

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25 JUNE 2018

1. GOVERNANCE OF THE AUTHORITY 2018/2019

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT following the reformation of the Fire Authority through the creation of 'The Fire and Rescue Authority (Membership) Order 2017' (Appendix 14), amendments to the Constitution regarding the structure and membership of all Committees together with their Terms of Reference as set out in Appendices 1 – 7, be approved.
- 1.2 THAT the calendar of meetings for 2018/2019 as set out in Appendix 8 be approved;
- 1.3 THAT no percentage increase be made in Members' Allowances in 2018/19 by way of indexing or otherwise;
- 1.4 THAT the Members' Allowances Scheme for 2018/19 as set out in Appendix 9 be approved;
- 1.5 THAT following the approval in Authority on the 10th April 2017 members note, an independent remuneration panel will be convened to review the Members' Allowances scheme and that the result of the review be reported to the 17 September 2018 Authority meeting;
- 1.6 THAT the Clerk be authorised to make and publish any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2018/19.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine its governance arrangements for 2018/19.

(Official – WMFS Public)

3. **BACKGROUND**

3.1 The Authority's political governance arrangements ensure adherence to the following principles:-

- to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
- decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.

3.2 As part of the Authorities 'route to future governance' approved on the 20 February 2017, the Authority has reviewed its Committee Structure and reduced its membership to 15 plus two co-opted members and the Police and Crime Commissioner.

These proposed co-opted members are set out in the Co-opted Members Report, agenda item 10.

It is proposed that Article 2 – Members of the Authority be amended as follows:

2.1 (i) The Authority comprises of 18 members, 15 of whom are elected councillors, two co-opted members and a further membership to be held by the West Midlands Police and Crime Commissioner. The 15 members will be elected from the seven constituent district councils comprising the West Midlands.

Inserting:

Role purpose:

- *A wider consideration of collaborative opportunities through being more reflective of its partnerships*
- *Wider support of the priorities of public services across the West Midlands to enable increased value for local communities*
- *A more diverse membership providing for increased challenge and scrutiny.*

3.3 The proposed Membership of all Committees have been revised to reflect the new Reformed Fire Authority.

The proposed Terms of Reference of the Fire Authority have been amended to include the roles and responsibilities of the Executive Committee. The Committee now comprises 15 Members, Police and Crime Commissioner and 2 Co-optees.

It is proposed that Article 4, The Authority, (Appendix 1) is amended to include the roles and responsibilities of the Executive Committee.

The Executive Committee is now proposed to be disestablished.

It is proposed that Article 6, Executive Committee, is deleted.

The Policy Planning Forum will no longer provide a forum for training and will now comprise of 15 Members, Police and Crime Commissioner and 2 Co-optees. Training and development for members will continue to be provided through the member training and development plan.

A proposed new Article 5, Policy Planning Forum, is attached as Appendix 2, amended to take into account these changes.

A new Governance and Transformation Committee is proposed to advise the Authority on the transition to the Mayoral West Midlands Combined Authority. The Committee will comprise 7 Members (one from each Constituent Authority) and a position exists on this committee for 1 Co-optee.

A proposed new Article 6 for the new Governance and Transformation Committee, is attached as Appendix 3.

The Scrutiny Committee terms of reference have been amended and in line with the disestablishment of the Executive Committee, its findings are now proposed to be reported directly to the Fire Authority. The Committee now comprises 7 Members and a position exists for 1 Co-optee.

A proposed new Article 7, Scrutiny Committee, is attached as Appendix 4, reflecting the above proposed changes.

The Audit Committee is now proposed to become the Audit and Risk Committee to reflect its role in monitoring the Authority's Risk Register. It comprises of 5 Members and 1 Independent member and a position exists for 1 Co-optee.

A proposed new Article 8, Audit and Risk Committee, is attached as Appendix 5, reflecting the above proposed changes.

It is proposed the Appointments, Standards and Appeals Committees should be combined into one Committee and comprise of 7 Members (one from each Constituent Council) and 1 Independent Member for Standards Issues only.

For Appointments Committee only, Cllr Brackenridge will become a full Member of the Committee replacing Cllr Dehar.

A proposed new Article 9, Appointments, Standards and Appeals Committee, is attached as Appendix 6 amalgamating Articles 9, 10 and 11.

It is proposed that the existing Articles 9, 10 and 11 are deleted.

It is proposed that the number of members of the Employer Representatives of the Joint Consultative Committee is reduced from 6 to 5.

The amended Terms of Reference of the Joint Consultative Committee are attached as Appendix 7.

