



**Wednesday,
7 April 2021
10.00 am**

**Meeting of
Governance and
Constitution Committee
Remote Meeting
Via Skype**

Contact Officer:
Donna Linton
Democratic Services

Cheshire Fire and Rescue Service, Clemonds Hey, Winsford, Cheshire, CW7 2UA

Tel: 01606 868804
E-mail: donna.linton@cheshirefire.gov.uk

Cheshire Fire Authority

Notes for Members of the Public

Attendance at Meetings

The Cheshire Fire Authority welcomes and encourages members of the public to be at its meetings and Committees.

This meeting of the Fire Authority will be held by remote means, i.e. the meeting will not be taking place in person at Sadler Road, but will be hosted over the Internet, using Skype for Business, with participants located in a variety of places.

The Government introduced legislation, due to the Coronavirus pandemic, that enables remote meetings to take place and the Fire Authority has adopted rules that allow and govern the way that remote meetings will work. The rules can be accessed [here](#).

The meeting must be open to the public and press. However, as the public and press cannot attend in person the Fire Authority is arranging for the meeting to be broadcast. Final details about how to access the broadcast will be published on the Cheshire Fire and Rescue Service website prior to the meeting.

Questions by Electors

Given the current situation, questions for the Chair of the Fire Authority can be submitted by email to DemocraticServices@Cheshirefire.gov.uk. Questions must be received at least five clear working days before the meeting takes place.

Access to Information

Copies of the Agenda are available on the Service's website (www.cheshirefire.gov.uk). A copy can also be obtained from Democratic Services via DemocraticServices@cheshirefire.gov.uk.

The Agenda may be divided into two parts. Most business is dealt with in the first part which is open to the public. On some occasions business is dealt with in private in the second part of the meeting. There are a number of reasons for this, e.g. confidential information about individual people, or contracts are being considered.

This agenda is available in large print, Braille, audio CD or in community languages upon request by contacting; Telephone: 01606868414 or email: equalities@cheshirefire.gov.uk

Recording of Meetings

The Authority audio records its meetings. Please contact Democratic Services for a copy of the recording via DemocraticServices@cheshirefire.gov.uk.



**MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE
WEDNESDAY, 7 APRIL 2021**

Time : 10.00 am

Remote Meeting - Via Skype

AGENDA

Part 1 - Business to be discussed in public

1 PROCEDURAL MATTERS

1A Recording of Meeting

Members are reminded that this meeting will be broadcasted and recorded.

1B Apologies for Absence

1C Declarations of Members' Interests

Members are reminded that the Members' Code of Conduct requires the disclosure of Statutory Disclosable Pecuniary Interests, Non-Statutory Disclosable Pecuniary Interests and Disclosable Non-Pecuniary Interests.

1D Minutes of the Governance and Constitution Committee

(Pages 1 - 4)

To confirm as a correct record the Minutes of the meeting of the Governance and Constitution Committee held on Wednesday 27th January 2021.

ITEMS REQUIRING DISCUSSION / DECISION

2 Draft Statement of Assurance 2020-21

(Pages 5 - 28)

3 Review of Anti-Bribery Policy and Anti-Fraud Policy

(Pages 29 - 36)

4 Amendments to Scheme of Delegation

(Pages 37 - 54)

5 Review into the way that Seats on the Fire Authority are Allocated to the Constituent Authorities

(Pages 55 - 70)

This page is intentionally left blank



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 27 January 2021 - Remote Meeting via Skype at 10.00am

PRESENT: Councillors Steve Wright (Chair), Rachel Bailey, Mike Biggin, David Brown, Martyn Delaney, and Rob Polhill and independent (non-elected) members Derek Barnett and Lesley Thomson

1 PROCEDURAL MATTERS

Members paused to acknowledge National Holocaust Day and also to remember the 100,000 people who had lost their lives during the Covid-19 pandemic.

A Recording of Meeting

Members were reminded that the meeting would be audio-recorded and broadcast live to enable public viewing.

B Apologies for Absence

Apologies for absence were received from Councillor Nick Mannion.

C Declarations of Members' Interests

The Chair stated that he believed all Members had a statutory pecuniary interest in Item 2, Members' Allowances Scheme 2021-22. However, all Members had been granted a dispensation to allow them to take part in any debate and vote about the approval of or changes to a scheme. All Members acknowledged that they had such an interest and that they would rely upon the dispensation.

No further declarations were made.

D Minutes of the Governance and Constitution Committee

RESOLVED:

That the minutes of the Governance and Constitution Committee held on Wednesday 29th July 2020 be confirmed as a correct record.

2 MEMBERS' ALLOWANCES SCHEME 2021-22

The Director of Governance and Commissioning referred to the report of the independent reviewer which was appended to the committee report. He took Members through the main elements of the independent reviewer's report. The report began by stating that the scheme format was typical and did not require significant change. The independent reviewer had also concluded that the levels of

the basic allowance and special responsibility allowances were appropriate and need not change. In addition the independent reviewer recommended that some other payments were increased to reflect the level of NJC pay increases during the period of the current scheme while travel, subsistence and other allowances should remain the same.

The Director asked Members to focus on two key points in the independent reviewer's report, Section 5.2 Payment of more than one special responsibility allowance and Section 5.3 Member Champions. The independent reviewer left the question of whether to pay more than one special responsibility allowance to an individual Member to the Fire Authority. Whilst she did not have a problem with this as long as it reflected the work being undertaken, she did note that it would be the exception looking across other comparable organisations and the constituent authorities. She was, however, of the view that the Fire Authority needed to carry out a review of the Member Champion roles, so that it could satisfy itself that each provides a meaningful benefit.

The Director referred Members to Appendix 2 to the committee report which contained a draft of the Members' Allowances Scheme for 2021-22. This reflected the conclusions and recommendations of the independent reviewer. However, paragraph 3 was highlighted because a decision was required from Members before this could be finalised.

Members agreed that only one special responsibility allowance should be payable to an individual Member. Members also agreed that a review of Member Champions should be carried out. One of the independent (non-elected) members said that it was important that a review should consider the work and achievements of each Member Champion.

A Member asked if the Chair of the Pensions Board should be mentioned in the table in paragraph 2 of the Scheme. The Director confirmed that he would clarify the situation and update that table, as necessary.

RESOLVED: That

- [1] the report of the independent reviewer be noted; and**
- [2] the Members' Allowances Scheme for 2021-22 be finalised, taking into account the views of the Committee; and**
- [3] a review of the Member Champions be carried out by this Committee within the next twelve months.**

RECOMMENDED: That

- [4] the Fire Authority approve the finalised Members' Allowances Scheme for 2021-22.**

3 REVIEW INTO THE WAY THAT SEATS ON CHESHIRE FIRE AUTHORITY ARE ALLOCATED TO THE CONSTITUENT AUTHORITIES

The Director of Governance and Commissioning updated Members on the review into the way that seats on Cheshire Fire Authority are allocated to the Constituent Authorities.

The Director reported that the terms of reference had been finalised and that the review would be carried out by an independent reviewer. He indicated that an initial report was anticipated next month so that the Committee could consider the matter in April before the Fire Authority considered the matter later that month.

RESOLVED: That

[1] the Report be noted.

