



**Tuesday,
14 February 2017
10.30 am**

**Meeting of
Fire Authority
Fire Service HQ
Winsford**

Contact Officer:
Joanne Smith
Democratic Services

Fire Service Headquarters, Sadler Road, Winsford, Cheshire, CW7 2FQ

Tel: 01606 868804
E-mail: joanne.smith@cheshirefire.gov.uk

Cheshire Fire Authority

Notes for Members of the Public

Attendance at Meetings

The Cheshire Fire Authority welcomes and encourages members of the public to be at its meetings and Committees. You are requested to remain quiet whilst the meeting is taking place and to enter and leave the meeting room as quickly and quietly as possible.

All meetings of the Authority are held at Fire Service Headquarters in Winsford. If you plan to attend please report first to the Reception Desk where you will be asked to sign in and will be given a visitors pass. You should return your pass to the Reception Desk when you leave the building. There are some car parking spaces available on site for visitors at the front of the Headquarters Building. Please do not park in spaces reserved for Fire Service personnel.

If you feel there might be particular problems with access to the building or car parking please contact the Reception Desk at Fire Service Headquarters on Winsford (01606) 868700.

Questions by Electors

An elector in the Fire Service area can ask the Chair of the Authority a question if it is sent to the Monitoring Officer at Fire Service HQ to arrive at least five clear working days before the meeting. The contact officer named on the front of the Agenda will be happy to advise you on this procedure.

Access to Information

Copies of the Agenda will be available at the meeting. A copy can also be obtained from the contact officer named on the front of the Agenda. Alternatively, individual reports are available on the Authority's website (www.cheshirefire.gov.uk)

The Agenda is usually divided into two parts. Members of the public are allowed to stay for the first part. When the Authority is ready to deal with the second part you will be asked to leave the meeting room, because the business to be discussed will be of a confidential nature, for example, dealing with individual people and contracts.

This agenda is available in large print, Braille, audio CD or in community languages upon request by contacting; Telephone: 01606868414 or email: equalities@cheshirefire.gov.uk

Recording of Meetings

Anyone attending the meeting should be aware the Authority audio-records its meetings. There is a protocol on reporting at meetings which provides further information. Copies are available on the Service's website www.cheshirefire.gov.uk or alternatively contact Democratic Services for details

Fire Evacuation

If the Fire Alarm sounds you should make your way to the nearest exit as quickly as possible and leave the building. Please follow any instructions from staff about evacuation routes.



MEETING OF THE FIRE AUTHORITY

TUESDAY, 14 FEBRUARY 2017

Time : 10.30 am

Lecture Theatre - Fire Service Headquarters, Winsford, Cheshire

AGENDA

ITEMS MARKED 'TO FOLLOW'

- | | | |
|-----------|---|-----------------|
| 1H | Minutes of Governance and Constitution Committee
To receive, for information, the minutes of the Governance and Constitution Committee meeting held on 8 th February 2017. | (Pages 1 - 4) |
| 7 | Members' Allowances Scheme | (Pages 5 - 12) |
| 8 | Removal of Policy Committee | (Pages 13 - 20) |
| 9 | Involvement of the Police and Crime Commissioner for Cheshire in Cheshire Fire Authority | (Pages 21 - 26) |

This page is intentionally left blank



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 8 February 2017 at Lecture Theatre - Fire Headquarters, Cheshire at 10.00 am

PRESENT: Councillors P Booher, A Dirir, E Johnson, D Marren, R Polhill, S Wright, and independent (non-elected) members A Ruddy and L Thomson

1 PROCEDURAL MATTERS

A Recording of Meeting

Members were reminded that the meeting would be audio-recorded.

B Apologies for Absence

No apologies were received.

C Declarations of Members' Interests

The Head of Legal and Democratic Services reminded Members that a dispensation had been granted to all Members in relation to the approval of the Members' Allowances Scheme.

