



## **EXTRAORDINARY AVON FIRE AUTHORITY MINUTES (AFA)**

**25 APRIL 2023**

**Present:** Councillors S Bromley (joined meeting at 11.30hrs), N Butters (joined meeting at 11.30hrs), D Davies, R Eddy, P Goggin, B Hopkinson, R Jacobs, B Massey, Y Mohamud, B Nutland, R Payne, S Smith, R Tucker, A Varney and D Wilcox and J Mason, Independent Person.

The meeting began at 11.10hrs.

### **106. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs J Ashe, E Brown, Y Kumar, A Monk and Mark Shelford, Police & Crime Commissioner. Cllr A Ali was absent.

### **107. EMERGENCY EVACUATION PROCEDURE**

Members were advised by the Chief Fire Officer/Chief Executive (CFO) that in the event of an emergency, to exit the room and meet in the rear yard.

### **108. DECLARATION OF INTERESTS**

None advised.

### **109. PUBLIC ACCESS**

None received.

### **110. 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 Severn Park. The meeting was being recorded for the public to view.
2. Members and Officers introduced themselves.
3. The Clerk welcomed James Mason, the Independent Person to the meeting.
4. 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".
5. The Chair mentioned those Members that were leaving Avon Fire Authority (AFA), thanked them for their service and wished them well for the future.

## 111. REVIEW OF AVON FIRE AUTHORITY'S GOVERNANCE ARRANGEMENTS

The Clerk thanked Members for making time in their diaries to attend this Extraordinary Fire Authority meeting which would review a report on Avon Fire Authority's Governance arrangements which would take effect hopefully by the start of the new municipal year.

Members were reminded that Vale Consultancy provided a report in March 2023 which outlined 12 recommendations. It was confirmed that Andy Fry was available to answer any questions that Members may have. After a briefing to Members on 29 March, the Clerk stood up a cross party Constitutional Working Group (CWG) which considered the recommendations in detail and went through the proposed changes to the constitution. The Group met twice, and the Clerk's report outlined the results of the CWG.

The Governance report made 12 recommendations. However, it was not felt feasible to implement them in one go and it had been recommended that they are completed in two phases.

With regards to the financial implications, the details were currently limited. However, if agreed, there may be some savings from holding less committee meetings but two of the recommendations suggested training which would involve costs. It was also identified that the Members' allowances scheme had been reviewed on the current workload so this would be revisited to take into account the new governance structure.

The Clerk ran through the phase 1 recommendations on pages 7-8 and drew Members attention to all 12 recommendations on pages 28-32. These included a recommendation to put the new committee structure in place and appointing one Independent Person onto the Audit, Governance and Oversight Committee (AGOC). The CWG had reviewed them in detail and recommended that the AFA adopted all twelve recommendations.

Phase 2 would implement the remaining recommendations throughout the municipal year and a review of progress would be presented at the AGM in June.

In respect of Risks, the review should reduce Corporate Risk CR14. Members could also be satisfied that the Governance Review had been conducted by independent governance experts with the relevant experience.

A Member mentioned that they were very happy with the recommendations but had a query regarding the new committee structure. It was asked whether the CWG recommendation to adopt the new committee structure was unanimous. The Clerk advised that all Members of the CWG were happy to adopt the recommendations following conversations around the proposed wording for the Fire Authority and committee terms of reference and amendments.

A Member had a query around the task and finish groups on page 69 Appendix 7. In respect of acting as a selection panel for CFO or Statutory Officer recruitment, it was asked if this included Assistant Chief Fire Officers (ACFO).

Vale Consultancy confirmed that ACFO's were not Statutory Officers and one of the changes made was that appointment decisions for ACFOs would be for the CFO in consultation with Members of the Fire Authority, who would be involved in the selection process. However, the final decision for the appointment would sit with the CFO as the Head of Paid Service, as responsible for staffing structures. It was asked that the wording for task and finish groups included that the selection panel would also be involved in ACFO recruitment as well.

