



**Wednesday,  
8 February 2017  
10.00 am**

**Meeting of  
Governance and  
Constitution Committee  
Fire Service HQ  
Winsford**

Contact Officer:  
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## **Cheshire Fire Authority**

### **Notes for Members of the Public**

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#### **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.

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#### **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.

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#### **Access to Information**

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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.

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#### **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](http://www.cheshirefire.gov.uk) or alternatively contact Democratic Services for details

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#### **Fire Evacuation**

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**MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE  
WEDNESDAY, 8 FEBRUARY 2017**

**Time : 10.00 am**

**Lecture Theatre - Fire Headquarters, Cheshire**

**AGENDA**

**Part 1 - Business to be discussed in public**

**1 PROCEDURAL MATTERS**

**1A Recording of Meeting**

Members are reminded that this meeting will be audio-recorded.

**1B Apologies for Absence**

**1C Declarations of Members' Interests**

Members are reminded that the Members' Code of Conduct requires the disclosure of Statutory Disclosable Pecuniary Interests, Non-Statutory Disclosable Pecuniary Interests and Disclosable Non-Pecuniary Interests.

**1D Minutes of the Governance and Constitution Committee**

(Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Governance and Constitution Committee held on 5<sup>th</sup> October 2016.

**ITEMS REQUIRING DISCUSSION / DECISION**

**2 Code of Corporate Governance - Update**

(Pages 5 - 8)

**3 Members' Allowances Scheme**

(Pages 9 - 18)

**4 Removal of Policy Committee**

(Pages 19 - 26)

**5 Involvement of Police and Crime Commissioner for Cheshire  
in Cheshire Fire Authority**

(Pages 27 - 34)

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**MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 5 October 2016 at Lecture Theatre - Fire Service Headquarters, Winsford, Cheshire at 10.00 am**

**PRESENT:** Councillors R Polhill, P Booher, E Johnson, D Marren, L Thomson and A Ruddy

**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 Councillors S Wright and A Dirir.

**C Declarations of Members' Interests**

There were no declarations of Members' interests.

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

**RESOLVED: That**

**The minutes of the Governance and Constitution Committee held on 6th July 2016 be approved as a correct record.**

**2 DISPENSATIONS**

The Head of Legal and Democratic Services introduced the report and explained that dispensations were initially granted by the Committee on 8<sup>th</sup> February 2013 to all Members of the Fire Authority. Members were informed that the dispensations were granted for four years (up to 8<sup>th</sup> February 2017), the maximum period for which they can have effect. As this period was due to expire, he advised that it seemed appropriate to grant the dispensations for a further four years. A list of those Members seeking dispensations was distributed at the meeting:

**REQUIRES DISPENSATIONS FOR MEMBERS' ALLOWANCES SCHEME AND COUNCIL TAX PRECEPT:**

Councillors P Booher, A Dirir, D Flude, P Harris, E Johnson, D Mahon, G Merry, J Mercer, L Morgan, S Parker, R Polhill, D Marren, K Mundry, S Nelson, B Rudd, J Saunders, T Sherlock, M Simon, J Weatherill and S Wright.

**REQUIRES DISPENSATIONS FOR MEMBERS' ALLOWANCE SCHEME:**

Councillors D Bailey and M Tarr

Members' attention was drawn to Appendix 2 to the report, which was an extract from the report to the Committee on 8<sup>th</sup> February 2013 and provided detail of the original considerations of the Committee when the dispensations were granted.

**RESOLVED: That**

**[1] the dispensations be granted to the Members of Cheshire Fire Authority listed above to allow them to take part in debates and votes concerning the setting of the Council Tax precept and approval of the Members' Allowances Scheme (and any changes/additions to it).**

### **3 MEMBERS' ALLOWANCES SCHEME**

The Head of Legal and Democratic Services informed Members that the purpose of the report was to seek Members' approval for the process and timeline for the next review of the Fire Authority's Members' Allowances Scheme. He referred Members to the background information within the report concerning the Authority's previous engagement with an Independent Remuneration Panel (IRP) to review its Scheme. He drew Members' attention to the proposal for the upcoming review.