The Constitution will be updated to include the amendments to the Articles.

Following a review of the Employee Relations Framework the Joint Consultative Panel Roles and Responsibilities will be reviewed and reported to the 17 September 2018 meeting of the Authority for approval.

3.4 **Programme of Meetings**

There have been five Authority meetings during 2017/18.

Six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Review meetings. There were also six meetings of the Audit Committee which have been arranged to suit the financial timelines required for the approval of the Statement of Accounts by the end of July.

Four meetings of the Joint Consultative Panel were scheduled with one meeting being cancelled and one meeting used for training purposes. One meeting of the Appeals Committee has been held during the year.

Four Executive Committee meetings held have been sufficient to deal with normal business and urgent business.

A proposed programme of meetings for 2018/2019 is attached for approval as Appendix 8.

3.5 **Members' Allowances Scheme**

In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

- 3.6 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2017/18 in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time.

There have been minimal increases in local government pay; however, in view of the continuing financial stringency and given the reformation of the Fire Authority as approved in Authority on 10 April 2017 and the revised governance structure as proposed in this report (refer to paragraph 3.9) an Independent Review Panel to review the scheme of members allowances will be convened following the Annual General Meeting 2018 and its findings to be reported to the 17 September 2018 meeting of the Authority.

- 3.7 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.
- 3.8 The revised members' allowances scheme is attached for approval as Appendix 9. The scheme has been revised to reflect the dissolved Executive Committee, new Governance and Transformation Committee and the amalgamation of the Appointments, Standards and Appeals Committee.
- 3.9 A diagram showing the proposed governance structure for 2018/19 is set out at Appendix 13. This structure has changed from the structure approved in 2017/2018 to reflect the Reformed Fire Authority.

3.10 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 10. A generic Role Map for all other Committees is attached as Appendix 11. Responsibilities of Elected Members of the Joint Consultative Panel are set out in Appendix 12.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act, 1972 and the Local Government and Housing Act 1989. Refer to new ACT

6. **FINANCIAL IMPLICATIONS**

- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision making

structures and the payment of Members' Allowances.

6.2 The changes to the Authority will create savings of circa £88,000.

BACKGROUND PAPERS

Fire Authority Meeting February 2017

Fire Authority Meeting April 2018

Fire Authority AGM June 2017

Fire Authority Meeting February 2018

Fire Authority Meeting April 2018

The contact name for this report is Karen Gowreesunker, telephone number 0121 380 6678

Karen Gowreesunker
CLERK to the Authority

Additions are Highlighted and deletions are strike throughs

4.1 Legal Structure/Delegations

The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law. The Authority has delegated a range of decisions about various matters to committees and officers as set out in this constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in this constitution shall be subject to:-

- (i) statutory or legal requirements;
- (ii) standing orders and financial regulations of the Authority;
- (iii) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

No delegation which may be given by the Authority shall preclude the reference of matters by a committee to the Authority, nor preclude the Authority from exercising any powers so delegated except where action has already been taken pursuant to a resolution of a committee under its approved terms of reference and delegated Authority.

4.2 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

4.2.1 Governance

- (i) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.
- (ii) Approval and variation of Authority procedural Standing Orders, procurement standing orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.

(iii) Approval of the Members' Allowances Scheme.

(iv) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.

(v) Overview of corporate governance and the regulatory framework [delegated to Audit and Risk Committee].

(vi) Overview of governance arrangements in relation to any collaborative working agreements and shared service delivery arrangements [~~delegated to Executive Committee~~].

(vii) To ensure compliance in the management and administration of the Pensions Board.

4.2.2 Finance and Land Matters

(i) Capital and revenue budget setting including setting the precept and budget monitoring.

(ii) Approval of expenditure that exceeds that included in approved revenue or capital budget.

(iii) Approval of expenditure exceeding £250, 000.

(iv) Approval of the accounts and the Annual Governance Statement (delegated to the Audit and Risk Committee).

(v) Approval of the Property Asset Management Plan.

(vi) Acquisition and disposal of land and property where not otherwise delegated to the Chief Fire Officer.

(vii) Overview of internal and external audit functions [delegated to Audit and Risk Committee].

(viii) Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-

The procurement process in respect of tenders with value in excess of £250,000

The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract

Approval of commissioning arrangements in excess of £250,000;

Virement in excess of £100k

(ix) Approval of sponsorship arrangements in excess of £100,000

(x) Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to **Audit and Risk** Committee].

