



Tuesday, 26 September 2023

**(1) MEMBERS OF THE AVON FIRE AUTHORITY**

Councillors B Massey, B Nutland, L Brennan, R Eddy, P Goggin, R Hardie, P Hulme, P May, Y Mohamud, R Payne, M Riddle, O Saini, M Shelford, S Smith, J Stansfield, D Thomas, R Tucker, A Varney, K Walker, D Wilcox and M Williams  
Independent Person: J Mason

**(2) APPROPRIATE OFFICERS**

**(3) PRESS AND PUBLIC**

Dear Member

You are invited to attend a meeting of the **Avon Fire Authority** to be held on **Wednesday, 4 October 2023** commencing at **14:00 hrs.**

The meeting will be held at **Main Conference Room (above Reception), Admin Building, Police and Fire Headquarters, Valley Road, Portishead, BS20 8JJ.** Parking is available on site.

In order to ensure COVID-19 guidance is adhered to risk assessments have been undertaken for live meetings to identify and put in place, the measures required ensuring that meetings take place safely. Further information is available on our website [Avon Fire Authority](http://www.avonfire.gov.uk).

Please note that this meeting will be video recorded and published on our YouTube channel (see the Notes on the next page).

Yours sincerely

**Amanda Brown**  
Clerk to the Fire Authority

**PROVIDING AVON FIRE & RESCUE SERVICE**



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## **Notes**

**Attendance Register** – Attendance will be recorded by the Democratic Services Assistant and recorded within the Minutes of the Meeting.

**Code of Conduct – Declaration of Interests:** any Member in attendance who has a personal interest in any matter to be considered at this meeting must disclose the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. A Member having a prejudicial interest must withdraw from the meeting room or meeting whilst the matter is considered.

**Contact:** for any queries about the Meeting please contact Democratic Services on 0117 926 2061 ext. 231; or by e mail at [the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk); or in person at Police and Fire HQ, Valley Road, Portishead, Bristol, BS20 8JJ (by appointment during normal office hours only).

**Emergency Evacuation Procedures:** these will be advised at the start of the Meeting if appropriate.

**Exempt Items:** Members are reminded that any Exempt Reports as circulated with this Agenda contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Clerk at the conclusion of the Meeting for disposal.

**Inspection of Papers:** any person wishing to inspect Minutes, Reports, or a list of the background papers relating to any item on this Agenda should contact Democratic Services as above.

**Public Access:** under Standing Order 21 and providing 2 clear working days' notice has been given to the Clerk ([the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk)) any resident or representative of a business or voluntary organisation operating in Bristol, South Gloucestershire, Bath and North East Somerset or North Somerset Council may address the Fire Authority or one of its Committees (for no more than 5 minutes) by submitting a written petition or statement. If preferred, the Chair or Clerk can read out a written statement on the individual's behalf. There is a time limit of 30 minutes for all Public Access statements.

**Reports:** reports are identified by the relevant agenda item number.

**Substitutes (for Committees only):** notification of substitutes should have been received from Group Leaders by the Clerk prior to the meeting.

**A G E N D A - Avon Fire Authority**  
**Wednesday, 4 October 2023 14:00**

**Pages**

- 1. Apologies for Absence**
- 2. Emergency Evacuation Procedures**
- 3. Declaration of Interests**
- 4. Public Access**
- 5. Chair's Business**
- 6. Minutes of the Avon Fire Authority**
  - 6.1 Minutes of the Ordinary Meeting of Avon Fire Authority held on 21 June 2023 5 - 14
- 7. Minutes of Committee Meetings**
  - 7.1 Ordinary Meeting of the Local Pension Board held on 15 February 2023 15 - 22
  - 7.2 Ordinary Minutes of the People & Culture Meeting held on 3 March 2023 23 - 34
  - 7.3 Ordinary Minutes of the Audit, Governance and Ethics Meeting held on 22 March 2023 35 - 44
  - 7.4 Ordinary Minutes of the Performance, Review and Scrutiny Meeting held on 20 April 2023 45 - 52
- 8. Budget Shortfall Options** 53 - 60
- 9. Adoption of LGA Cllr Model Code of Conduct** 61 - 102
- 10. Extension of Independent Person Appointment** 103 - 106
- 11. Date of next Meeting - 16 February 2024 at 10.30hrs**
- 12. Exclusion of the Press and Public**

To resolve that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public

interest in maintaining the exemption outweighs the public interest in disclosing the information.

- |      |   |           |
|------|---|-----------|
| 13.1 | Confidential Minutes of the Ordinary People and Culture Meeting held on 3 March 2023            | 107 - 108 |
| 13.2 | Confidential Minutes of the Ordinary Audit, Governance & Ethics Committee held on 22 March 2023 | 109 - 112 |



## AVON FIRE AUTHORITY AND AGM MINUTES

21 JUNE 2023

**Present:** Councillors L Brennan, R Eddy, P Goggin, P Hulme, B Massey, Y Mohamud, B Nutland, R Payne, O Saini, S Smith, J Stansfield, D Thomas, R Tucker, A Varney, K Walker, D Wilcox and M Williams and J Mason, Independent Person.

The meeting began at 14.00hrs.

### 1. RE-ELECTION OF CHAIR FOR THE MUNICIPAL YEAR

It was proposed by Cllr Nutland and seconded by Cllr Tucker that Cllr Massey be re-elected Chair of Avon Fire Authority for the 2023-2024 Municipal Year. There was a vote and it was:

**RESOLVED – that Cllr Massey be re-elected Chair of Avon Fire Authority for the 2023-2024 Municipal Year.**

### 2. ELECTION OF VICE CHAIR FOR THE MUNICIPAL YEAR

It was proposed by Cllr Massey and seconded by Cllr Varney that Cllr Nutland be elected Vice Chair of Avon Fire Authority for the 2023-2024 Municipal Year. There was a vote and it was:

**RESOLVED – that Cllr Nutland be elected Vice Chair of Avon Fire Authority for the 2023-2024 Municipal year.**

### 3. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Hardie, May and Riddle and Mark Shelford, Police and Crime Commissioner.

### 4. EMERGENCY EVACUATION PROCEDURE

Members were advised by the Chief Fire Officer (CFO) that in the event of an emergency, to exit the engine bay at the rear of the building and congregate in the car park.

Members were reminded that the meeting was being held in Avonmouth Fire Station, a working fire station and the crews could be called out at any time. The meeting would be paused in the event of a call out.

## **5. DECLARATION OF INTERESTS**

A declaration was received for Paper 16 from the Chief Fire Officer (as the paper related to his remuneration) and the Service Leadership Board (SLB) and Statutory Officers, as they are paid a percentage of the Chief Fire Officer's remuneration. The Clerk explained that despite her declaration of an interest in the paper, she was needed to present the paper to Members.

## **6. PUBLIC ACCESS**

None received.

## **7. CHAIR'S BUSINESS**

The Chair welcomed everyone to the meeting and drew attention to the following:

1. The Chair confirmed that the meeting was taking place at Avonmouth Fire Station. The meeting was being recorded for the public to view.
2. The Chair extended a warm welcome to the New Members who had joined the Authority over the past few weeks – Cllrs Dan Thomas, Martin Williams, Karen Walker, Onkar Saini, Paul May, Philippa Hulme, Liz Brennan, Matthew Riddle, Ron Hardie and Jayne Stansfield. The Chair also thanked Cllrs Kumar, Ali, Monk, and Hopkinson for their work on the Fire Authority and wished them good luck for the future. Thank you letters had been sent.
3. The Chair thanked Station Manager Lee Rogers and the crews at Avonmouth Station for their help in arranging the earlier demonstrations today and for accommodating this meeting.
4. A reminder was given to please complete and return Member Form 2 (register of interests) to the Democratic Service Assistant (DSA) as soon as possible.
5. Members and Officers introduced themselves.
6. The voting arrangements for the meeting were as follows:
  - The Chair to ask for any votes against.
  - The Chair to ask for any abstentions.
  - The Chair to ask for a show of hands for Members voting "for".

Cllr Goggin and James Mason joined the meeting at 14.10hrs

## **8. MINUTES OF THE ORDINARY MEETING OF AVON FIRE AUTHORITY HELD ON 29 MARCH 2023**

The minutes were moved by Cllr Massey and seconded by Cllr Eddy.

**It was RESOLVED that the minutes of the ordinary meeting of the Avon Fire Authority held on 29 March 2023 be signed by the Chair as an accurate record of the meeting.**

## **MINUTES OF THE EXTRAORDINARY MEETING OF AVON FIRE AUTHORITY HELD ON 25 APRIL 2023**

The minutes were moved by Cllr Massey and seconded by Cllr Eddy.

**It was RESOLVED that the minutes of the extraordinary meeting of the Avon Fire Authority held on 25 April 2023 be signed by the Chair as an accurate record of the meeting.**

The meeting was adjourned temporarily due to a video recording issue.

### **9. MINUTES OF COMMITTEE MEETINGS**

9.1 Minutes of the Ordinary Meeting of the Audit, Governance & Ethics Committee held on 22 November 2022.

9.2 Minutes of the Ordinary Meeting of the People & Culture Committee held on 9 December 2022.

9.3 Minutes of the Ordinary Meeting of the Performance, Review & Scrutiny Committee held on 18 January 2023.

19.1 Confidential minutes of the Audit, Governance and Ethics Committee Meeting held on 22 November 2022.

The Committee minutes already approved by the Committees, were noted by the Fire Authority, moved by Cllr Massey and seconded by Cllr Eddy.

### **10. MEMBER APPOINTMENTS FOR THE MUNICIPAL YEAR 2023/24**

The Clerk introduced the report which sought approval from Members to make appointments for the Municipal Year beginning in June 2023.

Appointments made by the Fire Authority generally lasted for a Municipal Year which ran from one Annual Meeting until the next. There were a range of appointments that the Fire Authority were required to appoint at the meeting.

The Clerk drew Members' attention to the table of 20 Elected Members on p53 of the pack along with the Committee structure on p50. The structure had been agreed by the political groups and new Members had moved into the vacant slots. Vice chairs would be appointed at the first Audit, Governance & Oversight and Policy & Resources Committee meetings.

The recommendations were moved by Cllr Eddy and seconded by Cllr Mohamud.

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

- a) Allocated Members to the Fire Authority Committees (with the Committees to appoint their Committee Vice Chairs at the first Committee meetings of the Municipal Year).**
- a) Appointed Cllr Brenda Massey as its representative on the Local Government Association.**
- b) Appointed Cllr David Wilcox as its representative on South West Councils.**
- c) Appointed Cllr David Wilcox as its representative on South West Councils' Employers' Panel.**
- d) Appointed Cllrs Steve Smith and Andrew Varney as its Employer Representatives for the Local Pension Board.**

## **11. 2022/23 REVENUE FINAL OUTTURN**

The Statutory Finance Officer presented the report to Members which provided an updated Revenue Monitoring report for the current financial year, based upon spending at the end of March 2023.

This final outturn position spending against the net revenue budget was £-417k underspent. This compared to the previously reported small overspend position which was based upon spending to the end of February 2023, as reported to the Performance, Review and Scrutiny Committee (PRSC) in April 2023.

The underspend represented a positive position for the Fire Authority given the additional pay and inflationary pressures placed upon the budget. These pressures had been mitigated by underspends elsewhere in the budget had avoided the need to utilise Reserve balances.

It was highlighted that there had been a delay in the IAS 19 pension figures for the LGPS for the 2021/22 statement of accounts which had a knock-on effect to the 2022/23 accounts. The draft 2022/23 accounts would be presented to the Audit, Governance and Oversight Committee on 27 June 2023.

A Member congratulated the Finance team for producing a satisfactory financial situation.

The Chair wished to thank the whole Finance team for their work over the past 12 months.

A Member enquired how a reduction in cleaning and refuse had been achieved as shown on p61. The Head of Finance confirmed that the reduction had been achieved by returning to pre COVID-19 cleaning levels as well as other changes made.

The Vice-Chair also passed on his congratulation and welcomed the Statutory Finance Officer to the Service and to her first Fire Authority meeting.



**It was RESOLVED that Avon Fire Authority:**

- a) Noted the final Income and Expenditure position against the 2022/23 Revenue Budget.**

## **12. FIRE AUTHORITY MEETING DATES AND 2023/24 FORWARD PLAN**

The Clerk presented the report to the Avon Fire Authority (AFA) and asked Members to approve the proposed schedule of meetings for the Municipal Year 2023/24. In addition, the Clerk presented a revised Forward Plan of Key Decisions, which set out the anticipated major decisions which would need to be taken by Members at the next scheduled meetings.

Members were reminded that at the AFA meeting on 25 April 2023, the recommendations of the Independent Governance review were to reduce the number of committees to two.

It was clarified that AFA meetings would begin at 14.00hrs and committee meetings at 10.30hrs. It was also confirmed that meetings would take place at the Police & Fire Headquarters in Portishead, Severn Park training facility and in fire stations. Where possible, meetings would also be held around the four Unitary Authorities. If Members had an idea for a venue, they were asked to pass those details to the DSA.

The Clerk advised that the AFA agenda for the 4 October meeting would include the report from the recent HMICFRS visit, if available. In response to a Member's question, the CFO confirmed that the HMICFRS report would also be scheduled on the agenda of an upcoming Policy and Resources Committee (PRC).

At 14.30, the meeting was paused due to video recording issues.

Following an enquiry from a Member, the Clerk confirmed that the meeting scheduled on 13 December would now not be required.

The recommendations were moved by Cllr Williams and seconded by Cllr Walker.

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

- a) Approved the proposed schedule of meetings for the Municipal Year 2023/24.**
- b) Noted the revised Forward Plan 2023/24.**

## **13. 2022/23 CAPITAL FINAL OUTTURN**

The Statutory Finance Officer presented the report to Members which provided an updated capital monitoring report for the current financial year, based upon spending at the end of March 2023.

The Fire Authority reviewed the final year end Capital position to ensure the correct figures were provided within the Annual Accounts. The actual position was slightly lower than the previous forecast provided to the PRSC in April as

there was a slight delay to some of the Premises works, however, these had now commenced.

The Capital Programme approved for 2022/23, included adjustments for the final 2021/22 carry over of £7.741m. The Capital Finance Report and the updated values were shown as Appendix 1.

Members were advised that there was a £-3.6m underspend, most projects would be moved into the coming year. The underspend was in premises and fleet, including the delay in starting work at Bedminster.

Members' attention was drawn to Appendix 1 on p73, which outlined that the majority of funding came from Capital Reserves.

A Member commented that the Finance team had been proactive, ensuring the appropriate capital return for the changing times and contents of projects taking place. It was asked the amount approved for the previous year and whether there was an element of contingency or were we aiming to spend the whole reserve. The Head of Finance advised £6.3m for the 2023/24 programme was approved for specific projects. There was some contingency built into projects, which would require a significant business case to access that Capital funding.

A Member mentioned that the Bath and Weston projects were paused and had slipped into the current financial year. However, as they won't be delivered within 2023/24, should they be included? The Head of Finance advised that there may be some exploratory work being carried out for Bath and Weston which would result in a small amount of spend.

A Member asked for a summary of the current position of the Weston project. The CFO reminded Members that although the Service had searched for alternative sites, it was found that it was not financially viable to move. Therefore, we were looking to either rebuild or refurbish the current site. However, it was felt that this was not the correct time to look at capital borrowing due to the high cost of materials and high interest rates. The CFO reassured Members that the Service was still exploring the best option for Weston and Bath Fire Stations.

**It was resolved that the Fire Authority:**

**a) Noted the outturn spending position against the 2022/23 Capital Programme.**

#### **14. MEMBER INFORMATION 2022/23**

The Clerk presented the report which provided information on Members' allowances and expenses paid in the Municipal Year 2022/23.

The Clerk pointed out the table of expenses claimed also included the names of former Cllrs who had received payments during the 2021/2022 Municipal Year.

It was noted that previously details of Members' attendance had been provided in previous years, but this information was now available to view on Modern.gov.

The recommendations were moved by Cllr Wilcox and seconded by Cllr Smith.

**It was RESOLVED that the Fire Authority:  
Noted the report and authorised publication of the figures at Appendix 1 on  
the Avon Fire Authority website.**

## **15. 2023-2027 RESERVES STRATEGY**

Members received a report from the Statutory Finance Officer which provided the Fire Authority with the updated Reserves strategy for the period 2023-2027. This updated strategy was based on the previously approved 2022-2026 Reserves strategy and reflected the movements in reserves which had taken place to the end of May 2023.

The financial impact of this Reserves strategy had been included within the approved 2023/24 Annual Budget and the 2023-2027 Medium Term Financial Plan (MTFP) and had been reviewed by the SLB, working with the Statutory Finance Officer.

