



**Wednesday,  
10 April 2019  
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**

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The Agenda is usually divided into two parts. Members of the public are allowed to stay for the first part. When the Authority is ready to deal with the second part you will be asked to leave the meeting room, because the business to be discussed will be of a confidential nature, for example, dealing with individual people and contracts.

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## **MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE**

### **WEDNESDAY, 10 APRIL 2019**

**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 - 2)

To confirm as a correct record the Minutes of the meeting of the Governance and Constitution Committee held on 14<sup>th</sup> November 2018.

## **ITEMS REQUIRING DISCUSSION / DECISION**

- |   |                 |
|---|-----------------|
| <b>2 Local Government Ethical Standards - Report of the Committee on Standards in Public Life</b> | (Pages 3 - 40)  |
| <b>3 Statement of Assurance Action Plan 2017-18 - Progress Update</b>                             | (Pages 41 - 44) |
| <b>4 Draft Statement of Assurance 2018-19</b>   | (Pages 45 - 66) |
| <b>5 Review of Anti-Fraud Policy and Anti-Bribery Policy</b>                                      | (Pages 67 - 74) |
| <b>6 Scheme of Delegation - Assistant Chief Fire Officers and Treasurer / Head of Finance</b>     | (Pages 75 - 80) |

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## MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 14 November 2018 at Lecture Theatre - Sadler Road, Cheshire at 10.00 am

**PRESENT:** Councillors S Wright, D Beckett, E Johnson, N Jones, D Mahon, R Polhill, Barnett and L Thomson

### 1 PROCEDURAL MATTERS

#### A Recording of Meeting

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

#### B Apologies for Absence

There were no apologies for absence received.

#### 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 4<sup>th</sup> July 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 a new Member of the Fire Authority.

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 Councillor Beverly Dooley had requested the dispensations be extended so that she could benefit from them.

**RESOLVED:** That

- [1] the dispensations granted to Fire Authority Members on 5<sup>th</sup> October

2016 be extended to benefit Councillor Beverley Dooley, thereby allowing her to take part in debates and votes on the setting of the Council Tax precept and the approval of the Members' Allowances Scheme (and any changes and/or additions to it).

### 3 MEMBERS' ALLOWANCES SCHEME 2019-20

The Director of Governance and Commissioning introduced the report which was intended to allow Members to consider the Members' Allowances Scheme and make a recommendation to the Fire Authority about the Scheme for 2019-20.

The Members' Allowances Scheme was reviewed with the assistance of a member of Cheshire East's Independent Remuneration Panel in 2016-17. The Members' Allowances Scheme had been based on the outcome of that review for 2017-18 and 2018-19. No increase was applied in 2018-19.

Members were satisfied with the current draft of the Members' Allowance Scheme 2019-20 and felt an uplift should be included in 2019-20.

**RESOLVED:** That

- [1] the Members' Allowance Scheme for 2019-20 as drafted be presented to the Fire Authority.**

### 4 SOCIAL MEDIA GUIDANCE FOR MEMBERS

The Director of Governance and Commissioning introduced a report which allowed Members to consider an initial draft of guidance on the use of social media prior to it being distributed more widely for comment.

The issue was discussed informally by members of the Governance and Constitution Committee earlier this year. Members felt that a short guidance document would be appropriate and could sit alongside the Members' Code of Conduct.

Members commended the document for its conciseness. It was suggested that the document should be reviewed annually. Members were satisfied that the document could be circulated more widely for further comment.

**RESOLVED:** That

- [1] the guidance on the use of social media for Members, as currently drafted, be widely circulated for further comment.**

# Agenda Item 2

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 10<sup>TH</sup> APRIL 2019  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** LOCAL GOVERNMENT ETHICAL STANDARDS –  
REPORT OF THE COMMITTEE ON STANDARDS  
IN PUBLIC LIFE

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### Purpose of Report

1. To provide Members with a summary of and commentary on aspects of a report of the Committee on Standards in Public Life concerned with ethical standards in local government.

### Recommended: That Members

- [1] Note the contents of this report be noted
- [2] Consider the best practice recommendations made by the Committee and Standards in Public Life consider whether any changes should be made to the Authority's documentation, processes and arrangements.

### Background

2. The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders and promotes the Seven Principles of Public Life.
3. The Localism Act 2011 introduced significant changes to the way that conduct of elected Members was handled. It abolished a national framework headed by a regulator and a national code of conduct and removed powers to suspend or disqualify Members for serious breaches of the code and local authorities were given the duty to adopt their own local code.
4. In 2018 the CSPL conducted a review of the effectiveness of the current arrangements relations to standards in local government. A consultation opened on 29<sup>th</sup> January 2018 and closed on 18<sup>th</sup> May 2018. The consultation asked a number of questions in relation to ethical governance. A report was presented to this committee on the 11<sup>th</sup> April 2018 to inform Members about the consultation, although the Authority did not submit a response.

5. The terms of reference for the review were to:
  1. *Examine the structures, processes and practices in local government in England for:*
    - a) *Maintaining codes of conduct for local councillors*
    - b) *Investigating alleged breaches fairly and with due process*
    - c) *Enforcing codes and imposing sanctions for misconduct*
    - d) *Declaring interests and managing conflicts of interest*
    - e) *Whistleblowing*
  2. *Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government*
  3. *Make any recommendations for how they can be improved*
  4. *Note any evidence of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation*
6. The CSPL published its report in January 2019. It is over 100 pages long. It can be accessed by following this link:  
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>
7. A letter from the Chair of the CSPL to the Prime Minister is attached to this report as Appendix 1.
8. The Executive summary from the CSPL Report is attached to the report as Appendix 2.

## Information

9. The CSPL has made a number of recommendations to the Government, which will require legislative changes, and a recommendation that the Local Government Association should create an updated model code of conduct.
10. Legislative changes include:
  - A presumption that Members are acting in an official capacity in their public conduct, including statements on social media
  - The power to suspend Members, without allowances, for up to six months.
  - The abolition of criminal offences relating to Disclosable Pecuniary Interests
  - A requirement that Independent Persons are appointed for a fixed term of two years, renewable once.

11. The full list of recommendations is attached to this report as Appendix 3.
12. The CSPL has also produced a list of Best Practice recommendations for local authorities to consider. The list of Best Practice recommendations, together with the current practice in place at this Authority, is attached to this report as Appendix 4. It is the main focus of the reports.
13. In order to provide context the Members' Code of Conduct is attached to this report as Appendix 5 and the Procedure for Handling Complaints is attached to this report as Appendix 6. Both documents are referred to in Appendix 4.
14. Whilst Appendix 4 shows that the Authority's arrangements already align with much of what the CSPL recommends as Best Practice, there are some issues to consider.
15. There is an expectation that the Best Practice recommendation will be implemented by local authorities and the CSPL intends to review progress in 2020.

## **Financial Implications**

16. There are no financial implications arising from this report apart from the indirect cost of appointing an additional Independent Person to assist in investigations into Member misconduct if the best practice recommendation to have two Independent Persons is followed.

## **Legal Implications**

17. The Authority is compliant with the current legislative requirements regarding ethical standards as set out in the Localism Act 2011. It will need to consider legislative changes at the time.
18. The CSPL will review implementation of the best practice recommendations in 2020. If the Authority has not adopted all of the recommendations it could be criticised.

## **Equality and Diversity Implications**

19. There are none.

## **Environmental Implications**

20. There are none.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD  
TEL [01606] 868804  
BACKGROUND PAPERS: NONE**



## Appendix 1

Dear Prime Minister,

I am pleased to present the 20th report of the Committee on Standards in Public Life, on the subject of ethical standards in local government.

The Committee has had a long-standing interest in local government, which was the subject of its third report, and which it has considered a number of times since then. This review was not prompted by any specific allegations of misconduct, but rather to assure ourselves that the current framework, particularly since the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public.

Local government impacts the lives of citizens every day, providing essential services to those it serves. Its decisions directly affect the quality of life of local people. High standards of conduct in local government are needed to demonstrate that those decisions are taken in the public interest and to maintain public confidence.

It is clear that the vast majority of councillors and officers want to maintain the highest standards of conduct in their own authority. We have, however, identified some specific areas of concern. A minority of councillors engage in bullying or harassment, or other highly disruptive behaviour, and a small number of parish councils give rise to a disproportionate number of complaints about poor behaviour.

We have also identified a number of risks in the sector: the current rules around conflicts of interest, gifts, and hospitality are inadequate; and the increased complexity of local government decision-making is putting governance under strain.

The challenge is to maintain a system which serves the best instincts of councillors, whilst addressing unacceptable behaviour by a minority, and guarding against potential corporate standards risks.

It is clear from the evidence we have received that the benefits of devolved arrangements should be retained, but that more robust safeguards are needed to strengthen a locally determined system. We are also clear that all local authorities need to develop and maintain an organisational culture which is supportive of high ethical standards. A system which is solely punitive is not desirable or effective; but in an environment with limited external regulation, councils need the appropriate mechanisms in place to address problems when they arise.

