



**Wednesday,
8 November 2017
10.00 am**

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

Contact Officer:
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Democratic Services

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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

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**MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE
WEDNESDAY, 8 NOVEMBER 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 5th July 2017.

ITEMS REQUIRING DISCUSSION / DECISION

2 Review of Members' Code of Conduct

(Pages 5 - 24)

3 Dispensations

(Pages 25 - 30)

4 Recruitment of Independent Person

(Pages 31 - 56)

5 Recruitment of Independent (Non-Elected) Member

(Pages 57 - 80)

6 Governance Arrangements - North West Fire Control

(Pages 81 - 86)

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MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 5 July 2017 at Lecture Theatre - Fire Headquarters, Cheshire at 10.00 am

PRESENT: Councillors M Biggin, E Johnson, R Polhill, A Ruddy, L Thomson and S Wright and independent members A Ruddy and L Thomson

1 PROCEDURAL MATTERS

A Recording of Meeting

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

B Membership of Committee

The appointment of a Chair and membership of the Governance and Constitution Committee for 2017-18 was initially agreed by the Fire Authority at its annual meeting on 21st June 2017.

Following these appointments notification of revised appointments from Cheshire West and Chester was received. As a consequence of this and following consultation with the relevant group spokespersons, two changes took place to the membership of this Committee. Members were asked to note the revised membership, listed below:

Councillors:

S Wright – Chair
R Polhill – Deputy Chair
M Biggin
D Beckett
E Johnson
D Marren

Substitutes:

N Jones
D Mahon
J Mercer

Independent Members:

L Thomson
A Ruddy

C Apologies for Absence

Apologies for absence were received from Councillors D Beckett and D Marren.

D Declarations of Members' Interests

There were no declarations of Members' interests.

E Minutes of the Governance and Constitution Committee

RESOLVED: That

[1] the minutes of the meeting of the Governance and Constitution Committee held on Monday 12th June 2017 be confirmed as a correct record.

2 COMPLIMENTS AND COMPLAINTS - ANNUAL REPORT 2016-17

The Director of Governance and Commissioning introduced the report which provided information regarding compliments and complaints received about the Service during the period 1st April 2016 to 31st March 2017. He explained that this report was presented annually in this format.

The Director of Governance and Commissioning provided an overview of the Service's performance for responding to and resolving complaints. He referred Members to a table in the report which contained performance comparison figures from the past five reporting periods. He informed Members that the overall volume remained steady.

He also drew Members' attention to Appendix 1 of the report which provided brief details of the informal complaints received and whether they had been resolved within the timescale set out in the Service's procedure.

Members were referred to a number of key themes that had arisen during the reporting period. The Director of Governance and Commissioning highlighted the inclusion of incidents within Appendix 1 that were not direct complaints against the Service or had resulted from a misunderstanding. He informed Members that the incidents were captured within the database to ensure that a central record was maintained which ensured that the queries were investigated and resolved.

The Director of Governance and Commissioning drew Members' attention to complaints received concerning the use of images from incidents on the Service's social media sites. He informed Members that permission was sought by the Service for the use of images from incidents and that images would be removed if requested. A Member queried how the Service ensured that permission was obtained and whether the purpose of sharing images was explained to individuals. The Director of Governance and Commissioning committed to discussing the process with the Communications team, in case there were any lessons to learn which needed to be implemented.

He concluded by referring Members to Appendix 2 to the report which contained a brief outline of the formal complaint received by the Service during the reporting period. As some details of the formal complaint were confidential in nature, he informed Members that further information would be provided in Part 2 of the

meeting.

Due to their nature there was no discussion about the compliments needed.

RESOLVED: That

[1] the information regarding compliments and complaints made during the period 1st April 2016 to 31st March 2017 be noted.

3 SUMMARY OF MEMBERS ATTENDANCE - MUNICIPAL YEAR 2016-17

The Director of Governance and Commissioning informed Members that the report contained information relating to Members' attendance for the last municipal year. He referred Members to a revised Appendix 1 to the report, was provided to Members at the meeting. It summarised Member attendance at meetings of the Fire Authority and three main committees: Performance and Overview Committee, Governance and Constitution Committee and Policy Committee for the municipal year 2016-17. It was noted that the revised Appendix showed the performance of the independent Members accurately, i.e. 6 out of 7 meetings and 4 out of 4 meetings.

Members were asked to consider whether they wished to further discuss the process adopted in respect of the monitoring of attendance. Members noted the report without debate.

RESOLVED: That

[1] the revised summary of Member attendance at meetings of the Authority and its three main committees for 2016-17 be noted.

4 WHISTLEBLOWING POLICY AND PROCEDURE - ANNUAL REPORT 2016-17

The Director of Governance and Commissioning introduced the report which provided an update on the current position in relation to the Authority's Whistleblowing Policy and Procedure. It was noted that the policy was updated in July 2016 when changes were made to reflect the recommendations made in the Government's Guidance for Employers and Code of Practice for Whistleblowing. Members were informed that the policy had been reviewed and only minor amendments were made, such as updated job titles and contact details for officers and the inclusion of the Chair of the Committee within the key contacts list, a copy of which was attached as Appendix 1 to the report.

The Director of Governance and Commissioning informed Members that the Authority had been contacted by Safecall since the last report to the Committee in 2016. He informed Members that further information would be provided during Part 2 of the meeting.

The Chair of the committee wished to record that any Member could be approached by any member of staff.

RESOLVED: That

[1] the content of the report be noted.

5 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under Section 100(A) (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Order 2006, the press and public be excluded from the meeting for the items of business listed below on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12 A to the Act in the paragraphs indicated:

Item 6: Further details concerning matters arising from Item 2 and Item 4

Paragraph(s)

(2) Information which is likely to reveal the identity of an individual

(3) Information relating to the financial or the business affairs of any particular person (including the authority holding that information)

6 FURTHER DETAILS CONCERNING MATTERS ARISING FROM ITEM 2 AND ITEM 4

The Director of Governance and Commissioning presented information relating to Item 2 and Item 4.

RESOLVED:

That the information be noted.

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF : DIRECTOR OF GOVERNANCE AND CONSTITUTION
AUTHOR: ANDREW LEADBETTER

SUBJECT: REVIEW OF MEMBERS' CODE OF CONDUCT

Purpose of the Report

1. To allow Members to consider proposed changes to the Members' Code of Conduct (the Authority's Code).

Recommended: That Members

- [1] Consider the proposed changes to the Members' Code of Conduct; and
- [2] Authorise the Director of Governance and Commissioning to make changes to the Members' Code of Conduct that Members support.

Background

2. The Localism Act 2011 (the Act) introduced the current standards regime. The Fire Authority adopted a new Members' code of conduct in June 2012, which has been subject to some minor changes since then. The Authority's Code is attached to this report as Appendix 1.
3. The provisions in the Act concerned with the a code are contained in Sections 27 and 28:

A relevant authority must ... adopt a code dealing with the conduct that is expected of members ... when they are acting in that capacity. S.27(1)

A relevant authority must secure that a code ... is, when viewed as a whole consistent with the following principles-

- | | | |
|---------------------|----------------|------------------|
| (a) selflessness; | (b) integrity; | (c) objectivity; |
| (d) accountability; | (e) openness; | (f) honesty; |
| (g) leadership. | | S.28(1) |

A relevant authority must secure that its code ... includes the provision the authority considers appropriate in respect of the registration in its register and disclosure of-

- (a) pecuniary interests; and (b) interests other than pecuniary interests
- S.28(2)

4. The Act contains a range of other requirements concerned with conduct and Member interests, e.g. the adoption of processes and recruitment of individuals to handle complaints. The Act (and associated Regulations) define Disclosable Pecuniary Interests and the criminal sanctions associated with failures to disclose such interests or act appropriately when such interests exist. Whilst there is no requirement for these issues to be covered in a code it is sensible to include some of them.

Information

Review

5. There have been three aspects to the review by officers: firstly, a review of the legislation to ensure that any changes had been picked up: secondly, consideration of a small number of codes of conduct from local authorities and fire authorities; and thirdly, a discussion about the actual and potential areas where Members' interests have and/or are likely to arise.

The Law

6. The law has not changed to any significant degree even though it is over five years since the new regime was introduced. The Authority's Code appears to satisfactorily meet the requirements in the Act which are summarised in the Background section of this report.

Other Codes

7. As might be anticipated the codes that have been considered vary in approach and language: some are relatively simple with others being so complex that they are hard to follow. It was difficult to pick up many 'tips' for the improvement of the Authority's code, but a couple of proposed changes are set out below and in Appendix 2 to this report.
8. One code set out the requirements for declaring interests and participation (or not) in meetings in what appears to be a clearer way than in the Authority's Code. The wording is set out in Appendix 2. This could form the basis of a replacement for Section 4 of the Authority's Code (with suitably updated references to the appendices to the Authority's Code).

9. Some codes contained notes about 'confidential information'. Some representative wording is set out in Appendix 2. These could be added as a note to Section 2 (paragraph 5(b) of Section 2 already refers to confidential information).

Actual and Potential Areas where Members' Interests Might Arise

10. There have been very few declarations made since the Authority's Code was adopted. This is not surprising given the restricted nature of the Authority's functions (i.e. unlike a local authority it does not deal with matters that can cause conflicts to arise, such as regulatory matters). In fact, it is likely that where difficulties have arisen they have been in relation to Members' work back in their constituent authorities, e.g. the determination of a planning application submitted on behalf of the Fire Authority.
11. Dispensations have been granted in relation to members' allowances and the setting of council tax – the two obvious areas where most Members will wish to disclose interests, but not need to sit back from the decision-making.
12. It will be worth having a discussion at the meeting about any areas of concern that Members have. If there are real examples that bring the Authority's Code to life it might be beneficial to talk through these at a future Members' Planning Day. This would also give all Members an opportunity to engage.