Members were content with the proposal but stressed that the individual appointed to provide an independent view must be completely independent politically.

**RESOLVED: That**

**[1] the review of the Members' Allowances Scheme be agreed by Members to commence in November 2016, with the final report to be submitted to the Fire Authority meeting in February 2017 (to take effect from 1<sup>st</sup> April 2017); and**

**[2] the process outlined in paragraph 12 of the report be agreed by Members.**

### **4 REVIEW OF WHISTLEBLOWING POLICY AND PROCEDURE**

The Head of Legal and Democratic Services introduced the report which asked Members to consider and approve changes to the Authority's current Whistleblowing Policy and Procedure.

He referred Members to Appendix 1 of the report which contained the Government's Guidance for Employers and Code of Practice for whistleblowing. He informed Members that the Authority's current policy covered the suggested areas within the Government's guidance document.

The Chair asked how the Service's employees were made aware of the Authority's Whistleblowing Policy and Procedure. The Head of Legal and Democratic Services explained to Members that employees were initially informed of the policy and procedure as part of their induction. Employees were also made aware of the policy and procedure through notices on the information boards, which provided details of the confidential reporting line 'Safecall' that could be used for whistleblowing, and

via the 'Green' (the internal news bulletin).

A Member queried the use of Grant Thornton, the external auditor to the Authority, as a contact for external disclosure due to their relationship with the Service. The Head of Legal and Democratic Services advised Members that Grant Thornton provided one additional option for employees to communicate any concerns.

A Member suggested that the Authority should consider introducing a Whistleblowing Member Champion. The Head of Legal and Democratic Services explained that the Chair of the Governance and Constitution Committee would undertake this role.

**RESOLVED: That**

**[1] the content of the report be noted; and**

**[2] the updated Whistleblowing Policy and Procedure be approved.**

## **5 REVIEW OF ANTI-BRIBERY POLICY AND ARRANGEMENTS**

The Head of Legal and Democratic Services introduced the report which informed Members of the Authority's anti-bribery arrangements. He explained the importance of ensuring that the Authority had arrangements in place to ensure the prevention of bribery within the organisation and provided details of how the policy was publicised to employees.

**RESOLVED: That**

**[1] the continued approval of the Anti-Bribery Policy be confirmed; and**

**[2] the arrangements for promoting the Anti-Bribery Policy be noted.**

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## CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE  
DATE: 8 FEBRUARY 2017  
REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES  
AUTHOR: CHRIS ASTALL

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SUBJECT: LOCAL CODE OF CORPORATE GOVERNANCE  
ACTION PLAN

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### Purpose of Report

1. To provide Members with an update on the small number of actions identified in the Local Code of Corporate Governance Framework published as an action plan in the Statement of Assurance 2015-16. **[Attached as Appendix 1]**.

### Recommended that Members

- [1] note the attached progress report; and
- [2] highlight any specific areas for which they would like further detail.

### Background

#### Local Code of Corporate Governance

2. In 2007 the Chartered Institute of Public Finance and Accounting (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) published a framework entitled *Delivering Good Governance in Local Government* (the Guidance).
3. The Guidance document encouraged all local government bodies to measure their own governance arrangements using six core principles, and to develop and maintain a local code of corporate governance.

### Information

4. During 2016 as part of the preparation for publication of the Annual Statement of Assurance (AGS), the Governance and Constitution Committee were presented with a refreshed Local Code of Corporate Governance Framework. As a result, an action plan was developed which was included in the Statement of Assurance 2015-16.

5. Given the small number of improvement areas identified, it was agreed that Members would receive an update on progress of the live actions half yearly.

### **Financial Implications**

6. There are no financial implications.

### **Legal Implications**

7. Adopting the good practice contained in the Guidance facilitates the preparation of the Statement of Assurance which is a statutory requirement under Regulation 4(3) of the Accounts and Audit Regulations 2011.

