

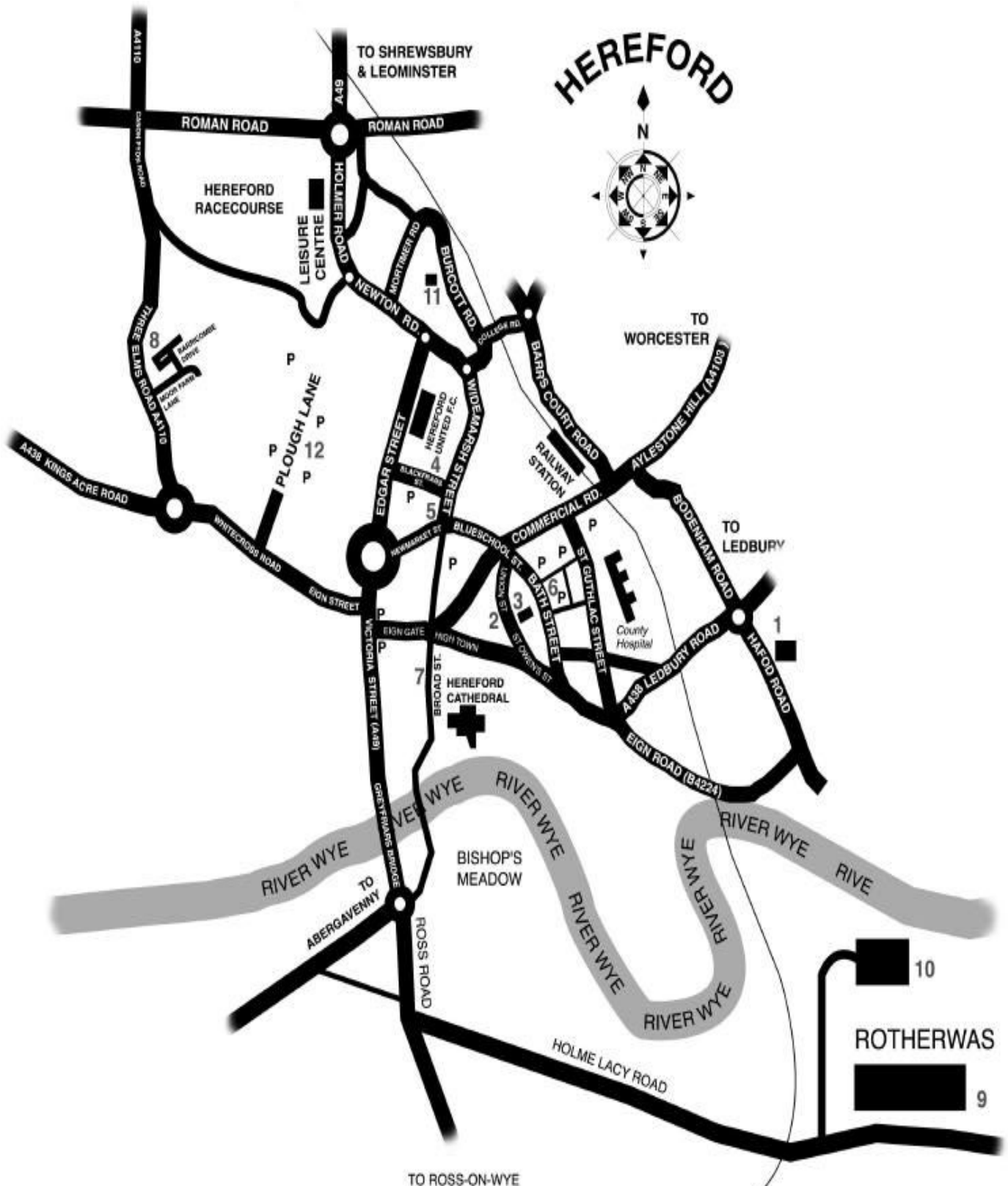


HEREFORD & WORCESTER Fire and Rescue Authority

AGENDA

10.30 am Wednesday 28 September 2011

The Council Chamber
Brockington
35 Hafod Road
Hereford
Herefordshire
HR1 1SH



- | | | | |
|---|------------------|----|-----------------------------------|
| 1 | Brockington | 7 | Kemble House |
| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre |
| 4 | Education Centre | 10 | Herefordshire Commercial Services |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

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WELCOME AND GUIDE TO TODAY’S MEETING

These notes are written to assist you to follow the meeting. Decisions at the meeting will be taken by the **Councillors** who are democratically elected representatives and they will be advised by **Officers** who are paid professionals. The Fire and Rescue Authority comprises 25 Councillors and appoints committees to undertake various functions on behalf of the Authority. There are 19 Worcestershire County Councillors on the Authority and 6 Herefordshire Council Councillors.

Agenda Papers

Attached is the Agenda which is a summary of the issues to be discussed and the related reports by Officers.

Chairman

The Chairman, who is responsible for the proper conduct of the meeting, sits at the head of the table.

Officers

Accompanying the Chairman is the Chief Fire Officer and other Officers of the Fire and Rescue Authority who will advise on legal and procedural matters and record the proceedings. These include the Clerk and the Treasurer to the Authority.

The Business

The Chairman will conduct the business of the meeting. The items listed on the agenda will be discussed.

Decisions

At the end of the discussion on each item the Chairman will put any amendments or motions to the meeting and then ask the Councillors to vote. The Officers do not have a vote.

Agenda

Members

Herefordshire:

Brigadier P Jones CBE (Vice-Chair),
Mr. D Greenow, Mrs. M Lloyd-Hayes, Mr. B Matthews, Mr. D C Taylor, Mr. P J Watts.

Worcestershire:

Mr. D W Prodger MBE (Chair),
Mr. T J Bean, Mr. B Bullock, Mrs. M Bunker, Mr. J Campion, Mr. J Cairns, Mrs. L Duffy, Mrs. L Eyre, Mr. A I Hardman, Mrs. L Hodgson, Mrs. G Hopkins, Mrs. F Oborski, Mrs. J Potter, Mr. C T Smith, Mr. T Spencer, Mr. K Taylor, Mr. J Thomas, Mr. R M Udall, Mr. G C Yarranton.

| No. | Item | Pages |
|-----|--|-------|
| 1. | Apologies for Absence To receive any apologies for absence. | |
| 2. | Declaration of Interests (if any) The Members' Code of Conduct requires Councillors to declare any interests against an Agenda item, the nature of an interest and whether the interest is personal or prejudicial. If a Councillor has a personal interest, they must declare it but can stay, take part and vote in the meeting. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room for the duration of the item. This item allows the Chairman to invite any Councillor to declare an interest in any of the items on this Agenda. | |
| 3. | Chairman's Announcements | |
| 4. | Confirmation of Minutes To confirm the minutes of the Annual General Meeting of the Fire and Rescue Authority held on 22 June 2011. | 1 - 7 |
| 5. | Questions from Members of the Public To receive questions previously submitted by members of the public more than five clear working days before the meeting of the Authority. | |
| 6. | Review of Roles of the Treasurer and Clerk To update Members on the current position relating to the review of Clerking and Treasurer roles. | 8 - 9 |

| | | |
|--|--|----------------|
| 7. Chief Fire Officer's Service Report | To inform Members of recent key developments and activities together with performance information for the period 1 April 2011 to 30 June 2011. | 10 - 18 |
| 8. Local Government Pension Scheme Discretions | To recommend a Statement of Policy in relation to the discretionary regulations of the Local Government Pension Scheme for approval as recommended by Policy and Resources Committee. | 19 - 29 |
| 9. Draft Integrated Risk Management Plan (IRMP) Action Plan 2012/13 | To put forward the draft IRMP 2012/13 Action Plan to be approved for consultation, as recommended by the Policy and Resources Committee. | 30 - 35 |
| 10. Internal Audit Arrangements | To advise the Authority on the prospective appointment of a replacement Internal Audit Service. | 36 - 37 |
| 11. Indemnities for Members and Officers | To invite Members to consider the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004, which has clarified and extended the powers of the Council to give indemnities to Members and officers in respect of liabilities arising during the course of their duties. | 38 - 45 |
| 12. Report from the Audit Committee | To inform the Authority on the proceedings of the Audit Committee meeting held on 29 June 2011. | 46 - 49 |
| 13. Report from the Policy and Resources Committee | To inform the Authority on the proceedings of the Policy and Resources Committee meeting held on 7 September 2011. | 50 - 51 |
| Glossary | | 52 - 55 |

22 June 2011



Minutes

Members present:

Mr. D Prodger MBE (Chair), Brigadier P Jones CBE

Mr. T Bean, Mr. B Bullock, Mrs. M Bunker, Mr. J Campion, Mrs. L Duffy, Mrs. L Eyre, Mr. A Hardman, Mrs. L Hodgson, Mrs. G Hopkins, Mrs M Lloyd-Hayes, Mr. B Matthews, Mrs. F Oborski, Mrs. J Potter, Mr. C Smith, Mr. T Spencer Mr. D Taylor, Mr. K Taylor, Mr. J Thomas, Mr. R Udall and Mr. G Yarranton.

- | No. | Item |
|-----|---|
| 1. | Apologies for Absence The meeting noted the apologies from Mr. P Watts and Mr. J Cairns. |
| 2. | Declaration of Interests (if any) The Chairman invited any Member or Officer to declare an interest in any of the items on this Agenda. Mr. P Jones, CBE, declared that his wife's son was a firefighter at Bromsgrove Fire Station. |
| 3. | Chairman's Announcements 3.1 Thanks to former Members of the Authority The Chair said that he had written to Mrs P Andrews, Mr S Clee and Mr J Goodwin for their service to the Authority. 3.2 Welcome to new Members The Chair welcomed Mr B Bullock (Worcestershire County Council), Mrs M Lloyd-Hayes and Mr B Matthews (both Herefordshire Council) to the Authority. |
| 4. | Election of Chairman The Chairman invited nominations for the election of Chair to the Authority and as Mr D Prodger MBE, was the only nomination he was declared elected as Chairman. The outgoing Chairman, Brigadier Peter Jones CBE, paid tribute to the Chief Fire Officer, the Deputy Chief Fire Officer and his Member colleagues for their support during his time as Chairman of the Authority. He and the other Members, along with the Officers in attendance, also congratulated Mr D Prodger MBE on his election as Chairman and wished him well in the role. |

5. Election of Vice-Chairman

The Chairman invited nominations for the election of Vice-Chair to the Authority and as Brigadier Peter Jones CBE, was the only nomination he was declared elected as Vice-Chairman.

6. Confirmation of Minutes

RESOLVED: *That the minutes of the meeting of the Fire and Rescue Authority held on 16 February 2011 be confirmed as a correct record and signed by the Chairman.*

7. Questions from Members of the Public

No questions for the Authority were received from members of the public.

8. Allocation of Seats to Political Groups, Appointments to Committees and Minor Amendments to Terms of Reference

The Clerk told the Authority that Standing Orders required that the Chairs and Vice-Chairs of Committees normally be appointed at the annual meeting and that the Local Government and Housing Act 1989 required that where "a Council" holds an Annual Meeting it shall review the allocation of seats to political groups either at that meeting or as soon as practical thereafter. It was also appropriate to review the allocation of seats to political groups as the nominations from Herefordshire Council, following the recent Council elections, had resulted in changes to the political balance in the Authority.