Financial Implications

13. There are no financial implications arising from this report.

Legal Implications

14. The legal implications are covered in the report.

Equality and Diversity and Environmental Implications

15. There are no equality and diversity or environmental implications arising from this report.

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

BACKGROUND PAPERS: NONE

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APPENDIX 1 – CURRENT MEMBERS’ CODE OF CONDUCT

SECTION 8 – CHESHIRE FIRE AUTHORITY: MEMBERS’ CODE OF CONDUCT

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1. Introduction
2. General Obligations
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4. Declaration of Disclosure Interests in the Participation and Decision Making
5. Dispensations
6. Sensitive Interests
7. Publication of Register of Members’ Interests
8. Gifts and Hospitality
9. Member/Officer Protocol
10. Constitution

Definitions

Appendix 1– Statutory Disclosable Pecuniary Interests

Appendix 2 – Non-Statutory Disclosable Pecuniary Interests

Appendix 3 - Disclosable Non-Pecuniary Interests

Appendix 4 - Law Relating to Statutory Disclosable Pecuniary Interests

1. Introduction

- 1.1 Cheshire Fire Authority (the Authority) has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the Authority and its Members and co-opted Members.
- 1.2 The Code has been adopted as required by Section 27 of the Localism Act 2011 and is based around the following core principles contained in Section 28 of the Localism Act 2011 - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of Members Co-opted Members and Independent Members of the Authority, together with provisions about registering and declaring interests.
- 1.3 The Authority benefits from the input of Independent Members (non-political, non-councillors) who act in an advisory capacity. Whilst the criminal sanctions in the Act do not apply to Independent Members, Members decided that it was important that Independent Members were caught by certain parts of this Code.
- 1.4 Accordingly, Independent Members must, when acting in an advisory capacity take heed of Section 2 and disclose, at any meeting that they attend, any interests of the type outlined in Appendices 1, 2 and 3 of this Code and comply with the requirements relating to participation as if they were Members of the Authority.

2. General obligations

2.1 Whenever you are acting as a Member or co-opted Member of this Authority you must act in accordance with the following obligations:

1. *Selflessness*

(a) You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

2. *Integrity*

(a) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

(b) You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

3. *Objectivity*

(a) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

(b) You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the Authority's officers, into consideration.

4. *Accountability*

(a) You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

(b) You must not bring your office or the Authority into disrepute whilst acting in your official capacity.

5. *Openness*

(a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your Authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

6. *Honesty*

- (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in the Appendices to this Code.
- (b) You must only use or authorise the use of the Authority's resources in accordance with the Authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. *Respect for others*

- (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
- (b) You must not do anything which may cause your Authority to breach any equality laws.
- (c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the Authority.
- (d) You must not bully any person, including other councillors, officers of the Authority or members of the public.

8. *Leadership*

- (a) You must promote and support high standards of conduct when serving as Member or co-opted Member of the Authority, by leadership and example, championing the interests of the community.
- (b) You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

3. Registration of Disclosable of Interests

3.1 You must within 28 days of:

- (a) this Code being adopted by the Authority or
- (b) your appointment to the Authority or
- (c) a change to the descriptions of Disclosable Interest incorporated into this Code or

- (d) a declaration of a Disclosable Interest at a Meeting which has not previously been disclosed
- (e) tell the Monitoring Officer in writing about the Disclosable Interests described in Appendices 1 and 3 of this Code which you have.

3.2 You must within 28 days of becoming aware of:

- (a) any new Disclosable Interests or
- (b) any change to a Disclosable Interest

of the kind described in Appendices 1 and 3 of this Code tell the Monitoring Officer in writing about the Disclosable Interests.

4. Declaration of Disclosable Interests/Participation in Decision Making

4.1 If you are present at a meeting and have a Disclosable Interest you must declare it in such a way as to make it clear what kind of Disclosable Interest it is and what you intend to do as a result of the declaration. You must not seek improperly to influence a decision and must comply with the following requirements.

4.2 You must make an oral declaration if an item of business affects or relates to a Disclosable Interest before the item of business is considered or as soon as it becomes apparent the item of business affects or relates to the Disclosable Interest.

4.3 When you declare a Statutory Disclosable Pecuniary Interest (as set out in Appendix 1) or a Non-Statutory Disclosable Pecuniary Interest (as set out in Appendix 2) you must leave the meeting when the matter related to the Statutory Disclosable Pecuniary Interest or Non-Statutory Disclosable Pecuniary Interest is being considered and cannot take part in any discussion, nor vote.

4.4 When you declare a Disclosable Non-Pecuniary Interest (as set out in Appendix 3) and the matter being considered by the Authority could significantly affect the financial interests of the body in which you have an interest or relates to any kind of regulatory matter concerning that body you must not take part in any discussion, nor vote, though you can remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the agenda item (the length of which will be determined by the Chair).

5. Dispensations

5.1 The Governance and Constitution Committee may provide a dispensation to allow Members to take part in a debate if the effect of this Code would be to cause a disproportionate number of members of a political group and/or a constituent Authority to be required to withdraw from a debate and be unable to vote after they had disclosed and/or declared a Disclosable Interest.

6. Sensitive Interests

- 6.1 Where you consider that disclosure of the details of a Disclosable Interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a “sensitive interest”, you need only declare the fact that you have a Disclosable Interest but not the details of that Disclosable Interest. Copies of the public register of interests may state that you have an interest the details of which are withheld.

7. Publication of the Register of Members’ Interests

- 7.1 The Disclosable Interests that you disclose will be published by the Authority in a Register of Members’ Interests. The Register will be made up of copies of the notice of disclosable interests that you have provided but will not include personal information related to anyone but you and will not include your signature.

8. Gifts and Hospitality

- 8.1 You must within 28 days of receipt notify the Monitoring Officer of any gift benefit or hospitality with an estimated value of £50 or more which you have accepted as a Member from any person or body other than the Authority. The notification will be entered on a public register of gifts and hospitality.

9. Member/Officer Protocol

- 9.1 You must observe the requirements of any Member/officer protocol that is in existence from time to time.

10. Constitution

- 10.1 Because this Code forms part of the Authority’s Constitution it not only enhances the statutory position set out in the Localism Act 2011 (and secondary legislation associated with that Act) but specifically requires Members to comply with it.

Definitions

Member	A Councillor appointed to Cheshire Fire Authority by a Constituent Authority. And a Co-opted Member.
Co-opted Member	A person who is not a member of the Authority but either is a member of any of its committees or sub committees or a member of and represents the Authority on a joint committee or joint sub committees of the Authority and who is entitled to vote at such meetings.
Independent Member	A person who acts in an advisory role (who is not a Member or Co-opted Member).
Meeting	Any meeting of the Authority or any of its committees, sub committees, joint committees or joint sub committees.
Disclosable Interests	Means those interests described in Appendices 1, 2, and 3 of this Code.
Constituent Authority	Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council and Warrington Borough Council.
Member of your Family	This will include a parent in law, a son or daughter, a stepson or step daughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people.
Close Associate of Yours	Is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects the close associate of yours. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.
Sensitive Interests	This is described in the Localism Act 2011 as an interest whose disclosure could lead to the Member or Co-opted Member or a person connected with the Member or Co-opted Member being subject to violence or intimidation.

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Appendices

Disclosable Interests

Appendix 1 – Statutory Disclosable Pecuniary Interests

Statutory Disclosable Pecuniary Interests relate to you and your partner

YOU			
YOUR PARTNER where you are aware of your partner's interest	Partner means: Your spouse or civil partner	Partner means: A person who you live with as husband and wife	Partner means: A person who you live with as if you are civil partners

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by YOU or YOUR PARTNER.
SPONSORSHIP	Any payment or provision of any other financial benefit (other than from the Fire Authority) in respect of expenses incurred by YOU in carrying out your duties as a Member, or towards the election expenses incurred by YOU. (it specifically refers to payment or financial benefit from a trade union)
CONTRACTS	Any contract between YOU or YOUR PARTNER (or a body in which YOU or YOUR PARTNER have a beneficial interest) and the Fire Authority. (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land that YOU or YOUR PARTNER has which is within the area of the Fire Authority.
LICENCES	Any licence to occupy land that YOU or YOUR PARTNER has in the area of the Fire Authority
CORPORATE TENANCIES	Any tenancy where (YOU know) that the Fire Authority is the landlord and the tenant is a body in which YOU or YOUR PARTNER have a beneficial interest.
SECURITIES	Any beneficial interest in the securities of a body that YOU or YOUR PARTNER has where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either: The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

(see The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 "the Regulations")

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Appendix 2

Non-Statutory Disclosable Pecuniary Interests

Non-Statutory Disclosable Pecuniary Interests relate to a Member of your Family (other than your Partner – who is covered by the Statutory Disclosable Pecuniary Interests) or a Close Associate of Yours and are listed in the table below:

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by a Member of Your Family or a Close Associate of Yours.
CONTRACTS	Any contract between a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours has a beneficial interest) and the Fire Authority (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest which is within the area of the Fire Authority.
LICENCES	Any licence to occupy land that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest which within the area of the Fire Authority.
CORPORATE TENANCIES	Any tenancy where (YOU know) that the Fire Authority is the landlord and the tenant is a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest within the area of the Fire Authority..
SECURITIES	Any beneficial interest in the securities of a body in which a Member of Your Family or a Close Associate of Yours have a beneficial interest where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either: The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

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Appendix 3

Disclosable Non-Pecuniary Interests

Disclosable Non Pecuniary Interests relate to or are likely to affect:

Any body of which you are a member or in a position of general control or management which:

- exercises functions of a public nature, and/or
- is directed to a charitable purpose, and/or
- has a principal purposes of influencing of public opinion or policy (including any political party or trade union), and/or
- you are appointed to or nominated for by the Authority

Note: A Member that donates to a charity will not be deemed to have a Disclosable Interest in that charity solely because of the donation or donations (i.e. whether it is a one-off or continuing arrangement).

