



**Wednesday,  
17 April 2024  
10.00 am**

**Meeting of  
Governance and  
Constitution Committee  
Sadler Road  
Winsford  
CW7 2FQ**

Contact Officer:  
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## **Cheshire Fire Authority**

### **Notes for Members of the Public**

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#### **Attendance at Meetings**

The Cheshire Fire Authority welcomes and encourages members of the public to be at its meetings and Committees. You are requested to remain quiet whilst the meeting is taking place and to enter and leave the meeting room as quickly and quietly as possible.

All meetings of the Authority are held at the Training Centre, Sadler Road, Winsford. If you plan to attend please report first to the Reception Desk where you will be asked to sign in and will be given a visitors pass. You should return your pass to the Reception Desk when you leave the building. There are some car parking spaces available on site for visitors at the front of the building. Please do not park in spaces reserved for Fire Service personnel.

If you feel there might be particular problems with access to the building or car parking please contact the Reception Desk at Sadler Road Winsford Tel (01606) 868700.

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The Agenda is usually divided into two parts. Most business is dealt with in the first part which is open to the public. On some occasions some business may need to be considered in the second part of the agenda, in private session. There are limited reasons which allow this to take place, e.g. as confidential information is being considered about an individual, or commercial information is being discussed.

**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](mailto:equalities@cheshirefire.gov.uk)**

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**MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE  
WEDNESDAY, 17 APRIL 2024**

**Time : 10.00 am**

**Lecture Theatre - Training Centre, Sadler Road, Winsford, Cheshire CW7  
2FQ**

**AGENDA**

**Part 1 - Business to be discussed in public**

**1 PROCEDURAL MATTERS**

**1A Recording of Meeting**

Members are reminded that this meeting will be audio-recorded.

**1B Apologies for Absence**

**1C Declarations of Members' Interests**

Members are reminded to disclose any interests that are relevant to any item on the Agenda.

**1D Minutes of the Governance and Constitution Committee**

(Pages 5 - 10)

To confirm as a correct record the Minutes of the meeting of the Governance and Constitution Committee held on Wednesday 8<sup>th</sup> November 2023.

**ITEMS REQUIRING DISCUSSION / DECISION**

**2 Draft Statement of Assurance 2023-24**

(Pages 11 - 32)

**3 Review of Member Champion Arrangements**

(Pages 33 - 38)

**4 Fire Authority Constitution - Review (Part Three)**

(Pages 39 - 76)

**5 Financial Regulations**

(Pages 77 - 98)

**6 Annual Review of Members' Code of Conduct**

(Pages 99 - 110)

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**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 5<sup>th</sup> 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 29<sup>th</sup> 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 30<sup>th</sup> 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 1<sup>st</sup> April 2024 to 31<sup>st</sup> 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.**

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 17<sup>TH</sup> APRIL 2024  
**REPORT OF:** DIRECTOR OF GOVERNANCE  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** DRAFT STATEMENT OF ASSURANCE 2023-24

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### Purpose of Report

1. To provide Members with an opportunity to review the draft Statement of Assurance for 2023-24.

### 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.

### 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 2023-24 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. There is also a section on His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).

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 Community Risk Management Plan, the Annual Statement of Accounts (with Annual Governance Statement) and the most recent HMICFRS report.
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 later this month, 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**



# Draft Statement of Assurance

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

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## 1. Foreword

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

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

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 Stef Nelson**  
**Chair**  
**Cheshire Fire Authority**



**Alex Waller**  
**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 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.

### Key evidence links

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



### 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 about 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 procurement information.

[Transparency](#)

[Local Government Transparency Code 2015](#).

#### Auditors

Bishop Fleming 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 2023-24 financial statements
- Opinion on the Authority's accounts
- Value for Money conclusion

The Internal Audit function for 2023-24 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](#)

[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 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 will be published on the Authority’s website with the Annual Statement of Accounts.

### Local Code of Corporate Governance

CIPFA published 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 is also one non-elected independent member who acts in an advisory role on certain committees.

The Police and Crime Commissioner for Cheshire (PCC) can attend and speak at meetings.

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

The **Constitution** of the Authority has the following sections:

- 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 monitor performance and focus on specific responsibilities delegated to the committees. 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
- Audit Committee

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

Fire Authority Members take on various Member Champion roles 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 Leadership Team Structure

The operations of Cheshire Fire and Rescue Service are directed through a clear leadership and management structure with defined roles and responsibilities. The Service Leadership Team is comprised of:

- Chief Fire Officer and Chief Executive
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer
- Director of Governance
- Treasurer
- Heads of Department

### Monitoring Officer:

During the 2023-24 financial year the Director of Governance fulfilled the statutory role of Monitoring Officer for the Authority, ensuring all actions taken were lawful.

### Treasurer/Section 151 Officer:

Responsibility to this role changed during 2023-24. At the end of the period, the role was briefly fulfilled by the Treasurer. He has responsibility for day-to-day financial management in accordance with CIPFA guidance as well as the matters set out in Section 151 of the Local Government Act 1972.

### Integrated Risk Management Plan (IRMP)

Cheshire Fire Authority has 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. The IRMP will be superseded by a Community Risk Management Plan (CRMP) on 1<sup>st</sup> April 2024.

In 2020 the Authority decided to produce a four-year IRMP covering the period 2020-2024. It produces Annual Action Plans to support the delivery of the IRMP.

### 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 its **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 and updated in 2022 to include the NFCC Core Code of Ethics.

These **Core Values and NFCC Core Code of Ethics** are:

**Being 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

### **NFCC Code of Ethics**

#### **Putting our communities first**

##### **Integrity**

##### **Dignity and respect**

##### **Leadership**

##### **Equality, diversity, and inclusion**

### **Performance Management: How we performed during 2023 – 2024**

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

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

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

DATA TO BE INSERTED ONCE IT IS  
VALIDATED AND FINALISED.

An Annual Report is produced 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 2023-24 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 which provided an independent assurance level on the Authority's control frameworks.

The internal audit team completed a number of compliance and assurance audits during 2023-24 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 2023-24:*

TO BE INSERTED WHEN AVAILABLE

#### External Audit:

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

#### *External Audit Opinion 2023-24:*

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 2023](#)  
[Corporate Scorecard 2023-24](#)  
[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 a target response time.
- The Authority undertakes an annual review of operational risk and performance, supplemented by scrutiny at quarterly Member and officer meetings.
- The Risk Management Group monitors and scrutinises strategic risks (with Audit Committee providing a high level overview).

### 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 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. Annual Action Plans are agreed by the Fire Authority during the lifetime of the Plan.

A new CRMP will come into force on 1<sup>st</sup> April 2024.



### **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 analysis delivered by the Business Intelligence Team.

### **Unitary Area Plans**

In addition to, and complementing the IRMP (from 1<sup>st</sup> April 2024, the CRMP), 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 consultation programmes in relation to the draft IRMP and emerging Annual Action Plans (more recently the CRMP). 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 the 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. It has a number of active partnerships.

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 a 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 detection and prevention 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. Fire 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 fire station to provide emergency cover overnight
- Nucleus: fire 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 fire station and respond to emergency calls via an alerter

During 2023-24, the Authority had 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. This will alter on 1<sup>st</sup> April 2024 at the commencement of the CRMP.