4 ANNUAL GOVERNANCE STATEMENT 2019-20 ACTION PLAN UPDATE

The Director of Governance and Commissioning introduced the report which provided Members with an update on the progress made in relation to the areas for action contained in the Annual Governance Statement 2019-20.

The Director expanded upon the narrative in Appendix 1 to the report for each of the areas for action: Coronavirus, Nationally-led Change and Collaborations.

The Committee extended its thanks to all staff across the Service who had performed to the highest standard in difficult circumstances.

RESOLVED: That

[1] the Report be noted.

This page is intentionally left blank

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 7TH APRIL 2021
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: DRAFT STATEMENT OF ASSURANCE 2020-21

Purpose of Report

1. To provide Members with an opportunity to review the draft Statement of Assurance for 2020-21.

Recommended: That

- [1] The contents of the report be noted; and
- [2] Subject to Members' comments, the draft Statement of Assurance be recommended to the Fire Authority for approval, at the appropriate time.

Background

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

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

Information

4. The draft Statement for 2020-21 is attached to this report as Appendix 1.
5. The draft Statement has been prepared in accordance with national guidance. It includes sections on financial assurance, governance and operational assurance. It also outlines the way in which the Authority has had regard to the Framework. A new version of the Framework was published in May 2018 and the Statement provides evidence to show that the Authority complies with its

requirements. There is also a section on Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). Finally, a section has been included on the impact of the Coronavirus Pandemic.

6. The guidance suggests that where authorities have already set out relevant information that is clear, accessible, and user-friendly within existing documents they may wish to include extracts or links to these documents within their statement of assurance. The draft Statement includes extracts or links to many of the existing key documents and policies such as the Integrated Risk Management Plan, the Annual Statement of Accounts (with Annual Governance Statement) and the HMICFRS report. Members will see that there are some areas that require updating, prior to approval by the Fire Authority.
7. Members are asked to consider the contents of this draft Statement in its present form and if approved, a final version should be presented to the Fire Authority for approval at its meeting in June 2021 prior to publication.

Financial Implications

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

Legal Implications

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

Equality and Diversity Implications

12. There are none.

Environmental Implications

13. There are none.

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

This page is intentionally left blank



Draft Statement of Assurance 2020-21

Contents

	Page
1. Foreword	3
2. Introduction.....	4
3. Financial Assurance	4
4. Governance Assurance	6
5. Operational Assurance	11
6. Fire and Rescue National Framework for England.....	18
7. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)	19
8. Coronavirus Pandemic.....	20

1. Foreword

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

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

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

Cllr Bob Rudd
Chair
Cheshire Fire Authority



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



2. Introduction

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

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

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

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

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

3. Financial Assurance

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

Annual Statement of Accounts

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

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

Annual Governance Statement

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

Transparency

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

[Transparency](#)

[Local Government Transparency Code 2015.](#)

Auditors

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

- Audit of the 2019-20 financial statements
- Opinion on the Authority's accounts
- Value for Money conclusion

The Internal Audit function for 2019-20 was provided by Mersey Internal Audit Agency (MIAA). A number of audits were commissioned in line with the Authority's risk profile which provided an independent assurance level on the Authority's control frameworks.

Key evidence links

- [Accounts and Audit \(England\) Regulations 2015](#)
- [Local Audit and Accountability Act 2014](#)
- [Statement of Accounts](#)
- [Annual Governance Statement](#)
- [Efficiency plan 2015/16-2019/20](#)
- [Medium Term Financial Plan](#)
- [Transparency](#)
- [Local Government Transparency Code 2015.](#)

4. Governance

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

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

Annual Governance Statement

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

The [AGS](#) for the period 1st April 2020 to 31st March 2021 is published on the Authority's website within the Annual Statement of Accounts.

Local Code of Corporate Governance

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



How the Authority Works

Cheshire Fire Authority

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

The Authority was created in 1997 by the Cheshire Fire Services (Combination Scheme) Order. It is made up of twenty-three elected Members appointed by the constituent authorities of Cheshire East, Cheshire West and Chester, Halton and Warrington Borough Councils. There are also two non-elected independent members who act in an advisory role.

In 2017 the Authority enabled the Police and Crime Commissioner for Cheshire (PCC) to attend and speak at its meetings. This was intended to help develop further integration of those services and assets that are the responsibility of the Authority and the Police and Crime Commissioner. In March 2020 the Combination Scheme was amended by the Government to allow the PCC to sit as a Member of the Authority with voting rights if he makes a formal request to do so and if the Authority agrees to the request.

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

The **Constitution** of the Authority covers:

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

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

The Authority operates with the following main Committee structure:

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

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

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

The Service Management Team (SMT) Structure

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

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

Monitoring Officer:

During the 2020-21 financial year the Director of Governance and Commissioning fulfilled the statutory role of Monitoring Officer for the Authority, ensuring all actions taken were lawful.

Treasurer/Section 151 Officer:

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

Integrated Risk Management Plan (IRMP)

Cheshire Fire Authority has created a plan called the IRMP which assesses local fire and rescue related risks and details how these will be addressed. The IRMP is published on the Authority's website.

In 2019 the Authority decided to produce a four year IRMP covering the period 2020-2024.

Vision and Mission

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

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

and it's **mission**

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

Core Values

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

Following consultation and engagement with staff new Core Values were introduced in March 2020.

These **Core Values** are:

Be Inclusive: By acting fairly, with integrity, respect and without prejudice

Do the Right Thing: By holding each other to account for ensuring high standards of professionalism in everything we do

Act with Compassion: By being understanding and offering help to each other and to our communities with warmth, patience and kindness

Make a Difference: By making an impact in our organisation and in our communities in whatever ways we can, for as many people as we can

Performance Management: How we performed during 2020 – 2021

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

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

TO BE REPLACED WITH UPDATED DATA

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

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

Performance information can be accessed in the Performance section of the Authority's website.

Auditors

Internal Audit:

The Authority's Internal Audit function for 2020-21 was outsourced to Mersey Internal Audit Agency (MIAA). A risk-based internal audit plan has been delivered by MIAA. A number of audits were commissioned in line with our risk profile and appetite which provided an independent assurance level on the Authority's control frameworks.

Statement of Assurance 2020 - 21

The internal audit team completed a number of compliance and assurance audits during 2020-21 aligned to the approved internal audit plan, which have generally resulted in positive opinions with a small number of recommendations made as a result of their findings. Action plans have been put in place to deal with any issues found during the audits.

Internal Audit Opinion 2020-21:

TO BE INSERTED WHEN AVAILABLE

External Audit:

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

External Audit Opinion 2020-21:

TO BE INSERTED WHEN AVAILABLE.