Appendix 4

Law Relating to Statutory Disclosable Pecuniary Interests

Section 34 of the Localism Act sets out certain offences relating to Statutory Disclosable Pecuniary Interests. It appears below with annotations which reference extracts of other sections of the Act.

34 Offences

- (1) A person commits an offence if, without reasonable excuse, the person:-
- (a) fails to comply with an obligation imposed on the person by section 30(1) (*See below – Extract Number 1*) or 31(2) (*See below – Extract Number 2*), (3) (*See below – Extract Number 3*) or (7) (*See below – Extract Number 4*),
 - (b) participates in any discussion or vote in contravention of section 31(4), (*See below – Extract Number 5*).
- or
- (c) takes any steps in contravention of section 31 (8) (*See below – Extract Number 6*).
- (2) A person commits an offence if under section 30(1) (*See below – Extract Number 1*) or 31(2) (*See below – Extract Number 2*), (3) (*See below – Extract Number 3*) or (7) (*See below – Extract Number 4*) the person provides information that is false or misleading and the person:-
- (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years –
 - (a) after the commission of the offence, or
 - (b) in the case of a continuous contravention, after the last date on which the offence was committed.

Notes

Level 5 on the standard scale is currently £5,000.

Sections 30(1), 31(2), 31(3), 31(4), 31(7) and 31(8) are reproduced below:

Extract Number 1 – Disclosure of pecuniary interests on taking office

30(1) *A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.*

Extract Number 2 – Pecuniary interests in matters considered at meetings or by a single member

31(2) *If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).*

Extract Number 3 – Pecuniary interests in matters considered at meetings or by a single member

31(3) *If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.*

SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

Extract Number 4 – Pecuniary interests in matters considered at meetings or by a single member

31(7) *If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.*

Extract Number 5 – Pecuniary interests in matters considered at meetings or by a single member

31(4) *The member or co-opted member may not –*

- (a) participate, or participate further, in any discussion of the matter at the meeting, or*
- (b) participate in any vote, taken on the matter at the meeting*

but this is subject to section 33.

Extract Number 6 – Pecuniary interests in matters considered at meetings or by a single member

31(8) *The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by members).*

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APPENDIX 2

Declaring of Interests and Participation in Meetings

Disclosable Pecuniary Interests

- 1 If you are present at a meeting and you have a Disclosable Pecuniary Interest as set out in Appendix A -
 - (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
 - (b) you must not participate in any discussion of the matter at the meeting;
 - (c) you must not vote on the matter;
 - (d) you must leave the room where the meeting is held during any discussion or vote; and
 - (e) if your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Outside Body Interests

- 2 Where a matter arises at a meeting which relates to an interest in Appendix B -
 - (a) you must declare your interest if
 - (i) you speak on the matter at the meeting; or
 - (ii) your interest is not already on the register of interests; or
 - (iii) you have not notified the Monitoring Officer of it;
 - (b) if the matter significantly affects the financial interests of the body in which you have an interest under Appendix B or relates to a licensing or regulatory matter concerning that body
 - (i) you must declare your interest ;
 - (ii) you must not participate in any discussion of the matter at the meeting (subject to paragraph (iv) below) ;
 - (iii) you must not vote on the matter; and
 - (iv) you may speak on the matter only if members of the public are allowed to speak at the meeting;

- (c) you do not need to declare your interest if paragraph 12(a) and/or 12(b) above do not apply.
- (d) The requirement in paragraph 12(b) above shall not apply where the matter under consideration relates to the setting of the Council Tax, a precept or a special expense.

Family, Friend or Close Associate Interests

3 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix A, but in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours

- (a) you must declare the interest;
- (b) you must not vote on the matter;
- (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

Confidentiality

1. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - 1.1 you have the consent of a person authorised to give it;
 - 1.2 you are required by law to do so;
 - 1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 1.4 the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority.
2. You must not prevent another person from gaining access to information to which that person is entitled by law.

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: DISPENSATIONS

Purpose of the Report

1. To ask Members to extend the benefit of the existing dispensations to new Members of the Fire Authority to allow them to take part in debates and votes upon the setting of the Council Tax precept and approval of the Members' Allowance Scheme (and any changes and/or additions to it).
2. To ask Members to extend the benefit of the existing dispensation in respect of the setting of the Council Tax precept to Councillor Tarr.

Recommended: That:

- [1] the dispensations granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillors Biggin, Beckett and Jones thereby allowing them to take part in the 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); and
- [2] the dispensation granted to Fire Authority Members on 5th October 2016 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.

Background

3. Dispensations were granted by the Governance and Constitution Committee on 5th October 2016 to all Members of the Fire Authority. The dispensations relate to the setting of the Council Tax precept and the approval of the Members' Allowance Scheme and are effective until October 2020.
4. For all but two Members both dispensations were sought/granted. Two Members did not require the benefit of the dispensation concerned with the setting of Council Tax.

Information

5. In considering whether to grant dispensations Members are required to consider the provisions in Section 33 of the Localism Act 2011 (the Act). A copy of the section is attached as Appendix 1 to this report.

6. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer). The following Members have requested that the dispensations be extended so that they can benefit from them:

Councillors Biggin, Beckett and Jones.

Councillor Tarr has requested that the benefit of the dispensation concerned with the setting of Council Tax be extended to him.

7. Section 33 (2) states that a dispensation can only be granted by an Authority if, after having had regard to all relevant circumstances, it is satisfied that one of the reasons described is applicable. Members previously accepted that they were satisfied that at least one of the reasons listed applies to the setting of the Council Tax precept and the Members' Allowance Scheme when granting the dispensations. An extract from an earlier report is attached as Appendix 2 to this report to allow Members to understand the relevant matters.

Financial Implications

8. There are no financial implications arising from this report.

Legal Implications

9. The legal implications are covered in the body of the report.

Equality and Diversity and Environmental Implications

10. There are no equality and diversity or environmental implications arising from this report.

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

BACKGROUND PAPERS: NONE

Section 33 of the Localism Act 2011

33 Dispensations from section 31(4)

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.
- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—
 - (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

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EXTRACT FROM REPORT TO GOVERNANCE AND CONSTITUTION
COMMITTEE ON 8TH FEBRUARY 2013

Council Tax Precept

1. Members that own property within the area of the Fire Authority would appear to have a Statutory Disclosable Interest (this is the term used in the Fire Authority's Members' Code of Conduct) in the setting of the Council Tax precept. Such a disclosure would, if no dispensation was granted, mean that they would be unable to remain in the meeting and have no opportunity to take part in the debate, nor vote.
2. As the majority of Members will need to make such a disclosure at the meeting of the Fire Authority on the 13th February 2013, when the Council Tax precept is to be discussed, there would appear to be a likelihood that:

the transacting of business would be impeded (Section 33(2)(a);

the representation of different political groups would be so upset as to alter the likely outcome of any vote relating to the business (Section 33(2)(b).

Members' Allowance Scheme

3. All Members receive an allowance and would appear to have a Statutory Disclosable Interest in the approval of the Members' Allowance Scheme (and any changes and/or additions to it). Such a disclosure would, if no dispensation was granted, mean that they would be unable to remain in the meeting and have no opportunity to take part in the debate, nor vote.
4. As all Members will need to make such a disclosure at the meeting of the Fire Authority on the 13th February 2013 when the Members' Allowance scheme is to be discussed:

the transacting of business would be impeded (Section 33(2)(a)

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: NAOMI THOMAS

SUBJECT: RECRUITMENT OF INDEPENDENT PERSON

Purpose of Report

1. To agree the process for the appointment of an Independent Person to the Authority.

Recommended: That Members

- [1] agree the recruitment process for appointing an Independent Person; and
- [2] appoint the Chair and two other elected Members of the Committee (representing the political groups).

Background

2. Section 28(7) of the Localism Act 2011 places 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 requires the Authority to advertise and secure applications for this role. An appointment can only be made if a majority of Members of the Fire Authority are in favour.
3. The Authority appointed two Independent Persons on 12th December 2012 for a three year term following a recruitment process which was overseen by the Governance and Constitution Committee. The Authority extended the appointments of its two Independent Persons until December 2018 at its meeting on 16th December 2015. Since this meeting, Independent Person David Sayer has stepped down from his appointment leaving the Authority with only one Independent Person.
4. Although it is not a statutory requirement to have two Independent Persons, it is recommended that a second individual be appointed to ensure that an Independent Person is still available should one step down.

Information

5. Officers now seek permission to commence the process of recruiting a replacement, second Independent Person. It is proposed that the arrangements agreed by the Governance and Constitution Committee on 3rd August 2012 be used to appoint the Independent Person. This included:
 - That the Chair and two other elected Members of the Committee (representing the political groups) with the support of the Director of Governance and Commissioning should consider the applications, carry out interviews and make recommendations to the Fire Authority;
 - That the appointment be for a term of 3 years;
 - An application pack (attached as Appendix 1 to the report). Members are asked to review the information in the application pack to ensure it is still relevant and agree any amendments/updates required.
 - The role be advertised by press release and on the Authority's website, with constituent authorities also receiving a copy of the advertisement to pass on to their Independent Persons.
6. Officers also seek permission from the Committee to write to all existing Independent Persons of Local Authorities in the area concerning the vacancy.

