

## **Constitution 2018**

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## **INTRODUCTION**

This is the Constitution of Cheshire Fire Authority, which:

- Explains the Authority's decision-making arrangements;
- Sets out the responsibilities of elected Members and Officers; and
- Contains details of rules and controls.

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## SECTION 1 – CHESHIRE FIRE AUTHORITY

- 1.1 The Cheshire Fire Service (Combination Scheme) Order 1997 (the Scheme) established Cheshire Fire Authority (the Authority) for the combined area then covered by Cheshire County Council, Halton Borough Council and Warrington Borough Council. Upon local government reorganisation in 2009 the Authority's combined area became that covered by the borough councils of Cheshire East, Cheshire West and Chester, Halton and Warrington (the Constituent Authorities). At that time it was agreed that there should be 23 Councillors appointed to the Fire Authority.
- 1.2 The Scheme restricts the number of Members that may sit on the Authority (to a maximum of 25). It also requires each of the Constituent Authorities to appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the Constituent Authority areas. In other words the seats are allocated in proportion taking into account the electoral numbers in each of the Constituent Authority areas. The allocation is checked each year.
- 1.3 There are currently 23 elected Members of the Authority. At present the appointments are made in the following proportions:
- |   |   |
|---|---|
| Cheshire East Borough Council             | 8 |
| Cheshire West and Chester Borough Council | 8 |
| Halton Borough Council                    | 3 |
| Warrington Borough Council                | 4 |
- 1.4 The Authority operates a committee system rather than an executive/ cabinet model. The Authority itself makes all the key decisions. It appoints the following main committees: Performance and Overview; Governance and Constitution; Brigade Managers' Pay and Performance; and Estates and Property. Seats on these main committees are allocated in political proportion.
- 1.5 A copy of the Cheshire Fire Services (Combination Scheme) Order 1997 is attached as Annex 1 to this section.

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## STATUTORY INSTRUMENTS

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### 1997 No. 2697

### FIRE SERVICES

### The Cheshire Fire Services (Combination Scheme) Order 1997

*Made* - - - - 8th November 1997

*Coming into force* - - 9th November 1997

Whereas it appears to the Secretary of State that it is expedient in the interests of efficiency that a combination scheme should be made for the areas of the fire authorities referred to in paragraph 3 of the scheme set out in the Schedule hereto (“the scheme”), and a scheme has not been submitted to him by those authorities;

And whereas notice of the general nature of the scheme has been given in accordance with section 6(2) of the Fire Services Act 1947<sup>(1)</sup>(“the 1947 Act”);

And whereas the Secretary of State has been notified by the fire authorities concerned of their assent to the scheme;

And whereas a draft of the Order containing the draft scheme has been laid before Parliament for a period of forty days pursuant to section 6 of the Statutory Instruments Act 1946<sup>(2)</sup>, and that period has expired without either House resolving that the Order be not made;

Now, therefore, in exercise of the powers conferred upon him by sections 6, 8 and 10 of the 1947 Act, and section 7(2) of the Fire Services Act 1959<sup>(3)</sup>, the Secretary of State hereby makes the following Order:

#### Citation

1. This Order may be cited as the Cheshire Fire Services (Combination Scheme) Order 1997 and shall come into force on the day after the day on which it is made.

#### Combination Scheme

2. The combination scheme set out in the Schedule to this Order, which shall be known as the Cheshire Fire Services Combination Scheme, shall have effect.

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(1) 1947 c. 41. Sections 6 and 10 of the 1947 Act were amended respectively by paragraphs 1 and 2 of Schedule 3 to the Local Government Act 1992 (c. 19). For the purposes of making the scheme set out in the Schedule to this Order, sections 5(2) and 10 of the 1947 Act have effect as indicated in article 5 of the Cheshire (Boroughs of Halton and Warrington) (Structural Change) Order 1996 (S.I. 1996/1863).

(2) 1946 c. 36.

(3) 1959 c. 44.

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8th November 1997

*George Howarth*  
Parliamentary Under-Secretary of State, Home  
Office



## SCHEDULE

### THE CHESHIRE FIRE SERVICES COMBINATION SCHEME

## PART I

### CITATION, COMMENCEMENT AND INTERPRETATION

#### Citation and commencement

1. This scheme may be cited as the Cheshire Fire Services Combination Scheme and shall come into force—
  - (a) for the purposes of constituting an authority as the fire authority for the combined area constituted by the scheme, and the performance by that authority of any functions necessary for bringing the scheme into full operation on 1st April 1998, on the day on which the Cheshire Fire Services (Combination Scheme) Order 1997<sup>(4)</sup> comes into force, and
  - (b) for all other purposes, on 1st April 1998.

#### Interpretation

2. In this scheme any reference to a paragraph or a Part is a reference to a paragraph or a Part of this scheme, and—
  - “the Authority” means the fire authority constituted for the combined area by virtue of paragraph 4;
  - “the combined area” means the fire authority area comprising the areas referred to in paragraph 3;
  - “the combined fire service fund” means the combined fire service fund established by virtue of paragraph 6;
  - “constituent authority” means a council referred to in paragraph 3; and
  - “the fire brigade” means, unless otherwise indicated, the fire brigade established for the combined area by virtue of paragraph 5.

## PART II

### GENERAL

#### The combined area

3. The areas of the following councils, namely the councils of the boroughs of Halton and Warrington and Cheshire County Council shall be combined and shall become the combined area.

#### Combined Fire Authority

4. (1) There shall be constituted as the fire authority for the combined area an authority to be known as the Cheshire Fire Authority.
- (2) The Authority shall be constituted in accordance with the provisions of Part III.

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(4) S.I. [1997/2697](#).

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### **Fire brigade for combined area**

5. (1) There shall be established a fire brigade for the combined area which shall be known as the Cheshire Fire Brigade, or by such other name as the Authority may determine.

(2) The first chief officer of the fire brigade shall be D.T. Davis Esq.

(3) The Authority shall submit an establishment scheme for their area to the Secretary of State in accordance with section 7 of the Fire Services Act 1959<sup>(5)</sup>.

### **Financial provisions etc.**

6. (1) The expenses of the Authority shall be paid out of a combined fire service fund constituted and administered in accordance with the provisions of Part IV.

(2) Contributions shall be paid into the combined fire service fund by constituent authorities in accordance with the said provisions.

7. The Authority shall appoint a treasurer of the combined fire service fund.

### **Officers and employees**

8. The provisions of Part V shall have effect with respect to officers and employees of the Authority.

9. The Authority may appoint such other officers and employees as they think necessary for the efficient discharge of their functions.

10. The Authority may make arrangements with any constituent authority for the use by the Authority of the services of officers and employees of the constituent authority and for the making of contracts and payments on behalf of the Authority by the constituent authority.

## **PART III**

### **CONSTITUTION OF COMBINED FIRE AUTHORITY**

11. (1) The Authority shall consist of not more than 25 members save that, where the minimum number of members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of members.

(2) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance with this Part.

12. Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.

13. A member of the Authority shall come into office on the date of his appointment and shall, subject to paragraphs 14 to 16, hold office for such period or periods as shall be determined by the constituent authority which appoints him.

14. A member of the Authority may resign his membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.

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(5) 1959 c. 44.

**15.** (1) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.

(2) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.

**16.** (1) Subject to sub-paragraph (2), if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and, unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.

(2) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his period of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such period unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.

**17.** (1) The Authority shall elect a chairman, and may elect a vice-chairman, from among its members.

(2) The chairman and the vice-chairman, if elected, shall, subject to paragraphs 13 to 16, hold office for such period not exceeding one year as the Authority shall determine.

(3) Sub-paragraph (2) shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

(4) On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.

(5) The election to replace the chairman under sub-paragraph (4) shall take place not later than the next following ordinary meeting of the Authority.

**18.** The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the Chief Executive of Cheshire County Council, and subsequent meetings shall be convened in such a manner as the Authority shall determine.

**19.** At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority.

**20.** (1) The following provisions of the Local Government Act 1972<sup>(6)</sup>, namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.

(2) Section 101(6) of the Local Government Act 1972 shall have effect, by virtue of sub-paragraph (1), as if for the words “levying, or issuing a precept for, a rate” there were substituted the words “assessing or varying the contributions to be paid into the combined fire service fund by the constituent authorities”.

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(6) 1972 c. 70.

## PART IV

### COMBINED FIRE SERVICE FUND

21. (1) Each constituent authority shall, in respect of each financial year, pay into the combined fire service fund, in accordance with the provisions of this paragraph, a contribution equal to its appropriate proportion of the net expenses of the Authority in respect of that year.

(2) The Authority shall, before 31st December in any year, submit to each constituent authority an estimate of its net expenses for the next financial year, and shall subsequently, before 15th February, give notice to each constituent authority of the amount of the contribution to be paid by that authority under this paragraph in the next financial year.

(3) Subject to sub-paragraphs (4) and (5), each constituent authority shall, at such intervals as are agreed between it and the Authority, make an interim payment into the combined fire service fund of such an amount as is so agreed on account of the said contribution.

(4) Subject to sub-paragraph (5), if a constituent authority and the Authority fail to agree, or subsequently disagree, as to the intervals at which payments should be made under sub-paragraph (3) or as to the amounts of such payments, each payment shall, until the end of the financial year or subsequent agreement between the two authorities, whichever is sooner—

(a) be made on the first working day of each month, and

(b) be of such an amount as would, if added to payments of an equal amount made on the first working day of each remaining month of the financial year, equal the outstanding balance of the contribution to be paid by the constituent authority under this paragraph.

(5) Notwithstanding the provisions of sub-paragraphs (3) and (4) any payments made under those sub-paragraphs shall be made at such times, and shall be of such amounts, as are at all times sufficient to enable the financial obligations of the Authority to be met.

(6) The Authority may, after consultation with each constituent authority, revise the estimate referred to in sub-paragraph (2) at any time before the end of the financial year to which that estimate relates and shall, as soon as is practicable, give notice in writing to each constituent authority of the revised amount of the contribution to be paid by that authority under this paragraph.

(7) Where a constituent authority receives notice under sub-paragraph (6) the interim payments payable thereafter under sub-paragraph (3) or (4) shall, subject to sub-paragraph (5), be so increased or reduced as to adjust to the difference.

(8) If the Authority makes arrangements with any constituent authority under paragraph 10 for the making of payments on behalf of the Authority by that constituent authority, the interim payments to be made by that constituent authority under this paragraph shall, subject to sub-paragraph (5), take into account payments made by that constituent authority on behalf of the Authority.

(9) For the purposes of this paragraph the net expenses of the Authority, in respect of any financial year, shall be the amount of its expenditure in respect of that year less all income which is credited to the combined fire service fund in respect of that year, other than contributions paid or payable under sub-paragraph (1), but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority so resolve, include such amount or amounts as the Authority consider appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6).

(10) In this paragraph—

“appropriate proportion” means the proportion of the total amount of the constituent authorities' council tax base which is represented by the council tax base of the constituent authority in question;

“council tax base” means the council tax base for the year calculated by the Secretary of State for the Environment for Revenue Support Grant purposes in accordance with the local government finance report for that year made under section 78A of the Local Government Finance Act 1988<sup>(7)</sup>;

“financial year” means the period of twelve months beginning on 1st April; and

“working day” means a day other than a Saturday or a Sunday, Good Friday, Christmas Day or a day which is, or is to be observed as, a bank holiday, or a holiday under the Banking and Financial Dealings Act 1971<sup>(8)</sup> in England and Wales.

**22.** The Authority shall have the power to pay out of the combined fire service fund compensation to persons employed by Cheshire County Council who in consequence of this scheme, or anything done thereunder, suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments.

## PART V

### OFFICERS AND EMPLOYEES OF THE AUTHORITY

**23.** There shall be transferred—

- (a) to the fire brigade members of the fire brigade maintained by Cheshire County Council, and
- (b) to employment by the Authority persons employed by that council wholly or mainly for the purposes of the fire brigade maintained by that council.

**24.** The following provisions of the Local Government Act 1972, namely sections 114, 115, 116, 117(1), (2) and (3), 118 and 119, shall apply to the officers and employees of the Authority as if references in those provisions to a local authority, other than references to a parish council, were references to the Authority.

## PART VI

### PROPERTY, RIGHTS AND LIABILITIES

**25.** There shall be transferred from Cheshire County Council to the Authority any property which is held by that council solely in connection with the provision of fire services, and rights and liabilities held or incurred by that council in respect of—

- (a) any contract of employment with a person transferred in accordance with paragraph 23;
- (b) the Firemen’s Pension Scheme as set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992<sup>(9)</sup>; and
- (c) any contract for the provision of services or the delivery of goods solely in connection with the provision of fire services.

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(7) 1988 c. 41. Section 78A was inserted by the Local Government Finance Act 1992 (c. 14), section 104 and Schedule 10, paragraph 10.

(8) 1971 c. 80.

(9) S.I. 1992/129.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes a scheme which combines the areas of the councils of the boroughs of Halton and Warrington (which would otherwise become individual fire authorities on 1st April 1998 by virtue of the Local Government Act 1992) and the Cheshire County Council into a combined fire area. The scheme comes into force on the same day as the Order comes into force for the purpose of doing anything which is necessary to bring the scheme fully into operation on 1st April 1998. The scheme establishes a fire authority for the combined area, to be known as the Cheshire Fire Authority, and provides for the appointment and terms of office of its members, and for meetings of the Authority. The scheme establishes a fire brigade for the combined area, to be known as the Cheshire Fire Brigade or by such other name as the Authority determines, appoints its first chief officer, and provides for the submission of an establishment scheme to the Secretary of State. The scheme establishes a combined fire service fund and provides for the administration of the Authority's finances. The scheme also provides for the transfer of staff, and certain property, rights and liabilities, directly from the Cheshire County Council (the fire authority for the same area as the combined area prior to 1st April 1998) to the new combined authority.

## SECTION 2 – KEY DOCUMENTS

### INTRODUCTION

This section includes a short explanation about key documents produced by the Fire Authority.

#### 2.1 Integrated Risk Management Plan (IRMP)

The Fire and Rescue National Framework for England (**the Framework**) issued in July 2012 by the Department for Communities and Local Government sets out the requirements for the preparation of an IRMP.

The following paragraphs are taken from the Framework:

- 1.3 *Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all foreseeable fire and rescue related risks that could affect its community, including those of a cross-border, multi-authority and/or national nature. The plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.*
- 1.10 *Each fire and rescue authority Integrated Risk Management Plan must:*
- *Demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way.*
  - *Set out its management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for regulators, and the Enforcement Concordat.*
- 1.11 *Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements, and reflect this in their Integrated Risk Management Plans.*
- 2.3 *Each fire and rescue authority Integrated Risk Management Plan must:*
- *Be easily accessible and publicly available*

## SECTION 2 – KEY DOCUMENTS

- *Reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners*
- *Cover at least a three year time span and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework*
- *Reflect up to date risk analyses and the evaluation of service delivery outcomes*

3.2 *Fire and rescue authorities must 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...*

### **2.2 Five Year Strategy – ‘Planning for a Safer Cheshire’**

To provide the strategic direction for the Authority, a five year strategy is produced. This outlines the organisation’s vision, mission and objectives and the approach it will take in addressing the issues it faces in the medium term.

### **2.3 Medium Term Financial Plan (MTFP)**

The MTFP covers a rolling period of four years and maps out financial predictions and assumptions to assist in the annual budget setting process and in ensuring longer term liabilities are provided for. The MTFP aligns with the approach set out in the four year strategy and underpin the annual IRMP action plans.

### **2.4 Annual Statement of Assurance (a requirement of the Framework)**

The Authority is required to provide assurance on financial, governance and operational matters and show it has had due regard to the requirements of its IRMP and those included in the Framework. To provide this assurance the Authority must publish an Annual Statement of Assurance. This will not be a single document.

### **2.5 Business Continuity Plan (a requirement of the Framework)**

It is a requirement of the Framework that the Authority must have effective Business Continuity arrangements in place in accordance with the duties set out in the Civil Contingencies Act 2004 and in order to meet the full range of service delivery risks that the Authority faces.



## **SECTION 2 – KEY DOCUMENTS**

### **2.6 Annual Report**

The Annual Report is produced to provide residents and external partners with a summary of the Authority's financial accounts together with details of Service performance and is made widely accessible.

### **2.7 Annual Financial Statement**

The Authority has a statutory requirement to complete and approve a set of fully audited financial statements annually by the end of each July.

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## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **INTRODUCTION**

This section sets out the responsibilities of the Members’ Decision-Making Bodies. It sets out the responsibilities of the Fire Authority and lists the matters that it has delegated.