Key evidence links

[Delivering Good Governance 2016](#)
[Local Code of Corporate Governance](#)
[Principals A-G](#)
[Annual Governance Statement](#)
[Integrated Risk Management Plan](#)
[CFRS Vision, Mission, Core values](#)
[Constitution](#)
[Annual Report for 2020](#)
[Corporate Scorecard 20/21](#)
[Internal Audit Opinion](#)

5. Operational Assurance

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

Statutory Responsibilities

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

[Fire and Rescue Services Act 2004](#)

[Civil Contingencies Act 2004](#)

[Regulatory Reform \(Fire Safety\) Order 2005](#)

[Fire and Rescue Services \(Emergencies\) \(England\) Order 2007](#)

[Localism Act 2011](#)

[Fire and Rescue National Framework for England 2018](#)

[Local Government Act 1999](#)

[Health & Safety at Work Act 1974](#)

[Policing and Crime Act 2017](#)

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

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

Corporate Planning

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

Integrated Risk Management Plan (IRMP)

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

The Authority has outlined its plans for 2020-24 in its Integrated Risk Management Plan “Saving Lives, Changing Lives, Protecting Lives”. This was approved by the Authority in July 2020 following a period of public and staff consultation. It is anticipated that further annual delivery plans will be agreed by the Fire Authority during the lifetime of the Plan.

Community Risk Management

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

Unitary Area Plans

In addition to, and complementing the IRMP, each council area has a Unitary Performance Group (UPG) involving local Fire Authority members in performance management. The UPG meets quarterly to scrutinise data and performance. Unitary Area Plans are developed for each unitary area. Each plan is unique to that area and contains the actions the Unitary teams will take in order to mitigate risk and improve community safety. These plans are informed by the Community Risk Management Model which brings together historic incident data, demographic, commercial and external risk factors.

Stakeholder Engagement

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

Fire Prevention (Community Safety)

The Authority has a risk based approach to prevention. This risk profile is developed through Community Risk Management Model using a range of tools including Exeter data from health partners. It’s Safe and Well programme was developed in conjunction with NHS and local health partners. Safe and Well visits provide advice to householders on fire safety in the home but also address health priorities such as the prevention of slips, trips and falls, smoking cessation and alcohol reduction, bowel cancer screening and tests for atrial fibrillation.

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

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

It has also had a significant commitment to raising awareness and prevention through its safety and life skills centre, Safety Central.

Fire Protection

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

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

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

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

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

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

Emergency Response

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

- Wholetime: firefighters operate on stations 24 hours per day, working 12 hour shifts.
- Day Crewing: during the daytime the station is crewed by wholetime firefighters who also live next to the station to provide emergency cover overnight
- Nucleus: stations are crewed by wholetime firefighters during day time hours and by on-call firefighters overnight

- On-Call: firefighters live or work in the local community near to the station and respond to emergency calls via an alerter

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

Pre-determined attendance requirements are developed through the analysis of risk information from sources such as incident data and site specific risk information. Through the Authority's review of emergency response, specialist assets have been placed in strategic locations to improve response to incidents across Cheshire and respond to local risks, such as road traffic collisions on motorways.

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

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

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

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

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

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

Business Continuity – Civil Contingencies Act 2004

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

Interoperability, Resilience and Safety

A comprehensive range of risk intelligence data and information is taken into account as part of the risk identification and analysis process underpinning the IRMP. This includes Cheshire's Community Risk Register, with the Authority having a leading role in the Cheshire Resilience Forum (CRF) which focuses on interoperability and joint planning and training exercises with other emergency services using the Joint Emergency Services Interoperability Principles (JESIP). Additional joint training and planning has taken place following the Manchester Arena terrorist attack to ensure the effectiveness of the Authority's response to a similar event within Cheshire.

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

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

Over the Border Mutual Aid Arrangements

Sections 13 and 16 of the Fire and Rescue Services Act 2004 allow mutual arrangements to be agreed with neighbouring fire and rescue services to improve resilience and capacity in border areas. Cheshire Fire Authority has in place contractual agreements with the following bordering Fire Authorities for response to life risk incidents:

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

Health and Safety

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

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

The Authority has an Occupational Health Unit to support the health and wellbeing of staff. The Authority has signed up to the MIND Blue Light campaign to support mental health and wellbeing in the workforce and provided training to mental health champions and is looking to introduce more widely a Trauma Risk Management (TRiM) process. The Authority recruited a Mental Health Advisor in 2019 who has developed the Mental Health Strategy and introduced a Mental Health Steering Group.

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

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

Firefighter Fitness

The Authority has had a policy to ensure the fitness of its operational staff for some time. In December 2014 the Department for Communities and Local Government (DCLG) issued an

addendum to the National Framework for England in relation to firefighter fitness. In 2015 the Authority proposed amendments to its then current fitness policy to align it to the National Framework requirements and the national fitness standards.

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

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

Operational Training

The Service has an Operational Training Strategy which outlines its approach to ensuring that its operational staff are trained and competent in order to fulfil the various operational demands placed upon them.

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

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

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

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

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

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

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

Managers are all trained and assessed for their skills, knowledge and understanding in Incident Command. A dedicated Command Training Group (CTG) of vocationally qualified officers plan, deliver and assess these training programmes. The quality of the Incident Command Training within the Service has attracted business from several other fire and

rescue services and other emergency services as well as private and public organisations including several high risk industries.

In 2019 the Authority began construction work on its new operational training centre, based at its site in Sadler Road, Winsford. The Training Centre was completed in late summer 2020 and crews have started to utilise its facilities. While the success of our prevention work has led to a long term reduction in fires, this does mean that firefighters are more reliant on training and simulation to develop their learning experience instead of operational firefighting. The training centre, a significant investment at over £11m, provides firefighters with realistic and immersive training to safely and effectively deal with a wide range of incidents that may occur across Cheshire.

Key evidence links

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

6. Fire and Rescue National Framework for England

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

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

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

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

A review was undertaken of the mandatory requirements under the Framework and evidence gathered to demonstrate compliance and a report was presented to the Performance and Overview Committee in September 2019.

In March 2020 a further review was undertaken and a new compliance document was being prepared when Coronavirus (Covid-19) began to impact upon the Service.

Key evidence links

[Fire and Rescue National Framework for England 2018](#)

[Fire and Rescue National Framework for England 2018 - Compliance Report \(Performance and Overview Committee 04.09.2019\)](#)

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

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

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

The report summary said:

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

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

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

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

A report was presented to the Performance and Overview Committee on the 10th July 2019 together with the HMICFRS Inspection 2018 Action Plan, both of which are published on the website.

The Service was due to be inspected again during March and April 2020 but due to the Coronavirus (Covid -19) outbreak HMICFRS suspended all inspection work.

A virtual inspection took place during February and March 2021 and the report is expected late in 2021. The report will be published and available both on the HMICFRS's website and the Service's website.

Key evidence links
HMICFRS Inspection Report

8. Coronavirus Pandemic

The Coronavirus Pandemic continued throughout the period covered by this document. It has had an impact on Cheshire Fire and Rescue Service, but this has been managed.

Cheshire Fire Authority has operated effectively during the pandemic. It has adopted rules and procedures which have enabled it to conduct remote meetings so that it can transact all the business that was necessary.

The Service Management Team met regularly throughout the Pandemic to: ensure that it fully understood Government guidance; maintain and enhance its communication to staff, analyse risk and deliver safe systems of work; and decide how best to protect staff and maintain as many aspects of the services it delivers as possible in the prevailing circumstances.

The Service Management Team prioritised the Service's ability to deliver its core statutory functions, i.e. emergency response. However, it also enabled as many staff as possible to work from home in order to continue to do their jobs effectively. There was some impact upon the achievement of departmental objectives and targets, e.g. the number of Safe and Well visits conducted were heavily impacted because it was not possible to go into homes.