Item 3 Members' Allowance Scheme 2017-18

All Members present acknowledged that they had a Disclosable Pecuniary Interest in this item and indicated that they would rely upon the dispensation.

D Minutes of the Governance and Constitution Committee

RESOLVED: That

The minutes of the Governance and Constitution Committee held on 5th October 2016 be approved as a correct record.

MATTERS ARISING:

A Member raised an issue related to Item 4 within the minutes – Review of Whistleblowing Policy and Procedure. He had previously requested that the list of those who could be contacted with concerns be enlarged and that it be made explicit in the policy that employees can report issues to Members. This was not reflected in the minutes as drafted. The Head of Legal and Democratic Services confirmed that he would ensure that the policy included appropriate wording.

2 CODE OF CORPORATE GOVERNANCE - UPDATE

The Head of Legal and Democratic Services introduced the report and informed Members that the commentary concerning the action plan Improvement Areas/Actions was encouraging. Members were referred to Appendix 1. He confirmed that items 1, 2 and 4 were essentially complete (although there was an element of these that would always be 'ongoing'). Policies were regularly reviewed and a report was regularly prepared to ensure the visibility of this work. Performance had recently been reconsidered in light of changes in staffing and responsibilities. This would be reviewed further as the collaboration with Cheshire Constabulary saw the creation of further joint corporate services supporting fire and police. Reporting on the relationship with and performance of North West Fire Control was now embedded with some rigour added to the annual process of review/audit. The one area that remained a challenge was the review of partnerships. It felt like this could remain something of a work in progress but that there was a level of confidence that appropriate governance existed where was deemed necessary e.g. health interventions being supported by the Service.

The Chair asked how proposals/activity of partnerships were challenged. The Head of Legal and Democratic Services informed Members that members of the Service Management Team shared information about proposals and understood the need to have appropriate governance. Where it was felt necessary and proportionate performance measures enabled the Service to monitor the quality of partnerships.

RESOLVED: That

[1] the progress report be noted.

3 MEMBERS' ALLOWANCES SCHEME

The Head of Legal and Democratic Services reminded Members that a dispensation had been granted to all Members in relation to the approval of the Members' Allowances Scheme (MAS). He introduced the background to the report and informed Members that an individual from Cheshire East's Independent Remuneration Panel (IRP member) had assisted with the review and had provided recommendations in relation to the MAS.

The Head of Legal and Democratic Services provided further information on the suggested recommendations of the IRP member, which included changes to the travel allowance and the dependants' carers' allowance. The IRP member also provided some observations e.g. about certain roles.

He referred Members to Appendix 2 to the report which contained a draft MAS for 2017-18 and beyond. Members went through the recommendations and accepted them.

RESOLVED: That

[1] the recommendations from the review of the Members' Allowances Scheme set out in Appendix 1 be accepted; and

- [2] the Members' Allowances Scheme for 2017-18 onwards be finalised, based on the draft set out in Appendix 2 for consideration by the Fire Authority.**

4 REMOVAL OF POLICY COMMITTEE

The Head of Legal and Democratic Services informed Members that the report considered the removal of Policy Committee from the Authority's meeting structure and changes to the Authority's Constitution to enable a report to be presented to the Fire Authority on 14th February 2017.

He referred Members to Appendix 1 which contained an extract from the Constitution which had been changed (using the 'track changes' feature) to reflect the removal of Policy Committee from the Authority's meeting structure. He advised that policies etc. that were currently the responsibility of Policy Committee would become the responsibility of the Fire Authority, but that the additional business was manageable given that not all of the matters were reported regularly.

The Head of Legal and Democratic Services asked Members to consider two questions. They decided that membership of the Joint Consultative Committee (JCC) need not be restricted. They agreed that Performance and Overview Committee should take on the responsibility to act as the Closure of Accounts Committee (with Finance Member Champions invited to the meeting).

