



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 8 November 2023 at Lecture Theatre - Training Centre, Sadler Road, Winsford, Cheshire CW7 2FQ at 10.00 am

PRESENT: Councillors Rob Polhill (Chair), Sherin Akhtar, David Brown, Brian Gallagher, Peter Walker, Peter Wheeler and independent (non-elected) member Derek Barnett

1 PROCEDURAL MATTERS

A Recording of Meeting

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

B Apologies for Absence

Apologies for absence were received from Councillor Rachel Bailey.

C Declarations of Members' Interests

There were no declarations of Members' interests.

D Minutes of the Governance and Constitution Committee

Members noted the proposed minor changes to the Procedure – Section 114, 115 and 116 of the Local Government Finance Act 1988.

Cllr Peter Walker pointed out that he was present during the last meeting and asked that be reflected in the minutes.

RESOLVED:

[1] That subject to Cllr Peter Walker's attendance being noted, the minutes of the Governance and Constitution Committee held on Wednesday 5th July 2023 be confirmed as a correct record; and

[2] That the minor change to the Procedure – Section 114, 115 and 116 of the Local Government Finance Act 1988 be agreed.

2 DISPENSATION

The Director of Governance introduced the report which considered the granting of a fresh dispensation that would enable Members with a Disclosable Pecuniary Interest to take part in debates and votes upon the approval of the Members' Allowances Scheme (and any changes and/or additions to it).

He explained that the current dispensation was granted on 29th January 2020 and the Localism Act stated that dispensations must not exceed a period of four years.

The Committee were informed that the following Members requested the dispensation:

Councillors Sherin Akhtar, Rachel Bailey, David Brown, Kath Buckley, Peter Coan, Steve Collings, Razia Daniels, Brian Gallagher, Phil Harris, Marilyn Houston, Gina Lewis, Nick Mannion, Rob Moreton, Karen Mundry, Stef Nelson, Stuart Parker, Rob Polhill, Margaret Simon, Laura Smith, Peter Walker, Peter Wheeler and Norman Wright.

Members granted the dispensation to those who had requested it. It was noted that the dispensation could be extended at the next Fire Authority to any Member who had not requested it in time for the Committee.

RESOVLED: That

[1] a dispensation be granted to all Members of Cheshire Fire Authority, that have requested it, to enable them to take part in debates and votes concerning the approval of the Members' Allowances Scheme (and any changes and/ or additions to it), to be effective from 30th January 2024 for four years.

3 FIRE AUTHORITY CONSTITUTION - REVIEW (PART TWO)

The Director of Governance introduced the report which enabled Members to consider changes to the Fire Authority's Constitution for recommendation to the Fire Authority. The report considered sections: 3, Members' Decision Making Bodies; 7, Protocols; 8, Members' Code of Conduct; 9, Members' Allowances Scheme; and 10, Financial Regulations.

Section 3 – Members' Decision Making Bodies

The Director of Governance highlighted the revised table of key information and requirements on pages 25 and 26 of the agenda pack. Members were happy with the revised table.

Members noted the changes contained in the responsibilities of the Fire Authority and other committee meetings as contained within Appendix 2 to the report. However, the Director of Governance advised that further work was needed to reflect the fact that the approval of the final accounts now sits with the Audit Committee; the current wording implied this but needed tightening up.

The Director of Governance referred to Appendix 3 within the report which highlighted a list of plans, strategies and policies associated with Members' Decision Making Bodies. It was suggested that not all the documents listed were required to be submitted to Members.

The Director explained that the discussion at the Committee needed to be broadened out and include all Members and a number of officers too. The initial views of the Committee would help frame the broader debate about decision-making.

The following lists summarises the Committee's initial views.

The Committee felt that the following documents should continue to be considered// approved by the Fire Authority:

- Community Risk Management Plan (formerly Integrated Risk Management Plan)
- Medium Term Financial Plan
- Member Development Strategy (and Programme)
- Treasury Management Strategy
- People Strategy
- Unwanted Fire Signals Policy
- Communications and Engagement Strategy (merger of the former Consultation and Engagement Strategy and Corporate Communications Strategy)
- Equality, Diversity and Inclusion Strategy (formerly Corporate Equalities and Inclusion Strategy)
- Partnerships and Collaboration Strategy (formerly Partnership Policy)
- Pay Policy Statement
- Sprinkler Policy

The following documents should continue to be considered/ approved by Members at an appropriate Committee meeting:

- Crisis Management Plan - submitted to the Audit Committee.
- Asset Management Strategy – possibly to more than one committee.
- Health Safety Management Policy – submitted to the Joint Health, Safety and Wellbeing Committee.
- Pay and Recognition Policy – submitted to the Staffing Committee.
- Pension Abatement and Re-employment Policy – submitted to the Staffing Committee.
- Re-organisation and Redeployment Policy – submitted to the Staffing Committee.
- Retirement Policy – submitted to the Staffing Committee.