The Service did ensure that its strategic aims were met by utilising its resources and adapting operations to support the communities within Cheshire. This involved the Service liaising with the partner agencies through the Local Resilience Forum and establishing a Covid-19 Community Support Management Team to co-ordinate partnership work. Additional activities that were conducted included checking on those shielding; assisting hospitals with Covid-19 testing of patients at home before scheduled operations; supporting food bank collections and deliveries; distributing personal protective equipment to nursing home, schools and community groups; and delivering free school meals, education packs and laptops to eligible households. More recently the Service is providing staff to vaccinate.

The HMICFRS were commissioned by the Home Secretary to inspect how fire and rescue services in England were responding to the Pandemic in August 2020. The Service was inspected between 21st September and 2nd October 2020.

The Service received positive feedback with HMICFRS stating “the service has effectively carried out its statutory functions during the pandemic”. HMICFRS was impressed by how the service looked after the welfare of its staff, and the additional support it gave to the community during the first phase of the pandemic.

Key evidence links

[HMICFRS COVID-19 Inspection Report](#)

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 7TH APRIL 2021
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

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

Purpose of Report

1. To enable Members to consider whether the Anti-Bribery Policy and the Anti-Fraud Policy remain fit for purpose.

Recommended: That Members

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

Background

2. This committee last reviewed the Anti-Bribery Policy and Anti-Fraud Policy on 10th April 2019. It was agreed that the policies should be reviewed every 2 years.

Information

3. Taken together, the Anti-Bribery and Anti-Fraud policies set out the main principles aimed at countering fraud and corruption. The Anti-Bribery Policy is attached to this report as Appendix 1 and the Anti-Fraud Policy is attached to this report as Appendix 2. Both policies have received minor amendments.

Financial Implications

4. Bribery and fraud could lead to financial loss. It is important that the Authority has appropriate policies in place.

Legal Implications

5. Without robust policies concerned with bribery and fraud there is a greater likelihood that breaches of the law could occur.

Equality & Diversity Implications

6. There are no equality and diversity implications.

Environmental Implications

7. There are no environmental implications.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: NONE

ANTI-BRIBERY POLICY

Policy Statement

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

What we mean by the term “Bribery”

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

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

What are the Offences?

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

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

What we do to avoid Bribery

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

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

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

What we expect of employees and agents

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

- Mark Cashin, Chief Fire Officer and Chief Executive
Email: Mark.Cashin@cheshirefire.gov.uk
Tel: 01606 868812
- Andrew Leadbetter, Director of Governance and Commissioning (Monitoring Officer)
Email: Andrew.leadbetter@cheshirefire.gov.uk
Tel: 01606 868456

- Allan Rainford, Treasurer (Section 151 Officer)
Email: Allan.rainford@cheshirefire.gov.uk
Tel: 01606 868845

Alternatively they should use the Whistleblowing Procedure.

What we will do about suspected Bribery

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

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

April 2021

Cheshire Fire Authority

Anti-Fraud Policy

1. Introduction

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

This Anti-Fraud Policy is designed to:-

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

Fraud encompasses a range of acts and can include:

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

NB: Bribery is dealt with in a separate policy.

2. Policy Statement

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

The Authority will:

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

- treat complaints of potential fraud positively, fairly and equitably
- regularly review its own procedures to ensure they offer effective protection of the Authority's interests and reputation.

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

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

3. Strategy Statement

Proper Standards

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

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

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

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

Culture

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

Policies and Procedures

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

Key policies and procedures include:

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

NB: The Anti-Bribery Policy supplements this policy.

Reporting

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

They should report the matter to:

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

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

Investigation

Investigation into fraud will normally be carried out by the Internal Audit Service who will liaise with the Chief Fire Officer and Chief Executive, Director of Governance and Commissioning and Treasurer.

Where there is evidence of suspected fraud the matter will be referred to the police to consider whether a criminal investigation should take place.

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

Access to Information and Publicity

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

4. Review

The Authority will ensure that this Policy is reviewed every 2 years.

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

5. Sharing Information

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

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

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

6. Contacts

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

Internal

Allan Rainford – Treasurer

Email: Allan.rainford@cheshirefire.gov.uk

Tel: 01606 868845

Andrew Leadbetter – Director of Governance and Commissioning

Email: Andrew.leadbetter@cheshirefire.gov.uk

Tel: 01606 868456

Internal Audit Services, provided by the Mersey Internal Audit Agency

Anne-Marie Harrop - Audit Manager

Email: Anne-Marie.Harrop@miaa.nhs.uk

Tel: 0161 743 2029

External Audit, provided by Grant Thornton UK LLP

Liz Luddington – Manager

Email: Liz.A.Luddington@uk.gt.com

Tel: 0161 953 6900

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 7TH APRIL 2021
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT : AMENDMENTS TO SCHEME OF DELEGATION

Purpose of Report

1. To allow Members to consider and recommend to the Fire Authority for approval amendments to the Scheme of Delegation.

Recommended: That Members

- [1] Consider the proposed amendments to the Scheme of Delegation with a view to recommending that the Fire Authority approves the amendments at its next meeting.

Background

2. The Fire Authority agreed changes to the Service Management Team when it met in December 2020.

Information

3. The changes to the Service Management Team have been actioned quickly and some are already complete. The changes have necessitated some amendments to the Scheme of Delegation.
4. The updated Scheme is attached to this report as Appendix 1. The changes are highlighted in red and can be summarised as follows:
 - the introduction of the post of Deputy Chief Fire Officer and removal of references to there being two Assistant Chief Fire Officers;
 - the shifting of responsibilities for organisational performance and HMICFRS activities from the Head of Protection and Organisational Performance to the Deputy Chief Fire Officer; and
 - the amalgamation of the responsibilities for prevention and protection activity under a single Head of Prevention and Protection.

Financial Implications

5. There are no financial implications as a result of amending the Scheme of Delegation.

Legal Implications

6. It is important that the Scheme of Delegation is kept up-to-date as relevant officers must act appropriately and within the boundaries of the Scheme.

Equality & Diversity Implications

7. There are no equality and diversity implications.

Environmental Implications

8. There are no environmental implications.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: NONE

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 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;
- m) Authorising officers to exercise the powers under the Fire and Rescue Services Act 2004 (Sections 44, 45 and 46);
- n) To appoint inspectors by virtue of Article 26(1) The Regulatory Reform (Fire Safety) Order 2005 (the Order) to exercise the powers contained in Article 27 of the Order and to authorise the inspectors to serve alterations notices (Articles 29 of the Order), enforcement notices (Article 30 of the Order) and prohibition notices (Article 31 of the Order)

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

Inspectors will also be appointed to exercise the powers under:

- i. Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (Regulations 5, 6, 7 & 8)
- ii. Health and Safety (Signs and Signals) Regulations 1996 (Section 7(b))
- iii. Construction Design and Management Regulations 2015 (Regulations 30, 31, 32 & 36)
- iv. Licensing Act 2003 (Sections 59, 96 and 179)

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) Leading on all aspects of organisational performance;
- e) Ensuring the alignment of service activity with the Home Office Inspectorate requirements;
- f) Authorising surveillance activity in accordance with the Authority's policy;
- 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) Managing budgets in accordance with Financial Regulations.
- i) Deputising for the Chief Fire Officer and Chief Executive, as necessary.