The meeting considered the report and

Resolved:

i) To make appointments to the offices of Chairman and Vice-Chairman of the Authority's Committees as follows:

(a) Policy and Resources Committee:

Chair: Mr Kit Taylor; Vice Chair: Mr Gordon Yarranton;

(b) Audit Committee:

Chair: Mrs Lynne Duffy; Vice-Chair: Mrs Lucy Hodgson;

(c) Appointments Committee:

Chair: Mr Derek Prodger MBE; Vice-Chair: Mr Peter Jones CBE

ii) To appoint Mrs Gay Hopkins and Mr David Greenow to represent the Authority on the Standards Committee and to appoint Mr John Thomas and Mr Terry Spencer as their named substitutes;

iii) To appoint Member Champions as follows:

Asset Management: Mrs Liz Eyre;

Equality & Diversity: Mr Richard Udall; and

Risk Management: Mr Peter Watts

- iv) *To appoint one representative from each political group as a Member Development Champion and appointed Mrs Lucy Hodgson, Mr David Taylor and Mr Clive Smith;*
- v) *That the Clerk be authorised, following consultation with Group Leaders, to take any necessary action to give effect to proportionality requirements, determine the numbers of seats on Committees and make appointments to those Committees and other bodies in accordance with the wishes of the Group Leaders;*
- vi) *That the Authority's representatives on the Local Government Association should be the Group Leaders or their nominees;*
- vii) *That the 13 Service votes on the Local Government Association Assembly be allocated between its representatives on a politically proportionate basis;*
- viii) *That the corporate vote on the Local Government Association Assembly be exercised by the Chairman or his nominee;*
- ix) *That the Chairman or his nominee hold the place and vote available to the Authority on the LGA's Fire Commission;*
- x) *To appoint the Chair of the Authority to the Worcestershire Partnership Board;*
- xi) *To appoint the Vice-Chair of the Authority to the Herefordshire Partnership Board;*
- xii) *To amend the Terms of Reference for the Audit Committee to include a responsibility to "consider proposals of government departments and other national or regional bodies which would affect the role of the Audit Committee and approve responses to such proposals where possible"; and*
- xiii) *To amend the Terms of Reference of the Appointments Committee so that the constitution of the Appointments Committee and Sub-Committee would include the Authority Chair, the Policy & Resources Committee Chair and the Audit Committee Chair.*

9. Members' Allowances Scheme

The Members considered a report from the Treasurer which stated that under the current Scheme of Members' Allowances agreed by the Authority their allowances were due to increase by 4.05% from 1 April 2011. The Members, apart from one abstention, were of the view that it would not be appropriate to increase allowances at that time.

RESOLVED that the level of Members' Allowances applicable from 1 April 2010 is retained for the period 1 April 2011 to 31 March 2012.

10. The Chief Fire Officer's Service Report

At the outset of his Service Report the Chief Fire Officer congratulated Mr Prodger MBE on his election as Chairman and thanked the outgoing Chairman, Vice-Chairman and Committees for their work with the Service.

The CFO updated the Authority on recent key developments and activities together with performance information for the period 1 January 2011 to 31 March 2011. He drew Members' attention to the following points:

- 10.1 The performance information for Quarter 4 2010/11 and for the entire year had been considered in detail by the Policy and Resources Committee on 8 June. The performance indicators for the year showed some of the best results the Service had ever achieved and he thanked the staff involved in those achievements.
- 10.2 The CFO expressed concern, shared by the Members, at the growing incidences of verbal abuse towards firefighters when dealing with fires.
- 10.3 The CFO drew Members' attention to the increased training in Health and Safety for firefighters.
- 10.4 Members noted the charging policy which would "go live" from 1 July 2011.
- 10.5 Members noted the CFO's award of the Authority's Outstanding Service Medal to firefighter Jason Mayhew and the commendations for Station Commander David Holland, Watch Commander Julian Jenkins and the 282 crew at Evesham fire station following a tragic incident at Boat Lane, Evesham, in February 2010.

The meeting agreed that the Chair and Vice-Chair would explore the possibility of a national award in recognition of the bravery, courage and skill displayed in this incident.
- 10.6 The CFO told the meeting of the Passing Out Parade of the Young Firefighters' Association on 21 May. He thanked all those who gave their time and expertise voluntarily to make the Association such a success and thanked the Authority for its continued support.
- 10.7 Members thanked the Service and praised the skills and professionalism of the firefighters at the fire in the fifth floor flat at St. Clements, Worcester and the scrap yard at Hereford.
- 10.8 In response to queries from Members, the CFO told the meeting that:
 - The policy regarding responding to AFAs was under review;
 - The Service had never, to the best of his knowledge, treated a call as a hoax, which later transpired to be a genuine call for assistance; and
 - The Community Fire Safety teams target schools and year 5 pupils in particular and over 800 children visited the Service's display at the Three Counties Show on Children's Day;

RESOLVED that the Chief Fire Officer's Service Report be noted.

11. Provisional Financial Results 2010/11

The Treasurer briefed the Authority on financial results for the year ended 31 March 2011. He told the meeting that the provisional results, subject to audit, showed an underspend on revenue of £1.04m and on capital of £0.676M.

The Treasurer told the Authority that he would sign the Statement of Accounts for audit by 30 June and that the audited accounts would be considered in detail by the Audit Committee before approval by the Committee on 28 September.

RESOLVED that the Authority

- i) Notes the provisional financial results for 2010/11;*
- ii) Approves the re-phasing of capital expenditure of £0.676M from 2010/11 to 2011/12;*
- iii) Approves the use of revenue resources as follows:*

| | <i>£m</i> |
|-------------------------------------|--------------------|
| <i>Development Reserve</i> | <i>0.550</i> |
| <i>Operational Activity Reserve</i> | <i>0.300</i> |
| <i>General Reserve</i> | <i>0.190</i> |
| | <hr/> <i>1.040</i> |

- iv) Notes that the Audit Committee will consider the annual Statement of Accounts in detail.*

12. The Authority's Annual Plan 2011/12

The Director of Service Delivery presented the draft Authority Annual Plan 2011/12 for consideration by the Authority.

He highlighted the following items in the draft:

- The future outlook to 2015;
- The key achievements in 2010/11, including the work of volunteers and the Young Firefighters' Association and the reduction in working days lost to staff sickness;
- The Service priorities and objectives;
- The description of the area covered by the Service; and
- Financial information.

Resolved that the Authority adopts the draft Authority Annual Plan 2011/12 and approves for publication.

13. Annual Report from the Standards Committee to the Fire and Rescue Authority

The Chairman invited Mr Richard Gething, the independent Chair of the Standards Committee, to present the Committee's Annual Report to the Authority.

Mr Gething informed the meeting that:

- i. The Authority had not received any complaints against any Member of the Authority alleging breach of the Code of Conduct during the past 12 months;
- ii. The Committee had considered the Government's proposals to abolish the Standards for England regime and repeal current Code of Conduct legislation and the Annual report recommended proposals to the Authority to address those matters;
- iii. The Standards Committee thanked the Authority for the opportunity to review the revised Committee structure proposals and comment on same; and
- iv. The Committee had granted dispensations to all Members of the Authority until 31 March 2012 to allow them to be involved in the consideration of matters concerning the out-going Chief Fire Officer, the Authority and Worcestershire County Council and Herefordshire Council.

RESOLVED

- i. That the Authority adopt a voluntary Code of Conduct for Members when the current Standards regime expires;***
- ii. That the voluntary Code should mirror the current Code, save where amendments are required arising from the provisions of the Localism Act;***
- iii. That the Authority have regard to the response of the constituent bodies when dealing with this matter;***
- iv. That Members continue to receive appropriate training in standards and ethics; and***
- v. That the Authority note the Committee's Annual Report to the Authority.***

14. Report from the Policy and Resources Committee

Mr Adrian Hardman, Chairman of the Policy and Resources Committee, presented the report to the Authority of the proceedings of the Committee Meetings held on 24 March and 8 June 2011.

The main business carried out by the Committee included:

- i. Consideration of performance analysis for quarters 3 and 4 of 2010/2011 and the annual performance report;
- ii. Future proposals for the Service's Fire Control arrangements, including collaboration with Shropshire and Wrekin FRA. The Committee noted that the contract for the new command and control room in HQ had been awarded and that the Service has sought funding from Government to progress collaborative arrangements with Shropshire Fire and Rescue to develop a shared resilient control room infrastructure.
- iii. The Committee approved the Asset Management Strategy incorporating the indicative budget allocations for each of the capital

building schemes, including five fire stations and four strategic training facilities in March and, arising from same, approved the budget allocation for the capital building scheme to re-provide Malvern Fire Station in June.

RESOLVED *that the report be noted.*

15. Report from the Audit Committee

Mr Derek Prodger MBE, Chairman of the Audit Committee, presented the report to the Authority of the proceedings of the Audit Committee Meeting held on 21 April, which considered updates on internal Audit and the National Fraud Initiative and noted the changes introduced by the Accounts and Audit Regulations (England) 2011.

RESOLVED *that the report be noted.*

The meeting finished at 11.55 am

Signed: _____
Chairman

Date: _____

DRAFT

6. Review of Roles of the Treasurer and Clerk

Purpose of report

1. To update Members on the current position relating to the review of Clerking and Treasurer roles.

Recommendation

The Chief Fire Officer recommends that the Authority continue the appointment of Mr Tony Wood and Mrs Anne Brown as an Interim Treasurer and Interim Clerk to the Authority until 31 December 2011 or until the completion of the review and finalisation of permanent arrangements, whichever is the earlier.

Introduction and Background

2. In September 2010 the Authority appointed Mr Tony Wood as Treasurer on a temporary basis until the end of March 2011 and in December 2010 Mrs Anne Brown was also appointed on a temporary basis as Clerk to the Authority.
3. Members will recall that it was intended to review the Authority's requirements for the permanent appointments following the receipt of the Audit Commission's report on the retirement of the previous Chief Fire Officer. Due to these circumstances, the Authority extended both appointments until 30 September 2011.
4. The report has still yet to be received although it is anticipated to be finalised in the near future. Both officers have agreed to continue their appointment on a temporary basis pending receipt of the report and completion of the review.
5. The cost of the Treasurer and Clerk will be met from the existing budget that was agreed for 2010/11.

Conclusion/Summary

6. The Authority is recommended to continue with the appointment of Mr Tony Wood as Treasurer and Mrs Anne Brown as Clerk to the Authority until 31 December 2011 or until the review is completed and permanent arrangements put in place.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are financial issues that require consideration | Yes | Para. 5 |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | Yes | Para. 3 |

Additional Considerations

7. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|--|--------|---|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | Yes | Para. 5 |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | No | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | No | |
| Consultation with Representative Bodies | No | |

Contact Officer

Mark Yates, Chief Fire Officer
(08451224454)
Email: myates@hwfire.org.uk

7. Chief Fire Officer's Service Report

Purpose of Report

- To inform the Authority of recent key developments and activities together with performance information for the period 1 April 2011 to 30 June 2011.

