

## **NORTH WALES FIRE AND RESCUE AUTHORITY**

Minutes of the meeting of North Wales Fire and Rescue Authority held on Monday 20 December 2021 virtually via Zoom. Meeting commenced at 10.00am.

<b>Councillor</b>	<b>Representing</b>
P R Lewis (Chair)	Conwy County Borough Council
D Rees (Deputy Chair)	Anglesey County Council
E W Jones	Anglesey County Council
R E Parry	Conwy County Borough Council
A Davies	Denbighshire County Council
M Ll Davies	Denbighshire County Council
M Bateman	Flintshire County Council
A I Dunbar	Flintshire County Council
V Gay	Flintshire County Council
P Shotton	Flintshire County Council
W O Thomas	Flintshire County Council
D Wisinger	Flintshire County Council
J B Hughes	Gwynedd Council
G A Roberts	Gwynedd Council
G Williams	Gwynedd Council
B Apsley	Wrexham County Borough Council
M Dixon	Wrexham County Borough Council
G Lowe	Wrexham County Borough Council
B Parry-Jones	Wrexham County Borough Council
A Roberts	Wrexham County Borough Council

### **Also present:**

D Docx (Chief Fire Officer); G Owens (Clerk and Monitoring Officer);  
R Fairhead, H MacArthur and S Millington (Assistant Chief Fire Officers);  
S Morris (Assistant Chief Officer); H Howard (Head of Finance);  
T Williams (Corporate Communications Manager); A Davies (Member Liaison Officer).

### 1 APOLOGIES

<b>Councillor</b>	<b>Representing</b>
S Lloyd-Williams	Conwy County Borough Council
A Tansley	Conwy County Borough Council
J W Parry	Gwynedd Council

## 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

## 3 NOTICE OF URGENT MATTERS

3.1 There was no notice of urgent matters.

## 4 MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2021

4.1 The minutes of the Fire and Rescue Authority meeting held on 20 September were submitted for approval.

4.2 **RESOLVED to approve minutes of the meeting as a true and correct record.**

## 5 MATTERS ARISING

5.1 There were no matters arising.

## 6 CHAIR'S REPORT

6.1 The Chair informed Members of meetings and events he had attended since September.

6.2 In addition to the regular meetings with the Deputy Chair and Chief Fire Officer, they had most recently attended the Emergency Services Carol Service at Bangor Cathedral.

6.3 The Chair had attended two meetings of the North Wales Regional Leadership Board which highlighted again the considerable pressures on Social Care both in finance and recruitment. In a meeting attended by the Health Minister and the Minister for Local Government, the Chair had the opportunity to pursue the case for the fire and rescue service assisting with falls at home and associated funding requirement.

6.4 The Chair and CFO had met with the Chair and Chief Executive of Betsi Cadwaladr UHB to hear of their strategic plan and to discuss ways of collaboratively working in the future; this had been a positive meeting.

6.5 The Chair, Deputy Chair and Cllr Michael Dixon, in his capacity as the Environment Champion, had met with officers from Audit Wales to answer questions on the Environmental Strategy and the perceived greatest risk at not reaching the WG target of carbon net zero by 2030. More information will be provided to Members in the New Year.

6.6 **RESOLVED to note the information provided.**

At this juncture, the Chair informed Members that this was Ken Finch's last meeting as the Treasurer of the Authority. Mr Finch had undertaken the role since the inception of the Authority in 1996 and therefore his knowledge and expertise had been immeasurable. On behalf of Members and Officers, the Chair thanked Mr Finch for his excellent counsel and work over the last twenty five years and wished him well for the future.

## 7 PROVISIONAL OUTTURN 2021/22

7.1 ACFO MacArthur presented the report which outlined the projected revenue and capital expenditure position for 2021/22, as at 31 October 2021.

7.2 It was noted that the forecast outturn position remained that the Authority will achieve a breakeven position against the revenue budget of £37.07m.

7.3 Having considered the report and having had the opportunity to ask questions about the information provided Members **RESOLVED to note the draft revenue and capital outturn projections for the 2021/22 financial year as detailed within the report.**

## 8 MEDIUM TERM FINANCIAL STRATEGY 2022/25 AND BUDGET 2022/23

8.1 ACFO MacArthur presented to Members the draft revenue and capital budget for 2022/23 and the Medium Term Financial Strategy until March 2025; the amount of funding required from each constituent local authority was also confirmed in the report.