The Clerk drew Members attention to page 43, paragraph O where new wording had been introduced in the Fire Authority Terms of Reference: *To establish a panel that will be engaged in selection processes for Assistant Chief Fire Officers and consulted with in advance of the Chief Fire Officer making associated appointment decisions.*

The Member felt there was an inconsistency with this wording compared to the wording for task and finish groups and ACFO recruitment should also be included within Appendix 7. They felt that the wording should be tightened for the future with cross party volunteers attending the panel.

A further point was made around contract values. A Member was concerned that there was a potential for staff to issue numerous contracts for £99,999 to avoid the need for higher sign off. What safeguards did the Service have around aggregation? The Clerk advised that the wording in the contract procedure rules included the full value of the contract throughout the contract term. The Member advised that they would like to see some safeguards to ensure that the financial limits were not abused. Another Member advised that there was wording in the contract procedure rules that included a safeguard stating that no invoices may be artificially split to avoid compliance with the rules – CPR 1.3 on page 77. It was therefore suggested that AGOC reviewed how this was working in practice during their first year of operation.

A Member advised that there were two CPR 1.3 within the papers – one on page 73 and the other on page 77. The Clerk noted and advised that the paragraph numbering in the contract procedure rules would be amended.

The Clerk advised Members that by the time of issue of the papers for this meeting she had not received feedback from all members of the Service Leadership Board, and it was accepted by the CWG that there could be some late changes to the documents appended to the paper. Members were advised that on their desk was a document comprising a table which set out the minor tracked changes to the appendices, together with printed copies showing the tracked changes. She ran through the proposed changes with Members.

Cllrs Bromley and Butters joined the meeting at 11.30hrs.

A Member referred to the amended wording at Appendix 4 PRC5 and that he was not clear what 'oversee' decisions meant. It was suggested that the word 'decision' was removed to make this clearer, so that PRC5 now read as 'To oversee member representation at conferences on behalf of the Authority'.

Members attention was drawn to Appendix 5, AGOC 13 – Andy Fry advised that he had had a conversation with the Interim Treasurer and believed that by removing the second sentence, beginning ‘The AGS to be signed by the Chair of AGOC’, over complicated the wording. It was suggested that the first sentence was sufficient to confirm that the approvals process needed to be dealt with in accordance with appropriate legislation and in line with CIPFA guidance.

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

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

- a) Noted the Governance Review Report dated March 2023 (Appendix 1).**
- b) Approved for implementation all 12 recommendations of the Governance Review Report.**
- c) Agreed a phased approach for implementing its recommendations:**

**Phase 1 implement recommendations:**

- 1 (new committee structure),**
- 2 (recruit an AGOC independent member),**
- 3 (new Scheme of Delegation),**
- 5 in part (re-write parts of the Constitution) and**
- 6 (new procurement process),**

**Phase 2: implement the remaining recommendations, when practicable, during the new municipal year.**

**d) Replaced sections of the existing Avon Fire Authority Constitution with rewritten key constitutional documents, so the new Committee Structure could be introduced in time for the Fire Authority AGM in June 2023, subject to the amendments made to those documents during the meeting and in supplemental papers presented to Members at the meeting namely:**

- Introduction to the Avon Fire Authority Constitution**
- Fire Authority Terms of Reference**
- Policy and Resources Committee (PRC) Terms of Reference**
- Audit, Governance and Oversight Committee (AGOC) Terms of Reference**
- Scheme of Delegation**
- Addition to Standing Orders to facilitate introduction of Task and Finish Groups**
- Contract Procedure Rules**
- Financial Regulations Appendix 9 (including an amendment on p155 FRA16 where the word ‘authority’ should be replaced with ‘Clerk’)**

The meeting closed at 11.40 hrs.

The Chair re-iterated her thanks to Members over the years. If re-standing in the local elections, she wished them the best, and anticipated seeing the Bristol colleagues next year.

A Member extended their thanks to Vale Consultancy and acknowledged that their work would improve future processes. He also thanked the Chair and Vice Chair for their guidance and also the CFO and Clerk.

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Chair

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