It was pointed out that the Reserves position was needed to support the Capital Strategy and Mid Term Financial Plan. In Appendix 2, the £417k revenue underspend had been added into reserves to cover future challenges expected over the next 2/3 years.

Funds had also been put into reserves to cover costs such as the historic review of employment cases, increases in legal fees and £100k had been put aside to deal with any recommendations from the HMICFRS spotlight report.

It was noted that following the capital spend during 22/23 the reserve created as a result of the sale of the former Headquarters was now diminished. £9.4m remains held in general capital reserves as a result of previous prudent financial planning and transfers from the revenue budget in prior years. This will be able to fund the delivery of the capital programme over the majority of the coming two financial years. Whilst this was positive, Members were asked to note that the AFA would be required to consider capital funding options towards the end of 2024 to be able to continue to deliver the planned capital programme. This was likely to involve external borrowing and therefore consideration needed to be made to the costs of servicing that debt and associated impact on the revenue budget in future years.

The AFA continued to hold a General Reserve of £1.5m, which formed part of the Reserve Strategy for unexpected events and cashflow situations, but this would need to be topped up if used.

A Member asked regarding the ESMCP reserve of £611k from the Government, as Appendix 2 showed that the Service did not expect to have used these funds within the next 4 years. The CFO advised that this Government project had been paused whilst reviews were undertaken. This was a national project and there was no current information available as to when the project would begin again.

At 14.55, the meeting was paused due to video recording issues. A Member enquired about the IT reserves. The Head of Finance advised that this was linked to a number of projects including IT, communications and control and the digital structure. The CFO advised that the communications equipment was coming to the end of life and would require replacement.

The recommendations were moved by Cllr Eddy and seconded by Cllr Williams.

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

**a) Approved the 2023-2027 Reserves strategy, attached within Appendix 1.**

**b) Agreed for the approved 2023-2027 Reserves strategy to be published on the website.**

## **16. ANNUAL REVIEW OF REMUNERATION OF CFO/CE**

The Clerk presented the report to Members which outlined the National Joint Council's pay award for Brigade Managers for 2022 and 2023, which was belatedly announced on 31 May 2023.

The CFO/CEO is engaged subject to the 'National Joint Council for Brigade Managers of Fire and Rescue Services, Constitution and Scheme of Conditions of Service (5th Edition)', otherwise known as the 'Gold Book'.

The Clerk advised that this report would usually be presented alongside the Pay Policy Statement at the end of the financial year. At the AFA meeting on 29 March, Members were advised that the report had been delayed as the pay award for the CFO under the Gold Book scheme had not yet been announced for both January 2022 and January 2023.

The Clerk provided some background information advising that staff were under different terms and conditions. The Gold Book pay awards had been delayed for two years. On an annual basis, the NJC published their pay award and any other decisions about local pay awards are to be taken locally. The CFO was not recommending the consideration of a local pay award at this time.

However, as the formula for calculating salaries for members of the Service Leadership Board as a percentage of the CFO's salary had not been reviewed since 2017 (following the removal of the Deputy CFO role), the CFO recommended the commissioning of a thorough independent review of senior officers pay instead.

A Member asked what was the likely timescale to instigate the review. The Clerk advised that a paper would be taken to the PRC on 27 July, along with recommendations for organisations that might be able to help with that independent review.

The recommendations were moved by Cllr Goggin and seconded by Cllr Smith.

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

- a) Noted the National Joint Council (NJC) pay award for Brigade Managers for 2022 and 2023, which was announced on 31 May 2023.**
- b) Noted that the Chief Fire Officer/Chief Executive (CFO/CE) did not seek at this stage to engage the two-track approach, which allows for a local pay award.**
- c) Referred senior officers pay (Chief Fire Officer/Chief Executive, Assistant Chief Fire Officers, Director of Corporate Services and Statutory Officers) to the Policy and Resources Committee for an independent review to ensure that senior officer salaries were aligned to national averages for the relevant population band and ensure that salary percentages reflected the responsibilities of senior officers.**

**17. DATE OF NEXT MEETING**

**It was RESOLVED that Avon Fire Authority noted the date of the next meeting 4 October 2023 at 14.00hrs.**

The Chair thanked the crews at Avonmouth Fire Station for the demonstrations which had been interesting especially for new Members. She was pleased to welcome new Members and looked forward to working together.

The meeting closed at 15.15 hrs.

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Chair

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## **LOCAL PENSION BOARD (LPB)**

**15 FEBRUARY 2023 at 10.30 am**

### **Scheme Employer Representatives (Avon Fire Authority):**

Cllr Steve Smith (SS) & Cllr. Andrew Varney (AV)

### **Scheme Members Representatives:**

Steven McGreavy (SM) & Mark Jacobson (MJ)

### **Avon Fire Service:**

Angela Feeney, AF (Director of Corporate Services)

Robin Glaze, RG (Pensions Advisor)

### **Independent Chair:**

Andy Cunningham (AC)

### **Avon Pension Fund (Bath and Northeast Somerset Council):**

Geoff Cleak, GC (Pensions Manager) & Anna Capp, ACa (Member Services Manager)

The Chair welcomed everyone to the meeting. Attendees introduced themselves for the benefit of members of the public watching.

#### **1. APOLOGIES FOR ABSENCE**

None received.

#### **2. EMERGENCY EVACUATION PROCEDURES**

The Director of Corporate Services (DoCS) confirmed the emergency evacuation procedure for the building.

#### **3. PUBLIC ACCESS**

None received.

#### **4. CHAIR'S BUSINESS**

1. The Chair confirmed that this Board meeting is taking place as a face-to-face meeting. The meeting would be recorded for the public to view on the Fire Authority You Tube channel for reference.

2. The Chair reminded Members that the purpose of the LPB is to support AFA in achieving compliance and to deliver efficient and effective administration. The LPB is not a decision-making body. Decision making is the role of Avon Fire Authority (or their authorised officer delegates) as the Scheme Manager.

3. The Chair advised that any voting required will take place as follows:  
any votes against; any abstentions; show of hands for all Members voting 'for'.

## 5. CONFLICT ON INTEREST DECLARATION

The Chair declared a possible interest in the Procurement agenda item 9 due to his recent appointment as the Chair of the Local Pension Board for London Pension Fund Authority (LPFA) which is the parent company of Local Pensions Partnership Administration (LPPA). The LPPA provides administration services on behalf of multiple fire authorities and hence, may bid.

## 6. MINUTES OF THE LOCAL PENSION BOARD MEETING HELD ON 20 JULY 2022

The Chair invited comments from LPB members.

The Chair noted two outstanding action points from the minutes which will be addressed under agenda item 8.

The Chair requested that in future, the Action Log is included in the published pack, alongside the minutes. AF outlined that at the meeting in July 2022, the practice agreed was that the Action Log is circulated to the Chair and to those who have actions to complete. AF suggested that moving forward, four weeks before a meeting of the LPB, the Action Log would be reviewed and followed up to ensure actions had been completed. Action logs for committees are not published, but actions are recorded in publicly available minutes.

SS proposed and SM seconded that the Minutes be approved as an accurate record of the meeting.

**RESOLVED – that the Minutes of 20 July 2022 be approved as an accurate record of the meeting.**

## 7. LEGISLATIVE UPDATE

The purpose of this report is to update the LPB on the latest position concerning the Firefighters Pension Scheme and any proposed regulatory matters that could affect scheme administration. The Board was asked to note the report.

From his report, GC highlighted the following:

- It is expected that the timings of the release of the guidance for McCloud Remedy previously published could be delayed, which would therefore have administrative implications. It was noted that the regulations come into effect on 1<sup>st</sup> October 2023. However, it was noted that this was anecdotal and not yet officially confirmed.
- There is further consultation, expected in the summer, but the consultation has not yet been issued.
- The software provider has implemented the architectural changes with the current systems and is now in the testing phase, awaiting the regulations, to ensure that the changes are functional.
- Judicial changes on tax law have now been received which affects how the pension tax rules will apply to pension scheme administrators, effective 6<sup>th</sup> April 2023.



- Pension Dashboard becomes effective October 2024. It was noted that APF will no longer be supporting AFA at that time but will ensure that the data passed to the new provider is of excellent quality, prior to handover. APF is currently awaiting a report from its software provider to gain an in depth understanding of the data for firefighters' members.

GC confirmed that there have been no further announcements to the release of the regulations and guidance. It was noted that numbers impacted by McCloud are known and data collection has been completed and reconciled with information received from the payroll provider, in preparation for the release. The Local Government Association and Scheme Advisory Board are regularly in contact with central Government and have expressed a growing urgency to the release progress.

There is a potential risk that handover to the new Scheme Administrator could impact the administration of Remedy, but AF confirmed that a six-month period has been built into the procurement timetable to minimise risks to AFA of remedy, not only in relation to ID, with the option of extending by a further two months if needed to manage the risk.

## **RESOLVED**

**That the current position regarding the developments that could affect the administration of the Fund be noted.**

### **8. SCHEME ADMINISTRATOR REPORT**

The LPB received a report for noting from the Pensions Manager with the purpose of informing members on the performance of the Fund Administration for the period 01 June 2022 to 31 December 2022.

ACa highlighted the following:

- In October 2022, staff moved into offices in Keynsham and blended working arrangements are in place.
- The Fund met statutory deadlines for both the issuing of Annual Benefit Statements and Pension Savings Statements.
- APF Performance:  
Transfers – Two cases were highlighted in the meeting pack as not being completed within target. One due to the delay in information being received from Blue Light and the other because of internal workloads. However, APF explained in the meeting that, after further investigation, APF hadn't stopped the 'clock' on the estimate completion whilst waiting for information from Blue Light and therefore that case should not have counted as a failure for the purpose of this KPI. ACa confirmed that internal workload still delayed the second estimate, which failed to be completed within target, by five days.

Estimates – Four were not completed in target due to the completion of the year-end process and the migration of all members to the FPS 2015 scheme which was completed on 29 June 2023.

GC confirmed that 98.4% of deferred members addresses were confirmed as being up to date as part of the scrutinising process of common data. B&NES is in the process of implementing an interactive dashboard (Heywood Insights) and

once tested will ease the reporting of common and conditional data. AC requested a high-level breakdown of both the common and conditional/scheme specific data to identify any concerns. GC advised that their SQL Server Reporting Service itemises the type of data and the data will be presented at the next Board meeting.

GC informed Members that a series of internal audits have been commissioned as part of an overall assessment for B&NES. The independent cyber security audit was undertaken in November as part of a rolling audit programme. The opinion is that B&NES has a substantial level of compliance. GC confirmed that scheme members' data is contained within the B&NES server and not held by a third party. The cyber security audit is far reaching (not just pensions) and is ongoing. Once complete, LPB members requested the assurance rating, any actions that may be required and for assurance that B&NES has effective controls in place.

## **RESOLVED**

**That the Fund performance for the seven months to 31 December 2022 be noted.**

### **9. SCRUTINY REVIEW AND TRAINING REPORT**

The Scrutiny and Review report is a standing agenda item for consideration and noting.

AF summarised from her report:

- Key scrutiny areas since the last LPB:
  - No statutory or non-statutory pension discretions have been applied
  - No breaches of law have been identified
  - No IDRPs/complaints have been received
  - APF has confirmed that compliance deadlines have been met.
  - Three scheme members have used the Voluntary Scheme Pays provision in the current financial year

In response to a request from the LPB Chair, assurance was sought from the external pay provider, Bristol City Council (BCC) that correct contributions are paid to the scheme, particularly if there are changes in-year. BCC has provided a written statement for Members. A representative from BCC is available to attend the next meeting of the Board should LPB members have further questions or require additional information. A review of LPB07 (failure to deduct correct contributions from scheme members pay) risk score will be undertaken in due course when LPB members are content with the assurance received.

Risk Register – LPB members noted two high-risk areas; LPB13, the application of Remedy, which contains various difficulties both with compliance and application and LPB15, failure of LPB members to gain and maintain knowledge and understanding to required level. It is anticipated that the risk score for LPB15 will decrease by the next LPB meeting as we are receiving information from new members as they complete the toolkit. Updates on both high-risk areas are contained within the papers.

AF highlighted other specific areas within the Firefighter Pension Scheme Risk Register:

- Matthews Case – a specific update has been provided within the papers
- Cyber security – AF anticipates that the risk score will decrease once assurance confirmation has been received in relation to audits and ‘Controls’ from both B&NES and BCC
- Capacity – multiple key projects arising from national legal cases is a challenge for both AF&RS and B&NES
- Change of pension administrator – the timetable reflects a long handover period to mitigate the risks associated with a transition and at a time of change, to provide assurance to the Board. Preparatory work on the procurement is in progress. Relevant expertise is being sought on the tender process including the exploration of consultancy. The timetable has a six-month provision for handover with a further 2 months if there are additional complexities to transfer. AF is seeking an internal post within AF&RS to project manage the transition and, manage and engage with new ways of working with the new pension administrator and staff members.

It was noted that the Local Government Association (LGA) yesterday commissioned a national survey on the national picture of readiness for ‘Remedy’. All FRS have been requested to complete this survey which will be assessed by the LGA. The LGA will identify gaps where they may need to provide further support and guidance.

- Work Programme – progression has been made but some work strands which are linked to the wider governance review, have been paused. The relevance of the review to the work programme is in part, the consideration of AFA committees and Terms of References and, delegation for decision making, to ensure that Committee Members focus on strategic issues and not on operational.

### **Recommendations**

The Board is asked to:

- a. Note the report and its appendices.
- b. Consider if further information is required to assist their oversight of the five scrutiny areas set out in paragraph 3.4.
- c. Consider whether they recommend any additional actions and controls to ensure compliance in these five areas and/or to minimise the risks in the Risk Register in Appendix A.
- d. As agreed at the previous LPB, advise the LPB Chair of progress with training completion.
- e. Consider and agree the work programme for 2023/2024 in Appendix C and consider if there are further work strands to be added.
- f. Decide whether any LPB members would like to be on the evaluation panel for the new firefighter scheme administrators, subject to a check on any potential conflicts of interest.

Questions were invited from Members.

Payroll contributions - AC would like further assurance from BCC to the methodology used when calculating pension contributions and what checks and

controls are in place. AF suggested that BCC could respond in writing in the interim period and address members at the next LPB meeting. **ACTION**

AF confirmed that she is awaiting information in relation to cyber security audit and outcomes from BCC.

AC noted the updates on Matthew and Age Discrimination Remedy.

SS noted that a risk for not securing a new Pension Administrator for FPS has not been specifically addressed in the Firefighter Pension Scheme Risk Register. AF assured members that as part of the preparatory work, there has been premarket engagement which is positive and therefore believes that the risk is low. SS would like to support the procurement exercise as he has specific skills in this area subject to a check on any potential conflicts of interest. It was noted that he would not respond to the tender in his capacity as Smith Procurement Solutions. AF thanked SS for his support and will make the necessary checks with the Clerk. An update on Procurement will be required at future meetings.

Training – AC encouraged those members who have not completed the online LGA Toolkit to please do so. Should LPB members require other training requirements in addition to the online LGA Toolkit, to let AC know.

SS referred to LPB02 (member data incomplete or inaccurate) in the Firefighter Pension Scheme Risk Register. Pending implementation of new software and checking exercises now in place, it was suggested that the risk score is decreased. AF agreed to review the risk score for the next meeting if LPB members were content that the controls and mitigations in place are acceptable.

## **RESOLVED**

- a. The report and its appendices were noted.
- b. Members considered if further information is required to assist their oversight of the five scrutiny areas set out in paragraph 3.4.
- c. Members considered whether they recommend any additional actions and controls to ensure compliance in these five areas and/or to minimise the risks in the Risk Register in Appendix A.
- d. As agreed at the previous LPB, Members advised the LPB Chair of progress with training completion.
- e. Members considered and agreed the work programme for 2023/2024 in Appendix C and considered if there are further work strands to be added.
- f. Members decided whether any LPB members would like to be on the evaluation panel for the new firefighter scheme administrators (see above), subject to a check on any potential conflicts of interest.

## **10. DRAFT INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)**

The Board is asked to approve the draft AFA IDRP Procedure at Appendix B for Firefighter Pension Scheme members for the consideration of AFA (as the Scheme Manager) at their next ordinary meeting.

Currently AFA applies the processing principles in the Scheme Advisory Board and Local Government Association Factsheet to administer complaints. It is a requirement for all Fire Authorities to have a process in place which determines how an IDRP will be managed.

RG highlighted that the new procedure exceeds legal provisions and aligns to the AFA Constitution. A two-stage process has been considered, which is subject to amendment following a review of the Constitution. A panel of the People and Culture Committee, as decision maker at stage 1 and AFA, as decision maker at Stage 2. FAs with formal processes in place will be well received by the Pension Ombudsman should any case be escalated.