RESOLVED: That Members

- [1] support the removal of Policy Committee from the Authority's meeting structure; and**
- [2] recommend to the Fire Authority changes to the Authority's Constitution (based on an updated version of Appendix 1) which should take effect at the start of the next municipal year.**

5 INVOLVEMENT OF POLICE AND CRIME COMMISSIONER FOR CHESHIRE IN CHESHIRE FIRE AUTHORITY

The Head of Legal and Democratic Services advised that the report provided Members with an opportunity to consider the arrangements which would allow the Police and Crime Commissioner for Cheshire (the Cheshire PCC) to be involved in the Fire Authority. He explained the current legal position, informing Members that the Cheshire Fire Services (Combination Scheme) Order 1997 [the Order] and the Policing and Crime Bill, now an Act, did not currently provide a mechanism to allow the Cheshire PCC to become a member of Cheshire Fire Authority.

Members were informed that the Cheshire PCC wished to become a member of the Fire Authority, but that he had stated that he did not require the right to vote nor did he intend to claim allowances. The Head of Legal and Democratic Services referred Members to the rights suggested within the report that could be afforded to the Cheshire PCC without a change in the law.

The Head of Legal and Democratic Services also referred Members to the proposed additional section of the Constitution.

RESOLVED: That

- [1] a report based on the draft report attached as Appendix 1 be agreed for submission to the Fire Authority.**

CHESHIRE FIRE AUTHORITY

MEETING OF : CHESHIRE FIRE AUTHORITY
DATE : 14TH FEBRUARY 2017
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR : ANDREW LEADBETTER

SUBJECT : MEMBERS' ALLOWANCES SCHEME

Purpose of Report

1. To provide Members with information about the review of the Members' Allowances Scheme (MAS) and present the draft MAS for approval (recommended by the Governance and Constitution Committee).

Recommended: That Members

- [1] Approve the Members' Allowances Scheme for 2017-18 onwards.

Background

The Law

2. The provisions governing Members' allowances are contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 [the Regulations]. The Regulations do not apply to the Fire Authority in full.
3. Part 2 of the Regulations prescribes the allowances that may be paid and rules relating to such allowances. Part 3 of the Regulations sets out the requirements for members' allowances schemes, e.g. the application of indexation for annual adjustments to schemes. Part 4 of the Regulations is concerned with the role of the independent remuneration panel [IRP]. Local authorities (e.g. district, county and London boroughs) must have regards to recommendations of an IRP before they make or amend their scheme. A fire authority has a different obligation: it must have regard to the recommendations made by the IRPs of local authorities that appoint its Members (i.e. the constituent authorities). By virtue of this distinction it is clear that the Fire Authority is not required to have its own IRP.

The 2013-14 Review

4. The Fire Authority's MAS was reviewed with the assistance of an IRP which was formed at the behest of the Fire Authority and reported in February 2013 and February 2014. The IRP was made up of a member from each of the constituent authorities' panels.
5. The process that was followed was quite involved and took a considerable amount of officer time. However, ultimately it did not lead

to any fundamental changes to the MAS. It was this that led officers to question the benefits of having an IRP when there is no requirement on the Fire Authority to have one.

Decisions by Governance and Constitution Committee

6. Governance and Constitution Committee considered the MAS in July 2015. The report culminated in Members deciding to delay a review until late 2016 (to take effect for municipal year 2017-18) and instruct officers to pursue alternatives to the engagement of an IRP (but with the proviso that an 'independent element' must be retained in any review of the MAS).
7. In October 2016 Governance and Constitution Committee considered a further report and agreed the following process for the review of the MAS:
 - a) Collate information from other authorities on allowances and increases over the past few years to provide a comparison;
 - b) Check the schemes operated by the constituent authorities and establish whether any elements should inform the review (to comply with the 'have regard to' requirement in the regulations);
 - c) Secure the support of one of the members of an IRP operated by a constituent authority;
 - d) Present the comparative data and any other relevant information to the IRP member for consideration; and
 - e) Prepare a report for the Committee following guidance from the IRP member.
8. Officers concluded the review of the MAS with the assistance of Mandy Ramsden, a member of Cheshire East's Independent Remuneration Panel [IRP member]. The IRP member's recommendations and observations were presented to Governance and Constitution Committee on 8th February 2017. The MAS that appears in Appendix 1 to this report reflects the decisions of Governance and Constitution Committee.

