



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.**