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

ASSISTANT CHIEF FIRE OFFICER

11.14 The Assistant 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 Assistant Chief Fire Officer—Service Delivery and Prevention is responsible for~~ The safeguarding of children, young people and vulnerable young adults as well as the safeguarding of vulnerable adults (including the preparation and maintenance of appropriate policies and procedures);
- f) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate.
- g) Managing budgets in accordance with Financial Regulations.
- h) Deputising for the Chief Fire Officer and Chief Executive **and Deputy Chief Fire Officer**, as necessary.

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

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

DIRECTORS

Governance and Commissioning

- 11.15 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.
- 11.16 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

11.17 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

Prevention and Protection and Organisational Performance

11.18 The Area Manager for Prevention and 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;~~
- b) Authorising the signing of any notices under the legislation relating to fire safety;
- 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) 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;
- f) Procuring and finalising data sharing arrangements;
- g) Overseeing and managing the Service's safeguarding arrangements
- h) Lead in supporting the Community Safety Partnership across the sub-region and liaise with national government on related matters;
- i) Ensuring the effective management of the Service's volunteering strategy;
- j) Developing and delivering on key external referral programmes for the Service.

Operational Policy and Assurance

11.19 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;

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

- 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;
- 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

11.20 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;

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

- 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.

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 arrangement;~~
- ~~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, including procurement rules, are adequate, regularly monitored and adhered to;
- e) Jointly with the Head of Finance negotiating and managing treasury management activities;
- f) Jointly with the Head of Finance prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the

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

Authority's Reserves Policy and maintaining a scheme of Financial Delegation;

- g) Ensuring there are appropriate arrangements for the production and publication of the Annual Statement of accounts including liaising with the external auditor and certifying the draft accounts;
- h) Arranging for the necessary precepts to be raised with the constituent authorities;
- i) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- j) Jointly with the Chief Fire Officer and Chief Executive and Director of Governance and Commissioning, approving offers of sponsorship.

Head of Finance

11.23 The Head of Finance is responsible for:

- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;
- b) Providing high quality, professional support services;
- c) Providing timely and accurate financial monitoring information and reporting financial performance to Members;
- d) Jointly with the Treasurer ensuring effective control of budgets;
- e) Jointly with the Treasurer negotiating and manage treasury management activities;
- f) Jointly with the Treasurer prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;
- g) The preparation of the draft Annual Statement of Accounts and draft Annual Governance Statement.
- h) 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

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

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.

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

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

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;
- 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

This page is intentionally left blank

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 7TH APRIL 2021
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: REVIEW INTO THE WAY THAT SEATS ON
CHESHIRE FIRE AUTHORITY ARE ALLOCATED
TO THE CONSTITUENT AUTHORITIES

Purpose of Report

1. To allow Members to consider the outcome of the review into the way that seats on the Fire Authority are allocated to the constituent authorities.

Recommended: That Members

- [1] Consider the outcome of the review and decide whether to make a recommendation to the Fire Authority.

Background

2. This Committee received reports about this issue, on 29th July 2020 and 27th January 2021. At the meeting in July 2020 it was resolved that: the Director of Governance and Commissioning proceed with the review and report back in due course. An update was provided in January 2021.
3. The terms of reference of the review were:
 - The independent reviewer will consider the existing method for allocating seats on Cheshire Fire Authority taking into account the relevant paragraphs of the Combination Scheme.
 - The independent reviewer is encouraged to indicate if there is an alternative method which could deliver a better result, bearing in mind the representations made on behalf of the constituent authorities.
 - The independent reviewer is asked to provide guidance on the process.

The review was not concerned with a change to the Combination Scheme.

4. The independent review was carried out by Ms L Taylor, the Monitoring Officer for Derbyshire Fire and Rescue Service (the Independent Reviewer).

Information

5. The Independent Reviewer has now produced a report (the Review Report) and this is attached to this report as Annex 1 (together with the appendices referred to in the Review Report).
6. The Review Report includes a number of important statements. The following extracts from the Review Report are directly relevant to the questions posed in the terms of reference:

Paragraph 2.2: The method used by Cheshire Fire Authority is the same as used by other Combined Fire Authorities; the method clearly shows the proportions and is a rational and objective approach to the allocation of seats...

Paragraph 3.1: It is not possible to advise on a 'better' result as each constituent authority will have their own opinion on what 'better' means.

Paragraph 3.3: The method used to work out percentage and proportions is a rational and objective approach...

Paragraph 4.1: For some consistency from year to year, some Combined Fire Authorities have opted for as low as 10 seats because, with fewer seats, the allocation broadly reflects the local government elector figures and only a substantial change in the number of electors in an area would impact on the allocation of seats. This almost guarantees the same number of seats being allocated to each constituent authority each year.

7. The Review Report also includes Conclusions and Recommendations for consideration by Members.
8. Since the Review Report was finalised an identical statement has been made in the House of Commons and House of Lords, on 16th March 2021, about the Police and Crime Commissioner Review. The statement includes commentary about the future governance of fire and rescue services and (by implication) fire authorities. An extract from the statement appears below:

On fire, the Government is clear that further reform of fire and rescue is required in order to respond to the recommendations from Phase 1 of the Grenfell Tower Inquiry, the Kerslake Review and to build on the findings from Sir Thomas Winsor's State of Fire and Rescue Report. Our reform agenda will focus on three key areas: people; professionalism; and governance. Taken together, improvements in these areas will help deliver higher standards and greater consistency across fire and rescue services.

The Review kick-started our work on fire service governance and the findings signalled strong support for a directly elected individual taking on fire functions to help simplify and strengthen the governance of fire and rescue services across England. The Home Office will be launching a consultative White Paper on fire reform later this year. The White Paper will be used to set out our reform agenda in further detail and explore the Review proposals on fire governance which include:

- *Consulting on whether to mandate the transfer of fire and rescue functions to the Police, Fire and Crime Commissioner model across England where boundaries are coterminous, unless there is an option to transfer fire governance directly to an elected Mayor.*
- *Consulting on how to address coterminosity challenges, including in the South West.*
- *Legislating to create operational independence for Chief Fire Officers and to clearly separate and delineate strategic and operational planning for fire and rescue.*
- *Considering options to clarify the legal entities within the PFCC model.*

9. In the circumstances, it may be sensible to await the White Paper before making a decision about future Fire Authority governance. If Members are persuaded by this notion the appointments for 2021-22 will continue to be allocated in the same way that they have been since local government reorganisation. The only change will be to make the process more formal, with clear expectations about the timescales within which the constituent authorities will need to respond to communications about the numbers of local government electors and allocations of seats.

Financial Implications

10. There will be a financial impact if there is a change in the number of members of the Fire Authority.

Legal Implications

11. The Fire Authority's Combination Scheme describes the method for allocating seats on the Fire Authority. Paragraph 12 of the Scheme states:

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.

12. The Scheme is the same as the schemes of other combined authorities. The Scheme could only be changed through secondary legislation.