### **Equality & Diversity Implications**

8. There are no differential impacts on any particular section of the community arising from this report.

### **Environmental Implications**

9. There are no specific impacts on the environment arising from this report.

### **BACKGROUND PAPERS: None**

## Local Code of Corporate Governance Action Plan – 2016-17

The table below lists the progress to date of the actions/improvements identified in the published Statement of Assurance 2015-16:

No	Improvement Areas/Action	Lead CFRS Department	Progress Update	Current Status
1	Policy Management – Continue to facilitate comprehensive review of all corporate polies due for review	Legal & Democratic Services	All key corporate policies highlighted in the CFRS Local Code of Corporate Governance Framework have been or are scheduled to be reviewed during 2016-17.	Ongoing
2	Review of Performance Management Framework	Planning & Performance	Reviewed and Updated December 2016.	Complete
3	Re-map of partnerships to clearly determine what is a partnership and what is an arrangement	Prevention	Work ongoing throughout 2017 with the re-launch of the partnership toolkit which is currently in development and will provide descriptions of partnerships/collaboration.	Ongoing
4	Obtain annual statement of assurance of NWFC performance and governance arrangements	Legal & Democratic Services/Operational Policy & Assurance	Now complete. Performance information is now included as part of the quarterly reporting process.	Complete

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## CHESHIRE FIRE AUTHORITY

MEETING OF : GOVERNANCE AND CONSTITUTION COMMITTEE  
DATE : 8<sup>TH</sup> FEBRUARY 2017  
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES  
AUTHOR : ANDREW LEADBETTER

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**SUBJECT : MEMBERS' ALLOWANCES SCHEME**

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### Purpose of Report

1. To provide Members with information about the review of the Members' Allowances Scheme to allow them to make a recommendation to the Fire Authority about the Scheme and allowances payable for 2017-18 and beyond.

### Recommended: That Members

- [1] consider the recommendations from the review of the Members' Allowances Scheme set out in Appendix 1; and
- [2] finalise a Members' Allowances Scheme for 2017-18 onwards, based on the draft set out in Appendix 2 for consideration by the Fire Authority.

### Background

#### The Law

2. The provisions governing Members' allowances are contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 [the Regulations].
3. The Regulations do apply to the Fire Authority, but not all elements.

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 regards 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 Most Recent Review

4. The Fire Authority's Members' Allowance Scheme [MAS] was reviewed with the assistance of an IRP which was formed at the behest of the Fire Authority and reported during 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.

### Latest Decisions by Governance and Constitution Committee

6. This 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); 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 this 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 have concluded the review with the assistance of Mandy Ramsden, a member of Cheshire East's Independent Remuneration Panel [IRP member].

### **Information**

9. In order to carry out the review of the MAS the following information was collated:
  - a) Roles/Responsibilities of Fire Authority Members (including details of additional duties attached to specific roles);
  - b) Members' attendance;
  - c) Reports from the 2013/14 review;
  - d) Copies of the four constituent authorities' schemes; and
  - e) Comparative Data with the Fire Authority's Audit Family Group and other combined fire authorities

10. This information was reviewed by the IRP member in January 2017 and she made the recommendations/observations contained in Appendix 1 to this report.
11. A draft MAS for 2017-18 and beyond has been prepared and is contained in Appendix 2 to this report.
12. Members will be provided with the comparative data referred to in paragraph 9 e) at the meeting.

### **Financial Implications**

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

### **Legal Implications**

14. 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.

### **Equality and Diversity Implications**

15. There are no equality and diversity implications.

### **Environmental Implications**

16. There are no environmental implications.

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

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## **RECOMMENDATIONS OF IRP MEMBER**

### **Structure of Scheme**

The IRP member noted that the Scheme appeared to be typical of others and appropriate for the activities carried out by Members.