4.2.3 Human Resources

(i) Approval of the staffing structure and pay and conditions of service for principal and statutory officers.

(ii) Appointment of Chief Fire Officer, Deputy and Assistant Chief Fire Officers - [delegated to **Appointments, Standards and Appeals Committee**]; appointment of the Clerk, Monitoring Officer and Treasurer.

(iii) Discipline and dismissal of the Chief Fire Officer, Clerk, Monitoring Officer and Treasurer; to hear and decide upon appeals by the Deputy Chief Fire Officer, and Assistant Chief Fire Officer against dismissal or other disciplinary action. [**Appointments, Standards and Appeals Committee**]

(iv) Deciding appeals under the firefighter pension schemes and the local government superannuation regulations [**Appointments, Standards and Appeals Committee**].

4.2.4 Responsibility for Strategy under the Fire and Rescue Services Act 2004

(i) Ensuring that the Brigade delivers an effective and efficient fire and rescue service underpinned by prevention and protection activities.

(ii) Approval of 'The Plan' as prepared by the CFO (the Authority's strategic planning document), including:

* Any significant changes, which fundamentally change the priorities set out in The Plan.

(iii) Approval of the Authority's Community Safety Strategy (Integrated Risk Management Plan) as prepared by the CFO.

(iv) The strategy set via The Plan is reviewed each year and consideration of an amendment(s) to The Plan will be conducted via the framework as set out in Article 14.

(v) Approval of any significant matters arising from the consultation on 'The Plan' and the Authority's Community Safety Strategy. All matters arising from public consultation will be considered as part of the planning process and within the framework set out in Article 14.

The above reservations to the Authority, as part of the corporate planning process, will provide the Chief Fire Officer as Head of Paid Service with a clear framework of accountability to lead the organisation and set its direction and culture, to enable the effective and efficient delivery of statutory duties and the operationally independent planning and alignment of resources to risk to deliver the Authority's strategic priorities.

4.2.5 Generally

Any other matters which must by law be reserved to the Authority.

West Midlands Fire and Rescue Authority – Constitution

4.3 Authority Meetings

There are three types of Authority meeting:-

(i) The annual meeting

(ii) Ordinary meetings

(iii) Extraordinary meetings - These meetings will be conducted in accordance with the Authority's Standing Orders set out in Part 4 of this constitution

4.4 Executive Responsibilities

To consider recommendations from the Scrutiny Committee in respect of completed reviews and to respond to the Scrutiny Committee on what action it proposes to take

To approve the award of contracts valued in excess of £100,000 where it is proposed to accept a tender other than the most economically advantageous (highest score) or lowest price; or the value of the contract exceeds the identified funding provisions; or where the Committee/Authority has indicated at pre-tender stage that it reserves the right to approve the award of a particular contract

To monitor retrospectively twice yearly the award of all contracts in excess of

£250,000 and in particular those to which an exemption to the Procurement Procedures has been approved.

To monitor retrospectively the award of contracts valued over £30,000 but less than £100,000 where a tender other than the most economically advantageous (highest score) or lowest price has been accepted, or where the contract has been extended and this was not an option at the time of the award of the contract.

To approve arrangements for partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements, above £100,000 in value.

To deal with matters relating to the Members' Allowances Scheme.

To oversee member development activities including the identification of members' learning and development needs, the annual programme of development activities and the identification of resources to deliver an effective member development programme.

To consider and make recommendations to the Authority on the conditions of service and salary of the posts of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

Additions are Highlighted and deletions are strike throughs

Article 5 – Policy Planning Forum

5.1 The Authority has established a Policy Planning Forum comprising all elected, **co-opted** and independent members of the Authority. The Forum operates in a less formal setting than full Authority meetings, but is not open to the public or the press. The Forum is not a decision making body, but provides a forum for discussion of important issues affecting the Service prior to formal submission and discussion with members via the Committee framework as appropriate.

It is a successful feature of the Authority's governance arrangements and provides a forum for consultation on key policy areas affecting the Authority and service delivery. It is recognised as a particularly effective way of engaging members and officers on key discussions on major issues faced by the Authority.

~~The Forum also acts as a vehicle to provide training to members.~~

5.2 Role and Functions:

To provide for the consideration of key policy areas affecting the Authority and service delivery.

May refer matters to the Scrutiny Committee for consideration prior to Authority decision making and/or post Authority decision making.

To submit its notes to the Authority.

DRAFT New Article 6

Governance and Transformation Committee

The Authority has established a Governance and Transformation Committee of 7 Members.