Our recommendations would enable councillors to be held to account effectively and would enhance the fairness and transparency of the standards process. Introducing a power of suspension and a model code of conduct will enable councillors to be held to account for the most serious or repeated breaches and support officers to address such behaviour, including in parish councils. Strengthening the role of the Independent Person and introducing a right of



appeal for suspended councillors will enhance the impartiality and fairness of the process, which is vital to ensure that councillors are protected from malicious or unfounded complaints. Greater transparency on how complaints are assessed and decided in a system which is currently too reliant on internal party discipline will also provide a safeguard against opaque decision-making and provide reassurance to the public.

A number of these recommendations involve legislative change which we believe the government should implement. We have also identified ‘best practice’ for local authorities, which represents a benchmark for ethical practice which we expect that any authority can and should implement.

It is clear to us that local government in England has the willingness and capacity to uphold the highest standards of conduct; our recommendations and best practice will enable them to do so.

I commend the report to you.

**Lord Evans of Weardale**  
**Chair, Committee on Standards in Public Life**



# Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

## Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

### Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

### Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

### Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



## Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

## Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

## Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

## Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



# List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



List of recommendations

Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups
		National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

# List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition (Page 35)**

**Commentary:**

Within the current Code of Conduct there is a general obligation to treat others with respect which includes an obligation “not to bully any person including other councillors, officers of the Authority or members of the public”. Bullying and harassment is not defined and examples are not provided.

The Member and Officer Protocol requires Members to treat officers “fairly and with respect, dignity and courtesy” and “not to subject them to intimidation, harassment or put them under pressure.”

**Question:**

*Should any additional paragraphs be added to either/both of the above?*

**Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors (Page 41).**

**Commentary:**

This is aimed at ensuring Members do not seek to disrupt investigations by not responding to requests for information, clarification or comment in a timely way or refusing to confirm their attendance at a standards hearing.

The Procedure for Handling Complaints about a breach of the Members Code of Conduct, which was revised in April 2018, does not contain a specific requirement to comply.

**Question:**

*Should the documentation be enhanced to strengthen the need for Members to comply with an investigation?*

### **Commentary:**

The second part of this recommendation is to prevent Members from misusing the process by, for example, making allegations against another Member for the purposes of political gain.

### **Question:**

*Should this be covered in the Code of Conduct?*

**Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities (Page 42).**

### **Commentary:**

The Code of Conduct is reviewed as and when necessary and although not formally reviewed on an annual basis, it is readopted each year at the annual meeting of the Fire Authority as part of the Constitution.

When reviewing the Code of Conduct, we do not formally consult with, or seek the views of, other organisations. It is not clear how we would effectively consult.

### **Question:**

*Views are welcomed on whether the Authority should adopt this suggested best practice?*

**Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises (Page 43).**

### **Commentary:**

The Code of Conduct is available on the website as part of the Constitution. In order to make this more accessible a new section is to be created on the website which will include the Members Code of Conduct and the Procedure for Handling Complaints.

**Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV (Page 48).**

### **Commentary:**

A review of the Gifts and Hospitality Policy has taken place and this includes the regular review and publication of the register.

**Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered (Page 53).**

**Commentary:**

Whilst the use of the public interest test is not specified in the current Procedure for Handling Complaints, this would be a consideration when the Monitoring Officer was determining how to proceed with any complaint. This can be made more explicit in the Procedure.

**Best practice 7: Local authorities should have access to at least two Independent Persons (Page 55).**

**Commentary:**

Currently the Authority has one Independent Person. Members have given approval for the appointment of a second Independent Person. This will be progressed when time allows.

**Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial (Page 56).**

**Commentary:**

The Authority's Procedure says that the Monitoring Officer may consult the Independent Person at the initial assessment stage of the current complaints procedure but the decision on whether to conduct an external investigation rests with the Monitoring Officer.

**Question:**

*Should the Independent Person have a greater role in the process?*

**Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied (Page 64).**

**Commentary:**

Under the Authority's Procedure for Handling Complaints all Decision Notices would be made available for public inspection and be posted on the Authority's website.

**Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes (Page 64).**

**Commentary:**

The guidance for making complaints on the website needs to be updated. This will be added to the section containing the Code of Conduct and the Procedure for Handling Complaints.

**Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances (Page 78).**

N/A

**Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work (Page 78).**

N/A

**Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation (Page 82).**

**Commentary:**

The current procedure does not include any provision to deal with such a conflict of interest. This can be added to the procedure.

**Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies (Page 90).**

**Commentary:**

The Authority's Annual Governance Statement includes this information.

**Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place (Page 90).**

**Commentary:**

The only separate body created by the Authority is North West Fire Control Ltd, which is jointly owned with three other fire authorities. The report focuses on the lack of transparency around Local Enterprise Partnerships (LEPS).

**Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues (Page 98).**

**Commentary:**

Whilst there are currently no regular meetings between senior officers and political group leaders to specifically discuss standards issues, these issues are considered and discussed by Members and officers at meetings of the Governance and Constitution Committee. Political Group Leaders would be engaged if issues arose that needed to be brought to their attention.

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

### Contents

1. Introduction
2. General Obligations
3. Registration of Disclosure Interests
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

### **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.

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

### **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.

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

### **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.

### **2.2 Information and Confidentiality**

- (a) You must not disclose information given to you in the course of your role as a Member of the Fire Authority or information acquired by you when in that role which you believe, or ought reasonably to be aware, is confidential in nature, except where:

- 1.1 you have the consent of a person authorised to give it; or

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

- 1.2 you are required by law to do so; or
- 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.

### **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
- 3.2 Tell the Monitoring Officer in writing about the Disclosable Interests described in Appendices 1 and 3 of this Code that you have.
- 3.3 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. Declaring of Interests and Participation in Meetings**

#### **Disclosable Pecuniary Interests**

- 4.1 If you are present at a meeting and you have a Disclosable Pecuniary Interest (Statutory or Non-Statutory):
  - (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 the item at the meeting;
  - (c) you must not vote on the item;
  - (d) you must leave the room where the meeting is held during the item.

Note: If the interest is statutory and 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.

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

### **Disclosable Non-Pecuniary Interests**

- 4.2 If you are present at a meeting and you have a Disclosable Non-Pecuniary Interest:
- (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 may participate in and vote on the item of business unless the circumstances in (c) below apply
  - (c) if the item involves something that significantly affects the financial interests of the body in which you have an interest or relates to a licensing or regulatory matter concerning that body
    - (i) you must declare your interest ;
    - (ii) you must not participate in the item at the meeting;
    - (iii) you must not vote on the item.

Note: You are able to remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the item (the length of which will be determined by the Chair).

Note: If your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer within 28 days.

### **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 compliance with 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

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

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 means that Members are specifically required to comply with it.

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

### **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	<p>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.</p> <p>Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</p>
Close Associate of Yours	<p>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.</p> <p>Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</p>
Partner	Your spouse or civil partner, a person you live with as husband and wife or a person you live with as if you are civil partners.
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

<b>YOU</b>	<b>YOUR PARTNER</b> 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
<b>Subject</b>	<b>Description</b>			
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. (this includes any 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 which is within the area of the Fire Authority that YOU or YOUR PARTNER has.			
LICENCES	Any licence to occupy land which is within the area of the Fire Authority that YOU or YOUR PARTNER has.			
CORPORATE TENANCIES	Any tenancy of land which is within the area of the Fire Authority 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.			

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

These matters are prescribed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Members must be aware that there are offences relating to Disclosable Pecuniary Interests contained within the Localism Act 2011.

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

### **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:

<b>Subject</b>	<b>Description</b>
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 which is within the area of the Fire Authority 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.
LICENCES	Any licence to occupy land which is within the area of the Fire Authority 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.
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) 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.

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

### **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 purpose 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).

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## **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 normally disclose details of the Complaint to the MSOC at this stage (but has discretion not to do so in exceptional circumstances).

### **Initial Assessment/Gateway Procedure**

2. The Monitoring Officer will consider the written complaint within 21 days and determine whether to:
  - **Take no action**
  - **Arrange other actions i.e. training or mediation**
  - **Refer the matter to the relevant Group Leader for informal action**
  - **Refer the matter for formal investigation**
  - **Refer the matter to the police or other regulatory agency**
3. With experience criteria may be developed to assist in making decisions, aimed at ensuring consistency.
4. The Monitoring Officer may consult the Independent Person at this stage.
5. An 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. Where the Monitoring Officer decides that the complaint requires further investigation a suitable investigator will be appointed.
8. The investigation should normally be completed within 12 weeks of the referral.
9. The report of the 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
10. A copy of the report will be circulated to the MSOC and Complainant to check for factual accuracy. Both the Complainant and the MSOC will have the opportunity to make written submissions/representations.

## **Consideration of the Investigator's Report: no evidence of failure**

11. Where the investigator concludes that there is no evidence of a failure to comply with the Code, the Monitoring Officer will review the report in consultation with the Independent Person. If the Monitoring Officer is satisfied with the investigator's report, he/she will write to the Complainant and to the MSOC telling them that no further action will be taken. He/she will give them a copy of the investigator's report.