Financial Implications

7. There would be no change to the current financial situation. When the Independent Persons are required to carry out work there is no charge. However they are entitled to receive a payment of £35 per meeting together with re-imbursment of travel and expenses if they are required to attend any meetings. Whilst there is no budget associated with Independent Persons, there has to date been no requirement to engage them. Future cases would need to be dealt with from existing budgets.

Legal Implications

8. The legal implications are covered in the report.

Equality and Diversity Implications

9. There are no known equality and diversity implications.

Environmental Implications

10. There are no known environmental implications.

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

APPENDIX 1

APPLICATION PACK

Dear Applicant

APPOINTMENT OF INDEPENDENT PERSONS

Thank you for your interest in pursuing the role of Independent Person for Cheshire Fire Authority.

This document contains the following sections:-

1. Background Information about:-
 - a) Cheshire Fire and Rescue Service;
 - b) Cheshire Fire Authority;
 - c) Standards Generally;
 - d) Standards at Cheshire Fire Authority.
2. Description of the Appointment Process.
3. Outline of Skills and Role Description and Selection Criteria .
4. Application Form.

1. Background Information

- a. Cheshire Fire and Rescue Service

Please see attached Annex 1.

- b. Cheshire Fire Authority

Please see attached Annex 2.

- c. Standards Generally

A new Standards regime was introduced on 1 July 2012. Chapter 7 of the Localism Act 2011 places a number of duties on public bodies. They must:

- Promote and maintain high standards of conduct of Members (councillors)
- Adopt a Code of Conduct for Members (councillors)
- Have arrangements for dealing with complaints about breaches of the Code of Conduct by Members (councillors)

The arrangements referred to above must include provision for the appointment of at least one Independent Person.

The Independent Person's view may be sought by the public body and/or by the councillor who is the subject of the complaint. The Independent Person's view must be sought and taken into account by the public body before it makes a decision about a complaint that it has investigated.

d. Standards at Cheshire Fire Authority

The Authority has a Governance and Constitution Committee that oversees Standards issues and its Terms of Reference are set out in the attached Annex 3. It also has a Members' Code of Conduct Sub Committee to deal with complaints about a breach of its Members' Code of Conduct. The Terms of Reference of the Sub-Committee are also set out in Annex 3.

The Authority has also agreed a procedure for handling complaints about a breach of the Members' Code of Conduct and this is attached at Annex 4.

There have, to date, been no complaints about councillors in their capacity as members of Cheshire Fire Authority. Accordingly the commitment of an Independent Person for Cheshire Fire Authority is expected to be relatively small, with peaks of work should complaints be received by the Authority. An Independent Person for Cheshire Fire Authority will receive a payment of £35 per meeting attended and reimbursement of expenses incurred (travel/subsistence).

The Independent Person will not normally be required to attend Governance and Constitution Committee, but is likely to attend meetings of the Members' Code of Conduct Sub-Committee should it be necessary for that Sub-Committee to meet.

2. Description of the Process

The Act states that appointments can only be made following advert and application and providing that the majority of the Members of the public body approve the appointment.

Applications will be considered by a panel consisting of the Chair and two other elected Members of the Governance and Constitution Committee with the support of the Director of Governance and Commissioning. They will also carry out interviews and make recommendations to the Fire Authority.

Applications will be ranked and applicants will be invited to interview if they fall in the top three. Applicants outside the top three may be called for interview if any applicants are not recommended to Cheshire Fire Authority by the panel.

Not everyone is able to be an Independent Person. The following restrictions apply:-

Statutory

The Localism 2011 prevents a person from being appointed as an Independent Person if:

They are a Member (Councillor) or Co-opted Member (Non-Councillor) or Officer (Employee) of Cheshire Fire Authority (or have been such within the last five years) ¹ or

They are a relative or a close friend of a Member, Co-opted Member or Officer of Cheshire Fire Authority ².

Other

Cheshire Fire Authority has decided that an Independent Person should not be a Member (Councillor) of Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council or Warrington Borough Council, or a relative or close friend of the same (rely on footnote ² for the definition of relative).

3. Outline of Skills and Role Description and Selection Criteria

Annex 6 provides information about the role and the skills that an Independent Person will require. It also sets out the selection criteria that will be used. The Annex is intended to explain to potential applicants what kind of individuals Cheshire Fire Authority is seeking to appoint to act as an Independent Person.

4. Application Form

The Application form is attached as Annex 7. This should be completed either electronically and submitted to joanne.smith@cheshirefire.gov.uk or in hard copy using black ink and returned to:

Joanne Smith
Governance and Corporate Planning Manager
Cheshire Fire and Rescue Service
Clemonds Hey
Oakmere Road
Winsford, Cheshire
CW7 2UA.

The closing date for the return of the application form is (DD/MM/YY).

Applicants should consider the information in Annex 5 and comment upon their experience and suitability by reference to the requirements in the Outline of Skills and Role Description and specifically taking into account the Selection Criteria.

Applicants are asked to supply details of two referees who are able to provide a character reference.

Footnotes

¹ There are transitional provisions which allow Members or Co-opted Members to be appointment as Independent Persons even if they have been Members/Co-opted Members in the past five years as long as they were no longer Members or Co-opted Members on 1 July 2012 when the Act came into force.

² The Localism Act 2011 defines a relative as someone who is:-

- a) the other person's spouse or civil partner,
- b) living with the other person as husband and wife or as if they were civil partners,
- c) a grandparent of the other person,
- d) a lineal descendant of a grandparent of the other person,
- e) a parent, sibling or child of a person within paragraph a) or b),
- f) the spouse or civil partner of a person within paragraph c), d) or e), or
- g) living with a person with in paragraph c), d) or e) as husband and wife or as if they were civil partners.



Annex 1

Cheshire Fire and Rescue Service - General Information

Cheshire Fire and Rescue Service has a long and proud tradition for innovation and taking a lead on both the safety of the communities it serves and the people it employs. Our vision is 'a Cheshire where there are no preventable deaths, injuries and damage from fires and other emergencies' and our mission 'is to help create safer communities, to rescue people and protect economic, environmental and community interests'.

The Service is led by the Chief Fire Officer and Chief Executive and the Service Management Team and provides a 24 hour service to emergency incidents to just over 1 million people across the four unitary council areas of:

- Halton
- Warrington
- Cheshire East
- Cheshire West and Chester

The Service responds to all emergency calls from the public for assistance. Many emergency calls however are not to fires, but to incidents where members of the community are trapped in vehicles following road traffic collisions, trapped in machinery, or trapped in less life threatening circumstances as well as being called to chemical spillages and toxic emissions. The Service is also required to deal with many other domestic situations, such as flooding, storm damage, people unable to gain access to premises, animals in distress etc.

Cheshire Fire & Rescue Service operates:

- 28 Fire Stations
- 4 Community Safety Centres
- 3 Community Fire Protection Offices
- A Headquarters (at Winsford) and incident Command Training Suite

The Service also provides community safety advice, which helps to reduce risks and to improve community and public safety and business safety and safety at work.

Our staff are employed in the full range of operational firefighters, professional, specialist, technical, administrative and manual roles.

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Annex 2 : Cheshire Fire Authority

Political Structure 2017-18

Cheshire Fire Authority is made up of 23 elected Members appointed by Cheshire West and Chester (7) Cheshire East (8) Halton (3) and Warrington (5). The current political composition of the Fire Authority is Conservative (9), Labour (12) and Democrats (2). There are also two Independent (non-elected) Members.

The Fire Authority is the publicly accountable body which manages the Fire and Rescue Service on behalf of the communities of Cheshire East; Cheshire West and Chester; Halton and Warrington. The Chief Fire Officer and Chief Executive is the head of paid service and is responsible to the Fire Authority for all aspects of its operational management.

Committee Structure

The main Committees of the Authority are as follows:

Fire Authority

All 23 Members attend the full Fire Authority meetings.

The Authority's role is to:

- Set the annual Budget
- Agree the staffing, vehicle and other resources needed to deliver an efficient service
- Approve the Service's key statutory and non-statutory plans, policies and strategies
- Approve the composition of the Committees, Sub-Committees, Advisory Groups and Task Groups of the Authority

Governance and Constitution Committee

The Governance and Constitution Committee comprises of 6 Members of the Authority and 2 independent members of the public.

The main roles and responsibilities of this Committee are:

- Promoting high standards of ethical behaviour across the Authority
- Monitors the Corporate Complaints, Compliments and Comments Scheme
- Monitors Members attendance
- Dealing with complaints about breaches to the Members' Code of Conduct

Performance and Overview Committee

The Performance and Overview Committee comprises of 7 Members of the Authority and 1 independent member of the public.

The main roles and responsibilities of this Committee are:

- Scrutinising, monitoring and reviewing Service performance

There are a number of other bodies within the political structure including:

- Joint Consultative Committee
- Brigade Manager's Pay and Performance Committee
- Estates and Property Committee
- Business Continuity Committee
- Member Training and Development Group
- Risk Management Board
- Member Champions

More detailed information on the various Committees, Groups and Organisations is contained in the Fire Authority's Constitution.

Fire Authority Constitution

The Fire Authority's Constitution provides guidance on Members roles and responsibilities, legal considerations, corporate governance, probity and financial and contractual obligations. The Constitution shows how the Authority operates and confirms the procedures to be followed.

