



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

**PRESENT:** Councillors D Beckett, M Biggin, D Marren, R Polhill, S Wright and Independent (Non-Elected) Member L Thomson

**1 PROCEDURAL MATTERS**

**A Recording of Meeting**

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

**B Apologies for Absence**

Apologies for absence were received from Councillor E Johnson.

**C Declarations of Members' Interests**

There were no declarations of Members' interests.

**D Minutes of the Governance and Constitution Committee**

**RESOLVED: That**

**[1] the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 5<sup>th</sup> July be confirmed as a correct record.**

**2 REVIEW OF MEMBERS' CODE OF CONDUCT**

The Director of Governance and Commissioning introduced the report which provided Members with the opportunity to consider proposed changes to the Members' Code of Conduct (the Authority's Code).

He informed Members that the Localism Act 2011 (the Act) introduced the current standards regime. He highlighted the principles listed in paragraph 3 of the report which were incorporated into the Authority's Code.

Officers had undertaken a review of the Authority's Code which focused on three areas: a review of legislation to ensure any changes had been captured; consideration of a small number of codes of conduct from local authorities and fire authorities; and a discussion about the actual and potential areas where Members' interests have and/or are likely to arise. The Director of Governance and Commissioning informed Members that the law had not changed to any significant degree since the regime was introduced. He indicated that a separate report on the use of social media would be brought to the Committee for discussion.

He referred Members to Appendix 2 to the report which contained extracts from the codes of conduct from other authorities. He informed the Committee that the extracts could be utilised to enhance the Authority's Code concerning declarations of interests and participation in meetings (Section 4 of the Authority's Code) and confidential information (Section 2, paragraph 5b).

Members discussed the proposals and it was agreed that the extracts in Appendix 2 to the report should be incorporated into the Authority's Code. It was also agreed that the Director of Governance and Commissioning should bring back the updated Code to Members at the next meeting of the Committee, along with the Authority's form for Members' declarations of interests, to allow further review and approval.

**RESOLVED: That**

- [1] the proposed changes to the Members' Code of Conduct be incorporated into Sections 2 and 4; and**
- [2] the updated Code be brought back to the Committee along with the Authority's form for Members' declarations of interests for further review and approval.**

**3 DISPENSATIONS**

The Director of Governance and Commissioning introduced the report which asked Members to extend the benefit of the existing dispensations to new Members of the Fire Authority. This would allow them to take part in debates and votes on the setting of the Council Tax precept and approval of the Members' Allowance Scheme (and any changes and/or additions to it).

Due to a change in his circumstances, Councillor Tarr now required the dispensation concerning the setting of the Council Tax precept to be extended to him (he had not required the dispensation when it was granted to Members on 5<sup>th</sup> October 2016).

Appendix 1 to the report contained a copy of Section 33 of the Localism Act 2011 which contained the provisions concerned with the granting of dispensations.

The report continued that the following Members had requested that the dispensations be extended so that they could benefit from them:

- Councillors Biggin, Beckett and Jones
- Councillor Tarr had requested that the benefit of the dispensation concerned with the setting of Council Tax be extended to him.

**RESOLVED: That**

- [1] the dispensations granted to Fire Authority Members on 5<sup>th</sup> October 2016 be extended to benefit Councillors Biggin, Beckett and Jones thereby allowing them to take part in the debates and votes on setting the Council Tax precept, and approval of the Members' Allowance Scheme (and any**

**changes and/or additions to it): and**

- [2] the dispensation granted to Fire Authority Members on 5<sup>th</sup> October 2016 in respect of the setting of the Council Tax precept be extended to benefit Councillor Tarr thereby allowing him to take part in the debates and votes on the setting of the Council Tax precept.**

#### **4 RECRUITMENT OF INDEPENDENT PERSON**

The Director of Governance and Commissioning introduced the report which required Members to agree the process for the appointment of an Independent Person to the Authority.

He informed Members that Section 28(7) of the Localism Act 2011 placed a duty on the Fire Authority to appoint at least one Independent Person to assist the Authority in handling complaints about breaches of the Members' Code of Conduct. The act required the Authority to advertise and secure applications for this role.

