

SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

INTRODUCTION

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

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

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TABLE OF KEY INFORMATION AND REQUIREMENTS

BODY	NUMBER OF ELECTED MEMBERS	APPOINTMENT	QUORUM	OTHER REQUIREMENTS				NO OF MEETINGS
FIRE AUTHORITY	23	By Constituent Authorities allocated seats in ratio of electors in each of the areas covered by Fire Authority. Constituent Authorities appoint in political proportion.	One third and All Constituent Authorities must be represented.	Police and Crime Commissioner attends as non-elected, non-voting member.				6
PERFORMANCE AND OVERVIEW COMMITTEE	8	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee	Any three elected Members.	One independent non-elected member attends in advisory capacity.		Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.	Act as Closure of Accounts Committee.	4
GOVERNANCE AND CONSTITUTION COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	Two independent non-elected members attend in advisory capacity.		An independent audit committee member and four elected members appointed from the membership of the Governance and Constitution Committee sit on the Audit Committee.	Complaints about Members' conduct will involve an independent person that is not a member of this committee.	4
AUDIT COMMITTEE	4	By the Governance and Constitution Committee in political proportion. Appoints Chair of Committee.	Any three Members.	One Independent Audit Committee Member attend in a co-opted capacity.	Members from Audit Committee required to undertake mandatory audit training.			4
BRIGADE MANAGERS' PAY AND PERFORMANCE COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.					3
STAFFING COMMITTEE	7	No appointments required.	Any three elected Members.		Members from Brigade Managers' Pay and Performance Committee act as this committee.			2
ESTATES AND PROPERTY COMMITTEE	7	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	One independent non-elected member attends in advisory capacity.	To include, wherever possible, Lead Members and the Procurement and Environment Member Champions.	Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.		Ad Hoc
JOINT CONSULTATIVE COMMITTEE	4	By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.	Any three elected Members.	Union Officials attend. Up to 3 FBU, 1 from FOA, 1 from Unison, as necessary.				Ad Hoc

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TABLE OF KEY INFORMATION AND REQUIREMENTS

BUSINESS CONTINUITY COMMITTEE	Varies	By virtue of role.	Any three elected Members.		Chair, Deputy Chair, Group Spokespersons, Lead Members.			Ad Hoc
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RESPONSIBILITIES OF THE FIRE AUTHORITY

- 3.1 Makes all Member decisions that are not delegated to other Member Decision-Making Bodies.
- 3.2 Makes key decisions, including but not limited to:
 - Approval of the budget (including capital and revenue proposals)
 - Setting the precept
 - Approval of the annual accounts
 - Approval of the Annual Statement of Assurance
- 3.3 Approves key/significant plans (and considers associated documentation, e.g. annual reports).
- 3.4 Approves key/significant strategies (and considers associated documentation, e.g. annual reports).
- 3.5 Approves key/significant policies (and considers associated documentation, e.g. annual reports).
- 3.6 Establishes and determines the responsibilities, and composition of, and appointments to all Members’ Decision-Making Bodies and determines Member Roles and makes appointments to all outside bodies.
- 3.7 Adopts the Members’ Codes of Conduct.
- 3.8 Approves the Members’ Allowances Scheme.
- 3.9 Considers and determines any matters referred to it by any of the Members’ decision-making bodies.
- 3.10 Receives key external reports and determines appropriate actions e.g. Operational Assessment and HMICFRS.
- 3.11 Appoints the Chief Fire Officer and Chief Executive.
- 3.12 Approves the creation of any new post with a salary package in excess of £100,000 such decisions involving a vote at a meeting of the Fire Authority.
- 3.13 Agrees overall Scheme of Delegation.
- 3.14 Agrees any transfer of functions and/or powers and/or major changes to service delivery (including the establishment of a trading company etc.).
- 3.15 Settles responses to key consultations.
- 3.16 Agrees to buy or sell land and/or buildings.
- 3.17 Agrees to enter into key and/or long-term contractual commitments.
- 3.18 Approves statutory statements e.g. Annual Pay Policy Statement.

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- 3.19 Approves annual report.
- 3.20 Considers External Auditor’s Annual Report.
- 3.21 Approves the Constitution and any amendments to it.
- 3.22 Acts as duty holder for matters relating to health and safety.
- 3.23 Takes the leading role in respect of risk management (with the support of the Audit Committee).

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

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RESPONSIBILITIES PERFORMANCE AND OVERVIEW COMMITTEE

The Performance and Overview Committee:

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

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RESPONSIBILITIES OF GOVERNANCE AND CONSTITUTION COMMITTEE

The Governance and Constitution Committee:

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

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- 3.52 Considers matters referred by Performance and Overview Committee.
- 3.53 Determines the Authority’s approach to the transparency agenda and monitor compliance with information-related legislative requirements.

RESPONSIBILITIES OF MEMBERS’ CODE OF CONDUCT SUB-COMMITTEE

MEMBERSHIP

- 3.54 The Sub-Committee will consist of three Members drawn from the Governance and Constitution Committee.
- 3.55 It will fulfil the role(s) identified in the Fire Authority’s Procedure for Dealing with Complaints about a Breach of the Members’ Code of Conduct.

