

LEICESTERSHIRE

FIRE and RESCUE SERVICE

Status of Report: Public Agenda Item: 11

Meeting: Combined Fire Authority
Date: 8th April 2015
Subject: Urgent Action Procedure
Report by: The Solicitor and Monitoring Officer
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For: Information Only

1. Purpose

The purpose of this report is to advise the Combined Fire Authority (CFA) of 2 member-reserved decisions made by the Chief Fire and Rescue Officer (CFO) under the Urgent Action Procedure (UAP).

2. Executive Summary

The CFO is empowered under the Constitution to take any action between meetings which he considers to be urgent in consultation with the Chair and Group Leaders subject to reporting the action to the next meeting of the CFA. The UAP has been used to agree external contingency arrangements to cover the industrial action by the Fire Brigades' Union (FBU); and the creation of a Local Pensions Board.

3. Report Detail

UA2014(02) – Contingency Arrangements for FBU Strike

3.1 Following the calling by the FBU of a period of 96 hours continuous strike action on 29th October 2014 the Chief Fire and Rescue Officer (CFO), following consultation with the Chair and Group Leaders, determined to recruit competent firefighters who were prepared to work during the strike period from other Fire and Rescue Services. As this issue was outside the CFO's delegated authority the decision was one for the Policy Committee to make. However, a decision could not await the next meeting of the Committee so the Urgent Action Procedure was utilised. Due to an administrative error this decision was not reported to the CFA at its next available meeting as required under the Constitution.

3.2 UA2015(01) – Creation of a Local Pension Board

3.3 The Public Service Pensions Act 2013 sets out requirements for the governance

and administration of public service pension schemes and provides for explicit regulatory oversight of these schemes. One of these requirements is for a Local Pension Board which is a board which consists of employer and employee representatives in equal numbers and is established to assist the Scheme Manager (the CFA) in the administration of the Firefighters Pension Scheme (all matters relating to the Local Government Pension Scheme are dealt with by Leicestershire County Council). It is not a decision making body and adopts a wholly scrutiny role.

- 3.4 Discussions have been held with Nottinghamshire and Derbyshire Fire Authorities with a view to sharing a Local Pension Board. This would be very convenient as all three Authorities use Leicestershire County Council as their pension administrator and it is the intention that the County Council will be appointed as Scheme Administrator. As it is the main purpose of the Board to oversee the work of the Scheme Administrator there are obvious benefits from a sharing a board.
- 3.5 Guidance on how to set up a board and its governance arrangements has been somewhat slow in being produced. Indeed the draft regulations [Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015] were only laid before Parliament on 5th March 2015. Nevertheless the CFA still needs to establish a board with effect from 1st April 2015.
- 3.6 It was hoped that the regulations would permit the establishment of joint Local Pension Boards. This is indeed the case but the Secretary of State's approval is required and it is not anticipated that this could be received before 1st April. Whilst it is still the objective to seek to establish a joint Board until consent has been given the CFA will require its own Board.
- 3.7 As the Board needed to be established before the next meeting of the CFA the Urgent Action Procedure was used and on 13th March 2015 the CFO agreed, after consultation with the Chair and Group Leaders, that:
 - a) the Treasurer be authorised to establish a joint Pension Board with Nottinghamshire and Derbyshire as soon as reasonably practicable.
 - b) prior to the establishment of such a joint Board the Treasurer makes the necessary arrangements to create a Board for the CFA alone.
 - c) the Treasurer brings a report to the CFA meeting in June on progress in this matter.
 - d) the Group Leaders for the 2 largest groups are asked to nominate one of their Overview and Scrutiny Committee Members for appointment to the Board by the Solicitor and Monitoring Officer (this is the number that will be required for the joint Board – 2 from each Authority as employer representatives and 6 employee representatives).

4. Report Implications / Impact

4.1 *Legal (including crime and disorder)*

These were considered during the use of the UAP.

4.2 ***Financial (including value for money, benefits and efficiencies)***

These were considered during the use of the UAP.

4.3 ***Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)***

These were considered during the use of the UAP.

4.4 ***Staff, Service Users and Stakeholders (including the Equality Impact Assessment)***

These were considered during the use of the UAP.

4.5 ***Environmental***

None.

4.6 ***Impact upon Our Plan Objectives***

These were considered during the use of the UAP.

5. Recommendations

The CFA is asked to note the report.

6. Background Papers

Papers prepared under the UAP.

7. Appendices

None.