The table on the next page summarises the structure of the Members’ Decision-Making Bodies providing key information and outlining requirements associated with each of the Bodies.

## SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

### TABLE OF KEY INFORMATION AND REQUIREMENTS

BODY	NUMBER OF ELECTED MEMBERS	APPOINTMENT	QUORUM	OTHER REQUIREMENTS				NO OF MEETINGS
FIRE AUTHORITY	23	By Constituent Authorities allocated seats in ratio of electors in each of the areas covered by Fire Authority. Constituent Authorities appoint in political proportion.	One third and All Constituent Authorities must be represented.	Police and Crime Commissioner attends as non-elected, non-voting member.				6
PERFORMANCE AND OVERVIEW COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee	Any three elected Members.	One independent non-elected member attends in advisory capacity.		Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.	Act as Closure of Accounts Committee.	4
GOVERNANCE AND CONSTITUTION COMMITTEE	6	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	Two independent non-elected members attend in advisory capacity.			Complaints about Members' conduct will involve an independent person that is not a member of this committee.	4
BRIGADE MANAGERS' PAY AND PERFORMANCE COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.					3
STAFFING COMMITTEE	7	No appointments required.	Any three elected Members.		Members from Brigade Managers' Pay and Performance Committee act as this committee.			2
ESTATES AND PROPERTY COMMITTEE	6	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	One independent non-elected member attends in advisory capacity.	To include, wherever possible, Lead Members and the Procurement and Environment Member Champions.	Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.		Ad Hoc
JOINT CONSULTATIVE COMMITTEE	4	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	Union Officials attend. Up to 3 FBU, 1 from FOA, 1 from Unison, as necessary.				Ad Hoc
BUSINESS CONTINUITY COMMITTEE	Varies	By virtue of role.	Any three elected Members.		Chair, Deputy Chair, Group Spokespersons, Lead Members.			Ad Hoc

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF THE FIRE AUTHORITY**

- 3.1 Makes all Member decisions that are not delegated to other Member Decision-Making Bodies.
- 3.2 Makes key decisions, including but not limited to:
  - Approval of the budget (including capital and revenue proposals)
  - Setting the precept
  - Approval of the annual accounts
  - Approval of the Annual Statement of Assurance
- 3.3 Approves key/significant plans (and considers associated documentation, e.g. annual reports).
- 3.4 Approves key/significant strategies (and considers associated documentation, e.g. annual reports).
- 3.5 Approves key/significant policies (and considers associated documentation, e.g. annual reports).
- 3.6 Establishes and determines the responsibilities, and composition of, and appointments to all Members’ Decision-Making Bodies and determines Member Roles and makes appointments to all outside bodies.
- 3.7 Adopts the Members’ Codes of Conduct.
- 3.8 Approves the Members’ Allowances Scheme.
- 3.9 Considers and determines any matters referred to it by any of the Members’ decision-making bodies.
- 3.10 Receives key external reports and determines appropriate actions e.g. Operational Assessment and HMICFRS.
- 3.11 Appoints the Chief Fire Officer and Chief Executive.
- 3.12 Agrees overall Scheme of Delegation.
- 3.13 Agrees any transfer of functions and/or powers and/or major changes to service delivery (including the establishment of a trading company etc.).
- 3.14 Settles responses to key consultations.
- 3.15 Agrees to buy or sell land and/or buildings.
- 3.16 Agrees to enter into key and/or long-term contractual commitments.
- 3.17 Approves statutory statements e.g. Annual Pay Policy Statement.
- 3.18 Approves annual report.

### **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- 3.19 Considers External Audit Findings and Value for Money Conclusion report (including approval of Audit Arrangements and Fees).
- 3.20 Approves the Constitution and any amendments to it.
- 3.21 Acts as duty holder for matters relating to health and safety.
- 3.22 Takes the leading role in respect of risk management (with the support of the Risk Management Board).

**IF IN DOUBT TREAT THE MATTER AS ‘KEY/SIGNIFICANT’ AND REPORT THE MATTER TO THE FIRE AUTHORITY.**

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES PERFORMANCE AND OVERVIEW COMMITTEE**

The Performance and Overview Committee:

- 3.23 Assists the Authority in the development, review and monitoring of plans (e.g. Integrated Risk Management Plan), strategies and policies (e.g. Health and Safety Management Policy, receiving the Annual Health and Safety report), making recommendations and offering advice, as appropriate.
- 3.24 Monitors performance (financial and non-financial) with a view to securing efficiency, effectiveness and value for money, making recommendations and offering advice, as appropriate.
- 3.25 Reviews the implementation of decisions by the Authority, making recommendations and offering advice, as appropriate.
- 3.26 Monitors delivery of the Authority’s programmes and projects, making recommendations and offering advice, as appropriate.
- 3.27 Monitors progress against the internal audit plan and recommendations from internal audits, making recommendations and offering advice, as appropriate.
- 3.28 Monitors arrangements with third parties, e.g. partners and contractors, making recommendations and offering advice, as appropriate.
- 3.29 Refers matters to the Authority for consideration/determination when it believes that matters should be brought to its/their attention.
- 3.30 Act as Closure of Accounts Committee.
- 3.31 In order to fulfil these responsibilities the Committee may establish task and finish groups if specific issues require in-depth examination.
- 3.32 The Committee may request officers and/or Members to attend a meeting to provide information and answer questions about a matter that is before the Committee.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF GOVERNANCE AND CONSTITUTION COMMITTEE**

The Governance and Constitution Committee:

- 3.33 Discharges the requirements of Chapter 7 of Localism Act 2011.
- 3.34 Assists the Fire Authority in the promotion and maintenance of high standards.
- 3.35 Recommends the Members’ Code of Conduct to the Fire Authority (and updates/amendments).
- 3.36 Secures applications for the role of Independent Person and make recommendations to the Fire Authority.
- 3.37 Manages the relationship with the Independent Persons.
- 3.38 Considers requests for dispensations and grant them (where appropriate).
- 3.39 Ensures delivery of training for Members on standards issues.
- 3.40 Issues advice to Members on standards issues.
- 3.41 Approves the format of the register of Members’ interests and monitor completion.
- 3.42 Agrees arrangements for investigation and decision-making in relation to allegations of breaches of the Members’ code of conduct.
- 3.43 Monitors Member attendance and recommend action to the Fire Authority.
- 3.44 Arranges for the review of Members’ allowances and recommend to the Fire Authority.
- 3.45 Secures appropriate corporate governance arrangements and monitor them.
- 3.46 Monitors compliments and complaints (including ombudsman matters).
- 3.47 Reviews Fire Authority’s constitution and make recommendations to Fire Authority.
- 3.48 Provides support to the Monitoring Officer and Section 151 Officer (Local Government Act 1972).
- 3.49 Considers and act upon developments related to standards in its broadest sense.
- 3.50 Agrees any indemnity afforded to Members and/or officers.
- 3.51 Settles the terms of any Member/officer protocol.
- 3.52 Monitors the effectiveness of Member/officer relationships.



### **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- 3.53 Considers matters referred by Performance and Overview Committee.
- 3.54 Settles the strategy for audit arrangements and carry out high level monitoring of the effectiveness of those arrangements.
- 3.55 Determines the Authority’s approach to the transparency agenda and monitor compliance with information-related legislative requirements.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF ESTATES AND PROPERTY COMMITTEE**

- 3.56 To ensure that the Fire Authority’s property management arrangements are appropriate, providing guidance to officers as necessary.
- 3.57 To provide guidance to officers and the Fire Authority in relation to property transactions.
- 3.58 To provide guidance to officers and the Fire Authority in relation to the sharing of its sites/premises with third parties.
- 3.59 To assist in the co-ordination of and agreeing the prioritisation of property-related projects/programmes.
- 3.60 To assist in the co-ordination of and agreeing the prioritisation of environmental projects/programmes and supporting officers and the Fire Authority in the delivery of matters that further the Authority’s Environmental Strategy.
- 3.61 To engage in key procurement issues as necessary.
- 3.62 To oversee the arrangements for Safety Central.

### **RESPONSIBILITIES OF JOINT CONSULTATIVE COMMITTEE (JCC)**

- 3.63 To apply due consideration to an issue when there has been a failure to agree, with a view to determining an outcome.

### **RESPONSIBILITIES OF BRIGADE MANAGERS’ PAY & PERFORMANCE COMMITTEE**

- 3.64 To determine and undertake the appointment process for the posts of Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer.
- 3.65 To appraise the Chief Fire Officer and Chief Executive.
- 3.66 To determine the remuneration of the Chief Fire Officer and Chief Executive.
- 3.67 To review the appraisal of the Deputy Chief Fire Officer.
- 3.68 To determine the remuneration of the Deputy Chief Fire Officer.
- 3.69 To determine (in accordance with the relevant policies and procedures) HR/IR matters concerning/affecting the Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF STAFFING COMMITTEE**

- 3.70 To appoint Area Managers and roles of equivalent standing.
- 3.71 To determine HR/IR matters (not delegated to officers or handled by JCC).
- 3.72 To determine pension matters.
- 3.73 To oversee key staff engagement and staff-related transformation activities.
- 3.74 To oversee discipline, grievance, employment claims etc.
- 3.75 To oversee relationships with representative bodies.
- 3.76 To approve the re-engagement of staff who have been retired or made redundant (excluding on call).

### **RESPONSIBILITIES OF BUSINESS CONTINUITY COMMITTEE**

#### **MEMBERSHIP**

- 3.77 The committee comprises of the Chair, Deputy Chair, Group Spokesperson(s) and Lead Member(s).

#### **RESPONSIBILITIES**

- 3.78 To introduce, monitor and review contingency planning arrangements in the event of disruptions to the delivery of the service.
- 3.79 To provide guidance on issues arising in relation to business continuity events.

### **MEMBER TRAINING AND DEVELOPMENT GROUP**

#### **MEMBERSHIP**

- 3.80 The group comprises of 4 Members and 1 independent (non-elected) member and appointments are made by the Fire Authority.

#### **RESPONSIBILITIES**

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

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RISK MANAGEMENT BOARD**

#### **MEMBERSHIP**

- 3.83 The Risk Management Board is chaired by the Chief Fire Officer and Chief Executive with representatives from the Senior Management Team attending, representation from Internal/External Audit and two elected Members.
- 3.84 Fire Authority Members should be drawn from the membership of the Fire Authority and are appointed by the Fire Authority.

#### **RESPONSIBILITIES**

- 3.85 To identify, assess and monitor corporate risks and ensure they are managed in line with the Risk Management Framework. This group has a critical ‘check and challenge’ role to ensure that identified risks are based on sound risk information and are adequately evaluated. The strategic risks recorded within the Service’s Risk Management database will be used to determine the Authority’s levels of balances and reserves.
- 3.86 To review any high priority Internal Audit recommendations in the context of risk to the organisation and assess specific risks that may be escalated from Heads of Department or the Service Management
- 3.87 To undertake annual reviews of the Service Crisis Management Plan.

### **PHOENIX BOXING CLUB BOARD**

#### **MEMBERSHIP**

- 3.88 The Governance Board includes two elected Members (drawn from Warrington Members) to represent Cheshire Fire Authority and the appointments are made by the Fire Authority.

#### **RESPONSIBILITIES**

- 3.89 The main role of the Governance Board is to make decisions regarding the facilities and to promote and support the club.
- 3.90 The Board will hold at least two general meetings a year.

### **HEALTHY HEART RUNCORN TRAINING GYM BOARD**

#### **MEMBERSHIP**

- 3.91 The Governance Board includes one elected Member (drawn from Halton Members) to represent Cheshire Fire Authority and the appointment is made by the Fire Authority.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES**

- 3.92 The main role of the Governance Board is to make decisions regarding the facilities and to promote and support the club.

### **UNITARY PERFORMANCE MANAGEMENT GROUPS**

#### **MEMBERSHIP**

- 3.93 The Unitary Performance Area Groups are the performance delivery groups in each of the Unitary Performance Areas and are chaired by the local Unitary Performance Manager, and attended by the local Members for that area.
- 3.94 The Unitary Performance Groups are able to engage with constituents about key issues affecting their area in circumstances where normal consultation processes and performance reporting are deemed insufficient.

#### **FUNCTIONS**

- 3.95 The group is multi functional and is responsible for the effective delivery of the Service IRMP objectives in that Unitary Performance Area.
- 3.96 The boundary of each group’s responsibilities coincides with the political and administrative boundaries of the Unitary Area in which it meets.
- 3.97 The meetings are an opportunity for local Members to scrutinise local officers on Service Performance and highlight issues of concern raised by the local community.
- 3.98 The Authority has provided a budget for each area to support Service and joint initiatives and is aimed at allowing the Unitary Performance Groups to address local safety concerns and issues. The decisions are made at local level within an agreed financial framework. These arrangements allow the Authority to provide opportunities for the democratic engagement where councillors can meet their constituents face to face and place councillors at the heart of well supported area and neighbourhood structures. It will also allow a greater degree of interaction for councillors and the public and closer scrutiny of Service activities.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **PENSION BOARD – FIREFIGHTERS’ PENSION SCHEMES** **TERMS OF REFERENCE AND ASSOCIATED RULES**

#### **RESPONSIBILITIES**

3.99 The Pension Board will assist the Scheme Manager (the Fire Authority) to:

- (a) Secure compliance with:-
  - (i) The Firefighters’ Pension Scheme (England) Regulations 2014 – which create the Firefighters’ Pension Scheme 2015 (the 2015 Scheme)
  - (ii) Any other legislation relating to the governance and administration of the 2015 Scheme and any connected scheme, and
  - (iii) Any requirements imposed by the Pensions Regulator in relation to the 2015 Scheme and any connected scheme; and
- (b) Ensure the effective and efficient governance and administration of the 2015 Scheme and any connected scheme.

#### **MEMBERSHIP OF THE BOARD**

3.100 Pension Member representatives

- (i) Two pension member representatives shall be appointed to the Board.
- (ii) Pension member representatives shall be members of the scheme administered by Cheshire Fire Authority.
- (iii) Pension member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

3.101 Employer representatives

- (iv) Two employer representatives shall be appointed to the Board.
- (v) One Member of the Fire Authority will be appointed to act as an employer representative together with an officer of the Authority.
- (vi) Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

#### **APPOINTMENT OF CHAIR**

3.102 The Fire Authority Member appointed to the Board as an employer representative will act as Chair to the Board.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

3.103 If the Chair is unable to attend a meeting of the Board the other employer representative will act as chair at that meeting.

3.104 The Chair of the Board shall:

- (i) ensure the Board fulfils it’s responsibilities as set out in these Terms of Reference
- (ii) ensure that meetings are productive and effective and that opportunity is given for the views of all Board members to be expressed and considered and
- (iii) Seek to reach consensus and ensure that decisions are properly put to a vote when consensus cannot be reached.

### **CONFLICTS OF INTEREST**

3.105 All members of the Board must declare to Cheshire Fire Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.

3.106 On appointments to the Board and following any subsequent declaration of potential conflict Cheshire Fire Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of Cheshire Fire Authority and the requirements of the Pensions Regulators Codes of Practice on conflict of interest for Board members.

### **CAPACITY (INCLUDING TRAINING)**

3.107 Board members must have the capacity to devote sufficient time and energy to this role. In particular Board members shall attend and participate in training.

### **BOARD ADMINISTRATION**

3.108 Meetings will be arranged by the Democratic Services team, who will issue agendas and supporting papers at least seven working days in advance of meetings.

3.109 The Democratic Services team will also be responsible for taking minutes of the meetings.

### **TERM OF OFFICE**

3.110 Members of the Board will be appointed for an indefinite term.

3.111 Board membership may be terminated prior to the end of the term of office due to:

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- (i) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme or an employee of Cheshire Fire Authority.
- (ii) An employer representative no longer holding office or employment with, or being a Member of, Cheshire Fire Authority.
- (iii) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

### **MEETINGS**

3.112 The Board is expected to meet approximately two times per year.

3.113 The Chair of the Board may call additional meetings.

### **QUORUM**

3.114 A meeting is only quorate when at least one pension member representative and one employer representative is present.

### **VOTING**

3.115 Each member of the Board will have one vote.

3.116 Where an equal number of votes are cast the Chair (or in his or her absence the chair of the meeting) will have a casting vote.



## SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

### List of Plans, Strategies and Policies associated with Members’ Decision Making Bodies

<b>Fire Authority</b>	
<b>Key Plans</b>	Integrated Risk Management Plan
	Medium Term Financial Plan
	External Audit Plan
	Crisis Management Plan
<b>Key Strategies:</b>	Five Year Strategy
	Member Development Strategy (and Programme)
	Treasury Management Strategy
<b>Key Policies:</b>	Heritage Policy
	Unwanted Fire Signals Policy
<b>Significant Plans:</b>	
<b>Significant Strategies:</b>	Asset Management Strategy
	Children and Young People Strategy
	CFP Business Liaison Strategy
	Consultation and Engagement Strategy
	Corporate Communications Strategy
	Corporate Equalities and Inclusion Strategy
	Internal Audit Strategy
	Risk Management Strategy
<b>Significant Policies:</b>	Adult Safeguarding Policy
	Health and Safety Management Policy
	ICT and Information Security Policy
	Partnership Policy
	Pay and Recognition Policy
	Pension Abatement and Re-employment Policy
	Re-organisation and Redeployment Policy
	Retirement Policy
	Sprinkler Policy

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## **SECTION 4 – PROCEDURAL MATTERS**

### **PROCEDURAL MATTERS**

This section includes the following points:

<u>General Procedural Matters</u>	<u>Paragraph No</u>
Interpretation of Procedure Rules	4.1
Press and Public	4.2 – 4.3
Election of the Chair and Deputy Chair to the Fire Authority	4.4 – 4.7
Appointment of Other Chairs and Deputy Chairs	4.8
Arrangements for Meetings	4.9 – 4.12
Political Group Leaders/Spokespersons	4.13
Appointments to Members' Decision Making Bodies	4.14 – 4.17
Record of Attendance	4.18 – 4.19
Meeting is not quorate	4.20
Agendas and Papers	4.21
Urgent Business	4.22
 <u>Before Meeting - Procedural Matters</u>	
Substitute Members	4.23 – 4.25
Rights of Constituent Authority Members	4.26
 <u>Conduct of Meeting – Procedural Matters</u>	
Appointing a Member to Preside Over a Meeting	4.27
Rights of Constituent Authority Members	4.28
Suspension of Procedural Matters	4.29
Variation and Revocation of Procedural Matters	4.30
Order of Business at Fire Authority Meetings	4.31 – 4.32
Rules of Debate	4.33
Notices of Motion	4.34 – 4.42
Voting	4.43 – 4.46
Questions and Petitions by Members of the Public	4.47 – 4.58
Disorderly Conduct of Members	4.59 – 4.61
Disturbance by Members of the Public	4.62 – 4.63
Protocol on Reporting at Meetings	4.64 – 4.80
 <u>Post Meeting – Procedural Matters</u>	
Publication of Minutes	4.81
Submission of Minutes to the Fire Authority	4.82 – 4.85
 <u>Specific Procedural Matters</u>	
Rescinding a Decision	4.86
Urgent Business to be determined between Fire Authority Meetings	4.87 – 4.89

## **SECTION 4 – PROCEDURAL MATTERS**

### **GENERAL PROCEDURAL MATTERS**

#### **Interpretation of Procedure Rules**

- 4.1 The Chair (of the Member Decision-Making Body) will provide a ruling as to the construction or application of any of these Procedure Rules, affecting the proceedings of the Member Decision-Making Body (after consulting with the Monitoring Officer).

#### **Press and Public**

- 4.2 All meetings of the Fire Authority, Performance and Overview, Governance and Constitution, Estates and Property and Brigade Managers' Pay and Performance committees will be open to the press and public. However, the press and public may be excluded by resolution from a part of the meeting when items of a confidential nature or containing exempt information as defined in Part VA Access to Meetings and Documents in Certain Authorities, Committees and Sub-Committees and Schedule 12A to the Local Government Act 1972 are to be considered.
- 4.3 For the avoidance of doubt Councillors who are not Members of a particular Member Decision-Making Body do not have an automatic right to remain in a meeting of a Member Decision-Making Body once a resolution has been passed excluding the press and public from the meeting. Such a Councillor would only be entitled to remain in the meeting if they had been able to establish a "need to know" to the Chair of the relevant Member Decision-Making Body.

**NB1:** The Authority has adopted a protocol on reporting at meetings (see 4.64 onwards later in this section).

**NB2:** The existing description of 'exempt information' appears in Annex 1 to this section.

#### **Election of Chair and Deputy Chair to the Fire Authority**

- 4.4 The Elections will take place at the meeting of the Fire Authority in June each year.
- 4.5 The Chair is elected first. The Monitoring Officer will ask for nominations and then conduct an Election if there is more than one person nominated.
- 4.6 The Election shall be conducted by secret ballot. Each person entitled to vote will receive a ballot paper which will be returned to the Monitoring Officer marked or un-marked. Where no person receives more than one half of the votes cast then the person receiving the least number of votes will be withdrawn. Further ballots will be held until one person receives more than one half of the votes cast.
- 4.7 The Deputy Chair is then elected following the same process for the Chair. The Chair does not have a casting vote where there is an equality of votes.

## **SECTION 4 – PROCEDURAL MATTERS**

**NB:** The Monitoring Officer cannot accept a nomination for the position of Deputy Chair if the nominee is from the same constituent authority as the Chair.

### **Appointment of Other Chairs and Deputy Chairs**

- 4.8 The Chair and Deputy Chair of the other Member decision-making bodies will be appointed at the meeting of the Fire Authority in June each year. These appointments will be made by agreement or through an election process similar to that described in the section entitled 'Election of Chair', except they will be concluded by a show of hands.

### **Arrangements for Meetings**

#### **4.9 Programme**

The Fire Authority will agree an annual programme of meetings taking into account as far as possible the meeting arrangements of the constituent authorities.

#### **4.10 Venue**

The majority of committee meetings will take place at Sadler Road, Winsford unless other arrangements are agreed by Members.

#### **4.11 Additional Meetings**

Additional meetings may be called at the discretion of the Chair, who will take into account, as far as possible, the meeting arrangements of the constituent authorities and ensure that Members are provided with details of the reason(s) for the additional meeting.

Seven or more Members of the Authority may request, in writing, for the Chair to call an additional meeting. The request should state the specific reason(s) for the meeting and be signed by each of the Members submitting the request. Once received the Chair should arrange for the meeting to be called within 15 days of receipt of the request. If agreement on the request cannot be reached the matter should be referred to the Monitoring Officer for determination.

#### **4.12 Postponement/Cancellation**

The Chair does have discretion to postpone or cancel meetings. Any alternative meeting date should take into account, as far as possible, the meeting arrangements of the constituent authorities. The Chair should only postpone or cancel a meeting with good reason(s) and will ensure that Members are notified of the reason(s).

## **SECTION 4 – PROCEDURAL MATTERS**

### **Political Group Leaders/Spokespersons**

- 4.13 Members of the Fire Authority are entitled to form a political group and appoint a Leader/Group Spokesperson and shall notify the Monitoring Officer.

### **Appointments to Members' Decision-Making Bodies**

- 4.14 The Monitoring Officer notifies the Leaders of the political groups about the allocation of seats to all bodies within the Authority's structure.
- 4.15 The Leaders shall notify the Monitoring Officer of the individuals from their respective political groups that they wish to be appointed to all of the decision-making bodies within the Authority's structure.
- 4.16 Appointments take place at the meeting of the Fire Authority in June each year.
- 4.17 The Leaders may change their appointments at any time on giving written notice to the Monitoring Officer.

### **Record of Attendance**

- 4.18 Members attending a meeting must sign their name on the attendance sheet.
- 4.19 Attendance at meetings is monitored and reported from time to time.

### **Meeting Not Quorate**

- 4.20 Where those in attendance do not fulfil the quorum requirements which are detailed elsewhere in this Constitution the Chair has discretion to adjourn the meeting for a period to allow other Members to arrive. If, after a period, to be determined by the Chair, there remain insufficient Members of the Members decision-making body, the Chair will adjourn the meeting to another date. The new date will take into account, as far as possible, the meeting arrangements of the constituent authorities and all relevant Members will be notified as soon as possible.

### **Agenda and Papers**

- 4.21 Members of the decision-making body will be invited to meetings by agenda sent by post and/or left at their place of residence and/or emailed at least 5 clear working days before the meeting to which it refers.

### **Urgent Business**

- 4.22 No matter shall be considered at a meeting of the Authority if it is not specified in the agenda for the meeting unless the Chair rules (after receiving advice from the Monitoring Officer) that in their opinion the item should be considered as a matter of urgency and specifies the reason(s) why it is urgent. The ruling, including the reason(s) for urgency, must be recorded in the minutes of the meeting.

## **SECTION 4 – PROCEDURAL MATTERS**

### **BEFORE MEETING - PROCEDURAL MATTERS**

#### **Substitute Members**

- 4.23 From time to time appointed Members of committees or sub-committees may be unable to attend a meeting.
- 4.24 The Fire Authority allows a political group to provide a substitute Member who is entitled to receive all papers as if he/she were an Appointed Member and who is able to attend the meeting and take part in the meeting as if he/she was an Appointed Member.
- 4.25 If a Political Group wishes to provide a Substitute Member it must ensure that notification is received by the Monitoring Officer before the start of the meeting that the substitute Member is due to attend.

**NB<sup>1</sup>.** If the Appointed Member and Substitute Member attend the meeting, the Substitute Member must stand down.

**NB<sup>2</sup>.** If a Substitute Member attends a meeting this shall be stated orally at the start of the meeting and noted in the minutes.

#### **Rights of Constituent Authority Members**

- 4.26 An elected Member of a Constituent Authority, who is not a Member on the Fire Authority may, with the permission of the Chair, (or in his/her absence the Deputy Chair) address the Authority where a matter under consideration has a particular significance for his/her electoral division or ward. Questions should be submitted in accordance with the requirements in the Conduct of Meetings – Procedural Matters section.

### **CONDUCT OF MEETING - PROCEDURAL MATTERS**

#### **Appointing a Member to Preside Over a Meeting**

- 4.27 In the absence of the Chair (and Deputy Chair, if one is appointed) the Authority or other Members' Decision-Making Body will elect someone to preside over the meeting from amongst the Committee Members present. Any power or duty invested in the Chair in relation to the conduct of a meeting will be exercised by the person appointed to preside over the meeting.

#### **Rights of Constituent Authority Members**

- 4.28 An elected Member of a Constituent Authority, who attends a meeting of the Fire Authority, shall address the Authority for no more than five minutes unless the consent of the Chair is given to continue.

## **SECTION 4 – PROCEDURAL MATTERS**

### **Suspension of Procedural Matters**

#### **4.29 Motion Required**

Subject to paragraph 4.30 below, any of the Procedural Matters may be suspended so far as regards any business at the meeting of the Members' Decision-Making Body where its suspension is approved by the majority of Members.

### **Variation and Revocation of Procedural Matters**

4.30 Any motion to vary, add to or revoke these Procedural Matters shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority. Any changes are to take effect from the end of the meeting at which they are agreed unless the Authority determines otherwise at the time.

### **Order of Business at Fire Authority Meetings**

4.31 The order of business at meetings of the Authority shall be as follows:

- (a) at the Annual meeting, to appoint the Chair and a Deputy Chair for the ensuing year;
- (b) to appoint a Chair for the meeting if the Chair and Deputy Chair of the Authority are absent;
- (c) to deal with any business required by law or those Procedural Matters to be dealt with before any other items;
- (d) to receive any Chair's announcements;
- (e) to agree the Minutes of the previous meeting as a correct record so that the Chair of the meeting can sign them;
- (f) to deal with questions and petitions submitted by Members of the Public in accordance with the requirements in the Conduct of Meetings - Procedural Matters section;
- (g) deal with any other business which by law needs to be considered;
- (h) to deal with any outstanding business from the previous meeting;
- (i) to consider recommendations/advice and/or decisions from the Performance and Overview Committee, Governance and Constitution Committee or other working groups or Officers;
- (j) to consider motions in accordance with the requirements in the Conduct of Meetings – Procedural Matters section; and
- (k) to deal with any other business on the Agenda and any urgent business.

4.32 The order of business at a meeting of the Fire Authority other than for items (a), (b), (c) and (d) may be varied either at the Chair's discretion.



## SECTION 4 – PROCEDURAL MATTERS

### **Rules of Debate**

4.33 The rules of debate which apply to proceedings of the Fire Authority meetings, and all other appropriate meetings within the political structure, are as follows:

(a) **Motions and Amendments**

No motion or amendment shall be discussed unless it has been proposed and seconded. The motion or amendment shall be put in writing and handed to the Chair before it is further discussed or put to the meeting. This requirement does not apply to motions submitted in accordance with the requirement in the Conduct of Meetings - Procedural Matters section.

(b) **Seconders' Speech**

When seconding a motion or amendment a Member may advise the Chair that he/she will reserve his/her right to speak until a later period in the debate.

(c) **Only One Member to Speak at a Time**

When speaking at an Authority meeting, and other meetings, a Member shall address the Chair. If two or more Members wish to speak, they shall indicate this by raising their arm, the Chair will call on one to speak and the other(s) will then be called in turn. While a Member is speaking the other Members will remain silent, unless rising on a point of order or in personal explanation.

(d) **Content and Length of Speeches**

A Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. With the exception of speeches by the Chair of the Authority no speech will exceed four minutes, except by consent of the Chair or the Authority.

(e) **When a Member may speak again**

At an Authority meeting a Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

1. to speak once on an amendment moved by another Member;
2. if the motion has been amended since he/she last spoke, to move a further amendment;
3. if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
4. in exercise of a right of reply;
5. on a point of order;
6. by way of personal explanation;
7. with the Chair's approval.

## SECTION 4 – PROCEDURAL MATTERS

(f) **Amendments to Motions**

An amendment shall be relevant to the original motion and shall be either:

1. to leave out words;
2. to leave out words and insert or add others;
3. to insert or add words;

but such omission, insertion or addition of words shall not have the effect of a direct negative to the original motion.

(g) **Number of Amendments**

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

(h) **Status of Amendments**

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

(i) **Alterations to Motions or Amendments**

A Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Authority is required. There should be no discussion on whether consent should or should not be given.

(j) **Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover provided the seconder and the Authority, without discussion agree. Once the mover has asked for permission to withdraw, there should be no further discussion unless the Authority refuses to agree to the request.

(k) **Right of Reply**

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

## SECTION 4 – PROCEDURAL MATTERS

(l) **Motions which may be moved during a debate**

When a motion is under debate no other motion shall be moved except the following:

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. to suspend a Procedural Matter or Procedural Matters;
6. that the question be now put;
7. that a Member be not further heard;
8. by the Chair, that a Member shall leave the meeting;
9. a motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;

(m) **Closure Motions**

A Member may move, without comment, at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Authority do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:

1. **on a motion to proceed to the next business** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply under paragraph (k) above of this Standing Order, and then put to the vote the motion to proceed to the next business;
2. **on a motion that the question be now put** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
3. **on a motion to adjourn the debate or the meeting** — if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

(n) **Points of Order**

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedural Matter or statutory provision and the Member shall specify the Procedural Matter or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

## SECTION 4 – PROCEDURAL MATTERS

(o) **Ruling of Chair on a Point of Order/Personal Explanation**

The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

(p) **Respect for the Chair**

At the Authority meetings whenever the Chair rises during a debate a Member if standing shall resume his/her seat and the Authority shall be silent.

### **Notices of Motion**

- 4.34 A Notice of Motion, except those as follows which can be moved without notice, must relate to some matter for which the Cheshire Fire Authority has a responsibility or which affects the Authority.

These motions which can be moved without notice as referred to above are:

- appointment of a Chair of a meeting at which the motion is made
- motions relating to the accuracy of the Minutes
- an item of business in the summons should have precedence
- appointment of a committee, panel or group of Members occasioned by an item mentioned in the agenda
- adoption of recommendations of subordinate bodies
- that consent be given to withdraw a motion or amendment
- receipt of reports of officers and any consequential resolutions
- extending the time limit for speeches
- authorising the sealing of documents
- giving the consent of the Authority when its consent is required by these Procedural Matters.

- 4.35 Other than those referred to above any motion submitted under this Procedural Matter, shall be given in writing by Notice and shall be signed and dated by the Member or Members submitting it.

- 4.36 The notice must be delivered to the Monitoring Officer of the Authority (by hand, post, fax or e mail) to arrive no later than twelve clear working days before the meeting of the Authority.

- 4.37 On receipt of the notice the Monitoring Officer will record the date and time it is received, will number it in the order it is received and will enter it in a book which shall be open to inspection by every Member of the Authority.

- 4.38 The Monitoring Officer will set out in the Agenda for the meeting all valid notices of motions, submitted in the order in which they are received unless the Member or Members have given notice in writing before the Agenda is issued that it has been withdrawn.