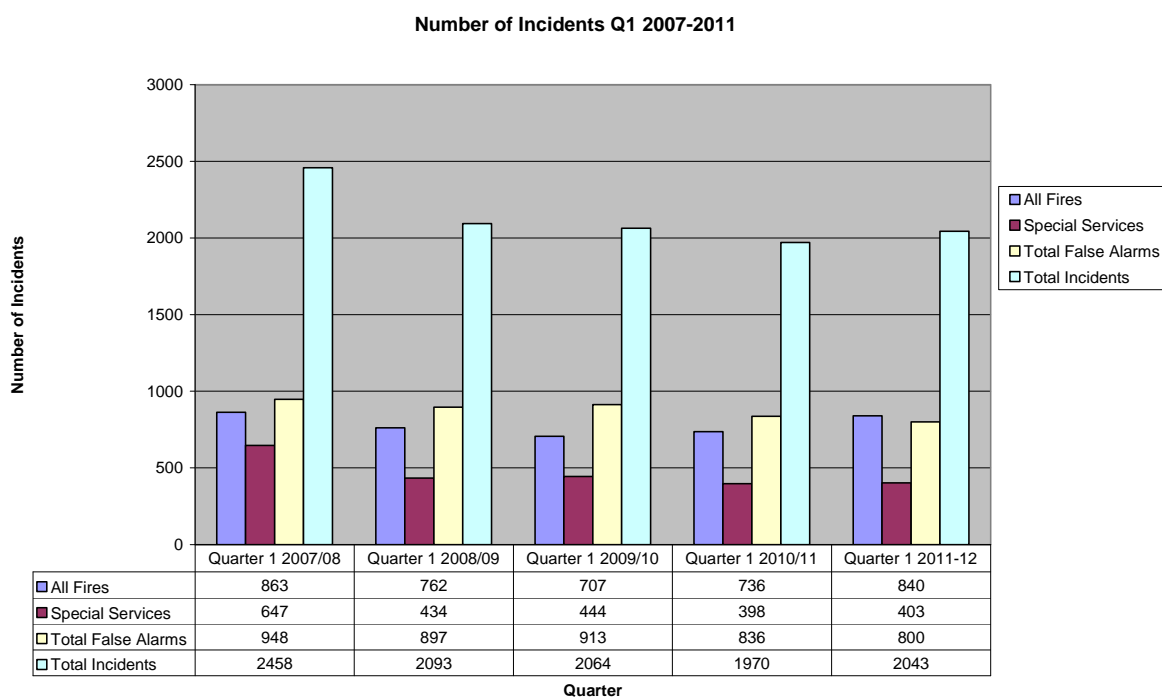
Recommendation

The Chief Fire Officer recommends that the report be noted.

Performance

Operational Incidents and Total Number of Fires Attended

- Figure 1 below demonstrates overall operational activity during Quarter 1 2011-2012 compared with the first quarter in the previous 4 years:



(Figure 1 – Comparative number of incidents Q1 2007/08-2011/12)

- Total incident numbers for Quarter 1 2011-2012 show an increase on the same quarter last year. 2043 incidents were attended in Quarter 1 2011-2012 compared with 1970 incidents in Quarter 1 2010-2011, (+3.7%).

4. Increases are due to a rise in the total number of fires attended and a slight increase in the number of special services attended. Although the total number of incidents has increased when compared with the same quarter last year, it is still less than the same quarter in the previous three years.
5. The main reason for the overall rise in activity is due to an increase in the number of fires attended when compared with the same quarter last year. The number of fires has increased from 736 in Quarter 1 2010-2011 to 840 in Quarter 1 2011-2012, (+14.1%).

| | Quarter 1 2010-11 | Quarter 1 2011-12 | Percentage change |
|--------------------|----------------------|----------------------|----------------------|
| Primary Fires | 277 | 310 | +11.9% |
| Secondary Fires | 423 | 509 | +20.3% |
| Chimney Fires | 36 | 21 | -41.7% |
| Total Fires | 736 | 840 | +14.1% |

(Table 1 – Total Fires Q1 10-11 and Q1 11-12)

6. Table 1 above demonstrates that the increase in total fires is mainly due to an increase in secondary fires in Quarter 1 2011-2012 compared with Quarter 1 2010-2011.
7. Table 2 below shows secondary fire increases through Q1 and these are associated with the hot and dry weather conditions experienced both in Quarter 1 2011-12 and Quarter 1 2010-11.

| | Apr | May | Jun | Quarterly Total |
|--------------------------|---------------|---------------|---------------|--------------------|
| Secondary Fires Q1 10-11 | 163 | 121 | 139 | 423 |
| Secondary Fires Q1 11-12 | 227 | 168 | 114 | 509 |
| Percentage Change | +39.3% | +38.8% | -18.0% | +20.3% |

(Table 2 – Secondary Fires per month Q1 10-11 and Q1 11-12)

8. Further analysis indicates that there has been an increase in secondary fires starting in loose refuse, tree scrub and domestic gardens in Quarter 1 2011-12 compared with the same quarter last year.
9. There were 118 loose refuse fires in Quarter 1 2011-12 compared with 77 in the same quarter last year, 89 tree scrub fires compared with 67 in the same quarter last year and 45 domestic garden fires compared with 32 in the same quarter last year.
10. The increases in secondary fires were acknowledged early in the quarter at the Service Delivery monthly meetings and we have been working with our colleagues in the Community Safety Partnerships to map and identify any common trends and ascertain any links with other forms of anti-social behaviour.

11. Deliberate fires accounted for 55.5% of all secondary fires in April 2011 and 52.4% of all secondary fires in May 2011 compared with 52.1% in April 2010 and 51.2% in May 2010.
12. Table 3 below demonstrates that the number of special service incidents has increased slightly in Quarter 1 2011-12 compared with the same quarter last year with 403 incidents attended in Quarter 1 2011-2012 compared with 398 in Quarter 1 2010-2011, (+1.3%).
13. It can be seen from the table below that the increase in special service incidents was due to an increase in RTCs attended when compared to the same quarter last year, with 169 RTC incidents attended compared with 149 in Quarter 1 2010-11 (+13.4%):

| | Quarter 1 2010-11 | Quarter 1 2011-12 | Percentage change |
|-----------------------------|----------------------|----------------------|----------------------|
| RTC Incidents | 149 | 169 | +13.4% |
| Flooding | 20 | 17 | -15.0% |
| Other Special Services | 229 | 217 | -5.2% |
| All Special Services | 398 | 403 | +1.3% |

(Table 3 – Special Services Q1 10-11 and Q1 11-12)

14. The number of false alarm incidents has decreased in Quarter 1 2011-2012 with 800 incidents attended in Quarter 1 2011-2012 compared with 836 in Quarter 1 2010-2011 (-4.3%):

| | Quarter 1 2010-11 | Quarter 1 2011-12 | Percentage change |
|---------------------------|----------------------|----------------------|----------------------|
| Malicious False Alarms | 23 | 20 | -13.0% |
| False Alarm Good Intent | 229 | 184 | -19.7% |
| Automatic False Alarms | 584 | 596 | +2.1% |
| Total False Alarms | 836 | 800 | -4.3% |

(Table 4 – False Alarms Q1 10-11 and Q1 11-12)

15. The decrease in the number of false alarms attended when compared with the same quarter last year is due to a reduction in the number of malicious false alarms and false alarm good intent attended.
16. The Service attended 20 malicious false alarms in Quarter 1 2011-12 compared with 23 in the same quarter last year (-13.0%) and attended 184 false alarms good intent in Quarter 1 2011-12 compared with 229 in the same quarter last year (-19.7%).

Health and Safety

Analysis of Reported Incidents April – June 2011

Incidents and Injuries

| | Apr | May | Jun | This Quarter Total | Previous Quarter Total |
|---|-----------|-----------|-----------|--------------------|------------------------|
| Serious Incidents ¹ | 2 | 4 | 2 | 8 | 10 |
| Near Hit/Cause for Concern ² | 7 | 4 | 6 | 17 | 11 |
| Potential Exposure ³ | 3 | 1 | 5 | 9 | 5 |
| Total Incidents | 20 | 24 | 31 | 75 | 75 |
| Specialist Investigations ⁴ | 0 | 4 | 0 | 4 | 8 |

Analysis

17. Of the 75 reported Health and Safety incidents this quarter, only 8 were or had the potential to be 'serious incidents'.
18. However, more encouraging is the increase in reported near hits and causes for concern, which during this period represent almost 22%, an increase of almost 10% on the last quarter. This is positive as this presents an opportunity for the organisation to take action to prevent the circumstances deteriorating and resulting in injury or loss.
19. This quarter, 7 of the 9 incidents of potential exposure occurred during operational training and are deemed routine.

Serious Incidents

20. The serious incidents this quarter comprised of the following, no one was seriously injured in any incident:
 - One incident resulted in a firefighter falling through a floor at an operational incident – this was then the subject of a specialist investigation;
 - Two separate incidents where a firefighter incurred a Breathing Apparatus set related failures during a training exercise, no one was injured – both are the subject of a specialist investigation;
 - A potential hazard was identified where there is a delay on the siren on the Aerial Ladder Platform;

¹ Incidents either actually resulting in, or having the potential to result in a fatality, serious personal injury or significant loss or damage.

² Incidents that almost resulted in an injury or conditions identified that have the potential to cause injury, loss or a near hit but have not done so up to the time of reporting – e.g. items falling from shelf near to people or unbalanced and overhanging items stored on a shelf.

³ Incidents where persons were potentially exposed to hazardous substances (usually during operational duties) – e.g. exposure to river water during swift water rescue training, exposure to asbestos during fire fighting.

⁴ Of incidents either actually resulting in, or having the potential to result in serious injuries or losses and incidents involving Breathing Apparatus.

- A report of an inability to produce foam whilst in offensive mode during firefighting;
 - A potential hazard identified as a result of a lack of seatbelt in the 418 Command Support Unit; and
 - A potential hazard was identified involving accelerator pedals that are suspended from the underside of the steering console becoming snagged on flooring – a Health and Safety Flash was produced in response to this issue.
21. The Specialist investigations mobilised this quarter comprise of the following:
- One incident resulted in a firefighter falling through a floor at an operational incident;
 - Two separate incidents where a firefighter was deprived of air whilst wearing Breathing Apparatus during a training exercise;
 - One incident where a suspected Breathing Apparatus malfunction was not reported or the set impounded. Upon investigation, it was found that there was no fault with the set.
22. Of these Specialist Investigations, one awaits a debrief and two are still under investigation.

Reported Abuse to Staff

23. There were 5 reported incidents of verbal abuse to crews this quarter – one occurred when crews were affecting the rescue of an individual from a river, two occurred when crews were damping down fires, and two when crews were involved in routine driving activities.

Health and Safety Training Planned for 2011-12

- 15 managers are to receive NEBOSH training;
- 30 watch and crew commanders are to receive IOSH Managing Safely;
- 36 personnel to undertake risk assessment training;
- 30 personnel are to undertake training in managing hazardous substances;
- 9 Fleet Technicians are to receive training in abrasive wheels;
- 9 Fleet Technicians are to receive training in noise and vibration management;
- Display Screen Equipment training for all Fire Control staff;
- Display Screen Equipment training for 26 departmental and station staff;
- Refresher training to be arranged for station cooks and for mess managers in food safety;
- Mop up training to be arranged for specialist investigation officers in line with their role; and
- Training for 30 staff in Conflict Resolution.

Significant Planned Activities

- After a positive response to the Manager's Health and Safety Handbook, this has now been shared with regional partners who intend to use it as a model for their own versions;
- Work has begun on a review of the GAP analysis conducted by all Fire Services within the region against the HSEs consolidated report following its inspections of 8 Fire Services, to draw out key themes from which to develop leading indicators;
- Reviews of 15 Service Policies and Instructions have been completed, with another currently being considered with key stakeholders; and
- Two new Policies are also in the process of being written, relating to asbestos management and pressure systems and gas containers.

