



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 4 July 2018 at Lecture Theatre - Sadler Road, Cheshire at 10.00 am

PRESENT: Councillors S Wright (Chair), D Beckett, E Johnson, D Mahon, R Polhill, N Jones and independent (non-elected member) L Thomson

1 PROCEDURAL MATTERS

A Recording of Meeting

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

B Apologies for Absence

Apologies were received from independent (non-elected) member D Barnett.

C Declarations of Members' Interests

There were no declarations of Members' interests.

D Minutes of the Governance and Constitution Committee

RESOLVED: That

[1] the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 11th April 2018 be confirmed as a correct record.

2 DISPENSATIONS

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

Appendix 1 to the report contained a copy of the legislation and Appendix 2 to the report contained an extract which explained the rationale for the granting of the original dispensations.

The Director of Governance and Commissioning informed the Committee that the following new Members had requested that the dispensations be extended so that they could benefit from them:

Councillors Barker and Hayes

RESOLVED: That

[1] the dispensations granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillors Barker and Hayes thereby allowing them to take part in debates and votes on the setting of the Council Tax precept and the approval of the Members' Allowance Scheme (and any changes and/or additions to it).

3 DRAFT STATEMENT OF ASSURANCE 2017-18

The Director of Governance and Commissioning introduced the report which provided Members with the opportunity to review the draft Statement of Assurance 2017-18.

He explained that the Fire and Rescue National Framework for England 2012 required the Authority to publish an Annual Statement of Assurance. The 2012 document had recently been superseded by the 2018 National Framework. The 2018 version had altered the requirements of the Annual Statement of Assurance and would be taken into account when the Statement was prepared for 2018-19. For 2017-18 the 2012 document, which applied throughout the year, had been considered in preparing the Statement.

The Director of Governance and Commissioning referred Members to the Draft Statement of Assurance 2017-18, attached as Appendix 1 to the report. He explained the purpose of the Statement of Assurance, which was to provide an easy and accessible way in which communities, government, local authorities and partners could make a valid assessment of the Authority's performance and governance arrangements.

He also drew Members' attention to other key sections of the report, including financial assurance, the Annual Governance Statement, operational assurance and key areas of improvement. For 2017-18, the following key improvement areas were identified:

- Development of the arrangements and relationships for the delivery of support services by the Joint Corporate Teams.
- Embedding of the Partnership Governance Model and relaunch of the revised policy.
- Development and streamlining of the budget preparation and management processes.

The Director mentioned that the external auditors had suggested some potential changes to the Annual Governance Statement (Section 3 of the Statement of Assurance). It was his intention to make changes prior to the presentation of the document to the Fire Authority.

RESOLVED: That

[1] the draft Statement of Assurance 2017-18 be noted.

4 WHISTLEBLOWING POLICY AND PROCEDURE ANNUAL REPORT 2017-18

The Director of Governance and Commissioning introduced the report which provided information about whistleblowing for 2017-18. The policy had been reviewed and no changes were required, apart from some amendments to the list of the names and contact details of officers within and outside the Authority to whom concerns could be reported.

The Director informed Members that the Authority had been contacted by Safecall four times since the last report to the Committee in 2017. He explained that further information would be provided during Part 2 of the meeting.

A Member said that she was pleased to see that calls were taken seriously and asked the Chair to confirm that he was happy to remain as a whistleblowing contact on behalf of the Authority. The Chair confirmed that he was.

RESOLVED: That

[1] the contents of the report be noted.

5 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2017-18

The Director of Governance and Commissioning introduced the report which provided information about compliments and complaints received about the Service during the period 1st April 2017 to 31st March 2018.

The Director provided an overview of the comparison figures for the past five reporting periods which were contained within a table in the report. He explained that there had been a significant reduction in complaints and compliments during 2017-18. However, there had been a slight increase in formal complaints received. The three formal complaints received concerned the Service's Integrated Risk Management Plan and related to the Crewe and Ellesmere Port decisions.

RESOLVED: That

[1] the information regarding compliments and complaints made during the period 1st April 2017 to 31st March 2018 be noted.

6 SUMMARY OF MEMBER ATTENDANCE 2017-18

The Director of Governance and Commissioning introduced the report which provided information about Member attendance for the last municipal year. Appendix 1 to the report summarised Member attendance at meetings of the Fire Authority and its three main committees: Estates and Property Committee,

Governance and Constitution Committee and Performance and Overview Committee. Appendix 2 to the report contained details of the planning days and additional meetings attended, as well as conferences and events attended.

Members were asked to consider whether they wished to take any action in relation to the reported attendance statistics. Members discussed the statistics and it was agreed that no action was necessary.

RESOLVED: That

[1] the summary of Member attendance at meetings of the Authority and its three main committees for 2017-18 be noted.

7 FURTHER INVOLVEMENT OF THE POLICE AND CRIME COMMISSIONER FOR CHESHIRE IN CHESHIRE FIRE AUTHORITY

The Director of Governance and Commissioning introduced the report which provided information about forthcoming changes to legislation which would enable the Police and Crime Commissioner for Cheshire (Cheshire PCC) to be appointed as a Member of the Fire Authority.

The Director explained that he and other legal officers felt that the Government needed to provide more clarity about the status of a PCC appointed to a fire authority e.g. would the PCC be subject to the Members' Code of Conduct.

Members asked about the process associated with a PCC wishing to become a member of a Fire Authority. The Director outlined what was anticipated and the fact that reasons would need to be provided by a Fire Authority whether it chose to allow or deny a request.

RESOLVED: That

[1] the contents of the report be noted.

8 APPOINTMENT OF FIRE AUTHORITY MEMBERS BY CONSTITUENT AUTHORITIES

The Director of Governance and Commissioning explained that the report provided information in response to a question raised at the meeting of the Fire Authority on 20th June 2018 about the ability of constituent authorities to appoint additional Members to act as reserves.

He informed Members that the Combination Scheme did not contain an explicit provision that would enable a constituent authority to appoint reserve Members. He also explained that officers believed that the provisions in the Combination Scheme did not suggest an implied power to do so.

Members accepted the view of the Director and that the Combination Scheme did not contain an explicit or implicit provision that would allow a constituent authority to

appoint reserve Members.

RESOLVED: That

[1] the contents of the report be noted.

9 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 10

Provision of additional information about Safecall referrals mentioned in the report at Item 4

Paragraph

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

10 PROVISION OF ADDITIONAL INFORMATION ABOUT SAFECALL REFERRALS MENTIONED IN THE REPORT AT ITEM 4

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

RESOLVED:

That the information be noted.