- 4.39 If a motion set out in the Agenda is not moved either by the Member or Members who gave Notice of it or by some other Member then it will, unless the Authority agrees otherwise be treated as withdrawn. It cannot be moved subsequently without a new Notice being submitted.

## **SECTION 4 – PROCEDURAL MATTERS**

- 4.40 The order of speeches will be as follows once it has been moved and seconded:
- a) the mover of the motion
  - b) the seconder (unless he/she reserves his/her right to speak)
  - c) other Members
  - d) the seconder (if he/she has reserved his/her right to speak and has not done so)
  - e) the mover of motion to exercise his/her right of reply.
- 4.41 Where a motion is moved and seconded at one meeting and then considered at a subsequent meeting, the mover can either speak to the motion when it is moved or reserve his/her right to speak at the subsequent meeting. He/she cannot speak to the motion on both occasions except to exercise his/her right of reply.
- 4.42 The mover of the motion has the right of reply to any amendment on the motion. The mover of the amendment does not have any right of reply.

### **Voting**

- 4.43 Voting at meetings of Member Decision-Making Bodies shall be by a show of hands (except in relation to the appointment of Chair and Deputy Chair of the Fire Authority).
- 4.44 Before a vote is taken a Member of the Authority, with the support of two other Members, may request that the voting on any motion or amendment shall be recorded to show how each Member present and voting, cast their vote or whether he/she abstained. A recorded vote cannot be requested if the vote has already been taken by a show of hands. The Minutes will show how each person voted, or abstained.
- 4.45 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show the number of votes cast for and against a motion or amendment and the number of abstentions. The Monitoring Officer will record the details in the Minutes.
- 4.46 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show how he/she voted individually on any motion or amendment. The Monitoring Officer will record the detail in the Minutes.

### **Questions and Petitions by Members of the Public**

- 4.47 A member of the public from within the area covered by the Fire Authority may ask the Chair of the Authority a question about any issue which falls within the powers and duties of the Authority.
- 4.48 The question must be submitted to the Monitoring Officer of the Authority in writing and lodged at his/her office at least five clear working days before the meeting takes place. The questioner must sign and date the question.
- 4.49 The Chair, in consultation with the Monitoring Officer, will decide on the

## **SECTION 4 – PROCEDURAL MATTERS**

procedure to be followed in putting questions at the meeting.

- 4.50 It is a matter for the Chair as to how he/she will respond and he/she may decide to do so in writing.
- 4.51 Once the Chair has replied, the questioner may ask one supplementary question which must relate to the answer given by the Chair to the original question.
- 4.52 The Chair may refuse to respond to a question or a supplementary question if in his/her opinion it is unduly lengthy, expressed in terms inappropriate for consideration at the meeting or is not related in the case of a supplementary question to his/her previous answer.
- 4.53 There will be no discussion on any matters raised by the question (including any matters raised by the supplementary question) but the Authority may agree, by resolution, that an appropriate item be placed on the agenda for its next meeting.
- 4.54 Question time at any Authority meeting will not exceed 15 minutes unless, at the Chair's discretion or by resolution of the Authority, it is agreed to extend the period.
- 4.55 Petitions may be presented at meetings of the Authority. The Monitoring Officer must be notified in writing at least five clear working days before the meeting that a Petition is to be presented.
- 4.56 Petitions must be accompanied by a form and comply with the Authority's Petitions Protocol. If the Promoter of a Petition does not attend the Fire Authority meeting the Monitoring Officer will provide Members with details of the Petition.
- 4.57 Petitions will not normally be discussed at the meeting which they are presented / brought to the attention of Members unless there is a report on the Agenda about the issue raised in the Petition. Members may ask for an item to be placed on the Agenda for the next meeting.
- 4.58 Where there is more than one petition they will be presented in the order in which notification is received.

### **Disorderly Conduct by Members**

- 4.59 If the Chair of an Authority meeting is of the opinion that any Member is misconducting himself/herself by persistently disregarding the ruling of the Chair or is behaving irregularly, improperly or aggressively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "That the Member (named) be not further heard". The motion if seconded shall be put and decided without discussion.
- 4.60 If the Member continues the misconduct after a motion has been carried under paragraph 4.34 above the Chair may either move "That the Member (named)

## **SECTION 4 – PROCEDURAL MATTERS**

shall leave the meeting” or he/she may adjourn the meeting for such period as he/she considers expedient. A motion to exclude the Member, if seconded, shall be put and decided without discussion.

- 4.61 Where a Member is excluded under paragraph 4.59 from a meeting he/she is not entitled to vote during his/her period of absence.

### **Disturbance by Members of the Public**

- 4.62 If a Member of the public interrupts the proceedings of any meeting, the Chair shall warn him/her. If the person continues to interrupt the meeting the Chair shall order his/her removal from the meeting room.
- 4.63 Where a general disturbance occurs in any part of the meeting room the Chair may order that that part of the room be cleared. If the Chair considers it necessary he/she may adjourn the meeting for such period as he/she considers appropriate.

## **PROTOCOL ON REPORTING AT MEETINGS**

### **Introduction**

- 4.64 Cheshire Fire Authority is committed to openness and transparency in how it conducts its business. This Protocol sets out its approach to certain types of reporting at its decision-making meetings. It outlines some basic principles and practical points aimed at balancing the requirements of both those wishing to report the meeting and those attending and taking part.

### **Reporting**

- 4.65 The Local Government Act 1972 provides that individuals may carry out reporting at meetings of local government bodies. This Protocol is primarily concerned with reporting that involves filming, photographing, and/or audio-recording of meetings.

### **Before the meeting**

- 4.66 There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact Democratic Services (see contacts below) to ensure that suitable arrangements can be made to accommodate you.
- 4.67 There will be a designated position in the meeting room for you to see and hear the meeting and to allow you to film, photograph and/or audio-record it. You will normally have access to a seat and desk (although this may depend on how much space is available).
- 4.68 The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to

## **SECTION 4 – PROCEDURAL MATTERS**

being filmed, photographed and/or audio-recorded by you.

- 4.69 You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

### **During the Meeting**

- 4.70 The Chair will announce at the beginning of the meeting that the meeting is being filmed, photographed and/or audio-recorded. He or she will then ask attendees whether they agree to be filmed, photographed and/or audio-recorded to allow them to register a personal objection. If anyone has a personal objection then the Chair can temporarily suspend filming, photographing and/or audio-recording to allow attendees to have their say.

Note: this does not apply to Members and officers.

- 4.71 If the Chair considers that the filming, photographing and/or audio-recording is disrupting the meeting he/she can instruct you to stop doing so. Therefore, it is worth noting that your equipment should not be noisy or otherwise distracting (e.g. flash and spotlights can be problematic).
- 4.72 You will not normally be allowed to give a live commentary on proceedings as this is highly likely to be disruptive.
- 4.73 If you refuse to stop filming, photographing and/or audio-recording when requested to do so, the Chair may ask you to leave the meeting. If you refuse to do so then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. There are provisions in the Authority's Constitution that allow this.
- 4.74 When the meeting is officially closed by the Chair you must stop filming, photographing and/or audio-recording.

### **Exclusion from Meetings**

- 4.75 The majority of the Authority's decision-making take place in meetings open to the public and press. You may only be excluded from a meeting when issues are being considered that involve confidential or exempt information (as defined in Section 100 of the Local Government Act 1972).
- 4.76 Even if you are excluded you will know the nature of the business to be dealt with while you are excluded from the meeting and the decision will be made known after the meeting.
- 4.77 No filming, photographing and/or audio-recording is permitted during any exclusion. All equipment for filming, photographing and/or audio-recording must be removed from the meeting room.

### **Interpretation of this Protocol**

- 4.78 Any decision taken by the Chair on the interpretation of this protocol before, or at the meeting in question is final.



## **SECTION 4 – PROCEDURAL MATTERS**

### **Authority Audio Recording**

- 4.79 The Authority will make an audio-recording of all Member meetings that are held in public.
- 4.80 Meeting agendas will carry a statement about this Protocol.

Contact: Democratic Services, Cheshire Fire and Rescue Service  
Clemonds Hey, Winsford, Cheshire, CW7 2UA  
Tel: 01606 868804  
E-mail: [DemocraticServices@cheshirefire.gov.uk](mailto:DemocraticServices@cheshirefire.gov.uk)

## **POST MEETING - PROCEDURAL MATTERS**

### **Publication of Minutes**

- 4.81 **Minutes of the Authority – Open for Inspection**
- 4.82 The Minutes of the previous Fire Authority meeting will be submitted to its next meeting for confirmation as an accurate record of the proceedings.
- 4.83 The Chair will ask the Authority to confirm them as an accurate record and that he/she should sign them as such. Once the Minutes have been confirmed, with or without amendment, the Chair will sign them.
- 4.84 Any discussion about the Minutes must relate solely to their accuracy and/or sufficiency.
- 4.85 The Authority will also receive for information the Minutes of Performance and Overview Committee and Governance and Constitution Committee meetings and other bodies within the political structure.

## **SPECIFIC PROCEDURAL MATTERS**

### **Rescinding a Decision**

- 4.86 At a meeting of the Fire Authority, no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period; provided that such a motion may be moved if:
- (a) It is recommended by the Performance and Overview Committee or Governance and Constitution Committee; or
  - (b) notice of such a motion has been given and signed by at least three Members.

**NB:** A motion to rescind may not normally be pursued if the decision has been actioned and it would not be in the interest of the Authority to rescind the decision.

## **SECTION 4 – PROCEDURAL MATTERS**

### **Urgent Business to be determined between Fire Authority Meetings**

- 4.87 Where an item of business should be dealt with by Members that cannot await the next meeting of the Authority, it may be determined by the Chief Fire Officer and Chief Executive, Monitoring Officer, and Treasurer.
- a) The Chief Fire Officer and Chief Executive and/or the Monitoring Officer and/or the Treasurer will summarise advice required by Members in a form entitled 'Urgent Business to be Decided Between Fire Authority Meetings'. This should aim to provide sufficient information upon which Members are able to form a judgement and make a decision and may involve the production of the same level of detail as a report to the Fire Authority.
  - b) The form will then be submitted to the Chair (or the Deputy Chair in the Chair's absence) and the spokespersons of all other political groups represented on the Authority (with copies to the Deputy Chair for information).
- 4.88 Action may only be taken with the support of the Chair (or Deputy Chair in the Chair's absence) and/or the majority of the other spokespersons.
- 4.89 A report on the action taken will be made to the next meeting of the Authority. The report shall include the names of the Members consulted and their response. The Monitoring Officer may also notify Members at the time that the decision is made.

## **SECTION 4 – PROCEDURAL MATTERS**

### **ANNEX 1 TO SECTION 4 – GENERAL PROCEDURAL MATTERS**

#### **LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

Descriptions of exempt information under the new Schedule 12A are:

1. Information relating to an individual;
2. Information which is likely to reveal the identity of an individual;
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information);
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
6. Information which reveals that the Authority proposes to – (a) give under any enactment, a notice under which requirements are imposed on a person, (b) or make an Order or direction under any enactment;
7. Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

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## **SECTION 5 – OUTSIDE BODIES**

### **5.1 NORTH WEST FIRE FORUM**

#### Role

- 5.1.1 This Forum oversees a number of collaborative workstreams being undertaken by the five Fire and Rescue Services in the North West. Meetings are scheduled to take place four times a year.

#### Appointment(s)

- 5.1.2 The Chair and Deputy Chair of the Authority together with the Leader of the main opposition group are appointed annually to sit on the Forum.

#### Delegated powers

- 5.1.3 The Authority has not delegated any powers to the Members appointed to this Forum.

### **5.2 NW FIRE CONTROL LIMITED – BOARD OF DIRECTORS**

#### Role

- 5.2.1 This Company is jointly owned by the Authority and Cumbria County Council, Greater Manchester Fire and Rescue Authority and Lancashire Combined Fire Authority.
- 5.2.2 It is responsible for the provision of call handling and mobilising services to the Authorities.
- 5.2.3 It has a Board of Directors and each Authority is able to appoint two of its Members to the Board.

#### Appointment(s)

- 5.2.4 The Chair of the Authority and one other Member are appointed as Directors and sit on the Board.

#### Delegated powers

- 5.2.5 The Authority has not delegated any powers to the Members appointed to this Board. However, the Company is a separate legal entity and the Members appointed to the Board have responsibilities to the Company.

### **5.3 LOCAL GOVERNMENT ASSOCIATION FIRE COMMISSION**

#### Role

- 5.3.1 The Fire Commission provides a focus for the needs and concerns of fire authorities. All Fire and Rescue Services in full or corporate membership of the Association have the right to nominate a

## **SECTION 5 – OUTSIDE BODIES**

representative to this forum. At Cheshire this is usually the Chair of the Authority. Additional Members from Fire Authorities are appointed as necessary by the political group to ensure political balance. The Commission meets quarterly and is an opportunity for Members to network and share information and ideas. The Commission is subject to the Constitution and Standing Orders of the Local Government Association.

### Appointment(s)

5.3.2 The Fire Authority appoints one Member (usually the Chair) to sit on the Commission.

### Delegated powers

5.3.3 The Authority has not delegated any powers to the Member appointed to the Commission.

## **5.4 SAFER CHESHIRE EAST PARTNERSHIP**

### Role

5.4.1 The Partnership's key priorities will include crime prevention, anti-social behaviour, preventing offending, Road Safety and domestic abuse.

### Appointment(s)

5.4.2 The Fire Authority is represented by a Senior Officer and a (Cheshire East) Fire Authority Member is also appointed by the Fire Authority.

### Delegated powers

5.4.3 The Authority has not delegated any powers to the Member appointed to this Partnership.

## **5.5 SUB REGIONAL LEADERS BOARD**

### Role

5.5.1 The Board provides strategic direction and focus on sub regional matters for any sub regional commissions, working groups, sub committees or project steering groups, or task and finish groups established to develop and implement sub regional strategy. The Board comprises of elected Leaders of Cheshire East Council, Cheshire West and Chester Council and Warrington Borough Council, the Police and Crime Commissioner for Cheshire, Chair of the Cheshire Fire Authority, the Chair of Cheshire and Warrington Local Enterprise Partnership and the Chair of the Cheshire, Warrington & Wirral PCT Cluster. In addition the Leader of Halton Borough Council has membership of the Board in an Associate Capacity.

## **SECTION 5 – OUTSIDE BODIES**

### Appointment(s)

5.5.2 The Fire Authority is represented by the Chair on this board.

### Delegated powers

5.5.3 The Authority has not delegated any powers to the Member appointed to the Board.

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## **SECTION 6 – MEMBERS’ ROLES**

### **GENERAL ROLE**

- 6.1 Collectively, elected Members shape the future of the Fire Authority and determine its priorities. Whilst it is acknowledged that Members have a duty to represent their constituents and are members of their constituent authorities their overriding duty as Fire Authority Members is to act in the interests of the Authority as a whole.

Members will:

- 6.2 Be advocates for the Fire Authority in the respective communities they serve and act as a channel of communication to the community on Fire Authority strategies, objectives, policies, services and procedures.
- 6.3 Represent the views of their respective communities, wherever possible, in the Fire Authority’s decision-making processes by liaising with other Members, Officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.
- 6.4 Engage fully in Fire Authority business and meetings including meetings of any committee, board, task group or external organisation that they may be appointed to serve on from time to time. This includes a requirement to fully engage in any preparatory or follow up work or tasks such as undertaking training and site visits or participating in any study, research, review or scrutiny exercises.
- 6.5 Proactively and continually identify, seek out and participate in opportunities for personal development.
- 6.6 Make effective use of modern electronic communication including email, the internet and intranet, to aid efficient communication with officers, other Members and the community.
- 6.7 Provide support and encouragement to new Members.

## **SECTION 6 – MEMBERS’ ROLES**

### **SPECIFIC ROLES**

#### **Chair of the Fire Authority and Deputy Chair in the Chair’s Absence**

- 6.8 Acting as the Civic Head of the Authority, performing an ‘ambassadorial’ role on behalf of the Authority;
- 6.9 Acting as political Leader of the Authority;
- 6.10 Leading the development and maintenance of the Authority’s vision, objectives and values;
- 6.11 Participating in the North West Fire Forum;
- 6.12 Participating in regional and national political networks;
- 6.13 Enhancing links between the Authority and other public bodies and forging formal partnership working arrangements;
- 6.14 Encouraging links with the business community;
- 6.15 Chairing Authority meetings;
- 6.16 Co-ordinating the appraisal of the Chief Fire Officer and Chief Executive;
- 6.17 Ensuring a good political/professional interface particularly between the Chair, the Deputy Chair and the Chief Fire Officer and Chief Executive; and
- 6.18 Ensuring good governance in relation to the Authority’s activities and abiding by legal and procedural requirements.