A full copy of the Constitution together with more detailed information of the Fire Authority can be accessed via the Service's website www.cheshirefire.gov.uk.

Annex 3

Governance and Constitution Committee – Terms of Reference

The Committee will:

- 1 Discharge the requirements of Chapter 7 of Localism Act 2011
- 2 Assist the Fire Authority in the promotion and maintenance of high standards
- 3 Recommend the Members' Code of Conduct to the Fire Authority (and updates/amendments)
- 4 Secure applications for the role of Independent Person and make recommendations to the Fire Authority
- 5 Manage the relationship with the Independent Persons
- 6 Consider requests for dispensations and grant them (where appropriate)
- 7 Ensure delivery of training for Members on standards issues
- 8 Issue advice to Members on standards issues
- 9 Approve the format of the register of Members' interests and monitor completion
- 10 Agree arrangements for investigation and decision-making in relation to allegations of breaches of the Members' code of conduct
- 11 Monitor Member attendance and recommend action to the Fire Authority
- 12 Arrange for the review of Members' allowances and recommend to the Fire Authority
- 13 Secure appropriate corporate governance arrangements and monitor them
- 14 Monitor compliments and complaints (including ombudsman matters)
- 15 Review Fire Authority's constitution and make recommendations to Fire Authority
- 16 Provide support to the Monitoring Officer and Section 151 Officer (Local Government Act 1972)
- 17 Consider and act upon developments related to standards in its broadest sense
- 18 Agree any indemnity afforded to Members and/or officers
- 19 Settle the terms of any Member/officer protocol
- 20 Monitor the effectiveness of Member/officer relationships
- 21 Consider matters referred by Performance and Overview Committee
- 22 Settle the strategy for audit arrangements and carry out high level monitoring of the effectiveness of those arrangements
- 23 Determine the Authority's approach to the transparency agenda and monitor compliance with information-related legislative requirements

Members' Code of Conduct Sub-Committee – Terms of Reference

The Committee will consist of three Members drawn from the Governance and Constitution Committee and the sub-committee will:

- 1 Fulfil the role(s) identified in the Fire Authority's Procedure for Dealing with Complaints about a Breach of the Members' Code of Conduct.'

Annex 4

Complaints about a Breach of the Members' Code of Conduct - Procedure for Handling Complaints

Definitions

Code – means the Code of Conduct adopted by the Fire Authority and in existence at the time of the subject matter leading to the Complaint

Complaint – means a written allegation that there has been a breach of the Code from an identified Complainant

Complainant – means a person lodging a Complaint

Member Subject of Complaint (MSOC) – means the Member who is the subject of the Complaint

Independent Person – means a person appointed by the Fire Authority

Sub-Committee – means the Members' Code of Conduct Sub-Committee

1. The Monitoring Officer receives a Complaint and acknowledges receipt. The Monitoring Officer will not normally disclose details of the Complaint to the MSOC at this stage (but has discretion to do so where he/she considers that it is merited).

Initial Assessment/Gateway Procedure

2. The Monitoring Officer refers the complaint to the Sub-Committee to consider the written complaint within 21 days and determine whether to;
 - **Take no action**
 - **Refer the matter to the relevant Group Leader for informal action**
 - **Refer the matter for formal investigation by an external investigator**
3. Criteria will be developed to assist in making decisions, aimed at ensuring consistency.
4. The Independent Person will not normally be consulted at this stage but the Monitoring Officer has the discretion to involve him/her to secure his/her views.
5. The initial assessment decision to take no action will be final. Accordingly there will be no right of review for either the Complainant or MSOC.

Independent Person

6. The MSOC has the opportunity to consult the Independent Person at any stage.

External Investigation

7. The Complaint will be referred for an independent investigation by a suitably experienced external investigative officer. The investigation should be completed within 8 weeks of the referral.
8. The report of the external investigator should incorporate the following:-
 - **Executive Summary** - An outline of the allegation, who made it, the relevant provisions of the Code and whether there has been a breach.
 - **MSOC's official details** - A brief outline of when the MSOC was elected, term of office, details of committees served on and any relevant training.
 - **Summary of facts and evidence gathered**- A summary of the facts and evidence gathered, highlighting facts which are in dispute and setting out the external investigator's conclusions based on the balance of probabilities
 - **Reasoning as to whether there has been a failure to comply with the Code and investigator's findings** – Dealing with each allegation in turn and outline of whether the external investigator considers whether there has been a breach and any aggravating or mitigating facts.
 - **Schedule** - a list of witnesses interviewed and copies of relevant documents
9. A copy of the report will be circulated to the MSOC and Complainant to check for factual accuracy.
10. Both the Complainant and the MSOC will have the opportunity to make written submissions/representations to be considered by the Sub-Committee.

Final Determination

11. The Sub-Committee will consider the report together with any written submissions from the Complainant and the MSOC.
12. The Independent Person must be consulted and his/her views taken into account before any decision is made as to whether there has been

a breach of the Code and any proposed sanction. The Monitoring Officer has discretion to invite the Independent Person to attend the Sub-Committee.

13. There will be no requirement for the MSOC, Complainant, or any witnesses to attend. The matter will normally be determined purely on the written documentation. However, the Monitoring Officer has the discretion to require an oral hearing if he/she believes that it is merited, e.g. where the case is particularly complex this may justify a hearing.
14. There is no facility for an appeal.

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Annex 5

Independent Person

Outline of Skills and Role Description

1. To be a person of good standing in the area covered by Cheshire Fire Authority with a residential or business or employment link within the area and preferably with some experience of governance or ethical standards in local government or a public body or experience in the discharge of regulatory, legal, or judicial functions.
2. To demonstrate a keen interest in promoting high ethical standards in local government.
3. To have the ability to operate effectively at a high level with both elected Members and senior officers of the Authority without compromising their personal independence.
4. To discharge the statutory role of an Independent Person as set out in the Localism Act 2011 namely the ability to give their views when consulted either by an elected Member who is the subject of an allegation of misconduct contrary to the Authority's Code of Conduct, the Authority's Monitoring Officer or by the Authority's Sub-Committee responsible for considering complaints before it reaches any decision or in any other circumstances when requested.
5. In order to discharge the statutory role any person seeking appointment as an Independent Person will need to expediently assimilate and assess the content of detailed investigation reports. This will involve an assessment by the Independent Person of whether the evidence indicates that the Member subject to an allegation has breached the Code of Conduct and may involve input concerning the decision as to whether any sanction should be imposed. The final decision on such matters is the responsibility of the Sub-Committee. The Independent Person will be expected to attend on request meetings of the Sub-Committee and may on occasion be required to give their views in public meetings.
6. The Independent Person shall, if requested, attend meetings of the Governance and Constitution Committee or the Fire Authority in order to assist generally in promoting high standards of ethical conduct.

7. The Independent Person will attend such other meetings as are necessary to discharge their role at the request of the Authority's Monitoring Officer. The Independent Person will be required to undergo training relevant to the role – expenses incurred in undergoing training will be met by the Authority.
8. The Independent Person will hold a statutory office under the terms of the Localism Act 2011 for a fixed term as notified to the Independent Person on appointment. The Independent person will be expected to maintain high standards of personal conduct. The Authority may terminate an appointment at any time.
9. An Independent Person must not be subject to any statutory bar on appointment. Applicants for appointment must submit an application in the approved format and take part in any process required by the Fire Authority.
10. The Independent Person for Cheshire Fire Authority will receive a payment of £35 per meeting attended and re-imbusement of expenses incurred (travel/subsistence). Payment will be subject to deduction of taxes and any other statutory charges by the Authority in accordance with HMRC requirements.

Selection Criteria

The following points describe the kind of person and their experience, skills and competencies against which applications will be measured:

Ideally an Independent Person will have all of the following:

- good standing and personal integrity
- desire to serve the local community and uphold local democracy
- appreciation of the importance of acting ethically
- interest in standards in public life
- objectivity, independence and impartiality
- knowledge of local government, elected members' role and the political context
- experience of handling/considering complaints about elected members
- understanding of fairness in a quasi-judicial context
- appreciation of the importance of confidentiality
- ability to assimilate and absorb complex information

- sound decision making skills
- good judgement
- excellent communication skills

An Independent Person will ideally be able to attend daytime meetings, sometimes at short notice and be capable of being contacted by email. In addition an Independent Person must be able to attend training.

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**APPLICATION FOR APPOINTMENT AS AN INDEPENDENT PERSON
FOR CHESHIRE FIRE AUTHORITY**

1. PERSONAL DETAILS

Title:

Name:

Address:

Postcode:

Contact Details:

Daytime Telephone Number:

Mobile Telephone Number:

Email Address:

2. ELIGIBILITY

a) Please provide information which is relevant to any of the restrictions contained in Section 2 of the Application Pack.

b) Please also provide details of any criminal convictions which are not spent (including offence date and sentence imposed)

c) Please provide information of any interests that may affect your ability to remain independent.

3. QUALIFICATIONS

(Please list any qualifications which you think are relevant to the role of Independent Person)

4. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

5. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the Outline of Skills and Role Description and the Selection Criteria)

6. PERSONAL STATEMENT

(Please explain why you want to be an Independent Person)

7. ADDITIONAL INFORMATION

(Please provide any additional information you may wish to give in support of your application).

8. REFERENCES

Please supply details of two referees. Reference will be taken up for all applicants before a recommendation is made to the Fire Authority.

1. Name: Address: Telephone No:	2. Name Address: Telephone No:
--	---

I wish to apply to be an Independent Person for Cheshire Fire Authority and confirm that I have given a true and complete response to the best of my knowledge and belief.

