



**Wednesday,
14 November 2018
10.00 am**

**Meeting of
Governance and
Constitution Committee
Sadler Road
Winsford**

Contact Officer:
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Cheshire Fire Authority

Notes for Members of the Public

Attendance at Meetings

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If you feel there might be particular problems with access to the building or car parking please contact the Reception Desk at Sadler Road Winsford Tel (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.

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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, 14 NOVEMBER 2018**

Time : 10.00 am

Lecture Theatre - Sadler Road, 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 - 6)

To confirm as a correct record the minutes of the meeting of the Governance and Constitution Committee held on 4th July 2018.

ITEMS REQUIRING DISCUSSION / DECISION

2 Dispensations

(Pages 7 - 12)

3 Members' Allowance Scheme 2019-20

(Pages 13 - 18)

4 Social Media Guidance for Members

(Pages 19 - 22)

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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.

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 14TH NOVEMBER 2018
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 a new Member of the Fire Authority to allow her 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).

Recommended: That:

- [1] the dispensations granted to Fire Authority Members on 5th October 2016 be extended to benefit Councillor Beverley Dooley thereby allowing her 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).

Background

2. Dispensations were granted by the Governance and Constitution Committee on 5th October 2016 to 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.

Information

3. 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.
4. Section 33(1) states that there must be a written request from a Member to the proper officer (taken to be the Monitoring Officer). Councillor Beverley Dooley has made this request.
5. 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 enable Members to understand the relevant matters.

Financial Implications

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

Legal Implications

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

Equality and Diversity and Environmental Implications

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

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 : 14 NOVEMBER 2018
REPORT OF : DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: MEMBERS' ALLOWANCES SCHEME 2019-20

Purpose of Report

1. To enable Members to consider the Members' Allowances Scheme and make a recommendation to the Fire Authority about the Scheme for 2019-20.

Recommended: That Members

- [1] Recommend the Members' Allowance Scheme for 2019/20 to the Fire Authority and consider whether to recommend that it applies an uplift (annual increase) in 2019/20.

Background

The Law

2. The provisions governing Members' allowances are contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 [the Regulations]. The Regulations do not apply to the Fire Authority in full.
3. Part 2 of the Regulations prescribes the allowances that may be paid and rules relating to such allowances. Part 3 of the Regulations sets out the requirements for members' allowances schemes, e.g. the application of indexation for annual adjustments to schemes. Part 4 of the Regulations is concerned with the role of the independent remuneration panel [IRP]. Local authorities (e.g. district, county and London boroughs) must have regard to recommendations of an IRP before they make or amend their scheme. A fire authority has a different obligation: it must have regard to the recommendations made by the IRPs of local authorities that appoint its Members (i.e. the constituent authorities). By virtue of this distinction it is clear that the Fire Authority is not required to have its own IRP.

The 2016-17 Review

4. The Members' Allowance Scheme was reviewed with the assistance of a member of Cheshire East's Independent Remuneration Panel in 2016-17. The Members' Allowance Scheme has been based on the outcome of that review for 2017-18 and 2018-19 (albeit in 2018-19 no increase was applied).

Information

5. The members' allowance schemes of the four constituent authorities have been checked and they do not contain any elements that have an impact upon the Fire Authority's Members' Allowance Scheme.
6. The figures in the Members' Allowance Scheme attached as Appendix 1 to this report are identical to those that were approved by the Fire Authority on 14th February 2018 as no uplift was applied.
7. Members may wish to recommend not only the Scheme, but also the application of an uplift (i.e. the annual increase for the Scheme) for 2019-20. As drafted, the Scheme includes the uplift at paragraph 11.

Financial Implications

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

Legal Implications

9. The Fire Authority is required to have a scheme to cover its Members' allowances. It is not bound to have an independent remuneration panel. However, it is required to have regard to any recommendations made by the panels of the constituent authorities.

Equality and Diversity Implications

10. There are no equality and diversity implications.

Environmental Implications

11. There are no environmental implications.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD
TEL [01606] 868804**

BACKGROUND PAPERS: NONE.

DRAFT Members' Allowance Scheme 2019-20

Basic Allowance

- 1 Each Member of the Fire Authority shall receive a sum of **£4,119.08** (2019/20) per annum in the form of a Basic Allowance from 1 April 2019. Payment of this Allowance shall be monthly in arrears.

Special Responsibility Allowance

- 2 The following roles shall attract the amounts specified as Special Responsibility Allowances:

Office	2018/19 Entitlement £
Chair of the CFA	13,550.97
Deputy Chair of the CFA	6,776.52
Chair of Performance and Overview Committee	2,710.61
Chair of Governance and Constitution Committee	1,563.81
Business Continuity Leads (Group Spokespersons and Lead Members – Constituent Authorities)	1,042.54
Member Champions (includes Chair of Member Training & Development Group; and Risk Management Board Members)	521.27

- 3 Only one SRA shall be paid to an individual Member. Where a Member holds two or more positions which attract an SRA only the highest amount will be paid. This excludes regional appointments.

Regional Appointments

- 4 Members appointed to the North West Fire Forum will receive a payment of **£35** per meeting attended.

Independent (non-elected) members

- 5 Independent (non-elected) members will receive an annual allowance of **£1,206.66**.

Independent Persons

- 6 Independent Persons will receive a payment of **£35** per meeting attended and re-imburement of expenses incurred (travel/subsistence).