#### **Chairs of other Members’ Decision-Making Bodies**

- 6.19 To help co-ordinate the work of the decision-making body.
- 6.20 To be a focal point of knowledge, leadership and advice to Members of the decision-making body.
- 6.21 To provide competent and effective management of meetings to facilitate inclusivity, participation and clear decision-making.
- 6.22 To ensure that Members are able to take part in decision-making and that this is carried out with the benefit of adequate advice from officers.
- 6.23 To liaise with other Chairs of Members’ decision-making bodies where necessary.
- 6.24 To report to other Members and/or Members’ decision-making bodies.

## **SECTION 6 – MEMBERS’ ROLES**

### **Lead Members (each constituent Authority)**

#### **Roles and responsibilities**

6.25 The role of Lead Member is:

- i] To represent the views of the Fire Authority at their constituent Authorities, taking the lead and co-ordinating activities in their constituent area in relation to Fire Authority business, where necessary.
- ii] To sit on the Business Continuity Committee
- iii] To fulfil the role of Business Continuity Member (Business Continuity Lead)

6.26 It is likely that the Chair and Deputy Chair will fulfill the role of Lead Member for their constituent Authorities. Should the Chair and/or Deputy Chair indicate a wish to act as Lead Member, they should automatically take this role without the need for appointment by Members of the Constituent Authority which appointed them to the Authority.

6.27 It should be noted that those Groups spokespersons that are not represented through the appointment of the Chair and Deputy Chair sit on the Business Continuity Committee and also act as Business Continuity Members (Business Continuity Leads) with the Chair and Deputy Chair.

#### **Appointment**

6.28 The appointment of a Lead Member is the responsibility of the members of the constituent Authority required to appoint a Lead member. If those Members are unable to decide or there is an equality of votes for candidates, the decision will then fall to be made by the Fire Authority. The Chair and Deputy Chair of the Authority assume the role of Lead Member for their constituent authorities.

### **Member Champions**

6.29 The Structure allocates a number of Member champion roles. These roles make the best use of a Member's experience and interest, whether gained in their constituent authority, working life or through a personal hobby.

6.30 It is expected that prior to the Authority meeting in June, Members will put themselves forward for these roles within their political groups, which will be subject to voting in the usual manner if they are not agreed.

## **SECTION 6 – MEMBERS’ ROLES**

- 6.31 There is no constitutional requirement for Member Champions to be drawn from the largest group on the Authority, or to be drawn from any particular committee.
- 6.32 The role of Member Champions is to speak up, during Member meetings, on key issues relating to the position. In the consideration of reports and during debate, the Chair may look to the relevant Member Champion to speak or give an opinion to inform the wider Authority on matters relating to that Member Champion’s area of expertise.
- 6.33 The Member Champion will also be expected to serve as a key contact for Officers, when dealing with a relevant matter. This is particularly relevant for the purposes of consultation responses to government and policy development. Member Champions may be asked to attend key meetings and conferences arranged by external bodies. It is the responsibility of Member Champions to feedback any key messages from such events, to the wider Membership of the Authority, at meetings.
- 6.34 In some cases, Member Champions will be expected to Chair or sit on key Officer meetings. As with external meetings, it will be the role of Member Champions to ensure key messages are relayed back to the wider Authority and to provide a Member opinion on relevant matters of policy.

### **Independent Members**

- 6.35 The independent members are not members of the Fire Authority. They are unelected and have an advisory role. They will be appointed following advertisement and interview and will normally hold a term of office.
- 6.36 Currently there are two independent members. They both sit on Governance and Constitution Committee and one sits on Performance and Overview Committee and Member Training and Development Group.

### **Police and Crime Commissioner for Cheshire**

- 6.37 Cheshire Fire Authority (CFA) and the Police and Crime Commissioner for Cheshire (Cheshire PCC) are working more closely.
- 6.38 The Cheshire PCC wishes to become a member of CFA, albeit without a right to vote. Until there is a change in the law CFA is unable to make the Cheshire PCC a member of CFA. However, it is able to confer rights on the Cheshire PCC to allow his involvement in CFA business.
- 6.39 CFA grants the following rights to the Cheshire PCC:

## **SECTION 6 – MEMBERS’ ROLES**

- (a) to be provided with papers for CFA meetings (including those to be considered in private session unless a conflict of interest exists); and
- (b) to be briefed appropriately before CFA meetings: and
- (c) to attend CFA meetings (and remain during items considered in private session); and
- (d) to speak at CFA meetings.

6.40 The CFA expects the Cheshire PCC to:

- (a) Exercise these rights reasonably; and
- (b) Declare any conflict of interest at the appropriate time and withdraw as necessary.

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## **SECTION 7 – PROTOCOLS**

### **PROTOCOL FOR ACCEPTANCE OF GIFTS AND HOSPITALITY**

- 7.1 The advice that follows is to ensure that the integrity of the Authority, and any Member or employee is not called into question because of any financial or other obligation. The aim is not only to avoid impropriety but also the appearance of impropriety.
- 7.2 A Member must within 28 days of receiving any gift or hospitality over the value of £50, provide written notification to the Authority's Monitoring Officer of the existence and nature of that gift or hospitality'. The following protocol gives specific guidance on what gifts and hospitalities are deemed appropriate. For the purposes of recording the receipt and refusal of gifts and hospitality as laid out in the protocol, a register has been set up which will be updated and maintained by the Authority's Monitoring Officer.

#### **GIFTS**

- 7.3 As a general rule, no gift should be accepted from persons or bodies who provide, or seek to provide, services to the Authority (see also paragraph 7.10). This rule applies equally to those receiving a service from us. Members and employees should always seek the advice of a Senior Manager or the Monitoring Officer about offers of gifts, and when in doubt, such gifts should always be refused.
- 7.4 When considering gifts, always take into account the nature of the gift and the possible motivations of the person offering it. Any gift accepted should be low in value and of an official nature. Cash gifts, gifts of a personal nature, and gifts that benefit family and friends, including spouse, partner and children, should always be refused.
- 7.5 Where gifts have to be declined, it must always be done in a polite and tactful way; in some instances it may be necessary to inform the giver of the Authority's policy on accepting gifts. The refusal of a gift should always be registered with the Monitoring Officer.

#### **Exceptions in receiving gifts**

- 7.6 There are some circumstances where it is possible to accept gifts and these are set out below.
- (a) Token gifts; sometimes gifts of a token value are sent out from partners and clients as promotional items or received at conferences i.e. pens, calendars, diaries etc. These are usually distributed in an unspecific manner. It is important that Members and staff use their judgement and refuse the more expensive items. There is no requirement to register such gifts with the Monitoring Officer but it is preferable to do so.
  - (b) Some gifts are of a more than modest value but there may be circumstances where, for the sake of maintaining a positive

## **SECTION 7 – PROTOCOLS**

working relationship with the giver, it would be inappropriate to decline. In these cases it may be possible to accept the gift on behalf of the Authority, or donate it to charity. In these potential scenarios the advice of the Monitoring Officer should be sought where it is practicable to do so. The gift must be registered with the Monitoring Officer who will then decide the appropriate course of action.

- (c) Some gifts are given as prizes and souvenirs at conferences and exhibitions i.e. wines and spirits, these may be accepted and passed to the Monitoring Officer who will register them and consider whether they should be passed to charity.

7.7 Any other circumstance in which a gift is offered or received and is not mentioned above should always be referred to the Monitoring Officer for clarification.

### **HOSPITALITY**

7.8 It is increasingly common for private companies to offer corporate hospitality as part of their general method of conducting business. This presents some difficulties for public authorities as it is important that the conduct of business relationships is not perceived by the public to be inappropriate, and that Members and staff do not find themselves in potentially conflicting situations.

7.9 As a general rule hospitality must only ever be accepted in an official capacity and never on a personal basis. Members and staff should only ever attend functions where there is genuine need to share information and to represent the Authority, such as at conferences and courses. Offers to attend purely sporting, social, or cultural events must only be accepted when these fit into the sphere of responsibility of the Fire Authority or it is deemed appropriate for the Authority to be represented. Decisions about the acceptance of hospitality can be dependent upon the timing of the offer and how it is made. All such hospitality should be cleared with Senior Officers and recorded by the Monitoring Officer.

7.10 As with the policy on gifts, hospitality should never be accepted from persons or bodies who are involved in contract negotiations or currently provide services to the Authority. Again this rule applies equally to those receiving a service from the Authority. This is all a matter of independent judgement, but it is important to avoid any suggestion of improper influence.

7.11 Acceptable forms of hospitality are as follows;

- (a) Modest working lunches, where the meal is secondary to the business being conducted.



## **SECTION 7 – PROTOCOLS**

- (b) Offers to attend social, cultural and sporting events which are specific to the Cheshire community and at which the Fire Authority is represented e.g. The Cheshire County Show, World Firefighter Games.
- (c) Invitations to attend a conference, seminar or trade fair where a general invitation has been issued to other Fire and/or Local Authorities.

### **7.12 Unacceptable forms of Hospitality include:**

- (a) Travel and holidays, including accommodation.
- (b) Hospitality by private companies at sporting or cultural events.
- (c) Use of a company flat or hotel suite.
- (d) Expensive meals and entertainment including theatre and concert tickets.

7.13 As with the policy on gifts, any doubts over offers of hospitality should always be referred to a senior manager or the Monitoring Officer. In fact, it is advisable in most cases to clear any offer of hospitality with the Monitoring Officer prior to attending, even those deemed acceptable.

### **Registration of Gifts and Hospitality**

7.14 There are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, providing that they are approved by the Authority and that no extravagance is involved. Likewise, it may be reasonable for a Member to represent the Authority at a social function or event organised by the Authority or by outside persons or bodies. However, employees and Members should always keep in mind the integrity of the Fire Authority in all its business.

7.15 Each Member is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to the public confidence in the authority.

7.16 A Member must within 28 days of receiving any gift or hospitality over the value of £50, provide written confirmation to the Authority's monitoring officer of the existence and nature of that gift or hospitality. Gift or hospitality includes any opportunity to acquire goods or services at a price or on terms at which they are not readily available to the general public.

## **SECTION 7 – PROTOCOLS**

### **BEQUESTS**

- 7.17 The Fire Authority is a body that provides an emergency service to the public, and as such it may sometimes arise that a bequest to an employee of the Authority is made by a member of the public as the direct result of an action or a service. In such cases it is required that the bequest be declared as soon as possible to the Monitoring Officer who will investigate the circumstances surrounding the events, and decide, in conjunction with Senior Management, if the bequest was in any way improperly obtained.

### **SUMMARY**

- 7.18 The guidelines in this protocol are intended to assist Members and staff in reaching a sound judgement in the acceptance of offers of gifts and hospitality. There will, of course, be examples that are not covered by the protocol and in such circumstances it is for the individual to consider their position carefully. In most cases the deciding factor is that hospitality and gifts must not be accepted unless the Member or employee is content that the receipt of the gift or hospitality will be seen by the public at large as acceptable, and in all cases it is advisable to seek the guidance of the Monitoring Officer.

## **SECTION 7 – PROTOCOLS**

### **PROTOCOL ON MEMBER AND OFFICER RELATIONS**

*“Every Local Authority should have its own written statement or protocol governing relations between Members and Officers” (Third report of the Committee on Standards in Public Life, the Nolan Committee)*

#### **Introduction**

- 7.19 The relationship between the Elected Members and the Officers of the Fire Authority has always been and continues to be one of the main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between Elected Members and Officers. This protocol is prepared to meet those requirements but against a background of a good working partnership which is well established widely accepted and benefits everyone who serves or is employed in the Authority. It will provide a safeguard to help ensure that current good practice continues.
- 7.20 The Fire Authority recognises that a strong, constructive and trusting relationship between Members and Officers is essential to the effective and efficient working of the organisation. Members and Officers should work in partnership in developing the policies of the Authority and in ensuring the delivery of services to the people of Cheshire, Warrington and Halton.
- 7.21 This protocol takes into account the respective and different roles of Members and Officers and does not seek to change or influence these roles. The intention is to build on the good relationship which already exists.
- 7.22 It is accepted that from time to time issues do arise which need to be addressed from both sides. This protocol will be used as appropriate to help in addressing any such matters.
- 7.23 It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an administration and opposition dimension which involves both Members and Officers operating in a politically sensitive climate. Officers have an obligation to serve the Authority as a corporate body.
- 7.24 This protocol forms a key part of the Authority's approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports also the wider aims of protecting and enhancing the integrity and reputation of public services and the highest standards of personal conduct.

#### **Operation of this protocol**

- 7.25 This protocol will be applied having regard to the requirements of the Members' Code of Conduct and the Officers' Code of Conduct, as set out in the Authority's Constitution, and relevant Authority policies,

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procedures and processes. Members and Officers must at all times observe this protocol.

- 7.26 Where there is a conflict or discrepancy between this protocol and those codes and policies referred to in paragraph 7.25 above, then those codes and policies shall have precedence. Account will also be taken of any conventions in the case of conflict or discrepancy.
- 7.27 This protocol does not affect or interfere with any rights of or protection which a person may have in law.

### **Responsibility for the protocol**

- 7.28 The Chief Fire Officer and Chief Executive is responsible for the operation of this protocol and will ensure that it is reviewed from time to time.
- 7.29 He or she will rule on the interpretation and / or the application of the protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Fire Officer and Chief Executive then the Monitoring Officer shall be the appropriate Officer under this paragraph.
- 7.30 The Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and Officer representatives and the Governance and Constitution Committee where appropriate.

### **Member and Officer Roles**

- 7.31 This protocol recognises that Members are elected and Officers are appointed to serve the people of the districts of Cheshire East, Cheshire West and Chester, Halton and Warrington and that their roles are distinct.
- 7.32 The Members are accountable to the electorate who determine the people they wish to represent them on various unitary authorities. These four Authorities then nominate Elected Members to sit on the Fire Authority.
- 7.33 Officers are accountable to the people of the districts of Cheshire East, Cheshire West and Chester, Warrington and Halton through the full Fire Authority.
- 7.34 Councillors are mainly responsible for:
- The political direction and leadership of the Authority.
  - The determination of policies, plans and strategies and deciding matters to give effect to or implement those policies, plans and

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strategies, particularly in service delivery terms.

- Performing the Authority's regulatory functions.
- Monitoring and reviewing, primarily through the Policy Committee and the Performance and Overview Committee functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
- Participation in partnership working.
- Representing the Authority on national, regional and local bodies and organisations.
- Representing the views of their communities and individual constituents in respect of the work of the Fire Authority.

7.35 Members should not involve themselves in the day to day management of the Authority's services as the responsibility rests with the Chief Fire Officer and Chief Executive and Senior Managers and there are clearly defined lines of accountability to Members. However, applying this part of the protocol, it has to be recognised that Members do have specific responsibilities under the Authority's Performance and Overview Committee function as set out in paragraphs 7.54 to 7.58 of this document.

7.36 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chair of a committee, panel, or as lead, or champion Member for a specific area of the Service. The holding of these offices will involve a different relationship with certain Officers in areas where the Member has a particular role and responsibility. Also, the relationships will be more complex and expectations will be different from other Members.

7.37 It is important that Members of the Authority:

- Respect the impartiality of Officers and do not undermine their role in carrying out their duties.
- Do not ask Officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
- Do not ask Officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.

7.38 This protocol recognises the role of opposition groups in the Fire Authority acting individually or jointly, and that relationships will be again different and complex. Members in opposition have the same

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rights and obligations in their relationships with Officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then the requirement of paragraph 7.36 will apply.

- 7.39 It is however envisaged that all Members will work co operatively to ensure that the Fire Authority meets its statutory obligations and provides an effective and efficient Fire and Rescue Service to the people of Cheshire.
- 7.40 The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.
- 7.41 In performing this role, Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Member's view on an issue, the Officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.
- 7.42 The Chief Fire Officer and Chief Executive, the Monitoring Officer and the Treasurer (Section 151 Officer) have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Fire Authority. Where an Officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:-
- Interfere with or obstruct the Officer in exercising those responsibilities.
  - Victimise any Officer who is discharging or has discharged his or her responsibilities of the statutory office.
- 7.43 Both Members and Officers will, regardless of their role, always act in accordance with the Core Values of the Fire Authority, which are attached to this Protocol.

### **Member/Officer Obligations and Expectations**

- 7.44 Members will require and expect Officers:-
- To be committed to the Authority as a whole and not to any political group or individual.
  - To work in partnership with Members in an impartial and professional manner.
  - To understand and support the respective roles of Members and the associated workloads and pressures.

