



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 10 April 2019 at Lecture Theatre - Sadler Road, Cheshire at 10.00 am

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

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 Councillor N Jones and independent (non-elected) member L Thomson.

C Declarations of Members' Interests

There were no declarations of Members' interest.

D Minutes of the Governance and Constitution Committee

RESOLVED:

That the minutes of the Governance and Constitution Committee held on 14th November 2018 be confirmed as a correct record.

2 LOCAL GOVERNMENT ETHICAL STANDARDS - REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Consideration was given to a report on local government ethical standards which was based upon a report of the Committee on Standards in Public Life. The Director of Governance and Commissioning presented the report which allowed Members to consider the best practice recommendations made by the Committee on Standards in Public Life and determine whether to make changes to the Authority's existing documentation, processes and arrangements concerned with Member conduct/standards.

The Committee on Standards in Public Life conducted a review of the effectiveness of the current arrangements relating to standards in local government throughout 2018.

The Director of Governance and Commissioning referred to the letter sent to the Prime Minister by the Chair of the Committee on Standards in Public Life and

elements of the Executive Summary, which were attached as Appendices 1 and 2 to the report.

Recommendations

The Director of Governance and Commissioning highlighted key issues within the list of recommendations contained in Appendix 3 to the report. He reminded Members that these were issues that the Fire Authority could not change as they were largely in the hands of the Government, requiring legislative changes in many instances.

The following paragraphs summarise some of the comments made and the responses from Members:

Recommendation 2

Members stated that they believed that they could decide whether to disclose their home addresses from 1st April 2019.

Recommendation 6

The arrangements for dealing with gifts and hospitality had recently undergone a review and Members were due to consider this issue at the next meeting of Governance and Constitution Committee. This recommendation would be brought to the attention of Members at that time.

Recommendation 7

A Member expressed concern about the way the recommendation was framed. The wording appeared to introduce a test that might be difficult to interpret. The Director of Governance and Commissioning agreed that further clarification might be required.

Recommendation 8

Members felt that Independent Persons would benefit from having a working knowledge of the Fire Authority. Members were not convinced that a fixed term was essential. The Independent Persons would be expected to maintain a distance from Members and therefore, it was not clear why they would need to be automatically replaced.

Members also identified the need for greater training for Independent Persons. It was agreed that the Independent Persons should receive separate training from the Fire Authority Members.

Recommendation 16

Members welcomed the revival of a sanction to suspend Members for up to six months, providing the decision to suspend was properly made. Members recognised the need for a meaningful sanction to be available.

Best Practice Recommendations

The Director of Governance and Commissioning took Members through the list of Best Practice Recommendations from the Committee on Standards in Public Life, attached as Appendix 4 to the report. He reminded Members that the Fire Authority had the ability to implement many of the Best Practice Recommendations, if it didn't already follow best practice.

The following paragraphs summarise some of the comments and some of the responses from Members:

Best Practice 1

Members believed the current reference to bullying and harassment within the Code of Conduct needed to be enhanced. It was agreed that the ACAS definition could form the basis of the change.

Best Practice 2

Members believed that all Members appreciated the importance of engaging in investigations. However, they accepted that this should be made explicit.

Members were reminded that the Monitoring Officer would be expected to inform a Member if a complaint was made against them unless there were exceptional circumstances surrounding the complaint. This was included in the Procedure for Handling Complaints.

Best Practice 3

The Code of Conduct had been revised a couple of times since it was first introduced and was adopted each year as part of the Constitution. However, Members accepted that an annual review should be programmed. Members were less convinced about the suggestion that the views of the public, community organisations and neighbouring authorities should be sought.

Best Practice 4

The Director of Governance and Commissioning stated that action would be taken to enhance the accessibility of the Code of Conduct on the Service's website.

Best Practice 5

Whilst there is an established register of gifts and hospitality it would be simple enough to introduce a regular reminder for Members and follow that up with any update to the register.

Best Practice 6

The current Procedure for Handling Complaints does not make reference to a public interest test, although that would be a consideration if a complaint was being

reviewed. The Director of Governance and Commissioning referred to such a test adopted in standards regimes in Scotland, Wales and Northern Ireland. Members agreed that the Procedure for Handling Complaints could be improved with the inclusion of an explicit reference to a public interest test.

Best Practice 7

The Director of Governance and Commissioning stated that Members had already approved the recruitment of a second Independent Person which would be progressed in the near future.

A Member asked whether a second Independent Person from another authority could be utilised if two Independent Persons were required. The Director of Governance and Commissioning informed Members that this would not be possible as the law was quite precise about how Independent Persons were to be appointed.

Best Practice 8

The Committee on Standards in the Public Life appeared to favour an enhanced role for the Independent Person. Members agreed that the Procedure for Handling Complaints may be improved with greater clarity about the role and involvement of the Independent Person.

Best Practice 9

The Director of Governance and Commissioning stated that he would expect decision notices to be published.

Members were reminded that they would be informed of the complaint and have an opportunity to engage fully in the process in order to ensure that the decision notice was accurate before it was published.

Best Practice 10

Members were informed that the website update would include straightforward and accessible guidance on how to make a complaint.