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

### **Indexation**

The members' allowances schemes of the constituent authorities included the following forms of indexation:

Cheshire East, Cheshire West and Chester and Halton use the NJC pay award rates for Local Government employees

Warrington use the Consumer Price Index (CPI)

**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**

The IRP member queried why the Scheme had two mileage rates (NJC and the tax-free rate) and commented on the greater administrative burden using the NJC rates which were taxable.

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

### **Dependents' Carers' Allowance**

This allowance was introduced in 2013 as it was felt that a provision should be included in the scheme for a child care/carer allowance to ensure that the Authority scheme was in line with the local authorities in offering this allowance. The IRP member agreed that the allowance should be provided as it was an important factor in enabling Members to fulfil their duties as well as being able to care for dependents. She suggested that the Fire Authority should review the current allowance to ensure that Members incurring such costs were not out of pocket.

She recommended that consideration be given to paying actual costs to a maximum amount per annum.

The current scheme states that the Dependents' Carers' allowance will be paid up to a maximum per hour of £10.61 (subject to maximum payment of 15 hours per month) and in reimbursement of incurred expenditure against receipts. This would mean that a maximum of £159 per month (£1,909 per annum) could currently be claimed. It is suggested that the Authority covers the actual costs of care (subject to production of receipts) with a limit to the maximum that could be claimed per year. If this was revised upwards to £3,000 it should ensure that all reasonable claims could be covered.

**RECOMMENDATION: That the dependent carers' allowance be paid up to a maximum amount per annum in reimbursement of actual costs (subject to the production of receipts). As detailed above an increase in the maximum to £3,000 is proposed.**

## OBSERVATIONS OF THE IRP MEMBER

### **Basic Allowance**

The IRP member noted that the basic allowance was above average in comparison to both the Service's family audit group and other combined authorities. However, based on the evidence provided in respect of Members' roles and responsibilities and Members' attendance at formal committee meetings and other events, it was felt that this allowance was a fair level of remuneration in relation to the work undertaken.

### **Group Spokespersons**

The IRP member noted that there was no allowances paid for the role of Group Spokespersons in the majority of combined fire authorities and queried whether it was a role that was required. She commented that it may be something that the Authority would wish to look at further as part of a review of Members roles and responsibilities.

### **Member Champions**

The IRP member queried the number of Member Champions appointed and whether their roles had been reviewed to ensure that they remained effective. The Democratic Services Manager explained that a review of the roles of Member Champions to ensure that they still support the Authority's overarching purpose had been included as an objective in the Member Development Strategy for 2017-18.

### **Payment of One Special Responsibility Allowance**

The IRP member commented on the fact that Members could only receive one SRA (Special Responsibility Allowance). She suggested that where SRAs were being applied as 'the rate for the job' and a Member undertook two such positions of responsibility then it might be appropriate to pay two SRAs (assuming that both roles were being fulfilled competently). Members may wish to consider this once work was concluded reviewing roles and responsibilities.

### **Constituent Authorities Independent Remuneration Panels**

It was noted that there are no recommendations from the panels that directly impact upon the Fire Authority's Members' Allowances Scheme. The only matter which has been considered is in relation to the index to be applied.

## **DRAFT Members' Allowance Scheme 2017/18**

### **Basic Allowance**

- 1 Each Member of the Fire Authority shall receive a sum of **£4,119.08** (2016/17) per annum in the form of a Basic Allowance from 1 April 2016. 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:

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

- 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 casual user rate. The current rates, as set by the NJC for 2010/11 (*no change for 2016/17*) stands at:

	<b>451 - 999cc</b>	<b>1000 - 1199cc</b>	<b>1200 - 1450cc</b>
<b>per mile first 8,500</b>	46.9p	52.2p	65p
<b>per mile after 8,500</b>	13.7p	14.4p	16.4p

Members may, if they wish, opt to claim the tax-free mileage allowance of 45p per mile.

### **RECOMMENDATION FOR 2017/18:**

**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 per hour of £10.61 (subject to maximum payment of 15 hours per month) and in reimbursement of incurred expenditure against receipts.

**RECOMMENDATION**

The Dependants' Carers' allowance will be paid up to a maximum of £3000 per annum and in reimbursement of incurred expenditure against 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 31<sup>st</sup> 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.