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- To implement decisions of the Fire Authority and its subordinate committees which are lawful, have been properly approved in accordance with the law and the Authority's Constitution and formally recorded.
- To respond to enquiries and complaints in accordance with the Fire Authority's standards.
- To provide professional advice, which is not influenced by political views or preferences, and which does not comprise the political neutrality of Officers.
- To provide information as agreed on matters that can reasonably be considered appropriate and relevant to their needs, taking into account the Members' individual responsibilities and position and the requirements on Members' access to documents and information, subject to specific exclusions, e.g. personal interests and confidentiality.
- To be aware of and sensitive to the internal and external political environment.
- To act with honesty, respect, dignity and courtesy at all times.
- To provide support and learning and development opportunities for Members to help them in performing their various roles.
- To act with integrity and appropriate confidentiality.
- Not to raise issues of a personal nature outside agreed procedures.
- Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- To comply at all times with the Officer Code of Conduct and such other policies or procedures approved by the Fire Authority.
- To support the role of Councillors with any policy or procedure agreed by the Fire Authority.
- Not to support Members in any role other than that of a Fire Authority Member and not to undertake any actions which are not compatible with this Protocol.

### 7.45 Officers can expect Councillors:-

- To act within the policies, practices, processes and conventions

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established by the Fire Authority.

- To work constructively in partnership with Officers, acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines.
- To give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision and issues based on advice.
- To treat them fairly and with respect, dignity and courtesy.
- To act with integrity, to give support and to recognise appropriate confidentiality.
- To recognise that Officers work to the instructions of their senior officers and not to individual Members.
- Not to subject them to intimidation, harassment or put them under pressure. Councillors will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between with Councillor and officer and the potential vulnerability of Officers, particularly at junior levels.
- Not to request them to exercise discretion which involves acting outside the Fire Authority's policies and procedures.
- Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Fire Authority, or in their role as Member of the Fire Authority without proper and lawful authority.
- Not to use their position or relationship with Officers to advance their personal interest or those of others, or to influence decisions improperly.
- To comply at all times with the Members Code of Conduct, the law, the Constitution and such other Policies, Procedures, Protocols and Conventions agreed by the Fire Authority.

### **Behaviour Limitations**

7.46 The different roles of Members and Officers require particular limitations upon behaviour. Both Members and Officers need to



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ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.

- A close personal relationship between a Member and an Officer can confuse their separate roles and influence the proper discharge of the Authority's functions, not least in creating a perception that a Councillor or Officer may be securing advantageous treatment.
- The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an Officer, both in relation to personal matters and party political issues.
- Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Councillor or group above the others.

### **Political Groups**

- 7.47 It is in the interests of the Authority to support to some degree the effective operation of all its political groups and not one particular group. The operation of Political Groups may, however, pose particular issues for officers in terms of their impartiality.
- 7.48 A political group may request the Chief Fire Officer and Chief Executive or a senior manager to prepare a written report on a matter or matters relating to the Authority for consideration by the Group.
- 7.49 An Officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications on the matter or any opinion. Such reports will not include any recommendations.
- 7.50 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.
- 7.51 A political group may request the Chief Fire Officer and Chief Executive or a senior manager to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Fire Officer and Chief Executive or senior manager may arrange for the attendance of the representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

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- 7.52 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any opinion.
- 7.53 All Officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.

### **Attendance of Officers at Performance and Overview Committee**

- 7.54 It is accepted that in carrying out its role, the Performance and Overview Committee may require an Officer to attend to answer questions or to discuss issues. In requiring an Officer to attend, the Committee will consider the seniority of the Officer it would be appropriate to invite. There is a presumption against inviting Officers outside the senior Officers range to attend in this capacity. Requests for Officer attendance shall also have regard to workloads of Officers.
- 7.55 Where an officer attends such a meeting his or her contributions should be confined to matters of fact and explanation. However, an Officer may be asked to explain and justify advice which he or she has given prior to a decision having been made, including decisions taken by him or her using their delegated powers.
- 7.56 Officers should not be drawn into discussions of a political nature which would be inconsistent with the political neutrality requirement, nor should any questioning of an officer be reasonably interpreted as constituting harassment.
- 7.57 In Performance and Overview proceedings the capability or competence of Officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Authority and its services and the appraisal of officers' individual performance. The latter is not a function of the Performance and Overview Committee.
- 7.58 In applying this part of the Protocol, account will be taken of any guidance agreed by Performance and Overview Committee provided that guidance is consistent with the principles of this Protocol.

### **Breaches of the Protocol**

- 7.59 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Brigade Manager. Where the Officer concerned is a Brigade Manager, the matter should be raised with the Chief Fire Officer and Chief Executive. Where the employee concerned is the Chief Fire Officer and Chief Executive, the matter should be raised with

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the Monitoring Officer.

- 7.60 On the Member's side, where the relationship between Councillors and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Councillors. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate, in certain circumstances. In the event of a Grievance or Complaint being upheld, the matter will be referred to the Chief Fire Officer who, having advised the Chair of the Authority and the other appropriate party spokespersons, will decide on the course of action to be taken, following consultation with the Governance and Constitution Committee if appropriate.
- 7.61 Breaches of the Protocol by a Member may result in a complaint to the Governance and Constitution Committee and in the case of Officers may lead to disciplinary action.

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

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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.

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### **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.

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### 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

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- 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.



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### **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

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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.

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### 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.

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

### 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:

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by a Member of Your Family or a Close Associate of Yours.
CONTRACTS	Any contract between a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours has a beneficial interest) and the Fire Authority (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land 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	<p>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:</p> <p>The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.</p>

## **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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## **SECTION 9 – MEMBERS’ ALLOWANCE SCHEME**

### **Introduction**

- 9.1 Combined Fire Authorities are required to introduce a scheme of Member remuneration under the provisions contained in the Local Authorities (Members Allowances) (England) Regulations 2003 (and amendments thereto). These regulations allow each Fire Authority to decide its scheme and the amounts to be paid under each allowance.
- 9.2 Authorities are encouraged to establish and maintain an Independent Remuneration Panel to consider and advise the Authority on its scheme although there is no statutory obligation to do so.
- 9.3 The amounts payable under the Regulations are for individual authorities to decide taking into account local circumstances, ways of working and the make up of individual decision making arrangements.
- 9.4 Schemes must include a Basic Allowance payable to all Members of the Authority and payment of Special Responsibility Allowances. Travel and subsistence are discretionary.

### **THE INDEPENDENT REMUNERATION PANEL**

#### **Membership**

- 9.5 The Authority has established an Independent Remuneration Panel to consider and advise on the make up of the Authority’s scheme.
- 9.6 The Panel has been in existence since 2003 and draws its membership from similar Panel’s organised by the four constituent authorities whose Members make up the Fire Authority. There are four members on the Panel.

#### **Responsibilities**

- 9.7 To determine the payment of allowances in the following categories:-
  - a) Basic Allowance;
  - b) Special Responsibility Allowance;
  - c) Travelling and Subsistence Allowances;
  - d) Non-elected Independent members Allowances; and
  - e) Dependant Carers Allowance (this allowance is not covered by the Regulations for Fire Authorities).

and any other categories identified by the Panel and/or Members of the Authority.
- 9.8 To determine the amount of such allowances on an annual basis.
- 9.9 To determine that, in the event that the Members’ Allowances Scheme is amended, so as to affect an allowance payable for the year in which the amendment is made, whether allowances should be backdated.

## **SECTION 9 – MEMBERS’ ALLOWANCE SCHEME**

- 9.10 To determine whether adjustments to the level of Members’ Allowances should be related to an index and, if so, which index should apply.
- 9.11 To determine, as appropriate, any changes to the overall operation of the scheme in terms of processing and procedure including income tax/national insurance thresholds.

### **Protocol**

- 9.12 The panel shall meet as and when necessary but in terms of considering the allowances scheme for the following year, the first meeting shall be held in the Autumn followed by a programme of meetings leading up to submission of a report to the Fire Authority in February.
- 9.13. For each of these meetings, the Governance and Corporate Planning Manager will provide as much information as necessary to enable the panel to reach its conclusions, eliciting as much information as possible from Members themselves and from other authorities.
- 9.14. At a meeting within the programme, to be determined by the panel, three Members of the Authority, one from each political group and chosen by the Chair, will attend to hear the recommendations of the panel and to provide comment on the proposals before they are presented to the Authority at its February meeting.
- 9.15. The panel will consider these comments and decide whether to revise its recommendations. It will also provide evidence as to the rationale behind reaching its conclusions.
- 9.16. The panel shall make its final recommendations to the Authority who will have the final decision as to the make up of the scheme for the following year.
- 9.17. Once the Authority has decided upon its scheme at the February meeting, panel members will be informed immediately of the Authority’s decision explaining the reasons why any of its recommendations may need to be considered with reference to any proposed changes.
- 9.18. If the Chair of the panel is dissatisfied with any of the changes he/she will consult the Chair of the Authority on the panel’s behalf.

## **BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES**

- 9.19 Each Member is paid a basic allowance which is the same for each Member. The allowance recognises the time commitment of all Members including attending meetings and working within their locality.
- 9.20. The special responsibility allowance is payable to those Members who have significant responsibilities and covers the Chair and Deputy Chair of the Authority and its committees.

## **SECTION 9 – MEMBERS’ ALLOWANCE SCHEME**

### **TRAVEL AND SUBSISTENCE**

9.21. The Authority has made provision in its scheme for reimbursing Members for the cost of travel and subsistence in performing their duties. The allowances can only be claimed in respect of meetings and duties as prescribed in the Scheme.

9.22. The current Scheme of Members’ Allowances is attached as **Appendix 1**.

### **REVIEW OF THE SCHEME**

9.23. The Independent Remuneration Panel will carry out a comprehensive review of the scheme at least every four years.

### **FURTHER DETAILS**

9.24. Further information on the Scheme can be obtained from the Governance and Corporate Planning Manager, Fire Service HQ, Winsford, Cheshire. The Authority’s ‘Guide to Members’ Allowances’ and the current Scheme of Members’ Allowances are available on the Authority’s website. Hard copies of these documents can also be obtained from the Democratic Services office.

**Note: The Independent Remuneration Panel (IRP) have not been engaged in the most recent review of Members’ allowances. Members agreed, at a meeting of the Governance and Constitution Committee on 5<sup>th</sup> October 2016, to engage with a member of Cheshire East’s IRP to assist with reviews for 2017/18 onwards.**

**Members' Allowance Scheme 2018-19**

**Note:** At its meeting on 14<sup>th</sup> February 2018 the Fire Authority decided not to have the National Joint Council (NJC) index annual increase applied to the Members' Allowance Scheme for the period 2018-19.

**Basic Allowance**

- 1 Each Member of the Fire Authority shall receive a sum of **£4,160.27** (2018/19) per annum in the form of a Basic Allowance from 1<sup>st</sup> April 2018. Payment of this Allowance shall be monthly in arrears.

**Special Responsibility Allowance**

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

<b>Office</b>	<b>2018/19 Entitlement £</b>
<b>Chair of the CFA</b>	<b>13,686.48</b>
<b>Deputy Chair of the CFA</b>	<b>6,844.29</b>
<b>Chair of Performance and Overview Committee</b>	<b>2,737.72</b>
<b>Chair of Governance and Constitution Committee</b>	<b>1,579.45</b>
<b>Chair of Estates and Property Committee</b>	<b>1,579.45</b>
<b>Business Continuity Leads (Group Spokespersons and Lead Members – Constituent Authorities)</b>	<b>1,052.97</b>
<b>Member Champions (includes Chair of Member Training &amp; Development Group; and Risk Management Board Members)</b>	<b>526.48</b>

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

**Regional Appointments**

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

**Independent (non-elected) members**

- 5 Independent (non-elected) members will receive an annual allowance of **£1,218.73**.

**Independent Persons**

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

**Travel, Subsistence and Other Allowances****(a) Travel**

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

**(b) Subsistence**

- 8 As a general rule lunch and other refreshments for meetings held at Fire Service HQ and other Service establishments are provided free of charge and, therefore, no claim for any allowance or reimbursement can be made. This may also include meals/refreshments provided at conferences/ seminars/meetings free of charge at other non Service venues.
- 9 For meetings where refreshments are not provided and Members are required to pay for meals, the actual expenditure will be reimbursed up to a maximum rate. At present these rates are as follows:-
- |                 |     |
|-----------------|-----|
| Breakfast       | £7  |
| Lunch           | £9  |
| Dinner          | £15 |
| Dinner (London) | £20 |

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

Hotel	£100
Hotel (London)	£120

**(c) Dependants' Carers' Allowance**

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

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

**Annual Increase**

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

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

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

**Note:** At its meeting on 14<sup>th</sup> February 2018 the Fire Authority decided not to have the National Joint Council (NJC) index annual increase applied to the Members' Allowance Scheme for the period 2018-19.

**CHESHIRE FIRE AUTHORITY: LIST OF APPROVED DUTIES**

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

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

## SECTION 10 – FINANCIAL REGULATIONS

### FINANCIAL REGULATIONS

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## **SECTION 10 – FINANCIAL REGULATIONS**

### **Purpose**

- 10.1 The Financial Regulations (the Regulations) set out in this document define the roles and responsibilities of the officers and Members of Cheshire Fire Authority (the Authority) in relation to financial matters.
- 10.2 The basic principle which underpins these regulations is that responsibility is delegated to an appropriate officer, within systems which the Authority, the Chief Fire Officer and Chief Executive, the Treasurer (who is the Section 151 Officer) and the Head of Finance feel are suitably controlled. Internal Audit and other reports help them form their judgement on the adequacy of control mechanisms.
- 10.3 Managers must provide effective induction and training to enable staff to understand these Regulations and deal appropriately with financial matters.
- 10.4 There may be circumstances where an officer feels unable to comply with the Regulations. Before the officer proceeds with an action which does not comply with the Regulations, he/she must seek guidance from the Treasurer and the Head of Finance. Member approval may be required.
- 10.5 The Regulations will be reviewed by the Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance annually and by Members at least every three years. Minor changes will be made to these Regulations to reflect new risk or changing circumstances with the agreement of the Chief Fire Officer and Chief Executive, the Treasurer and Head of Finance.

### **Roles and Responsibilities**

- 10.6 The respective roles and responsibilities, in relation to financial matters, of the Authority, the Chief Fire Officer and Chief Executive, the Head of Finance, the Treasurer, the Monitoring Officer, Directors and Heads of Departments are contained in the table which forms Appendix 1.
- 10.7 Members approve the revenue budget, the council tax precept, the annual capital programme and the statutory accounts, and receive quarterly reports on the Authority's budgetary position.
- 10.8 The Treasurer/Head of Finance regularly reports financial matters to the Authority's Service Management Team, (SMT), which is chaired by the Chief Fire Officer and Chief Executive, and which meets every month.

### **Revenue Budgets**

#### **Approval of the revenue budget**

- 10.9 The revenue budget and council tax precept are approved by the Authority in February each year for the following financial year.



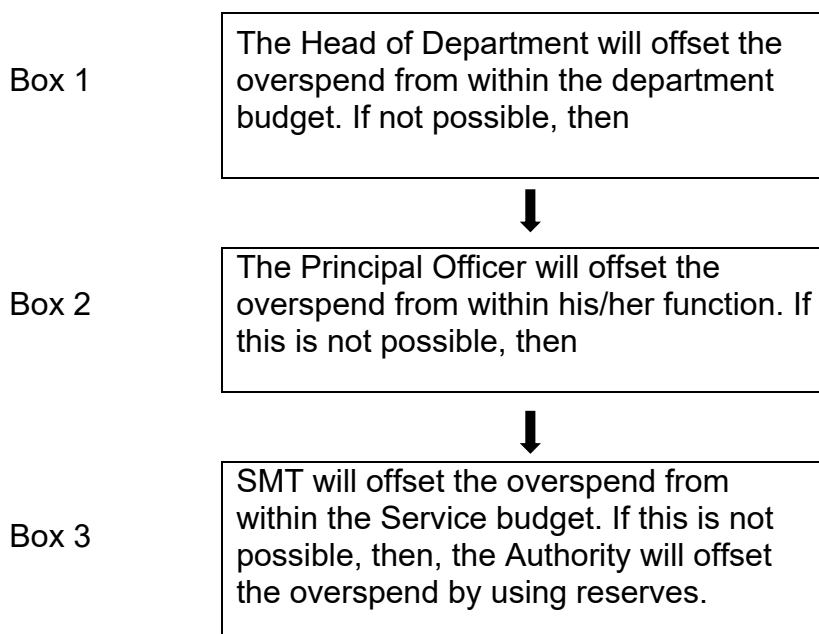
## SECTION 10 – FINANCIAL REGULATIONS

### Virement of revenue budgets

- 10.10 Virement is the transfer of budget in order to prevent overspends or to accommodate changes in activity.
- 10.11 If, in the opinion of the Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance any virement would result in a significant change to Authority policy it must be approved by the Authority.
- 10.12 Any virement of more than £50k must be approved by the Authority.
- 10.13 Any virement of less than £50k must be approved the Chief Fire Officer and Chief Executive.
- 10.14 Performance and Overview Committee receive quarterly financial reports which include temporary virements of revenue budgets. This enables the Authority to revise its budget in year as it goes along. All such virements are reversed at year end and any necessary changes to the base budget would form part of the formal budget approval agreed by the Authority.