Information

9. The IRP member made the following recommendations:

Structure of Scheme

Recommendation: *That no changes be made to the structure of the Members' Allowances Scheme.*

Indexation

Recommendation: *That the index to be applied annually should continue to be aligned to the NJC pay award for Local Government employees (Green Book) and take effect on the date prescribed by the NJC.*

Travel Allowance

Recommendation: *That the HM Revenue and Customs approved tax-free mileage rate (currently 45p) be used for all claims.*

Dependants' Carers' Allowance

Recommendation: *That the dependants' carers' allowance be paid up to a maximum amount per annum in reimbursement of actual costs (subject to the production of receipts). An increase in the maximum to £3,000 is proposed.*

10. The IRP member also made some observations and the Governance and Constitution Committee acknowledged that these should be considered in due course. They do not impact upon the MAS at this time.
11. A draft MAS for 2017-18 onwards has been prepared taking into account the decisions of the Governance and Constitution Committee and is contained in Appendix 1 to this report.

Financial Implications

12. Annual increases based on an index like the NJC can be funded from the Authority's existing budget for Members' allowances.

Legal Implications

13. The Fire Authority is required to have a scheme to cover its Members' allowances. It is not bound to have an independent remuneration panel. However, it is required to have regard to any recommendations made by the panels of the constituent authorities. The review of the MAS complied with legal requirements.

Equality and Diversity Implications

14. There are no equality and diversity implications.

Environmental Implications

15. There are no environmental implications.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD
TEL [01606] 868804**

This page is intentionally left blank

DRAFT Members' Allowance Scheme 2017/18

Basic Allowance

- 1 Each Member of the Fire Authority shall receive a sum of **£4,119.08** (2017/18) per annum in the form of a Basic Allowance from 1 April 2017. Payment of this Allowance shall be monthly in arrears.

Special Responsibility Allowance

- 2 The following roles shall attract the amounts specified as Special Responsibility Allowances:

Office	2017/18 Entitlement £
Chair of the CFA	13,550.97
Deputy Chair of the CFA	6,776.52
Chair of Performance and Overview Committee	2,710.61
Chair of Governance and Constitution Committee	1,563.81
Business Continuity Leads (Group Spokespersons and Lead Members – Constituent Authorities)	1,042.54
Member Champions (includes Chair of Member Training & Development Group; and Risk Management Board Members)	521.27

- 3 Only one SRA shall be paid to an individual Member. Where a Member holds two or more positions which attract an SRA only the highest amount will be paid. This excludes regional appointments.

Regional Appointments

- 4 Members appointed to the North West Fire Forum will receive a payment of **£35** per meeting attended.

Independent (non-elected) members

- 5 Independent (non-elected) members will receive an annual allowance of **£1,206.66**.

Independent Persons

- 6 Independent Persons will receive a payment of **£35** per meeting attended and re-imbursment of expenses incurred (travel/subsistence).

Travel, Subsistence and Other Allowances

(a) Travel

- 7 Members may claim travel expenses for mileage to and from meetings/ events associated with the Fire Authority at the prevailing HMRC rate (currently 45p per mile).

(b) Subsistence

- 8 As a general rule lunch and other refreshments for meetings held at Fire Service HQ and other Service establishments are provided free of charge and, therefore, no claim for any allowance or reimbursement can be made. This may also include meals/refreshments provided at conferences/ seminars/meetings free of charge at other non Service venues.