Items of Interest

Appointment of Assistant Chief Fire Officer

24. I am delighted to announce that following an extensive application and assessment process on Friday 29 July, Richard Lawrence was offered, and accepted, the above substantive post. Richard has been carrying out the duties of the above post on a temporary basis since January and therefore will continue in the role but in the substantive rank of Assistant Chief Fire Officer.
25. May I take this opportunity to congratulate Richard and welcome him to his role on a substantive basis. Richard is a Fire Service Officer of the highest calibre and Members of the Fire and Rescue Authority, myself and members of the Senior Management Board look forward to be able to continue working with him.

The Firefighters Memorial Trust Annual Service of Remembrance and Wreath Laying Ceremony

26. Myself and the Chairman, along with Watch Manager Steve Bullock as Standard Bearer for the Service, attended the memorial service in London on Sunday 11 September to commemorate the 10th anniversary of the terror attack on the twin towers in New York in 2001 in which 343 firefighters lost their lives.,
27. The Firefighters Memorial Trust Annual Service of Remembrance and Wreath Laying Ceremony was held at St Paul's Cathedral at 11.00am remembering all firefighters that have lost their lives as a result of their duties since the beginning of the WWII.

Special Reception in the Presence of HRH The Princess Royal

28. Myself and the Vice-Chairman attended a special reception and ceremony on Tuesday 19 July 2011 at the Honourable Artillery Company in London where the Firefighters Memorial Trust received its Royal Charter and the new 'Firefighters Memorial Standard' was blessed. I was personally presented to Her Royal Highness the Princess Royal.

Fire Control Bid

29. On 5 July 2011, H&WFRS received notification that the CLG were making available £81m for improving the resilience, efficiency and technology in England's control services. As a guide, this will provide up to £1.8m for each Fire and Rescue Authority. In partnership with Shropshire & Wrekin FRA, officers from H&WFRS are in the process of formulating a grant application for submission to the CLG in September 2011. It is expected that grant funding will be confirmed by 31 January 2012.

Warwickshire Fire and Rescue Service

30. Warwickshire FRS has now confirmed that, as part of their IRMP, they intend to decommission Studley Fire Station in March 2013 following the transition of nearby Alcester Fire Station from RDS to Wholetime by the end of 2012. Nearby Alcester Fire Station will then provide immediate cover for a wider geographical area in lieu of the closure of neighbouring Studley. As has been previously reported to this Authority, the impact of this is not believed to create any significant issues for HWFRS based upon historical evidence in these areas. Discussions with Warwickshire FRS are ongoing and the situation will continue to be closely monitored.

Fire Director Visits Service

31. The Director of the Government's Fire, Resilience and Emergencies Department visited Hereford & Worcester Fire and Rescue Service on Friday 1 July 2011 to gain an insight into the many initiatives taking place across the two counties. Neil O' Connor was given information about the Service's volunteer scheme, partnership working and community safety schemes which are already making a difference to people's lives. During the course of his visit, he was also shown a water rescue demonstration by firefighters on the River Severn at Worcester. The crews set up a training demonstration and showed how they would rescue a casualty from the water using their boats and related equipment.

Shadow Fire Minister visits Service

32. Chris Williamson MP, The Shadow Minister for Communities and Local Government, visited Hereford & Worcester Fire and Rescue Service to gain an insight into the day to day running of the organisation and how it works to protect its local communities. He was firstly given a tour of Droitwich Fire Station by Chief Fire Officer Mark Yates and was then shown around the Service's Urban Search and Rescue base in the town. He then met firefighters at the River Severn, along with the Chair of the Authority, in Worcester. The crews set up a training demonstration and showed how they would rescue a casualty from the water using their boats and related equipment.

DEFRA Grant Scheme

33. A formal bid by the Urban Search and Rescue (USAR) team was submitted to the Department for the Environment, Fisheries and Rural Affairs (DEFRA) for their proposed Flood Rescue Grant Scheme in November 2010 to enhance our boat assets. Our bid sought to fulfill the role of rescue, response and flood relief duties as set out in the National Flood Rescue Concept of Operations document released following Sir Michael Pitt's review on the floods of 2007. Whilst considering the requirements of the DEFRA grant scheme we also ensured that our proposal would ultimately enhance our capability to respond during widespread flood inundation.
34. Hereford & Worcester Fire & Rescue Service's bid has been successful and the Service has been awarded £50,000 from the scheme which will be utilised to purchase two specialised powered boats and ancillary equipment. The boats that we are intending to purchase will be capable of transporting larger bulkier items of equipment, flood victims, stretcher bound casualties and will be trialed and evaluated by our experienced Swift Water Rescue Technicians. Once purchased they will be stored and maintained within our USAR facilities at Droitwich which will support their deployment locally and nationally. It is planned that our USAR team and USAR on-call personnel will crew these assets as they are both qualified Swift Water Rescue Technicians and Swift Water Boat Operators. As part of the terms of conditions of funding by the grant scheme, HWFRS will be required to make these assets available for the next five years to attend widespread flooding nationally should this be requested by DEFRA.

Fatality in Ewyas Harold

35. On Thursday 28 July 2011 at 1530hrs the Service attended an incident in Abbey Dore near Ewyas Harold. Crews from Ewyas Harold, Peterchurch and Hereford responded effectively, rescued an elderly lady from the property and assisted in her care before her transportation to hospital. Despite the Service's best efforts the lady passed away later that evening.
36. The victim was known to the Service through previous fire incidents. These incidents triggered extensive fire prevention activities aimed at minimising the risk of a future fire occurring within the victim's premise. The Service, in recognising the victim's challenging physical impairments and living conditions, organised for the provision of a portable fire suppression system for the victim which aimed to improve the chances of survivability should further fires occur.
37. Despite the Service's best efforts the lady did not survive the recent fire event, however it is satisfied that, in respect of how it catered for the prevention of fire within the victim's home and how it responded to the fire when it occurred, the Service demonstrated its continued commitment to protecting the vulnerable within its communities. The Service will now look at any lessons learnt from this incident and look to incorporate any learning gained into its future activities.

Reporting Injuries

38. Following the recent increase in reported injuries at operational incidents the Community Safety Department and Performance Improvement Department have jointly developed a Casualty Report Form which is automatically generated from the IRS. This form will quickly alert the Community Safety Department to the fact that an injury has occurred and enable them to quickly follow up each individual injury by contacting the operational personnel and partner organisations involved, in order to ascertain all relevant details. The report, coupled with a structured internal investigation, will then assist the Service in profiling every injury going forward in an effort to identify common trends and contributory factors. All information will then reside within the Community Safety Department's database and will be utilised to help inform future education and intervention activities.

Contact Officer

Mark Yates, Chief Fire Officer

(0845 1224454)

Email: myates@hwfire.org.uk

8. Local Government Pension Scheme Discretions

Purpose of report

1. To recommend a Statement of Policy in relation to the discretionary regulations of the Local Government Pension Scheme for approval as recommended by the Policy and Resources Committee.
-

Recommendation

The Policy and Resources Committee recommends that:

- i) the Statement of Policy attached at Appendix 1 is approved by the Authority and;*
- ii) the Policy and Resources Committee be delegated responsibility for exercising the discretionary elements of the Local Government Pension Scheme, including the authority for incurring any costs involved.*

Background

2. Under the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (in force 01/04/2008) each employer must formulate, publish and keep under review a Statement of Policy on certain discretions contained within them. These discretionary elements are only applicable to the Local Government Pension Scheme (LGPS).
3. Within H&WFRS, just over 25% of LGPS Scheme members are currently over the minimum pension age (55), and therefore have the option of applying for early payment of pension benefits, which includes flexible/partial retirement.
4. To date, H&WFRS has considered applications for the early payment of pension benefits and other discretionary elements on a case by case basis, with an assessment of the costs and benefits being made. No applications have been approved.
5. In terms of flexible retirement, no applications have been submitted from Support/Control Staff. H&WFRS has previously agreed to allow members of the Firefighters' Pension Scheme (FPS) to retire and take pension benefits, unabated, prior to being re-employed. This arrangement was discontinued in September 2007. FPS members may still retire and subsequently be re-employed where there is a specific need for an employee's specialist skills, but pension benefits are abated in these circumstances.

Options

6. Appendix 2 gives an overview of the discretionary elements, costs and examples of practices in other Fire and Rescue Services, and sets out recommendations.
7. Two viable options would be:
 - To agree to consider each case on the grounds of cost and business efficiency.
 - To agree a framework for decisions, with each case to be considered on an individual basis.

Proposal

8. It is proposed that the Fire and Rescue Authority delegates responsibility for exercising the discretionary elements of the LGPS (including the authority for incurring any costs involved) to the Policy and Resources Committee.
9. The proposed Statement of Policy (attached at Appendix 1) has been prepared to meet the above requirements. The Statement of Policy follows a model that is adopted by a number of other Authorities, including Worcestershire County Council and is intended to minimise H&WFRS liabilities, yet enable the flexibility for situations to be considered on their relative merits.

Consultation

10. Representatives of UNISON and GMB were consulted during the process of drawing up the Statement of Policy. Following the issue of the initial draft statement, no comments were received from UNISON. GMB commented as follows:
 - That the employer should not be in a position whereby they cannot operate their discretion, but some of the wording used in the statement could be interpreted as having this effect, for example, the wording to the second part of the policy on Regulation 18 states “will not grant the benefit to waive any actuarial reduction.”
 - It was suggested that where exceptional or financially justifiable circumstances are referred to, examples could be given.
 - The decision not to allow flexible retirements (where employees can reduce hours or grade and draw pension benefits) except in exceptional or financially justifiable circumstances was considered an unhelpful position. The view of GMB being that flexible retirement could assist with succession planning or to retain an ageing workforce. The statement on not waiving early retirement reductions might be viewed as fettering the Service’s discretion.

11. The Service has considered these comments when drawing up the attached version of the Statement of Policy.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|---|--------|--|
| There are financial issues that require consideration | Yes | Appendix 2 refers |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|---|--------|--|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | Yes | Paragraph 2 |

Additional Considerations

12. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|--|--------|--|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | Yes | Appendix 2 refers |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | No | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | No | |
| Consultation with Representative Bodies | Yes | Paragraph 10 |

Supporting Information

Appendix 1 – Statement of Policy

Appendix 2 – Overview of the Discretionary Elements

Contact Officer

Jackie Conway Head of Human Resources

(01905 368339)

Email: jconway@hwfire.org.uk

STATEMENT OF POLICY
Local Government Pension Scheme (LGPS)
Discretions

Under the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (in force 01/04/2008) each employer must formulate, publish and keep under review a Statement of Policy on certain discretions contained within them.

The statement is applicable to all employees of Hereford & Worcester Fire and Rescue Authority who are eligible to be members of the LGPS.

Regulation 12: Power of employing authority to increase total membership of active members

An employing authority may resolve to increase the total membership of an active member.

The total amount of augmented membership that can be given cannot exceed 10 years.

Employer's Policy

Due to cost implications Hereford & Worcester Fire and Rescue Authority will not usually grant the benefit contained within this regulation, other than in cases where the financial implications can be justified or in other very exceptional circumstances. Each case will be judged on its own merits, with full consideration of the impact on service delivery and financial costs.

Hereford & Worcester Fire and Rescue Authority may allow a member of the Local Government Pension Scheme, who is eligible to receive a compensation payment in accordance with Regulation 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, to be awarded instead, a period of augmented membership which is actuarially equivalent in value to the lump sum compensation payment (in excess of the statutory redundancy payment) that would otherwise have been paid, provided that the augmented membership would not exceed the statutory limits. All such requests must be made before the employee leaves employment.

Regulation 13: Power of employing authority to award additional pension

An employing authority may resolve to award a member additional pension of not more than £5,000 a year payable from the same date as their pension.