### Dealing with overspending of revenue budgets

- 10.15 All Heads of Department must regularly scrutinise their budgets and seek to avoid overspends wherever possible.
- 10.16 Where a revenue overspend is projected, the following process will apply. Where this process involves the virement of budget (in boxes 1 to 3 below), then the rules in paragraphs 10.12 and 10.13 will apply.



- 10.17 The treatment of any year end overspends and underspends will be determined by the Authority.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Reserves**

10.18 The Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance will advise the Authority on prudent levels of reserves.

10.19 The Authority holds two categories of reserves as set out by the Code of Practice on Local Authority Accounting:

- Usable - these are available to meet future expenditure demands. They consist of the General Fund and earmarked reserves.
- Unusable – these are prescribed in accounting regulations and do not impact directly upon the Medium Term Financial Plan, budget, or precept setting decisions.

10.20 The Authority will hold usable reserves for the following three main purposes:

- As a contingency to cushion the impact of unexpected events or emergencies (the General Fund);
- As a means of meeting known or predicted liabilities (earmarked reserves);
- As a means of smoothing expenditure as part of the medium term financial strategy (earmarked reserves).

10.21 The need for any new reserve and the movement on existing reserves will be reported to Performance and Overview Committee as part of the regular quarterly reporting process.

10.22 For each reserve the Authority will set out:

- The purpose of the reserve;
- How and when the reserve can be used;
- A process and timescale for review of the reserve to ensure its continuing relevance and adequacy.

10.23 The Treasurer will provide the Authority with an annual statement on the adequacy of reserves at the meeting at which the annual budget is approved.

### **Capital**

10.24 In order to qualify as capital, expenditure must satisfy the following criteria:

- Be in excess of £10k
- Create an asset which has benefits which last for more than one year
- Comply with guidance in the appropriate CIPFA code

## **SECTION 10 – FINANCIAL REGULATIONS**

- 10.25 Where a capital scheme is estimated to be overspent, if the overspend is estimated to be 10% or more than £100k, whichever is the lower (with a minimum of £10k), then approval to fund the overspend must be sought from the Authority.
- 10.26 Where the overspend is estimated to be less than 10% and less than £100k, SMT will consider the overspend in the context of the overall programme, and if the overspend is unavoidable will either utilise the capital contingency, vire budget from an existing scheme or fund the overspend by contribution from the revenue budget or from reserves.
- 10.27 Income which is the result of disposing of an asset and which is greater than £10k will be considered as a capital receipt. All other income will be treated as revenue. Paragraph 10.44 deals with the procedure for disposing of assets.
- 10.28 The Chief Fire Officer and Chief Executive and the Treasurer or the Head of Finance may jointly increase the amount of the Capital Programme by a maximum of £100k per annum, providing that any increase is for a new scheme(s), and the Head of Finance is satisfied with the funding arrangements.
- 10.29 An increase approved by the Chief Fire Officer and Chief Executive and the Treasurer or the Head of Finance will be reported to Performance and Overview Committee at the earliest opportunity.

### **Assets**

#### **Land and Buildings**

- 10.30 Proposals for the acquisition or sale of land or buildings must be fully appraised and may only be approved by the Authority. Proposals to enter into a lease with a term of 5 years or more will also require Authority approval.
- 10.31 Sales of land and/or buildings and the surrender of a lease with a term of five years or more will require Authority approval.

#### **Management of assets**

- 10.32 The Joint Head of Estates will maintain an Asset Management Strategy.
- 10.33 Any manager who has responsibility for managing and/or operating Authority assets will make proper arrangements to ensure that assets are held securely and properly maintained.
- 10.34 Assets may only be used in accordance with relevant service policy, and any procedures relating to the use of assets must be followed.
- 10.35 Managers with responsibility for managing assets must ensure that where necessary assets have the appropriate licence and are covered by insurance.
- 10.36 All assets (as defined within the Asset Management Strategy) must be included

## **SECTION 10 – FINANCIAL REGULATIONS**

on an inventory, in a form determined by the Head of Operational Policy and Assurance.

### **Stock**

- 10.37 Stock is defined as a supply of items constantly required and held in stores.
- 10.38 The Authority maintains a central stores, and, wherever possible, all stock should be held in the stores.
- 10.39 Where small amounts of stock are held locally they will be subject to procedures as agreed by the Head of Service Delivery and the Head of Procurement.
- 10.40 Stock checks will be carried out wherever stock is held in a form determined by the Head of Procurement and the Head of Finance, in accordance with timescales agreed by them.

### **Write off of assets**

- 10.41 Assets, including stock, up to the value of £5k may only be written off with the approval of the Head of Finance.
- 10.42 Assets, including stock, with a value between £5k and £10k may only be written off with the approval of the Chief Fire Officer and Chief Executive.
- 10.43 Assets, including stock, with a value greater than £10k may only be written off with the approval of the Fire Authority.

### **Disposal of Assets**

- 10.44 The disposal of assets other than land and buildings (see paragraph 10.31 above) will be in accordance with procedures agreed by the Head of Procurement and the Head of Finance.

## **Procuring Goods and Services**

### **Ordering goods and services**

- 10.45 Only goods and services relating to official Authority business may be procured.
- 10.46 The Scheme of Financial Delegation will include authorised limits for individual officers in relation to the ordering of goods and services.
- 10.47 Official orders must be raised for all goods and services except for rent, business rates, Council Tax, public utility services and petty cash purchases, except with the prior agreement of the Head of Procurement and the Head of Finance.
- 10.48 Orders must be made using the official Authority procurement system as determined by the Head of Procurement and the Head of Finance.
- 10.49 Oral orders may only be made in cases of urgency and with the prior approval of the Head of Procurement and the Head of Finance; all such oral orders must

## **SECTION 10 – FINANCIAL REGULATIONS**

be confirmed by hard copy, but care must be taken not to create duplicate orders.

### **Quotations and tenders**

- 10.50 All purchases expected to cost between £500 and £5k must be subject to three verbal quotations, and a record of such quotations must be maintained by the officer raising the order.
- 10.51 For purchases expected to cost between £5k and £50k, three written formal quotations must be obtained by the Procurement team.
- 10.52 For purchases expected to cost more than £50k, a below EU threshold competitive contract notice will be issued via the tendering portal by the Procurement Team.
- 10.53 Where the purchase is expected to exceed the Official Journal of the European Union (OJEU) threshold, the Head of Procurement must ensure compliance with the tendering process as prescribed by the appropriate European Community Procurement Directive.
- 10.54 Tendering processes are managed by the Head of Procurement using a secure e-tendering system with agreed rules of access, which controls and records activity and automates elements of the procurement.
- 10.55 The Member Champion for Procurement has access to the e-tendering system, and can at his/her discretion examine any part of the tender process he/she wishes to, and examine the transactional details of any individual procurement.
- 10.56 If any error is identified in a tender, the tenderer will be asked to correct the tender before the tender award is decided; in the case of building or civil engineering works, errors will be dealt with in accordance with the rules laid down by the Institute of Civil Engineering or the National Joint Consultative Committee for Building Codes of Single Stage Selective Tendering, as appropriate.
- 10.57 Tenderers must not be permitted to adjust their tenders after receipt other than in accordance with paragraph 10.56.
- 10.58 The determination of the successful tenderer will be in accordance with the approved evaluation model as settled by the Head of Procurement and typically using the principle of Most Economically Advantageous Tender.
- 10.59 A formal award must be made to the tenderer in writing. All works must be the subject of an official order and subject to a formal contract executed on behalf of the Authority by the Monitoring Officer.
- 10.60 Contracts may only be varied or extended in accordance with the terms contained within the contract and with the approval of the Monitoring Officer.
- 10.61 Where goods or services are procured using a public buying organisation framework (for example Government Procurement Services), a further

## **SECTION 10 – FINANCIAL REGULATIONS**

competition will normally be undertaken to evidence value for money. However, on occasion and at the discretion of the Monitoring Officer and Head of Procurement a direct award can be made (if the framework rules permit and in all of the circumstances this course of action is justified).

10.62 Exceptionally, quotations or tenders are not required where the purchase is:

- From a public auction with the prior approval of the Head of Finance
- Of such a unique nature that in the opinion of the Head of Procurement and Head of Finance it can only be acquired from a single supplier (requests for approval should be submitted in a form as determined by the Head of Procurement).
- In response to an emergency with the approval of the Chief Fire Officer and Chief Executive and Head of Finance.

### **Payments to creditors**

10.63 The Head of Finance is responsible for the payment of creditors.

10.64 Heads of Departments must ensure that adequate separation of duties operates in all areas of procurement and purchasing. Guidance on this may be sought from the Head of Finance.

10.65 The work flow for approving payment will be in accordance with systems approved by the Head of Finance.

### **Imprest accounts**

10.66 Imprest accounts are sums made available in the form of bank current accounts and petty cash from which officers may make purchases of less than £50.

10.67 All expenditure paid through imprest accounts must be supported by receipts, except with the prior approval of the Head of Finance, and records must be maintained in a form agreed by the Head of Finance.

10.68 Imprest accounts are Authority funds and must only be used for official business.

10.69 Imprest accounts may only be opened with the approval of the Head of Finance.

10.70 Each imprest account will have a nominated holder.

10.71 All imprest accounts must be reconciled monthly and certified by the imprest account holder.

10.72 Imprest accounts will be for minor items of expenditure only, and no salaries, wages, allowances or mileage expenses may be paid out of imprest accounts.

10.73 No income may be paid into imprest accounts.

10.74 Claims for reimbursement of imprest accounts must be completed in accordance with guidelines and in a form agreed by the Head of Finance.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Payroll and pensions**

- 10.75 The Director of Transformation is responsible for instructing the payroll and pension contractors and for providing accurate and timely information to enable the contractors to pay salaries, wages, mileage, other expenses and pensions. He/she will ensure that the amounts deducted from employees' salaries are paid to the appropriate body within agreed timescales.
- 10.76 The Director of Transformation will determine the format in which information is transmitted to the payroll and pension contractors.
- 10.77 The Director of Transformation is responsible for ensuring that all information transmitted to the payroll and pension contractors is suitably authorised and reconciled.

### **Cash and bank**

- 10.78 The Authority will appoint bankers, and approve the terms under which banking services are delivered.
- 10.79 All bank accounts will include "Cheshire Fire Authority" in the title.
- 10.80 No arrangement of any kind with any banking service may be made without the approval of the Treasurer and the Head of Finance.
- 10.81 All payments or transfers from any Authority bank account will be approved by an appropriate officer in accordance with the Financial Scheme of Delegation.
- 10.82 All income will be received, stored, banked and accounted for in accordance with procedures approved by the Treasurer and the Head of Finance.
- 10.83 Cash kept at any Authority premises will be held securely, and the amount held must not exceed limits agreed by the Treasurer and the Head of Finance.

### **Income collection**

- 10.84 Any officer of the Authority who is arranging for payment for any Authority service must inform the Finance Team, in a form to be agreed by the Head of Finance, to ensure that all income is properly recognised and collected.
- 10.85 Only official receipts will be issued.
- 10.86 Cash will be stored separate from any personal monies and be banked as soon as reasonably possible.
- 10.87 No payment for any purpose may be made out of income received.

### **Debtors**

- 10.88 The Head of Finance will maintain a debtors policy, and every effort should be made to collect income due in line with this policy. Where this proves not to be possible, debts up to £5k may be written off with the approval of the Head of

## **SECTION 10 – FINANCIAL REGULATIONS**

Finance, those between £5 and £10k with the approval of the Chief Fire Officer and Chief Executive and those above £10k with the approval of the Fire Authority.

### **Insurance**

- 10.89 The Authority will have in place protection policies commensurate with risk, as agreed by the Chief Fire Officer and Chief Executive.
- 10.90 Any excesses on policies will be agreed by the Chief Fire Officer and Chief Executive and the Treasurer.

### **Third Party Funds**

- 10.91 Third Party Funds are funds controlled by Fire Authority staff but which belong to other organisations.
- 10.92 In general, the Authority should seek not to hold Third Party Funds due to the obligations and resourcing implications they bring.
- 10.93 The approval of the Chief Fire Officer and Chief Executive and the Treasurer must be obtained before the Authority assumes any responsibility for Third Party Funds.
- 10.94 The Treasurer will make suitable banking arrangements for Third Party Funds.
- 10.95 Officers managing Third Party Funds must keep records in a format agreed by the Treasurer and the Head of Finance.

### **Internal Audit**

- 10.96 The Chief Fire Officer and Chief Executive must ensure that an independent internal audit service operates within the Authority, carrying out audits in accordance with a risk based programme.
- 10.97 Internal audit will have full access to all premises, assets and records and Authority staff will provide internal audit with all information, explanations and records which they require.

### **Fraud and irregularity**

- 10.98 If any officer has suspicion that there has been any fraud or irregularity of any sort, including bribery, within the Authority, he/she must inform his/her line manager immediately (or grandparent line manager if necessary). If he/she does not feel able to do this, the Authority's Code of Conduct includes a Whistle Blowing Policy, which he/she may utilise.
- 10.99 The Chief Fire Officer and Chief Executive and the Treasurer must be informed immediately of any allegation of fraud or irregularity.
- 10.100 Senior officers are required to be familiar with the Anti-Fraud and Bribery Policies. They should make other staff aware of the existence of the policies



## **SECTION 10 – FINANCIAL REGULATIONS**

and who to contact if they have concerns relating to fraud or irregularity.

### **Joint arrangements and partnerships**

- 10.101 Formal joint arrangements and partnerships of any kind must (at the very least) be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and Treasurer, and will be the subject of a business case.
- 10.102 Significant joint arrangements and partnerships must be approved by Fire Authority.
- 10.103 In all cases, it is the responsibility of the Chief Fire Officer and Chief Executive, Monitoring Officer and the Treasurer to ensure that any arrangement is subject to appropriate levels of governance and stewardship.

### **Donations, grants to other bodies, and contributions**

- 10.104 Any donation, grant to another body or contribution must be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and the Treasurer..
- 10.105 If any donation, grant or contribution exceeds £20k it must be approved by the Authority.

### **Sponsorship**

- 10.106 Sponsorship is defined as the voluntary provision or donation of funds, goods or services to the Authority by an external body.
- 10.107 All offers of sponsorship must be considered in the context of the integrity of the Service, and must not involve, or imply, any warranty or guarantee of a sponsor's products or reputation.
- 10.108 All offers of sponsorship must be considered by the Chief Fire Officer and Chief Executive, Monitoring Officer and the Treasurer.. They may wish to refer any offer to the Authority if they feel the nature of the sponsorship warrants it, and must do so where the offer is judged to exceed £20,000.

### **Risk Management**

- 10.109 The Chief Fire Officer and Chief Executive will ensure that a suitable process is in place for the management of risk in the Authority.

The attached Appendix outlines the responsibilities contained in these regulations in tabular form.