I declare that I have considered the information in Section 2 of the information Pack and can that confirm that I am not ineligible.

Signed:

Date:

Please return this application form by addressed to:

Joanne Smith
Governance and Corporate Planning Manager
Cheshire Fire and Rescue Service
Clemonds Hey
Oakmere Road
Winsford, Cheshire
CW7 2UA

Or the completed form to joanne.smith@cheshirefire.gov.uk

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: JOANNE SMITH

SUBJECT: RECRUITMENT OF INDEPENDENT (NON-ELECTED) MEMBER

Purpose of Report

1. To agree the recruitment process for an independent (non-elected) member (IM) following the resignation of one of the current IMs.

Recommended: That Members

- [1] agree the recruitment process and timelines detailed in the report; and
- [2] appoint three Members of the Governance and Constitution Committee to act as the selection and interview panel.

Background

2. In February 2017 the Fire Authority approved a recommendation from the Governance and Constitution Committee to reduce the number of IMs appointed to the Authority from 3 to 2 and introduce a term of office of four years.
3. Following this decision the Governance and Constitution Committee agreed a recruitment process and Aimee Ruddy and Lesley Thomson were appointed as IMs. Due to a change in circumstances Aimee has stepped down as an IM (as of 31 October 2017) and Members are now asked to consider the recruitment process for a replacement.

Information

Recruitment Process

4. It is proposed that the process used for the initial recruitment of IMs used in 2016 be followed as detailed below:
5. **Timelines:**
Advert placed: by 31st November 2017
Closing Date: 5th January 2018
Review/Sift Application Forms: 12th January

Interview Dates: w/c 22 January
Appointments confirmed at Fire Authority: 14th February

6. **Advert:**
It is proposed that the advert is published on the Service's website and also sent, initially, to the four constituent authorities, to send out to their partner networks. A copy of the advert will also be sent to the Cheshire Association of Local Councils who will send it out to the parish council network.
7. **Application Pack:**
An application pack was approved by Governance and Constitution Committee in March 2016 and is attached as Appendix 1 to the report. Members are asked to review the information to ensure it is still relevant and agree any amendments/updates required.
8. **Selection and Interview Panel:**
It is proposed that a panel of three members of Governance and Constitution Committee be appointed to sit as the selection and interview panel and make recommendations to the Authority.

Financial Implications

9. There is a small cost of having IMs. This is adequately covered in the budget.

Legal Implications

10. The involvement of IMs is not a legal requirement. The Fire Authority is required to uphold high standards and the role of IMs is associated with this and may provide members of the public with greater confidence about standards and decision making generally.

Equality and Diversity and Environmental Implications

11. There are no equality and diversity or environmental implications associated with this report.

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

Appendix 1 – Draft Application Pack and Draft Application Form



APPLICATION PACK

Dear Applicant

APPOINTMENT OF INDEPENDENT (NON-ELECTED) MEMBERS

Thank you for your interest in pursuing the role of Independent (non-elected) Member for Cheshire Fire Authority.

This document contains the following sections:-

- 1. Background Information about:-**
 - a) Cheshire Fire and Rescue Service;**
 - b) Cheshire Fire Authority;**
 - c) Relevant Committees**
- 2. Description of the Appointment Process.**
- 3. Outline of Skills and Role Description and Selection Criteria.**
- 4. Allowances**
- 5. Application Form.**

1. Background Information

a. Cheshire Fire and Rescue Service

Please see attached Annex 1.

b. Cheshire Fire Authority

Please see attached Annex 2.

c. Relevant Committees

Governance and Constitution Committee

The Independent (non-elected) Members will be appointed to the Governance and Constitution Committee that oversees Standards issues and its Terms of Reference are set out in the attached Annex 3.

In addition one independent member will be appointed to the Performance and Overview Committee, Estates and Property Committee and the Member Training and Development Group which is a cross-party working group which oversees Member Development. Terms of Reference for these committees are also attached at Annex 3.

2. Description of the Process

Cheshire Fire Authority wishes to appoint two Independent (Non-elected) Members for a term of office of four years.

Applications will be ranked and successful applicants will be invited to an interview (conducted by a Member Panel).

3. Outline of Skills, Person Specification and Selection Criteria

Annex 4 provides information about the role and the skills that an Independent (non-elected) Member will require. It also sets out the selection criteria that will be used and the eligibility criteria that applies to this role. The Annex is intended to explain to potential applicants what kind of individuals Cheshire Fire Authority is seeking to appoint.

Please review the eligibility criteria to ensure that you are eligible to apply for the position.

4. Allowances

The Independent (non-elected) Members currently receive an allowance of £1,218.73 plus travel expenses. The allowance is revised and uplifted annually as part of the Members Allowance Scheme.

5. Application Form

The Application form is attached as Annex 5. This should be completed either electronically and submitted to joanne.smith@cheshirefire.gov.uk or in hard copy using black ink and returned to Joanne Smith, Governance and Corporate Manager, Cheshire Fire and Rescue Service, Clemonds Hey Winsford, Cheshire, CW7 2UA.

The closing date for the return of the application form is 5pm on Friday 5th January 2017.

Applicants should consider the information in Annex 4 and comment upon their experience and suitability by reference to the requirements in the Outline of Skills and Role Description and specifically taking into account the Selection Criteria.

Applicants are asked to supply details of two referees who are able to provide a character reference.

Applicants are also asked to indicate if they have any 'interests' which may cause there to be concerns about their 'independence'.



Annex 1

Cheshire Fire and Rescue Service has a long and proud tradition for innovation and taking a lead on both the safety of the communities it serves and the people it employs. Our vision is 'a Cheshire where there are no preventable deaths, injuries and damage from fires and other emergencies' and our mission 'is to help create safer communities, to rescue people and protect economic, environmental and community interests'.

The Service is led by the Chief Fire Officer and the Service Management Team and provides a 24 hour service to emergency incidents to just over 1 million people across the four unitary council areas of:

- Halton
- Warrington
- Cheshire East
- Cheshire West and Chester

The Service responds to all emergency calls from the public for assistance. Many emergency calls however are not to fires, but to incidents where members of the community are trapped in vehicles following road traffic collisions, trapped in machinery, or trapped in less life threatening circumstances as well as being called to chemical spillages and toxic emissions. The Service is also required to deal with many other domestic situations, such as flooding, storm damage, people unable to gain access to premises, animals in distress etc

Cheshire Fire & Rescue Service operates:

- 28 Fire Stations
- 4 Fire Prevention Centres
- 3 Fire Protection Offices
- A Headquarters (at Winsford) and Incident Command Training Suite

The Service also provides community safety advice, which helps to reduce risks and to improve community and public safety and business safety and safety at work.

Our staff are employed in the full range of operational fire-fighters, professional, specialist, technical, administrative and manual roles.

Cheshire Fire Authority is committed to ensuring its LGBT staff and volunteers feel fully supported and are able to be themselves at work. This is achieved through a staff LGBT Champion, an elected Member Champion for Equality and Diversity and the Chief Fire Officer, as Chair of the Service's Equality Task Group, who provide leadership and a focus for LGBT issues.



Annex 2 : Cheshire Fire Authority

Political Structure 2017-18

Cheshire Fire Authority is made up of 23 elected Members appointed by Cheshire West and Chester (7) Cheshire East (8) Halton (3) and Warrington (5). The current political composition of the Fire Authority is Conservative (8), Labour (13) and Democrats (2). There are currently two Independent (non-elected) Members.

The Fire Authority is the publicly accountable body which manages the Fire and Rescue Service on behalf of the communities of Cheshire East; Cheshire West and Chester; Halton and Warrington. The Chief Fire Officer and Chief Executive is the head of paid service and is responsible to the Fire Authority for all aspects of its operational management.

Committee Structure

The main Committees of the Authority are as follows:

Fire Authority

All 23 Members attend the full Fire Authority meetings.

The Authority's role is to:

- Set the annual Budget
- Agree the staffing, vehicle and other resources needed to deliver an efficient service
- Approve the Service's key statutory and non-statutory plans, policies and strategies
- Approve the composition of the Committees, Sub-Committees, Advisory Groups and Task Groups of the Authority

Performance and Overview Committee

The Performance and Overview Committee comprises of 7 Members of the Authority and 1 independent member of the public.

The main role of this Committee is to scrutinise, monitor and review Service Performance.

Estates and Property Committee

The Estates and Property Committee comprises of 7 Members of the Authority and 1 independent member of the public.

The main role of this committee is to ensure that the Authority's property management arrangements are appropriate and provide guidance to officers in relation to property management.

Governance and Constitution (formally Standards) Committee

The Governance and Constitution Committee comprises of 6 Members of the Authority and 2 independent members of the public.

The main roles and responsibilities of this Committee are:

- Promoting high standards of ethical behaviour across the Authority
- Monitors the Corporate Complaints, Compliments and Comments Scheme
- Monitors Members attendance
- Dealing with complaints about breaches to the Members' Code of Conduct

There are a number of other bodies within the Political Structure including:

- Joint Consultative Committee
- Brigade Manager's Pay & Performance Committee
- Business Continuity Committee
- Member Training & Development Group
- Risk Management Board
- Member Champions

More detailed information on the various Committees, Groups and Organisations is contained in the Fire Authority's Constitution.

Fire Authority Constitution

The Fire Authority's Constitution provides guidance on Members roles and responsibilities, legal considerations, corporate governance, probity and financial and contractual obligations. The Constitution shows how the Authority operates and confirms the procedures to be followed.