12. The Monitoring Officer will make his/her decision within 21 working days of receipt of the investigator's report.
13. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the investigator to reconsider his/her report.

### **Consideration of the Investigator's Report: evidence of failure**

14. Where the investigator concludes that there is evidence of a failure to comply with the Code, the Monitoring Officer will review the report and will either send the matter for hearing before the Members' Code of Conduct Sub-Committee or, after consulting the Independent Person, seek local resolution.

#### **A. Local Resolution**

15. If the Monitoring Officer believes that the matter can be reasonably resolved without the need for a hearing, he/she will consult the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution e.g. the MSOC accepting that his/her conduct was unacceptable and offering an apology and/or the Authority taking remedial action. This should also seek to ensure higher standards of conduct in the future. The Monitoring Officer will then consult the MSOC.
16. If the MSOC complies with the suggested resolution, the Monitoring Officer will report the matter for information to Governance and Constitution Committee but will take no further action. If the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate or if local resolution cannot be achieved, the Monitoring Officer will consider whether the matter should be considered further at a hearing.

#### **B. Hearing**

17. If the Monitoring Officer considers local resolution is not appropriate or this is not agreed by the parties, he/she will refer the matter to the Members' Code of Conduct Sub-Committee which will conduct a hearing before deciding whether the MSOC has failed to comply with the Code and, if so, what action if any to take.
18. The Members' Code of Conduct Sub-Committee will consider the complaint made about the MSOC afresh, having regard to the investigator's findings and all relevant information presented to the hearing by the Complainant and the MSOC.
19. The Independent Person must be consulted and his/her views taken into account before any decision is made on an allegation which has been investigated. The Independent Person should be present at the hearing to present his/her views in person.

20. Meetings of the Members' Code of Conduct Sub-Committee when conducting hearings will normally be subject to the normal rules for publication of agendas and access to information.
  21. The Members' Code of Conduct Sub-Committee will announce its decision at the end of the hearing. Within five working days, the Monitoring Officer will prepare a formal Decision Notice in consultation with the Chair of the Sub-Committee and send a copy to the Complainant and the MSOC.
  22. The Decision Notice will be available for public inspection and posted on the Authority's website. It will be reported to the next meeting of Governance and Constitution Committee.
  23. There is no right of appeal from the decision of the Members' Code of Conduct Sub-Committee.
  24. The Members' Code of Conduct Sub-Committee is not bound by any earlier decision.
  25. The Members' Code of Conduct Sub-Committee will normally:
    - (a) Allow the Investigator to present his/her report and call witnesses, including the complainant.
    - (b) Allow the subject member to make representations and call witnesses, including the complainant.
    - (c) Decide if the subject member has or has not breached the Code.
    - (d) Decide what sanction should be imposed if it decides the Code has been breached.
- The sanctions the Members' Code of Conduct Sub-Committee can impose, if it finds a breach of the Code are:
- (a) Censure or reprimand the MSOC.
  - (b) Publish the findings in respect of the MSOC's conduct.
  - (c) Report its findings to the Authority for information and make any recommendations.
  - (d) Recommending to the MSOC's Group Leader (or in the case of ungrouped member, recommending to the Authority) that the MSOC be removed from any or all committees or sub-committees of the Authority.
  - (e) Instruct the Monitoring Officer to arrange training for the MSOC.

- (f) Recommend to the Authority that the MSOC be removed from all outside appointments to which he/she has been appointed or nominated by the Authority.
- (g) Withdraw facilities provided to the MSOC by the Authority, such as computer, website and/or email and internet access.
- (h) Exclude the MSOC from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending formal meetings.

The Sub-Committee has no power to suspend or disqualify the MSOC or to withdraw the MSOC's allowances.

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# Agenda Item 3

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 10<sup>TH</sup> APRIL 2019  
**REPORT OF:** DIRECTOR OF GOVERNANCE & COMMISSIONING  
**AUTHOR:** CHRIS ASTALL

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**SUBJECT:** STATEMENT OF ASSURANCE ACTION PLAN  
17-18 - PROGRESS UPDATE

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### Purpose of Report

1. To present a progress update concerned with the matters contained in the Statement of Assurance 2017-18 Action Plan.

### Recommended: That

- [1] Members note the attached progress update.

### Background

2. The Fire and Rescue National Framework for England 2012 includes a requirement for fire and rescue authorities to, "...provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their Integrated Risk Management Plan and the requirements included in this Framework." In order to do so authorities are required to publish a Statement of Assurance annually.
3. The Statement of Assurance 2017-18 also included the Annual Governance Statement which highlighted a small number of governance areas for improvement and an Action Plan was created.

### Information

4. In early 2018 Governance and Constitution Committee was presented with the initial draft of the Statement of Assurance 2017-18 which highlighted a few areas for improvement.
5. Given the small number of improvements identified, it was agreed that Members would receive an update on progress every six months.

6. Members will find the Action Plan with progress status attached to this report as Appendix 1.

## **Financial Implications**

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

## **Legal Implications**

8. There are no specific legal implications arising from this report.

## **Equality & Diversity Implications**

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

## **Environmental Implications**

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

**CONTACT: DONNA LINTON, FIRE SERVICE HQ, WINSFORD  
TEL [01606] 868804**

## **BACKGROUND PAPERS:**

Appendix 1 – Statement of Assurance Action Plan17-18 – Progress Update

## Statement of Assurance 2017/18 – Progress on Action Plan

The table below highlights progress to date on the actions identified in the Statement of Assurance 2017-18

Key Improvement Area	Lead Officer	Action Status	Progress Status
Continue to develop the arrangements and relationships for the delivery of support services by the Joint Corporate Teams.	Senior Responsible Officer BLC	Ongoing	<p><b>January 2019:</b></p> <p>The joint teams are at different levels of operational maturity, largely depending upon how long ago they were created and whether there have been barriers to their integration. There are many positive signs that the joint teams are performing as expected, but there is still a way to go on integration and in developing suitable performance monitoring arrangements.</p>
Continue to embed the Partnership Governance Model and relaunch the revised policy.	Head of Prevention	Nearly Complete	<p><b>January 2019:</b></p> <p>The revised partnership policy has been reviewed and amended as necessary, and has been published and is available from the CorpDocs site. Communications in relation to the revised Policy appeared in the Green.</p> <p>The Cheshire Planning System (CPS) has been customised for managing all partnerships.</p> <p>The only outstanding item is awareness training for CFRS staff; this will be programmed and should be completed April 2019.</p>
Continue to develop and streamline the budget preparation and management processes.	Treasurer	Ongoing	<p><b>January 2019:</b></p> <p>The Chief Fire Officer and Chief Executive led a review which considered spending compared to budget and the level/purpose of earmarked reserves. This resulted in the identification of sufficient savings to balance the budget and to finance other priorities.</p> <p>Consideration will be given in 2019/20 to approaches that will further improve the alignment of resources with priorities.</p> <p>During 2018/19, the quarterly budget monitoring reports to the Members have provided details of the proposed movements on reserves and secured Member approval. The 2019/20 Budget Report also provided greater clarity on the level and purpose of proposed contributions to/from reserves.</p>

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# Agenda Item 4

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 10<sup>TH</sup> APRIL 2019  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** DRAFT STATEMENT OF ASSURANCE 2018-19

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### Purpose of Report

1. To provide Members with an update on the purpose of this year's Statement of Assurance and to seek approval of the draft.

### Recommended: That

- [1] The contents of this report be noted
- [2] Subject to Members comments, the draft Statement of Assurance be approved and presented to the Fire Authority for approval on 24<sup>th</sup> July 2019

### Background

2. Members will be aware that one of the requirements of the Fire and Rescue National Framework for England (the Framework) is the publication of Statement of Assurance (the Statement).
3. The Statement should

*“...outline the way in which the authority and its fire and rescue service has had regard to this National Framework, the Integrated Risk Management Plan and to any strategic plan prepared by the authority for that period. The authority must also provide assurance to their community and to government on financial, governance and operational matters.”*

4. In previous years the Statement has been combined with the Annual Governance Statement (AGS), although this is not a statutory requirement and it is common practice to publish these documents separately. In October 2018 a working group was established to consider whether the Authority should continue to publish these documents together or to publish them separately.
5. The publication of the AGS is a requirement under the Accounts and Audit Regulations (England) 2015 and it must be published alongside the Annual Statement of Accounts, no later than the 31<sup>st</sup> July 2019. The Joint Head of

Finance is a member of the working group and explained that it is her responsibility to prepare the AGS for Cheshire Police.

6. The Joint Head of Finance has agreed to prepare the AGS for both Police and Fire going forward, since this is a responsibility of the finance team and will provide some consistency.
7. The guidance on statements of assurance indicates that existing assessment processes might feed into the statements in order to avoid duplication and the Statement contain a summary of and a link to the AGS.
8. Separate publication of these key documents will make them easier to identify and find on the Authority's website. It will also significantly shorten and simplify the Statement.

