

North Yorkshire Fire and Rescue Authority

Appointments Committee

Minutes of the meeting held on 17 January 2018 at 3.00 pm at Coxwold House, Easingwold.

Present:-

City Councillor Keith Aspden, County Councillor Andrew Backhouse, County Councillor David Blades, County Councillor Tony Randerson and City Councillor Tony Richardson

Copies of all documents considered are in the Minute Book

1. Election of Chairman

Resolved -

That County Councillor Andrew Backhouse be elected as Chairman to serve until the first meeting of the Committee following the Annual Meeting of the Authority to be held in 2018.

County Councillor Andrew Backhouse in the Chair

2. Election of Vice-Chairman

Resolved -

That City Councillor Tony Richardson be elected as Vice-Chairman to serve until the first meeting of the Committee following the Annual Meeting of the Authority to be held in 2018.

3. Declarations of Interest

It was highlighted that the options for consideration at item 5 included a contract between NYFRA and either North Yorkshire County Council or the City of York Council. It was reported that each of the five Members present had been granted a dispensation to speak, vote and be included in the quorum during consideration of potential contracts between NYFRA and the Member's constituent Council.

4. Questions or Statements from Members of the Public

There were no questions or statements from members of the public.

5. Vacancy for NYFRA Treasurer/Section 151 Officer

Considered -

The report of the Chief Fire Officer/Chief Executive which presented options for a short-term solution for the provision of the Authority Treasurer/Section 151 role, to

commence on 2 March 2018, and invited the Committee to determine which of the options to progress to implementation.

The Chief Fire Officer/Chief Executive, in introducing the report, highlighted that three options had been identified and were set out in the report. All three options were broadly cost neutral with current arrangements for budgetary purposes, much depending on the amount of time on Section 151 activities in the case of Service Level Agreement (SLA) options.

During discussion:-

- Members discussed and discounted Option 3 “to appoint internally via a secondment” on the basis that it would be unfair to place the NYFRS employee, during such a secondment, in the invidious position of having to advise both current and future employers who might take different positions on different issues. Also appointing internally would not demonstrate collaborative working.
- Members discussed Option 1 “to appoint an individual from one of the blue light services via a SLA”. It was noted that Option 1 would be consistent with the Government’s policy direction for closer collaboration between blue light services and also the direction of travel set out in the Police and Crime Commissioners (PCC’s) local business case to take over governance of NYFRS. The PCC’s local business case included a proposal for a sharing of Section 151 roles across NYFRS and the PCC, although recognised that the sharing of Section 151 roles would need to be achieved over time and following consultation. Members discounted Option 1 on the following grounds:-
 - The practicalities of entering into a new SLA with the PCC in such a short time for such a short period.
 - It was unclear as to the immediate familiarity of the PCC’s Section 151 Officer with NYFRS’s financial systems. This was important given the compressed statutory timetable for management review and sign off of the 2017/18 Final Accounts by 31 May 2018 prior to submission to the External Auditors. It was recognised that management review and sign off were key functions of the Section 151 Officer.
 - The Chief Constable’s Chief Finance Officer was a possibility for a SLA but the practical considerations of immediate familiarity, as outlined in the previous bullet point in respect of the PCC’s Section 151 Officer, were applicable in the case of the Chief Constable’s Chief Finance Officer.
 - The Ambulance Trust did not have a Section 151 role as part of its internal governance arrangements and therefore this was not a viable option.
- Members discussed Option 2 “to appoint an individual from one of the two constituent local authorities via a SLA”. This Option involved keeping things largely as they were internally for NYFRS and asking North Yorkshire County Council (Option 2a), or the City of York Council (Option 2b), whether they would be willing to undertake the Section 151 role including the Senior Information Risk Officer (SIRO) role. It was noted that this option, if taken, would be consistent with the Government’s policy direction for closer collaboration as reflected in the new duty to collaborate.

Members discounted the option of a SLA with the City of York Council on the grounds that no SLA currently existed with the City of York Council and therefore time and effort would be required to develop and gain agreement on the terms of the SLA similar to that which would be required in setting up an SLA with the PCC of North Yorkshire Police.

It was reported that North Yorkshire County Council (NYCC) had the capacity, and would be able, to deliver NYFRA's Section 151 role, including the Senior Information Risk Officer (SIRO) role.

Members expressed support for the option of an agreement with NYCC primarily on the ground that NYCC was already familiar with NYFRA's financial systems and also because it could be implemented quickly as a straightforward amendment to a current SLA between NYFRA and NYCC.

- The Committee discussed the length of time for which it wished to approve the arrangement for the short-term provision of NYFRA's Treasurer/Section 151 role. Members commented that an arrangement ending on 1 June 2018, ie on the date on which the PCC was looking for the governance of NYFRS to be transferred to the PCC, might provide insufficient time for the PCC to decide and approve a new management structure and put in place arrangements for it to be implemented from 2 June 2018. It was suggested that the term of the agreement between NYFRA and NYCC might be six months with the flexibility to reduce the period of time to three months. It was also suggested that the Legal Advisor to NYFRA should be authorised to determine the legal wording of the agreement with NYCC.

Resolved -

- (a) That the report be noted.
- (b) That Option 2a, ie to appoint an individual from NYCC via a SLA, be approved on the basis of a six month contract with the flexibility to reduce the period of time to three months.
- (c) That authority be delegated to NYFRA's Legal Advisor to agree, on behalf of NYFRA, the legal wording of the agreement.
- (d) That Gary Fielding, NYCC's Corporate Director – Strategic Resources, be appointed as an officer of NYFRA.
- (e) That the meeting of the Committee scheduled for 15 February 2018 be cancelled.

The meeting concluded at 3.55pm.

RAG/RAG