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. A dedicated SSRI training officer is in post alongside an SSRI portfolio holder for on-call fire stations.

Cheshire has 29 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 North West 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 Group 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 (soon to be the CRMP). 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 has a Mental Health Advisor, Mental Health Strategy and Mental Health Steering Group. It intends to give mental health parity of esteem with physical health.

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 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's Health Safety and Wellbeing Committee.

### 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 fire 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.

Breathing apparatus refresher training takes place in dedicated 'hot fire' conditions annually and the Service 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 Service 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 a fire 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.

The Authority has a modern operational training centre, based at its Headquarters, Sadler Road, Winsford. While the success of 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 experience instead of gaining experience during operational firefighting. The training centre 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](#)

[Community Risk Management Plan](#)

## 6. His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)

HMICFRS carried out its third-round inspection of Cheshire Fire and Rescue Service in 2023. The last inspection took place in December 2021.

The inspection process focused on three key themes:

- 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:

#### Our judgements

Outstanding	Good	Adequate	Requires improvement	Inadequate
	Public safety through fire regulation	Understanding fire and risk		
	Future affordability	Preventing fire and risk		
	Promoting values and culture	Responding to fires and emergencies		
	Right people, right skills	Responding to major incidents		
	Promoting fairness and diversity	Best use of resources		
	Managing performance and developing leaders			

It goes on to say:

*It was a pleasure to visit Cheshire Fire and Rescue Service, and I am grateful for the positive and constructive way in which the service worked with our inspection staff.*

*I am pleased with the performance of Cheshire Fire and Rescue Service in keeping people safe and secure from fire and other risks, but it needs to improve in some areas to provide a consistently good service. For example, the service could improve how it gathers up-to-date risk information to help protect firefighters, the public and property during an emergency. It could also improve how it learns from incidents.*

*We were pleased to see that the service has made progress since our 2021 inspection. For example, it has improved its staff appraisal process and its business continuity arrangements in fire control.*



*My principal findings from our assessments of the service over the past year are as follows:*

- The service's prevention activity is effectively targeted. We were encouraged to find that the service has improved how safe and well visits (SAWVs) are targeted to individuals who are most at risk or are seldom heard and how the information it gathers during visits is used.*
- The service's protection activity is clearly linked to local risk. Its risk-based inspection programme is focused on its highest-risk buildings. But we found that the service wasn't consistently auditing the targeted buildings within the time frame it set itself.*
- The service should make sure that risk information is accurate and up to date. We sampled a range of risk information at wholetime and on-call stations, including the information in place for firefighters responding to incidents. We found information wasn't always up to date or detailed.*
- The service has a sound understanding of its future financial challenges. It has plans to mitigate its significant financial risks. We were pleased to see that the service has identified savings and investment opportunities to improve its service to the public or generate further savings.*
- The service continues to have well-defined values, which staff understand. There is a positive working culture throughout the service, with staff feeling empowered and willing to challenge poor behaviours when they come across them.*

*Overall, I am pleased with Cheshire Fire and Rescue Service's performance and the improvements it has made since our last inspection. I encourage it to continue to make improvements in the areas we have highlighted.*

### Key evidence links

[HMICFRS Inspection Report 2023](#)  
[HMICFRS Inspection 2021 Action Plan](#)  
[Update HMICFRS Values and Culture](#)  
[Report Recommendations](#)



## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 17<sup>TH</sup> APRIL 2024  
**REPORT OF:** DIRECTOR OF GOVERNANCE  
**AUTHOR:** ANDREW LEADBETTER

---

**SUBJECT:** MEMBER CHAMPIONS ARRANGEMENTS

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### Purpose of Report

1. To allow Members to consider the Member Champions arrangements and make a recommendation to the Fire Authority.

### Recommended: That

- [1] the Member Champions arrangements for 2024-25 include the roles that are contained in the Table in Appendix 1 to the report.

### Background

2. The Governance and Constitution Committee completed a review of the Member Champion roles during 2021-22, following the observations of the Independent Reviewer during her review of the Members' Allowances Scheme.
3. During the initial review of the Member Champion arrangements the Committee came to the following conclusions:
  - Not clear why there are so many Member Champion roles
  - Need to clarify expectations
  - Must be quantifiable benefit or the roles can be removed
  - Requirement for some kind of annual report
4. The Committee decided at its meeting on 30<sup>th</sup> March 2022 to recommend to the Fire Authority that it continue with the existing Member Champion arrangements and introduce a requirement for a role profile that would include the following information:
  - An overview of each role;
  - Lead officer contact details;
  - Activities associated with the role such as meeting and event attendance;

- Training and development opportunities; and
  - How the activities of the champion will be communicated.
5. The Committee considered the new arrangements in April 2023 after 12 months of operation and agreed that the current arrangements would continue with the addition of a requirement for the Member Champions to report annually about their activities.

## Information

6. The Member Champions arrangements have continued during 2023-24. The arrangements were further considered by Members at their Planning Day last month. A table summarising the activities associated with the Member Champion roles was provided to Members at the Planning Day. It had been created from information supplied by the Member Champions.

7. It is fair to say that the submissions from the Member Champions about their respective roles varied significantly in length and detail, with a broad range of levels of engagement and activity. The Director of Governance did, however, make the point that overall the Member Champions arrangements added value and did so at minimal cost. He also felt that progress had been made in developing some of the roles that required it during 2023-24, with just a few that needed further work.

8. The following paragraphs summarise the comments made during the discussion at the Member Planning Day.

Some Member Champion roles are aligned to other roles, e.g. chair of a committee/board. Arguably, the Member Champion designation adds little and could be removed.

Significantly less than half of the Member Champions are paid any allowance for fulfilling the role (because they already receive another special responsibility allowance that is greater than the allowance attributed to the Member Champion role).

There seemed to be justification for the Member Champions arrangements to continue in 2024-25, acknowledging the need to continue to develop some of the roles.

9. The Member Champion roles which are intended to be appointed to for 2024-25 are listed in the Table in Appendix 1 to this report.
10. The Member Training and Development Group also discussed the Member Champions arrangements during its meeting on 26<sup>th</sup> March 2024. It was suggested that a template be produced by officers for Member Champions to complete in order to standardise the content of the submissions that they are expected to prepare and submit.

## **Financial Implications**

11. There are currently 18 Members appointed to a Member Champion role. Member Champions receive a special responsibility allowance which currently stands at £606.84. The funding for Member Champion roles is met through the existing budget for members' allowances.
12. It should be noted that many Member Champions do not receive this allowance, because they already receive another special responsibility allowance, which is higher than the Member Champion allowance and only the higher allowance is paid. Only seven of the 18 Member Champions were paid an allowance during 2023-24. The total cost in 2023-24 is around £4,500.