A full copy of the Constitution together with more detailed information on the Fire Authority can be accessed via the Services website www.cheshirefire.gov.uk

Annex 3

Governance and Constitution Committee – Terms of Reference

The Committee will:

- 1 Discharge the requirements of Chapter 7 of Localism Act 2011
- 2 Assist the Fire Authority in the promotion and maintenance of high standards
- 3 Recommend the Members' Code of Conduct to the Fire Authority (and updates/amendments)
- 4 Secure applications for the role of Independent Person and make recommendations to the Fire Authority
- 5 Manage the relationship with the Independent Persons
- 6 Consider requests for dispensations and grant them (where appropriate)
- 7 Ensure delivery of training for Members on standards issues
- 8 Issue advice to Members on standards issues
- 9 Approve the format of the register of Members' interests and monitor completion
- 10 Agree arrangements for investigation and decision-making in relation to allegations of breaches of the Members' code of conduct
- 11 Monitor Member attendance and recommend action to the Fire Authority
- 12 Arrange for the review of Members' allowances and recommend to the Fire Authority
- 13 Secure appropriate corporate governance arrangements and monitor them
- 14 Monitor compliments and complaints (including ombudsman matters)
- 15 Review Fire Authority's constitution and make recommendations to Fire Authority
- 16 Provide support to the Monitoring Officer and Section 151 Officer (Local Government Act 1972)
- 17 Consider and act upon developments related to standards in its broadest sense
- 18 Agree any indemnity afforded to Members and/or officers
- 19 Settle the terms of any Member/officer protocol
- 20 Monitor the effectiveness of Member/officer relationships
- 21 Consider matters referred by Performance and Overview Committee
- 22 Settle the strategy for audit arrangements and carry out high level monitoring of the effectiveness of those arrangements
- 23 Determine the Authority's approach to the transparency agenda and monitor compliance with information-related legislative requirements

Performance and Overview Committee – Terms of Reference

The Performance and Overview Committee:

1. Assists the Authority (and Policy Committee) in the development, review and monitoring of plans (e.g. Integrated Risk Management Plan), strategies and policies (e.g. Health and Safety Management Policy, receiving the Annual Health and Safety report), making recommendations and offering advice, as appropriate.
2. Monitors performance (financial and non-financial) with a view to securing efficiency, effectiveness and value for money, making recommendations and offering advice, as appropriate.
3. Reviews the implementation of decisions by the Authority, making recommendations and offering advice, as appropriate.
4. Monitors delivery of the Authority's programmes and projects, making recommendations and offering advice, as appropriate.
5. Monitors progress against the internal audit plan and recommendations from internal audits, making recommendations and offering advice, as appropriate.
6. Monitors arrangements with third parties, e.g. partners and contractors, making recommendations and offering advice, as appropriate.
7. Refers matters to the Authority for consideration/determination when it believes that matters should be brought to its/their attention.

Estates and Property Committee – Terms of Reference

1. To ensure that the Fire Authority's property management arrangements are appropriate, providing guidance to officers as necessary.
2. To provide guidance to officers and the Fire Authority in relation to property transactions.
3. To provide guidance to officers and the Fire Authority in relation to the sharing of its sites/premises with third parties.
4. To assist in the co-ordination of and agreeing the prioritisation of property-related projects/programmes.
5. To assist in the co-ordination of and agreeing the prioritisation of environmental projects/programmes and supporting officers and the Fire Authority in the delivery of matters that further the Authority's Environmental Strategy.
6. To engage in key procurement issues as necessary.
7. To oversee the arrangements for Safety Central.

Member Training and Development Group – Terms of Reference

1. To advise on the development, monitoring and evaluation of a Member Training and Development Programme to ensure that Members' training needs are being met.
2. To develop, monitor and review the Member Development Strategy and ensure that the Member Development Programme is developed in line with the strategy and to meet individual member development needs.

DRAFT

Annex 4
Independent (non-elected) Member
Person Specification

1. To be a person of good standing in the area covered by Cheshire Fire Authority with a residential or business or employment link within the area and preferably with some experience of governance or ethical standards in local government or a public body or experience in the discharge of regulatory, legal, or judicial functions.
2. To demonstrate a keen interest in promoting high ethical standards in local government.
3. To have the ability to act in an advisory capacity and as a critical friend to both elected Members and senior officers of the Authority without compromising their personal independence.
4. To have the ability to question, probe and seek clarification on complex issues.
5. To be able to absorb key information and demonstrate good team work abilities.

Skills and Selection Criteria

The following points describe the kind of person and their experience, skills and competencies against which applications will be measured:

Ideally an Independent (non-elected) Member will have all of the following:

- good standing and personal integrity
- desire to serve the local community and uphold local democracy
- appreciation of the importance of acting ethically
- objectivity, independence and impartiality
- knowledge of local government, elected members' role and the political context
- appreciation of the importance of confidentiality
- ability to assimilate and absorb complex information
- sound questioning and decision making skills
- good judgement
- excellent communication skills

Eligibility Criteria:

- [1] Must not have been a Member or Officer of the Fire and Rescue Service or one of the Constituent Authorities in the past 5 years;
- [2] Must not be a relative or close associate (as defined in the Authority's code of conduct) of a Member or Officer of the service;
- [3] Must not have been registered bankrupt within the past 5 years;
- [4] Will not be a member of any political party or have a public profile in relation to political activities;
- [5] Will not have disclosed to the Fire Authority any matter in his/her background which, if it became public, might reduce public confidence in the appointment.

Note: Applicants are required to declare unspent criminal convictions. These will not necessarily be a bar to a person becoming an independent (non elected) member but will be taken into account when considering a persons suitability for the role.

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**APPLICATION FOR APPOINTMENT OF
INDEPENDENT (NON-ELECTED) MEMBERS
TO CHESHIRE FIRE AUTHORITY**

1. PERSONAL DETAILS

Title:

Name:

Address:

Postcode:

Contact Details:

Daytime Telephone Number:

Mobile Telephone Number:

Email Address:

2. ELIGIBILITY

- a) Please provide information which is relevant to any of the restrictions contained in Annex 4 of the Application Pack.

- b) Please also provide details of any criminal convictions that are not spent (including offence date and sentence imposed)

3. QUALIFICATIONS

(Please list any qualifications which you think are relevant to the role of Independent (non-elected) Member)

4. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

5. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent (Non-elected) Member having regard to the Outline of Skills and Role Description and the Selection Criteria)

6. PERSONAL STATEMENT

(Please explain why you want to be an Independent (non-elected Member))

7. ADDITIONAL INFORMATION

(Please provide any additional information you may wish to give in support of your application).

8. INDEPENDENCE

(Please provide details of any 'interests' which might cause there to be concerns about your "independence".)

9. REFERENCES

Please supply details of two referees. Reference will be taken up for all applicants before a recommendation is made to the Fire Authority.

1. Name:	2. Name
.....
Address:	Address:
.....
.....
.....
.....
Telephone No:	Telephone No:

Authority and confirm that I have given a true and complete response to the best of my knowledge and belief.

I declare that I have considered the information in Section 3 of the Application Pack and can that confirm that I am not ineligible.

Signed:

Date:

Please return this application form by 9am Friday 5th January addressed to:

Joanne Smith
Governance and Corporate Planning Manager
Cheshire Fire and Rescue Service
Clemonds Hey
Winsford
Cheshire
CW7 2UA

Or the completed form to joanne.smith@cheshirefire.gov.uk



CONFIDENTIAL

Please read this form carefully before completing it in type or dark ink

EQUAL OPPORTUNITIES FORM

Cheshire Fire & Rescue Service aims to provide equal opportunities and fair treatment for all people and is determined to ensure that no applicant, employee or volunteer:

- receives less favourable treatment on the grounds of sex or marital status, sexual orientation, colour, race, nationality, ethnic or national origins.

To help monitor the effectiveness of our recruitment policy, Cheshire Fire and Rescue Service would be grateful if you would complete the following:

Please X the appropriate boxes.

I am: Female Male

Is your gender identity the same as the gender you were assigned at birth?

Yes No

If you answered **No** to the previous question, Do you live and work full time in the gender role opposite to the one assigned at birth?

Yes No

Age: 17-24 25-35 36-45 46-55 56-65 66+

Marital Status: Single Civil Partnership Married Divorced/Separated
 living together

Nationality

Are you a UK citizen?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you an EU citizen?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If "yes", from which country:	
If "no", to all the above, what visa do you hold and when does this expire:	
National Insurance Number:	

Sexual Orientation	
Are you:	
<input type="checkbox"/> Bisexual <input type="checkbox"/> Gay/Lesbian	<input type="checkbox"/> Heterosexual/ straight <input type="checkbox"/> Decline to state

Ethnicity - I would describe my ethnic origin as:	
White	
<input type="checkbox"/> British <input type="checkbox"/> Irish	<input type="checkbox"/> Any other White background
Mixed	
<input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African	<input type="checkbox"/> White and Asian <input type="checkbox"/> Any other mixed background
Asian or Asian British	
<input type="checkbox"/> Indian <input type="checkbox"/> Pakistani	<input type="checkbox"/> Bangladeshi <input type="checkbox"/> Any other Asian Background
Black or Black British	
<input type="checkbox"/> Caribbean <input type="checkbox"/> African	<input type="checkbox"/> Any other Black background
Chinese or other Ethnic Group	
<input type="checkbox"/> Chinese	<input type="checkbox"/> Other Ethnic Group
Other (please provide details)	
Gypsy and Traveller	

<input type="checkbox"/> Romany/Roma Gypsy <input type="checkbox"/> Other	<input type="checkbox"/> Irish Traveller
Other (please provide details)	

Religious Belief/Faith	
Are you:	
<input type="checkbox"/> Buddhist <input type="checkbox"/> Christian <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim	<input type="checkbox"/> Sikh <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Decline to state

Where did you find out about this vacancy? (Please tick one box)	
<input type="checkbox"/> From a current Fire Service employee	
<input type="checkbox"/> The Fire Service website	
<input type="checkbox"/> Cheshire Fire & Rescue Service Green Bulletin/ Intranet	
<input type="checkbox"/> Step Into Work Programme	
<input type="checkbox"/> Job Centre (please state branch name/location)	
<input type="checkbox"/> Newspaper/other publication (please state name)	
<input type="checkbox"/> Other (please give details)	

Equality Act 2010

In accordance with the Equality Act 2010 we are asking the question at the bottom of this page to ensure that all applicants who are disabled receive the appropriate support and reasonable adjustments and to monitor all aspects of our recruitment process.