- 9 For meetings where refreshments are not provided and Members are required to pay for meals, the actual expenditure will be reimbursed up to a maximum rate. At present these rates are as follows:-

Breakfast	£7
Lunch	£9
Dinner	£15
Dinner (London)	£20

If it is unavoidable and Members need to book their own accommodation the following rates are the maximum that will be paid:

Hotel	£100
Hotel (London)	£120

(c) Dependants' Carers' Allowance

- 10 A Dependants' Carers' allowance is payable to Members where actual costs are incurred for the care of dependent relatives whilst discharging their approved duties for the Fire Authority.

The Dependants' Carers' Allowance will be paid up to a maximum of £3000 per annum and in reimbursement of incurred expenditure upon submission of receipts.

Annual Increase

- 11 The Basic and Special Responsibility Allowances in this scheme shall be increased by the same percentage increase as the NJC pay award for Local Government employees (Green Book).

The increases shall apply from the same date as the pay increases take effect and will be backdated, if necessary.

This index shall apply for four years (up to 31st March 2021) unless the Scheme is amended.

CHESHIRE FIRE AUTHORITY: LIST OF APPROVED DUTIES

- Attendance at meetings of the Fire Authority, Committees, Sub-Committees, Special Committees, Panels, Boards, Forums and Working/Task Groups
- Authorised briefings for Committees/Sub-Committees including all meetings which are called by officers e.g. Members Planning Days and pre-meeting briefings
- All approved conferences and seminars
- Regional Bodies - North West Fire Forum, NW Fire Control Ltd Board of Directors and associated working groups
- National Bodies – LGA Fire Commission and associated working groups
- Member Learning and Development Events (including induction and attendance at cluster exercises)

In addition to the above, the Chair or his nominee, attend other functions on behalf of the Fire Authority and in these circumstances these are regarded as approved duties for the purpose of the Members' Allowance Scheme.

This page is intentionally left blank

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 14th FEBRUARY 2017
REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR: ANDREW LEADBETTER

SUBJECT: REMOVAL OF POLICY COMMITTEE

Purpose of Report

1. To allow Members to consider the removal of Policy Committee from the Authority's meeting structure and changes to the Authority's Constitution.

Recommended that Members

- [1] Agree to the removal of Policy Committee from the Authority's meeting structure.
- [2] Agree to the changes to the Constitution required to give effect to recommendation [1] to take effect at the start of the next municipal year.

Background

2. When the Authority's Constitution was reviewed in 2013 and 2014 Members made it clear to officers that all major decisions were to be made by the Fire Authority. This was reflected in the delegations in the Constitution.
3. In recent years a number of meetings of Policy Committee have been cancelled and agendas have been relatively light when meetings have taken place. Members appeared content to remove Policy Committee from the Authority's meeting structure when this was raised at the recent Members' Planning Day. This report sets out the changes to the Constitution that are required to remove Policy Committee and reallocate its responsibilities.
4. Governance and Constitution Committee met on 8th February 2017 and considered this matter. Members were content with the proposal to remove Policy Committee from the Authority's meeting structure and the proposed changes to the Constitution which appear in Appendix 1 to this report.

Information

5. Appendix 1 to this report is an extract from the Constitution. Members will see that the extract has been changed (using the 'track changes' feature)

to reflect the removal of Policy Committee from the Authority's meeting structure.

6. Members will see the list of policies etc. that are currently the responsibility of Policy Committee. It is believed that the additional business that will fall to the Fire Authority is manageable given that a number of the items are not reported regularly.
7. Governance and Constitution Committee was content with the proposal to pass the responsibility to act as Closure of Accounts Committee to Performance and Overview Committee (inviting the Finance Member Champions to the meeting).