## **Legal Implications**

13. There is no legal requirement to appoint Member Champions.

## **Equality and Diversity Implications**

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

## **Environmental Implications**

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

**CONTACT: DONNA LINTON, GOVERNANCE AND CORPORATE PLANNING  
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**BACKGROUND PAPERS: NONE**

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**MEMBER CHAMPION ROLES 2023-24**

<b>Equality and Diversity (2 Members)</b> Sits on Equality Steering Group
<b>Health and Safety</b> Sits on Health and Safety Committee
<b>Information and ICT</b>
<b>Environment</b>
<b>Procurement</b>
<b>Finance (2 Members)</b>
<b>Older People</b>
<b>Young People</b>
<b>Performance Management</b>
<b>Commercial/Business Risk Reduction</b>
<b>Industrial Relations (JCC Chair)</b>
<b>Road Safety</b>
<b>Pensions (Local Pension Board Chair)</b>
<b>Sprinklers</b>
<b>Rural</b>
<b>Mental Health</b>

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 17<sup>th</sup> APRIL 2024  
**REPORT OF:** DIRECTOR OF GOVERNANCE  
**AUTHOR:** ANDREW LEADBETTER

---

**SUBJECT:** FIRE AUTHORITY CONSTITUTION – REVIEW  
(PART THREE)

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### Purpose of Report

1. To enable Members to consider changes to the Fire Authority's Constitution for recommendation to the Fire Authority.

### Recommended That: Members

- [1] Consider the Sections of the Constitution covered by this report; and
- [2] Agree any changes they wish the Fire Authority to consider.

### Background

2. Since the current version of the Constitution was adopted on 18<sup>th</sup> June 2014, there have been a number of relatively minor changes to it. The most significant change was the adoption of the current Members' Code of Conduct. It feels appropriate to carry out a full review of the Constitution during this Municipal Year. This is the third report to be considered by the Committee; the first being dealt with in July 2023 and second in November 2023.

### Information

3. Part Three of the Review covers: Section 4, Procedural Matters; and Section 11, Scheme of Delegation (Powers of Officers). Separate reports are on the Agenda concerned with the Members' Code of Conduct and Financial Regulations.

### Section 4, Procedural Matters

4. Attached to this report as Appendix 1 is a slightly revised version of Section 4, Procedural Matters. The changes are shown, with a small number

highlighted which might be considered noteworthy. The reality is that the Fire Authority operates without needing to engage with many aspects of the procedural matters.

For the sake of completeness the Petitions Protocol, which is referred to in Section 4, is also included at the end of Appendix 1.

### **Section 11, Scheme of Delegation (Powers of Officers)**

5. Attached to this report as Appendix 2 is a slightly revised version of Section 11, Scheme of Delegation (Powers of Officers). The changes are shown and reflect relative recent changes to the responsibilities of various officers.

### **Financial Implications**

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

### **Legal Implications**

7. The Fire Authority should have a Constitution that assists it to carry out its work. It should be reviewed from time-to-time to ensure that it remains current and fit for purpose.

### **Equality & Diversity Implications**

8. There are no equality and diversity implications arising from this report.

### **Environmental Implications**

9. There are no environmental implications arising from this report.

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**BACKGROUND PAPERS: NONE**



## APPENDIX 1

### PROCEDURAL MATTERS

This section includes the following points:

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

**Annex 1 - Local Government Act 1972 – Access to Information**

## SECTION 4 – PROCEDURAL MATTERS

### GENERAL PROCEDURAL MATTERS

#### Interpretation of Procedure Rules

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

#### Press and Public

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

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

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

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

- 4.4 The Elections will take place at the meeting of the Fire Authority in June each year.
- 4.5 The Chair is elected first. The Monitoring Officer will ask for nominations and then conduct an Election if there is more than one person nominated. **If only one person is nominated (and seconded) that person shall take the Chair.**
- 4.6 The Election shall be conducted by secret ballot. Each person entitled to vote will receive a ballot paper which will be returned to the Monitoring Officer marked or un-marked. Where no person receives more than one half of the votes cast then the person receiving the least number of votes will be withdrawn. Further ballots will be held until one person receives more than one half of the votes cast.

## SECTION 4 – PROCEDURAL MATTERS

- 4.7 The Deputy Chair is then elected following the same process ~~for~~ used to elect the Chair. The Chair does not have a casting vote where there is an equality of votes.

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

### Appointment of Other Chairs and Deputy Chairs

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

### Arrangements for Meetings

#### Programme

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

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

#### Venue

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

#### Additional Meetings

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

- 4.12 Seven or more Members of the Fire Authority may ask request, in writing, for the Chair to call an additional meeting of the Fire Authority. The request should state the specific reason(s) for the meeting. ~~and be signed by each of the Members submitting the request. The request can be made by email to the Chair (copied to the Monitoring Officer).~~ Once received the Chair should arrange for the meeting to be called within 15 working days of receipt of the request. ~~If agreement on the request cannot be reached the matter should be referred to the Monitoring Officer for determination. If the Chair is not minded to arrange a meeting he/she must consult with the Monitoring Officer who will be expected to make a decision and confirm his/her views.~~

## **SECTION 4 – PROCEDURAL MATTERS**

### Postponement/Cancellation

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

### Political Group Leaders/Spokespersons

- 4.14 Members of the Fire Authority are entitled to form a political group and appoint a Leader/Group Spokesperson and shall notify the Monitoring Officer. **The formalities of the Group Regulations will need to be observed.**

### Appointments to Members' Decision-Making Bodies

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

### Record of Attendance

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

### Meeting Not Quorate

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

### Agenda and Papers

- 4.22 Members of the decision-making body will be invited to meetings by agenda sent by post and/or left at their place of residence and/or emailed at least 5 clear working days before the meeting to which it refers. **The default position is that agendas are provided by email.**

## SECTION 4 – PROCEDURAL MATTERS

### Urgent Business

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

### BEFORE MEETING - PROCEDURAL MATTERS

#### Substitute Members

- 4.24 From time to time appointed members of committees or sub-committees may be unable to attend a meeting.
- 4.25 The Fire Authority allows a political group to provide a Substitute Member who is entitled to receive all papers as if he/she were an Appointed Member and who is able to attend the meeting and take part in the meeting as if he/she was an Appointed Member.
- 4.26 If a Political Group wishes to provide a Substitute Member it must ensure that notification is received by the Monitoring Officer before the start of the meeting that the substitute Member is due to attend.
- NB1.** If the Appointed Member and Substitute Member attend the meeting, the Substitute Member must stand down.
- NB2.** If a Substitute Member attends a meeting this shall be stated orally at the start of the meeting and noted in the minutes.

**NB3.** Substitute members are not allowed for Audit Committee.

#### Rights of Constituent Authority Members

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

### CONDUCT OF MEETING - PROCEDURAL MATTERS

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

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

## SECTION 4 – PROCEDURAL MATTERS

### Rights of Constituent Authority Members

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

### Suspension of Procedural Matters

#### 4.30 Motion Required

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

### Variation and Revocation of Procedural Matters

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

### Order of Business at Fire Authority Meetings

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

- 4.33 The order of business at a meeting of the Fire Authority other than for items (a),

## SECTION 4 – PROCEDURAL MATTERS

(b), (c) and (d) may be varied **either** at the Chair's discretion.

### **Rules of Debate**

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

**(a) Motions and Amendments**

No motion or amendment shall be discussed unless it has been proposed and seconded. If it is lengthy or complicated the Chair, or Monitoring Officer shall read it out for the benefit of all Members. ~~The motion or amendment shall be put in writing and handed to the Chair before it is further discussed or put to the meeting.~~ This requirement does not apply to motions submitted **prior to the meeting** in accordance with the requirement in the **Conduct of Meetings – Procedural Matters Notice of Motions** part of this section.