Concern was raised that both stages require committee and member participation and therefore prompt decisions could be delayed, however, it was noted that legislation does require a timely response. It was suggested that the CFO adjudicates at stage one, providing there has been no previous engagement and, if resolution is unsuccessful, the full AFA adjudicates at stage two. AF confirmed that the process must mirror what is currently in the Constitution but, it was noted that the two-stage process will be further reviewed following the outcome of the governance review, and any subsequent amendment to the Constitution.

### **RESOLVED**

Members of the Board recommended the policy but requested that AFA considers revising stage 1 to CFO or delegate, as part of the current work on the Constitution.

**Member voted in favour of the policy.**

## **11. IMMEDIATE DETRIMENT UPDATE (Verbal)**

AF provided a verbal summary to LPB Members:

- At the LPB meeting in July 2022, AF updated Members that Immediate Detriment processing for forthcoming retirees was temporarily paused by AFA so that the potential financial liability of continuing ID processing could be calculated.
- Government information was received on the potential tax issues and liabilities and, the ongoing position of the Home Office that costs incurred by continuing to process ID will be unfunded and must be met by local budgets.
- The decision to pause was communicated to scheme members with the provision for those already in the pipeline to continue to progress.
- AFA received the costings on 5<sup>th</sup> October 2022 for the potential financial liability which were calculated by using the LGA Ready Reckoner.
- Risks and issues were highlighted to AFA and, after considerable debate, a decision to continue to pause was made. This decision would be reviewed again should any further information become available, legislatively or otherwise, which would reduce the potential financial risk.
- AFA agreed a provision for individuals to make representations for consideration by the CFO and AF, on a case-by-case basis. Individuals have a mechanism to complain about decisions made through IDPR should they not be agreed to progress under ID. This was again communicated to scheme members.
- At the meeting on 14<sup>th</sup> December, AFA considered the position with reference to retirees which is linked to the adoption of the LGA/FBU Framework. After considerable debate the decision was to continue to defer the adoption of the

Framework but AFA agreed to mirror the case-by-case basis provision for forthcoming retirees to retirees. Retirees were informed of this decision.

AF confirmed that four representations have been made to CFO and herself, all of which are forthcoming retirees:

- one case was agreed and retired under ID
- one case is under consideration pending further information
- Two complicated cases (impacted by both Remedy and Matthews) have not been agreed. Both have an option to provide more information and recourse to IDRPP

AF agreed to confirm what the four cases meant in percentage terms, compared to those in the relevant ID category.

### **RESOLVED**

That the information received verbally be noted.

#### **12. ANY OTHER BUSINESS**

There was no other business.

#### **13. DATE OF NEXT MEETING**

Confirmed as 18<sup>th</sup> July 2023.

The meeting will be held at Severn Park Training Centre.

The meeting closed at 11.45am

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Chair



**AVON FIRE AUTHORITY  
PEOPLE & CULTURE COMMITTEE MINUTES**

**3 MARCH 2023**

**MINUTES OF MEETING**

**PRESENT:** Cllrs Bromley, Hopkinson, Massey, Monk (joined at 10.35hrs), Tucker, Varney and Wilcox (Chair).

The meeting started at 10.30am

**48. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Davies and Jacobs.

**49. EMERGENCY EVACUATION PROCEDURES**

The emergency evacuation procedures were explained.

**50. DECLARATION OF INTERESTS**

There were no declarations of interest from Members.

**51. PUBLIC ACCESS**

None received.

**52. CHAIR'S BUSINESS**

Members and Officers introduced themselves.

1. The Chair confirmed that the meeting would take place at Police & Fire Headquarters. The meeting was being recorded and would be available for members of the public to view.
2. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes for.
3. The Clerk advised that the report for the Annual Review of Remuneration for the Chief Fire Officer (CFO/CE) was not on the agenda. The reason for this was that there had been no national settlement for gold book pay for January 2022

or January 2023 and therefore it was felt appropriate to delay this paper until the national pay award was belatedly announced.

4. The Chair advised that this would be the last People & Culture meeting for Cllrs Davies, Bromley and Jacobs. They were thanked for their time and commitment and were wished well for the future.

### **53. MINUTES OF THE ORDINARY MEETING OF THE PEOPLE & CULTURE COMMITTEE HELD ON 9 DECEMBER 2022**

It was moved by Cllr Wilcox and seconded by Cllr Tucker that the minutes be approved as a correct record.

**It was RESOLVED -**

**That the ordinary minutes of the People & Culture Committee held on 9 December 2022 be approved as an accurate record of the meeting.**

### **54. HR AND RECRUITMENT UPDATE**

The Committee received a report from the Head of HR who updated on recruitment, trends and significant issues since the last meeting.

#### **Wholetime recruitment**

The Wholetime training school commenced on 6 February 2023 with 24 Trainee Firefighters. The induction phase was completed with Trainee Firefighters receiving input from Human Resources, Diversity, Inclusion, Cohesion and Equality (DICE), Health Safety Welfare & Wellbeing, Prevention & Protection and other key departments across the Service to provide them with support and an awareness of important Service priorities. Members were advised that it was important that employees understood the aspects of Health & Safety and how to report any incidents. The role of a firefighter also included prevention and protection and the recruits had been trained on the importance of this part of the role and when going out into our communities.

The trainees had now commenced the theoretical and physical aspects of the course and would have regular assessments throughout. Elected Members would be invited to attend the passing out ceremony.

Planning was underway for the 2023 recruitment campaign which would launch on 10 March 2023. Candidates who were unsuccessful in the last campaign would be invited to re-apply and additional advice and support given to help with their preparation and application. The selection process would take place over the spring and summer with the training course starting later in the year. Members were advised that it was difficult to advise how many vacancies would be available, due to the uncertainty over how many current staff would retire but a second training school would be considered. Update to follow in a later meeting along with diversity and inclusion.



### **Industrial action (IA) planning**

Following the result of the consultation ballot, undertaken nationally by the Fire Brigades Union (FBU), to unanimously reject the 5% pay offer, a formal ballot was launched on 5 December, which closed on 30 January 2023.

Pay negotiations remained ongoing during this period at a national level. On 8 February a revised pay offer of 7% effective from 1 July 2022 and a further 5% effective from 1 July 2023 was offered. The FBU Executive Council recommended to their members on 10 February that this offer should be accepted. A consultative ballot would take place from 20 February to 6 March to determine if the pay deal will be accepted. The industrial action planning would continue during this period.

In preparation for the potential of industrial action the Service had instigated the recruitment, selection and training of Reserve Firefighters, Control Operators, Drivers and Team Leaders. If the pay offer was accepted, the reserves would be a valuable resource to call upon and the training would not have been wasted as there was a duty to maintain a statutory response to members of the public.

### **Review of employment cases**

Action had been taken to assess the recommendations made following the London Fire Brigade cultural review to educate our cultural improvement actions and objectives. In addition, the Service had provided information on current and recent cases to HMICFRS as part of a national review. The work undertaken would also be supplemented by recent media reports detailing cultural issues within other Fire & Rescue Services

As part of our ongoing cultural improvement activity, the Service was undertaking a review of employment investigations and disciplinary cases over the past 18 months. This review would be supported by externally appointed experts to assess the decisions taken, lessons to be learned and identify any changes required to our policies and practices. The findings would be fed back to the Service Leadership Board (SLB) and Members would be updated at a future meeting.

SLB and the Service Leadership Team (SLT) were conducting a regular programme of Station and workplace visits. Culture would be a topic of discussion at every meeting to ensure everyone is clear on expectations and appropriate action was taken at every level within the Service to identify and address issues. The CFO had recently written to all female employees, confirming the need to make sure people had contacts across the Service, could speak to people and that action would be taken. The Head of HR added that it was important that all employees understood zero tolerance and had supportive colleagues and managers which enabled the Service to deal with any incidents at the earliest opportunity. A full update would be provided at the next People & Culture meeting.

The Dignity and Respect policy was launched in December 2022 and the Service was also looking at providing a toolkit for employees and line managers along with a confidential reporting tool into HR.

Implementing an external reporting tool had been considered, as for various reasons, staff don't feel able to raise an issue within the organisation. Colleagues may not feel comfortable to speak to the Head of HR or her team. The Service is reaching out to other organisations to see if they have had success with this system.

The Head of HR advised that she had produced her report prior to listening to the recent interviews on Radio 4. The Service was concerned, as incidents in the national press could have an impact on upcoming recruitment. Case studies from female staff were on the Service website to encourage recruitment and which also included positive experiences.

### **Employee Wellbeing**

A revised attendance management policy was issued in December 2022, based upon national best practice supported by the National Fire Chief Council. A toolkit had been provided and training undertaken with junior managers which outlined the importance of contacting staff when off sick.

A new Occupational Health provider was introduced in November 2022. The initial indications were that this service had provided invaluable medical support and advice for employees and managers. The new counselling provider was also introduced in December and to date eight staff have been supported for a range of issues including trauma, anxiety, loss of confidence and family/personal issues. This was a confidential service which employees can access directly. The sessions were funded by Avon Fire & Rescue Service (AF&RS). A new physiotherapy contract would be introduced in February 2023 and would be publicised to staff to ensure they are aware of the support available.

The Head of HR advised that the Service offered proactive health and preventative options such as flu vaccinations – reimbursement for the cost of the vaccination was offered to staff under the age of 50. It was confirmed that sickness targets were being reviewed for next year, and which currently stood slightly above average. This review would include how HR could help and support staff and managers and to ensure that they were having appropriate early conversations.

In response to Member's questions:

1. It was noted that the Service was taking proactive steps to address any damage caused by the press articles and it was asked that a confidential anonymous service could be explored for staff. The Assistant Fire Chief, Service Delivery Support (ACFO (SDS)) explained that the culture in the fire sector was of importance to SLB. The CFO had recently written to His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) highlighting the good work the Service has completed (a copy was passed to Members). It was confirmed that the ACFO and SLB shared the Member's concerns and were looking into sourcing a suitable system and the costs involved. The Head of HR confirmed that in the absence of a recognised procedure, HR did receive anonymous reports. These sometimes did not contain enough detail, but HR

worked hard to go back to the individual for further information, to support the individual and then address the issues.

2. A Member advised that they were impressed that, although the process is still ongoing, there is a genuine commitment to change the culture at AF&RS and praised the CFO and all involved. It was recognised that there were problems, but they believed that the culture was changing. The ACFO SDS agreed that there was no place for such behaviour in the organisation and fire sector. It should be remembered that the vast majority within the organisation were excellent, really cared and were working hard to address the issues.
3. In respect of flu vaccinations, a Member commended the Service and asked whether onsite vaccinations could be arranged. The Head of HR advised that for those firefighters who worked in water, we did offer Hepatitis vaccinations where a nurse or mobile unit would go out onsite. However, it was found that some of the workforce do not live in the Service area, and it was preferential to visit a local pharmacy which was more convenient. However, this idea was open for review and our Occupation Health supplier did have a mobile unit which we could possibly make use of.
4. It was confirmed that there is a low level of drop out from the training school - 1 recruit last year. The trainers work with the trainees to ensure that they graduated but also the selection process was so rigorous, that all candidates selected had the ability to complete the training school.
5. The ACFO SDS added that over the past few weeks, he had been reassured and pleased that staff from underrepresented groups were feeling more confident to voice their concerns to him. He felt that there may still be a gap for those who did not want to come forward, and it was important that the Service bridged that gap. The Head of HR mentioned the important work that AF&RS and HR had completed in respect of allyship e.g., an only female in a workforce might feel reluctant to come forward as did not want to jeopardise her role. It was added that a colleague should not be solely reliant on identifying an issue themselves but having colleagues around them that supported others.

**It was RESOLVED –  
That the HR & Recruitment Update be noted.**

## **55. PAY POLICY STATEMENT 2023/24**

The Clerk presented the report to Members which outlined that the Fire Authority was required under the Localism Act 2011 to prepare an annual Pay Policy Statement. This stated the Fire Authority's policy towards a range of issues relating to the pay of its workforce and in particular the senior staff and the lowest paid employees.

Under the Localism Act 2011, Pay Policy Statements must be prepared for each financial year, approved by the full Fire Authority, and published before 31 March, immediately preceding the financial year to which it related. No substantive changes were proposed from last year's Statement.

As an employer of 250 or more staff, the Fire Authority is also obliged to comply with gender pay gap reporting in accordance with The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. As a public authority, the Fire Authority must publish its pay gap information after the 'snapshot date' of 31 March each year (and within 12 months of that snapshot date). It is intended to present the Gender Pay Gap Information, combined with a voluntary Ethnicity Pay Gap Report, to the People and Culture Committee meeting in June 2023.

It was noted that Avon Fire Authority was a 'real living wage' employer which paid more than the Government's national living wage.

It was confirmed that the starting salary of new recruit firefighter was approx. £24k raising to £32k (not taking into account the current pay offer). When asked whether the salary was part of the reason why some candidates did not apply for the role, the Head of HR confirmed that 800 applications were received in 2022 and felt that the salary offered was not an issue. The CFO added that a lot of candidates apply for the role not for the salary (some take a salary decrease) but because they want to be a firefighter and serve their communities.

The recommendation was moved by Cllr Wilcox and seconded by Cllr Varney.

**It was RESOLVED –**

**That the Committee**

**a) Recommended to the Fire Authority approval of the proposed Pay Policy Statement 2023/24 (at Appendix 1).**

**b) Noted that the Gender Pay Gap report for 2023 would be combined with the Ethnicity Pay Gap Report and reported to the next People & Culture Committee meeting after the 'snapshot date' of 31 March 2023.**

## **56. ANNUAL HEALTH AND SAFETY REPORT**

This paper was moved to the first item of the agenda.

The Health, Safety, Welfare, Wellbeing & Fitness (HSWWF) Manager presented the report to Members which covered the reporting period between January & December 2022.

At the time of writing the report, there had been changes within the Health, Safety, Welfare, Wellbeing & Fitness (HSWWF) Department. A new Assistant Chief Fire Officer (ACFO) was appointed in autumn 2022 and a new HSWWF Manager started in February 2023. The report also included information on various changes that would be implemented from March 2023 going forward.

The total number of incident reports made via the OSHENS/Wellworker system (all incident types) has increased from 364 in 2021 to 400 in 2022. An increased number of incident reports could indicate an increase in proactive incident reporting among staff e.g., staff were ensuring to report workplace incidents in accordance with the incident reporting procedures.

### **Near miss and Lost Time Incidents (LTI) reporting**

There has been an increase in near miss incidents reported in 2022 with 121 near miss reports compared to 108 in 2021. However, there has been a reduction in LTIs in 2022 in comparison. It was noted that this was encouraging and indicated that our culture showed proactive reporting rather than reactive.

### **Stress and Mental Health & Wellbeing**

An increase in the number of work-related stress incidents was observed between 2021 and 2022. This was a very personal experience and personal factors played a large influence as well.

### **Mental Health First Aid (MHFA)**

Training had been delivered to numerous managers and staff across the Service. It had been agreed that this training would now form part of the promotional pathways and business as usual training. Further MHFA courses had been booked in March 2023 with Bath Mind. The Service wanted to invest in its staff by offering the MHFA training and more would be offered going forward.

### **Plan for 2023**

The report listed a brief outline of HSWWF team's plan going forward from March 2023. Priorities for the year and years ahead would be set out in the new HSWWF Strategy by the end of May 2023.

It was noticed that the number of incidents had increased since last year, which explained staff were better aware of reporting procedures. The HSWWF Manager agreed and hoped this was because staff were more aware of how important it was to report incidents on OSHENS/Wellworker.

Due to quality issues with the online connection, it was agreed that Members would submit any further questions to the HSWWF Manager via email to the Clerk.

### **It was RESOLVED –**

**That the Committee noted the Annual Health and Safety Report 2022.**

## **57. QUARTERLY TRAINING UPDATE**

The Area Manager (AM), Service Delivery Support provided an update on Operational Training and Organisational Development.

The key points highlighted were:

### **Operational Assurance Update - Guidance**

The Service was now aligned to National Operational Guidance and all Standard Operational Procedures (SOP's) had been archived. However, there were currently 32 outstanding Operational Information Notes (OINs) awaiting review and sign off. The deadline for this was originally 31 March but would not be met mainly

due to the Industrial Action project. A new timeline would be provided for the next Committee meeting.

A new Learning Management System (LMS) had been purchased and followed an upgrade to FireWatch which would result in full integration to include the Personal Development Review (PDR) system.

### **Learning**

The new Station Manager for Incident Command had been posted to the Industrial Action team since appointment and therefore had made limited impact. There were a further 3 vacancies across the learning department. The recruitment process has begun but currently had no end date.