Financial Implications

8. There are no financial implications.

Legal Implications

9. Appendix 1 to this report sets out the changes that need to be made to the Constitution.

Equality and Diversity and Environmental Implications

10. None

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD
TEL [01606] 868804
BACKGROUND PAPERS: NONE**

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

TABLE OF KEY INFORMATION AND REQUIREMENTS

BODY	NUMBER OF ELECTED MEMBERS	APPOINTMENT	QUORUM	OTHER REQUIREMENTS					NO OF MEETINGS
FIRE AUTHORITY	23	By Constituent Authorities allocated seats in ratio of electors in each of the areas covered by Fire Authority. Constituent Authorities appoint in political proportion.	One third and All Constituent Authorities must be represented.						5
POLICY COMMITTEE	10	By Fire Authority. Appoints in political proportion. Must include Chair and Deputy Chair of Fire Authority.	Any three elected Members.		Chair and Deputy Chair of Fire Authority are Chair and Deputy Chair of Committee.		Decisions can be Called In: Agenda sent to all Members of Fire Authority.	Acts as Closure of Accounts Committee	5
PERFORMANCE AND OVERVIEW COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoint Chair and Deputy Chair of Committee	Any three elected Members.	One Independent Non-Elected Member attends in advisory capacity.	Members of Policy Committee must not sit on this Committee.	Independent Non-Elected Members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.	Deals with Called In decisions.		5
GOVERNANCE AND CONSTITUTION COMMITTEE	6	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	Two Independent Non-Elected Members attend in advisory capacity.				Complaints about Members' conduct will involve an Independent Person that is not a member of this committee	5
BRIGADE MANAGERS' PAY AND PERFORMANCE COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair of Committee.	Any three elected Members.						3

STAFFING COMMITTEE	4		Any three elected Members.		Formed by four Members from Brigade Managers' Pay and Performance Committee				Ad Hoc
JOINT CONSULTATIVE COMMITTEE	4	By Fire Authority. Appoints in political proportion.	Any three elected Members	Union Officials attend. Up to 3 FBU, 1 from FOA, 1 from Unison, as necessary.	Members of Policy Committee must not sit on this Committee.				Ad Hoc
BUSINESS CONTINUITY COMMITTEE	Varies	By virtue of role.	Any three elected Members		Chair, Deputy Chair, Group Spokespersons, Lead Members				Ad Hoc

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

THE FIRE AUTHORITY:

- 3.1 Makes all Member decisions that are not delegated to other Member Decision-Making Bodies
- 3.2 Makes key decisions, including but not limited to:
 - Approval of the budget (including capital and revenue proposals)
 - Setting the precept;
 - Approval of the annual accounts
 - Approval of the Annual Statement of Assurance
- 3.3 Approves key/significant plans (and considers associated documentation, e.g. Annual Reports)
- 3.4 Approves key/significant strategies (and considers associated documentation, e.g. Annual Reports)
- 3.5 Approves key/significant policies (and considers associated documentation, e.g. Annual Reports)
- 3.6 Establishes and determines the responsibilities, and composition of, and appointments to all Members’ Decision-Making Bodies and determines Member Roles and makes appointments to all Outside Bodies
- 3.7 Adopts the Members’ Codes of Conduct
- 3.8 Approves the Members’ Allowances Scheme
- 3.9 Considers and determines any matters referred to it by any of the Members’ decision-making bodies;
- 3.10 Receives key external reports and determines appropriate actions e.g. Operational Assessment and Fire Peer Challenge
- 3.11 Appoints the Chief Fire Officer and Chief Executive
- 3.12 Agrees overall Scheme of Delegation
- 3.13 Agrees any transfer of functions and/or powers and/or major changes to service delivery (including the establishment of a trading company etc.)
- 3.14 Settles responses to key/significant consultations
- 3.15 Agrees to buy or sell land and/or buildings
- 3.16 Agrees to enter into key and/or long-term contractual commitments

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

- 3.17 Approves statutory statements e.g. Annual Pay Policy Statement
- 3.18 Approves Annual Report
- 3.19 Considers External Audit Findings and Value For Money Conclusion report (including approval of Audit Arrangements and Fees)
- 3.20 Approves the Constitution and any amendments to it
- 3.21 Acts as duty holder for matters relating to Health and Safety
- 3.22 Takes the leading role in respect of risk management (with the support of the Risk Management Board)

