

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2023
REPORT OF: DIRECTOR OF GOVERNANCE
AUTHOR: ANDREW LEADBETTER

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

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 in 18th 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 second report to be considered by the Committee; the first being dealt with in July.
3. Part Three of the Review should be presented at the next meeting of the Committee. It will deal with the two remaining Sections of the Constitution: Procedural Matters; and the Scheme of Delegation.

Information

4. This report is Part Two of the Review. It covers the following: Section 3, Members' Decision Making Bodies; and Section 7, Protocols. It also summarises the position in relation to: Section 8, Members' Code of Conduct; Section 9, Members' Allowances Scheme; and Section 10, Financial Regulations.

Section 3, Members' Decision Making Bodies

5. Section 3 comprises of a very brief introduction; a table of key information and requirements; a set of responsibilities for each of the decision making bodies; and a list of plans, strategies and policies associated with members' decision making bodies.
6. Two versions of the table are attached to this report as Appendix 1 (the current table and an updated, slightly amended, version).
7. A slightly updated version of the responsibilities is attached to this report as Appendix 2. The responsibilities are presented in a relatively inconsistent format; however, some of these are driven by external guidance, e.g. Pension Board. The main thing is that they accurately reflect the purpose of the respective bodies.
8. The current list, together with an annotated version, is attached to this report as Appendix 3. The latter document is intended to encourage a debate involving Members and officers about the approval of documents. It will need to involve Members outside this Committee.

Section 7, Protocols

9. The Gifts and Hospitality Protocol was approved 24th July 2019 and is attached to this report as Appendix 4. Officers have had a brief look across similar documents that are in place across the constituent authorities. The documents do not appear to contain any additional matters that are worthy of adoption and the Fire Authority's Protocol compares favourably due to the simple, accessible tabular format. It does, however, mean that most offers of gifts and hospitality are politely declined.
10. The Protocol on Member and Officer Relations has been in place for some time and has not been amended. This attached to this report as Appendix 5. It contains similar 'ingredients' and sentiments to documents of the same nature that exist across the constituent authorities. There are a number of elements that contain wording that is comparable to parts of the Members' Code of Conduct. However, this level of repetition does not appear to be problematic. Indeed, the Protocol might be a useful document to base a conversation around to head off issues that could lead to a breach of the Code.

Section 8, Members' Code of Conduct

11. This was reviewed in April 2023.

Section 9, Members' Allowances Scheme

12. This was reviewed during the Municipal Year 2020-21. A separate report on the Agenda considers the approach to a new review during 2024-25.

Section 10, Financial Regulations

13. These were reviewed in late 2022. Officers are authorised to make minor changes and have recently updated the Regulations to reflect the fact that the Finance function is no longer a joint Fire/Police service – references to the Head of Finance have been removed and replaced with Treasurer. The Regulations will be further reviewed by the new Treasurer during 2024, hopefully prior to the June 2024 Fire Authority meeting.

Financial Implications

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

Legal Implications

15. 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

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

Environmental Implications

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

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BACKGROUND PAPERS: NONE