8.2 Members were aware of the requirement for the Authority to set a balanced budget each financial year and confirm provisional contribution figures to each constituent authority by the end of December preceding the start of the financial year.

8.3 Both the budget for 2022/23 and the MTFs included a number of key assumptions, risks and uncertainties which had been identified during the budget planning process. It was noted that members' workshops had been held on 2 November 2021 which gave Members and officers an opportunity to discuss, in detail, various elements of the budget requirements for 2022/23 and the associated risks.

8.4 In terms of contributions from constituent authorities, it was confirmed that the Chief Executives and Directors of Finance of each authority were aware of the increase to enable them to factor it into the planning of their budgets.

8.5 In response to Members' questions, officers gave further information about the impact of the legislation and regulations to be introduced following the Grenfell Inquiry and confirmed that the risks and uncertainties identified in the report were being regularly monitored.

8.6 **RESOLVED to**

- (i) approve the capital and revenue budgets for 2022/23 based on an increase in contributions from constituent authorities of £2.34m;**
- (ii) note the key risks and uncertainties identified during the budget planning process; and**
- (iii) endorse the Medium Term Financial Strategy.**

9 **FIREFIGHTERS PENSION SCHEMES – INTERNAL DISPUTE RESOLUTION PROCEDURE**

9.1 ACFO MacArthur presented the report which provided information on proposed changes to the Firefighters Pension Schemes Internal Dispute Resolution Procedure (IDRP). The changes were required to ensure compliance with the updated guidance in the FPS Circular (2021)09.

9.2 Members noted that the Welsh Government had issued an update to the IDRP guidance in June 2021 which highlighted that an amendment was required to the second stage of the process. At present stage 2 complaints were considered solely by the Chair of the FRA which was not consistent with the guidance.

9.3 At the Local Pension Board meeting in August 2021, board members proposed that stage 2 complaints should be considered by a panel comprising the Chair and Deputy Chair of the FRA and an employer representative who sits on the Local Pension Board; the Chair proposed that the Chair of the Audit Committee undertake this role and this was agreed by all Members.

9.4 **RESOLVED to endorse the proposed changes to stage two of the IDRP arrangements in that the panel dealing with a stage 2 complaint should comprise the Chair and Deputy Chair of the FRA and that the third member of the panel be a nominated employer representative namely the Chair of the Audit Committee.**

## 10 AGE DISCRIMINATION IN THE FIREFIGHTERS' PENSION SCHEMES

- 10.1 ACFO MacArthur presented the report which provided the latest information on this evolving situation in terms of the progress with legislative changes required to address the age discrimination arising from the 2013 pension reforms.
- 10.2 The report detailed proposals for the treatment of members who suffer an immediate detriment arising from their retirement or imminent retirement. It was acknowledged that the legislation to be introduced provides that deferred choice will be implemented by 1 October 2023 and that this will require further amendments to the scheme regulations. However, it was recognised that members who have retired or are due to retire prior to legislative arrangements being finalised are considered to be in immediate detriment.
- 10.3 In order to address the issue of immediate detriment for those retiring prior to 1 October 2023, a framework had been agreed in October 2021 which provided a mechanism to allow those affected to receive their legacy benefits before this date. The framework was agreed by lawyers acting on behalf of the Fire Brigades Union (FBU) and the Local Government Association on behalf of fire and rescue authorities. However, following publication of the agreed framework a joint statement was issued by HMT/HMRC on 29 November 2021 which provided an assessment of the tax risks associated with processing of immediate detriment cases ahead of the changes to the Regulations. As a consequence, further legal advice had been sought via the Local Government Association (LGA) and the framework agreement put on hold.
- 10.4 It was noted that the Local Pension Board had met in October 2021 and endorsed the recommendations to adopt the LGA/FBU framework agreement. However, the Board has not met since the HMT/HMRC guidance has been received and therefore had not had the opportunity to consider the information in detail.
- 10.5 The ACFO informed Members that since the report had been published, legal advice had been received confirming that the Authority has legal powers to process immediate detriment claims based on the framework and therefore Members were asked to agree the principle of processing claims within the framework subject to final assurance that the financial risks are not material.