**(b) Secunder's Speech**

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

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

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

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

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

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

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

- a) to speak once on an amendment moved by another Member;
- b) if the motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she **has spoken** was carried;
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation;
- g) with the Chair's approval.

## SECTION 4 – PROCEDURAL MATTERS

(f) **Amendments to Motions**

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

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

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

(g) **Number of Amendments**

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

(h) **Status of Amendments**

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

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

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

(j) **Withdrawal of Motion**

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

(k) **Right of Reply**

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



## SECTION 4 – PROCEDURAL MATTERS

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

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

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

### (m) **Closure Motions**

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

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

### (n) **Points of Order**

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

## SECTION 4 – PROCEDURAL MATTERS

- (o) **Ruling of Chair on a Point of Order/Personal Explanation**  
The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (p) **Respect for the Chair**  
At the Authority meetings whenever the Chair rises during a debate a Member if standing shall resume his/her seat and the Authority shall be silent.

### Notices of Motion

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

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

- appointment of a Chair of a meeting at which the motion is made
  - motions relating to the accuracy of the Minutes
  - an item of business in the summons should have precedence
  - appointment of a committee, panel or group of Members occasioned by an item mentioned in the agenda
  - adoption of recommendations of subordinate bodies
  - that consent be given to withdraw a motion or amendment
  - receipt of reports of officers and any consequential resolutions
  - extending the time limit for speeches
  - authorising the sealing of documents
  - giving the consent of the Authority when its consent is required by these **Procedure Rules Procedural Matter**.
  - **Dealing with the misconduct of a member.**
- 4.36 ~~Other than those referred to above any A Notice of Motion submitted or under this Procedural Matter~~, shall be **submitted by email given or** in writing ~~by Notice~~ and shall be signed and dated by the Member or Members submitting it.
- 4.37 The **Notice** must be delivered to the Monitoring Officer of the Authority (~~by hand, post, fax or e-mail~~) to arrive no later than twelve clear working days before the meeting of the Authority.
- 4.38 On receipt of the **Notice** the Monitoring Officer will record the date and time it is received, will number it in the order it is received and will enter it in a book (**or electronic record**) which shall be open to inspection by every Member of the Authority.
- 4.39 The Monitoring Officer will set out in the Agenda for the meeting all valid **Notices of Motions**, submitted in the order in which they are received unless the Member or Members have given notice in writing before the Agenda is issued that it has been withdrawn.
- 4.40 If a motion set out in the Agenda is not moved either by the Member or Members who gave Notice of it or by some other Member then it will, unless the Authority

## SECTION 4 – PROCEDURAL MATTERS

agrees otherwise be treated as withdrawn. It cannot be moved subsequently without a new Notice being submitted.

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

### **Voting**

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

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

- 4.48 A member of the public from within the area covered by the Fire Authority may ask the Chair of the Authority a question about any issue which falls within the powers and duties of the Authority.
- 4.49 The question must be submitted to the Monitoring Officer of the Authority ~~in~~ **by email or in writing and lodged at his/her office** at least five clear working days

## SECTION 4 – PROCEDURAL MATTERS

before the meeting takes place. The questioner must sign and date the question ~~(unless it is submitted by email).~~

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

### **Disorderly Conduct by Members**

- 4.60 If ~~the Chair of an Authority meeting is of the opinion that~~ any Member is misconducting himself/herself by persistently disregarding the ruling of the Chair or is behaving irregularly, improperly or aggressively, or by wilfully

## **SECTION 4 – PROCEDURAL MATTERS**

obstructing the business of the meeting, the Chair or any other Member may move “That the Member (named) be not further heard”. The motion if seconded shall be put and decided without discussion.

- 4.61 If the Member continues the misconduct after a motion has been carried under paragraph 4.59 4.34 above the Chair may either move “That the Member (named) shall leave the meeting” or he/she may adjourn the meeting for such period as he/she considers expedient. A motion to exclude the Member, if seconded, shall be put and decided without discussion.
- 4.62 Where a Member is excluded under paragraph 4.60 4.59 from a meeting he/she is not entitled to vote during his/her period of absence.

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

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

## **PROTOCOL ON REPORTING AT MEETINGS**

### **Introduction**

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

### **Reporting**

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

### **Before the meeting**

- 4.67 There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact Democratic Services (see contacts below) to ensure that suitable arrangements can be made to accommodate you.
- 4.68 There will be a designated position in the meeting room for you to see and hear the meeting and to allow you to film, photograph and/or audio-record it. You

## SECTION 4 – PROCEDURAL MATTERS

will normally have access to a seat and desk (although this may depend on how much space is available).

- 4.69 The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to being filmed, photographed and/or audio-recorded by you.
- 4.70 You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

### **During the Meeting**

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

Note: this does not apply to Members and officers.

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

### **Exclusion from Meetings**

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

## SECTION 4 – PROCEDURAL MATTERS

must be removed from the meeting room.

### Interpretation of this Protocol

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

### Authority Audio Recording

4.80 The Authority will make an audio-recording of all Member meetings that are held in public.

4.81 Meeting agendas will carry a statement about this Protocol.

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

## POST MEETING - PROCEDURAL MATTERS

### Publication of Minutes

#### 4.82 Minutes of the Authority – Open for Inspection

4.83 The Minutes of the previous Fire Authority meeting will be submitted to its next meeting for confirmation as an accurate record of the proceedings.

4.84 The Chair will ask the Authority to confirm them as an accurate record and that he/she should sign them as such. Once the Minutes have been confirmed, with or without amendment, the Chair will sign them.

4.85 Any discussion about the Minutes must relate solely to their accuracy and/or sufficiency.

4.86 The Authority will also receive for information the Minutes of ~~Performance and Overview Committee and Governance and Constitution~~ its Committees meetings and other bodies within the political structure.

## SPECIFIC PROCEDURAL MATTERS

### Rescinding a Decision

4.87 At a meeting of the Fire Authority, no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period; provided that such a motion may be moved if:

- (a) It is recommended by ~~one of the other the Performance and Overview Committee or Governance and Constitution~~ Committees; or
- (b) notice of such a motion has been given and signed by at least three



## SECTION 4 – PROCEDURAL MATTERS

Members.

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

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

4.88 Where an item of business should be dealt with by Members that cannot await the next meeting of the Authority, it may be determined by the Chief Fire Officer and Chief Executive, Monitoring Officer, and Treasurer.

- a) The Chief Fire Officer and Chief Executive and/or the Monitoring Officer and/or the Treasurer will summarise **the matter that requires a decision and provide any** advice required by Members in a form entitled 'Urgent Business to be Decided Between Fire Authority Meetings'. This should aim to provide sufficient information upon which Members are able to form a judgement and make a decision and may involve the production of the same level of detail as a report to the Fire Authority.
- b) The form will then be submitted to the Chair (or the Deputy Chair in the Chair's absence) and the spokespersons of all other political groups represented on the Authority (with **a copyies** to the Deputy Chair for information).

4.89 **The action may only be taken if the majority of those consulted support the action. Action may only be taken with the support of the Chair (or Deputy Chair in the Chair's absence) and/or the majority of the other spokespersons.**

4.90 A report on the action taken will be made to the next meeting of the Authority. The report shall include the names of the Members consulted and their response. The Monitoring Officer may also notify **all** Members at the time that the **urgent** decision is made.