IF IN DOUBT TREAT THE MATTER AS ‘KEY/SIGNIFICANT’ AND REPORT THE MATTER TO THE FIRE AUTHORITY

RESPONSIBILITIES OF THE POLICY COMMITTEE

The Policy Committee

- ~~3.22 advises the Fire Authority in relation to key decisions~~
- ~~3.23 advises the Fire Authority on developing key plans, strategies and policies~~
- ~~3.24 approves responses to significant consultations~~
- ~~3.25 acts as a Closure of Accounts Committee;~~
- ~~3.26 approves significant policies (and considers associated documentation, e.g. Annual Reports)~~
- ~~3.27 approves significant plans (and considers associated documentation, e.g. Annual Reports)~~
- ~~3.28 approves significant strategies (and considers associated document, e.g. Annual Reports)~~
- ~~3.29 takes the leading role in respect of risk management (with the support of the Risk Management Board)~~
- ~~3.30 refers matters to the Fire Authority or any of the other Members’ Decision Making Bodies as appropriate~~

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

~~A LIST OF SIGNIFICANT PLANS, STRATEGIES AND POLICIES THAT ARE THE RESPONSIBILITY OF THIS COMMITTEE IS HELD BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES.~~

RISK MANAGEMENT BOARD

MEMBERSHIP

3.76 The Risk Management Board is chaired by the Chief Fire Officer and Chief Executive with representatives from Service Management Team attending, representation from Internal/External Audit and two Members ~~of Policy Committee~~ appointed by the Fire Authority.

3.77 ~~Fire Authority Members should be drawn from the membership of the Policy Committee and are appointed by the Fire Authority.~~

RESPONSIBILITIES

3.78 To identify, assess and monitor corporate risks and ensure they are managed in line with the Corporate Risk Management Framework. This group has a critical ‘check and challenge’ role to ensure that identified risks are based on sound risk information and are adequately evaluated. The corporate risks recorded within the Service’s Risk Management database will be used to determine the Authority’s levels of balances and reserves.

3.79 To review any high priority Internal Audit recommendations in the context of risk to the organisation and assess specific risks that may be escalated from Heads of Department or the Policy Approval Group

3.80 To undertake annual reviews of the Service Crisis Management Plan

List of Plans, Strategies and Policies associated with Members’ Decision Making Bodies

Fire Authority	
Key Plans	Integrated Risk Management Plan
	Five Year Strategy
	Medium Term Financial Plan
	External Audit Plan
	Crisis Management Plan
Key Strategies:	Member Development Strategy (and Programme)
	Treasury Management Strategy

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

Key Policies:	Heritage Policy
	Unwanted Fire Signals Policy

Policy Committee	
Significant Plans:	
Significant Strategies:	Asset Management Strategy
	Children and Young People Strategy
	CFP Business Liaison Strategy
	Consultation and Engagement Strategy
	Corporate Communications Strategy
	Corporate Equalities and Inclusion Strategy
	Internal Audit Strategy
	Partnership Policy
	Risk Management Strategy
Significant Policies:	Adult Safeguarding Policy
	Health and Safety Management Policy
	ICT and Information Security Policy
	Pay and Recognition Policy
	Pension Abatement and Re-employment Policy
	Re-organisation and Redeployment Policy
	Retirement Policy
	Sprinkler Policy

Responsibilities of Performance and Overview Committee

Add to list of responsibilities:

Acts as Closure of Accounts Committee

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 14TH FEBRUARY 2017
REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR: ANDREW LEADBETTER

SUBJECT: INVOLVEMENT OF THE POLICE AND CRIME
COMMISSIONER FOR CHESHIRE IN CHESHIRE FIRE
AUTHORITY

Purpose of Report

1. To allow Members to consider arrangements which would allow the Police and Crime Commissioner for Cheshire [Cheshire PCC] to be involved in the Fire Authority.