Best Practice 13

Members agreed that procedures should be in place to address any conflicts of interest when handling a complaint and noted that a Monitoring Officer would always be expected to maintain a professional relationship with Members.

Best Practice 14

The Director of Governance and Commissioning stated that the only separate body that the Authority was involved in was North West Fire Control which is run by NW Fire Control Limited a company jointly owned with three other fire and rescue authorities. The Service's relationship with North West Fire Control was covered in the Annual Governance Statement.

Best Practice 15

Members felt that any arrangements to meet the requirements of this best practice recommendation needed to be proportionate. The Director of Governance and Commissioning suggested that annual engagement with political group leaders around the time of the Annual Meeting could well be sufficient at this time. Members were content with this.

RESOLVED: That

[1] the contents of the report be noted.

[2] the Director of Governance and Commissioning be tasked with progressing changes to the standards arrangements of the Fire Authority as necessary to carry into effect the wishes of the Committee reflected in the narrative above.

3 STATEMENT OF ASSURANCE ACTION PLAN 2017-18 - PROGRESS UPDATE

Consideration was given to a report concerned with the Statement of Assurance Action Plan 2017-18 which was presented by the Director of Governance and Commissioning.

The Director of Governance and Commissioning reminded Members that the Fire and Rescue National Framework required fire and rescue authorities to provide assurance on financial, governance and operational matters by publishing an annual Statement of Assurance.

There were three key improvement areas highlighted within the Statement of Assurance Action Plan 17/18. The Director of Governance and Commissioning provided the following updates on each key improvement area:

Continue to develop the arrangements and relationships for the delivery of support services by the Joint Corporate Teams.

The Director of Governance and Commissioning explained that the joint corporate service arrangements were at different levels of maturity depending on how long ago the joint services had been created and how much integration had been possible. There was evidence of progress in a number of areas and police colleagues were assisting in the collation of a range of resources that would explain the journey so far and help the organisations understand expectations about developing the relationship and services in the future.

A Member asked about the staffing arrangements in the joint corporate services. The Director of Governance and Commissioning confirmed that former Cheshire Fire and Rescue Service staff had become employees of the Chief Constable and were expected to deliver services to fire and police.

Continue to embed the Partnership Governance Model and relaunch the revised policy.

The Director of Governance and Commissioning explained that this had taken some time to achieve. However, future partnership working was expected to be built on solid foundations. This was not only due to the Governance Model, it was also as a result of an aspect of the report of Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services concerned with existing collaborative working. Essentially, the Inspectorate was keen to see the Service improve the way it monitored and evaluated its collaborative activities.

Members were reminded that partnerships were becoming increasingly prominent within the public sector because of the difficult funding position and the need to find different ways to deliver services. Partnership proposals would initially be considered by the Director of Governance and Commissioning, Treasurer and Chief Fire Officer and Chief Executive.

Continue to develop and streamline the budget preparation and management processes.

The Director of Governance and Commissioning explained that the Chief Fire Officer and Chief Executive had prioritised work to ensure that budgets were appropriate and properly managed. A form of detailed priority based budgeting was being developed across the Service during 2019-20 to further examine budgets and their allocation.

The Director of Governance and Commissioning was working with the Treasurer and Head of Finance to ensure that financial reports were as clear as possible.

RESOLVED: That

[1] the report be noted.

4 DRAFT STATEMENT OF ASSURANCE 2018-19

The Director of Governance and Commissioning introduced the report which gave Members an opportunity to review the draft Statement of Assurance 2018-19.

He reminded Members that the Fire and Rescue National Framework for England required the publication of the Statement of Assurance to provide assurance on financial, governance and operational matters.

Members were asked to pay particular attention to sections 6 and 7 concerned with compliance with the National Framework and the outcomes from the inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, respectively.

RESOLVED: That

- [1] the draft Statement of Assurance 2018-19 be approved and presented to the Fire Authority for approval in due course.**

5 REVIEW OF ANTI-FRAUD POLICY AND ANTI-BRIBERY POLICY

Consideration was given to a report on the review of the Anti-Fraud Policy and the Anti-Bribery Policy which was presented by the Director of Governance and Commissioning. Members were asked to review the amendments outlined which were intended to ensure that the contents were up to date.

Members agreed that both documents were fit for purpose. However, they asked the Director of Governance and Commissioning to consider the wording in the Anti-Fraud Policy under the heading 'Investigation' with a view to strengthening the requirement to report fraud to the police.

Members agreed that the Anti-Fraud and Anti-Bribery were to be reviewed every 2 years.

RESOLVED: That

- [1] the amendments to the Anti-Fraud Policy and the Anti-Bribery Policy be approved, subject to the potential additional amendment mentioned in the narrative above.**
- [2] the Anti-Fraud Policy and the Anti-Bribery Policy be reviewed every 2 years.**

6 SCHEME OF DELEGATION - ASSISTANT CHIEF FIRE OFFICERS AND TREASURER / HEAD OF FINANCE

The Director of Governance and Commissioning introduced a report on the Scheme of Delegation. It covered the responsibilities of the Assistant Chief Fire Officers and Treasurer/Head of Finance.

RESOLVED: That

- [1] the amendments to the Scheme of Delegation be approved and recommended to the Fire Authority.**