### **Training Delivery**

1. The operational training team had been fully engaged in delivering reserve firefighter courses throughout November, December and January.
2. Breathing Apparatus (BA) - Some BA qualifications were still out of date. The Operational Training Team had been working very hard with RPU to schedule additional courses following the disruption caused by reserve firefighter courses. The backlog was being addressed and by the end of March there would only be 7 who had not been offered course dates, which was down from 68 in February. Those staff who are unsuccessful at assessment would be reassessed following a period of development.
3. The 2nd group of 2022 apprentice recruits had just completed their Firefighter in Development (FFiD) module in BA. All 23 passed the weeklong course and had returned to their stations. The team had also continued to run a full development program for the on-call FFiD.
4. Severn Park - The latest apprentice recruits course commenced on the 6 February at Severn Park. The course was due to finish on the 5 May, the graduation is scheduled for Wednesday 3 May. Another course was planned for September which would end in December.
5. Driver Training - A mixture of fire appliance, flexi officer car and reserve firefighter driving courses had been taking place over the last 3 months. Through the microphone system implemented by the team, vicarious learning could take place and instructions could be heard over the engine noise, even when not driving. For a trainee driver, the course has increased from one to two weeks. Feedback continued to be very good.
6. Hazardous and Malicious Threats (HMMT)
  - A series of exercises had taken place throughout January and February with Southwest Ambulance Service Foundation Trust (SWASFT) to test the Marauding Terrorist Attack (MTA) response. The exercises were set up to primarily test the response of SWASFT, AF&RS and MTA teams from Hicks Gate and Clevedon attended the exercises and were integrated into the Hazardous Area Response Team (HART) for the duration of the exercise. Initial feedback had been very good and future exercises were being planned.
  - Working with 2 neighbouring fire and rescue services, SWASFT and Avon and Somerset Police, a series of Chemical Biological Radiological and

Nuclear (CBRN) exercises would take place in Avonmouth during March and April. This would be the first time all 3 services had committed to joint training in this way.

7. Urban Search and Rescue (USAR) - In March, the Service would host 5 USAR teams from the East of England for an annual assurance exercise, taking place at Kemble airfield. The exercise would last for 36 hours and would be continuous. Our team had been fully involved in the planning of the exercise and would assist in assuring the skills of the visiting teams. A return exercise would take place in London during April for our team to attend and have their skills assured.
8. Leadership - The Service would be piloting the new leadership academy this year, to enable it to find and manage our future leaders. A paper went to Service Leadership Board (SLB) on 16 February and a briefing to senior managers would take place on 8 March. This would be an 18-month development programme starting in September. We would introduce a "Developing High Performance Teams" workshops in May and June, for middle managers.

In response to Member's questions:

1. A demonstration of the new PDR software was requested. The AM pointed out that what was most important is the conversation between the Line manager and their staff. Development sessions would be arranged for line managers.
2. It was confirmed that the Service participated in tri-service training at lower levels such as watch and station. Moving forward, it was hoped to increase the training on a regional level, but this could be difficult to co-ordinate.
3. The AM advised that he would contact the co-ordinator to enquire whether a Member could observe a future CPRN exercise.

**It was RESOLVED –**

**That the Learning & Development Quarterly Report was noted.**

## **58. DICE STRATEGY (2022/2025) UPDATE**

The Culture and Inclusion Manager outlined that the revised DICE (Diversity, Inclusion, Cohesion and Equality (DICE) Strategy 2023/2026 was presented to the People and Culture Committee on 9 December 2022 and was approved pending consultation. Following a short consultation period with a number of heads of departments, revision of the strategy was completed, and had now been published on the Service website and Intranet.

The DICE Strategy would be reviewed annually, and the People and Culture Committee would receive a 6-monthly update report.

A People Services Forum had been recently formed and had a key role in supporting the strategy. This was a real step forward for the Service as it was everybody's concern to ensure those key stakeholders across the organisation would be able to contribute to the successful delivery of our objectives.

The strategy featured in the revised e-learning programme which re-reiterated the need for everyone in the Service to take their part in the strategy. The deadline to complete the learning was 1 March.

The Clerk mentioned that the Committee Chair had agreed to test the e learning on behalf of the Fire Authority, before it was rolled out to all Members. She advised that she had completed the learning and was impressed.

It was advised that DICE training in collaboration with Stand Against Racism & Inequality (SARI) recently took place at Radstock Fire Station, with good participation and feedback received. The training would be evaluated before the next session take place.

It was noted that a new member of staff had joined the team on 1 March and a Community Engagement DICE Officer would join on 1 April.

In response to Member's questions:

1. Asking for feedback on the training delivered at Radstock fire station, it was advised that the training had been customised to fit on-call stations. There could be a different culture in an on-call station which could be dependent on the area the stations were located in, which could be rural. It was noticed that it could take some time for the culture changes to percolate through to the on-call stations, but changes were taking place.
2. It was confirmed that the final completion figure for the e-learning was not yet known. Learning & Development had provided a weekly report, which was up to 70% completion when last notified.

The Chair of the Fire Authority added that she was pleased with the ongoing work and effort that has been put into the DICE Strategy and Culture as this was an important issue which needed to be resolved.

**It was RESOLVED –**

**That the Committee noted the content of the report and the published DICE strategy for 2023/2026.**

#### **59. DATE OF NEXT MEETING**

**It was RESOLVED – that the date of the next meeting be held on 30 June 2023 at 10.30am.**

#### **60. EXCLUSION OF PRESS AND PUBLIC**

The recommendation was moved by Cllr Wilcox and seconded by Cllr Monk.

**It was RESOLVED –**

**“That the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972, and that in**



**accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”**

**61. PERFORMANCE APPRAISAL OF THE CFO/CE**

The Clerk introduced the paper and explained that the CFO/CEO had prepared Appendix 1, which is his summary of his performance and progress against the objectives set out in his Job Description and also the personal objectives set by Members at their meeting on 18 May 2022.

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Chair

The meeting ended at 13.00hrs.

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**AVON FIRE AUTHORITY  
AUDIT, GOVERNANCE & ETHICS COMMITTEE (AGEC) MINUTES**

**22 MARCH 2023**

**MINUTES OF MEETING**

**PRESENT:** Cllrs Ashe, Butters, Goggin (Chair), Payne, Tucker and Wilcox

**42. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Brown and James Mason, Independent Person.

**43. EMERGENCY EVACUATION PROCEDURES**

Officers confirmed the emergency evacuation procedure for the venue.

**44. DECLARATION OF INTERESTS**

A declaration of interest was received from Cllr Wilcox who is a shareholder in an energy company called Good Energy.

**45. PUBLIC ACCESS**

None received.

**46. CHAIR'S BUSINESS**

Members and Officers introduced themselves.

1. The Chair outlined that the meeting was taking place at Police & Fire Headquarters. The meeting would however still be recorded and uploaded to the Avon Fire Authority (AFA) YouTube channel.
2. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes in favour.
3. The Chair thanked Cllrs Ashe and Butters as this was their last AGECE meeting. They were wished well for the future.
4. The Chair advised that the Avon Fire Authority (AFA) had now published its pre-election guidance, which remained in place until the polls closed on 4 May 2023. Elections were taking place for the unitary authorities of Bath and North East Somerset, North Somerset and South Gloucestershire. Members and

Officers were encouraged to read the guidance and to act in accordance with it. FA meetings would continue to deal with the 'day-to-day' business for the AFA.

**47. MINUTES OF THE AUDIT, GOVERNANCE & ETHICS COMMITTEE HELD ON 22 NOVEMBER 2022**

Cllr Goggin moved and Cllr Butters seconded that the minutes be approved as a correct record of the meeting.

**It was RESOLVED -**

**That the minutes of 22 November 2022 be approved as a correct record and signed by the Chair.**

**48. 2021/22 STATEMENT OF ACCOUNTS – REPORT OF THE TREASURER/ EXTERNAL AUDITORS ISA 260 REPORT**

The Interim Treasurer reminded Members that at the last meeting of this Committee, held on 22 November 2022, it was reported that the Authority was not able to publish its audited Statement of Accounts for 2021/22 by the statutory deadline of 30 November 2022. This was as a result of Deloitte (External Auditors) not being in a position to issue an audit opinion at that time.

Deloitte had advised the Authority that the main reasons for the delay were the impact of COVID-19 and the increasing complexities of Local Authority accounting, resulting in a number of Local Authorities not being able to meet the statutory deadlines to publish their audited accounts.

As a consequence of not meeting the statutory deadline, and in compliance with the Accounts and Audit Regulations 2015, the Authority approved the publication of a Statutory Notice, to be published on its website immediately after the November 2022 meeting, stating that it had not been able to publish its final accounts and its reasons why.

The Interim Treasurer added that it was pleasing that Members had now received the ISA260 for consideration. He added that overall, the report was positive but was aware that there were still some outstanding issues being worked on.

The Audit Lead from Deloitte highlighted that there were a number of areas outstanding. The outcome overall was positive and the audit procedures were complete excluding some pension fund information which was still awaited. Deloitte were challenging possible charges for providing this information.

Deloitte added that in relation to post balance sheets events, it had been advised that there were delays to the pension fund signing off their annual valuation and reviewing membership data as of 31 March 2022. There had been indications that there was a potential impact of on the pension fund of 5-10%. This was a sector wide issue, and that Deloitte would work with their specialists to understand what the impact was. This would have to be concluded before signing the audit opinion.

It was hoped by the end of the week, Deloitte would have a clear view of what this meant and what the next steps would be.

Deloitte confirmed that overall, the accounts presented were positive and they were expecting an unmodified audit opinion based on the tests to date. There was a comprehensive list of immaterial uncorrected mistakes which AGEC needed to consider and make sure they were comfortable that they remained uncorrected.

A Member questioned fluctuations in the figures for property valuations and agreed to email the figures he was questioning so that Deloitte/Finance could reconcile and explain those figures.

A question was also asked about the cycle of property valuations, and it was noted that only a desk-top valuation had been completed. It was asked where we were in the cycle and when the next in-person valuations of property would be carried out. The Clerk asked the Interim Treasurer, Head of Finance & Deloitte to clarify this when responding to the questions about valuation figures.

A Member raised a concern that the Accounts were running a year late, how confident were Deloitte that they would be on time in future years. Deloitte confirmed that in terms of the 2022/23 audit, resource had been planned over the summer and they looked to complete this in a timely manner. The current issue was the accounts could not be signed because the pension audit had not been completed. They were relying on third parties and therefore, it is difficult to confirm that the November deadline would be met.

Deloitte confirmed that the accounts could not be signed at the meeting due to the delay in receiving information from the pension fund (they had completed investigations into the effects of Goodwin/McLeod and found that to be immaterial). In view of this the recommendations were amended.

The recommendations were moved by Cllr Goggin and seconded by Cllr Butters.

**It was RESOLVED that the Committee:**

- a) Reviewed and approved the draft 2021/2022 Statement of Accounts and Narrative Report.**
- b) Noted the delay in the receipt of pension information and the need to include any impact in the draft 2021/2022 Statement of Accounts before they are finalised and shared on the Fire Authority's website.**
- c) Delegated final approval of the 2021/2022 Statement of Accounts, once updated for this pension information, to the Fire Authority Chair, the AGEC Chair and the Interim Treasurer.**

#### **49. EXTERNAL AUDIT VALUE FOR MONEY REPORT 2021/22**

The Committee received the Annual report for 2021/22. Deloitte advised that the Value for Money report had been issued in draft form, as the report could not be

finalised until the final signing of the Statement of Accounts. However, they were not looking to complete any further work so had provided the final version.

This was a positive Value for Money statement with no significant weaknesses or recommendations and reflected the journey that the AFA has been on over the last number of years.

The recommendation was moved by Cllr Goggin and seconded by Cllr Butters.

As the report could not be finalised until the final signing of the Statement of Accounts, the recommendations were duly amended.

**It was resolved that the Committee -  
a) noted the draft External Audit Value for Money report.**

## **50. ANNUAL GOVERNANCE STATEMENT 2021/22**

The Committee received the report from the Head of Corporate Assurance, Continuous Improvement and Planning. The draft Annual Governance Statement (AGS) 2021/22 was presented to AGEC on 22 September 2022 and approved by Members subject to paragraphs 8.2 and 8.3 being updated with the Deloitte's Audit Opinion and commentary on Value for Money, when published.

Deloitte had provided an updated report to this Committee on the audit for the year ended 31 March 2022 and an Annual Report for 2021/22. Their update report stated that, whilst Deloitte were still in the process of finalising their audit, they envisaged issuing an unmodified audit opinion on the Authority's financial statements.

The Annual Report stated that they had not identified any significant weaknesses in the Authority's Value For Money arrangements, and so had not reported any recommendations in respect of significant weaknesses.

Members were reassured that the AGS would only be published once Deloitte had finalised and confirmed their unmodified and unqualified opinion. In the unlikely event that these opinions change, the wording for paragraphs 8.2 and 8.3 would be referred back to AGEC for consideration.

The recommendations were moved by Cllr Goggin and seconded by Cllr Wilcox.

**It was resolved that the Committee -  
a) Approved the inclusion of paragraphs 8.2 and 8.3, as above, in the published AGS 2021/22 as soon as External Audit had finalised the audit of the accounts and confirmed their unmodified/unqualified opinion.  
b) Agreed that should the opinion of External Audit change on the conclusion of their audit, the wording of the AGS, in respect of paragraphs 8.2 and 8.3, will be referred back to the Committee for further consideration.**

## 51. INTERNAL AUDIT REPORTS AND INTERNAL AUDIT PLAN 2023/24

The Committee received a report from RSM UK Risk Assurance Services LLP (RSM) who are the AFA's Internal Auditors. Audit Reports were presented to this Committee for consideration, assurance, and review of management action plans.

The key points emphasised were –

### Internal Audit Report – Key Financial Controls Purchase to Pay

This audit was part of the three-year rolling internal audit strategy as a core assurance review to look at the financial control framework in place for the supplier payments process. The audit included a 'walk through' and testing of the purchase to pay process to ensure compliance against the key financial policies in place. They also reviewed the controls of checking and reporting of supplier data and the set up of and changes to suppliers, which is a high risk area.

RSM reported that a reasonable assurance opinion was given for this area with two medium and two low priority management actions around updating policies and procedures, changes to supplier bank details and enhanced checking of supplier payments from Bristol City Council (BCC), prior to processing. These were for final checks for supplier payments and evidence of the approval process. It was good practice to record the final sign off of payments. It was noted that with an SLA in place with BCC, the Service should ensure an audit trail was in place.

In respect of control and supply changes, the Service is required to have evidence in place and an audit trail of the checks. In addition, the financial procedures should be updated annually to reflect current working practices.

The report was by exception and there were a number of well-designed controls found. Some good practice points were also included as the Service moved to Devolved Budgets.

The Head of Finance added that these actions had now been completed and evidence provided. There had also been changes to procedures to reflect the new way of working.

A Member asked about the Agresso and OSHENS packages and whether they had the ability to link with an active directory, so that the accounts were managed correctly. The Head of Finance explained that for Agresso this is provided by BCC and therefore AF&RS worked within their framework. However, there was no attendance at the meeting from Health and Safety to answer regarding OSHENS and it was agreed to take this question offline.

### Internal Audit report – Operational Assurance SOP H7

The audit focused on the second line assurance processes in place to ensure the Service was delivering operational activities in line with standards and background guidance from the National Fire Chiefs Council (NFCC). This included when station managers were using the online Health and Safety tool OSHENS.

A reasonable assurance opinion was reported with one medium and six low priority management actions. It was found that there were established policies and process documentation however, weaknesses were noted in the control framework such as evidence not being recorded on the Service's Health and Safety system (OSHENS) to support the operational assurance activities, and a lack of assurance flowing through the governance structure. The key area was around providing and retention of evidence.

### Progress Report

This document summarised the progress to date in delivery of the 2022/23 Internal Audit Plan. RSM highlighted that since the last meeting, two reports had been published with one piece of audit work still in progress, which was delayed due to personnel issues within the Health and Safety team. The final report would be presented to the next meeting.

RSM would be conducting follow up work throughout the year and to validate the actions closed. A summary position would be brought to a future meeting along with the Annual Report. It was advised that from the reporting completed so far, there was nothing to suggest a negative opinion.

### Internal Audit Plan 2023/24

RSM had worked with management to develop a programme of audits for the 2023/24 financial year that were risk-based, provided core assurance, management advice, as well as considering sector-specific issues.

RSM confirmed that the paper outlined the process undertaken including discussions with the Management team. Confirmation had been sought as to audits linked to key risks with the AFA. It should be considered whether the plan affects the assurance needs and if Members recognised the risks that should be considered. RSM could be flexible during the year if assurances needed to change. Other audits would be considered for future plans and there was a small element of contingency time available for flexibility next year.