Equality and Diversity Implications

13. There are no equality and diversity implications associated with this report.

Environmental Implications

14. There are no environmental implications associated with this report.

**CONTACT: DONNA LINTON, GOVERNANCE AND CORPORATE PLANNING
MANAGER**

TEL [01606] 868804

BACKGROUND PAPERS:

The Cheshire Fire Services (Combination Scheme) Order 1997 [as amended on
Local Government Reorganisation]

Review Report



Review into the way that seats on Cheshire Fire Authority are allocated to the Constituent Authorities

Louise Taylor
Solicitor/Monitoring Officer
Derbyshire Fire & Rescue
Joint Headquarters, Butterley Hall
Ripley, Derbyshire

5 March 2021

email: enquiries@derbys-fire.gov.uk
www.derbys-fire.gov.uk

Chief Fire Officer/Chief Executive
Gavin Tomlinson MBA MIFireE



1. THE LEGISLATIVE POSITION

- 1.1 Cheshire Fire Authority is a Combined Fire Authority created by [The Cheshire Fire Services \(Combination Scheme\) Order 1997](#) (the Scheme).
- 1.2 Members of the Cheshire Fire Authority are appointed by the following Councils which are referred to as 'constituent authorities':
 - Cheshire East Borough Council (CEBC)
 - Cheshire West and Chester Borough Council (CWACBC)
 - Halton Borough Council (HBC)
 - Warrington Borough Council (WBC)
- 1.3 Since a local government reorganisation in 2009, the number of seats for members on the Cheshire Fire Authority has been 23.
- 1.4 Under Part III, Paragraph 11, the Scheme restricts the number of Cheshire Fire Authority members to 25 unless a greater number results from the operation of Paragraph 12 of the Scheme which states that *"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."*
- 1.5 The Secretary of State may amend the Scheme but consideration of amendments to the Scheme for Cheshire Fire Authority is outside the scope of this review and I have not therefore explored this further.

How does this compare with other Combined Fire Authorities?

- 1.6 These same provisions are contained in the Combination Schemes for all other Combined Fire Authorities in England except for Dorset and Wiltshire Fire and Rescue Authority which is restricted to 18 members (rather than 25).
- 1.7 As with the Scheme for Cheshire Fire Authority, the Combination Schemes do not say that the number of members must always remain the same. Each Combined Fire Authority therefore has discretion to determine the number of seats for their Fire Authority members and [so far as is practicable] these are allocated as is proportionate to the number of local government electors.
- 1.8 The number of seats for Fire Authority members tends to remain the same each year, with a change only likely when there is a substantial change in the number of local government electors in an area or where there are changes in the number of roles or the meeting structures in the Fire Authority.
- 1.9 In England the number of seats available on Combined Fire Authorities currently ranges from between 10 to 26 seats (see Appendix A) although three Combined Fire Authorities now have a Police, Fire and Crime Commissioner holding the role of Fire Authority.

1.10 Members are appointed to represent communities in all areas covered by the Fire Authority, not just a particular borough or district.

Can the number of seats for Cheshire Fire Authority members be changed?

1.11 Cheshire Fire Authority can change the number of seats for Fire Authority members and this could mean either an increase or a decrease in seats having regard to:

- So far as is practicable, the proportions of local government electors in each constituent authority’s area; and
- The need to have sufficient number of members to operate effectively; and
- Costs.

1.12 There will always be some inequality between the number of local government electors in each area and the number of seats allocated to the constituent authorities. It is for the Cheshire Fire Authority to determine the number of seats for Fire Authority members.

1.13 Whilst it is possible to have more than 25 seats the cost of having more seats has to be weighed against the Best Value duty to “...*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*”

1.14 In recent years, many Combined Fire Authorities have reduced the number of seats to reduce costs and the current model for fire governance involving Police and Crime Commissioners is being reviewed.

2. EXISTING METHOD FOR AND APPROACH TO THE ALLOCATION OF SEATS

2.1 Since local government reorganisation in 2009, there have been 23 seats on the Cheshire Fire Authority for members. Taking account of the proportions for the number of local government electors, the ratios for the allocation of the 23 seats has changed on four occasions, with the variations affecting CWACBC and WBC:

Year	CEBC	CWACBC	HBC	WBC	Total
2009-10	8	8	3	4	23
2010-11	8	8	3	4	23
2011-12	8	7	3	5	23
2012-13	8	7	3	5	23
2013-14	8	7	3	5	23
2014-15	8	7	3	5	23
2015-16	8	7	3	5	23
2016-17	8	7	3	5	23
2017-18	8	7	3	5	23
2018-19	8	8	3	4	23
2019-20	8	7	3	5	23
2020-21	8	8	3	4	23

Existing method and approach

- 2.2 The method used by Cheshire Fire Authority is the same as used by other Combined Fire Authorities; the method clearly shows the proportions and is a rational and objective approach to the allocation of seats. However, slight changes in the number of electors can impact allocation of seats as shown in paragraph 2.6 below.
- 2.3 The method and approach is:
- 1) Each of the constituent authorities is asked to confirm the number of local government electors in its area.
 - 2) These figures are used to determine the allocation of the 23 seats on the Cheshire Fire Authority by:
 - (a) Working out the percentage of electors in each constituent authority's area;
 - (b) Applying that percentage to the 23 seats available to give a proportion of seats;
 - (c) Rounding up or down the figure for the proportion of seats to give the whole number of seats to be allocated to the constituent authorities.

Example calculation

Using the figures provided for the allocation of seats in 2020/21 (see Table 1 below) this is a breakdown of the calculation for allocation of seats to Cheshire East Council.

- (a) The percentage of electors in the constituent authority's area is calculated as follows:

$$\frac{\text{Electors in CEC area}}{\text{Total number of electors}} \times 100 = \text{Percentage}$$

$\frac{304,821}{843,368} \times 100 = 36.14329688\%$

The percentage could be rounded down to 36% but leaving figures with several decimal places provides greater accuracy in the calculation of proportions.

- (b) The percentage is then applied to the total number of seats:

$$\text{Percentage} \times \text{23 seats} = \text{Proportion of seats}$$

$36.14329688\% \times 23 = 8.312958282$

- (c) This gives a figure for the proportion of the seats but the figure is rounded to give the number of seats to be allocated to CEC, in this case the figure of 8.312958282 is rounded down to give 8 seats.