Additional pension may be paid in addition to any increase of total membership resolved to be made under regulation 12.

Employer's Policy

Due to cost implications Hereford & Worcester Fire and Rescue Authority will not usually grant the benefit contained within this regulation, other than in cases where the financial implications can be justified or in other very exceptional circumstances. Each case will be judged on its own merits, with full consideration of the impact on service delivery and financial costs.

Regulation 18: Flexible retirement

An employing authority may resolve to give their consent to grant flexible retirement to employees from age 55 who reduce their hours or move to a lower grade and draw all of their pension whilst continuing in employment and building up further benefits in the scheme.

The pension benefits may be reduced in accordance with guidance issued by the Government Actuary, if paid before age 65, and the employer has discretion not to apply all or part of the reduction.

Employer's Policy

Hereford & Worcester Fire and Rescue Authority will not grant the benefit contained within this regulation, other than in cases where the financial implications can be justified or in other exceptional circumstances. Each case will be judged on its own merits, with full consideration of the impact on service delivery and financial costs.

Hereford & Worcester Fire and Rescue Authority will not usually grant the benefit to waive any actuarial reduction other than on exceptional compassionate grounds. It might, for example, be appropriate to do so where an employee has particular caring responsibilities for a dependent.

Regulation 30: Choice of early payment

Between and including the ages of 55 and 59 members have the right to apply for early payment of their retirement benefits subject to the consent of their employer.

The amount of benefits released early would be reduced in accordance with guidance issued by the Government Actuary.

An employing authority may also determine that a retirement pension and grant should not be reduced on compassionate grounds.

Employer's Policy

Hereford & Worcester Fire and Rescue Authority will not grant the benefit contained within this regulation, other than in cases where the financial implications can be justified or in other exceptional circumstances. Each case will be judged on its own merits, with full consideration of the impact on service delivery and financial costs.

Where granted, Hereford & Worcester Fire and Rescue Authority would not normally waive the reduction to the benefits, other than on exceptional compassionate grounds. It might, for example, be appropriate to do so where an employee has particular caring responsibilities for a dependent.

Appendix 2

| Regulation and Discretion - Details | Potential Costs | Practice In Other FRAs | Recommended Policy |
|--|---|--|--|
| <p>Regulation B12</p> <p>A written policy statement is required on:</p> <p><u>Whether to augment membership of an active member (by up to 10 years)</u></p> <p>An employer can increase the pensionable service of an employee who is a current member of the LGPS who is dismissed on grounds of redundancy or efficiency.</p> <p>Up to 10 additional pension membership years may be awarded.</p> <p>(N.B. All LGPS members over minimum pension age (currently 55) have an absolute right to draw unreduced pension benefits in the event of redundancy)</p> | <p>The Authority would be required in all circumstances to pay a one off capital cost to the pension scheme provider, within 1 month of the resolution.</p> | <p>Devon & Somerset – this discretion will not usually be exercised.</p> <p>Essex – will not increase membership.</p> <p>Fife – may augment for up to 6 2/3 years in cases of redundancy or business efficiency (arrangements in Scotland differ to England).</p> <p>Lancashire – will only augment in exceptional and justifiable circumstances.</p> <p>Notts – refer back to their Discretionary Scheme.</p> <p>Royal Berkshire - do not augment with the exception of the option for employees, in accordance with the Early Termination of Employment Discretionary Payment Regs, to ask the Fire Authority to use the additional compensation to purchase additional scheme membership.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.</p> | <p>Due to cost implications it is recommended that only in very exceptional circumstances and where justifiable will additional pension membership years be given under Regulation 12.</p> <p>Each specific case to be judged equally and fairly on its own merits, including affordability.</p> |

| Regulation and Discretion – Details | Potential Costs | Practice In Other FRAs | Recommended Policy |
|--|---|--|--|
| <p>Regulation B13</p> <p>A written policy statement is required on:</p> <p><u>Whether to grant additional pension to a member (up to £5,000 p.a.)</u></p> <p>The Authority may award additional pension of up to £5,000 per annum to an employee.</p> | <p>The Authority would be required in all circumstances to pay a one off capital cost to the pension scheme within 1 month of their resolution.</p> | <p>Devon & Somerset – due to the additional financial burden, this discretion will not usually be exercised.</p> <p>Essex – will not award additional pension.</p> <p>Fife – will not award in any circumstances.</p> <p>Lancashire – yet to adopt a policy.</p> <p>Notts – will not grant additional pension.</p> <p>Royal Berkshire – do not to adopt this discretion.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.</p> | <p>Due to cost implications, it is recommended that only in very exceptional and justifiable circumstances will additional pension be given under Regulation 13.</p> <p>Each specific case to be judged equally and fairly on its own merits, including affordability.</p> |

| Regulation and Discretion – Details | Potential Costs | Practice In Other FRAs | Recommended Policy |
|---|--|--|--|
| <p>Regulation B18 (1)</p> <p>A written policy statement is required on:</p> <p><u>Whether benefits can be paid if an employee reduces their hours or grade (flexible retirement)</u></p> <p>The Authority may agree requests for flexible (partial) early retirement and the waiver of any actuarial reduction of benefits. (<i>Re waiver – see Regulation B18 (3)</i>)</p> <p>The 2007 Regulations introduce the possibility of employees (from age 55) to take their pension benefits whilst remaining in employment, provided that the employer gives consent, and there has been a reduction in working hours or grade.</p> <p>If early retirement is agreed (before age 65), with the immediate payment of pension benefits, an actuarial reduction will be applied to the member's accrued pension benefits.</p> <p>There are circumstances where flexible (partial or gradual) retirement may be of mutual benefit to the employee and the employer, the employer may wish to retain an employee on reduced hours, for example, to coach others, or if they have specialist skills.</p> | <p>In some cases where pension benefits are taken early (depending on an employee's length of service and age) the Authority may need to pay a 'financial strain' cost' to the pension fund.</p> | <p>Devon & Somerset – employees may make a request, applications will only be approved where there are no significant pension costs or disadvantages to the Authority.</p> <p>Essex – will consider on a case by case basis, with special consideration given to disability cases.</p> <p>Fife – may agree flexible retirement.</p> <p>Lancashire – may agree flexible retirement, each case considered on grounds of cost, business impact.</p> <p>Notts – yes, in line with their flexible retirement policy.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.</p> | <p>It is recommended that the Authority only normally permits flexible retirements where it can be demonstrated as being in the interests of the Authority, and where there are no significant costs or disadvantages to the Authority.</p> <p>Each specific case to be judged equally and fairly on its own merits, having fully considered the impact on service delivery and financial costs.</p> |

| Regulation and Discretion – Details | Potential Costs | Practice In Other FRAs | Recommended Policy |
|---|---|---|---|
| <p>Regulation B18 (2)</p> <p>A written policy statement is required on:</p> <p><u>Whether to grant application for early payment of benefits on or after age 55 and before age 60</u></p> <p>This is known as Employer Consent retirement.</p> <p>LGPS members, leaving local authority employment before they are entitled to receive the immediate payment of retirement benefits may, once they attain the age of 55, choose to receive payment of these benefits. Under the age of 60, they will need the consent of their employing authority before they are entitled to receive the early and immediate payment of retirement benefits. These benefits may, depending on length of service, be reduced on an actuarial basis.</p> <p>(For employees born before 1 April 1956, if the sum of their age and pensionable service is 85 or more, pension benefits are paid without an actuarial reduction for early payment, if they retire before 1 April 2016)</p> | <p>The employer may have to make a financial strain cost to the pension fund.</p> | <p>Devon and Somerset – applications only accepted when in the interests of the Authority, or where there are compassionate grounds.</p> <p>Essex – will agree only if there are compelling business reasons.</p> <p>Fife – may grant.</p> <p>Lancashire – will only grant if there is a justifiable business case that also addresses recruitment to the post left vacant.</p> <p>Notts – yes, on a case-by-case basis.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.</p> | <p>It is recommended that the Authority only normally permits early payment of pension benefits where it can be demonstrated as being in the interests of the Authority, and where there are no significant costs or disadvantages to the Authority.</p> <p>Each specific case to be judged equally and fairly on its own merits, having fully considered the impact on service delivery and financial costs.</p> |

| Regulation and Discretion – Details | Potential Costs | Practice In Other FRAs | Recommended Policy |
|---|---|--|--|
| <p>Regulation B18 (3)</p> <p>A written policy statement is required on:</p> <p><u>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement</u></p> <p>If the payment of benefits is before age 65, then the benefits may be reduced in accordance with guidance issued by the Government Actuary.</p> <p>Should the Authority so wish, Regulation 18 gives it the power to waive this reduction in benefits.</p> | <p>If an employer decides to waive the actuarial reduction, then they will have to pay the financial strain cost to the pension fund.</p> <p>There would always be a cost to the Authority if the actuarial reduction in benefits were to be waived</p> | <p>Devon & Somerset – will not generally waive.</p> <p>Essex – will consider on a case by case basis, with special consideration to disability cases.</p> <p>Fife – may waive on compassionate grounds.</p> <p>Lancashire – will only consent where there are exceptional reasons for doing so</p> <p>Notts – yes, in exceptional circumstances and if cost neutral or in the interests of the Authority.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.</p> | <p>If flexible early retirement is agreed, with the immediate payment of pension benefits, it is recommended that the Authority waive a pension reduction on very exceptional compassionate grounds only. It might be appropriate to do so, for example, where an employee has particular caring responsibilities for a dependent.</p> <p>Each specific case to be judged equally and fairly on its own merits, including affordability.</p> |

| Regulation and Discretion – Details | Potential Costs | Practice In Other FRSs | Recommended Policy |
|--|---|---|---|
| <p>Regulation B 30</p> <p>A written policy statement is required on:</p> <p><u>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early</u></p> <p>Any payment would be subject to a reduction in accordance with guidance issued by the Government Actuary. Regulation 30 gives the Authority power to waive this reduction on compassionate grounds</p> | <p>If an employer decides to waive the actuarial reduction, then they will have to pay the financial strain cost to the pension fund.</p> <p>There would always be a cost to the Authority if the actuarial reduction in benefits were to be waived</p> | <p>Devon and Somerset – will apply an actuarial adjustment.</p> <p>Essex – will not waive.</p> <p>Fife – may waive in exceptional circumstances.</p> <p>Lancashire – will only waive on compassionate grounds and where there are exceptional reasons.</p> <p>Notts – yes, in exceptional circumstances, on a case-by-case basis.</p> <p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.</p> <p>West Midlands - each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a three year period.</p> | <p>If early retirement is agreed, with the immediate payment of pension benefits, it is recommended that the Authority waive a pension reduction on very exceptional compassionate grounds only. It might be appropriate to do so, for example, where an employee has particular caring responsibilities for a dependent.</p> <p>Each specific case to be judged equally and fairly on its own merits, including affordability.</p> |

9. Draft Integrated Risk Management Plan Action Plan 2012/13

Purpose of report

1. To put forward the draft Integrated Risk Management Plan 2012/13 Action Plan to be approved for consultation, as recommended by the Policy and Resources Committee.
-

Recommendation

The Policy and Resources Committee recommends that the draft Integrated Risk Management Plan (IRMP) Action Plan for 2012/13 be approved for consultation.