The recommendations were moved by Cllr Goggin and seconded by Cllr Ashe.

### **It was resolved that the Committee –**

**a) Considered the internal audit reports, the findings and agreed management actions for the following audits:**

- Key Financial Controls – Purchase to Pay (Appendix 1)**
- Operational Assurance – SOP H7 (Appendix 2)**

**b) Considered the Progress Report (Appendix 3)**

**c) Considered and approved the Internal Audit Plan 2023/24 (Appendix 4)**



## **52. UPDATE ON INTERNAL AUDIT RECOMMENDATIONS**

The Committee received a report from the Head of Corporate Assurance Continuous Improvement and Planning, which updated Members on progress with the completion of the Internal Audit recommendations and management actions, as approved by the Service Leadership Team (SLT) on 22 February 2023.

Significant progress had been made with the monitoring and completion of internal audit actions, with the final outstanding action for the audit year 2020-2021 now complete.

For 2021/22, three actions remained open and good progress had been made in the current financial year with four actions already completed. It was noted that the Operational Assurance H7 report had not been finalised and was not available at the time of writing the report.

The Corporate Assurance team recommended that with increased efficiency and fewer outstanding actions to monitor, from the next municipal year an update on Internal Audit Recommendations is provided to the AGEC twice a year. Progress would continue to be tracked by the Corporate Assurance team, and Internal Audit, regularly with updates available to Members on request.

A Member clarified that going forward, Members would receive internal audit and CRR in rotation (every other meeting) and this was confirmed. Members thanked contributors for the progress made.

The recommendations were moved by Cllr Goggin and seconded by Cllr Ashe.

**It was resolved that the Committee –**

- a) Noted the progress made against the Internal Audit recommendations and management actions.**
- b) Approved the proposed change in Internal Audit Recommendations reporting frequency, from four times a year to twice-yearly, commencing in the new municipal year.**

## **53. CORPORATE RISK REGISTER**

The Committee received a report from the Head of Corporate Assurance, Continuous Improvement and Planning who updated Members on progress on the review of the Corporate Risk Register (CRR) and to seek assurance of appropriate management action.

Risk owners are required to review and update each risk to align with the SLT monthly reviews, or if there is a significant change in the interim. This ensured each risk score remained current and that the level of risk is reflected in the level of controls in place and mitigations planned. Risks are red, amber, or green depending on their rating, with red indicating the highest scoring risks, due to a combination of likelihood and impact.

The CRR is subject to regular review and 'deep dives' by SLT and presented to AGECE twice a year. The Service Leadership Board (SLB) review the highest-level and newly emerging risks and the Treasurer reviews financial risks on a regular basis.

Member's attention was drawn to p244, where three risks were rated high but remained static. CR03 – Response and Rescue risk rating was now likely to reduce following the recent pay award and the avoidance of industrial action.

As reported to AGECE Members in June 22, a new risk was identified and added to the CRR - CR021 Environmental Compliance and Net Zero carbon.

A Member advised that they were concerned to see the governance score at 20, graded amber on page 261. Members were advised that there were a number of reasons including the impact of waiting for the External Audit opinion on the accounts. This information was used as a major control of our governance risk. There was also the potential of industrial action which would have made a significant change to staff capacity. We were also waiting for the final report of an independent Governance Review and a vacancy in the governance team was also having impact.

A Member mentioned that they were concerned about Bath fire station not being re-built as hoped and was this an enhanced risk. The Clerk confirmed that there was not a representative from Property Services at the meeting, however, this had been addressed in previous meetings. The Director of Corporate Services (DoCS) advised that Members would have seen from the recent capital programme updates, that the Service did not intend to move forward with the re-development of Bath or Weston within the next financial year. This was due partly to the current financial situation and that borrowing costs were high. From a premises point of view, there is the potential that some aspects of work would be required on the building and £100k had been set aside for this work.

The Assistant Chief Fire Officer, Service Delivery confirmed that money had been put aside for maintenance whilst the re-build was on pause. There would be an ongoing review on how we would make the building as environmentally effective and efficient as possible. There would be no difference to the operational service provided. The DoCs advised that consideration would be given to the estates strategy over the next financial year including the impact of the future use of the Joint Training Centre following the end of the PFI.

A Member added that in respect to CR06, they were pleased to see the Emergency Services Network delay had been acknowledged. It was requested that a briefing take place to explain to Members how the Service was mitigating this risk. The Clerk advised that this topic could be added to a future Member Briefing.

The recommendations were moved by Cllr Goggin and seconded by Cllr Butters.

**It was resolved that the Committee –**

- a) Reviewed the CRR in respect of the risks in this report and considered the controls and mitigations in place to manage these risks.**
- b) Considered whether the Committee needed any further information to be assured of the appropriate management of these corporate risks.**

**54. DATE OF NEXT MEETING**

**RESOLVED – that the date of the next meeting be held on 27 June 2023 at 10.30am.**

**55. EXCLUSION OF THE PRESS AND PUBLIC**

The recommendation was moved by Cllr Goggin and seconded by Cllr Wilcox.

**RESOLVED –**

**That the public be excluded from the meeting during the following items of business on the grounds that they contain exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**56. CONFIDENTIAL MINUTES OF THE ORDINARY MEETING OF THE AUDIT, GOVERNANCE & ETHICS COMMITTEE HELD ON 22 NOVEMBER 2022**

Cllr Goggin moved and Cllr Butters seconded that the minutes be approved as a correct record of the meeting.

**It was RESOLVED -**

**That the confidential minutes of 22 November 2022 be approved as a correct record and signed by the Chair.**

**57. ELECTRICITY CONTRACT AWARD**

The Committee received a report from the Environmental Manager.

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Chair

The meeting ended at 11.51 hrs.

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**AVON FIRE AUTHORITY  
PERFORMANCE REVIEW AND SCRUTINY COMMITTEE MINUTES (PRSC)**

**20 APRIL 2023**

**MEMBERS PRESENT:**

Councillors Davies, Monk, Nutland and Payne (Chair)

The meeting started at 10:30 am

**15. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs Ali, Eddy and Kumar.

**16. EMERGENCY EVACUATION PROCEDURES**

The Assistant Chief Fire Officer explained the emergency evacuation procedures for the room/building.

**17. DECLARATION OF INTERESTS**

There were no declarations of interest.

**18. PUBLIC ACCESS**

None received for this meeting.

**19. CHAIR'S BUSINESS**

Members and Officers introduced themselves.

1. The Chair outlined that the meeting was taking place at Police & Fire Headquarters. The meeting would be recorded and uploaded to the Avon Fire Authority (AFA) YouTube channel.
2. The Chair explained the voting system for the meeting, i.e., votes against a motion would be recorded first, followed by abstentions, then votes in favour.
3. The Chair mentioned that he would like to thank Cllr Davies for his service to the Committee. This was his last PRSC meeting, and he was wished well for the future.
4. The Chair referred to the proposed new Committee Structure. If PRSC was disbanded, he thanked Members for their hard work on the Committee and wished them well.

## **20. MINUTES OF THE MEETING OF THE PERFORMANCE REVIEW AND SCRUTINY COMMITTEE HELD ON 18 JANUARY 2023.**

It was moved by Cllr Payne and seconded by Cllr Davies that the Minutes be approved as correct.

**It was RESOLVED -**

**That the Minutes of 18 January 2023 be approved as an accurate record of the meeting.**

## **21. PERFORMANCE REPORT**

The Committee received a report of the Corporate Performance Manager (CPM) outlining the performance of the organisation against targets for the period April 2022 to February 2023.

Members were advised that the data presented to them included performance details for the last 11 months. Members were advised that it was therefore reasonable to assume that these figures would be replicated up until the end of the financial year. The CPM advised that the full performance information would be provided up until the end of the financial year at the next meeting.

The key points summarised in the report were:

### **Prevention:**

1. Two of the four fire indicators were on target. Deliberate secondary fires remained off target after the exceptionally dry weather in August. Secondary fires were broadly an incident that did not involve a building or vehicle.
2. The completion of Home Fire Safety Visits were just off target and had improved with 90% of the year-to-date target completed. Numbers were gradually improving and getting back to volumes pre COVID-19.

### **Protection:**

1. The target for call challenging Malicious False Alarms had been met. The Service was just off target for reducing attendance at False Alarms in business premises.
2. The targets for processing Building Regulations and Licensing Applications were both just off target, however there was confidence that this would improve as the staffing issues were resolved.

### **Response:**

1. All response indicators including answering 999 calls were on target. The number of 999 calls received and the number of incidents attended were both up compared to last year, 999 calls by 15% and attended by 12%.

### **Resilience:**

1. It was reported that the Service was off target for reducing shifts/days lost to sickness. The target for this financial year remained at losing no more than 8.11 shifts or days per person. The report confirmed that currently the Service was off target at 10.17. High numbers of shifts/days had been lost due to COVID-19 in the first few months of the year; however, this had steadily decreased.

2. The Senior Leadership Team (SLT) would be discussing sickness management at the April 2023 meeting along with launching a new Attendance Management Policy. Actions would be reported back to Members.

**Improve our Service:**

1. Revenue Budget variance was on target with zero variance against plan.

**Invest in our Staff:**

1. The Performance and Development Reviews (PDRs) for staff were just off target with 93% in date. The Service was in the process of replacing the PDR system which would make management easier. PDRs would be in a digital format which should improve the completion rate.

**Scorecard Metric 2023/24**

1. The CPM discussed the metrics for the coming year, which were approved by SLT in February 2023. Although, there were no new metrics proposed there were some changes made. An increase in the number of education packages and Home Fire Safety Visits (HFSV) which was included within the refreshed Service Plan.
2. The sickness target had now been agreed and remained the same as for the last 2 years.
3. It was confirmed that a Transformation metric would be introduced and agreed at the next SLT meeting.

Following questions from Members the following points were made/clarified –  
A Member thanked the CPM and their team for producing a comprehensive set of statistics. As this could well be the last meeting of this committee, they pointed out that a new Member looking at statistics, may have several questions.

1. What level of scrutiny is there by Members of setting of targets? How hard and challenging are the numbers compared to other Fire & Rescue Services? Are we setting ourselves to fail if our targets are unachievable and set at say 99%?
2. Statistics and targets set behaviours – employees may not bother to strive once they have hit and achieved a target. What happens with the other 10% once the 90% target has been achieved. Members would need to dig down to establish the statistics i.e., response times for the last 10%.
3. The Member's experience meant that often too many targets made things difficult. A member of the public may want to know what the top five targets are in their area and are they being met.

The CPM responded that there was a fine line between measuring too much. Some other Fire & Rescue Services (FRS) provided more information. At SLT, attendees evaluated our key aims of Prevention, Protection and Response, Resilience, Improving the Service and Investing in our Staff. A performance matrix had been created which outlined the Performance Indicators and which are the biggest risk to us.

The Service could provide more information on how we internally set the targets if Members required and include benchmarking with other FRS if possible. There are no national indicators for FRSs so to a large extent FRSs create their own indicators and targets, which are sometimes not directly comparable. However, where we can, we do benchmark and measure for sickness and incident indicators.

With areas such as processing of licencing applications, the CPM was unsure whether there were benchmarking statistics available but offered to investigate to ensure that we are not out of kilter with other FRSs. There was some benchmarking data available through the National Fire Chiefs Council (NFCC).

The Clerk explained that following the recent Governance review we would be working on a Members/Officer protocol, which would provide an opportunity for Members to provide their input and ideas on what Members and the public wanted to see in reports.

A Member asked about statistics and when the Service does not meet a target. Does the AFA need to take steps to ensure that the level of response is acceptable.

The CPM added that using the example of response times where our average response time is 8 minutes for 90% of calls, for the remaining calls we still try to arrive within the 8-minute response, but some calls would be over 8 minutes due to their distance within Avon, hence why the average is quoted. The Command-and-Control system looked at anticipated time to get to an incident and this is measured against the actual time and large differences are investigated.

The recommendations were moved by Cllr Payne and seconded by Cllr Monk.

**It was RESOLVED that the Committee-**

**a) Discussed and approved the report.**

**b) Noted and approved the Scorecard metrics for 2023/24.**

## **22. TRANSFORMATION PROGRAMME UPDATE**

The Committee received a report of the Transformation Programme Manager Officer Manager (PMO) on behalf of the temporary Head of Service Transformation Team.

The Head of Transformation would return to the role in May. The team would continue to explore avenues to find resources including contracting out to our IT provider and by talking to our partners. The lack of digital expertise had hampered the pace and direction of the programme and some work packages would be carried over to other areas after the programme had finished.

The key points highlighted were -

1. The FireWatch upgrade project Manager remained on the team on a part time basis and the role had been extended until 30 September 2023. This had been a significant piece of work since the system was upgraded in February.
2. The Transformation team were still struggling to fill three vacancies, these being a Microsoft 365 trainer, a Digital Developer and a Business Change Officer. Interviews were taking place for the Microsoft 365 trainer role on 13 April.
3. The Transformation Programme remained on track in many areas but had fallen behind in others due to a significant lack of digital resource. The team had also experienced challenges with securing stakeholder capacity due to



workloads and priorities which had been impacted by planning for Industrial Action, people leaving and some sickness.

4. At the most recent review an increase in risk was identified linked to the impact of not having had the intended digital resource in place for quite some time and the capacity of the Digital Project Manager. A proposal to increase the Risk Rating in the Corporate Risk Register was being made to SLT at the March meeting and a verbal update on this will be provided at the meeting.

The PMO Manager mentioned the Dignity and Respect toolkit. The team were extremely proud of the system which was unprecedented for the Service and had involved a lot of work and collaboration with Subject Matter Experts.

Following questions from Members the following points were made/clarified –

1. The team were thanked for the work already completed and the recruitment issues were recognised. It was asked whether the additional IT costs would take the project over budget. The PMO Manager confirmed it would not as the budget already included the salaries for these roles. The new IT contract now included up to 20 development hours per month, so no extra costs would be incurred.
2. The issues filling the vacancies were noted and that the Service could not offer a salary that was competitive with the private sector. It was asked whether there was a budget to outsource. It was confirmed that there was a number of pieces of work lined up for the IT team to complete. The team were also exploring internal options by upskilling team members to carry out another role within the team. The Service does try not to outsource as this is incredibly expensive.  
The Member commented that the Service and AFA needed to ensure that in the long term, these tasks are completed. It may be that we have to use outside contractors. It was commented that the same issues were discussed at previous meetings and no progress was being made. Although we need to protect our spending and budgets, it could be that a 'one time' hit was necessary. The PMO confirmed that they believed that the additional hours provided for in the new IT contract would be sufficient to continue the necessary work.
3. The Service had approached local Universities and there had been one interview, but the candidate had not been suitable.

**It was RESOLVED that the Committee-  
Noted the report, scrutinised its contents and did not make any  
recommendations or suggestions.**

## **23 ROUND 2 HIS MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (HMICFRS) INSPECTION ACTION PLAN**

The Committee received a report of the Service Liaison Officer (SLO) providing an update on HMICFRS (HMI) Inspection Action Plan. The second 'round 2' HMI inspection report was formally tabled following its publication on 15 December 2021.

It was explained that the usual practice would be to provide the last version of the inspection plan approved by SLT. However, given the near proximity of the next inspection, the CFO had commissioned an extraordinary review of the

action plan. Therefore, the usual report was not attached to these meeting papers and would be reviewed at SLT the following week. This report would then be provided to HMI as an up-to-date document of the inspection action plan.

The SLO reminded Members of the forthcoming inspection activity for Round 3. This was undertaken by HMI over a 10-week period and concentrated on the pillars of Effectiveness, Efficiency and Our People. This included a number of elements including documentation request, self-assessment and staff survey to employees. On site interaction with staff would take place in weeks 4 (w/c 19 June) and week 6 (w/c 3 July) and virtual interviews with Heads of Departments in week 7 (w/c 10 July 2023).

Following recent media coverage in relation to values and culture within fire and rescue services (including the publication of the Independent Culture Review of the London Fire Brigade), HMI was commissioned by the Minister of State for Crime, Policing and Fire at the Home Office to produce a 'spotlight report' covering the issues it found during its Round 2 inspections reviewing Values and Culture. Paragraph 5.8 outlined the findings of the recent publication of the report which looked at evidence from all English Round 1 and 2 Inspections. This included 35 recommendations, 20 of which were for local action and at FRS level. These had been analysed and 20 would be incorporated into our HMI action plan.

