



MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 13 November 2019 at Lecture Theatre - Sadler Road, Cheshire at 10.00 am

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

1 PROCEDURAL MATTERS

A Recording of Meeting

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

B Apologies for Absence

There were no apologies for absence.

C Declarations of Members' Interests

There were no declarations of Members' interest.

D Minutes of the Governance and Constitution Committee

RESOLVED:

That the minutes of the Governance and Constitution Committee held on Wednesday 3rd July 2019 be confirmed as a correct record.

2 MEMBERS' ALLOWANCE SCHEME

The Director of Governance and Commissioning introduced the report which enabled Members to review a revised Members' Allowances Scheme (the Scheme) for 2020-21 and make a recommendation to the Fire Authority for its adoption.

The Director of Governance and Commissioning stated that a review of the Members' Allowance Scheme was needed during 2020. He informed Members that the review did not need to engage an Independent Remuneration Panel; during the last review, the Scheme was considered with the assistance of one individual from a constituent authority's Independent Remuneration Panel.

A Member queried how the Authority's allowances and review methodology compared to other fire authorities. The Director of Governance and Commissioning explained that, during the previous review, the allowances paid to Members were appear to be below average and that the Fire Authority had decided not to uplift allowance for a few years.

Members agreed that the review when conducted, should provide a comparison of allowances paid by other fire and rescue authorities.

RESOLVED: That

- [1] the revised Members' Allowances Scheme for 1st April 2020-31st March 2021 be recommended to the Fire Authority; and**
- [2] the review methodology mentioned in paragraph 9 of the report be agreed.**

3 REVIEW OF COMPLIMENTS AND COMPLAINTS PROCEDURE

The Director of Governance and Commissioning introduced the report which provided Members with details of the recent review of the Compliments and Complaints Procedure.

He highlighted a number of changes, which included: references to the latest data protection legislation; and the removal of the "Independent Senior Investigating Officer" during the second stage of the formal process, replaced by a "Principal Officer".

Members questioned the transparency of the process with the removal of the external Independent Senior Investigating Officer. It was agreed that the process should maintain the Independent Senior Investigating Officer as an alternative option to be used instead of a Principal Officer.

A Member raised concerns about persistent complainants and the impact that they could have on officers. The Director of Governance and Commissioning felt that persistent complaints were adequately covered within the procedure. He also informed Members that there had not been many persistent complaint cases.

A Member asked for further clarity regarding the start of the complaint process. The Director of Governance and Commissioning agreed that further clarity was needed within the procedure that the process commenced as soon as the complaint had been received. He promised to add to the procedure to resolve any uncertainty.

RESOLVED: That

- [1] the Compliments and Complaints Procedure be approved, subject to the improvements discussed during the meeting.**

4 APPOINTMENT PROCESS FOR INDEPENDENT PERSONS

The Director of Governance and Commissioning introduced the report which allowed Members to determine how they wished to proceed with the appointment process for an Independent Person that would assist with investigating any breaches of the Members' Code of Conduct.

He informed Members that the Service had advertised for the position, but, no applications had been received.

Members queried whether alternative recruitment methods were available. The Director of Governance and Commissioning suggested that the Service make direct contact with the Independent Persons from the local constituent authorities encouraging a slightly truncated application.

Members agreed to the proposed suggestion but queried what the next steps would be if the Authority still had not received any applications. The Director of Governance and Commissioning suggested re-advertising the position and offering a retainer fee. Members confirmed that their local constituent authorities do not currently offer a retainer fee for their Independent Persons. However, they agreed that this maybe necessary.

A Member queried whether the Service could use an Independent Person from another fire and rescue service authority. The Director of Governance and Commissioning stated that it could be an option and might need to be explored.

RESOLVED: That

[1] the Director of Governance and Commissioning contact the Independent Persons from the four constituent authorities to encourage them to apply for the role of Independent Person for Cheshire Fire Authority.

5 PENSION BOARD TERMS OF REFERENCE

The Director of Governance and Commissioning introduced the report which enabled Members to consider the updated terms of reference for local pension boards provided by the Firefighters' Pension Scheme Advisory Board. Members were asked to determine some recommended change should be adopted and included in the terms of reference for the Authority's Pension Board.

Members considered the report and the observations of the Director of Transformation within it. They made the following comments:

Substitute members

Members agreed that substitute members should not be permitted due to the complexity of the pension rules and knowledge requirements.

Term of office

At present, Pension Board members were appointed for an indefinite term. Members recommended that paragraph 15 should be changed to provide for a four-year term of office which may be extended for a further four-year term.

Meetings

Members noted that meetings should be held quarterly and recommended that the wording in paragraph 17 be firmed up by removing the word “approximately” in anticipation that there will be four meetings per year as recommended by the Pension Regulator.

Quorum

The Chair of the Pension Board explained that the dates of the meeting were flexible to ensure every member of the group could attend. Members recommended a change to the current wording in paragraph 19 so that a meeting was only quorate when three Board members were present.

It was noted that the amendments made during the meeting would be submitted to the Pension Board for consideration before the amended terms of reference were submitted to the Fire Authority.

RESOLVED: That

- [1] the terms of reference for the Authority’s Pension Board be amended as discussed during the meeting;**
- [2] the Pension Board be given an opportunity to consider the terms of reference.**

RECOMMENDED: That

- [1] the Fire Authority approve the amended terms of reference of the Pension Board.**

6 PROCESS FOR DEALING WITH RECOMMENDATIONS FROM CONSTITUENT AUTHORITIES

The Director of Governance and Commissioning introduced the report which outlined the intended approach to the consideration of motions/recommendations from the constituent authorities.

The Chief Fire Officer and Chief Executive had received a Notice of Motion from a Council Leader entitled “Fighting fire in our borough” and was aware of similar motions from the other three local constituent authorities.

The Director of Governance and Commissioning stated that officers intended to produce two reports for submission to the Fire Authority meeting in December, enabling the Authority to consider on the recommendations.

As the Service had not previously received a recommendation from the constituent authorities, the Director of Governance and Commissioning asked Members to provide any further guidance.

A Member explained that the motion from Cheshire East Council within the report had been amended during its meeting to include a recommendation to change the legislation relating to sprinklers in buildings. The Director of Governance and Commissioning stated that he would wait until he had received the formal letters containing the recommendations from all four constituent authorities before finalising the reports.

Members agreed that any correspondence should be dealt with formally and so that there was an audit trail.

RESOLVED: That

[1] the approach outlined in the report be agreed.

7 DRAFT COLLABORATION STRATEGY

The Director of Governance and Commissioning introduced the report which requested feedback from Members regarding the draft Collaboration Strategy.

He informed Members that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) stated within its report that the Service "should ensure there is effective monitoring, review and evaluation of the benefits and outcomes of any collaboration". This was an area for improvement and as a result, the Director of Governance and Commissioning created an initial draft of a Collaboration Strategy, attached as Appendix 5 to the report.

Members were in general support of the structure and context of the draft document, but did ask whether it needed to reference any national collaborative activity.

The Director of Governance and Commissioning agreed to further develop the draft Collaboration Strategy and submit it to the Fire Authority.

RESOLVED: That

[1] the draft Collaboration Strategy be further developed with a view to it being submitted to the Fire Authority meeting.

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