Introduction and Background

2. In accordance with the latest Fire and Rescue National Framework, Hereford & Worcester Fire and Rescue Authority developed a 3 year Integrated Risk Management Plan (IRMP) to be delivered over the period 2009/12. This plan and resultant Action Plan for 2011/12 will be complete by the end of March 2012. It is anticipated that the new National Framework will provide a different direction to Fire Services and be less directive than the current National Framework.
3. The Service has developed a one year IRMP Action Plan for 2012/13. This action plan is based upon continuing the current Action Plan (2011/12) which is aimed at aligning the available resources to meet risk and the need to meet challenging financial pressures.
4. In order to comply with the Government's adopted Code of Practice for consultation, a 12 week period of consultation will take place from 28 September 2011. The Authority will consult a wide variety of individuals, groups and partnerships from across the two counties to get a view on the proposals outlined in the draft 2012/13 IRMP Action Plan.

Proposals

5. The five draft recommendations proposed for 2012/13 are:
 1. During 2012/13 we will deliver the outcomes of the 2011/12 review of Community Safety, which sought to identify methods for targeting the Services resources more effectively in this area.
 2. During 2012/13 we will implement the agreed changes that result from the review of the current operational training strategy and provision.

3. The 2011/12 IRMP Action Plan identified specific elements of fire cover within the Service including resources, which would be reviewed in 2011/12. In 2012/13 we will review fire cover across the remainder of the Service.
4. We will continue to develop further opportunities to consolidate our collaboration with Shropshire and Wrekin Fire & Rescue Authority (SWFRA).
5. We will review the provision of road traffic collision (RTC) equipment across the Service and implement any appropriate changes in order to improve the service we provide to the community.

Conclusion/Summary

6. The recommendations for the draft IRMP Action Plan 2012/13 will proceed into formal consultation after FRA approval. This will enable feedback from consultation to be reviewed and assessed prior to final approval by the Fire and Rescue Authority.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are financial issues that require consideration | Y | Paragraph 4 & 5 |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | Y | Entire document |

Additional Considerations

7. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|--|--------|--|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | Y | Paragraph 4 & 5 resources required to carry out reviews and consultation. |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | Y | Entire Document |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | N | |
| Consultation with Representative Bodies | Y | Paragraph 4 & 5, |

Supporting Information

Appendix 1: 2012/13 IRMP Annual Action Plan Summary of Proposed Recommendations

Contact Officer

Jon Pryce Temporary Assistant Chief Fire Officer, Corporate Services
(01905 368355)
Email: jpryce@hwfire.org.uk



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

2012/13 IRMP Annual Action Plan
Summary of Proposed Recommendations

| Proposed Recommendation | Background |
|--|---|
| <p><u>Recommendation 1</u></p> <p><i>During 2012/13 we will deliver the outcomes of the 2011/12 review of Community Safety, which sought to identify methods for targeting the Service's resources more effectively in this area.</i></p> | <p><i>The Service is committed to improving the safety of the communities in Herefordshire and Worcestershire, particularly those most at risk. The Service engages in a wide range of community safety activities across both counties.</i></p> <p><i>The 2011/12 IRMP Action Plan included a comprehensive review of the resources allocated to this work against the evidence available to the Service. This was to ensure that the available resources are appropriately utilised, based upon risk. It is expected that this review will inform the future focus of community safety activity and will optimise the Service's use of the available resources.</i></p> |
| <p><u>Recommendation 2</u></p> <p><i>During 2012/13 we will implement the agreed changes that result from the review of the current operational training strategy and provision.</i></p> | <p><i>The Services 2011/12 IRMP Action Plan includes a comprehensive review of the Service's training and development provision. This recommendation is also linked to the provision of adequate training facilities, through the Asset Plan.</i></p> |
| <p><u>Recommendation 3</u></p> <p><i>The 2011/12 IRMP action plan identified specific elements of fire cover within the Service including resources, which would be reviewed in 2011/12. In 2012/13 we will review fire cover across the remainder of the Service.</i></p> | <p><i>The Service has a duty to ensure that:</i></p> <ul style="list-style-type: none"> <i>i) The deployment of available resources best reflects the risk profiles and needs of the communities across both Counties.</i> <i>ii) The community is provided with a response that is flexible, resilient and appropriate across the entire Service area.</i> |

| | |
|--|---|
| <p><u>Recommendation 4</u></p> <p><i>We will continue to develop further opportunities to consolidate our collaboration with Shropshire and Wrekin Fire & Rescue Authority (SWFRA).</i></p> | <p><i>An agreement is in place between the Authorities and Officers of both Services to actively investigate mutually beneficial options for collaboration.</i></p> |
| <p><u>Recommendation 5</u></p> <p><i>We will review the provision of road traffic collision (RTC) equipment across the Service and seek to implement any appropriate changes in order to improve the service provide to the community.</i></p> | <p><i>Currently 18 of the Service's 43 pumping appliances carry "heavy rescue" RTC equipment, the remaining appliances carry "standard rescue" equipment, for dealing with a road traffic collision. This currently means that the first appliance attending may or may not carry heavy rescue equipment, which offers an enhanced capability.</i></p> <p><i>During the forthcoming contract renewal of RTC equipment, we will review this provision to determine whether the capability can be improved or extended.</i></p> |

10. Internal Audit Arrangements

Purpose of report

1. To advise the Authority on the prospective appointment of a replacement Internal Audit Service.
-

Recommendation

The Treasurer recommends that the Authority note the appointment of the 'Consortium' subject to agreeable terms and conditions being received.

Introduction and Background

2. Following the notification of the current CSR, Members will be aware that much down-sizing has occurred by authorities via restructures and reviews of the services provided by authorities, and even between authorities.
3. Until 2010/2011 WCC has provided the Internal Audit Service to the FRA for many years, but felt it could no longer provide the service following its own review, and informed the FRA by giving notice in April.
4. Subsequently WCC indicated that this decision was to be reconsidered, and in September arranged a meeting between relevant parties to find a solution, where it was confirmed, however, that WCC would not now provide the Internal Audit Service to the FRA from 2011/12.

Current Position

5. Your officers had already made enquires for sourcing an alternative supplier for the service upon receiving the initial indications of WCC.
6. For some time a 'Consortium' has been generated from several local district authorities' internal audit sections to provide an internal audit service around the area.
7. The meeting in September was attended by the FRA, WCC and the 'Consortium' and it served to satisfy all parties with a view to an agreed way forward. .

Conclusion/Summary

8. The Authority is responsible for maintaining or procuring an adequate and effective internal audit of the activities of the Authority under the Accounts and Audit (England) Regulations 2011. This includes considering, where appropriate, the need for and the effectiveness of anti fraud controls. This duty is delegated to the Treasurer.

9. Following a decision earlier in the year by the Treasurer to request WCC to complete outstanding 2010/2011 Audits, (a report to the Audit Committee following this meeting addresses that progress and any outstanding work) it would now be appropriate to engage the Consortium on a 3 year contract.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|---|--------|--|
| There are financial issues that require consideration | Yes | Final costs to be evaluated along with budgetary considerations. |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|---|--------|---------------------------------------|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | Yes | Requirement of the 2011 Act (para 8) |

Additional Considerations

10. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|--|--------|---------------------------------------|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | No | |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | No | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | No | Other than statutory requirement. |
| Consultation with Representative Bodies | No | |

Contact Officer

Tony Wood, Treasurer
 (0845 12 24454)
 Email: twood@hwfire.org.uk

11. Indemnities for Members and Officers

Purpose of report

1. To invite Members to consider the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004, which has clarified and extended the powers of the Authority to give indemnities to Members and officers in respect of liabilities arising during the course of their duties.
-

Recommendations

The Chief Fire Officer, Clerk and Treasurer recommends that:

- 1. The Authority approve the granting of indemnities to Members and officers in the terms set out in Appendix 1 to this report.*
- 2. The Treasurer is authorised to take steps to secure insurance to cover the Authority's liability under this indemnity, in so far as in his opinion such insurance would be financially practicable.*

Introduction and Background

2. This report sets out the legal position in relation to the Authority's powers to indemnify its Members and officers out of public funds for any personal liability arising from actions or decisions taken by them in the course of their official duties.
3. Members and officers of local authorities can incur personal civil and criminal liability as a result of their actions, both within the Authority and as a result of their actions carried out as a representative of the Authority on outside bodies. However, in certain circumstances a Member or officer may be immune from such liability or may be indemnified against such liability.
4. The difference between an immunity and an indemnity is one of effect: in the case of an immunity no liability attaches to the Member or officer, whereas in the case of an indemnity liability attaches to the Member or officer but someone else discharges the liability. Typically the authority itself (on a self-insured basis) or its insurer.
5. Local Authorities have relied in the past on various statutory provisions that either exclude liability or permit some indemnities to be granted.
6. Members and officers of local authorities (including Fire Authorities) enjoy statutory immunity from civil liability where they act within the powers of the Authority in good faith and without negligence (section 265 of the Public Health Act 1875 (as amended)). But this immunity does not apply where they go beyond the powers of the Authority or act in bad faith or negligently, or where

they are acting on outside bodies to which they have been appointed by the Authority, and it does not protect them from criminal liability, for example for fraud or for example corporate killing where they exercise managerial responsibilities. The issue in such circumstances is whether the local authority can grant an indemnity.

7. Section 111(1) of the Local Government Act 1972 provides ancillary powers to local authorities that may permit them to indemnify Members and officers in relation to particular decisions or acts if to do so would facilitate or is incidental or conducive to the discharge of a function of the Authority.
8. Doubts have existed however about the extent to which authorities can provide indemnities, particularly where individuals incur personal liability for their actions on outside bodies to which they have been appointed by the Authority and the scope to provide indemnities for actions where an officer or Member acts beyond their powers (“*ultra vires*”) or negligently.
9. The Local Government Act 2000 made provision for the Secretary of State to introduce Regulations permitting the indemnification of both Members and officers. Such Regulations have been made in the form of the Local Authorities (Indemnities for Members and Officers) Order 2004. The powers granted by the Order are discretionary and permit local authorities to provide indemnities to Members and officers in certain circumstances either through a local authority’s own resources or funded by an insurance policy.

Circumstances in which an indemnity may be provided

10. The circumstances in which the Authority can grant an indemnity under the terms of the Order can be summarised as follows:
 - (A) where the officer or Member is carrying on any function at the request of, with the approval of or for the purposes of, the Authority;
 - (B) where the exercise of functions stated in (A) involves officers or Members acting in capacities other than as officers or Members of the Authority (for example where a Member or officer is acting as a Director or Trustee or Authority representative on a company or outside body at the request of the Authority).
 - (C) where the action or inaction complained of is outside the powers of the Authority itself or outside the powers of the officer or Member individually (*ultra vires*), provided the officer or Member reasonably believed the matter was not outside those powers; and
 - (D) where an officer or Member makes a statement that certain steps have been taken or requirements fulfilled, but it later becomes clear that this is not the case. Again the Member or officer must reasonably believe that the statement was true when it was made.

11. Outside the scope of the power to indemnify are the following circumstances:
 - criminal acts;
 - any other intentional wrong doing;
 - fraud;
 - recklessness; and
 - defamation (but not the defence of an accusation).
12. An indemnity may be provided to cover the cost of defending criminal proceedings, but must be reimbursed if the Member or officer is convicted.
13. Under the Order the Authority may also indemnify Members against the cost of defending allegations that they have acted in breach of the Code of Conduct. As with criminal charges, any expenditure must be reimbursed if the Member is found or admits to have breached the Code.
14. The power extends to circumstances where the Member or officer is acting in a capacity other than as Member or officer. This would cover the situation where a Member or officer is acting as a director or trustee or Authority representative on an outside body in connection with his or her role with the Authority.
15. No indemnity can be granted to any Member or officer in relation to “outside” work, which is unconnected with the work of the Authority. It would not therefore cover any Member or officer acting in a private capacity. It would cover situations where as a result of designation by the Authority, an individual has specific statutory powers or responsibilities e.g. the Monitoring Officer or the Section 151 Officer.