Travel, Subsistence and Other Allowances

(a) Travel

- 7 Members may claim travel expenses for mileage to and from meetings/ events associated with the Fire Authority at the prevailing HMRC rate (currently 45p per mile).

(b) Subsistence

- 8 As a general rule lunch and other refreshments for meetings held at Fire Service HQ and other Service establishments are provided free of charge and, therefore, no claim for any allowance or reimbursement can be made. This may also include meals/refreshments provided at conferences/ seminars/meetings free of charge at other non Service venues.

- 9 For meetings where refreshments are not provided and Members are required to pay for meals, the actual expenditure will be reimbursed up to a maximum rate. At present these rates are as follows:-

Breakfast	£7
Lunch	£9
Dinner	£15
Dinner (London)	£20

If it is unavoidable and Members need to book their own accommodation the following rates are the maximum that will be paid:

Hotel	£100
Hotel (London)	£120

(c) Dependants' Carers' Allowance

- 10 A Dependants' Carers' allowance is payable to Members where actual costs are incurred for the care of dependent relatives whilst discharging their approved duties for the Fire Authority.

The Dependants' Carers' Allowance will be paid up to a maximum of £3000 per annum and in reimbursement of incurred expenditure upon submission of receipts.

Annual Increase

- 11 The Basic and Special Responsibility Allowances in this scheme shall be increased by the same percentage increase as the NJC pay award for Local Government employees (Green Book).

The increases shall apply from the same date as the pay increases take effect and will be backdated, if necessary.

This index shall apply for four years (up to 31st March 2021) unless the Scheme is amended.

CHESHIRE FIRE AUTHORITY: LIST OF APPROVED DUTIES

- Attendance at meetings of the Fire Authority, Committees, Sub-Committees, Special Committees, Panels, Boards, Forums and Working/Task Groups
- Authorised briefings for Committees/Sub-Committees including all meetings which are called by officers e.g. Members Planning Days and pre-meeting briefings
- All approved conferences and seminars
- Regional Bodies - North West Fire Forum, NW Fire Control Ltd Board of Directors and associated working groups
- National Bodies – LGA Fire Commission and associated working groups
- Member Learning and Development Events (including induction and attendance at cluster exercises)

In addition to the above, the Chair or his nominee, attend other functions on behalf of the Fire Authority and in these circumstances these are regarded as approved duties for the purpose of the Members' Allowance Scheme.

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CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 14 NOVEMBER 2018
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: SOCIAL MEDIA GUIDANCE FOR MEMBERS

Purpose of Report

1. To allow Members to consider an initial draft of guidance on the use of social media prior to it being distributed more widely for comment.

Recommended that:

- [1] Members consider the draft guidance on the use of social media with a view to improving/finalising it prior to wider circulation for comment.

Background

2. Public sector organisations have a variety of approaches to this issue with some having fairly lengthy policies and others having much shorter guidance documents. Currently some of the constituent authorities have published social media guidance for Members whilst others briefly reference the use of social media in their constitution or don't appear to have any published guidance.
3. This issue was discussed informally by Members of the Governance and Constitution Committee early this year. Members felt that a short guidance document would be appropriate, which could sit alongside the Members' Code of Conduct.

Information

4. A draft document entitled 'Social Media Guidance for Members' is attached to this report as Appendix 1. It attempts to draw together the common elements of various social media policies/guidance whilst still meeting the expectation for brevity.
5. Members are asked to consider whether the draft document meets their expectations. Members are encouraged to suggest improvement to the draft document prior to it being circulated more widely for comment.

Financial Implications

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

Legal Implications

7. There are no legal implications arising from this report.

Equality and Diversity Implications

8. There are no equality and diversity implications arising from this report.

Environmental Implications

9. There are no environmental implications arising from this report.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD

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BACKGROUND PAPERS: NONE

SOCIAL MEDIA GUIDANCE FOR MEMBERS

Introduction

The use of social media by Members has become commonplace and is likely to continue to develop. Social media does, however, involve some potential issues and this Guidance has been produced with the assistance of Governance and Constitution Committee.

Members' Code of Conduct

Members using social media should be mindful of the obligations placed on them in the Members' Code of Conduct, e.g. respect for others. Members should also appreciate that it may be difficult to separate comments made in their personal capacity from those made in their official capacity.

Engaging in social media activity during meetings may give the wrong impression to observers. Particular care is needed when a contentious matter or Part 2 item is under consideration.

General Guidance

Communicate clearly
An informal style tends to work best
Show respect and consideration for others
Try to be positive, polite and professional in your approach
Avoid unhelpful online arguments
Set up the right privacy settings and have strong passwords
Regularly monitor your social media content – comments/posts etc. by others could prove to be problematical
Be clear when acting in an official capacity
Don't say anything or post views or opinions that you would not be prepared to: <ul style="list-style-type: none"> - Discuss face to face with the person you are referring to - Write in a letter to the press or have quoted in a news report - Have minuted in a public meeting
Pause before posting – do not act in haste
Be particularly careful if considering posting when tired or emotional when judgement can be impaired
Appreciate that irony and sarcasm may be misinterpreted
If you feel you have made a mistake be prepared to admit it and apologise
Ignore or consider blocking people that become vexatious and are persistent
Be aware of restrictions on what you can do

Restrictions

- You should not breach copyright
- You should not disclose confidential information
- You should not publish defamatory statements
- You should have an understanding of data protection requirements
- You should be careful not to publish material that suggests 'predetermination'
- You should follow any PURDAH guidance

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