## **Information**

9. The draft Statement for 2018-2019 is attached to this report as Appendix 1.
10. The draft Statement has been prepared in accordance with national guidance. It includes sections on financial assurance, governance and operational assurance. It also outlines the way in which the Authority has had regard to the Framework. A new version of the Framework was published in May 2018 and the Statement provides evidence to show that the Authority complies with its requirements. The final section provides information about the outcomes from the recent HMICFRS inspection and areas for improvement. This has been added this year to provide further evidence of the Authority's performance.
11. The guidance suggests that where authorities have already set out relevant information that is clear, accessible, and user-friendly within existing documents they may wish to include extracts or links to these documents within their statement of assurance. The draft Statement includes extracts or links to many of the existing key documents and policies such as the IRMP, the AGS, the Annual Statement of Accounts and the HMICFRS report.
12. The Corporate Scorecard for 2018/19 on page 9 will be inserted when it becomes available, as will the opinions of the internal and external auditors.
13. Members are asked to consider the contents of this draft Statement in its present form and if approved, a final version will be presented to the Fire Authority for approval at its meeting on the 24<sup>th</sup> July 2019 before it is published.
14. Since the Statement refers to the AGS it cannot be published until the AGS has been approved by the external auditors and the Closure of Accounts Committee on 29<sup>th</sup> May 2019.

## **Financial Implications**

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

## **Legal Implications**

16. Under section 21 of the Fire and Rescue Services Act 2004 the Secretary of State must prepare a Fire and Rescue National Framework. Paragraph 4.6 of the current Framework requires each fire and rescue authority to produce an annual Statement of Assurance.
17. The Statement of Assurance will be used as a source of information on which to base the Secretary of State's biennial report under section 25 of the Fire and Rescue Services Act 2004.
18. The Statement of Assurance should be signed off by an elected member of the authority who is able to take responsibility for its contents. The Chair of the Authority will sign the Statement, together with the Chief Fire Officer and Chief Executive. They formally declare that they are satisfied that the arrangements are adequate and operating effectively and meet the requirements of the Framework.

## **Equality and Diversity Implications**

19. There are none.

## **Environmental Implications**

20. There are none.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD**

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

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# Making Cheshire Safer

**Draft Statement of Assurance  
2018-19**



[www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk)

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### 1. Foreword

Cheshire Fire Authority recognises the importance of having good management, effective processes and appropriate controls in place to deliver services to the communities of Cheshire East, Cheshire West and Chester, Halton and Warrington.

Fire authorities are accountable for their performance and should be open to evaluation by the communities they serve. By producing this Statement of Assurance, we aim to provide information to communities, Government, local authorities and other partners which will allow them to make a valid assessment of our performance

In 2018 we were one of the first fire and rescue services to be inspected by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. The inspection focused on how effectively and efficiently the Service keeps people safe and secure from fire and other risks and how well it looks after the people who work for the Service.

Whilst pleased with the outcome of the inspection we acknowledge the need for improvement in some areas and an action plan has been prepared to address these.

Overall we are satisfied that the Authority's financial, governance and operational assurance arrangements are adequate and operating effectively and meet the requirements detailed within the Fire and Rescue National Framework for England.

**Cllr Bob Rudd**  
**Chair**  
**Cheshire Fire Authority**



**Mark Cashin**  
**Chief Fire Officer and**  
**Chief Executive**  
**Cheshire Fire and Rescue Service**



## 2. Introduction

The Statement of Assurance is published annually to provide an easy and accessible way for communities, government, local authorities and partners to make a valid assessment of the Authority's performance and governance arrangements.

The Authority is required to publish an annual Statement of Assurance as part of the Fire and Rescue National Framework for England. It says:

**Fire and Rescue authorities must provide annual assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their Integrated Risk Management Plan (IRMP) and the requirements included in the Framework. To provide assurance, fire and rescue authorities must publish an annual statement of assurance.**

The Statement of Assurance may include any potential improvements the Authority has identified across its accounting, governance or operational responsibilities and any plans for improvement.

National guidance on the content of Statements of Assurance published in May 2013 suggests that where authorities have already set out relevant information that is clear, accessible and user friendly within existing documents, they may wish to include extracts or links to these documents within their statement of assurance. This statement will therefore include extracts or links to key documents where relevant.

## 3. Financial Assurance

The Authority is responsible for ensuring public money is properly accounted for and used efficiently and effectively.

### Annual Statement of Accounts

Cheshire Fire Authority provides financial assurance through the publication of the Annual Statement of Accounts. This is a statutory requirement under the [Accounts and Audit \(England\) Regulations 2015](#) and the accounts are prepared following the [CIPFA Code of Practice on Local Authority Accounting](#). The financial statements are subject to review by independent auditors as directed by the [Audit Commission Act 1998](#).

The Treasurer is responsible for ensuring the right controls are in place to ensure that financial assets are properly managed, financial reporting is accurate and that the Annual Statement of Accounts is prepared in accordance with statutory requirements.

### Annual Governance Statement

The [Annual Governance Statement](#), which is a requirement under the Accounts and Audit Regulations (England) 2015 and which is published at the same time as the Annual Statement of Accounts, sets out the systems and procedures that are in place to ensure that the Authority's resources are used in accordance with the law and provide best value for the taxpayer.

### Transparency

In addition to the statutory requirement to publish annual financial results, the Authority is committed to increasing transparency. The Authority has adopted the best practice guidance set out in the Local Government Transparency Code 2015 as far as is practical and publishes key documents and information on the Authority's website regarding how money is being spent. This includes details of payments for goods and services to external bodies and suppliers above £500, details of salaries and allowances paid to staff and Members and tender and procurement information.

[Local Government Transparency Code 2015.](#)

### Auditors

Grant Thornton Limited Liability Partnership is the appointed external auditor for Cheshire Fire Authority and is responsible for completion of the following assurance activities:

- Audit of the 2018-19 financial statements
- Opinion on the Authority's accounts
- Value for Money conclusion

The Internal Audit function for 2018-19 was provided by Mersey Internal Audit Agency (MIAA). A number of audits were commissioned in line with the Authority's risk profile which provided an independent assurance level on the Authority's control frameworks.

Key evidence links
<a href="#"><u>Accounts and Audit (England) Regulations 2015</u></a>
<a href="#"><u>Audit Commission Act 1998.</u></a>
<a href="#"><u>Statement of Accounts</u></a>
<a href="#"><u>Annual Governance Statement</u></a>
<a href="#"><u>CFRS What we spend</u></a>
<a href="#"><u>Efficiency plan</u></a>
<a href="#"><u>Medium Term Financial Plan</u></a>
<a href="#"><u>Transparency</u></a>

## 4. Governance

The Authority's governance arrangements and framework aim to ensure that in conducting its business it:

- Operates in a lawful, open, inclusive and honest manner.
- Makes sure public money is safeguarded, properly accounted for and spent wisely.
- Have effective arrangements in place to manage risk.
- Meets the needs of the communities of Cheshire East, Cheshire West and Chester, Halton and Warrington.
- Secures continuous improvements in the way it operates.

### Annual Governance Statement

The Authority is required to produce an “**Annual Governance Statement**” (AGS) which is published at the same time as the Annual Statement of Accounts. The AGS is an expression of the measures taken by the Authority to ensure appropriate business practice, high standards of conduct and sound governance. It explains how the organisation manages its governance and internal control arrangements and measures the effectiveness of those arrangements.

The AGS for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019 is published on the Authority’s website.

### Local Code of Corporate Governance

CIPFA published a new version of the framework ‘Delivering Good Governance in Local Government’ in 2016. This best practice guidance sets out seven principles of good governance A to G which are illustrated below, and each principle is considered in the AGS:



### How the Authority Works

#### Cheshire Fire Authority

The Authority has responsibility for ensuring that its business is conducted in accordance with the law and that proper standards are in place.

The Authority is made up of twenty three elected Members appointed by the constituent authorities of Cheshire East, Cheshire West and Chester, Halton and Warrington. There are also two non-elected independent members who act in an advisory role.

In discharging the statutory responsibilities of the Authority, Members and senior officers are responsible for ensuring that proper governance arrangements are in place. These demonstrate good management of the Authority's key risks in accordance with legislation and appropriate standards.

The **Constitution** of the Authority covers:

- An explanation of key documents produced by the Fire Authority
- Members decision making bodies
- Procedural matters
- Outside bodies
- Members roles
- Protocols
- Members Code of Conduct
- Members allowances
- Financial regulations
- Scheme of Delegation

The Authority's committee structures allow Members to consider key policies and to monitor performance. The Authority has an effective strategic and financial planning process which includes rigorous review and challenge by Members.

The Authority operates with the following main Committee structure:

- Performance and Overview Committee
- Governance and Constitution Committee
- Brigade Managers Pay and Performance Committee
- Staffing Committee
- Estates and Property Committee

Terms of Reference for each Committee are subject to regular review.

Member Champions are assigned to a number of thematic areas to provide additional scrutiny and challenge; these include risk, equality, young people, older people, pensions, finance and the environment.

In 2017 the Authority enabled the Police and Crime Commissioner to attend and speak at its meetings. This is intended to help develop further integration of those services and assets that are the responsibility of the Authority and the Police and Crime Commissioner.