- 2.4 If there are changes in the allocation of the 23 seats available, then the constituent authorities that are impacted are notified and given an opportunity to comment on the calculation and the outcome.
- 2.5 In rounding up or down we are looking at the figures after the decimal point and, usually, anything less than .5 is rounded down, anything .5 and above is rounded up.
- 2.6 This is an objective and rational approach but, with 23 seats, slight differences in the number of electors for CWACBC and WBC has meant the loss or gain of a seat when rounding. When this results in an allocation of 4 seats to WBC this seems disproportionate to the 3 seats allocated to HBC (compared to the number of electors they have in their area) but that is the outcome of the calculation based on the figures for that year and the number of seats to be allocated.
- 2.7 Sometimes a rounding up is required to allocate the 23rd seat. This is sometimes to the advantage of WBC: the proportions as shown in Table 1 below meant that WBC's proportion of 4.485 was marginally better than CWACBC's proportion of 7.474 so this resulted in WBC's proportion being rounded up from 4.485 to 5 seats and CWACBC's proportion being rounded down from 7.474 to 7 seats:

Table 1: Allocation of seats in 2019/20

Number of Electors Proportion of seats 2019/20 Allocation of 23 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	8.44358668	8
Cheshire West and Chester BC	271030	32.49429015	7.47368673	7
Halton Borough Council	94207	11.29465222	2.59777001	3
Warrington Borough Council	162645	19.49981117	4.48495657	5*
Total	834085	100	23	23
			*rounded up	

- 2.8 Whereas, for 2020/21, the changes in the number of electors changed the proportions so CWACBC the figures were rounded up from 7.56 to 8 seats and WBC rounded down from 4.47 to 4 seats as shown in Table 2:

Table 2: Allocation of seats in 2020/21

Number of Electors Proportion of seats 2020/21 Allocation of 23 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	8.312958282	8
Cheshire West and Chester BC	277319	32.88232420	7.562934567	8
Halton Borough Council	97051	11.50755068	2.646736656	3
Warrington Borough Council	164177	19.46682824	4.477370495	4
Total	843368	100	23	23

3. GUIDANCE

Is there an alternative method which could deliver a better result?

- 3.1 It is not possible to advise on a 'better' result as each constituent authority will have their own opinion on what 'better' means.
- 3.2 Under the Scheme, the only determining factors (variables) in calculating the proportions and allocation of seats are:
 - The proportions of local government electors; and
 - The number of seats available.
- 3.3 The method used to work out percentage and proportions is a rational and objective approach and already shows the year on year changes.
- 3.4 A change in the number of local government electors in an area may (but not necessarily will) affect the allocation of seats. With 23 seats to be allocated, changes in the number of local government electors in an area has had an impact on the allocation of seats to CWACBC and WBC.
- 3.5 A change in the number of seats may (but not necessarily will) reduce the inequalities in the allocation of seats.

4. OPTIONS AS TO THE NUMBER OF SEATS

- 4.1 For some consistency from year to year, some Combined Fire Authorities have opted for as low as 10 seats because, with fewer seats, the allocation broadly reflects the local government elector figures and only a substantial change in the number of electors in an area would impact on the allocation of seats. This almost guarantees the same number of seats being allocated to each constituent authority each year.
- 4.2 Looking at the Cheshire Fire Authority figures for the last two years the calculations in Appendix B show that with, say, 16 seats, the allocation of seats would broadly reflect the local government elector figures each year and this almost guarantees the same allocation each year.
- 4.3 Several Combined Fire Authorities have opted for more than 23 seats which can reduce inequalities because the proportions are closer to the local government elector figures. However, the rounding of figures can impact on the allocation of seats so this does not necessarily reduce inequalities and even with relatively small changes in the number of electors there is more likelihood of the allocation of seats to each constituent authority being different from year to year.
- 4.4 Looking at the Cheshire Fire Authority figures for the last two years the calculations in Appendix B show that with 24 seats WBC is still rounded down to 4 seats. An additional seat has not reduced the inequality. In fact, WBC would only have got an extra seat if the overall number of seats had been increased to 25 and this would have meant an extra seat for Cheshire East Council too.

5. CONCLUSIONS

- 5.1 Cheshire Fire Authority could change the number of seats for Fire Authority members and this could mean either an increase or a decrease in seats having regard to:
- So far as is practicable, the proportions of local government electors in each constituent authority's area; and
 - The need to have sufficient number of members to operate effectively; and
 - Costs.
- 5.2 Under the Scheme, the requirement is to work out 'so far as is practicable' the allocation of seats. Since there will always be some level of inequality (between the number of local government electors in each area and the number of seats allocated) the Cheshire Fire Authority is not bound to change the number of seats from 23 but it may wish to consider doing so in light of comments raised. Ideally, there should be some agreement between the constituent authorities as to how many seats there should be for Fire Authority members.
- 5.3 It is a matter for the Cheshire Fire Authority to decide whether or not it wishes to change the number of seats on the Fire Authority.
- 5.4 It is a matter for the Cheshire Fire Authority to decide when or how often it reviews the number of seats available for Fire Authority members.

6. RECOMMENDATIONS

- 6.1 To provide some consistency from year to year, the Cheshire Fire Authority may want to consider having fewer seats. Inequalities can be reduced by having fewer seats - the lower the total number of seats the less likely it is that a change in the number of local electors will have an impact on the seat allocations to the constituent authorities. However, the Cheshire Fire Authority should only consider reviewing the total number of seats on the Fire Authority where there is a meaningful change in the various posts, groups and committees that the Fire Authority requires in order to operate effectively.
- 6.2 That the Cheshire Fire Authority determine:
- (1) Whether or not the current provision of 23 seats for Cheshire Fire Authority members should be changed.
 - (2) If there is to be a change, whether this can be agreed in time for allocation of seats in 2021/22 or whether the Fire Authority stays with the current provision of 23 seats for 2021/22 but commits to a change of seat numbers for 2022/23?
 - (3) If there is to be a change:
 - (a) Determine the minimum number of Fire Authority members needed to operate effectively;

- (b) From 23 seats, consider an increase or decrease in the number of seats;
 - (c) Determine the number of seats required on the Fire Authority.
-

Louise Taylor
Solicitor/Monitoring Officer
Derbyshire Fire & Rescue

5 March 2021

APPENDIX A

Combined Fire and Rescue Authority	Number of constituent authorities	Number of Fire Authority seats in 2020/21
Avon	4	20
Bedfordshire	3	12
Royal Berkshire	6	20
Buckinghamshire and Milton Keynes	2	17
Cambridgeshire	2	16
Cheshire	4	23
Cleveland	4	16
County Durham and Darlington	2	24
Derbyshire	2	16
Devon and Somerset	4	26
Dorset and Wiltshire	4	18
East Sussex	2	18
Essex	2	1 (PFCC)
Hampshire	3	10
Hereford and Worcester	2	25
Humberside	4	22
Kent	2	25
Lancashire	3	25
Leicestershire	3	17
North Yorkshire	2	1 (PFCC)
Nottinghamshire	2	18
Shropshire	2	15
Staffordshire	2	1 (PFCC)

APPENDIX B

ALLOCATION OF SEATS 2020/21 FOR 16-19 SEATS

Number of Electors Proportion of seats 2020/21 Allocation of 16 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	5.7829275	6
Cheshire West and Chester BC	277319	32.88232420	5.261171873	5
Halton Borough Council	97051	11.50755068	1.841208108	2
Warrington Borough Council	164177	19.46682824	3.114692519	3
Total	843368	100	16	16

Number of Electors Proportion of seats 2020/21 Allocation of 17 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	6.144360469	6
Cheshire West and Chester BC	277319	32.88232420	5.589995115	6
Halton Borough Council	97051	11.50755068	1.956283615	2
Warrington Borough Council	164177	19.46682824	3.309360801	3
Total	843368	100	17	17

Number of Electors Proportion of seats 2020/21 Allocation of 18 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	6.505793438	7
Cheshire West and Chester BC	277319	32.88232420	5.918818357	6
Halton Borough Council	97051	11.50755068	2.071359122	2
Warrington Borough Council	164177	19.46682824	3.504029083	3*
Total	843368	100	18	18