The main purpose of the Committee will be to oversee progress of the draft order and timeline of transfer of governance to Mayoral West Midlands Combined Authority. This will incorporate:

Review of draft order on receipt from the Home Office

Consideration of proposals from the Home Office to support the Authority's alignment of expectations with respective local authorities

Members support in progression of overall timeline to enable governance change

Consideration of issues and the making of recommendations to the Authority on matters which will impact on:

- The proposals as set out in the draft scheme submitted to the Home Office
- The overall achievability of the timeline and governance transfer

Findings and recommendations of the Governance and Transformation Committee are to be submitted to the Authority by the Chair of the Governance and Transformation Committee.

To submit its minutes to the Authority.

Article 7 – Scrutiny Committee

Additions are Highlighted and deletions are strike throughs

7.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives and ensuring that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

The main purpose of the scrutiny function is to:

- i) Inform Policy Development
(i.e. pre-decision scrutiny – to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage).
- ii) Hold Officers and the Service to Account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon officers to respond to its enquiries).
- iii) Hold the Authority to Account:
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries).
- iv) Conduct Reviews into Specific Issues:
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews).

In carrying out its role the Committee may look at both operational and strategic issues.

7.2 Role and Functions:

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to **the Authority**.

To track and monitor the implementation of review recommendations that are accepted by **the Authority**.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's People Support policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

Article 8 – **Audit and Risk** Committee

Additions are Highlighted and deletions are strike throughs

- 8.1 The Authority has established an **Audit and Risk** Committee comprising ~~six~~ (five) members, selected in accordance with current **proportionality requirements.**
- 8.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee.
- 8.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and overseeing the Authority's financial reporting process.
- 8.2.2 The appointment is reviewed on a three-year basis.
- 8.3 Role and Functions:-

Statement of purpose

Our Audit **and Risk** Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit **and Risk** Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

West Midlands Fire and Rescue Authority – Constitution

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services.

These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are

concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To support the development of effective communication with the head of internal audit.

External Audit (Grant Thornton)

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

Pensions Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme. The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

DRAFT New Article 9 , Appointments, Standards and Appeals Committee

ARTICLES 10 AND 11 AND ANY REFERENCE TO THEM IN CONSTITUTION WILL BE DELETED AND ALL ARTICLES RENUMBERED AFTERWARDS

Additions are Highlighted and deletions are strike throughs

Article 9 – Appointments, Standards and Appeals Committee

The Authority has established an **Appointments Standards, and Appeals** Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. **The Committee** also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers. The **Appointments, Standards, and Appeals** Committee comprises ~~six~~ **seven** members and at least one independent person in accordance with current proportionality requirements **and to represent each of the seven constituent authorities.**

9.1 Standards Role and Functions:-

To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.

To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).

To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

~~To exercise any functions which the Authority may consider appropriate from time to time.~~

~~To meet at least annually and as and when appropriate.~~

~~To submit an Annual Report to the Authority.~~

~~To submit its minutes to the Authority.~~

9.2 **Appointments** Role and Functions:-

To make the appointments of the Chief Fire Officer (CFO), Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To make an appointment to act up to the post of Chief Fire Officer.

Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the Association of Principal Fire Officer (APFO) guidance and authority standing orders:

To consider any appeal arising by way of a review of the previous decision

To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.

To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the CFO, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with APFO guidance and Authority Standing orders

For Appointments Decisions, Councillor Brackenridge will become a full Member of the Committee

Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

Councillor Brackenridge will replace Councillor Dehar as a full Member of this Committee for Appointments.

~~To submit its minutes to the Authority.~~

9.3 **Appeals** Role and Functions:-

To hear and decide upon:-

Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.

Appeals under the Local Government Superannuation Regulations.

~~To meet at least annually and as and when appropriate.~~

~~To submit an Annual Report to the Authority regarding its activities in relation to its standards role~~

~~To submit its minutes to the Authority~~

To exercise any functions which the Authority may consider appropriate from time to time.

To meet at least annually and as and when appropriate.

To submit an Annual Report to the Authority
regarding its activities in relation to its role

To submit its minutes to the Authority

Joint Consultative Panel – Terms of Reference

1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP)

2. REPRESENTATION

The Panel shall comprise of elected members of the West Midlands Fire and Rescue Authority and recognised elected officials of the Trade Unions/Representative Bodies as follows:

JCP

6/5 employers and

5 employee side*

2 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

1 APFO

* subject to having a locally appointed/elected representative

All elected members shall retire annually and shall be eligible for re appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the Panel.