### The Service Management Team (SMT) Structure

The operations of the Authority are directed through a clear leadership and management structure with defined roles and responsibilities. The Service Management Team is comprised of:

- Chief Fire Officer and Chief Executive
- Two Assistant Chief Fire Officers
- Director of Governance and Commissioning
- Treasurer
- Director of Transformation
- Heads of Department

### Monitoring Officer:

During the 2018 – 2019 financial year the Director of Governance and Commissioning fulfilled the statutory role of Monitoring Officer for the Authority, ensuring all actions taken were lawful.

### Treasurer/Section 151 Officer:

The Joint Corporate Services Head of Finance has responsibility for day to day financial management in accordance with CIPFA guidance and the Treasurer is responsible for the matters set out in Section 151 of the Local Government Act 1972.

### Vision and Mission

The Authority's **vision** is defined as

*"A Cheshire where there are no deaths, injuries or damage from fires or other emergencies"*

and it's **mission**

*"To help create safer communities, to rescue people and protect economic, environmental and community interests"*

### Core Values

The Authority also has a set of values and behaviours to define what is expected of everyone involved with Cheshire Fire and Rescue Service.

These **Core Values** are:

Putting customers first  
Promoting equality and diversity  
Working together  
Aiming for excellence  
Developing and respecting our people  
Delivering our promises

Note: The above Vision, Mission and Core Values are being reviewed 2019-20.

### Performance Management: How we performed during 2018 – 2019

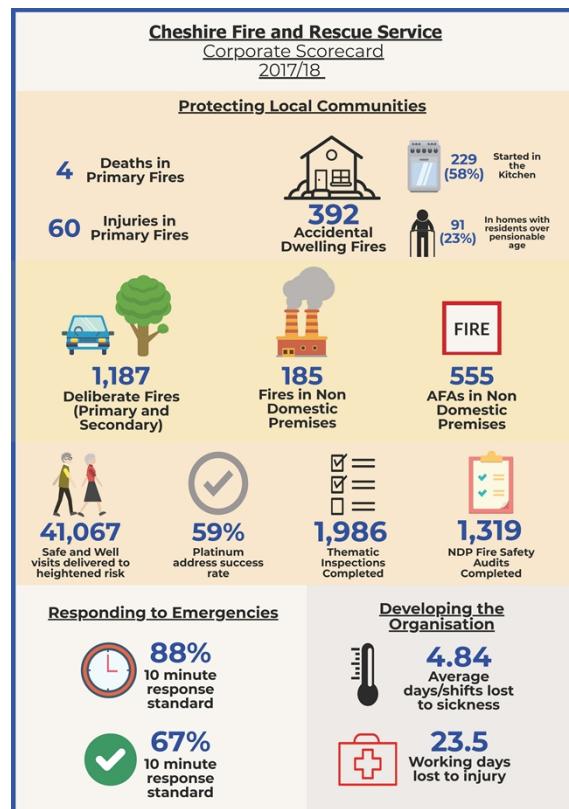
As part of the corporate planning process the Authority measures and monitors performance using a range of Key Performance Indicators (KPIs) that are also used to compare performance against other fire and rescue authorities in England.

Achievements against these indicators are scrutinised quarterly by the Performance and Overview Committee and Performance and Programme Board and annually by the Fire Authority.

Performance relating to the handling of calls by North West Fire Control is also monitored quarterly, in line with agreed standards.

An Annual Report is produced in September each year setting out how the Authority has performed over the last 12 months.

Performance information can be accessed via the website.



### Auditors

#### Internal Audit:

The Authority's Internal Audit function for 2018-19 was outsourced to Mersey Internal Audit Agency (MIAA). A risk-based internal audit plan and three year strategy was agreed by senior management and approved by the Authority in 2018. A number of audits were commissioned in line with our risk profile and appetite which provided an independent assurance level on the Authority's control frameworks.

The internal audit team completed a number of compliance and assurance audits during 2018-19 aligned to the approved internal audit plan, which have generally resulted in positive opinions with a small number of recommendations made as a result of their findings. Action plans have been put in place to deal with any issues found during the audits.

*Internal Audit Opinion 2018-19:*

Director of Internal Audit Opinion:

The opinion will be added in July 2019.

## Statement of Assurance 2018 - 19

### External Audit:

The Authority has appointed Grant Thornton as external auditors and established protocols are in place for working with External Audit.

#### *External Audit Opinion 18-19:*

This will be added in July 2019.

Key evidence links
<a href="#">Delivering Good Governance 2016</a>
<a href="#">Local Code of Corporate Governance</a>
<a href="#">Principals A-G</a>
<a href="#">Annual Governance Statement</a>
<a href="#">IRMP</a>
<a href="#">CFRS Vision, Mission, Core values</a>
<a href="#">Constitution</a>
<a href="#">Annual Report</a>
<a href="#">Corporate Scorecard 18/19</a>
<a href="#">Internal Audit Opinion</a>
<a href="#">External Audit Opinion</a>

## 5. Operational Assurance

The Fire and Rescue Services National Framework for England outlines the requirement placed upon fire and rescue authorities to provide assurance on operational matters which are determined locally by them.

### Statutory Responsibilities

Fire and Rescue Authorities function within a clearly defined statutory and policy framework. The Authority is required to comply with a range of laws, regulations and guidance. Links to some of the key legislation/guidance can be accessed below:

[Fire and Rescue Services Act 2004](#)  
[Civil Contingencies Act 2004](#)  
[Regulatory Reform \(Fire Safety\) Order 2005](#)  
[Fire and Rescue Services \(Emergencies\) \(England\) Order 2007](#)  
[Localism Act 2011](#)  
[Fire and Rescue National Framework for England 2018](#)  
[Local Government Act 1999](#)  
[Health & Safety at Work Act 1974](#)  
[Policing and Crime Act 2017](#)

To ensure that the Authority can demonstrate how it complies with this statutory and policy framework a number of detailed assessments are undertaken.

- Progress against the Authority's Health and Safety policy/framework is regularly presented to the Health, Safety and Wellbeing Committee.
- The Authority regularly assesses operational capability against risks in the area covered by the Authority to ensure that the right resources, procedures and skills are available to respond to incidents within target response times.
- The Authority undertakes an annual review of operational risk and performance, supplemented by scrutiny at quarterly Member and officer meetings.
- The Risk Management Board monitors and scrutinises strategic risks.

## Corporate Planning

### Five Year Strategy

The Fire Authority published a five year strategy, entitled '*Planning for a Safer Cheshire 2015-2020*'. The strategy contains the Authority's vision and mission and outlines the approach and principles adopted to ensure the Authority does not compromise on its commitment to protecting local communities, reducing risk and maintaining firefighters' safety.

There is a robust corporate planning process in place which facilitates the development of the Integrated Risk Management Plan (IRMP).

### Integrated Risk Management Plan (IRMP)

Fire authorities must produce an IRMP which assesses local fire and rescue related risks and details how these will be addressed. The IRMP takes account of the requirements of the Fire and Rescue National Framework and outlines the key risks and influences facing Cheshire and how the Authority is currently structured to address them.

The Authority has outlined its plans for 2019/20 in its annual action plan (IRMP 16) "Making Cheshire Safer". This was approved by the Authority in February 2019 following a twelve week period of public and staff consultation.

## Community Risk Management

Through its Community Risk Management Model the Service undertakes risk and performance analysis in order to ensure that strategic, tactical and operational activities are intelligence-led and evaluated. This is achieved by using specialist systems, software, data and skills delivered by the Joint Corporate Service Business Intelligence team located at Clemonds Hey.

## Unitary Area Plans

In addition to, and complementing the IRMP, each council area has a Unitary Performance Group (UPG) involving local Fire Authority members in performance management. The UPG meets quarterly to scrutinise data and performance. Unitary Area Plans are developed for each unitary area. Each plan is unique to that area and contains the actions the Unitary teams will take in order to mitigate risk and improve community safety. These plans are

informed by the Community Risk Model which brings together historic incident data, demographic, commercial and external risk factors.

### Stakeholder Engagement

The Authority is committed to involving all of its stakeholders in the development of its strategies and plans. It encourages this by carrying out a comprehensive annual consultation programme on its draft IRMP. Local communities, partners, staff, representative bodies and other stakeholder's are invited to comment to ensure that before any decision is taken a broad range of views are taken into account. To enable active and informed participation, data and information relevant to the plan is made available to the public on the Service's website and via social media, in consultation packs, which are distributed at community roadshow events held across Cheshire, and also at key local stakeholder forums and meetings.

### Fire Prevention (Community Safety)

The Authority's Prevention Strategy outlines a risk based approach to prevention. This risk profile is developed through CRM using a range of tools including Exeter data from health partners. It's Safe and Well programme, delivered to over 42,000 residents between April 2017 and March 2018, was developed in conjunction with NHS and local health partners. Safe and Well visits provide advice to householders on fire safety in the home but also address health priorities such as the prevention of slips, trips and falls, smoking cessation and alcohol reduction, bowel cancer screening and tests for atrial fibrillation.