A Member expressed a level of disappointment about the HMI process. At a recent fire conference, the Member queried with an HMI Inspector about the 'bland inspectorate' and employing people of a similar type and mindset. The Member added that 'if changes are not made, we would be stuck where we are'. He noted that until the HMI were inspecting in a way that is innovative and looking at change rather than numbers, we would be stuck. They commented that the current inspectors were not helping FRS to do better things. A lot of time, money and effort is put in by the 45 FRS and for a value point of view, HMI are not helping us to deliver a future FRS. The Member would like his point recorded within the minutes as the current situation was not helping us to resolve issues raised including with the previous paper.

**It was RESOLVED that the Committee –**

- a) Noted the progress made against the most recently approved version of AF&RS's HMICFRS inspection action plan (Appendix 1), discussed its contents and did not make any recommendations or suggestions.**
- b) Noted the current HMICFRS inspection activity.**

## **24 2022/23 CAPITAL PROGRAMME UPDATE**

The Head of Finance presented the report which provided an overview of the 2022/23 Capital Programme including operational updates and additional context information for 2022/23 projects up until 28 February.

The key points highlighted were –

1. The Capital Programme approved for 2022/23, included adjustments for the final 2021/22 carry over, was £7.741m.
2. This latest report, based upon spending to the end of November 2022, forecasted that total capital spending would be £4.144m, resulting in an underspend of £3.597m. There had been a delay with the Bedminster project,

where the original estimate of costs had increased due to delays in materials and supply chains. There also had been a delay in making the final Fleet payments which would move into the next financial year.

3. Control element may slip into the future year due to national issues in terms of delays in supply.

The Head of Finance drew Members attention to Appendix 1, which showed £3.4m carry over into the next financial year. It was confirmed that there was slightly less carried over for Fleet and more for the premises budget including Bedminster.

A Member commented that there was improvement in terms of where the AFA was 4 years ago. The value of money is worth a lot less than when the AFA sold the former HQ building. It was noted that it was useful that there was some understanding going forward in terms of gross implications on the capital programme. It was noted that the reports needed to be realistic. In addition, inflation was mentioned within the report, but this could be increased as it was a threat to the AFAs delivery.

**It was RESOLVED that the Committee –  
Reviewed key issues within the updates given to provide the required assurance on the approved Capital Programme.**

## **25 2022-23 REVENUE BUDGET MONITORING REPORT**

The Head of Finance presented the report which provided an updated revenue monitoring report for the current financial year, based upon spending at the end of February 2023.

The latest report forecasted that spending against the next revenue budget would be £59k overspent. This was a result largely of the additional pay awards for 2022/23. However, there was additional income from the South West Ambulance Service Foundation Trust agreement and also as a result of our cash balances, we have received additional investment income which amounted to £300k.

The Finance Team were currently working on the March year end position; however, figures were not expected to change.

**It was RESOLVED that the Committee –  
Noted the forecast spending position against the 2022/23 Revenue Budget.**

## **26. GRENFELL TOWER INQUIRY PROGRESS UPDATE**

The Committee received a report on the progress that had been made in respect of the Grenfell Tower Inquiry Phase 1 report and recommendations.

In summary Members noted that -

1. The cost of the project totalled £99,229, with £97,720 already allocated against specific grant funding.
2. Of the 29 internal actions 19 were completed and 10 were in progress. Since the previous update, eight internal actions had their target completion dates delayed. The primary reason for the delays, related to compatibility issues with

our communications and controls with other emergency services systems, and external agencies procurement delays.

3. The High-Rise Residential Building (HRRBs) work with Bristol City Council (BCC) was almost complete with only two CAD plans outstanding. The Provision of Risk Information System (PORIS) team was liaising with other Unitary Authorities and Unite student accommodation. One building was currently wrapped in scaffolding.
4. The Premises Information Plates (PIPs) design had been agreed and work had started on the first eight BCC HRRB's in Barton Hill. The on-going target was to complete five per month. The Provision of Risk Information System (PORIS) team were liaising with the other Unitaries and Unite student accommodation to start creating plans for their HRRB's.
5. Phase 2 of the inquiry commenced in January 2021 and closed in July 2021. The panel were still preparing the report which is expected sometime later this year.
6. A training package had been developed in line with the Evacuation Operational Instruction Note and evacuation packs for frontline appliances had been purchased. Evacuation training for operational staff commenced in mid-March.

A Member thanked the Officer for the report and drew Members attention to a new project in central Bristol which could comprise of a 28-storey block of flats. The constrained nature of the site would mean that an incident would be very challenging, and it was really important that the Service were able to deal with buildings of that height. The Clerk pointed out that under new legislation the Service would be involved at much earlier stage of the design of a new building.

A Member noted that the general public were now a lot more aware of high-rise buildings and the risks involved with such high levels. The work that the Service carried out is incredibly important and their thanks were passed on.

**It was RESOLVED that the Committee -  
Noted the report, discussed its contents, and made no recommendations  
or suggestions.**

## **27. DATE OF NEXT MEETING**

### **RESOLVED -**

That the next meeting of the PRSC would take place on 27 June 2023 at 10.30am subject to changes which might take place following the Governance review.

The meeting closed at 11.30hrs

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**Chair**

## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 4 October 2023</b>
<b>REPORT OF:</b>	<b>Chief Fire Officer/Chief Executive</b>
<b>SUBJECT:</b>	<b>Budget Shortfall Options</b>

### 1. **SUMMARY**

- In May 2023 the Chief Fire Officer commissioned a project to identify efficiencies to address the savings required to meet forecast funding pressures in the Medium-Term Financial Plan and maintain a balanced budget. Funding pressures became known following the confirmation of the Grey Book pay award and uncertain future funding settlements for 2024/25 onwards.
- The project objective was to maintain or improve Service Delivery by not closing Stations or reducing the number of appliances. This will ensure an improved service to our communities while continuing to invest in making our service stronger and keeping our communities safe.
- Key areas of focus have been crewing models on wholetime stations; the introduction of a blended fleet and reinvestment for an Alarm Response Vehicle.
- The Efficiency Project has identified a potential £2 million worth of recurrent annual efficiency savings within Avon Fire and Rescue Service (AF&RS) by 2026/27.
- The Project Team has identified that efficiencies can be achieved through natural retirement profiles but not all efficiencies will be realised in year one due to the current retirement profile of the Service. However, over years two and three all potential efficiencies are projected to be achieved.

### 2. **RECOMMENDATIONS**

2.1 The Fire Authority is asked to:

- a) Approve the continued development and implementation of a crewing model that reflects 4 personnel on every pumping appliance at wholetime

stations. Crewing will be maintained on 5 at Hicks Gate where we have Key Point Indicators (KPIs) for National Resilience.

- b) Approve the ongoing research and development of a flexible crewing model for Yate wholetime personnel whilst ensuring 4 personnel on the wholetime appliance to maintain a day crewed model.
- c) Approve the reinvestment and introduction of an Alarm Response Vehicle (blended fleet) to create capacity for wholetime crews to be more productive in protection and prevention activities.
- d) Approve the research and potential implementation of a smaller response vehicle for lower category, non-life critical incidents. This is a blended fleet option for a multi pump station to be defined by risk analysis and data.

### **3. BACKGROUND**

3.1 Members will recall the four-year Medium Term Financial Plan (MTFP) was presented for approval at the Avon Fire Authority (AFA) meeting dated 17 February 2023. The plan covered the four-year period from 2023/24 to 2026/27 and highlighted the following incremental shortfalls in the revenue budget projections (noting a balanced position for 2023/24 was presented and therefore no shortfalls in the first year of the plan):

- a) 2024/25 £1 million
- b) 2025/26 £0.4 million (additional to prior year shortfall)
- c) 2026/27 £0.5 million (additional to prior years shortfall)

3.2 This translates to the following annual shortfalls for each financial year:

- a) 2024/25 £1 million
- b) 2025/26 £1.4 million
- c) 2026/27 £1.9 million

3.3 For the 2023/24 financial year the Service has been able to present a balanced budget due to the £5 Council Tax precept settlement. For future years there is uncertainty around the funding settlements and therefore a conservative assumption of a 1.99% increase per annum was modelled. The uniformed (Grey Book) pay award of 7% for 2022/23 and 5% for 2023/24 has contributed to the shortfalls outlined in paragraphs 3.1 and 3.2, in conjunction with the prudent funding settlement assumptions.

3.4 When choosing to opt for the £5 increase in the Council Tax precept services were also requested to indicate to the Home Office and the Fire Minister where further efficiencies could be made and increase the effectiveness and productivity of service provision to our communities. In addition, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

inspection criteria also covers effective use of resources for prevention, protection, and response.

- 3.5 In addition to the shortfalls identified above, AF&RS is looking to generate a further £600k across the three-year period to allow for a contribution from the revenue budget to earmarked Capital Reserves.
- 3.6 A number of different models were analysed that are deemed best practice in UK Fire and Rescue Services. In doing this it allowed the team to match recommendations with best practice and local risk using the Services Cad Corp risk analysis software. This ensures AF&RS aims to maximise operational efficiency while maintaining the highest level of service and safety for our communities and staff.
- 3.7 The focus of this Efficiency Project is identifying efficiencies and changes to ways of working involving pay costs, as our pay related costs make up approximately 75% of our overall budget. However, alongside this project, the Service is also reviewing the non-pay costs and exploring options to ensure value for money and maximum efficiencies are achieved across all areas of the budget.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 To achieve the forecast efficiencies, as outlined in paragraph 3.1 above, several options have been considered as per the recommendations. The preferred option for the Service to pursue is summarised below and detailed further in section 5:
  - a) A crewing model of 4+4 on all stations (excluding Hicks Gate station)
  - b) Adopt Flexible Rostering at Yate station
  - c) Adopt a smaller response vehicle (blended fleet) at a multi pump station
- 4.2 By exploring and implementing the recommendations it is anticipated the Service can reduce its wholetime operational establishment by 40 posts, realising an annualised saving of £2m. This figure includes salary savings, along with national insurance and pension contributions.
- 4.3 The savings would not all be achieved in the first year of implementation, as the plan is to reduce the establishment naturally via retirements. The Service therefore needs to achieve the retirement assumptions made within the financial analysis below to avoid any further impacts on its people. However, it is recognised there will be a short-term impact on recruitment and the Service will manage vacancies through existing succession planning.

4.4 Table 1 below summarises the savings our Base Case assumptions generate and compares this to the anticipated required savings outlined in paragraph 3.2.

	<b>2024 / 2025</b>	<b>2025 / 2026</b>	<b>2026 / 2027</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Expected Annual Deficit (as per MTFP) (A)</b>	<b>(1,063)</b>	<b>(1,396)</b>	<b>(1,891)</b>
<b>Recurrent Savings Identified (paragraph 4.5)</b>			
<i>25 retirements by 31 March 2024</i>	1,444	1,444	1,444
<i>7 retirements by 31 March 2025</i>		284	284
<i>8 retirements by 31 March 2026</i>			335
<b>Total Savings Identified (B)</b>	<b>1,444</b>	<b>1,728</b>	<b>2,063</b>
<b>Revised MTFP Surplus (A+B)</b>	<b>381</b>	<b>332</b>	<b>172</b>

**Table 1**

Note in all tables, the brackets indicate a negative position (i.e., expenditure greater than income) and the positive numbers indicate savings and a positive position (i.e., income greater than expenditure).

4.5 In pursuit of this option, £885k of additional savings will be generated over three financial years to reinvest into the implementation of an Alarm Response Vehicle, this will support the blended fleet model for response. This vehicle will respond to Automatic Fire Alarms and will work with local businesses to reduce the impact of Automatic Fire Alarms and free up other appliances which can be committed to other activity for prevention, protection and response.

4.6 As noted in paragraph 5.8 the Service is looking to generate sufficient surplus within the coming three financial years to enable future investment in the Service. The preferred investment option is outlined below:

- a) Purchase of an Alarm Response Vehicle assumed at £50k cost within 2025/26 financial year.
- b) Creation of three additional roles within the establishment to crew this vehicle. The assumed cost per role is £51k per annum and that all three staff are in place for the start of the 2025/26 financial year.



4.7 Table 2 below demonstrates the impact of the above reinvestment option on the revised surplus presented in Table 1.

	<b>2024 / 2025</b>	<b>2025 / 2026</b>	<b>2026 / 2027</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Revised MTFP Surplus (Table 1) (A)</b>	<b>381</b>	<b>332</b>	<b>172</b>
<i>One off vehicle purchase 2025/26</i>		(50)	
<i>Additional 3 roles created from 2025/26</i>		(153)	(153)
<b>Total Reinvestment Costs (B)</b>		<b>(203)</b>	<b>(153)</b>
<b>Revised MTFP Surplus after Reinvestment (A+B)</b>	<b>381</b>	<b>129</b>	<b>19</b>

**Table 2**

4.8 The above scenario, with reinvestments, shows that should the Service pursue this option it could generate a cumulative surplus over the three years to March 2027 of £529k.

4.9 As noted in paragraph 3.4, the Service is looking to generate a surplus of £600k over the three-year period to reinvest in the Capital Programme. Achieving the efficiency savings modelled above, alongside any savings identified as part of the review of the non-pay costs, paragraph 3.6, will take the service very close to the desired outcome. If no further savings were identified the Service would just be £71k short, and able to contribute £529k to the Capital Reserve, rather than the desired £600k.

4.10 The numbers presented in this paper assume the purchase of any required blended fleet appliance, as per paragraph 4.1 c, is covered by the existing Capital Programme. The preparation of this paper also assumes there would be no change to the ongoing fleet maintenance costs in the revenue budget as a result of the investment in a blended fleet appliance.

## **5. KEY CONSIDERATIONS**

5.1 Several options have been researched and considered. Crucial to the recommendations was that AF&RS must match resource to risk and identify options that would maintain or improve Service Delivery and ensure the same or improved service to our communities. The options considered but were not limited to are as follows:

- Using a crewing model of four on every Wholetime appliance, flexible rostering and a blended fleet using dynamic mobilisation.
- Removing Primary crewing of the Aerial appliance at 09 Temple.
- Changing our ridership factor from 1.37 to 1.2
- Reinvesting any surplus savings to enhance making our communities safer and our Service stronger.

More detail on each option is included below from paragraph 5.2 onwards.

### **Option Appraisal**

- 5.2 **Crewing model of 4 on every Wholetime Appliance.** AF&RS's current crewing model is 4 on every water tender and 5 on every water tender ladder. This option would ensure the service meets and maintains its response standards as detailed in the Service Plan. All On Call appliances would still be utilised with a maximum of 5 riders on the appliance. If this crewing model was adopted, it would mean a reduction in 28 posts and would create efficiencies of £1.4m
- 5.3 **Flexible crewing at Yate wholetime,** this option allows for wholetime crews at Yate to use a self-rostering system ensuring a crewing model of 4 at all times. If this crewing model was adopted, it would mean a reduction in 4 posts and would create efficiencies of £206k.
- 5.4 **A smaller vehicle/blended fleet at a multi pump station in the Bristol area.** The blended fleet vehicle would be a smaller/midi type fire appliance that allows the crew of a multi pump station to dynamically mobilise depending on the type of incident they are required to attend. Risk analysis is currently taking place to identify which is the best location for this type of vehicle to be located at, initial indications are that the risk area would be within the Bristol area. The blended fleet vehicle would be mobilised as a single vehicle to non-life critical, lower category incidents and would create capacity for operational crews to complete more Prevention and Protection activity. If this option was adopted, it would mean a reduction in 8 posts and would create efficiencies of £412k.
- 5.5 **Removing Primary crewing of the Aerial appliance at 09 Temple.** The current crewing model of the Aerial appliance of 09 Temple is primary crewed, meaning 2 Firefighters crew this appliance every shift, whereas a secondary crewing model was considered which would mean no dedicated crew until an incident arises. The savings for AF&RS if this crewing model was adopted is £620K per year and it would mean a reduction in 12 Firefighter posts. The appliance is currently widely utilised and is in Central Bristol where most of the Tall Buildings are located. This option was not preferred because research, risk data and mapping highlighted the current crewing model matches the Services resource to risk profile.

- 5.6 **Changing ridership factor from 1.37 to 1.2.** A ridership factor is a figure used to ensure optimal crewing on each watch. The savings for AF&RS if the ridership factor was reduced to 1.2 would be £1.9m per year and it would mean a reduction in 38 Firefighter posts. This option was not preferred because if this option was selected it could lead to an increase in the overtime budget as there may be crewing deficiencies due to resilience of each watch.

### **Recommendation**

- 5.7 The recommended options are detailed in paragraphs 5.2, 5.3 and 5.4 above. A crewing model of 4 on every Wholetime Appliance with flexible crewing at Yate wholetime and smaller vehicle (blended fleet) option on a multi pump station. A combination of the three options would create efficiencies of £2m.