Terms of Indemnity or Insurance

16. The Authority has the freedom to negotiate such terms for any indemnity or policy of insurance as it thinks appropriate but the Regulations require that those terms include provision for re-payment of sums expended by the Authority or the insurer in cases in which a Member admits, or is found to be in, breach of the Code of Conduct applicable to him or her as a Member of the Authority; or a Member or officer has been convicted of a criminal offence. Any sums recoverable may be recovered as a civil debt.

Insurance

17. It is recommended the Treasurer investigate the possibility of obtaining insurance to cover the costs of providing such indemnities; the Authority’s current policies have an excess of £100,000 for each individual claim so that, in such cases where a claim is below that level the Authority self-insures from their reserves.

18. Once given, an indemnity will cover any claim arising, (subject to statutory limitations) at any time, and may continue to apply after the Member or officer has left office or employment with the Authority in respect of their actions or omissions during the term of their office or employment.
19. A draft form of indemnity is attached at Appendix 1 for consideration by the Authority.

Conclusion/Summary

20. That Members approve the recommendation.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|--|--------|--|
| There are no immediate financial implications arising from this report but there may be additional insurance costs if the Treasurer determines insurance provision is appropriate. | Y | |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|---|--------|--|
| The statutory provision relating to the powers of the Authority to grant indemnities are addressed in the main section of the report. | Y | All the report |

Additional Considerations

21. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e paragraph no. |
|--|--------|--|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | Y | |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | N | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | Y | |
| Consultation with Representative Bodies | N | |

Supporting Information

Appendix 1 – Draft indemnity

Contact Officer

Anne Brown, Clerk to the Authority

Tel: 0845 12 24454

Email: Abrown@hwfire.org.uk

HEREFORD AND WORCESTER FIRE AND RESCUE AUTHORITY

INDEMNITY

THIS INDEMNITY is in the form of a deed and is given by **HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY** to its **MEMBERS AND OFFICERS** from time to time and shall commence on the [September] 2011 and remain in force until revoked.

This indemnity is made under Sections 111 and 112 of the Local Government Act 1972, The Local Authorities (Indemnities for Members and Officers) Order 2004 and any other powers so enabling.

This indemnity supersedes and replaces any previous indemnity given by the Authority.

1. The Authority will, subject to the exceptions set out below, indemnify each of its Members (including Independent Members) and officers against any loss or damage suffered by the Member or officer arising from his/her action or failure to act in his/her capacity as a Member or officer of the Authority. This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

1.1 any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Member or officer;

1.2 any act or failure to act by the Member or employee otherwise than in his or her capacity as a Member or officer of the Authority; or

1.3 failure by the Member to comply with the Authority's Code of Conduct for Members.

2. The Authority will, subject to the exceptions set out below, indemnify each of its Members and officers against the reasonable costs, which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings or Part 3 of the Local Government Act 2000.

2.1 "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom.

2.2 "Part 3 proceedings," means any investigation or hearing in respect of an alleged failure to comply with the Authority's Code of Conduct for Members under Part 3 of the Local Government Act 2000.

2.3 The Authority will not indemnify a Member or officer who is a claimant in defamation proceedings on the ground that he or she has been defamed. However, the Authority will provide a Member who is the subject of an allegation of defamation against him or her (which was allegedly committed in the course of his or her duties) with an indemnity in relation to his or her reasonable costs in connection with the proceedings.

2.4 Where any Member or officer avails him/herself of this indemnity in respect of defending him/herself against any criminal proceedings or Part 3 proceedings, or defamation proceedings the indemnity is subject to a condition that if, in respect of the matter in relation to which the Member or officer has made use of this indemnity.

2.4.1 the Member or officer is convicted of a criminal offence in consequence of such proceedings and that conviction is not overturned following any appeal; or

2.4.2 a Case Tribunal or Standards Committee determine that the member has failed to comply with the Code of Conduct for Members and that finding is not overturned following any appeal or if the Member admits that he has failed to comply with the Code of Conduct; or

2.4.3 the Member or officer is found to have committed the defamation.

That Member or officer shall reimburse the authority for any sums expended by the Authority pursuant to the indemnity.

2.5 Where the Authority arranges insurance to cover its liability under this indemnity, the requirement to reimburse in Paragraph 2.4 shall apply as if references to the Authority were references to the insurer.

3. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the Member or officer "in his/her capacity as a Member or officer of the authority" where:

3.1 The act or failure to act was outside the powers of the Authority, or outside the powers of the member or officer, but the Member or officer reasonably believed that the act or failure to act was within the powers of the Authority or within the powers of the member or officer (as appropriate) at the time he or she acted or failed to act, as the case may be:

3.2 The act or failure to act occurred not in the discharge of the functions of the Member or officer as a Member or officer of the Authority but in their capacity as a Member or officer of another organisation, where the Member or officer is, at the time of the action or failure to act, a Member or officer of that organisation either:

3.2.1 in consequence of his/her appointment as such Member or officer of that organisation by the Authority; or

3.2.2 in consequence of his/her nomination for appointment as such Member or officer of that organisation by the Authority; or

3.2.3 where the Authority has specifically approved such appointment as such a Member or officer of that organisation for the purposes of these indemnities.

4. Each Member or officer who avails himself or herself of the benefit of an indemnity agrees to:

4.1 Inform the Clerk

4.1.1 of any potential claim which might give rise to proceedings relating to or arising out of any act or failure to act by him or her within 7 calendar days of his or her being informed or becoming aware of the potential claim; or

4.1.2 of his or her being served with notice of court proceedings having been commenced against him or her, within 2 calendar days of the service of notice of the proceedings in respect of the claim; and

4.1.3 to inform and keep informed the Clerk of the progress of any potential claim or proceedings in respect of the claim, and the terms of any proposed settlement of the claim.

5. The Authority may on the advice of the Clerk, impose any additional terms for the grant of the indemnity as may be considered appropriate or necessary for the proper application of this policy and/or for securing the reimbursement of any sums which the Member or officer may be required to repay in connection with criminal offences and code of conduct proceedings where the Member or officer has been found to be guilty of an offence or failed to comply with the code of conduct. The Clerk shall be entitled on behalf of the Authority to refuse to pay any costs which in his opinion are unreasonably incurred by the Member or Officer.

6. These indemnities will not apply if a Member or officer, without the express permission of the Authority or of the appropriate officer of the Authority (Clerk) admits liability or negotiates or attempts to negotiate a settlement of the claim.

7. These indemnities are without prejudice to the rights of the Authority to take disciplinary action against an officer in respect of any act or failure to act.

8. These indemnities and undertaking shall apply retrospectively to any act or failure to act which may have occurred before the commencement date of this deed of indemnity and shall continue to apply after the Member or officer has ceased to be a Member or officer of the Authority as well as during his/her membership or employment or period of office with the Authority.

9. Where a Member or officer fails to repay any sum that he/she is obliged to reimburse to the Authority or its insurer the sums shall be recoverable by the Authority or its insurer (as the case may be as a civil debt).

12. Report from the Audit Committee

Purpose of report

1. To inform the Authority of the proceedings of the Audit Committee Meeting held on 29 June 2011.
-

Recommendation

The Audit Committee recommends that the Authority note the proceedings of the Committee Meeting held on 29 June 2011.

Business conducted at the Meeting

2. The main items for consideration at the meeting were presented by the Treasurer and included:

Provisional Annual Statement of Accounts 2010/11

3. The Treasurer informed the Audit Committee of the changes in the presentational process of the Annual Statement of Accounts resulting from:
 - i. The changes arising from the Accounts and Audit Regulations 2011; and
 - ii. The requirement to present the Statement of Accounts in accordance with the International Financial Reporting Standards.
4. The Treasurer informed the Committee that he would present the audited Statement of Accounts for detailed consideration and approval on the 28 September.

Internal Audit Update

5. Mr Gordon Smith, Chief Internal Auditor, Worcestershire County Council, provided an update on Internal Audit Activities since the Audit Committee meeting on 21 April 2011.
6. Mr Smith reported that audit examination of the financial systems found that, in general, the internal controls appear reliable and effective and operating satisfactorily. The audits identified some areas that should be addressed to strengthen the existing controls and the management response was awaited.
7. The Committee noted that Worcestershire County Council no longer provides the Treasurer to the Authority and had given notice to withdraw from providing Internal Audit services to HWFRA. However since receiving this notice the Authority had been advised that Worcestershire County Council wish to reconsider this position, and the matter was under review.

External Audit Progress Report 2010/11 and Annual Fee 2011/12

External Audit Progress Report 2010/11

8. Mr Grant Patterson, District Auditor, Audit Commission, informed the Committee of progress on External Audit for the financial year 2010/11, and presented a report outlining the following:
 - Progress of the audit;
 - Audit coverage and inputs;
 - Planning for 2011/12, its Work with Internal Audit; and
 - Conclusion of the Audit.
9. The report also drew attention to the following topical issues:
 - The Fire Futures Review;
 - Payment of the Fire Revenue Grant and Fire Capital Grant; and
 - The Publication and Consultation Document 'Future of Local Public Audit'.
10. He reported that the audit was on schedule and that no issues had been identified for attention. He further informed the Committee that if any matter of significance arose before the conclusion of the audit he would bring it to the attention of the Committee through the Chairman.

External Audit Work Programme and Fees 2011/12

11. Mr Patterson presented the Audit Commission's proposed work programme and fees for the audit of financial year 2011/12. The Committee noted the reduction in fees from £79,400, indicative, for 2010/11 to £73, 048 proposed for 2011/12. Mr Patterson reported that there could be further rebates in the order of 8%.

National Fraud Initiative 2010/11

12. The Director of Finance informed the Committee of the final position in relation to the National Fraud Initiatives (NFI) 2010/11; the Committee noted that 147 matches had been identified, all of them had been investigated and no fraud had arisen from same.

Annual Governance Statement

13. The Clerk provided the Committee with an opportunity to review the Annual Governance Statement and Supporting Assurances prior to the final approval in September.
14. She told the meeting that the Authority has in place a Code of Corporate Governance which was robust and worked well. There were three live issues being addressed in the course of this review:
 - i. Partnership working;
 - ii. The Authority's governance review; and
 - iii. The remaining matters from the retirement of the former Chief fire Officer.

The Future of Local Public Audit

15. The Treasurer informed the Committee that following the Secretary of State's proposals to disband the Audit Commission and refocus local public audit the Department of Communities and Local Government had issued a consultation document on "*The Future of Local Public Audit*".
16. The document outlined some 50 points, giving suggested solutions as appropriate with a return deadline of 30 June 2011. The Treasurer and the Clerk had considered these matters and drafted responses on behalf of the Authority, for consideration and approval by the Audit Committee prior to submission to CLG by 30 June 2011.
17. The Committee considered the draft responses presented by the Treasurer and the Clerk and approved same.

Audit Committee Work Programme 2011/12

18. The Clerk put forward a draft work programme for the coming year for the Audit Committee to consider and amend as appropriate, prior to approval.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are financial issues that require consideration | N | |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | N | |

Additional Considerations

19. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|--|--------|---|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | N | |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | N | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | N | |
| Consultation with Representative Bodies | N | |

Background Papers: Agenda and Reports for the Audit Committee Meeting on 29 June 2011 (see www.hwfire.org.uk).