Recommended that Members

- [1] agree the addition to the Constitution set out in Appendix 1 to this report which would convey rights upon the Police and Crime Commissioner for Cheshire; and
- [2] authorise officers to make a formal approach to the Home Office to secure its assistance in changing the law to allow the Police and Crime Commissioner for Cheshire to become a member of Cheshire Fire Authority.

Background

Governance and Constitution Committee

2. The Committee met on 8th February 2017 and settled the content of this report.

Outline of current legal position

3. The Fire Authority was created by The Cheshire Fire Services (Combination Scheme) Order 1997 [the Order]. The Order states that, 'Each member of the Authority shall be appointed by a constituent authority from its own members...'
4. The Policing and Crime Bill [the Bill] contains provisions which allow a police and crime commissioner to take on the role of a fire and rescue authority. It also contains provisions aimed at providing a police and crime commissioner with the ability to become involved in fire and rescue authorities.
5. Currently, neither the Order, nor Bill appear to provide a mechanism to allow the Cheshire PCC to become a member of Cheshire Fire Authority.

Information

What the Cheshire PCC has indicated

6. The Chair invited the Cheshire PCC to become a member of the Fire Authority. The Cheshire PCC wishes to do so, but has stated that he does not require the right to vote, nor does he expect to receive an allowance.

Changes that can be made immediately

7. The Fire Authority is, subject to the constraints in the Order, able to determine how it operates. Therefore, it can grant rights to the Cheshire PCC that will put him in a similar position to the one that he seeks (albeit he will not be a member of the Authority).
8. It is suggested that the following rights could be afforded to the Cheshire PCC:
 - To be provided with papers for all Authority meetings (including reports to be considered in private)
 - To be briefed appropriately before Authority meetings
 - To attend Authority meetings (and remain during items being considered in private)
 - To speak at Authority meetings
9. The Authority could insert into the constitution provisions which grant the PCC the rights that he seeks.
10. The Authority could require the Cheshire PCC to exercise these rights reasonably and be required to declare any conflict of interest and withdraw as necessary.

What can be done at a later date?

11. As it stands it would appear that the Order will need to be changed to allow the Cheshire PCC to become a member of the Fire Authority. The Order is a piece of secondary legislation which would need to be changed by the Government.
12. It is recommended that a formal approach is made to the Home Office to establish the mechanism to secure a change to the order and an indication of the likely timescale.

Proposed additional section of the Constitution

13. Appendix 1 to this report contains a draft of a suggested addition to the Constitution.

Financial Implications

14. The Authority's Members' Allowances Scheme does not extend to the Cheshire PCC. If the Cheshire PCC become a member of the Authority this may need to be revisited.

Legal Implications

15. The report sets out the legal position and changes that need to be made to the Constitution.

Equality and Diversity Implications

16. None.

Environmental Implications

17. None.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD
TEL [01606] 868804
BACKGROUND PAPERS: NONE**

This page is intentionally left blank

APPENDIX 1

Proposed additional section of the Constitution:

POLICE AND CRIME COMMISSIONER FOR CHESHIRE

1. Cheshire Fire Authority (CFA) and the Police and Crime Commissioner for Cheshire (Cheshire PCC) are working more closely.
2. The Cheshire PCC wishes to become a member of CFA, albeit without a right to vote. Until there is a change in the law CFA is unable to make the Cheshire PCC a member of CFA. However, it is able to confer rights on the Cheshire PCC to allow his involvement in CFA business.
3. CFA grants the following rights to the Cheshire PCC:
 - (a) to be provided with papers for CFA meetings (including those to be considered in private session unless a conflict of interest exists); and
 - (b) to be briefed appropriately before CFA meetings; and
 - (c) to attend CFA meetings (and remain during items considered in private session); and
 - (d) to speak at CFA meetings.
4. The CFA expects the Cheshire PCC to:
 - (a) Exercise these rights reasonably; and
 - (b) Declare any conflict of interest at the appropriate time and withdraw as necessary.

This page is intentionally left blank