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 8<sup>TH</sup> FEBRUARY 2017  
**REPORT OF:** HEAD OF LEGAL AND DEMOCRATIC SERVICES  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** REMOVAL OF POLICY COMMITTEE

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### 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 so that a report can be presented to the Fire Authority on 14<sup>th</sup> February 2017.

### Recommended that Members

- [1] Support the removal of Policy Committee from the Authority's meeting structure.
- [2] Recommend to the Fire Authority changes to the Authority's Constitution required to give effect to recommendation [1] and which should 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 explains the changes and explores the implications.

### Information

4. 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.

5. 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.
6. There are two questions noted in the body of Appendix 1.

Question 1  
Joint Consultative Committee

Can any Member of the Fire Authority be appointed to the JCC or should membership be restricted and if so to which Members?

Question 2  
Closure of Accounts Committee

Whilst there is no requirement for this committee to take place the Head of Finance believes it a valuable step in dealing with the Authority's accounts. In future this could be facilitated by passing this role to Performance and Overview Committee. Are Members content with this?

### **Financial Implications**

7. There are no financial implications.

### **Legal Implications**

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

### **Equality and Diversity and Environmental Implications**

9. 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	<del>By Fire Authority. Appoints in political proportion. Must include Chair and Deputy Chair of Fire Authority.</del>	<del>Any three elected Members.</del>		<del>Chair and Deputy Chair of Fire Authority are Chair and Deputy Chair of Committee.</del>		<del>Decisions can be Called In: Agenda sent to all Members of Fire Authority.</del>	<del>Acts as Closure of Accounts Committee</del>	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. <a href="#">QUESTION 1</a>				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; QUESTION 2~~
- ~~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

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

## SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

<b>Key Policies:</b>	Heritage Policy
	Unwanted Fire Signals Policy

<b>Policy Committee</b>	
<b>Significant Plans:</b>	
<b>Significant Strategies:</b>	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
<b>Significant Policies:</b>	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

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 8<sup>TH</sup> FEBRUARY 2017  
**REPORT OF:** HEAD OF LEGAL AND DEMOCRATIC SERVICES  
**AUTHOR:** ANDREW LEADBETTER

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

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### Purpose of Report

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

### Recommended that Members

- [1] Consider the draft report attached as Appendix 1 to this report with a view to settling the content prior to its consideration by the Fire Authority on the 14<sup>th</sup> February 2017.

### Information

2. This issue was considered briefly at the Members' Planning Day on the 13<sup>th</sup> January 2017. The attached draft report reflects the points presented to Members. Members of the Governance and Constitution Committee are asked to consider the draft report with a view to settling its content prior to consideration by the Fire Authority on the 14<sup>th</sup> February 2017.

### Financial Implications

3. Appendix 1 to this report mentions potential financial implications.

### Legal Implications

4. Appendix 1 to this report sets out the legal position and changes that need to be made to the Constitution.

### Equality and Diversity and Environmental Implications

5. None

**CONTACT:** JOANNE SMITH, FIRE SERVICE HQ, WINSFORD  
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**BACKGROUND PAPERS:** NONE

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## **CHESHIRE FIRE AUTHORITY**

**MEETING OF:** CHESHIRE FIRE AUTHORITY  
**DATE:** 14<sup>TH</sup> 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 changes to the Constitution set out in the Appendix 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**

#### **Outline of current legal position**

2. 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...'
3. 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.
4. 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**

5. 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**

6. 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).
7. 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
8. The Authority could insert into the constitution provisions which grant the PCC the rights that he seeks.
9. 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?**

10. 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.
11. 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**

12. The Appendix to this report contains a draft of a suggested addition to the Constitution.

## **Financial Implications**

13. 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**

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

## **Equality and Diversity Implications**

15. None.

## **Environmental Implications**

16. None.

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BACKGROUND PAPERS: NONE**

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## **APPENDIX**

### **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 has asked 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); 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.

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