Below are the 4 definitions of someone who is classed a disabled under the Act.

1. A disabled person is someone who has a **physical or mental impairment**.

Physical impairment includes hearing and visual impairments and conditions such as diabetes, dyslexia, severe disfigurement, heart conditions and epilepsy. It also includes anyone who has an impairment which is likely to develop over time such as cancer, multiple sclerosis, or someone living with HIV or AIDS.

Mental impairment includes learning disabilities and mental illnesses.

People whose impairments are controlled, corrected or adjusted by medication or appliances are covered by the DDA, as are those who have had a disability in the past but have since recovered.

2. The impairment has got to last, or be expected to last, **at least 12 months**.
 - a person with a broken leg who is only temporarily disabled would not be covered.
 - a person who has had an impairment, which may happen again, is covered.
3. The impairment must have a substantial and long term adverse effect. This may be obvious in the time it takes someone to carry out a task or in the way he/she carries out the task.
4. The impairment must affect the person's ability to carry out normal day-to-day activities. These include mobility; manual dexterity; physical co-ordination; continence; ability to lift or carry objects; speech, hearing or sight; memory or ability to concentrate, learn or understand.

Do you consider yourself to be disabled as defined above?

YES NO

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: GOVERNANCE ARRANGEMENTS – NORTH WEST FIRE CONTROL

Purpose of Report

1. To provide further reassurance to Members about the governance arrangements associated with North West Fire Control.

Recommended: That Members

- [1] Consider the report and highlight any matters where they require further information.

Background

2. Governance and Constitution Committee considered the governance arrangements for North West Fire Control in April 2015. An extract from the report appears as Appendix 1 to this report.
3. 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). There have been discussions about a similar change taking place for the Liverpool City Region Combined Authority, potentially taking in Halton Borough.
4. Officers were asked to report on the change in Greater Manchester and any actual or potential impact on the governance arrangements relating to North West Fire Control.

Information

From GMFRA to GMCA

5. On the 8th May 2017 the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (the Order) came into force. In accordance with this Order GMFRA was abolished and GMCA became responsible for the functions of GMFRA and became the fire and rescue authority for the Greater Manchester area.
6. The Mayor of GMCA is ultimately responsible for fire and rescue functions. However, he has appointed a Fire Committee made up of elected members from the councils in Greater Manchester. Cllr David Acton has been appointed as

Chair of the Fire Committee. More recently, Cllr Acton has also been appointed as Chair of the Board of Directors of NW Fire Control Limited. Cllr Acton has a considerable history in North West Fire Control.

7. The transition from GMFRA to GMCA has not been the easiest to follow with a great deal happening close to the date that GMCA came into being. However, contacts made during the North West Fire Control project provided some helpful context about the new fire and rescue arrangements. The Order provides the legal framework for the transfer.

The Order

8. It is important to understand the key aspects of the Order:
 - 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.
9. These will be referred to as 'continuity provisions' below.

Analysis of Governance Arrangements following creation of GMCA

10. For ease of reference the following paragraphs are arranged under the headings contained in the report from April 2015.

Company Documentation

11. As noted above the Order provides a number of continuity provisions aimed at ensuring a smooth transition from GMFRA to GMCA. Unfortunately, the interaction with company law brings some added complexity. As stated in the 2015 report the **Articles of Association** restrict the ability to change the Articles and to admit any other fire and rescue authority as an owner of the company. Whilst it is possible that the continuity provisions may override the Articles, a General Meeting of the company took place recently at which the company passed resolutions allowing GMCA to be an owner of the company in place of GMFRA and making fairly minor changes to the Articles to reflect GMCA's ownership and membership of the board of directors.
12. A redrafted **Members Agreement** has also been prepared which the individual authorities will need to consider and approve in due course. The existing Agreement provides adequate protection against unilateral changes to the company and it is highly likely to be preserved by the continuity provisions. However, the creation of GMCA has encouraged officers to deal with the housekeeping associated with updating the Agreement (a great deal of it is no longer relevant).

Project Documentation

13. This is no longer relevant. North West Fire Control has been in operation since May 2014.

Business Documentation

14. Each authority entered into an identical **Agreement for Services** with NW Fire Control Limited. This will have been preserved by the continuity provisions. Although it might be argued that Cheshire and the other authorities have no direct interest in the Agreement covering Greater Manchester it is very helpful that all authorities have the same relationship with NW Fire Control Limited. This will continue to be the case unless the Agreement is changed.
15. A **Co-Operation Agreement** between the four authorities was eventually concluded. Again, this will have been preserved by the continuity provisions. This helps to define the ongoing relationship and govern how that relationship might be developed/changed.

Conclusion

16. As can be seen, the continuity provisions and a little work with NW Fire Control Limited owners and directors has essentially preserved the position that existed prior to the abolition of GMFRA/creation of GMCA.
17. Should changes take place in the Liverpool City Region which impact upon Halton the situation will be somewhat more complex. However, at this stage it is difficult to speculate about this.

Financial Implications

18. There are no financial implications.

Legal Implications

19. The legal implications are covered in the report.

Equality and Diversity Implications

20. There are no known equality and diversity implications.

Environmental Implications

21. There are no known environmental implications.

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

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Appendix 1 – Extract from ‘Governance Arrangements – North West Fire Control’ – Governance and Constitution 1st April 2015:

Company Documentation

10. The Authorities own the Company with an equal share each. They also appoint two directors each to the board of directors. The **Articles of Association** are the rules about how the Company and its board of directors operate. They contain an appendix which sets out decisions that require ‘unanimous consent’ of the Authorities, e.g.
- The admission of any fire and rescue authority as an owner of the Company (no other kind of organisation can become an owner unless the Articles are changed);
 - The amalgamation or merger of the Company with another organisation;
 - The winding-up of the Company;
 - The alteration of the Articles of Association.
11. There is also a **Members Agreement** (‘members’ in this context means ‘owners’). The four Authorities (and Merseyside) entered into the Members Agreement at the time that the Company was set up. It provided information about the process for setting up the Company and additional, ‘belt and braces’, safeguards to prevent the Authorities from making changes to the Company without unanimous agreement.

Project Documentation

12. The **Joint Working Agreement** was in place until the Authorities made a firm commitment to the project. The Authorities were able to end their interest in the project at this stage (as Merseyside did) without penalty.
13. The **Contract** between the Company and telent (the provider of the call handling and mobilising system) was entered into in December 2012. At the same time the **Project Agreement** between the Authorities was completed. This was due to come to an end when the transitions from the Authorities to the North West Fire Control had all occurred. However, because the project was not completed at that time the Project Agreement has remained in place and has continued to be relevant. The Project Agreement:
- Confirms the commitment of the Authorities, including resourcing and the contributions from each;
 - Sets out the withdrawal and termination methods and (significant) implications of doing so;
 - Provides clarity about decision-making (Project Board, Chief Fire Officers, or Authority decisions).

Business Documentation

14. Each Authority entered into an **Agreement for Services** with NW Fire Control Limited which came into effect when the Company took over call handling and

mobilising activities. Apart from dealing with important transitional issues like the transfer of staff it has similar features to any contract for services, obligating the Company to deliver the services to certain standards (that it is required to report upon) and obligating the Authorities to pay for them.

15. The services are described in a schedule to the Agreement for Services and this is attached to this report as Appendix 2. The standards are also described in a schedule to the Agreement for Services and they cover: availability (of the call handling and mobilising system); speed (of call handling and mobilising); and quality of the service. The Fire Authority decided that performance should be reported to Performance and Overview Committee.
16. The Authorities committed to enter into a **Co-Operation Agreement** to replace the Project Agreement once the project was completed. This was recently considered by the Chief Fire Officers of the Authorities and should shortly be ready for signature. The following list covers the more important issues that the Co-Operation Agreement will deal with:
 - A commitment by the Authorities to comply with the Members Agreement and Agreement for Services;
 - An aim of having a consistency of approach to contract and performance management by the Authorities;
 - Promises by the Authorities to pay the relevant proportion of the costs due to the Company (and a mechanism to revisit those proportions if circumstances change);
 - An agreement about how 'profit' from the Company should be shared if a 'profit' is declared at some point in the future;
 - Detailed termination provisions which are tied to the terminology in the Agreement for Services – the opportunity to terminate is tightly defined and the methodology formal;
 - An understanding about how change should be handled – avoiding changes that disadvantage one, or more Authorities and ensuring that significant changes to the Company and/or the services that it provides are fully assessed by the Authorities prior to implementation. This bolsters the provisions in the Company's Articles of Association, Members Agreement and the Agreement for Services. It is acknowledged that any significant changes will require the approval of the individual Authorities and that normally such decisions will need to be made by elected Members. Officers anticipate that if the Company is to take on new work it will need to be captured in a business case that satisfies all of the Authorities.