## **SECTION 4 – PROCEDURAL MATTERS**

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

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

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

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

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## APPENDIX 1

### PETITIONS PROCTOCOL

Information and guidance regarding the Authority's Petitions Protocol.

#### Who can Petition Cheshire Fire Authority?

Anyone that has an interest in the area covered by Cheshire Fire Authority, i.e. lives or works in the boroughs of Cheshire East, Cheshire West and Chester, Halton or Warrington.

Members of Cheshire Fire Authority cannot petition.

#### What can a Petition be about?

Normally it can cover anything that is relevant to what Cheshire Fire Authority is responsible for. However, certain petitions may not be accepted and the following is a list of examples:

- If it is concerned with issues that should be considered using the Complaints Procedure.
- If it is about the behaviour of individual officers and/or Members which should be dealt with using disciplinary processes.
- If it is about employee's terms and conditions of employment.
- If it contains defamatory statements, or discriminatory language.
- If it makes accusations about someone breaking the law.
- If its purpose is to support a political party.

Petitions concerned with issues over which Cheshire Fire Authority has no control will not normally be accepted.

#### What should be included with the Petition?

Cheshire Fire Authority has a form which should be completed. It is in our legitimate interests to ask for the detail required and is designed to help officers and promoters of petitions deal with Petitions. The form is required whether the Petition is hard copy or electronic.

#### [Petitions protocol form](#)

#### Who should I send the Petition to?

If the Petition is hardcopy please post it to:

Democratic Services  
Cheshire Fire and Rescue Service Headquarters  
Clemonds Hey  
Oakmere Road  
Winsford  
Cheshire  
CW7 2UA

If the Petition is electronic, please inform Democratic Services by e-mail at [democraticservices@cheshirefire.gov.uk](mailto:democraticservices@cheshirefire.gov.uk) and explain how the Petition can be accessed once the period for signature of the Petition has expired

#### What happens to the Petition?

It will firstly be checked to ensure that it is a valid Petition. If any issues need to be considered prior to deciding on the validity of a Petition, the Democratic Services team will contact the Promoter of the Petition.

If a Petition is not accepted the Democratic Services team will inform the Promoter of the Petition.

If a Petition is valid the Democratic Services team will verify the number of signatures. This total may also be split to assist Members, for example between signatures from individuals that have a direct interest in the issue and those that appear not to. Members will take into account the number of signatories when considering a Petition.

Valid Petitions are brought to the attention of Members normally at the next available Fire Authority meeting. Promoters of Petitions are not required to attend the meeting, but are able to do so. There will not normally be any discussion about a Petition at the Fire Authority meeting that it is presented to, unless it concerns an issue which is already the subject of a report to the Authority. In such instances, the Promoter of the Petition may wish to attend the meeting to listen to be debate and/or ask questions (which must be submitted in advance).

Promoters of Petitions can expect a written response on behalf of Cheshire Fire Authority.

#### Data Protection

Individuals that sign petitions should realise that the details that they include in a petition will be open to public scrutiny. They should not expect their name to be withheld as a Petition will be treated as a public document. It will be open to public inspection and may be published. Where published, we will remove your address, telephone and email.

We will keep a record of the petition for seven years.

Please see our website to find out more information about your [Data Protection Rights](#) or contact our Data Protection Officer. You also have a right to complain to the [Information Commissioner](#).

## APPENDIX 2

### 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 **General** 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 **Service Authority**;
- b) Ensuring the effective pursuit and achievement of the Authority's objectives;
- c) Ensuring the **Service's 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) 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);
  - h) 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;
  - i) Act as Senior Information Risk Owner
  - j) Managing budgets in accordance with Financial Regulations;
  - k) Deputising for the Chief Fire Officer and Chief Executive, as necessary.
  - ~~l) Engaging with and managing the relationship with Cheshire Constabulary for the provision of the joint services and other collaborative opportunities.~~



## 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) 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;
- f) Managing budgets in accordance with Financial Regulations;
- g) 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

11.15 The Director of Governance 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 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) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- k) Leading upon, developing, implementing and reviewing the Service's environment-related policies and procedures;
- l) Monitoring and maintenance of the relationship with NW Fire Control Limited and the service that it provides (including engagement with the other authorities);
- ~~m) Arranging and managing the Service's insurance arrangements;~~
- n) Arranging and managing the Service's internal audit function;
- o) Ensuring that appropriate corporate governance arrangements are in place and managed effectively;
- p) Effect arrangements to deal with risk identification and management;
- ~~q) Deputise for the Deputy Chief Fire Officer as the Senior Information Risk Owner;~~

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

- r) Jointly with the Chief Fire Officer and Chief Executive, **and** 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.~~
- u) Managing information requirements e.g. Freedom of Information, Data Protection etc

### AREA MANAGERS

#### Prevention and Protection

11.17 The Area Manager for Prevention and Protection is responsible for:

- a) **Acting** 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) 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;

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

- j) Developing and delivering on key external referral programmes for the Service.

### **Operational Policy and Assurance**

- 11.18 The Area Manager for Operational Policy and Assurance is responsible for:
- a) To ensure the effective performance and integration of functions which form part of the department so as to provide the best overall support to Service Delivery and other departments;
  - b) Authorisation of the Operational Policy and Assurance business continuity plans;
  - c) Authorisation of safeguarding referrals as Duty Area Manager;
  - d) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
  - e) Securing and managing resilience arrangements, e.g. agreements under Sections 13 or 16 of the Fire and Rescue Services Act 2004;
  - f) Leading upon, developing, implementing and reviewing health and safety policies and procedures;
  - g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the Duty Area Manager or as a response to recall to duty, where appropriate;
  - h) Co-ordination of business continuity arrangements for the Service.

### **Service Delivery**

- 11.19 The Area Manager for Service Delivery is responsible for:
- a) Management of the Operational Establishment including the transfer and promotion of station based personnel up to Watch Manager including extensions and terminations of temporary promotion;
  - b) Appeals linked to the compulsory transfer of staff;
  - c) Flexibility of crewing levels to exhaust annual leave;
  - d) Payment of CPD and appeal decisions;
  - e) Authorisation of the deployment of Targeted Response Vehicles and associated overtime payments;

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

- f) Authorisation of the Service Delivery business continuity plans;
- g) Authorisation of safeguarding referrals as Duty Area Manager;
- h) Authorisation of payments for items purchased during emergencies such as refreshments;
- i) Providing guidance in relation to proposals involving expenditure of more than £500 from UPG budgets;
- j) Authorising involvement of staff and funds to assist in partner initiatives at a local level within the unitary areas;
- k) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the DAM or as a response to recall to duty, where appropriate.

### HEADS OF DEPARTMENT

#### Head of Finance/ Treasurer (Section 151 Officer)

11.20 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.

11.21 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) Providing timely and accurate financial monitoring information and reporting financial performance to Members;
- g) ~~Jointly with the Head of Finance~~ Preparing an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;

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

- h) 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;
- i) Arranging for the necessary precepts to be raised with the constituent authorities;
- j) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- k) Jointly with the Chief Fire Officer and Chief Executive and Director of Governance ~~and Commissioning~~, approving offers of sponsorship.
- l) **Managing an effective procurement function and processes;**
- m) **Arranging and managing the Service's insurance arrangements;**
- n) **Deputise for the Deputy Chief Fire Officer as the Senior Information Risk Owner;**

### **Head of Finance**

~~11.22 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.~~

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

### **Communications and Engagement**

11.23 The Head of Communications and Engagement is responsible for:

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

### **People and Organisational Development**

11.24 The Head of People and Organisational Development 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;

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

- i) Leading upon, developing, implementing and reviewing the Service's equality policies and procedures.

