

<b>WYFRA</b>	<b>EXECUTIVE COMMITTEE</b>	<b>6 FEBRUARY 2013</b>	<b>ITEM NO  5</b>
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**REPORT OF:** DIRECTOR OF CORPORATE RESOURCES

**PURPOSE OF REPORT:** TO ASK THE COMMITTEE TO CONSIDER GRANTING A DISPENSATION TO MEMBERS OF THE AUTHORITY WHO MAY HAVE A DISCLOSABLE OR OTHER NON PECUNIARY INTEREST IN THE SETTING OF THE PRECEPT.

**RECOMMENDATIONS:** THE COMMITTEE'S TERMS OF REFERENCE PROVIDE FOR IT TO GRANT DISPENSATIONS AND THE COMMITTEE IS RECOMMENDED TO APPROVE THE GRANT OF A DISPENSATION TO ALL MEMBERS OF THE AUTHORITY FOR A PERIOD OF 4 YEARS FROM 21 FEBRUARY 2013.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS**

**EXEMPTION CATEGORY:** NIL

**ACCESS CONTACT OFFICER:** M G Barnes  
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**BACKGROUND PAPERS  
OPEN TO INSPECTION:**

**SUMMARY**

Formal approval of dispensation to all Members to remove any potential impediment to participation in and voting upon setting of budget/precept.

## **1 BACKGROUND**

- 1.1 The Authority is under a statutory duty to set a budget and precept. Under the previous standards regime, members could rely on a specific exemption in relation to the setting of a precept. This provision has been repealed and as such a dispensation may now be required to enable the participation of all members in relation to the setting of the Authority budget (which includes the setting of the precept).
- 1.2 All members have completed their Registers of Interests as required by the Localism Act 2011, and as such members have declared Discloseable Pecuniary Interest (DPI). If a member has a DPI in a matter that is being considered at a meeting, they are required, by the Localism Act, to leave the room and not participate in the debate or vote on the item. In accordance with the Code, the member is also required to declare their interest.
- 1.3 Under the old standards regime, the legislation provided an exemption to members who had prejudicial interest in the setting of budgets and precepts. This exemption has been repealed and in effect requires members to declare DPIs. The most relevant DPI will be the disclosure of land owned in the authority area which will in all probability give rise to a council tax liability – hence the potential for a DPI to arise. A number of local authorities have addressed this risk by the dispensation solution which removes any potential risk of breach.

### **Issues**

- 1.4 The provisions on dispensations are significantly changed by the Localism Act. The Act will allow the Authority to grant dispensation in the following circumstances for a specified period of time not exceeding 4 years.
  - (i) That so many members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
  - (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
  - (iii) That the Authority considers that the dispensation is in the interests of persons living in the Authority area;
  - (iv) That the Authority considers that it is otherwise appropriate to grant a dispensation.

- 1.5 If a member has a Discloseable Pecuniary Interest they are prohibited from participating in the debate and voting on the item.
- 1.6 Due to the number of members who have disclosed a relevant land DPI on the register; there is a potential risk that without a dispensation a significant number of members could be required to declare an interest and as such be prevented from participating in the decision making process. The lack of the ability of a significant number of members to participate could have the impact of upsetting the political balance of the meeting at which the decision is to be made.
- 1.7 Dispensations can be granted for up to 4 years.

## **2. FINANCIAL & LEGAL IMPLICATIONS**

- 2.1 The Authority is required by law to set a budget; failure to do so will have very significant implications.
- 2.2 The Localism Act enables the Authority to consider applications for dispensations in the accordance with grounds referred to at paragraph 1.3 above. In order to grant a dispensation, the Committee needs to be satisfied that on the information available, the application meets the criteria for a dispensation on grounds (ii), (iii) and (iv) referred to at paragraph 1.4 above. The Authority is required by law to set a budget; it is therefore important to ensure that meetings are quorate so as to ensure a decision can be taken. Failure to set a budget will have serious implications for the Authority.

## **3. EQUALITY & FAIRNESS IMPLICATIONS**

- 3.1 There are no specific equality and fairness implications arising from this report.

## **4. CONCLUSIONS**

- 4.1 Executive Committee has the requisite power to grant a dispensation in this case to allow members with interests to fully participate in meetings and decisions that considers business relating to the preparation and setting of the Authority budget and precept.
- 4.2 Having taken into account of the number of members who may be affected as a result of the completion of the Registers of Interests, it is considered appropriate to grant a dispensation to all members for a period of 4 years (until 20<sup>th</sup> February 2017) so as to enable all members to participate in any agenda items and decisions that relate to the setting of the Authority budget and precept during that period.

## **5. RECOMMENDATION**

### **5.1 That the Committee:**

- a) Grants a dispensation to all Members of the Authority to enable all Members to participate in full in all decisions relating to the setting of the Authority's budget and precept.
- b) Approves the dispensation for a period of 4 years commencing on 21<sup>st</sup> February 2013 and ending on 20<sup>th</sup> February 2017.