The following documents need further consideration by relevant officers:

- Heritage Policy
- Children and Young People Strategy
- Adult Safeguarding Strategy
- CFP Business Liaison Strategy
- ICT and Information Security Policy

Members noted that although not all items needed to be submitted to the Fire Authority, they would be available to all Members. A Member suggested that a policy index should be available to Members so all Members had an understanding of corporate policies.

Section 7 – Protocols

The Director of Governance referred to Appendices 4 and 5 of the report. He advised that the Gifts and Hospitality Guidance was reviewed by considering similar documents across the constituent authorities. No amendments were proposed.

The Protocol on Member and Officer Relations had also been reviewed by officers and it was noted that it was comparable to parts of the Members' Code of Conduct. However, the Director was comfortable with this and explained why. Members agreed that both documents remained fit for purpose.

Section 8 – Members' Code of Conduct, Section 9 – Members' Allowances Scheme and Section 10 – Financial Regulations

The Director of Governance advised that the Members' Code of Conduct was last reviewed in April 2023 and the Members' Allowances Scheme was to be considered later in the agenda pack.

He also informed Members that despite the Financial Regulations being reviewed in late 2022 and amendments made following the disaggregation of the joint Fire/Police finance function; they would be considered again by the new Treasurer during 2024.

RESOLVED: That

- [1] the revised Table of Key Information and Requirements within Appendix 1 to the report be agreed;**
- [2] the changes highlighted within the Responsibilities of the Fire Authority and other committees within Appendix 2 to the report be agreed;**
- [3] officers should make further revisions to the responsibilities of the Fire Authority and Audit Committee to make it explicit that the approval of final accounts was the responsibility of the Audit Committee;**
- [4] officers should further progress the discussion held regarding the List of Plans, Strategies and Policies associated with Members' Decision Making Bodies contained within Appendix 3, with a view to finalising a new list in due course;**
- [5] the Gifts and Hospitality Guidance contained within Appendix 4 to the report be agreed; and**
- [6] the Protocol on Member and Officer Relations contained within Appendix 5 to the report be agreed.**

4 MEMBERS' ALLOWANCES SCHEME: UPLIFT 2023-24; 2024-25; AND REVIEW

The Director of Governance introduced the report which enabled Members to consider the uplift to the Members' Allowances Scheme 2023-24 and determine a recommendation to the Fire Authority. The report also allowed Members to make a recommendation to the Fire Authority about the Members' Allowances Scheme for 2024-25. Finally, it allowed Members to agree the process for the upcoming review of the Members' Allowances Scheme due to take place during the 2024-25 Municipal Year.

Members' Allowances Scheme 2023-24 and 2024-25

The Director of Governance explained that similar to the previous year, the uplift agreed by the NJC for 2023-24 was a financial sum payable to all staff, rather than a percentage uplift. As the Members' Allowance Scheme only envisaged a percentage uplift it was necessary for the Fire Authority to decide how to uplift the Scheme for 2023-24.

Members took into account the uplift awarded to Grey Book staff during 2023-24 and determined that a 5% uplift to the Members' Allowances Scheme for 2023-24 should be recommended to the Fire Authority.

Member agreed to recommend to the Fire Authority that the Members' Allowances Scheme for 2024-25 should be based on the Scheme for 2023-24 once the uplift had been applied.

Members' Allowances Scheme Review

The Director of Governance highlighted the indicative process for the Members' Allowances Scheme review on page 61 of the report. He explained it was the same process followed during the last review in 2020-21, which involved one member of a local authority independent remuneration panel. Members agreed that the process was to be used in the next review.

RECOMMENDED: That

- [1] the Members' Allowances Scheme for 2023-24 be uplifted by 5%;**
- [2] the Members' Allowances Scheme for 2024-25 (covering 1st April 2024 to 31st March 2025) be based on the 2023-24 once the uplift has been applied; and**

RESOLVED: That

- [3] the review of the Members' Allowances Scheme taking place during the 2024-25 Municipal Year be conducted as stated within the report.**