## 10.6 **RESOLVED to**

- (i) **note the current position with regards to remedy;**
- (ii) **approve the Authority's response to the Welsh Government consultation on changes for the firefighter pension regulations;**
- (iii) **approve the recommendation that immediate detriment cases are progressed in accordance with the FBU/LGA legal framework with effect from 4 January 2022, noting that the legal advice has been received and the initial assessment of risk confirmed; and**
- (iv) **that the final assessment of risk is delegated to the Chief Fire Officer in consultation with the Chair and Deputy Chair of the Authority.**

## 11 LOCAL GOVERNMENT PENSION SCHEME DISCRETIONARY POLICY

11.1 ACFO MacArthur presented the report which confirmed the requirement for the Authority to produce a Local Government Pension Scheme Discretionary Policy and sought approval of the proposed resolutions for the Local Government Pension Scheme Discretionary Policy.

11.2 Members were reminded that the Authority is required to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (LGPS). The current discretionary policy was approved by members on 16 September 2019 and it was noted that is considered good practice for these to be reviewed on a cyclical basis.

11.3 Following the recent introduction of the Shared Cost Additional Voluntary Contributions Scheme (SCAVC) the discretions have been reviewed. It was noted that the SCAVC allows for members of the pension scheme to make additional contributions using a HMRC compliant salary sacrifice arrangement administered by the Service's tax advisors. The employee benefits from reduced tax and National Insurance contributions. The cost of administering the scheme is met by the employer who also benefits from reduced employer National Insurance contributions.

11.4 **RESOLVED to approve each discretionary resolution to be incorporated the into the Service's LGPS Discretionary Policy.**

## 12 REVIEW OF THE CONSTITUTION OF THE FIRE AND RESCUE AUTHORITY

12.1 The Clerk introduced the report which asked Members to consider and approve the revised constitution and the newly-created Multi Location Meetings Policy.

- 12.2 The Clerk reminded Members that at the Authority's annual meeting it had been agreed to establish a small working group to review the Constitution and prepare a Multi-Location Meetings Policy in order to comply with new duties under the Local Government and Elections (Wales) Act 2021 ("the Act") and to reflect changes to the way in which the Authority operates due to the pandemic.
- 12.3 The Clerk gave Members an overview of the work that had been undertaken by the working group and that it recommended the changes to the Constitution and the approval of a Multi-Location Meetings policy. It was noted that the Standards Committee had also undertaken a review of the protocols and policies contained within the constitution.
- 12.4 **RESOLVED to**
- (i) approve the Multi Location Meetings Policy and revised Constitution;**
  - (ii) thank members of the working group, Standards Committee and the officers that had been involved in the preparation of these comprehensive documents.**

13 MEMBERS' REGISTER OF INTERESTS AND RELATED PARTY TRANSACTIONS

- 13.1 The Clerk reminded Members of the importance of ensuring their register of interests was kept up to date. It was noted that all Members' register of interests are published on the NWFRAs website. The annual related party transactions form will be distributed early in the New Year and again Members were asked to complete and return promptly in order for the information to be included in the annual accounts required by the Wales Audit Office.

13.2 **RESOLVED to note the information.**

14 MEETING DATES 2022

- 14.1 The Clerk presented the report which inform Members of the dates for meetings of the full Fire and Rescue Authority, Executive Panel and Audit Committee for 2022.
- 14.2 **RESOLVED to agree the dates for meetings of the Fire and Rescue Authority, Executive Panel and Audit Committee set for the forthcoming year.**

At the end of part I of the agenda, the Chair thanked everyone for their attendance. It was then agreed to move into part II of the meeting.

## PART II

### 15 RATIFICATION OF APPOINTMENTS OF PRINCIPAL OFFICERS

- 15.1 The Chair informed Members that interviews for the roles of Deputy Chief Fire Officer and Assistant Chief Fire Officer had been held on 14 December 2021.
- 15.2 A thorough recruitment and selection process had been undertaken and the members on the selection panel were unanimous in their decisions to recommend to the Fire and Rescue Authority that Stewart Forshaw be appointed to the role of Deputy Chief Fire Officer and Stuart Millington be appointed to the role of Assistant Chief Fire Officer.
- 15.3 **RESOLVED to accept the selection panel's recommendations and appoint:**
- (i) Stewart Forshaw to the role of Deputy Chief Fire Officer; and**
  - (ii) Stuart Millington be appointed to the role of Assistant Chief Fire Officer.**
- 15.4 Thereafter, both appointees were invited into the meeting to introduce themselves to Members and give a brief overview of their careers to date.