<b>WYFRA</b>	<b>EXECUTIVE COMMITTEE</b>	<b>6 February 2013</b>	<b>ITEM NO  6</b>
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**REPORT OF: CHIEF FIRE OFFICER**

**PURPOSE OF REPORT: TO INFORM MEMBERS OF AN INVITATION FOR A WEST YORKSHIRE FIRE AND RESCUE SERVICE (WYFRS) OFFICER TO ATTEND A HOME OFFICE FUNDED INTERNATIONAL OPERATIONAL EXERCISE IN APRIL 2013**

**RECOMMENDATION: THAT MEMBERS APPROVE THE ATTENDANCE OF ONE OFFICER AT THE EXERCISE**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT DETAILS**

**EXEMPTION CATEGORY: None**

**ACCESS CONTACT OFFICER: AM I Dunkley (01274 655783)  
Operations Support**

**BACKGROUND PAPERS**

**SUMMARY**

CAPEX is a bi-annual exercise involving personnel from the military, Police and Fire and Rescue Service from the United States, Canada, Australia and the UK.

The 2013 exercise is being held in Norfolk, Virginia in the USA and will test responders in a series of complex Chemical, Biological, Radiological, Nuclear and Explosive (CBRN(E)) scenarios.

On 24 January 2013 London Fire Brigade Commissioner Ron Dobson, in his role as CBRN(E) lead officer for the Chief Fire Officers' Association (CFOA), formally requested that Station Manager Andrew Farrell, WYFRS National Resilience lead officer be permitted to form part of the UK contingent at the exercise which runs from 8 to 12 April 2013.

## **1 Background**

- 1.1 CAPEX is a bi-annual exercise involving personnel from the military, police and fire and rescue service from the United States, Canada, Australia and the UK.
- 1.2 The 2013 exercise is being held in Norfolk, Virginia in the USA and will test responders in a series of complex Chemical, Biological, Radiological, Nuclear and Explosive (CBRN(E)) scenarios.

## **2 Information**

- 2.1 On 24 January, London Fire Brigade Commissioner Ron Dobson in his role as CBRN(E) lead officer for the Chief Fire Officers' Association (CFOA) formally requested that Station Manager (SM) Andrew Farrell, (WYFRS National Resilience lead officer) be permitted to form part of the UK contingent at the exercise which runs from 8 to 12 April 2013.
- 2.2 SM Farrell is a prominent member of the national user group for CBRN(E)-related matters and his inclusion in a national team, selected from FRS' across the country, demonstrates the high regard in which the work he has undertaken is viewed.
- 2.3 Travel costs and accommodation for the duration of the exercise is fully funded by the Home Office.
- 2.4 If approved, SM Farrell will be absent from his position in WYFRS for the five-day duration of the exercise and approximately a further four days due to travel commitments.

## **3 Equality and Fairness Issues**

- 3.1 There are no Equality and Fairness issues directly linked to this report.

## **4 Health and Safety Implications**

- 4.1 SM Farrell's participation in the exercise will broaden his knowledge, understanding and experience within his role and this will assist him in further developing policy and procedure for operational crews in dealing with CBRN(E) related incidents.

## **5 Financial Implications**

- 5.1 The cost of SM Farrell's absence from work for the duration of the exercise is £1,550.

## **6 Service Plan Links**

6.1 This report directly links to the following priority:

- deliver a professional and resilient emergency response service

## **7 Conclusions**

7.1 WYFRS is highly regarded nationally in its role in providing support to the National Resilience programme. This invitation demonstrates the high regard in which SM Farrell is held and will assist in furthering the knowledge, understanding and experience of CBRN(E)-related incidents of this officer and then subsequently WYFRS.

## **8 Recommendations**

8.1 That Members approve the attendance of SM Farrell at CAPEX 2013 from 8 to 12 April 2013.



1. ~~DSD~~ - low priority
2. DSS
3. AM(ss)



**CFOA**  
National  
Resilience

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24 January 2013

Dear Simon,

#### Participation in CAPEX 2013 Exercise

In my capacity as CBRN(E) lead for CFOA, I am writing to formally request your support for SM Andrew Farrell to participate as part of the UK FRS contingent in the forthcoming CAPEX CBRN(E) exercise, which is being hosted in the United States in April 2013.

CAPEX is a bi-annual event involving responders from the United States, Canada, Australia and the United Kingdom where combined national resources are exercised in a series of complex CBRN(E) type scenarios.

In 2011 the event was hosted by the United Kingdom and for the first time a FRS Detection, Identification and Monitoring (DIM) capability was requested to take part, in addition to the usual Police and military participation.

Following the success of 2011 event, I have received an invitation from the Home Office for a FRS DIM involvement in the 2013 exercise, and I have requested that the National Resilience DIM capability lead establishes a team of DIM Advisors to take part in the exercise with our UK and international partners.

The dates for the exercise are 8th to 12th April 2013 (inclusive) but it is anticipated that travel will take place a couple of days either side of these dates. Travel arrangements are still to be confirmed however I can state that all travel and accommodation costs will be funded by the Home Office.

The logistical arrangements are being carried out on my behalf by John Fletcher from National Resilience therefore if you have any queries regarding these please contact him in the first instance on 07769 217 066 or by email at [jfletcher@fireresilience.org.uk](mailto:jfletcher@fireresilience.org.uk)

If you have any other issues you wish to discuss please contact me direct.

Yours sincerely

Ron Dobson  
London Fire Commissioner