### **GROUP MANAGERS**

11.25 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**

11.26 Station Managers are responsible for:

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



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

- 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 (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 Head of People and Organisational Development 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 Head of People and Organisational Development and/or the Head of Finance.

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

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

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

In accordance with policies and procedures.

### Risk Management Responsibilities

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

### Performance Management Responsibilities

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

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 17<sup>TH</sup> APRIL 2024  
**REPORT OF:** TREASURER (S151 OFFICER)  
**AUTHOR:** JAMES CUNNINGHAM

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**SUBJECT:** FINANCIAL REGULATIONS

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### Purpose of Report

1. To notify the Committee that the Financial Regulations have been reviewed and there are no changes proposed for this financial year (2024/25).

### Recommended: That

[1] the report be noted.

### Background

2. The Financial Regulations of the Fire Authority provide a framework for the delegation of financial authority to the officers of the Fire and Rescue Service.
3. The Chief Fire Officer as Chief Executive and Head of Finance (as the S151 officer) are expected to review the financial regulations regularly, ideally annually.

### Information

4. Officers have reviewed the Regulations and found no reason to make any adjustments to the current levels of delegation and approvals. Therefore, the Fire Authority will be asked to approve the Financial Regulations in June 2024 for 2024/25.
5. The Financial Regulations are attached to this report as Appendix 1.

### Financial Implications

6. None

### Legal Implications

7. None

## **Equality and Diversity Implications**

8. None

## **Environmental Implications**

9. None

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

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## APPENDIX 1

### FINANCIAL REGULATIONS

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#### APPENDIX 1 – Responsibility Matrix

## **Purpose**

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

## **Roles and Responsibilities**

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



## **Revenue Budgets**

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

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

### **Virement of revenue budgets**

10.10 Virement is the transfer of budget in order to prevent overspends or to accommodate changes in activity.

10.11 If, in the opinion of the Chief Fire Officer and Chief Executive, and the Head of Finance any virement would result in a significant change to Authority policy it must be approved by the Authority.

10.12 Any virement of more than £50k must be approved by the Authority.

10.13 Any virement of less than £50k must be approved by the Chief Fire Officer and Chief Executive.

### **Dealing with overspending of revenue budgets**

10.14 All Heads of Department must regularly scrutinise their budgets and seek to avoid overspends wherever possible. A quarterly budget monitoring report is presented to the Performance and Overview Committee.

10.15 Where a revenue overspend is projected, the Head of Department will make every effort to offset the overspend from within their departmental budget. If this is not possible, then SLT will make every effort to offset the overspend from within the Service budget.

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

## **Reserves**

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

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

- Usable - these are available to meet future expenditure demands. They consist of the General Fund and earmarked reserves.

- Unusable – these are prescribed in accounting regulations and do not impact directly upon the Medium Term Financial Plan, budget, or precept setting decisions.

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

- As a contingency to cushion the impact of unexpected events or emergencies (the General Fund)
- As a means of meeting known or predicted liabilities (earmarked reserves)
- As a means of smoothing expenditure as part of the Medium Term Financial Plan (earmarked reserves).

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

10.21 For each reserve the Authority will set out:

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

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

### **Capital**

10.23 Capital expenditure will be identified as such during the budget building process, and if additional expenditure is approved during the year. The capital programme will be approved annually by the Authority. In order to qualify as capital, expenditure must satisfy the following criteria:

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

10.24 Progress on the capital programme will be reported quarterly to the Performance and Overview Committee. The impact of any estimated overspends on the funding of the programme will be considered and every effort will be made to accommodate the impact within the existing funding package. If the overall impact cannot be accommodated, then the Chief Fire Officer and Chief Executive and the Head of Finance jointly may approve an increase in funding of up to £50k. For funding above this level, approval must be sought from the Authority.

10.25 Income which is the result of the disposal of an asset and which is greater than £10k will be considered as a capital receipt. All other income will be treated as revenue. Paragraph 10.40 deals with the procedure for disposing of assets.

## **Assets**

### **Land and Buildings**

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

### **Management of assets**

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

### **Stock**

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

## **Write off of assets**

- 10.37 Assets, including stock, up to the value of £5k may only be written off with the approval of the Head of Finance.
- 10.38 Assets, including stock, with a value between £5k and £10k may only be written off with the approval of the Chief Fire Officer and Chief Executive and the Head of Finance.
- 10.39 Assets, including stock, with a value greater than £10k may only be written off with the approval of the Performance and Overview Committee.

## **Disposal of Assets**

- 10.40 The disposal of assets other than land and buildings (see paragraph 10.27 above) will be in accordance with procedures agreed by the Head of Finance.

## **Procuring Goods and Services**

### **Ordering goods and services**

- 10.41 Only goods and services relating to official Authority business may be procured.
- 10.42 The Scheme of Financial Delegation will include authorised limits for individual officers in relation to the ordering of goods and services.
- 10.43 Heads of Departments must ensure that adequate separation of duties operates in all areas of procurement and purchasing. Guidance on this may be sought from the Head of Finance.
- 10.44 Official orders must be raised for all goods and services except for rent, business rates, Council Tax, public utility services and petty cash purchases, except with the prior agreement of the Head of Procurement and the Head of Finance.
- 10.45 Orders must be made using the official Authority procurement system as determined by the Head of Procurement and the Head of Finance.
- 10.46 Oral orders may only be made in cases of urgency and with the prior approval of the Head of Procurement and the Head of Finance; all such oral orders must be confirmed by hard copy, but care must be taken not to create duplicate orders.

## Quotations and tenders

### General Requirements

- 10.47 Wherever possible, procuring goods or services should involve some form of competition.
- 10.48 There is an expectation that Value for Money will be achieved, which might involve consideration of quality and service as well as cost.
- 10.49 There must be sufficient appropriately approved budget to cover the cost of the goods and/or services being procured.
- 10.50 There must be some documentation, which must be retained. In most circumstances, correspondence by email exchange is sufficient.
- 10.51 No procurement exercise or purchase of any goods or services should be undertaken if there is a risk that a family member, friend or acquaintance, or any associated business/company etc. of the officer involved will quote or bid. In those circumstances the officer should ensure that someone else deals with the matter.

### Procurement Approach

- 10.52 The value of the procurement determines the approach to procurement (but see also para 10.56). The table below outlines the basic requirements. In all cases a suitable record of the process followed and contractual arrangement must be kept. In some cases there is a requirement to publish the information.

<b>Up to £5,000</b>
Ideally, three verbal quotes should be secured, and/or research should be carried out to ensure the price is appropriate, for example on the internet, or by checking with other FRSs etc. Strategic Procurement will not normally need to be involved
<b>£5,000 up to £10,000</b>
Written quotes must be obtained (generally email exchanges will suffice). Strategic Procurement may need to be involved.
<b>£10,000 and above</b>
Strategic Procurement must be involved.