Two Independent Persons were initially appointed on 12<sup>th</sup> December 2012 for a three year term following a recruitment process which was overseen by the Committee. The appointments were extended until December 2018 by the Authority on 16<sup>th</sup> December 2015. Since the extension was agreed, Independent Person David Sayer had stepped down from his appointment leaving the Authority with only one Independent Person. The Director of Governance and Commissioning informed Members that, although there was no statutory requirement to have two Independent Persons, it was recommended that a second individual be appointed to ensure that an Independent Person was still available should one step down.

An application pack was attached as Appendix 1 to the report for Members to review. A Member referred the Committee to Annex 4 within Appendix 1 – 'Complaints about a Breach of the Members' Code of Conduct – Procedure for Handling Complaints'. He queried whether elements of the procedure should be reviewed, such as: it falling to the Monitoring Officer's discretion as to whether details of a complaint should be disclosed to the Member who is the subject of the complaint; the outcome of the complaint normally being determined purely on the written documentation; and there currently being no facility for an appeal. Members discussed the procedure further and highlighted the importance of ensuring transparency throughout the process.

The Director of Governance and Commissioning informed Members that there was currently no rush to recruit an Independent Person and it was agreed that a workshop should be arranged to further discuss potential amendments to the application pack (in particular the procedure for handling complaints) before finalising the recruitment process.

#### **RESOLVED: That**

- [1] a workshop be arranged to further discuss the application pack, in particular Annex 4 – Complaints about a Breach of the Members' Code of Conduct, before finalising the recruitment of an Independent Person.**

## **5 RECRUITMENT OF INDEPENDENT (NON-ELECTED) MEMBER**

The Director of Governance and Commissioning introduced the report which sought Members' approval for the recruitment process for an independent (non-elected) member (IM) following the resignation of one of the current IMs.

He informed Members that in February 2016 the Authority had approved a recommendation from the Committee to reduce the number of IMs appointed to the Authority from three to two and introduce a term of office of four years. It was agreed that the process used for the initial recruitment of IMs used in March 2016 would be followed as recommended in the report and detailed below:

Timelines:

Advert placed: by 30<sup>th</sup> November 2017

Closing date: 5<sup>th</sup> January 2018

Review/sift application forms: 12<sup>th</sup> January 2018

Interview dates: w/c 22<sup>nd</sup> January 2018

Appointments confirmed at Fire Authority: 14<sup>th</sup> February 2018

The Director of Governance and Commissioning informed Members that it was proposed that a panel of three members of the Committee should be appointed to sit as the selection and interview panel and make recommendations to the Authority. It was agreed that Councillors Wright, Beckett, Biggin and Marren would be appointed to act as the selection and interview panel.

**RESOLVED: That**

- [1] the recruitment process and timelines detailed in the report be approved; and**
- [2] Councillors Wright, Beckett, Biggin and Marren be appointed to act as the selection and interview panel.**

## **6 GOVERNANCE ARRANGEMENTS - NORTH WEST FIRE CONTROL**

The Director of Governance and Commissioning introduced the report which provided further reassurance to Members about the governance arrangements associated with North West Fire Control (NWFC).

He informed Members that the Committee initially considered the governance arrangements for NWFC in April 2015. An extract from the April 2015 report was attached as Appendix 1 to the report.

Four authorities were the original owners of NWFC: Cumbria County Council, Lancashire Combined Fire Authority, Greater Manchester Fire and Rescue Authority and Cheshire Fire Authority. Earlier this year responsibility for fire and rescue services in Greater Manchester passed from Greater Manchester Fire and Rescue Authority (GMFRA) to the Mayor of Greater Manchester Combined Authority (GMCA). The Director of Governance and Commissioning informed Members that

continuity provisions were contained in the Order which provided the legal framework for the transfer. Key aspects of the concerned with continuity were explained:

- All property, rights and liabilities of GMFRA transferred to GMCA
- The abolition of GMFRA and transfer of its functions to GMCA did not affect the validity of anything done before the abolition of GMFRA
- GMCA is substituted for the GMFRA in any instrument, contract or legal proceedings.

**RESOLVED: That**

**[1] the report be noted.**