Contact Officer

Tony Wood, Treasurer
(0845 12 24454)
Email: twood@hwfire.org.uk

13. Report from the Policy and Resources Committee

Purpose of report

1. To inform the Authority of the proceedings of the Policy and Resources Committee Meeting held on 7 September 2011.
-

Recommendation

The Policy and Resources Committee recommends that the Authority note the proceedings of the Committee Meeting held on 7 September 2011.

2. The Committee considered a Statement of Policy in relation to the discretionary regulations of the Local Government Pension Scheme which employers are required to formulate, publish and keep under review. The Committee referred the Statement of Policy to the full Authority for approval and this has been considered elsewhere on the agenda for this meeting.
3. The Treasurer updated the Committee on the current position on budgets and expenditure for 2011-12 and the Treasury Activities for 2010-11, which were noted.
4. The Chief Fire Officer presented the draft IRMP Action Plan 2012/13, which was considered by the Committee. The Committee recommended the draft Plan for approval by the full Authority and this has been considered elsewhere on the agenda for this meeting.
5. The Committee also considered a review of Attendance at False Alarms caused by Automatic Fire Alarms and subsequent recommendations. The recommendations included reducing attendance to one appliance, except where risk factors and intelligence information indicated otherwise and non-attendance at hospitals and non residential premises, unless a fire had been reported. The Committee endorsed further engagement with stakeholders in order support of a future submission to the full Authority for consideration.
6. Members discussed and noted the performance analysis for the first quarter against objectives sets out in the current Fire Authority Plan. The Committee was informed that the Service had succeeded in improving outcomes across a wide range of indicators through the first quarter.
7. The Committee was informed of progress on the Retained Duty System (RDS) Implementation Plan, which had followed the review of RDS management and working practices in 2008. The Implementation Plan consisted of 24 objectives which sought to improve practice for RDS staff. In particular, the introduction of an Electronic Availability System to record availability of RDS appliances and personnel had produced significant improvements for staff.
8. The Committee also noted the following reports:
 - Reported Abuse to Staff by the Public
 - The Annual Report on Employment Monitoring for 2010/11

- The Update from the Joint Consultative Committee.
- The Update from the Health & Safety Liaison Panel. The Committee noted significant issues raised and referred the nomination of an Authority Member representative to sit on the Health & Safety Liaison Panel to Group Leaders for endorsement at the full Authority.

9. In addition, the Committee also approved the purchase of land for a Strategic Training Facility and supported ongoing partnership working between the Service and West Mercia Police.

Financial Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are financial issues that require consideration | N | |

Legal Considerations

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|---|--------|---|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | N | |

Additional Considerations

10. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration | Yes/No | Reference in Report i.e. paragraph no. |
|--|--------|---|
| Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability). | N | |
| Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | N | |
| Risk Management / Health & Safety (e.g. risk management and control measures, risk register score). | N | |
| Consultation with Representative Bodies | N | |

Background Papers

Agenda and Reports for the Meetings of the Policy and Resources Committee held on 7 September 2011.

(The background papers can be viewed on the Service website: www.hwfire.org.uk).

Contact

Committee Services
01905 368367

Hereford & Worcester Fire and Rescue Authority

GLOSSARY OF TERMS

| | |
|---------------|---|
| ACAS | Advisory Conciliation and Arbitration Service |
| ACFO | Assistant Chief Fire Officer |
| AFA | Automatic Fire Alarm |
| AFD | Automatic Fire Detection |
| ALP | Aerial Ladder Platform |
| AC | Area Commander |
| AMP | Asset Management Plan |
| ARCC | Aeronautical Rescue Co-ordination Centre |
| BA | Breathing Apparatus |
| BACS | Bankers' Automated Clearance System |
| BCM | Business Continuity Management |
| BCP | Business Continuity Plan |
| BME | Black and Minority Ethnic |
| BVPI | Best Value Performance Indicator |
| BVPP | Best Value Performance Plan |
| CAA | Combined Area Assessment |
| CAFS | Compressed Air Foam Systems |
| CARP | Combined Aerial Rescue Pump |
| CBRN | Chemical Biological Radiological Nuclear |
| CCA | Civil Contingencies Act |
| CDRP | Crime and Disorder Reduction Partnership |
| CERMIG | County Emergency Response to Major Incidents Group |
| CFA | Combined Fire Authority |
| CFO | Chief Fire Officer |
| CFOA | Chief Fire Officers Association |
| CFRMIS | Community Fire Risk Management System |
| CFS | Community Fire Safety |
| CIMAH | Control of Industrial Major Accident Hazards |
| CIPFA | The Chartered Institute of Public Finance and Accountancy |
| CLG | Department for Communities and Local Government |
| CC | Crew Commander |
| COSHH | Control of Substances Hazardous to Health |
| CPA | Comprehensive Performance Assessment |
| CPS | Chemical Protection Suits |
| CRR | Community Risk Register |
| CS | Community Safety |
| CSR | Comprehensive Spending Review |
| CSU | Command Support Unit |
| DC | District Commander |
| DCFO | Deputy Chief Fire Officer |
| DDA | Disability Discrimination Act |
| DIM | Detection, Identification and Monitoring |
| DOFA | Director of Finance and Assets |
| DoH | Department of Health |
| DoT | Direction of Travel |
| DPA | Data Protection Act |
| EA | Environment Agency |

Hereford & Worcester Fire and Rescue Authority

GLOSSARY OF TERMS

| | |
|-----------------|--|
| EAS | Electronic Availability System |
| ECS | Enhanced Command Support |
| EIR | Environmental Information Regulations |
| EPU | Environmental Protection Unit |
| ESLG | Equality Standard for Local Government |
| <hr/> | |
| FBU | Fire Brigades Union |
| FDR | Fire Damage Report |
| FDS | Flexible Duty System |
| FireLink | The National Fire Service Radio System |
| FOIA | Freedom of Information Act |
| FRA | Fire and Rescue Authority |
| FRD | Fire Resilience Directorate |
| FRS | Fire and Rescue Service |
| FRSNCC | Fire and Rescue Service National Co-ordination Centre |
| FSC | Fire Service College |
| FSCA | Fire Service Consultation Association |
| FSEC | Fire Services Emergency Cover |
| FSPA | Fire Service Procurement Association |
| <hr/> | |
| GC | Group Commander |
| <hr/> | |
| HAZMAT | Hazardous Materials |
| HERMIT | Herefordshire Emergency Response to Major Incidents Team |
| HFSC | Home Fire Safety Check |
| HMI | Her Majesty's Inspector or Inspectorate |
| HPA | Health Protection Agency |
| HR | Human Resources |
| HRIS | Human Resources Information System |
| HSE | Health & Safety Executive |
| HWFRS | Hereford & Worcester Fire and Rescue Service |
| <hr/> | |
| ICP | Integrated Clothing Project |
| ICS | Incident Command System |
| ICT | Information and Communications Technology |
| IEG | Implementing Electronic Government |
| IIP | Investors in People |
| IOSH | Institute of Occupation Safety and Health |
| IPDR | Individual Performance and Development Review |
| IPDS | Integrated Personal Development System |
| IRMP | Integrated Risk Management Plan |
| IRS | Incident Recording System |
| IRU | Incident Response Unit |
| ISU | Incident Support Unit |
| <hr/> | |
| JERA | Joint Emergency Response Arrangements |
| JFS | Juvenile Fire-setters Scheme |
| <hr/> | |
| KPI | Key Performance Indicator |
| KLOE | Key Lines of Enquiry |
| <hr/> | |
| LASER | Learning about Safety by Experiencing Risk |
| LEA | Local Education Authority |
| LGA | Local Government Association |

Hereford & Worcester Fire and Rescue Authority

GLOSSARY OF TERMS

| | |
|---------------|--|
| LGV | Light Goods Vehicle |
| LIBID | London Interbank Bid Rate |
| LPG | Liquid Petroleum Gas |
| LPSA | Local Public Service Agreement |
| LRF | Local Resilience Forum |
| LRI | Learning Resource International |
| LSGCM | Long Service and Good Conduct Medal |
| LSP | Local Strategic Partnership |
| LTCM | Long Term Capability Management |
| LTF | Local Training Facilities |
| <hr/> | |
| MDT | Mobile Data Terminals |
| MIS | Management Information Systems |
| MISAR | Mercia Inshore Search and Rescue |
| MMFE | Management of Major Flood Emergencies |
| MoU | Memorandum of Understanding |
| MTFP | Medium Term Financial Plan |
| <hr/> | |
| NCFSC | National Community Fire Safety Campaign |
| NEBOSH | National Examination Board in Occupational Safety and Health |
| NEET | Not in Education, Employment or Training |
| NFST | National Flood Support Team |
| NJC | National Joint Council for Local Authorities' Fire Brigades |
| NOS | National Occupational Standard |
| NVQ | National Vocational Qualification |
| <hr/> | |
| OASD | Operational Assessment of Service Delivery |
| ODPM | Office of the Deputy Prime Minister |
| OJEU | Official Journal of the European Union |
| ORS | Opinion Research Services |
| <hr/> | |
| PDR | Personal Development Review |
| PFI | Private Finance Initiative |
| PI | Performance Indicator |
| PMM | Principal Management Members |
| PMSO | Project Management Support Office |
| PO | Principal Officer |
| PPE | Personal Protective Equipment |
| PPP | Policy, Planning and Performance |
| PSA | Public Service Agreement |
| PSHE | Personal, Social, Health Education |
| PSRP | Public Services Radio Project |
| PWLB | Public Works Loans Board |
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| QSA | Quality Systems Audit |
| <hr/> | |
| | |
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| R2R | Rank to Role |
| RB | Representative Body |
| RBIP | Risk Based Inspection Programme |

Hereford & Worcester Fire and Rescue Authority

GLOSSARY OF TERMS

| | |
|---------------|--|
| RCC | Regional Control Centre |
| RCCC | Regional Civil Contingencies Committee |
| RDS | Retained Duty System |
| RHSCG | Regional Health and Safety Collaboration Group |
| RIDDOR | Reporting of Injuries, Diseases and Dangerous Occurrences Regulation |
| RMB | Regional Management Board |
| RoSPA | Royal Society for the Prevention of Accidents |
| RPE | Respiratory Protective Equipment |
| RRF | Regional Resilience Forum |
| RRO | Regulatory Reform Order |
| RRT | Regional Resilience Team |
| RSIG | Road Safety Implementation Group |
| RTA | Road Traffic Accident |
| RTC | Road Traffic Collision |
| <hr/> | |
| SARA | Severn Area Rescue Association |
| SBE | Standards Board for England |
| SCC | Strategic Command Centre |
| SCE | Supported Capital Expenditure |
| SCG | Strategic Command Group |
| SDA | Service Delivery Agreement |
| SFSO | Senior Fire Safety Officer |
| SFU | Small Fires Unit |
| SHA | Strategic Holding Area |
| SHEBA | Safety in the Home and Electric Under Blanket Assessment |
| SLA | Service Level Agreement |
| SC | Station Commander |
| SOLACE | Society of Local Authority Chief Executives |
| SoRP | Statement of Recommended Practice |
| SPI | Service Policy Instruction |
| SRT | Swift Water Rescue Team |
| SSI | Special Service Incidents |
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| TDC | Training and Development Centre |
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| UoR | Use of Resources |
| USAR | Urban Search and Rescue |
| UWFS | Unwanted Fire Signal |
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| VMDS | Vehicle Mounted Data System |
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| WAN | Wide Area Network |
| WC | Watch Commander |
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| YFA | Young Firefighters' Association |