

WEST YORKSHIRE FIRE AND RESCUE AUTHORITY

MINUTES OF THE EXECUTIVE COMMITTEE MEETING HELD ON 6 FEBRUARY 2013 AT FIRE SERVICE HEADQUARTERS, BIRKENSHAW,

Present: Councillors M Khan (Chair), P Harrand, A Hussain, J Hughes and B Smith (as substitute for Councillor Austin)

Apologies: Councillors T Austin and C Townsley

17 MINUTES

That the Minutes of a meeting held on 17 December 2012 be signed by the Chair as a correct record.

18 URGENT ITEM

None.

19 ADMISSION OF THE PUBLIC

That the public and press be excluded from the meeting during consideration of the item of business specified below as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public and press were present during this item, there would be disclosure to them of exempt information of the descriptions specified.

AGENDA ITEM NO.	TITLE OF REPORT	MINUTE NUMBER	Description of exempt information by reference to the paragraph number in Schedule 12a of the Local Government Act 1972
E7	Complaint Investigation	23	Paragraph 1 – information relating to an individual(s)

20 DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made in any matter under discussion at the meeting.

21 DISCLOSABLE PECUNIARY INTERESTS – APPLICATIONS FOR PRECEPT DISPENSATIONS

The Director of Corporate Resources submitted a report which invited Members to consider granting a dispensation to Members of the Authority who may have had a disclosable or other non-pecuniary interest in the setting of the Authority's precept.

As required by the Localism Act 2011, those Members with a disclosable pecuniary interest in a matter being considered by the Authority, would be required to leave the room and not participate in the debate or vote on the item. It was reported, however, that provision had been made in the Act for dispensations (for a period of up to four years).

Members were advised that dispensations would be made under the Act for a number of reasons as detailed in the report now submitted. These included situations where so many members of a decision-making body would have a Disclosable Pecuniary Interest in a matter that it would upset the political balance of meeting. This would be a particularly relevant consideration for the Authority when setting its annual precept and budget.

Advice had also been received from the Association of Council Secretaries and Solicitors (ACSES) which recommended that, to avoid any potential legal complications which may arise over the provisions of the Act, Authority Members should seek dispensation for budget / precept setting decisions as appropriate.

RESOLVED

- (i) That a dispensation be granted to all Members of the Authority who request such a dispensation in writing before 21 February 2013 to enable them to participate in full in all decisions relating to the setting of the Authority's budget and precept; and
- (ii) That the dispensation at (i) above be granted for a period of four years commencing on 21 February 2013 and ending on 20 February 2017.

22 CAPEX 2013 EXERCISE - PARTICIPATION

The Chief Fire Officer submitted a report which sought approval for officer attendance at the CAPEX bi-annual exercise to be held in Virginia, USA in April 2013.

Members were advised that a formal invitation to attend had been extended by the Chief Fire Officers' Association to Station Manager Farrell in his role as West Yorkshire National Resilience lead officer. Travel and accommodation costs would be fully funded by the Home Office.

RESOLVED

That approval be given for the attendance of Station Manager Farrell to attend the CAPEX bi-annual exercise in Virginia, USA from 8 – 12 April 2013.

23 COMPLAINT INVESTIGATION

(This item was considered as exempt information under Schedule 12A(1) of the Local Government Act 1972 – relating to an individual)

Consideration was given to a report of the Director of Service Support which set out detail of a review of a complaint made about a number of senior officers of the West Yorkshire Fire and Rescue Service.

The review had been undertaken in response to a complaint which had been received on 5 January 2013 from an ex-employee of the Service relating to a decision to review the award of an ill-health pension. Members were briefed about the nature of the complaint and subsequent review that had been made by the Director of Service Support who, due to his recent appointment to WYFRS (early January 2013) had been accepted by the complainant as being independent of the case.

Members were advised that consideration of the facts of the review of the ill-health pension would be made by separate process and any final decision regarding fitness for work would be taken by an Independent Qualified Medical Practitioner.

RESOLVED

- (i) That, having given full consideration to the chain of events leading to the submission of the complaint on 5 January 2013 and acknowledging the independent nature of the investigation undertaken by the Director of Service Support (ACO Walton), there was no evidence available to support the allegations made in the complaint;
- (ii) That, with reference to (i) above, it was concluded that there was no case to answer, and;
- (iii) That, as part of the annual review of the Authority's Constitution at the 28 June 2013 meeting of the Authority, the Director of Corporate Resources be recommended to give particular consideration to the provisions contained within Part 9 (Complaints and Related Procedures) to include, as appropriate, a reference to the nature of any complaint made by a third party.

Chair