### **Reinvestment Option**

- 5.8 **Reinvesting any surplus savings to enhance making our communities safer and our Service Stronger.** In using a crewing model of 4 on every appliance and a blended fleet vehicle it would also allow for reinvestment. Risk mapping identifies that an Alarm Response Vehicle that responds to Automated Fire Alarms could be located in the Bristol area and operated during normal business hours, this would be crewed by either Business Fire Safety qualified staff and or operational staff. Capacity on wholetime shifts would be enhanced with the introduction of this vehicle as it would mean a standard appliance does not attend the majority of alarm calls and the crews will have capacity in being more productive in Prevention and Protection activities. This aligns with the NFCC productivity and capacity work stream.

## **6. RISKS**

- 6.1 The financial analysis in this paper has all been modelled based on a set of retirement profile assumptions, this is currently on average 2.5 leavers per month. Generating the necessary savings to balance the budget is heavily reliant on the establishment reducing by a certain number for each financial year. There is a risk that retirements do not progress as modelled in this paper and therefore insufficient savings are generated. This paper does not take into account other means of establishment reduction, for example voluntary leavers pursuing careers elsewhere. This could go some way to mitigating this risk.
- 6.2 It is also noted that some of the assumptions underpinning the current MTFP are modelling a 'worst case' scenario. For example, precept levels are assumed to increase by 1.99% per annum. The funding settlements are unknown at this point, but it is possible that a higher settlement is achieved in at least one of the financial years in the MTFP and would therefore reduce the total savings required to balance the budget. There are several moving assumptions in the MTFP which will continue to be reviewed, and an updated MTFP will be prepared for approval prior to the end of the 2023/24 financial year. This will

reflect a more current set of assumptions and therefore a revised shortfall position.

- 6.3 Over the course of the coming months, both the retirements and the MTFP assumptions will be reviewed and monitored to ensure that any chosen course of action to achieve efficiency savings does generate sufficient savings for the Service to deliver a balanced budget.
- 6.4 Early collaboration and consultation with Representative bodies has taken place and the Service will continue to work with Representative bodies, Members, and the Community to ensure a robust communication strategy is in place.

## **7. LEGAL/POLICY IMPLICATIONS**

- 7.1 The provisions of the Local Government Finance Act 1992 (LGFA 1992) set out the requirement for the Service to set a balanced budget with regard to the advice of its Chief Finance Officer (**section 151**). Efficiency savings are necessary for the Service to meet this requirement for 2024/25 onwards.
- 7.2 The Service Plan for 2023 - 2026 will have to be reviewed to include the proposals contained within this report.
- 7.3 The Community Risk Management Plan will have to be reviewed to include the new crewing and Response model.
- 7.4 A review of the Mobilisation policy and Degradation Plan will be required.
- 7.5 A review of the Unwanted Fire Signal Policy will be required.

## **8. BACKGROUND PAPERS**

- a) Paper 8 – Medium Term Financial Plan 2023 – 2027, AFA Meeting - 17 February 2023, at the following link:  
[Avon Fire Authority published papers 17 February 2023](#)
- b) Service Plan 2023-2026, at the following link:  
[Avon Fire Authority Service Plan 2023-2026](#)

## **9. REPORT CONTACT**

Luke Gazzard, t/Area Manager Response, Service Delivery, Ext. 8531.

## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 4 October 2023</b>
<b>REPORT OF:</b>	<b>The Clerk</b>
<b>SUBJECT:</b>	<b>Adoption of LGA Cllr Model Code of Conduct</b>

### 1. SUMMARY

- At an extraordinary meeting on 25 April 2023, Avon Fire Authority accepted all 12 recommendations of an independent governance review, which included Recommendation 8 that the current Members' Code of Conduct should be updated to fully reflect the LGA Model Councillor Code of Conduct and associated Guidance.
- Three of the four unitary authorities have already adopted the LGA Model Councillor Code of Conduct, two with small amendments, as briefed to Members at a Member Briefing on 7 July.
- On 20 September 2023 the Audit Governance and Oversight Committee (AGOC) reviewed the Code (with a minor addition) at **Appendix 1** and separate Arrangements for dealing with complaints at **Appendix 2** (which includes 2 Annexes, a Complaint Form and Procedure for hearing of the AGOC sub-committee) and recommended those for adoption by Avon Fire Authority.

### 2. RECOMMENDATIONS

2.1 The Fire Authority is asked to:

- a) Adopt as Avon Fire Authority's new 'Members' Code of Conduct' the LGA Model Councillor Code of Conduct, with a minor addition, at **Appendix 1**.
- b) Adopt as Avon Fire Authority's new 'Arrangements for dealing with complaints' at **Appendix 2** with two annexes, a complaint form and Procedure for hearing of the AGOC sub-committee.
- c) Note the Code of Conduct training already arranged in conjunction with Bath & North East Somerset (B&NES) on three dates: Monday 30

October (in person), Friday 10 November (in person) and Wednesday 15 November (on-line), to accommodate all Members.

### **3. BACKGROUND**

- 3.1 Avon Fire Authority commissioned an Independent Governance Review and considered the final report at an extraordinary meeting on 25 April 2023. The Fire Authority accepted all 12 recommendations, which included Recommendation 8 that the current Members' Code of Conduct should be updated to fully reflect the LGA Model Councillor Code of Conduct and associated Guidance.
- 3.2 Three of the four unitary authorities (excluding Bristol City Council) have already adopted the LGA Model Councillor Code of Conduct, two with small amendments.
- 3.3 The Audit Governance and Oversight Committee reviewed the Code of Conduct and separate Arrangements at their meeting on 20 September 2023 and recommended adoption of both documents by the Fire Authority.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 This report has no financial implications

### **5. KEY CONSIDERATIONS**

- 5.1 The LGA Model Councillor Code of Conduct 2020 (16 pages) was formally adopted by the LGA in December 2020. Since that date the Code has been updated twice on 19 January and 17 May 2021. The associated LGA Guidance explains that:

*'The Code, together with the guidance, has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government.'*

*'The code is a template for Local Authorities to adopt in whole and/or with amendments to take into account local circumstances.'*

- 5.2 The Code contains 'General Principles of councillor conduct' which reiterates that the 'Seven Principles of Public Life', known as the Nolan Principles (at Appendix A to the Code), should be upheld at all times. The provisions in the Code apply when 'acting in your capacity as a councillor' and applies to all forms of communication and interaction, including face-to-face meetings, online or telephone meetings, written and verbal communication, non-verbal communication and posts, statements and comments made in electronic and social media communication.

- 5.3 The Code sets out minimum standards of general conduct in sections 1-8 and requires registration and disclosure of interests in section 9. Section 10 deals with gifts and hospitality. Appendix B to the Code provides more detail regarding registering interests (pages 10-14 of the Code).
- 5.4 Both B&NES and South Gloucestershire councils have adopted the Code with minor amendments, one amendment made by both Councils required Members to consider the advice provided to them by the Chief Finance Officer and Monitoring Officer. That amendment is considered sensible, and the draft Code at **Appendix 1** includes additional wording at a new clause 8B entitled 'Consideration of Advice' for consideration by Members.
- 5.5 Avon Fire Authority's current Code of Conduct is only 2 ½ pages long and includes 'Arrangements for dealing with complaints' ("Arrangements") – that is now required as a stand-alone document and is at **Appendix 2** for approval by Members. The Arrangements include two Annexes, **Annex A** is the complaint form which complainants should complete and will be available on Avon Fire Authority's website and **Annex B** is the 'Procedure for hearing of Audit, Governance and Oversight Committee (AGOC) sub-committee'.
- 5.6 The LGA encourages training on the Model Councillor Code of Conduct. As Members have already adopted Recommendation 8 of the Independent Governance Review, it is anticipated that the Code will be adopted by the Fire Authority. Therefore, training has been provisionally booked in conjunction with B&NES (to share costs) on three dates: Monday 30 October (in person), Friday 10 November (in person) and Wednesday 15 November (on-line), to accommodate all Members.

## **6. RISKS**

- 6.1 The current Fire Authority Code of Conduct is outdated and does not follow LGA's best practice. Adoption of the LGA Model Councillor Code of Conduct was recommended by a recent independent governance review. Adoption of the LGA Code should make it easier for Members to understand the conduct expected whilst acting in their capacity as councillor and should ensure good governance and public confidence.

## **7. LEGAL/POLICY IMPLICATIONS**

- 7.1 The relevant law is set out in the Localism Act 2011. Section 27 imposes a duty on a relevant authority to promote and maintain high standards of conduct by Members and co-opted Members of the authority. Section 28 provides that the authority must secure that a code adopted by it is consistent with the Nolan Principles. Furthermore, the code must include provisions in respect of the

registration and disclosure of interests. A relevant authority may revise its existing code of conduct or adopt a new code of conduct to replace its existing code. The authority must also have in place 'arrangements' under which allegations can be investigated and under which decisions on allegations can be made.

## **8. BACKGROUND PAPERS**

- a) Paper entitled 'Adoption of LGA Model Councillor Code of Conduct' to Audit Committee:  
[Audit Governance and Oversight Committee published papers 20 Sep 23](#)
- b) Paper entitled 'Review of Avon Fire Authority's Governance Arrangements' to Avon Fire Authority at the following link:  
[Papers extraordinary Avon Fire Authority meeting 25 April 2023](#)

## **9. APPENDICES**

1. LGA Model Councillor Code of Conduct, with amendment.
2. Arrangements for dealing with complaints, including Annex A Complaint Form and Annex B 'Procedure for hearing of Audit, Governance and Oversight Committee (AGOC) sub-committee'.

## **10. REPORT CONTACT**

Amanda Brown, Clerk/Monitoring Officer to Avon Fire Authority, Ext 347.



# Members' Code of Conduct



**AVON**  
FIRE AUTHORITY



## **Introduction**

Avon Fire Authority have adopted the Local Government Association Model Councillor Code of Conduct 2020 as their Members' Code of Conduct, which is set out in full below. The only addition to the LGA Code is a new clause 8B which deals with the 'Consideration of Advice' from the Statutory Officers.

## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.



## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.



You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

**As a councillor:**

##### **1.1 I treat other councillors and members of the public with respect.**

##### **1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

**As a councillor:**

##### **2.1 I do not bully any person.**



## **2.2 I do not harass any person.**

## **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

### **As a councillor:**

### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **4. Confidentiality and access to information**

### **As a councillor:**

### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**



iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and
2. made in good faith and in compliance with the reasonable requirements of the local authority; and
3. I have consulted the Monitoring Officer prior to its release.

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.





## **7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.





## 8B. Consideration of Advice

When dealing with matters in relation to this Code of Conduct, Members will:

**8B.1 Consider and pay due regard to any relevant advice provided by the Fire Authority's Statutory Finance Officer and/or the Fire Authority's Clerk/Monitoring Officer.**

**8B.2 Give reasons for departing from the advice of the Statutory Finance Officer or Clerk/Monitoring Officer.**

**Protecting your reputation and the reputation of the local authority**

## 9. Interests

**As a councillor:**

### 9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**



In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

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## Appendices

### Appendix A – The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also



allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council. — (a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged. (b) Which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.



<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

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### Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the



allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

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# Arrangements for dealing with complaints under the Members' Code of Conduct



**AVON**  
FIRE AUTHORITY



## 1. Introduction

- 1.1 At their meeting of 4 October 2023, Avon Fire Authority adopted a new Code of Conduct for Members, which brought the Code in line with the Local Government Association (LGA) Model Councillor Code of Conduct.
- 1.2 In accordance with section 28 of the Localism Act 2011, these arrangements set out how a complaint may be made that an elected member or co-opted member of Avon Fire Authority has failed to comply with the Authority's Code of Conduct for Members and how the Authority will deal with such allegations.

## 2. Making a complaint

- 2.1 The person making the complaint will be referred to as "the complainant" and the person against whom the complaint is made will be referred to as the "subject member".
- 2.2 A complaint should be made by completing the standard complaint form at **Annex A** - available on Avon Fire Authority's website at the following link:  
  
**[insert link]**
- 2.3 The complainant should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.
- 2.4 The completed complaint form should be submitted by email or post to:

Email: [the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk)

Post: Clerk/Monitoring Officer, Avon Fire Authority, Police and Fire HQ, Valley Road, Portishead, Bristol BS20 8JJ.

## 3. Anonymous complaints

- 3.1 Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Clerk decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.



## 4. Confidentiality

- 4.1 As a matter of fairness and natural justice, the subject member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Clerk may withhold the complainant's identity if on request from the complainant, they are satisfied that the complainant has evidence and reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of actual harm, or their employment may be jeopardised if their identity is disclosed. If the Clerk decides to anonymise the complaint form, this decision will be kept under review.
- 4.2 If the Clerk decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with their identity being disclosed.

## 5. Acknowledgement

- 5.1 The Clerk will normally acknowledge receipt of the complaint within five working days of receipt.
- 5.2 The complaint may be rejected by the Clerk at this stage if:
- It is against the whole Fire Authority, or the complaint is about service provision by Avon Fire & Rescue Services, rather than member conduct.
  - It is against an elected member who is not appointed to Avon Fire Authority.
  - The subject member was not in office at the time of the alleged misconduct/or at the time of the complaint.
- 5.3 The Clerk will also within five working days and, on a confidential basis, inform the subject member of the substance of the complaint and the identity of the complainant (unless the Clerk considers that such notification would prejudice the proper consideration and investigation of the complaint).
- 5.4 The subject member may, within ten working days of receipt, make written representations to the Clerk which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Clerk, but will not be considered after the Clerk has issued their Initial Assessment.

## 6. Initial Assessment

- 6.1 The Clerk will review the complaint and decide whether it should be rejected, merits further investigation, or can be resolved informally.

# Arrangements for dealing with complaints under the Members' Code of Conduct



- 6.2 The Clerk may seek the views of the Independent Person at this stage to aid consideration and may also request further information from the complainant or the subject member.
- 6.3 This initial assessment will normally be completed within 21 working days of receipt of a complaint. A complaint will be rejected by the Clerk where:
- a) The allegation does not demonstrate any potential breach of the Code, for example, it relates to events which occurred when the person complained about was not acting in an official capacity.
  - b) The complainant has failed to provide the information specified in the complaint form or any other information reasonably requested by the Clerk.
  - c) The complaint is anonymous and this impacts on the ability to properly investigate.
  - d) The complaint is the same or substantially the same as a complaint previously dealt with.
  - e) The events complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the time or only recently discovered.
  - f) The complaint is politically motivated, trivial or 'tit for tat'.
  - g) The complaint discloses such a minor or technical breach of the Code that it is not in the public interest to pursue.
  - h) The member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration.
  - i) The complaint is about a person who is no longer a member of the Fire Authority and there are no overriding public interest reasons to merit further consideration.
- 6.4 If the complaint is rejected at initial assessment, the complainant and the subject member will be advised of the decision and there will be no right of appeal.
- 6.5 If the complaint is not rejected, the Clerk will then go on to apply the following criteria in deciding whether a complaint should be dealt with by informal resolution or whether a formal investigation is required:
- a) Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any recommendation other than an apology.





- b) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegation(s).
- c) Whether, in all the circumstances, there is no overriding public interest in carrying out an investigation.
- d) Whether the complaint suggests that there is a wider problem throughout the Authority.
- e) Whether training or mediation would be the appropriate response.

6.6 The decision as to how to proceed will be made by the Clerk after seeking the views of the Independent Person and shall be final. There shall be no right of appeal.

## 7. Informal Resolution

7.1 Wherever possible, the Clerk will resolve complaints.

7.2 If the Clerk considers, after consultation with the Independent Person, that there has been a breach of the Code and the matter could reasonably be resolved without the need for a formal investigation, a fair resolution shall be suggested.

Such resolution may include:

- advising the subject member about matters of conduct
- arranging training for the subject member
- advising the subject member that an apology might be appropriate
- suggesting a mediation meeting between the subject member and the complainant, or
- another course of action.

7.3 The Clerk will report with full reasons the outcome of the complaint to the complainant and subject member; where appropriate, the unitary authority of the subject member and the relevant group leader(s) will also be informed.

7.4 The Clerk will seek confirmation that the suggested resolution has been complied with.

## 8. Formal investigation

8.1 Where, in the opinion of the Clerk, following consultation with the Independent Person, a formal investigation is required, the Clerk will appoint an Investigating Officer to investigate the complaint, gather further evidence and prepare a report. The Clerk may investigate themselves or appoint a senior officer of Avon Fire & Rescue Service, an officer of another local authority, or an external investigating officer to investigate, if required, or to avoid any conflict of interest.