The Service also works with partner agencies to deliver road safety initiatives targeted at vulnerable users such as young drivers and motorcyclists.

The Authority is commissioned to provide early intervention programmes such as RESPECT and is a delivery partner for the Princes Trust programme.

It has also undertaken a significant commitment to raising awareness and prevention through its safety and lifeskills centre, Safety Central.

### Fire Protection

The Authority operates a risk based and intelligence-led inspection programme of non-domestic premises. If a business is audited, audit will be carried out by a qualified fire-safety officer who will follow a set procedure which is designed to establish compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. The Authority always aim to help businesses comply with fire safety legislation; however, at times it has to enforce the law by implementing a formal enforcement procedure and will on occasion prosecute. This is always a last resort and the Authority will endeavour to avoid this course of action by working with business owners/managers via a range of key interventions:

- A dedicated team of non-enforcing officers who proactively deliver interventions and offer advice tailored to the different sectors of the business community.
- Protection staff offer support to businesses to assist in complying with legislation.
- Information provided digitally to support businesses.
- Proactively working with partners and key stakeholders to raise awareness of the fire safety benefits of sprinkler systems.

The government's Primary Authority Scheme is a means for business to receive assured and tailored advice on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables business to invest with confidence in products, practices and procedures, knowing that the resources they devote to compliance are well spent. The Authority supports the Primary Authority Scheme and will consider entering into partnerships with a business or organisation to provide assured and tailored fire safety advice. The approach it adopts creates a more consistent and co-ordinated regulatory environment.

Fire investigation is an integral part of the Service's Prevention and Protection activities. The main purpose of fire investigation is to determine the origin, cause and development of a fire and to contribute to organisational learning.

All fires attended will be investigated to establish the cause of fire. Where a fire has occurred, investigators have power of entry under Section 45 of the Fire and Rescue Services Act 2004 which allows an authorised employee to gain entry to premises in order to investigate the cause and progression of the fire that has occurred there.

Investigation outcomes will steer future prevention and protection activities and may assist in the prevention and detection of crime. They may also lead to inspections focused on certain risks or themes.

### **Emergency Response**

The Authority responds to a range of emergency incidents with 35 fire engines operating from 28 fire stations across Cheshire. Stations are crewed by operational staff who work different shift patterns depending upon local risk:

- Wholetime: firefighters operate on stations 24 hours per day, working 12 hour shifts.
- Day Crewing: during the daytime the station is crewed by wholetime firefighters who also live next to the station to provide emergency cover overnight
- Nucleus: stations are crewed by wholetime firefighters during day time hours and by on-call firefighters overnight
- On-Call: firefighters live or work in the local community near to the station and respond to emergency calls via an alerter

The Authority has in place a Cheshire Standard to respond to life-risk incidents (e.g. house fires and road traffic collisions) within ten minutes on 80% of occasions.

Pre-determined attendance requirements are developed through the analysis of risk information from sources such as incident data and site specific risk information.

Through the Authority's review of emergency response, specialist assets have been placed in strategic locations to improve response to incidents across Cheshire and respond to local risks, such as road traffic collisions on motorways.

The Authority's debrief policy outlines processes for evaluating operational learning and improvement.

Incident command is embedded within the internal assessment procedures, with incident commanders assessed regularly through live and simulated exercises arranged locally and centrally.

Organisational performance, including the service's emergency response and call handling performance of North West Fire Control (NWFC), is scrutinised through structures such as Performance and Programme Board, Unitary Performance Groups, the Fire Authority's Performance and Overview Committee and by Directors of the NWFC Board.

The Authority conducts Site Specific Risk Inspections (SSRIs) for high risk premises in Cheshire. The procedure has recently been internally audited, receiving an outcome of 'significant assurance'. A dedicated SSRI training officer is in post alongside an SSRI portfolio holder for on-call stations.

Cheshire has 28 Control of Major Accident Hazard (COMAH) sites and the Authority employs a high-risk training officer. Both on-site and off-site incident plans are managed by the Cheshire Resilience Forum and tested through multi-agency exercises.

The Authority influences the development of operational response, training and occupational standards at a regional level through membership of a number of regional fire and rescue services and multi-agency groups and forums.

### **Business Continuity – Civil Contingencies Act 2004**

Business Continuity is an important part of the Authority's strategy and a robust programme is well established to ensure responsibilities align to best practice standards, e.g. BS25999-2. Departmental plans which support the Authority's Crisis Management Plan are maintained and tested regularly. The Crisis Management Plan is owned by the Risk Management Board and reviewed and approved annually.

### **Interoperability, Resilience and Safety**

A comprehensive range of risk intelligence data and information is taken into account as part of the risk identification and analysis process underpinning the IRMP. This includes Cheshire's Community Risk Register, with the Authority having a leading role in the Cheshire Resilience Forum (CRF) which focuses on interoperability and joint planning and training exercises with other emergency services using the Joint Emergency Services Interoperability Principles (JESIP). Additional joint training and planning has taken place following the Manchester Arena terrorist attack to ensure the effectiveness of the Authority's response to a similar event within Cheshire and in relation to national planning for a no-deal EU exit.

CRF structures, policies and practices are regularly reviewed to better reflect the changing make up of partner agencies. Governance is managed through a monthly meeting cycle of the Management Group which reports twice yearly to the CRF Executive Group.

The Authority is represented on the Cheshire CONTEST group, which has developed plans for notification of, and response to, a multi-agency marauding terrorist firearms attack (MTFA). Cheshire's National Inter-agency Liaison Officers (NILOs) have received MTFA response training via regional NILO groups.

### **Over the Border Mutual Aid Arrangements**

Sections 13 and 16 of the Fire and Rescue Services Act 2004 allow mutual arrangements to be agreed with neighbouring fire and rescue services to improve resilience and capacity in

border areas. Cheshire Fire Authority has in place contractual agreements with the following bordering Fire Authorities for response to life risk incidents:

- Merseyside
- Staffordshire
- Shropshire
- Derbyshire
- Greater Manchester
- North Wales

### **Health and Safety**

The Authority seeks to comply with the requirements of the Health and Safety at Work etc. Act 1974 and relevant legislation in managing its health and safety (H&S) duties.

The Authority has an H&S management system based on Health & Safety Executive (HSE) guidance. There are clearly defined management responsibilities; as far as reasonably practicable the Authority assesses and manages the risks arising from its activities, consults its employees on matters affecting H&S, and provides training and information to employees.

The Authority has an Occupational Health Unit to support the health and wellbeing of staff. The Authority has signed up to the MIND Blue Light campaign to support mental health and wellbeing in the workforce and provided training to mental health champions and is looking to introduce more widely a Trauma Risk Management (TRiM) process. It will also have a Mental Health Advisor.

The Authority has introduced an electronic system to support the reporting and investigation of all accidents and near misses that occur and to track the investigations conducted with the intention of preventing a recurrence.

As part of the H&S Management System there is a programme of audits and inspections; the audits are based on the Royal Society for Prevention of Accidents Quality Safety Audit system and its performance indicators. These audits and inspections inform the annual review of H&S Policy and performance. They also contribute towards an annual H&S report submitted to the Authority's Performance and Overview Committee.

### **Firefighter Fitness**

The Authority has had a policy to ensure the fitness of its operational staff for some time; in December 2014 the Department for Communities and Local Government (DCLG) issued an addendum to the National Framework for England in relation to firefighter fitness. In 2015 the Authority proposed amendments to its then current fitness policy to align it to the National Framework requirements and the national fitness standards.

The Authority recruited a full-time Fitness Advisor to lead on supporting the firefighters to attain and maintain the fitness standards required, and to undertake fitness testing. Fitness testing for all operational staff takes place annually. Performance is monitored at the Service Health Safety and Wellbeing Committee.

An audit of compliance with the National Framework requirements on management of firefighter fitness concluded that the Authority complied with the requirements of the framework.

### Operational Training

All new firefighters attend basic training which is broken down into modules and each module is assessed.

All front line operational staff, inclusive of new starters attend regular station planned training as detailed within their Station Training Forecast in order to maintain their operational abilities and competence. They also attend centrally planned refresher training in order to support this maintenance programme.

Breathing apparatus refresher training takes place in dedicated 'hot fire' conditions annually and the Authority aims to ensure that 100% of all eligible staff attend. An electronic course management system aids the monitoring of training.

Compartment fire behaviour training capability is refreshed every two years and the Authority aims to ensure 100% of all eligible staff attend.

Road traffic extrication techniques, trauma care, dealing with hazardous materials, and working safely at height skills are refreshed over a three year period and each year the Service aims to refresh the skills, knowledge and understanding of one third of its operational workforce with the intention to achieve 100% of all eligible staff attendance after three years. The swift water rescue capability of the Service's key water incident fire stations is validated by the staff attending two days of assessment every year.

The Service delivers in-house Large Goods Vehicle training on a one to one basis for its front line firefighters. Once they are designated as an appliance emergency response driver they then go on to attend a one day emergency response driving refresher within a five year period.