If a member of the Panel ceases to be a member or an employee of the Service he or she shall immediately cease to be a member of the Panel. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from People Support Services on the compilation of the agenda. The People Support Services Manager will consult with the Employees representatives or their representative with regard to the business to be raised.

4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members.

5. OFFICERS

The Clerk, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the Panel and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

6. FUNCTIONS

The functions of the Panel shall be:

- To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee.
- To discharge such other functions as are specifically assigned to it.

- In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the Panel which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority or the Chief Fire Officer, as appropriate, prior to its submission.

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

7. RULES AND REGULATIONS

That the Joint Consultative Panel (JCP) agenda items are reviewed by the Chair of the Joint Consultative Panel in consultation with the Strategic Enabler (People Support Services) or their representative prior to finalising the agenda.

That the Elected Member group of the Joint Consultative Panel (JCP), after due consideration, make recommendations back to the Service or the Fire Authority as appropriate.

Provision for four Panel meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved.

The matters to be discussed at any meeting of the Panel shall be included in the agenda for the meeting. No other matters shall be raised.

The quorum of the Panel shall be one third of the total number of representatives appointed by each side subject to each Trade Union/ Representative Body being represented, however, where the Panel is considering business relating specifically to one Trade Union/ Representative Body that has locally appointed representatives, being represented, however, where the Panel is considering business relating to one Trade Union/Representative Body the quorum of the employees' side shall be one

third of the total number of representatives appointed by each side, with no requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of:

- (a) The Panel being unable to arrive at an agreement; or
- (b) The Authority or the Chief Fire officer, as appropriate, disagreeing with the recommendations of the Panel

the matters in dispute shall be referred to:

- (a) The National Joint Council Joint Secretaries and/or
- (b) ACAS and/or
- (c) The National Joint Council Technical Advisory Panel

The panel is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service' document.

All sides to the Panel accept that agreements reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

All parties agree, nevertheless, to use their best endeavours to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the Panel shall be submitted to the Authority.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

CALENDAR OF MEETINGS 2018/19

Date	Time	Meeting
<u>2018</u>		
Monday 25 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
Monday 9 July	9.30 am	All Members Awareness Day
Monday 23 July	10.30 am	Audit and Risk Committee
Monday 3 September	9.30 am 10.30 am 12.30 pm 1.30 pm	Chair's agenda meeting Policy Planning Forum Audit and Risk Committee Scrutiny Committee
Monday 17 September	11.00 am to follow	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Thursday 27 September	3.00 pm	Pensions Board
Monday 8 October	09.30 am 10.30 am 12.30 pm	Governance and Transformation Committee Policy Planning Forum Scrutiny Committee
Monday 5 November	9.30 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 12 November	10.30 am 11.30 am 12.30 pm	Scrutiny Committee Audit and Risk Committee Governance and Transformation Committee
Monday 19 November	11.00 am	<u>Authority</u> [political groups at 10 am]
Tuesday 4 December	3.00 pm	Pensions Board
Monday 10 December	09.30 am 10.30 am	Transformation and Governance Committee Policy Planning Forum

2019		
Date	Time	Meeting
Monday 14 January	10.30 am 12.30 pm	Policy Planning Forum Audit and Risk Committee
Monday 28 January	09.30 am	Governance and Transformation Committee
Monday 4 February	09.30 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel [pre meeting tbc]
Monday 18 February	11.00 am	<u>Authority</u> [budget and precept setting] [political groups at 10 am]
Monday 25 February	10.30 pm	Scrutiny Committee
Monday 4 March	2.00 pm	Pensions Board
Monday 25 March	08.30 am 09.30 am 10.30 am 12.30 pm 1.30 pm	Chair's Agenda Meeting Governance and Transformation Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 8 April	11.00 am To follow	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 3 June	09.30 am 10.30 am 12.30 pm 1.30 pm	Governance and Transformation Committee Policy Planning Forum Audit and Risk Committee Scrutiny Committee
Thursday 6 June	14.00 pm	Pensions Board
Monday 10 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR Monday 24 June	11.00 am	<u>Authority</u> [Annual Meeting] [political groups at 10 am]

The Standards, Appointments and Appeals Committees will meet as and when required.

West Midlands Fire and Rescue Authority

Members' Allowances Scheme

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

'Councillor' means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

'Independent Member' means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

'Year' means the 12 months ending with 31st March.

