identified were corrected by May 2017. Members were informed that following this the Wales Audit Office had recommenced their audit in September 2017 and had identified a number of other material errors. It was reported that following discussions, the Wales Audit Office agreed to a further set of accounts to be submitted for Audit in January 2018, as requested by Fire Service Officers. Attention was drawn to a letter issued by the Wales Audit Office set out at Appendix A of the report which provided three recommendations for the Authority pertaining to the Statement of Accounts. Members were informed that the Executive Leadership Team had accepted the recommendations and the review which was being undertaken by the Wales Audit Office on the quality of the previous years' audits and historical issues identified during the current audit.

Members gave consideration to the Action Plan put in place by the Executive Leadership Team to address the recommendations made by the Wales Audit Office, and to strengthen the Authority's finance section and support the preparation of the Statement of Accounts.

Mr M Jones of the Wales Audit Office reported that the Authority was required to consider the recommendations set out and was pleased to note that a number of the actions identified had already been acted upon.

In response to a query from a Member, Mr M Jones clarified that the Wales Audit Office hoped to conclude its audit during January 2018 and report back to the Fire Authority in February or March 2018.

Reference was made to the financial implications set out at section 5 of the report whereby Mr M Jones confirmed to Members that the fees were correct as at Friday 3 November 2017. The Temporary Director of Resources further clarified that whilst the amount stated was correct, the fees payable by the Authority was subject to further discussions following closure of the accounts.

**RESOLUTION:**

***It was RESOLVED that the contents of the Wales Audit Office letter be accepted and that Members support the Fire Service Officers' response in addressing the recommendations.***

**11 TO RECEIVE AND APPROVE A REPORT ON THE FIREFIGHTERS' PENSION SCHEMES – FIRE AUTHORITY DISCRETIONS**

The Temporary Director of Resources presented a report on the Firefighters' Pension Schemes Discretions. It was reported that the Authority was required to confirm how it would apply certain employer discretions in relation to the Firefighters' Pension Schemes 1992 and 2015 and other pension related regulations by way of a discretions policy statement.

Attention was drawn to Appendix 1 of the report which related to the Firefighters Pension Scheme 2015 and provided a proposed amendment to the Discretions Policy statement following the Local Pension Board's recommendation to change the delegation of scheme manager responsibilities in order to avoid a potential conflict of interest and to ensure Scheme Manager representation at Local Pension Board meetings.

Members also considered the discretions set out at Appendix 2 of the report which related to the Firefighters Pension Scheme 1992. It was reported that in the case of discretions not currently formally adopted, consultation was ongoing with the appropriate representative bodies on the proposed implementation date and retrospective application of the policy.

**RESOLUTION**

***It was RESOLVED that***

- i. Scheme Manager responsibilities for Firefighters' Pension Scheme (FPS) governance and administration be assigned to the post of Director of Resources with immediate effect.***
- ii. The discretion to permit the maximum lump sum payment in the 1992 Scheme be adopted with immediate effect, but individual proposals be considered on a case by case basis depending on the needs of the Service and agreed by the Chief Fire Officer.***
- iii. Allowances or supplements in the FPS 1992 be considered on a case by case basis and where these are deemed pensionable by the Fire Authority, they will attract an Additional Pension Benefit (APB).***
- iv. Continual professional development payments made to FPS 1992 scheme members continue to be pensionable under additional pension benefit arrangements.***
- v. The difference between a Firefighters' basic pay in their day role and any pay received whilst on temporary promotion or when temporarily required***

*to undertake the duties of a higher role be treated as pensionable pay under Additional Pension Benefit arrangements in the FPS 1992*

**12 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLUTION**

*It was RESOLVED that pursuant to section 100A (4) of the Local Government Act 1972, that the press and public be excluded from the meeting for the reason, that if they were present, it is likely that there would be disclosure to them of exempt information within the description of Schedule 12A to the Local Government Act 1972, namely:*

*Paragraph 12: Information relating to a particular individual;*

*Paragraph 14: information relating to the financial or business affairs of any particular person (including the Authority holding that information);*

*All Senior Fire Service Officers affected by Item 14 left the meeting at this point.*

**13 TO CONFIRM AND SIGN AS A TRUE RECORD THE MINUTES OF THE FIRE AUTHORITY MEETING HELD ON 18 SEPTEMBER 2017**

The minutes of the Fire Authority meeting held on 18 September 2017 were approved as a true record of proceedings.

Matters Arising

P10, Item 15 – Cllr A Llewelyn requested an update report on the Joint Public Service Centre at a future meeting.

**14 TO RECEIVE AND APPROVE A REPORT ON THE CHIEF OFFICERS' ANNUAL PAY REVIEW 2017**

The Clerk/Monitoring Officer presented a report on the Chief Officers' Annual Pay Review 2017.

Members were provided with an overview of the two-track approach to determining Chief Officer pay and the Clerk/Monitoring Officer emphasised the need for Members to take account of the prevailing economic and political climate when considering matters relating to Principal Officer remuneration whilst also taking cognisance of the need to ensure a high calibre senior management team to lead the organisation forward.

Consideration was given to the written submission made on behalf of the officers, including a proposal that the Triannual pay review be deferred until the end of 2018.

Members discussed the written submission, and evaluated its terms in the light of the needs of the Fire Authority, and the current economic and recruitment environment.

## **RESOLUTION**

*It was RESOLVED that*

- i. The pay award be agreed and backdated to 1 April 2017.*
- ii. The Triennial Pay Review of Senior Officers pay be deferred until the end of 2018.*

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**ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100(B)(4) OF THE LOCAL GOVERNMENT ACT 1972**

There were no items of urgent business.

Meeting closed 12.05.