The Operational Training Group (OTG) also manages the Authority's Accredited Centre; currently Edexcel and Skills for Justice are the awarding bodies. Visits by external standards verifiers annually assess and confirm that the Authority operates to and maintains the awarding standards and this assists OTG in quality assuring its planning, delivery and review of training and assessment.

Managers are all trained and assessed for their skills, knowledge and understanding in Incident Command. A dedicated Command Training Group (CTG) of vocationally qualified officers plan, deliver and assess these training programmes. The quality of the Incident Command Training within the Service has attracted business from several other fire and rescue services and other emergency services as well as private and public organisations including several high risk industries.

This year the Authority will begin construction work on its new operational training centre, based at its site in Sadler Road, Winsford. While the success of our prevention work has led to a long term reduction in fires, this does mean that firefighters are more reliant on training and simulation to develop their learning experience instead of operational firefighting. The training centre, a significant investment at £11m, will provide firefighters with realistic and immersive training to safely and effectively deal with a wide range of incidents that may occur across Cheshire.

[Key evidence links](#)

[IRMP](#)  
[CRM Model](#)  
[Unitary Performance Area Profiles](#)  
[Fire Safety advice for Businesses](#)  
[Safe and Well](#)  
[Annual Health and Safety Report](#)  
[Firefighter Fitness Addendum](#)  
[Firefighter Fitness Policy](#)  
[Operational Training Strategy](#)  
[JESIP Decision Model](#)

## 6. Fire and Rescue National Framework for England

Under the Fire and Rescue Services Act 2004 the Secretary of State must prepare a Fire and Rescue National Framework which sets out priorities and objectives for fire and rescue authorities and contains guidance in connection with the discharge of any of their functions.

Every fire and rescue authority **must** have regard to the Framework in carrying out their functions.

In May 2018 a new National Framework was published. There is an emphasis in this latest Framework upon the national programme of reform within the sector and a number of requirements which fire authorities **must** comply with in the areas of:

- **Delivery of functions:** a need to identify and assess risk, prevent fire and promote fire safety, respond effectively to incidents and a statutory duty to consider collaboration
- **National Resilience:** identify and address any gaps in capability and prepare to respond to terrorist attacks
- **Governance:** to produce an IRMP, Annual Statement of Assurance and financial plans
- **Achieving Value for money:** having a policy on reserves, commercial transformation and trading
- **Workforce:** the need for a People Strategy and implementation of the new Professional Standards when published.
- **Inspection, Intervention and Accountability:** co-operation with the new inspection regime and compliance with the Local Authority Transparency Code.

A review has been undertaken of the requirements under the Framework and evidence gathered to demonstrate compliance. Both the Framework and commentary are available to view on the website.

Key evidence links  
Fire and Rescue [National Framework for England](#)  
[Commentary on the Framework](#)

## **7. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS): Inspection Outcomes 2018**

HMICFRS carried out an inspection of Cheshire Fire and Rescue Service in the summer of 2018. The inspection process asked three key inspections:

- a. How effective is CFRS at keeping people safe and secure from fire and other risks?
- b. How efficient is CFRS at keeping people safe and secure from fire and other risks?
- c. How well does CFRS look after its people?

**The report summary said:**

*"We are pleased with most aspects of the performance of Cheshire Fire and Rescue Service in keeping people safe and secure. But it needs to improve how it looks after its people, to give a consistently good service.*

*The service is effective at keeping people safe and secure. It understands risk and is good at preventing it. The service makes good use of fire regulation to protect the public. Its response to fires and emergencies is good and it responds well to national risks too.*

*The service is efficient. It uses resources well and it is affordable."*

The inspection report identified some areas for improvement and an action plan has been prepared to address each of these, with details of any action taken to be taken, the lead officer with responsibility for the actions, a timetable and how success will be measured.

The Inspection Report is available on the website. The action plan will also be published.

Key evidence links
<a href="#">HMICFRS Inspection Report</a>
<a href="#">Action Plan</a>

# Agenda Item 5

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 10<sup>TH</sup> APRIL 2019  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR :** ANDREW LEADBETTER

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**SUBJECT : REVIEW OF ANTI-FRAUD POLICY AND ANTI-BRIBERY POLICY**

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### Purpose of Report

1. These policies have not been reviewed for some time. This report outlines the amendments which are required to ensure the contents are up to date.

**Recommended:** That Members

- [1] Approve the amendments to the Anti-Fraud Policy and the Anti-Bribery Policy

### Background

2. The Authority agreed an Anti-Bribery Policy in 2013. It is attached as Appendix 1 to this report incorporating some minor changes.
3. The Authority agreed an Anti-Fraud Policy in 2015. It is attached as Appendix 2 to this report incorporating some minor changes.

### Information

4. Taken together, these Anti-Bribery and Anti-Fraud Policies set out the main principles aimed at countering fraud and corruption.
5. If an employee or agent of the Service becomes aware of circumstances which cause them concern, they should report the matter to the Chief Fire Officer and Chief Executive, Monitoring Officer or Section 151 Officer. It is therefore important that their contact details are accurate. Alternatively, they should use the Whistleblowing Procedure.
6. Both policies now need updating to reflect changes to job titles and contact details and these changes are shown in red on Appendix 1 and Appendix 2.

## **Financial Implications**

7. Whilst failure to have robust policies dealing with fraud and bribery may lead to financial loss there are no financial consequences arising from these amendments.

## **Legal Implications**

8. Failure to have robust policies concerned with fraud (and bribery) make it more likely that there would be breaches of the law.

## **Equality & Diversity Implications**

9. There are no equality and diversity implications.

## **Environmental Implications**

10. There are no environmental implications.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD**

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## **ANTI-BRIBERY POLICY**

### **Policy Statement**

Employees and agents of the Service must not engage in activities that amount to bribery. They must report bribery or attempted/suspected bribery.

### **What we mean by the term “Bribery”**

Whilst the Bribery Act 2010 (the Act) contains detailed information about the offences relating to bribery, in general terms it is:

“Giving someone a financial or other advantage to encourage that person to perform their functions and activities improperly or to reward that person for having already done so”.

### **What are the Offences?**

The Act includes offences concerned with bribing another person and with being bribed (in other words the giving of and acceptance of a bribe). These apply to individuals.

The Service can also be prosecuted for the offence of failing to prevent bribery (by its staff, or agents).

### **What we do to avoid Bribery**

The Service has a clear Anti-Bribery Policy (this document) which is brought to the attention of all employees and agents.

The Service’s Anti-Bribery Policy is reflected in corporate documents so that there is a consistent message about bribery.

There is commitment to avoid bribery from Members and officers (the Chief Fire Officer is the senior officer with responsibility for this Policy).

### **What we expect of employees and agents**

If an employee, or agent of the Service becomes aware of circumstances which cause them concern, they should report the matter to:

- Chief Fire Officer and Chief Executive
- Director of Governance and Commissioning Head of Legal & Democratic Services (Monitoring Officer)
- Treasurer Head of Finance (Section 151 Officer)

Alternatively they should use the Whistleblowing Procedure.

## **What we will do about suspected Bribery**

The Service will ensure that any allegations of bribery are thoroughly investigated (involving the Police as appropriate).

Should there be weaknesses in any systems and/or processes which come to light as a result of a report of suspected bribery, or proven bribery, then changes will be made, as necessary, to avoid future problems. Employees and agents will be dealt with appropriately in cases of proven bribery.

March 2019

## **Cheshire Fire Authority**

### **Anti-Fraud Policy**

#### **1. Introduction**

Cheshire Fire Authority is committed to sound governance arrangements. In managing its arrangements and responsibilities the Authority, as a public body accountable to the taxpayer, is determined to ensure proper accountability and probity in delivering its stated business aims and objectives.

This Anti-Fraud Policy is designed to:-

- help prevent fraud
- promote early detection and ensure its effective investigation
- where appropriate ensure the recovery of any financial loss.

**Fraud** encompasses a range of acts and can include:

- criminal deception
- forgery
- blackmail
- theft including the obtaining of a pecuniary advantage for a third party i.e. financial gain or a reduction in a debt or liability
- the intentional distortion of financial statements or other records by persons inside or outside the Authority which is carried out to conceal the theft of assets or otherwise for gain
- conspiracy and the concealment of material facts.

NB: Bribery is dealt with in a separate policy.

#### **2. Policy Statement**

The Authority is committed to ensuring that all necessary steps are taken to avoid it being subjected to fraud.

The Authority will:

- promote a fair, equitable and honest approach to service delivery with those providing and receiving services
- actively seek out instances of fraudulent and corrupt practices and pursue the perpetrators to the full extent of the law
- encourage people with concerns about potential fraud to inform the Authority of their suspicions
- treat complaints of potential fraud positively, fairly and equitably

- regularly review its own procedures to ensure they offer effective protection of the Authority's interests and reputation.

To achieve this the Authority will establish, communicate and maintain:

- proper standards
- an anti-fraud culture
- supporting policies and procedures
- reporting and investigation arrangements
- access to information and publicity
- review mechanisms
- data sharing arrangements

### **3. Strategy Statement**

#### **Proper Standards**

The Authority's Constitution determines how it operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. It is subject to regular review by the Authority's Monitoring Officer.