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RESPONSIBILITIES OF ESTATES AND PROPERTY COMMITTEE

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

RESPONSIBILITIES OF JOINT CONSULTATIVE COMMITTEE (JCC)

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

RESPONSIBILITIES OF BRIGADE MANAGERS’ PAY & PERFORMANCE COMMITTEE

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

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RESPONSIBILITIES OF STAFFING COMMITTEE

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

RESPONSIBILITIES OF BUSINESS CONTINUITY COMMITTEE

MEMBERSHIP

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

RESPONSIBILITIES

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

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RESPONSIBILITIES OF AUDIT COMMITTEE

PURPOSE

3.81 To provide an independent high-level focus on the adequacy of governance, risk and control arrangements.

RESPONSIBILITIES

3.82 The core functions of the audit committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendation of assurance providers and helping to ensure robust arrangements are maintained. The specific responsibilities include:

3.83 Maintenance of governance, risk and control arrangements

- Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the authority’s risk management arrangements. It should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues, for both the body and its collaborative arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority’s exposure to the risks of fraud and corruption.

3.84 Financial and governance reporting

- Be satisfied that the authority’s accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority’s objectives.
- Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

3.85 Establishing appropriate and effective arrangements for audit and assurance

- Consider the arrangements in place to secure adequate assurance across the body’s full range of operations and collaborations with other

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entities.

- In relation to the authority’s internal audit functions:
 - i. Oversee its independence, objectivity, performance and conformance to professional standards
 - ii. Support effective arrangements for internal audit
 - iii. Promote the effective use of internal audit within the assurance framework.
- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
- Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.

MEMBERSHIP

3.86 Four elected Members drawn from the membership of the Governance and Constitution Committee and appointed in political proportion. One co-opted Independent Audit Committee Member.

3.87 The Chair of the Audit Committee will be one of the four elected Members. NB – Substitutes are not allowed.

QUORUM

3.88 Three of the five members of the Committee must be in attendance for the meeting to be quorate.

ATTENDEES

3.89 In addition to the Audit Committee members, the individuals fulfilling the following roles will normally be expected to attend each meeting of the Audit Committee:

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- Chief Fire Officer and Chief Executive, or Deputy Chief Fire Officer, or Assistant Chief Fire Officer
- Treasurer/Section 151 Officer and/or Head of Finance (or similar role(s))
- Monitoring Officer
- Internal Audit representative
- External Audit representative
- Officer responsible for risk management

3.90 Other officers can be required to attend upon request from the Committee.

TRAINING

3.91 All members of the Audit Committee are expected to undertake training. The Treasurer/Section 151 Officer will, in consultation with the External Auditor and Internal Auditor, prepare a training plan which will be approved by the Audit Committee. The Treasurer/Section 151 Officer will secure delivery of the training plan.

MEETING FREQUENCY AND OUTPUT

3.92 The Audit Committee must meet regularly and in any event no less than four times a year. The timing of meetings will be coordinated taking into account various reporting requirements.

3.93 The Audit Committee must prepare an annual report which will include an evaluation of its impact.

MEMBER TRAINING AND DEVELOPMENT GROUP

MEMBERSHIP

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

RESPONSIBILITIES

3.95 To advise on the development, monitoring and evaluation of a Member Training and Development Programme to ensure that Members’ training needs are being met.

3.96 To develop, monitor and review the Member Development Strategy and ensure that the Member Development Programme is developed in line with the strategy and to meet individual Member development needs.

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PHOENIX BOXING CLUB BOARD

MEMBERSHIP

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

RESPONSIBILITIES

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

3.99 The Board will hold at least two general meetings a year.

HEALTHY HEART RUNCORN TRAINING GYM BOARD

MEMBERSHIP

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

RESPONSIBILITIES

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

UNITARY PERFORMANCE MANAGEMENT GROUPS

MEMBERSHIP

3.102 The Unitary Performance Area Groups are the performance delivery groups in each of the Unitary Performance Areas and are chaired by the local Unitary Performance Manager, and attended by the local Members for that area.

3.103 The Unitary Performance Groups are able to engage with constituents about key issues affecting their area in circumstances where normal consultation processes and performance reporting are deemed insufficient.

FUNCTIONS

3.104 The group is multi functional and is responsible for the effective delivery of the Service IRMP objectives in that Unitary Performance Area.

3.105 The boundary of each group’s responsibilities coincides with the political and administrative boundaries of the Unitary Area in which it meets.

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- 3.106 The meetings are an opportunity for local Members to scrutinise local officers on Service Performance and highlight issues of concern raised by the local community.
- 3.107 The Authority has provided a budget for each area to support Service and joint initiatives and is aimed at allowing the Unitary Performance Groups to address local safety concerns and issues. The decisions are made at local level within an agreed financial framework. These arrangements allow the Authority to provide opportunities for the democratic engagement where councillors can meet their constituents face to face and place councillors at the heart of well supported area and neighbourhood structures. It will also allow a greater degree of interaction for councillors and the public and closer scrutiny of Service activities.

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

RESPONSIBILITIES

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

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

MEMBERSHIP OF THE BOARD

3.109 Pension Member representatives

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

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3.110 Employer representatives

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

APPOINTMENT OF CHAIR

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

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

3.113 The Chair of the Board shall:

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

CONFLICTS OF INTEREST

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

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

CAPACITY (INCLUDING TRAINING)

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

BOARD ADMINISTRATION

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3.117 Meetings will be arranged by the Democratic Services team, who will issue agendas and supporting papers at least seven working days in advance of meetings. The Democratic Services team will ensure the availability of all Board members before setting a date for a Board meeting.

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

TERM OF OFFICE

3.119 Members of the Board will be appointed initially for a four year term of office which may be extended for a further four year term subject to re-nomination and re-selection.

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

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

MEETINGS

3.121 The Board is expected to meet four times per year.

3.122 The Chair of the Board may call additional meetings.

QUORUM

3.123 A meeting is only quorate when at least three Board members are present.

VOTING

3.124 Each member of the Board will have one vote.

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

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

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