3. **Basic Allowance and Independent's Allowance**

Subject to paragraph 6, for each year:-

- (i) a basic allowance of £3,500 shall be paid to each Councillor;
- (ii) an independent member's allowance of £350 shall be paid to each independent member on the Audit Committee.
- (iii) Co-optees will receive travel and subsistence expenses only

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only the higher allowance shall be paid to the Councillor concerned.

5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

7. **Part Year Entitlement**

Basic Allowance and Independent's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance; his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.

Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

8. Subsistence Allowances

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence
£79.82 per night

Allowance for such absence in London
£91.04 per night

9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

Motor Mileage Allowances

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

10. **Indexation of Allowances**

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

11. **Claims and Payments**

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.
- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of

another authority, that member may not receive allowances from more than one authority in respect of the same duties.

- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

- (a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25th day of the month (or nearest working day);

- (b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Schedule of Special Responsibility Allowances 2018/2019

<u>Responsibility</u>	<u>SRA (£)</u>
Chair	<u>24,500</u>
<u>Vice-Chair</u>	<u>12,250</u>
Leader of Principal Opposition Group	<u>7,350</u>
<u>Governance and Transformation Chair</u>	<u>8,575</u>
<u>Governance and Transformation Vice Chair</u>	<u>6,575</u>
<u>Scrutiny Committee Chair</u>	<u>8,575</u>
<u>Scrutiny Committee Vice-Chair</u>	<u>6,575</u>
<u>Scrutiny Committee Member</u>	<u>4,900</u>
<u>Joint Consultative Panel Chair</u>	<u>8,575</u>
<u>Joint Consultative Panel Vice-Chair</u>	<u>3,975</u>
<u>Appeals, Standards and Appointments Chair</u>	<u>8,575</u>
<u>Appeals, Standards and Appointments Vice-Chair</u>	<u>3,975</u>
<u>Audit and Risk Committee Chair</u>	<u>8,575</u>
<u>Audit and Risk Committee Vice-Chair</u>	<u>3,975</u>
<u>Elected Member Basic Allowance</u>	<u>3,500</u>
Independent's allowances	
Independent Member of the Audit Committee	<u>350</u>

Approved Duties

The following are “approved duties” in connection with the payment of travelling and subsistence allowances:

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

MEMBER ROLE DESCRIPTIONS 2018/2019

Chair of the Authority

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across

or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Vice-Chair of the Authority

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;

- Modernisation issues;

- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan (Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

Chair of the Scrutiny Committee

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Authority.

To oversee the implementation of recommendations that are accepted by the Authority.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

Vice-Chair of the Scrutiny Committee

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.

ROLE OF THE COMMITTEE CHAIR

PURPOSE

To preside at meetings of the relevant Committee of the West Midlands Fire Authority and exercise any power or duty of Chair as permitted in terms of the West Midlands Fire Authority Terms of Reference

To ensure democratic decision making (as required) and the orderly conduct of meetings. Where a sub-committee or panel is established then this Article shall apply.

APPOINTMENT PROCEDURE

Committee Chairs are appointed on an annual basis at the Annual General Meeting of the West Midlands Fire Authority.

KEY ROLES

A Committee Chair will:-

- (a) In consultation with relevant Officers of the West Midlands Fire Authority, Ensure the Committee acts only within the Scheme of Delegation and complies with the West Midlands Fire Authority Procedure Rules, Financial Procedure Rules, West Midlands Fire Authority Policies and relevant legislation.
- (b) Preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meetings, including resolving conflict;
- (c) Be accountable to the West Midlands Fire Authority for the efficiency and effectiveness of the Committee meeting;
- (d) Present Committee recommendations to the West Midlands Fire Authority as appropriate;
- (e) Be consulted on matters within the Committee's jurisdiction, liaising with the Chair of the West Midlands Fire Authority and relevant Officers as appropriate;

- (f) Work within the West Midlands Fire Authority's Scheme of Delegation with Officers to enable efficient and effective decision-making.
- (g) Ensure the overall integrity of the decision-making process within the Committee, and that the process operates fairly and openly;
- (h) Work with the relevant Officers to confirm/set the agenda for meetings and sign the minutes of the preceding meeting, once these have been approved by the Committee; and
- (i) When consulted, agree aspects of the draft minutes of meetings prior to circulation.

ABSENCE OF CHAIR AND VICE CHAIR AT COMMITTEE

Should at any Committee meeting the Chair and Vice Chair not be present, then the Members present shall elect a Chair from those Members present for the duration of that meeting.