## **Strategic Procurement**

10.53 Strategic Procurement must be involved in the following circumstances.

- When the value of the goods or services (over the lifetime of the agreement) is greater than £10,000
- When procuring something that is business-critical, to ensure that any bespoke contract provisions to protect the Service as far as possible are included.
- When procuring something that is complex, as there might be a need to involve other departments, for example IT, and for bespoke contract provisions to be drafted.
- When procuring something that involves a higher than normal level of risk (for example the goods are unproven, or the service provider has no experience).
- When procuring something that is unusual/novel, as there might be a need for bespoke contract provisions to be drafted.
- When procuring something that is of a recurring nature, as there might be a benefit if the contractual arrangement allows regular purchases to be made.
- When procuring something that is expected to be in existence/in operation for a length of time, as there might be a need to consider guarantee/warranty requirements and/or how performance will be measured/monitored.
- When being asked to enter into a contract based upon someone else's terms and conditions.

**If in doubt, Strategic Procurement must be contacted for advice.**

## **Exclusions from these Requirements**

10.54 In the circumstances below it may be possible to procure goods or services without following the requirements described above. Permission must be obtained in line with paragraph 10.55.

- Procuring something that must be compatible with an existing asset/service.
- Procuring something that is required in a genuine emergency.
- Procuring something that is genuinely unique.
- Procuring something from the only supplier able to provide the service.
- Procuring something when a bespoke arrangement has been put in place, e.g. a term contract or call-off contract.

10.55 Permission must be sought via Strategic Procurement. Decisions about exclusions are taken by the Service's Monitoring Officer and Head of Finance who will receive advice from the Head of Strategic Procurement (or nominated deputy). If either the Monitoring Officer or the Head of Finance is unavailable, then the Chief Fire Officer and Chief Executive may act as a substitute for whichever is unavailable.

## **Framework Contracts**

- 10.56 There are a significant number of procurements that lead to the creation of framework contracts. These are contracts that are available to a number of buyers and often the Service is included and can benefit from them. The contracts are run by the government, local authorities, fire and rescue services and other emergency services.
- 10.57 Framework contracts are often set up with comprehensive terms and conditions. They often allow purchases to be made from a kind of catalogue using an order form. Using them can cut down on the amount of work required to purchase something and wherever possible they should be considered. Strategic Procurement will provide advice about available framework contracts and the necessary process that needs to be followed.

## **Payments to creditors**

- 10.58 The Head of Finance is responsible for the payment of creditors.
- 10.59 Heads of Departments must ensure that adequate separation of duties operates in respect of creditor payments. Guidance on this may be sought from the Head of Finance
- 10.60 The workflow for approving payment will be in accordance with systems approved by the Head of Finance.

## **Imprest accounts**

- 10.61 Imprest accounts are sums made available in the form of bank current accounts and petty cash from which officers may make purchases of less than £50.
- 10.62 All expenditure paid through imprest accounts must be supported by receipts, except with the prior approval of the Head of Finance, and records must be maintained in a form agreed by the Head of Finance.
- 10.63 Imprest accounts are Authority funds and must only be used for official business.
- 10.64 Imprest accounts may only be opened with the approval of the Head of Finance.
- 10.65 Each imprest account will have a nominated holder.
- 10.66 All imprest accounts must be reconciled monthly and certified by the imprest account holder.



- 10.67 Imprest accounts will be for minor items of expenditure only, and no salaries, wages, allowances or mileage expenses may be paid out of imprest accounts.
- 10.68 No income may be paid into imprest accounts.
- 10.69 Claims for reimbursement of imprest accounts must be completed in accordance with guidelines and in a form agreed by the Head of Finance.

### **Payroll and pensions**

- 10.70 The Head of People and Development is responsible for instructing the payroll and pension contractors and for providing accurate and timely information to enable the contractors to pay salaries, wages, mileage, other expenses and pensions. They will ensure that the amounts deducted from employees' salaries are paid to the appropriate body within agreed timescales.
- 10.71 The Head of People and Development will determine the format in which information is transmitted to the payroll and pension contractors.
- 10.72 The Head of People and Development is responsible for ensuring that all information transmitted to the payroll and pension contractors is suitably authorised and reconciled.

### **Cash and bank**

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

### **Income collection**

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

### **Debtors**

- 10.83 The Head of Finance will maintain a debtor's policy, and every effort should be made to collect income due in line with this policy. Where this proves not to be possible, debts up to £5k may be written off with the approval of the Head of Finance, those between £5 and £10k with the approval of the Chief Fire Officer and Chief Executive and Head of Finance and those above £10k with the approval of the Fire Authority.

### **Insurance**

- 10.84 The Authority will have in place protection policies commensurate with risk, as agreed by the Chief Fire Officer and Chief Executive.
- 10.85 Any excesses on policies will be agreed by the Chief Fire Officer and Chief Executive and the Head of Finance.

### **Third Party Funds**

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

## **Internal Audit**

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

## **Fraud and irregularity**

- 10.93 If any officer has suspicion that there has been any fraud or irregularity of any sort, including bribery, within the Authority, they must inform their line manager immediately (or grandparent line manager if necessary). If they do not feel able to do this, the Authority's Code of Conduct includes a Whistle Blowing Policy, which they may utilise.
- 10.94 The Chief Fire Officer and Chief Executive and the Head of Finance must be informed immediately of any allegation of fraud or irregularity.
- 10.95 Senior officers are required to be familiar with the Anti-Fraud and Bribery Policies. They should make other staff aware of the existence of the policies and who to contact if they have concerns relating to fraud or irregularity.

## **Joint arrangements and partnerships**

- 10.96 Formal joint arrangements and partnerships of any kind must (at the very least) be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and Head of Finance, and will be the subject of a business case.
- 10.97 Significant joint arrangements and partnerships must be approved by the Fire Authority. In determining what is and is not significant, consideration must be given to risks attached to the joint arrangement or partnership, for example the period of commitment and any reputational risk.
- 10.98 In all cases, it is the responsibility of the Chief Fire Officer and Chief Executive, Monitoring Officer and Head of Finance to ensure that any arrangement is subject to appropriate levels of governance and stewardship.

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

- 10.99 Any donation, grant to another body or contribution must be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and Head of Finance.
- 10.100 If any donation, grant or contribution exceeds £20k it must be approved by the Authority.

### **Sponsorship**

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

### **Risk Management**

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

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

APPENDIX 1							
Responsibility Matrix							
Activity	FA	P&O	CFO	HOF	MO	HOPD	HOD
<b>Strategic activity</b>							
Approve the Financial regulations	x						
Make strategic financial decisions	x						
Prepare the Medium Term Financial Plan (MTFP) and Community Risk Management Plan (CRMP)			x(CRMP)	x(MTFP)			
Approve the MTFP and CRMP	x						
<b>Revenue and Capital Budgeting</b>							
Ensure that any Revenue or Capital budget bids considered significant by the HOF are fully costed and completed using the Authority's Business Case template							x
Prepare the draft Revenue Budget and Capital Programme(Budget) and calculate the draft Council Tax precept				x			
Report on the robustness of the estimates used in the budget, and the adequacy of the Authority's reserves for which the budget provides as part of the budget approval process				x			
Monitor and review the Authority's Reserves Policy				x			
Approve the Revenue Budget, Capital Programme and Council Tax Precept	x						