## SECTION 10 – FINANCIAL REGULATIONS

### APPENDIX 1

#### Responsibility Matrix

Activity	FA	P&O	CFO	S151	HOF	MO	DoT	HOD
<b>Strategic Activity</b>								
Approve the Financial regulations	x							
Make strategic financial decisions	x							
Prepare the Medium Term Financial Plan (MTFP) and Integrated Risk Management Plan (IRMP)			x(IRMP)	x (MTFP)	x(MTFP)			
Approve the MTFP and IRMP	x							
<b>Revenue and Capital Budgeting</b>								
Ensure that any Revenue or Capital budget bids considered significant by the Treasurer and HOF are fully costed and completed using the Authority's Business Case template								x
Prepare the draft Revenue Budget and Capital Programme(Budget) and calculate the draft Council Tax precept				x	x			
Report on the robustness of the estimates used in the budget, and the adequacy of the Authority's reserves for which the budget provides as part of the budget approval process				x	x			

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Activity	FA	P&O	CFO	S151	HOF	MO	DoT	HOD
Monitor and review the Authority's Reserves Policy				x	x			
Approve the Revenue Budget, Capital Programme and Council Tax Precept	x							
Consider any additional items of expenditure which would lead to new or significant variation in policy.	x							
<b>Delegation of and management of revenue and capital budgets</b>								
Maintain a scheme of Financial Delegation which includes limits to individual officers' approval, and ensures that all revenue and capital budgets are allocated to a HOD. Budget delegation below HOD will be at HOD discretion, but the HOD will retain responsibility for the budget.			x	x	x			
Ensure appropriate delegation of budget management takes place, and ensure budget managers have regular reports to help them effectively manage budgets.				x	x			
Plan to spend budgets in accordance with the Authority's objectives and effectively control the spending within budget.								x
Provide timely and accurate financial monitoring information					x			

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Activity	FA	P&O	CFO	S151	HOF	MO	DoT	HOD
Regularly monitor budgets and consider how to deal with any variances								x
Report financial performance to Members at least quarterly					x			
Consider performance against the budget and capital programme regularly		x						
<b>Statutory Accounts</b>								
Prepare the statutory accounts of the Authority (including certifying the draft accounts by the end of the June following the year end)				x	x			
Approve the statutory accounts by the end of September following the year end	x							
<b>Treasury Management</b>								
Appoint the Authority's bankers	x							
Ensure that adequate Treasury Management practices are in place, including arranging any necessary loans or investments in accordance with Cash Flow forecasts				x	x			
Prepare and manage the annual Treasury Management Strategy including approval of and monitoring of Prudential Indicators				x	x			
Approve the annual Treasury Management Strategy	x							

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Activity	FA	P&O	CFO	S151	HOF	MO	DoT	HOD
<b>Financial management and control</b>								
Ensure that SMT consider all appropriate financial matters.			x	x				
Offer advice on all financial matters				x	x			
Ensure the provision of financial services including the payment of invoices, financial information, imprest accounts, and the collection of income				x	x			
Ensure the provision a payroll and pensions service							x	
Ensure suitable financial and control systems are in place, including financial procedures			x	x	x			
Ensure assets are properly managed			x	x	x			
Ensure tendering procedures are in place and followed			x	x	x			
Ensure that all financial transactions pass through the Authority's financial system.								x
If requested, provide the Chief Fire Officer and Chief Executive, Treasurer, Head of Finance, and External or Internal Auditor with access to any document or record under their control.								x

## SECTION 10 – FINANCIAL REGULATIONS

Activity	FA	P&O	CFO	S151	HOF	MO	DoT	HOD
Ensure that all officers who are responsible for any financial activity receive appropriate induction and training					x			x
Ensure that joint arrangements and partnerships are properly managed.			x	x		x		
Approve offers of sponsorship and refer to FA if necessary			x	x		x		
Ensure a suitable Risk Management process is in place			x					
Ensure that the Authority has appropriate insurance arrangements in place.			x					
<b>Statutory functions</b>								
Ensure that the Authority meets its statutory and regulatory requirements (which includes the Accounts and Audit regulations; the Local Authority Accounting Code of Practice; the Code of Practice for Treasury Management; and the Internal Audit Code of Practice)	x		x (advisory)					
Fulfil the responsibilities of a Chief Finance Officer under Section 151 of the Local Government Act 1972, and act as Treasurer to the Authority				x				
Fulfil the duties of a Chief Finance Officer under Section 114 of the Local Government Act 1988				x				

## SECTION 10 – FINANCIAL REGULATIONS

Activity		FA	P&O	CFO	S151	HOF	MO	DoT	HOD
Appoint a deputy Section 151 Officer				x	x				
Maintain an effective internal audit function				x					
KEY									
FA		Fire Authority							
CFO		Chief Fire Officer and Chief Executive							
S151		Treasurer (Section 151 Officer)							
HOF		Head of Finance							
MO		Monitoring Officer							
DoT		Director of Transformation							
HOD		Head of Department							

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## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **Introduction**

- 11.1 This Scheme of Delegation (the Scheme) sets out the powers of officers.
- 11.2 The powers of officers are given to them (delegated) by Cheshire Fire Authority (the Authority). The delegation of powers takes place by virtue of Members approving the Scheme. Section 101 of the Local Government Act 1972 grants the power to delegate.

### **General Principles**

- 11.3 Officers must not take decisions which are the responsibility of the Authority, any of its decision-making bodies, or an individual Member.
- 11.4 Officers will normally be expected to exercise the powers delegated to them but may on occasion choose not to do so. They are at liberty to refer a matter to another officer and/or Members of the Authority.
- 11.5 Officers must use their powers in such a way that is consistent with the policies and procedures of the Authority.
- 11.6 Officers must ensure that in using their powers they do not break the law, and take note of any relevant guidance, codes of practice etc.
- 11.7 Officers must use their powers in a way that is consistent with the Authority's available budget (generally, as well as that which is specifically allocated for management by the officer) and its financial regulations.
- 11.8 Officers must consider whether it is necessary to consult with officers and/or Members prior to exercising their powers. If they do consult they must have regard to any views expressed/advice given.
- 11.9 Officers are able to delegate a power to another officer provided that:
- The delegation is to an officer at an appropriate level and with appropriate experience;
  - If it is possible to further delegate it is properly described;
  - The delegation is recorded;
  - Details of the delegation are given to the Director of Governance and Commissioning.
- 11.10 Officers exercising their powers must consider whether other officers and/or Members require notification of actions/decisions etc.
- 11.11 Officers with delegated powers must review the delegations available to them regularly.

NB For the purpose of the above Principles, 'Officers' means those roles that are described in the Scheme.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **Specific Delegations/Responsibilities**

#### **CHIEF FIRE OFFICER AND CHIEF EXECUTIVE**

11.12 The Chief Fire Officer and Chief Executive is the Head of Paid Service. The Chief Fire Officer and Chief Executive is responsible to the Fire Authority for:

- a) Leading and directing the strategic management of the Authority;
- b) Ensuring the effective pursuit and achievement of the Authority's objectives;
- c) Ensuring the Authority's activities are carried out with maximum effectiveness and efficiency;
- d) Ensuring the efficient and effective discharge of the decision-making and scrutiny functions of the Authority;
- e) Monitoring and reviewing the Authority's management arrangements;
- f) Influencing the direction of local, regional and national policy in support of the vision, aims and objectives of the Authority;
- g) 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;
- h) Authorising employees to exercise powers under Sections 44, 45 and 46 of the Fire and Rescue Services Act 2004;
- i) Authorising surveillance activity in accordance with the Authority's policy;
- j) Making or arranging for appointments to all posts where a decision by Members is not required;
- k) Liaison with other Services and Chiefs;
- l) Jointly with the Director of Governance and Commissioning, the Treasurer and the Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **DEPUTY CHIEF FIRE OFFICER**

11.13 The Deputy Chief Fire Officer is 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 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) Managing budgets in accordance with Financial Regulations.

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

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **DIRECTORS**

#### **Governance and Commissioning**

- 11.14 The Director of Governance and Commissioning is the Monitoring Officer, responsible for the duties imposed by Section 5 of the Local Government and Housing Act 1989.
- 11.15 The Director of Governance and Commissioning is responsible for:
- a) Defending/settling actions against the Authority (actual or threatened) (up to £25,000);
  - b) Taking action on behalf of the Authority;
  - c) Arranging for the proper administration of Member meetings;
  - d) Securing appropriate decision-making arrangements;
  - e) Signing documents/contracts on behalf of the Authority;
  - f) Arranging an appropriate standards regime and dealing with standards issues relating to Members of the Authority;
  - g) Ensuring the actions/activities of the Authority are lawful;
  - h) Supporting work on the promotion of good governance;
  - i) Managing an effective procurement function and processes;
  - j) Act as Senior Information Risk Owner and managing information requirements e.g. Freedom of Information, Data Protection etc.;
  - k) Acting as panel member in consideration and determination of applications for voluntary redundancy;
  - l) Leading upon, developing, implementing and reviewing the Service's environment-related policies and procedures;
  - m) Monitoring and maintenance of the relationship with NW Fire Control Limited and the service that it provides (including engagement with the other authorities);
  - n) Arranging and managing the Service's insurance arrangements;
  - o) Arranging and managing the Service's internal audit function;
  - p) Ensuring that appropriate corporate governance arrangements are in place and managed effectively;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- q) Effect arrangements to deal with risk identification and management;
- r) Jointly with the Chief Fire Officer and Chief Executive, the Treasurer and Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- s) Jointly with the Treasurer to: secure and maintain systems to manage the budget; issue a precept; and report, as necessary, on financial matters to the Fire Authority;
- t) Engaging with and managing the relationship with Cheshire Constabulary for the provision of the joint services and other collaborative opportunities.

### **Transformation**

11.16 The Director of Transformation is responsible for:

- a) Leading, developing, implementing and reviewing strategies, policies and procedures relating to human resources and workforce transformation;
- b) Ensuring that individual and organisational development needs are established and met as far as reasonably practicable;
- c) Securing and managing payroll, pension and occupational health requirements;
- d) Maintaining a suitable policy and effective procedures intended to secure appropriate checks on potential (and current) employees and volunteers (e.g. DBS);
- e) Fulfilling the role of lead officer for dignity at work issues;
- f) Managing and chairing the JCNP and leading on trade union relations;
- g) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- h) Fulfilling the role of Scheme Manager responsible for the management and administration of the firefighters' pension schemes;
- i) Leading upon, developing, implementing and reviewing the Service's equality policies and procedures.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **AREA MANAGERS**

#### **Protection and Organisational Performance**

11.17 The Area Manager for Protection and Organisational Performance is responsible for:

- a) Act as the strategic advisor to Principal Officers and the Authority on all matters relating to the Fire Safety order with responsibility for ensuring the Authority fulfils its statutory duty in this regard;
- b) Lead on all aspects of organisational performance;
- c) Ensure the alignment of service activity with the Home Office Inspectorate requirements;
- d) Authorising the signing of any notices under the legislation relating to fire safety;
- e) Authorisation of safeguarding referrals as Duty Area Manager;
- f) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- g) 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 when acting as the Duty Area Manager or as a response to recall to duty, where appropriate.

#### **Operational Policy and Assurance**

11.18 The Area Manager for Operational Policy and Assurance is responsible for:

- a) To ensure the effective performance and integration of functions which form part of the department so as to provide the best overall support to Service Delivery and other departments;
- b) Authorisation of the Operational Policy and Assurance business continuity plans;
- c) Authorisation of safeguarding referrals as Duty Area Manager;
- d) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- e) Securing and managing resilience arrangements, e.g. agreements under Sections 13 or 16 of the Fire and Rescue Services Act 2004;
- f) Leading upon, developing, implementing and reviewing health and safety policies and procedures;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- g) 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 when acting as the Duty Area Manager or as a response to recall to duty, where appropriate;
- h) Co-ordination of business continuity arrangements for the Service.

### **Service Delivery**

11.19 The Area Manager for Service Delivery is responsible for:

- a) Management of the Operational Establishment including the transfer and promotion of station based personnel up to Watch Manager including extensions and terminations of temporary promotion;
- b) Appeals linked to the compulsory transfer of staff;
- c) Flexibility of crewing levels to exhaust annual leave;
- d) Payment of CPD and appeal decisions;
- e) Authorisation of the deployment of Targeted Response Vehicles and associated overtime payments;
- f) Authorisation of the Service Delivery business continuity plans;
- g) Authorisation of safeguarding referrals as Duty Area Manager;
- h) Authorisation of payments for items purchased during emergencies such as refreshments;
- i) Providing guidance in relation to proposals involving expenditure of more than £500 from UPG budgets;
- j) Authorising involvement of staff and funds to assist in partner initiatives at a local level within the unitary areas;
- k) 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 when acting as the DAM or as a response to recall to duty, where appropriate.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **HEADS OF DEPARTMENT**

#### **Prevention**

11.20 The Head of Prevention is responsible for:

- a) Procuring and finalising data sharing arrangements.
- b) Overseeing and managing the Service's safeguarding arrangements
- c) Lead in supporting the Community Safety Partnership across the sub-region and liaise with national government on related matters;
- d) Ensuring the effective management of the Service's volunteering strategy;
- e) Developing and delivering on key external referral programmes for the Service.

#### **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 are adequate and regularly monitored;
- e) Jointly with the Head of Finance negotiating and managing treasury management activities;
- f) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- g) Jointly with the Chief Fire Officer and Chief Executive, Head of Finance and Director of Governance and Constitution to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- h) To arrange for the necessary precepts to be raised with the constituent authorities.



## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **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) Jointly with the Treasurer ensuring effective control of budgets;
- d) Jointly with the Treasurer negotiating and manage treasury management activities;
- e) Jointly with the Chief Fire Officer and Chief Executive, Head of Finance and Director of Governance and Constitution to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- f) Acts as Deputy S151 Officer.

### **Communications**

11.23 The Head of Communications is responsible for:

- a) Developing and co-ordinating the Service's internal and external communications to ensure full and effective consultation with service users, employees, external agencies and the community (ensuring that the Authority's statutory consultations are carried out to deadline and in line with legal requirements and Authority principles);
- b) Promoting knowledge and understanding of the Service and its services and objectives, to both internal and external stakeholders, through the use of appropriate and effective communications and marketing techniques;
- c) Approving, before publication, all public and media statements on behalf of the Service;
- d) Maintaining an effective approach to communication using the Service's website and social media channels;
- e) Managing and securing responses to consultations from third parties.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **GROUP MANAGERS**

11.24 Group Managers are responsible for:

- a) Managing work activities within a functional area, identifying and developing proposals for improvement and planning for their implementation;
- b) Undertaking quality assurance by audit and assessment of performance against station and functional plans and ensuring the alignment of service activity with the Service's IRMP;
- c) Identifying, allocating controlling and evaluating the use of resources to support corporate objectives and implementing organisational strategies;
- d) Managing the performance of teams and individual employees through performance management processes to ensure that organisational aims and objectives are achieved;
- e) Delivering performance within the Performance Scrutiny Group and be responsible for its operation and link to performance; and
- f) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

### **STATION MANAGERS**

11.25 Station Managers are responsible for:

- a) Formulating Station Plans and supervising the station planning process by allocating work activities, implementing and evaluating work plans to ensure that service delivery needs are continually met;
- b) Managing and developing the Station Management Team and providing appropriate support, guidance and coaching in order that organisational aims and objectives are achieved;
- c) Identifying by assessment risk critical needs in line with the role map of Watch Managers and developing employees to ensure they are equipped with the necessary skills, knowledge and experience to fulfill their roles;
- d) Fostering positive relationships within the community through pro-active networking;
- e) Gathering and analysing local intelligence on community risks;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- f) Investigating performance and conduct related issues and any grievances raised;
- g) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

## SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)

### General Requirements

ALL AREA MANAGERS and HEADS OF DEPARTMENT are responsible for the following:

#### General Responsibilities

Leading and managing the functions that the Area Manager or Head of Department is responsible for
Making returns/reporting etc., as necessary, to satisfy Governmental and/or statutory and/or regulatory requirements that apply in relation to their areas of responsibility.

#### Financial Responsibilities

Agreeing and managing revenue and capital budgets
Procurement of goods and services
Processing of income and pursuance of debts

In accordance with Financial Regulations and any internal guidance produced by the Head of Finance and/or the Director of Governance and Commissioning (e.g. approval limits set in Agresso and maintenance of imprest accounts).

#### Human Resourcing Responsibilities

Ongoing assessment of staffing requirements of department (and sections within it)
Management of staff
Specific assessment of staffing need whenever a post is due to/has become vacant
Filling of all vacancies
Notification to Director of Transformation in relation to staff (appointment, grading etc)
Authorisation for overtime, expense claims etc
Completion of relevant documentation for redundancy/early retirement
Engagement at an appropriate level in disciplinary and other staff-related processes

In accordance with policies and procedures produced by the Director of Transformation and/or the Head of Finance.

## SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)

Asset-Related Responsibilities - this includes physical assets and also information (however stored)

Maintaining adequate assets to deliver the service
Safeguarding and maintenance of assets
Disposal of assets

In accordance with policies and procedures.

### Risk Management Responsibilities

Reviewing and updating risk profiles and securing suitable arrangements to manage risks
Logging new risks and ensuring that mitigating actions are identified and allocated appropriately
Handling claims (potential/actual) so as to protect (not prejudice) the Authority's position and its access to insurance arrangements

### Performance Management Responsibilities

Engaging appropriately in corporate performance management processes
Reporting on performance in a meaningful, timely and balanced way

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