Responsibilities of Elected Members of the Joint Consultative Panel

1. Background

West Midlands Fire and Rescue Authority (WMFRA) is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, in consultation with the Trade Unions/Representative Bodies, has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on:-

- any relevant matter referred to it by the Service or by the relevant employee organisations.
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation).
- the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the “Working Together” A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. WMFS supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3. Consultation

Consultation: For the benefit of this process, consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of the views of employees' representatives before making a decision.

Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information.

The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler (People Support Services) or delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

5. Process for Failure to Consult

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

6. Process for Failure to Agree

In cases of negotiation, items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side. The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the adviser to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel, they should declare this at the beginning of the meeting under the standing item on the agenda.

9. Confidentiality

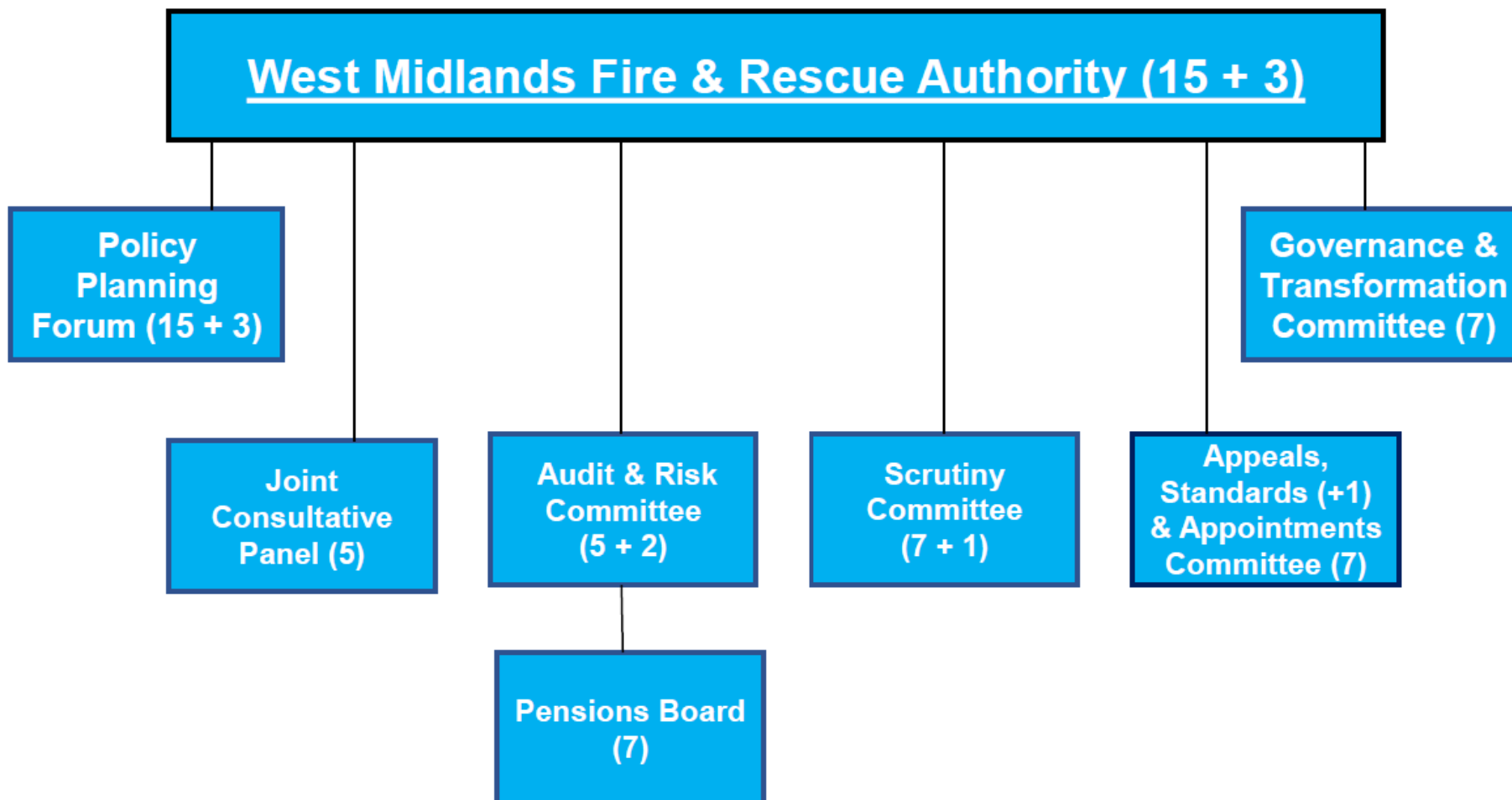
Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the Members' Code of Conduct and the Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.