- 8.2 The subject member will be required to co-operate fully with the investigation process and the Clerk will keep the complainant and the subject member informed as to progress at appropriate intervals.
- 8.3 Prior to concluding the investigation, the Investigating Officer may discuss the matter in confidence with the Clerk and Independent Person before producing a draft report. Copies of the draft investigation report will be circulated to the complainant and subject member in confidence giving them both an opportunity to correct any factual inaccuracies. Having received and taken account of any comments on the draft investigation report, the Investigating Officer will send the finalised report to the Clerk.
- 9. Investigation report concludes no failure to comply with the Code.**
- 9.1 The Clerk will review the evidence collated and the Investigating Officer's report and, following consultation with the Independent Person, if satisfied that the investigation report is satisfactory, will within 10 working days confirm the finding of no failure to comply with the Code.
- 9.2 The Clerk will write to the complainant and the subject member with the Clerk's decision that there has been no failure to comply with the Code, including a copy of the Investigating Officer's final report.
- 9.3 If the Clerk is not satisfied that the investigation has been conducted satisfactorily, the investigating officer may be asked to reconsider their report and conclusion.
- 10. Investigation report concludes there is evidence of a failure to comply with the Code.**
- 10.1 The Clerk will review the investigation report and will consult with the Independent Person and will decide whether:
- The breach of the Code is suitable for informal resolution (in accordance with paragraph 7 above), or
  - The breach of the Code is not considered suitable for informal resolution and should be referred to a hearing by a sub-committee of the Audit, Governance and Oversight Committee (AGOC) for decision.
- 10.2 If the subject member accepts the suggested informal resolution, no further action will be taken and, where appropriate, the unitary authority of the subject member and the relevant group leader(s) will be informed. If the subject member refuses an informal resolution, then the matter will be referred to a hearing by a sub-committee of the Audit, Governance and Oversight Committee (AGOC) for decision.



- 11. Hearing of the sub-committee of the Audit, Governance and Oversight Committee (AGOC)**
- 11.1 A hearing of the AGOC sub-committee is not a Court process, but in order to be fair to everyone there is a procedure to be followed at **Annex B**. The sub-committee will comprise a minimum of three members and the hearing will be conducted in exempt session.
- 11.2 If after a hearing the AGOC sub-committee concludes that the subject member did not fail to comply with the Code, the complaint will be dismissed and that will be an end to the matter.
- 11.3 If after a hearing the AGOC sub-committee concludes the subject member failed to comply with the Code the Chair will inform the subject member of this finding and the sub-committee will then consider what action, if any, should be taken as a result of the failure to comply with the Code. The subject member will have an opportunity to make representations and the Independent Person will be consulted.
- 11.4 The AGOC sub-committee may:
- 11.4.1 Publish its findings in respect of the member's conduct.
  - 11.4.2 Report its findings to the member's unitary authority.
  - 11.4.3 Recommend to the member's unitary authority that the member be removed as their council nomination to Avon Fire Authority.
  - 11.4.4 Recommend to the Fire Authority that the member is censured (a formal vote of condemnation or disapproval).
  - 11.4.5 Instruct the Clerk to arrange training for the member.
  - 11.4.6 Require an apology in suitable terms to the complainant/Avon Fire Authority.
- 11.5 The AGOC sub-committee has no power to suspend or disqualify the subject member.
- 11.6 Within 10 working days the Clerk will prepare a formal Decision Notice and send a copy to the complainant and the subject member (and to the member's unitary authority, where appropriate).
- 11.7 The Decision Notice will be published as part of the minutes of the AGOC sub-committee and placed on the Fire Authority's website, unless the Clerk determines that it should remain confidential, or it contains exempt information.



## 12. Appeals

- 12.1 There is no right of appeal by the subject member against a decision of the Clerk or of the AGOC sub-committee.
- 12.2 If the Complainant feels that the Fire Authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.

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# Arrangements for dealing with complaints under the Members' Code of Conduct



## Annex A - COMPLAINT FORM – FOR COMPLAINTS ABOUT MEMBERS

To: The Clerk/Monitoring Officer  
Avon Fire Authority  
Police and Fire HQ  
Valley Road  
Portishead  
Bristol BS20 8JJ

This form can be submitted by post or email to: [the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk)

Please note that this form should only be used for complaints against Avon Fire Authority Elected Members.

### 1. Your details

Please provide us with your name and contract details:

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Address</b>	
<b>Telephone number</b>	
<b>Email address</b>	
<b>Which complainant type best describes you:</b> <ul style="list-style-type: none"><li>• Member of the public</li><li>• An elected or so-opted Member of the Fire Authority</li><li>• Member of Parliament</li><li>• Local Authority Monitoring Officer</li><li>• Avon Fire and Rescue service officer or employee, or</li><li>• Other (please state)</li></ul>	
<b>Date complaint submitted</b>	

# Arrangements for dealing with complaints under the Members' Code of Conduct



The Clerk will tell the Member(s) you are complaining about and will tell them your name and a summary of your complaint. The Clerk will give them full details of your complaint where necessary or appropriate to deal with it. If you have serious concerns about your name and details of your complaint being released, please complete section 4 of this form.

## 2. Making your complaint

Please provide the name of the Member(s) you believe have breached the Code of Conduct.

Title	First Name	Last Name

Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Members' Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

Please adhere to the following:

- Provide all the information you wish to have considered.
- Be specific, wherever possible, about exactly what you are alleging the Member said or did. For example, instead of writing that the Member insulted you, you should state what it was they said.
- Provide the dates of the alleged incidents wherever possible, or a general timeframe.
- Confirm whether there are any witnesses to the alleged conduct and provide their names and contact details, if possible.
- Confirm which clauses of the Member Code of Conduct you consider have been breached.
- Provide any relevant documents, such as letters, screen shots or emails.
- Provide any relevant background information.



**My complaint**

Please explain the alleged conduct you are complaining about in as much detail as possible.

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If needed, please attach continuation sheets.



### 3. Privacy statement

In order to deal with your complaint, Avon Fire Authority will use your personal information to consider the complaint and may need to share your information with individuals or organisations relevant to the matter you have raised. This information may include your name and address and the nature of your complaint.

### 4. Confidentiality

Only complete this section if you are requesting that your identify is kept confidential.

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider there are exceptional circumstances, such as you have evidence and reasonable grounds for believing that you or any witness relevant to the complaint may be at risk of actual harm, or your employment may be jeopardised if your identity is disclosed.

To allow us to consider a request for confidentiality we require you to provide an explanation of the reason why you think your details should be kept confidential in the space below.

Please note that requests for confidentiality will not automatically be granted. The Clerk will consider the request alongside the substance of your complaint. We will then contact you with a decision. If your request for confidentiality is not granted, we will allow you the option of withdrawing your complaint.

**Reasons for seeking confidentiality**

### 5. Informal Resolution





## Members' Code of Conduct

It is often possible to resolve complaints without recourse to a formal investigation and hearing. To assist us in determining whether the matter is suitable for informal resolution, it would be

helpful if you could describe what action you think would be appropriate to resolve your complaint.

### Informal Resolution

Please explain what action you think would be appropriate to resolve your complaint.

### 6. Additional Help

Complaints must be submitted in writing; this includes completing this form on a computer and submitting to the Clerk by email.

We can make reasonable adjustments to assist you if you have a disability that presents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please contact the Clerk via the Democratic Services Assistant on: 0117 926 2061, Ext: 231 or Mobile: 07974 584 444 or by email to [the.clerk@avonfire.gov.uk](mailto:the.clerk@avonfire.gov.uk)

Signed .....

Dated .....



**Annex B – Procedure for hearing of Audit, Governance and Oversight Committee (AGOC) sub-committee**

**1. Pre-hearing process**

- 1.1 The Clerk will invite the subject member to give their written response to the investigation report and identify any agreed or disputed facts. This will assist in narrowing the issues in dispute at the hearing.
- 1.2 The subject member will be required to identify any witnesses they wish to call in relation to the issues to be determined (not character witnesses).
- 1.3 The subject member will be required to provide any dates when they or their witnesses would be unable to attend a hearing.
- 1.4 The AGOC sub-committee, taking account of the advice of the Clerk, may issue directions for the hearing, including timetabling and witness attendance. Any directions may be issued either beforehand or at the hearing.
- 1.5 Any AGOC sub-committee meeting dealing with the pre-hearing process, will be held in private, without the complainant or the subject member present.

**2. Documentation**

- 2.1 The hearing of the AGOC sub-committee is subject to the normal rules for publication of agendas and access to information.
- 2.2 The agenda papers for the hearing will include:
  - The clerk's cover report
  - The complaint form and any accompanying documentation
  - Initial representations received from the subject member
  - Investigator's report
  - Subject member's written response to the investigator's report
  - For reference: Avon Fire Authority Code of Conduct, Arrangements for dealing with complaints under the Member's Code of Conduct, and this Annex B.
- 2.3 The agenda and documents will be published under the Authority's rules for exempt information. Prior to the hearing, any documentation issued or exchanged during the process must be treated by all recipients as confidential.



## 3. Hearing

### Representation

- 3.1 The subject member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the AGOC sub-committee, another person. The Clerk should be given prior notification where a subject member is to be represented.

### Legal Advice

- 3.2 The AGOC sub-committee may take legal advice, in private, if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome.

### Procedural Issues

- 3.3 After all members of the AGOC sub-committee and others present have been introduced the Chair will explain how the sub-committee is to proceed.
- 3.4 A hearing will ordinarily follow normal Fire Authority meeting procedures. For example, introductions, apologies, declaration of interests and a request that the Clerk/Investigating Officer introduce the matter to be determined.
- 3.5 If the subject member (or appointed representative) is not present the AGOC sub-committee will consider whether to hear the case in their absence or defer to another time or date. If the subject member has indicated the hearing should continue in absence this will normally happen.
- 3.6 The AGOC sub-committee will resolve any outstanding issues or disagreements about the conduct of the hearing that were not resolved during the pre-hearing process.

### Findings of Fact

- 3.7 If there is no disagreement about the facts the AGOC sub-committee will move on to establish whether or not the subject member failed to follow the Code.
- 3.8 If the subject member disagrees with any fact in the Investigation Report without having given notice under the pre-hearing process, they must give good reason why it has been raised at this late stage. After considering the subject member's representation the sub-committee may:
- Continue with the hearing on the facts as presented in the Investigation Report.
  - Allow the Subject Member to make representations on the issue and invite the Investigation Officer to respond with or without witnesses.
  - Defer the Hearing in the public interest to enable witnesses and or the Investigation Officer to attend should they be absent.



- 3.9 If there is disagreement on the facts the Clerk/Investigating Officer will be invited to make any representations and with the sub-committee's permission call witnesses. The sub-committee may give the subject member an opportunity to challenge any witness evidence put forward by the Clerk/Investigating Officer.
- 3.10 The subject member will have the opportunity to make representations in support of their version of the facts and call witnesses with the sub-committee's permission. The Investigating Officer may challenge any witness evidence put forward by the subject member.
- 3.11 The AGOC sub-committee may at any time question those involved including witnesses and the Investigating Officer.
- 3.12 The AGOC sub-Committee, together with the Clerk/Legal Advisor, will usually move to a private room to consider the representations and evidence.
- 3.13 On their return, the Chair will announce the sub-committee's findings of fact.

#### **4. Deciding whether the subject member failed to follow the Code**

- 4.1 The subject member will be invited to give a statement as to why the AGOC sub-committee should conclude they have not failed to follow the code.
- 4.2 The AGOC sub-committee will ask the Investigating Officer for any verbal or written representations.
- 4.3 At any time the AGOC sub-committee may question those making representations.
- 4.4 The subject member will be invited to make any relevant closing remarks.
- 4.5 The AGOC sub-committee, together with the Clerk/Legal Advisor, will usually move to a private room to consider the representations.
- 4.6 On their return, the Chair will announce the AGOC sub-committee's decision as to whether the subject member failed to follow the Code.

#### **5. If the subject member has not failed to follow the Code of Conduct**

- 5.1 If the AGOC sub-Committee concludes that the subject member did not fail to comply with the Code it will dismiss the complaint and no further action will be taken. In that event, the sub-committee may still make general recommendations to the Fire Authority on any remedial actions if considers necessary to address the issues raised.



## **6. If the subject member has failed to follow the Code of Conduct**

- 6.1 If the AGOC sub-committee determines that the subject member has failed to comply with the Code the Chair will inform the subject member of this finding. The Independent Person will be invited to give their views on the matter and these views will be recorded in the minutes of the meeting. The Chair of the AGOC sub-committee will also explain the reasons why any advice from the Independent Person has or has not been followed in reaching its decision.
- 6.2 The AGOC sub-committee will then consider what action, if any, should be taken as a result of a finding of failure. The sub-committee will give the subject member an opportunity to make representations on any action and the Independent Person will also be consulted in deciding what action, if any, to take. The Independent Person will not act in the capacity of advocate for any party to the proceedings.
- 6.3 The AGOC sub-committee will then deliberate in private to consider what, if any, sanction to impose and, if so, what that sanction should be.
- 6.4 On their return the Chair will announce the AGOC sub-committee's decision.

## **7. Recommendations**

- 7.1 The AGOC sub-committee will consider whether it should make any recommendations to the full Audit, Governance and Oversight Committee or the Fire Authority with a view to promoting high standards of conduct among Members.

## **8. The Written Decision**

- 8.1 The AGOC sub-Committee will announce its decision on the day and a Decision Notice will be issued within 10 working days.

## **9. Departure from this procedure**

- 9.1 The Chair of the AGOC sub-committee has the right to depart from this procedure, in consultation with the Clerk/Legal Advisor, at any hearing where it is considered appropriate to deal with the case fairly and effectively.



## AVON FIRE AUTHORITY

<b>MEETING:</b>	<b>Avon Fire Authority</b>
<b>MEETING DATE:</b>	<b>Wednesday, 4 October 2023</b>
<b>REPORT OF:</b>	<b>The Clerk</b>
<b>SUBJECT:</b>	<b>Extension of Independent Person Appointment</b>

### 1. **SUMMARY**

- The Fire Authority's Independent Person, Mr James Mason, was appointed following interview for a term of 3 years from 1 January 2021.
- That appointment is due to come to an end on 31 December 2023.
- The LGA have advised that it is appropriate to extend the Independent Person's term.
- This paper proposes that the current Independent Person's appointment is extended by a further 3 years.

### 2. **RECOMMENDATIONS**

2.1 The Fire Authority is asked to:

- a) Extend the term of the current Independent Person by 3 years, until 31 December 2026.

### 3. **BACKGROUND**

3.1 The Fire Authority has experienced difficulties in recruiting Independent Persons in the past and appointed James Mason after several recruitment rounds on 1 January 2021 for a period of 3 years.

### 4. **FINANCIAL IMPLICATTIONS**

4.1 The Independent Person receives an annual allowance under paragraph 5 of the Members' Allowances Scheme of £1,000, paid by half-yearly instalments. This is in effect a retainer and covers the Independent Person's time attending

meetings and discussing Code of Conduct cases with the Clerk. The allowance is part of the Authority's baseline budget.

## **5. KEY CONSIDERATIONS**

5.1 Under the Localism Act 2011 every Authority is required to appoint at least one Independent Person to be consulted on Member Code of Conduct cases. The Localism Act is silent about terms of office and the Local Government Association were therefore consulted about 'best practice'. The LGA have confirmed that there is no official 'best practice' for length of tenure, which varies among local authorities, however, they confirmed that the proposal to extend our Independent Person's term by one further term appeared reasonable.

5.2 The Fire Authority's current Independent Person, Mr James Mason, was appointed following interview on 1 January 2021 for a term of 3 years. During that time James has attended Independent Person training and Fire Authority meetings, but, fortunately, his input has not been required as there have not been any Member Code of Conduct complaints during his tenure. James has confirmed that he is willing to continue his appointment as Independent Person to the Fire Authority for another term.

## **6. RISKS**

6.1 Previous unsuccessful recruitment rounds, show that there is a risk of difficulties in recruitment, if the current Independent Person's tenure is not extended. Any recruitment round would need to start as soon as possible.

## **7. LEGAL/POLICY IMPLICATIONS**

7.1 Under s 28 of the Localism Act 2011, concerning Codes of Conduct, there is a requirement in s 28(7) '*for the appointment by the authority of at least one independent person*', whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate.

7.2 Under s 28(8) of the Localism Act 2011, the Independent Person's appointment must be approved by a majority of the members of the authority.

## **8. BACKGROUND PAPERS**

8.1 The Fire Authority considered an exempt paper (paper 23) at their meeting on 16 December 2020 and accepted a recommendation from the Audit, Governance and Ethics Committee (who conducted interviews) to appoint the current Independent Person.



**9. APPENDICES**

None.

**10. REPORT CONTACT**

Amanda Brown, Clerk/Monitoring Officer to Avon Fire Authority, Ext 347.

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