Activity	FA	P&O	CFO	HOF	MO	HOPD	HOD
<b>Statutory Accounts</b>							
Prepare the statutory accounts of the Authority (including certifying the draft accounts by the end of the June following the year end)				x			
Approve the statutory accounts by the end of September following the year end	x						
<b>Treasury Management</b>							
Appoint the Authority's bankers	x						
Ensure that adequate Treasury Management practices are in place, including arranging any necessary loans or investments in accordance with Cash Flow forecasts				x			
Prepare and manage the annual Treasury Management Strategy including approval of and monitoring of Prudential Indicators				x			
Approve the annual Treasury Management Strategy	x						
<b>Financial management and control</b>							
Ensure that SLT consider all appropriate financial matters.			x	x			
Offer advice on all financial matters				x			
Ensure the provision of financial services including the payment of invoices, financial information, imprest accounts, and the collection of income				x			
Ensure the provision a payroll and pensions service						x	
Ensure suitable financial and control systems are in place, including financial procedures			x	x			





Activity	FA	P&O	CFO	HOF	MO	HOPD	HOD
<b>Statutory functions</b>							
Ensure that the Authority meets its statutory and regulatory requirements (which includes the Accounts and Audit regulations; the Local Authority Accounting Code of Practice; the Code of Practice for Treasury Management; and the Internal Audit Code of Practice)	x		x (advisory)				
Fulfil the responsibilities of a Chief Finance Officer under Section 151 of the Local Government Act 1972, and act as Treasurer to the Authority				x			
Fulfil the duties of a Chief Finance Officer under Section 114 of the Local Government Act 1988				x			
Appoint a deputy Section 151 Officer			x	x			
Maintain an effective internal audit function			x				

<b>KEY</b>	FA	Fire Authority
	P&O	Performance and Overview Committee
	CFO	Chief Fire Officer and Chief Executive
	HOF	Head of Finance
	MO	Monitoring Officer
	HOPD	Head of People and Organisational Development
	HOD	Head of Department

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 17<sup>TH</sup> APRIL 2024  
**REPORT OF:** DIRECTOR OF GOVERNANCE  
**AUTHOR:** ANDREW LEADBETTER

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**SUBJECT:** REVIEW OF MEMBERS' CODE OF CONDUCT

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### Purpose of Report

1. To allow Members to consider whether there should be any changes to the Members' Code of Conduct (the Code).

### Recommended: That Members

- [1] Consider the Members' Code of Conduct and determine whether any changes need to be recommended to the Fire Authority.

### Background

2. The Code was adopted by the Fire Authority in December 2021. It is almost entirely based on the Local Government Association's Model Councillor Code of Conduct 2020 (the Model Code).
3. The constituent authorities have all adopted Members' codes of conduct that are closely based on the Model Code. This provides a consistency of approach that was missing before the Model Code was created in 2020.
4. The Code was reviewed in April 2023 and some minor changes were made.

### Information

5. The current Code is attached to this report as Appendix 1.
6. The Model Code has not been updated since it was published. Nor has any further guidance been issued by the Local Government Association since the Code was adopted by the Fire Authority. In addition, it does not appear that the constituent authorities have made changes to their Members' codes since they were adopted.
7. There have been no complaints about Members since the Code was adopted.

8. In light of the above, officers believe that the Code is fit for purpose and does not require any change at this point.

### **Financial Implications**

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

### **Legal Implications**

10. The Fire Authority is required to have a Members' code of conduct. The attached Code is consistent with the law and guidance associated with member conduct.

### **Equality and Diversity Implications**

11. There are none.

### **Environmental Implications**

12. There are none.

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

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## APPENDIX 1

### 1. INTRODUCTION

This Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct 2020. It contains statements made by a Member of the Fire Authority that is subject to this Code of Conduct. It was adopted by Cheshire Fire Authority on 8<sup>th</sup> December 2021.

Guidance about Member conduct can be found in the LGA's Model Councillor Code of Conduct 2020 and in separate, more detailed, Guidance issued by the LGA. Amongst other things the guidance explains when the Code of Conduct applies.

The Fire Authority has a co-opted member (the Independent Audit Committee Member) and an independent non-elected member who has an advisory role and is not co-opted. The co-opted member is subject to this Code. The independent non-elected member is expected to act within the spirit of this Code.

### 2. DEFINITIONS

For the purpose of this Code of Conduct:

- 1) References to "councillor" means a member or co-opted member of the Fire Authority.

Note: The Fire Authority does not have any co-opted members. However, it does have an independent non-elected member. That member has no right to vote, but is expected to act within the spirit of this Code of Conduct.

- 2) References to "local authority" or "council" means Cheshire Fire Authority and/or Cheshire Fire and Rescue Service.

### 3. STATEMENTS MADE BY FIRE AUTHORITY MEMBERS

#### *General Principles of Conduct*

I am aware of the Seven Principles of Public Life (which can be found at Appendix A to this Code of Conduct) which I will uphold. I make the following statements concerned with General Principles of Conduct that are built upon the Seven Principles:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and

- I lead by example and act in a way that secures public confidence in the role of councillor

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Standards of Conduct**

#### **1. *Respect***

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

#### **2. *Bullying, harassment and discrimination***

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

#### **3. *Impartially of officers of the council***

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

#### **4. *Confidentiality and access to information***

As a councillor:

4.1 I do not disclose information:

a) given to me in confidence by anyone

b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. I have received the consent of a person authorised to give it;
- ii. I am required by law to do so;
- iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is:
  1. reasonable and in the public interest; and
  2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

#### 5. ***Disrepute***

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

#### 6. ***Use of position***

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

#### 7. ***Use of local authority resources and facilities***

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a) act in accordance with the local authority's requirements; and
- b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

#### 8. ***Complying with the Code of Conduct***

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration or any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

9. **Interests**

As a councillor:

- 9.1 I register and disclose my interests.

10. **Gifts and Hospitality**

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.



## **Appendix A – The Seven Principles of Public Life**

The Principles are:

### *Selflessness*

Holders of public office should act solely in terms of the public interest.

### *Integrity*

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### *Objectivity*

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### *Accountability*

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### *Openness*

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### *Honesty*

Holders of public office should be truthful.

### *Leadership*

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B – Registering and Declaration of Interests**

This Appendix tells me about my obligations in relation to the registering and declaration of interests.

I understand that a failure to register or disclose a Disclosable Pecuniary Interest is a criminal offence under the Localism Act 2011.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept-up-to-date and within 28 days of becoming aware of any new interest, or any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of Disclosable Pecuniary Interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable pecuniary interest.

## Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and is not a Disclosable Pecuniary Interest set out in table 1) or a financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which affects –
  - a. Your own financial interest or wellbeing;
  - b. A financial interest or wellbeing of a relative or close associate; or
  - c. A financial interest or wellbeing of a body included under Other Registerable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter (referred to in paragraph 7 above) affects the financial interest or wellbeing:
  - a. To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Table 1 – Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain.
SPONSORSHIP	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
CONTRACTS	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
LAND AND PROPERTY	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
LICENCES	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
CORPORATE TENANCIES	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
SECURITIES	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either—

	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were.
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\* 'director' includes a member of the committee of management or an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2 – Other Registerable Interests

You must register as an Other Registerable Interest:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) Any body
  - i. Exercising functions of a public nature
  - ii. Directed to charitable purposes or
  - iii. One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

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