Fire Authority Members and employees have a duty to adhere to the Constitution and its provisions and comply with the respective Codes of Conduct that apply to them.

The Authority is committed to ensuring that Members and employees receive suitable training and continuing professional development in order to assist them in the delivery of their duties.

Senior Officers are responsible for the maintenance of sound internal control systems, procedures and records. They are required to formally review their control environment and document their findings in support of the Authority's published Annual Governance Statement.

#### **Culture**

The Authority supports and promotes zero tolerance to any form of fraud and will pursue perpetrators to the full extent of the law. It expects all Members of the Authority, employees, consultants, contractors, service users and any other external and partner organisations to uphold the highest standards of integrity in their dealings for, and on behalf of, the Authority.

#### **Policies and Procedures**

In order to promote a strong anti-fraud culture an infrastructure of preventative measures have been adopted in the form of policies and procedures that Members and employees are required to comply with.

Key policies and procedures include:

- Code of Conduct for employees (which includes the Whistle Blowing Procedure)
- Code of Conduct for Members
- Financial Regulations
- Human Resource policies including recruitment and disciplinary procedures

NB: The Anti-Bribery Policy supplements this policy.

### **Reporting**

Members and employees must report any concerns they may have regarding potential fraud

They should report the matter to:

- Chief Fire Officer **and Chief Executive**
- **Director of Governance and Commissioning (Monitoring Officer)**
- **Treasurer (Section 151 Officer)**

The Authority's Confidential Reporting Policy (Whistleblowing) and Corporate Complaints Policy provide a route for raising concerns with the Authority and detail the safeguards and support available.

### **Investigation**

Investigation into fraud which will normally be carried out by the Internal Audit Service who will liaise with the Chief Fire Officer and Chief Executive, ~~Head of Finance and Head of Legal and Democratic Services~~, **Director of Governance and Commissioning and Treasurer**.

Where there is evidence of suspected fraud following discussion with the Chief Fire Officer and Chief Executive, ~~Treasurer Head of Finance and Director of Governance and Commissioning and Treasurer Head of Legal and Democratic Services~~ the Internal Audit Service may refer the matter to the Police who will determine if a criminal investigation is appropriate.

The Authority will seek to recover losses incurred as a result of any fraud.

### **Access to Information and Publicity**

The policies and procedures referred to in this document are available on the Authority's website and intranet. The Authority will seek to publicise proven cases of fraud or corruption through these mechanisms and via the local press.

#### **4. Review**

The Authority will ensure that this Policy is subject to regular review.

Authority policies and procedures outlined within this document are also subject to regular review.

#### **5. Sharing Information**

The Authority is committed to working with other agencies in the detection and prevention of fraud.

Information will be shared internally and with government departments and other agencies for the purposes of the prevention and detection of fraud. This information will be shared in accordance with the principles of the Data Protection Act.

The Authority also participates in a national data sharing exercise, The National Fraud Initiative, to enable the proactive detection of fraud.

#### **6. Contacts**

Further advice or assistance can be obtained from the following:-

Internal

Paul Vaughan – Head of Finance 01606 868815  
Allan Rainford – Treasurer  
Email: [Allan.rainford@cheshirefire.gov.uk](mailto:Allan.rainford@cheshirefire.gov.uk)  
Tel: 01606 868845

Andrew Leadbetter – ~~Head of Legal and Democratic Services~~ Director of Governance and Commissioning  
Email: [Andrew.leadbetter@cheshirefire.gov.uk](mailto:Andrew.leadbetter@cheshirefire.gov.uk)  
Tel: 01606 868456

Internal Audit Services, provided by the Mersey Internal Audit Agency - Audit Manager, Kevin Lloyd Anne-Marie Harrop 0161 743 2029

External Audit, provided by Grant Thornton UK LLP – Ged Small 0161 214 6372

# Agenda Item 6

## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 10<sup>TH</sup> APRIL 2019  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** SCHEME OF DELEGATION - ASSISTANT CHIEF FIRE OFFICERS AND TREASURER / HEAD OF FINANCE

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### Purpose of Report

1. To provide Members with details of changes that need to be made to the Scheme of Delegation.

### Recommended: That

- [1] Members note the changes
- [2] Members approve the amendments and recommend approval of the revised Scheme of Delegation to the Fire Authority

### Background

2. On the 18<sup>th</sup> February 2019 the Fire Authority approved a new Brigade Management structure. Under the new structure the Deputy Chief Fire Officer role has been removed and two Assistant Chief Fire Officers posts have been created.
3. The Scheme of Delegation needs to be changed to reflect the new Brigade Management structure.
4. As part of the Blue Light Collaboration Programme a joint finance team was created to deliver services to fire and police. The role of Treasurer (Section 151 Officer) was excluded from the Programme. A part time Treasurer role was created and filled.
5. The Scheme of Delegation needs to reflect the separation of these two roles and to clarify the respective responsibilities of the Treasurer and Head of Finance.

## **Information**

6. The Scheme of Delegation has been amended to remove the role of Deputy Chief Fire Officer. The responsibilities have largely been assigned to the Assistant Chief Fire Officers.
7. The amended extract from the Scheme of Delegation is attached as Appendix 1.
8. The Scheme of Delegation has been amended to reflect the separation of the finance roles as a result of Blue Light Collaboration and the duties and responsibilities of each post.
9. The amended extract from the Scheme of Delegation is attached as Appendix 2.
10. The Scheme of Delegation will need to be further amended in due course.

## **Financial Implications**

11. There are no financial implications.

## **Legal Implications**

12. The Scheme of Delegation sets out the powers of officers and forms part of the Authority's Constitution. The powers of officers are delegated to them by the Authority under section 101 of the Local Government Act 1972.
13. The Scheme of Delegation must be amended to reflect any changes to the management structure to ensure that officers have the relevant powers.

## **Equality and Diversity Implications**

14. There are none.

## **Environmental Implications**

15. There are none.

**CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD  
TEL [01606] 868804  
BACKGROUND PAPERS: NONE**

## **Appendix 1**

### **DEPUTY ASSISTANT CHIEF FIRE OFFICERS**

11.13 The Deputy Assistant Chief Fire Officer are responsible to the Fire Authority for:

- a) Providing strategic leadership to shape and direct service provision;
- b) Managing the overall co-ordination of the activities of the Service and optimising the use of resources;
- c) Leading and managing the Departments within his/her area of responsibility;
- d) Authorising surveillance activity in accordance with the Authority's policy;
- e) The Assistant Chief Fire Officer Service Delivery and Prevention is responsible for the safeguarding of children, young people and vulnerable young adults as well as the safeguarding of vulnerable adults including the preparation and maintenance of appropriate policies and procedures;
- f) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate.
- g) Undertake the role of Fire Gold Commander at major incidents within Cheshire.
- h) Managing budgets in accordance with Financial Regulations.
- i) Deputise for the Chief Fire Officer and Chief Executive as necessary.

The Chief Fire Officer and Chief Executive and Deputy Assistant Chief Fire Officers are collectively referred to as Brigade Managers in some documents.

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## **Appendix 2**

### **Treasurer (Section 151 Officer)**

- 11.21 The Treasurer is the Section 151 Officer (Local Government Act 1972) and has responsibilities under Section 151 and Section 114 of the Local Government Finance Act 1988.
- 11.22 The Treasurer is responsible for:
- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;
  - b) Providing high quality, professional support services;
  - c) Jointly with the Head of Finance, ensuring effective control of budgets;
  - d) Ensuring that the Financial Regulations, **including procurement rules**, are adequate, **and** regularly monitored **and adhered to**.
  - e) Jointly with the Head of Finance, negotiating and managing treasury management activities;
  - f) Jointly with the ~~Chief Fire Officer and Chief Executive, Head of Finance and Director of Governance and Constitution~~ to preparing an annual revenue budget and capital programme for consideration and approval by the Fire Authority, **calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation**.
  - g) **Ensuring there are appropriate arrangements for the production and publication of the Annual Statement of Accounts including liaising with the external auditor and certifying the draft accounts.**
  - h) Arranging for the necessary precepts to be raised with the constituent authorities.
  - i) Acting as panel member in consideration and determination of applications for voluntary redundancy;
  - j) **Jointly with the Chief Fire Officer and Chief Executive and Director of Governance and Commissioning, approving offers of sponsorship**

### **Head of Finance**

- 11.23 The Head of Finance is responsible for:
- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;

- b) Providing high quality, professional support services;
- c) Providing timely and accurate financial monitoring information and reporting financial performance to Members.
- d) Jointly with the Treasurer ensuring effective control of budgets;
- e) Jointly with the Treasurer negotiating and managing treasury management activities;
- f) Jointly with the Chief Fire Officer and Chief Executive, Head of Finance and Director of Governance and Constitution Treasurer preparing an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation.
- g) The preparation of the draft Annual Statement of Account and draft Annual Governance Statement.
- h) Acting as Deputy Section 151 Officer.