*rounded down

Number of Electors Proportion of seats 2020/21 Allocation of 19 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	6.867226407	7
Cheshire West and Chester BC	277319	32.88232420	6.247641599	6
Halton Borough Council	97051	11.50755068	2.186434629	2
Warrington Borough Council	164177	19.46682824	3.698697366	4
Total	843368	100	19	19

ALLOCATION OF SEATS 2019/20 FOR 16-19 SEATS

Number of Electors Proportion of seats 2019/20 Allocation of 16 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	5.873799433	6
Cheshire West and Chester BC	271030	32.49429015	5.199086424	5
Halton Borough Council	94207	11.29465222	1.807144356	2
Warrington Borough Council	162645	19.49981117	3.119969787	3
Total	834085	100	16	16

Number of Electors Proportion of seats 2019/20 Allocation of 17 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	6.240911897	6
Cheshire West and Chester BC	271030	32.49429015	5.524029326	6
Halton Borough Council	94207	11.29465222	1.920090878	2
Warrington Borough Council	162645	19.49981117	3.314967899	3
Total	834085	100	17	17

Number of Electors Proportion of seats 2019/20 Allocation of 18 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	6.608024362	7
Cheshire West and Chester BC	271030	32.49429015	5.848972227	6
Halton Borough Council	94207	11.29465222	2.0330374	2
Warrington Borough Council	162645	19.49981117	3.509966011	3*
Total	834085	100	18	18

*rounded down

Number of Electors Proportion of seats 2019/20 Allocation of 19 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	6.975136827	7
Cheshire West and Chester BC	271030	32.49429015	6.173915129	6
Halton Borough Council	94207	11.29465222	2.145983923	2
Warrington Borough Council	162645	19.49981117	3.704964122	4
Total	834085	100	19	19

APPENDIX B

ALLOCATION OF SEATS 2020/21 FOR 20-22 SEATS				
Number of Electors Proportion of seats 2020/21 Allocation of 20 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.228659375	7
Cheshire West and Chester BC	277319	32.88232420	6.576464841	7
Halton Borough Council	97051	11.50755068	2.301510136	2
Warrington Borough Council	164177	19.46682824	3.893365648	4
Total	843368	100	20	20

Number of Electors Proportion of seats 2020/21 Allocation of 21 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.590092344	8
Cheshire West and Chester BC	277319	32.88232420	6.905288083	7
Halton Borough Council	97051	11.50755068	2.416585642	2
Warrington Borough Council	164177	19.46682824	4.088033931	4
Total	843368	100	21	21

Number of Electors Proportion of seats 2020/21 Allocation of 22 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.951525313	8
Cheshire West and Chester BC	277319	32.88232420	7.234111325	7
Halton Borough Council	97051	11.50755068	2.531661149	3
Warrington Borough Council	164177	19.46682824	4.282702213	4
Total	843368	100	22	22

ALLOCATION OF SEATS 2019/20 FOR 20-22 SEATS				
Number of Electors Proportion of seats 2019/20 Allocation of 20 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	7.342249291	7
Cheshire West and Chester BC	271030	32.49429015	6.49885803	7*
Halton Borough Council	94207	11.29465222	2.258930445	2
Warrington Borough Council	162645	19.49981117	3.899962234	4
Total	834085	100	20	20

*rounded up

Number of Electors Proportion of seats 2019/20 Allocation of 21 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	7.709361756	8
Cheshire West and Chester BC	271030	32.49429015	6.823800932	7
Halton Borough Council	94207	11.29465222	2.371876967	2
Warrington Borough Council	162645	19.49981117	4.094960346	4
Total	834085	100	21	21

Number of Electors Proportion of seats 2019/20 Allocation of 22 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	8.07647422	8
Cheshire West and Chester BC	271030	32.49429015	7.148743833	7
Halton Borough Council	94207	11.29465222	2.484823489	3*
Warrington Borough Council	162645	19.49981117	4.289958457	4
Total	834085	100	22	22

*rounded up

APPENDIX B

ALLOCATION OF SEATS 2020/21 FOR 23-26 SEATS

Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
Allocation of 23 seats				
Cheshire East Council	304821	36.14329688	8.312958282	8
Cheshire West and Chester BC	277319	32.88232420	7.562934567	8
Halton Borough Council	97051	11.50755068	2.646736656	3
Warrington Borough Council	164177	19.46682824	4.477370495	4
Total	843368	100	23	23

Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
Allocation of 24 seats				
Cheshire East Council	304821	36.14329688	8.67439125	9
Cheshire West and Chester BC	277319	32.88232420	7.891757809	8
Halton Borough Council	97051	11.50755068	2.761812163	3
Warrington Borough Council	164177	19.46682824	4.672038778	4*
Total	843368	100	24	24

*rounded down

Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
Allocation of 25 seats				
Cheshire East Council	304821	36.14329688	9.035824219	9
Cheshire West and Chester BC	277319	32.88232420	8.220581051	8
Halton Borough Council	97051	11.50755068	2.876887669	3
Warrington Borough Council	164177	19.46682824	4.86670706	5
Total	843368	100	25	25

Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
Allocation of 26 seats				
Cheshire East Council	304821	36.14329688	9.397257188	9
Cheshire West and Chester BC	277319	32.88232420	8.549404293	9
Halton Borough Council	97051	11.50755068	2.991963176	3
Warrington Borough Council	164177	19.46682824	5.061375343	5
Total	843368	100	26	26

ALLOCATION OF SEATS 2019/20 FOR 23-26 SEATS

Number of Electors Proportion of seats 2019/20	Local Government Electors	Percentage	Proportions	Seats
Allocation of 23 seats				
Cheshire East Council	306203	36.71124646	8.443586685	8
Cheshire West and Chester BC	271030	32.49429015	7.473686735	7
Halton Borough Council	94207	11.29465222	2.597770011	3
Warrington Borough Council	162645	19.49981117	4.484956569	5*
Total	834085	100	23	23

*rounded up

Number of Electors Proportion of seats 2019/20	Local Government Electors	Percentage	Proportions	Seats
Allocation of 24 seats				
Cheshire East Council	306203	36.71124646	8.810699149	9
Cheshire West and Chester BC	271030	32.49429015	7.798629636	8
Halton Borough Council	94207	11.29465222	2.710716534	3
Warrington Borough Council	162645	19.49981117	4.679954681	4*
Total	834085	100	24	24

*rounded down

Number of Electors Proportion of seats 2019/20	Local Government Electors	Percentage	Proportions	Seats
Allocation of 25 seats				
Cheshire East Council	306203	36.71124646	9.177811614	9
Cheshire West and Chester BC	271030	32.49429015	8.123572538	8
Halton Borough Council	94207	11.29465222	2.823663056	3
Warrington Borough Council	162645	19.49981117	4.874952793	5
Total	834085	100	25	25

Number of Electors Proportion of seats 2019/20	Local Government Electors	Percentage	Proportions	Seats
Allocation of 26 seats				
Cheshire East Council	306203	36.71124646	9.544924078	10
Cheshire West and Chester BC	271030	32.49429015	8.448515439	8
Halton Borough Council	94207	11.29465222	2.936609578	3
Warrington Borough Council	162645	19.49981117	5.069950904	5
Total	834085	100	26	26