 STATUTORY INSTRUMENTS

2017 No.

FIRE AND RESCUE SERVICES, ENGLAND**The Fire and Rescue Authority (Membership) Order 2017***Made* - - - - ****Laid before Parliament* ****Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by section 29(2) of the Local Government Act 1985⁽¹⁾ and sections 2(6) and 4(4) of the Fire and Rescue Services Act 2004⁽²⁾.

In accordance with section 29(3) of the Local Government Act 1985 the Secretary of State has had regard to the number of local government electors in the areas of the constituent councils appointing members to the West Midlands Fire and Rescue Authority and in accordance with section 29(4) of that Act, the Secretary of State has consulted with those constituent councils.

The variation to the Hampshire Fire Services Combination Scheme has been proposed by the Hampshire Fire and Rescue Authority ⁽³⁾.

The variation to the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme has been proposed by the Dorset and Wiltshire Fire and Rescue Authority ⁽⁴⁾.

Citation and commencement

1.—(1) This Order may be cited as the Fire and Rescue Authority (Membership) Order 2017 and except for article 2 comes into force on [].

(2) Article 2 comes into force on 25th June 2018.

Amendment to the Local Government Act 1985

2.—(1) Local Government Act 1985 is amended as follows.

⁽¹⁾ 1985 c. 51; there have been amendments to section 29 but none is relevant.

⁽²⁾ 2004 c. 21.

⁽³⁾ In accordance with section 4(5A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (3) of Schedule 22 to the Deregulation Act 2015 (c. 20), the duty on the Secretary of State in section 4(5) of the 2004 Act in relation to consultation does not apply.

⁽⁴⁾ In accordance with section 2(6A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (2) of Schedule 22 to the Deregulation Act 2015 (c. 20), the duty on the Secretary of State in section 2(6) of the 2004 Act in relation to consultation does not apply.

(2) In Schedule 10 (number of members of joint authorities), in Part 6 (West Midlands), in the third column of the Table (number of members of metropolitan county fire and rescue authority)⁽⁵⁾—

- (a) in the entry for Birmingham for “10” substitute “4”;
- (b) in the entry for Coventry for “3” substitute “2”;
- (c) in the entry for Dudley for “3” substitute “2”;
- (d) in the entry for Sandwell for “3” substitute “2”;
- (e) in the entry for Solihull for “2” substitute “1”;
- (f) in the entry for Walsall for “3” substitute “2”;
- (g) in the entry for Wolverhampton for “3” substitute “2”.

Variation of the Hampshire Fire Services Combination Scheme

3. The Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996⁽⁶⁾ is varied in accordance with Schedule 1 to this Order.

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

4. The Dorset and Wiltshire Fire and Rescue Authority Combination Scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015⁽⁷⁾ is varied in accordance with Schedule 2 to this Order.

Date

Name
Minister of State
Home Office

SCHEDULE 1

article 3

1. In this Schedule “the Scheme” means the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996.

Variation of Part 1 of the Scheme

2. In paragraph 2 (interpretation)—

- (a) after the definition of “constituent authority” omit “and”, and
- (b) after the definition of “the fire brigade” insert—

“and

“relevant police and crime commissioner means” a police and crime commissioner—

- (a) whose area is the same as, or contains all of, the area of the Authority, or

⁽⁵⁾ Paragraph 10 of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36) provides that a reference to “metropolitan fire and civil defence authority” is treated as a reference to a “metropolitan county fire and rescue authority”.

⁽⁶⁾ S.I. 1996/2923; amended by Part 2 of Schedule 8 of the Local Government Act 2003 (c. 26).

⁽⁷⁾ S.I. 2015/435.

(b) all or part of whose area falls within the area of the Authority.” .

Variation of Part 3 of the Scheme

3. For paragraph 11 substitute—

“(1) The number of members of the Authority shall be determined by the Authority but shall not exceed 25. The number of members of the Authority shall be determined by the Authority but shall not exceed 25.

(2) Each member of the Authority shall be appointed in accordance with this Part.”.

4. For paragraph 12 substitute—

“(1) Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority. Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority.

(2) In determining the number of representatives to be appointed by each constituent authority the Authority shall, so far as is practicable, ensure that the number of representatives of each constituent authority is proportionate to the number of local government electors in their area in relation to the number of such electors in the areas of each of the other constituent authorities.”.

5. After paragraph 12 insert—

“ Subject to paragraphs 12B and 12C, the Authority may appoint a relevant police and crime commissioner to be a member of the Authority. the Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

12B. A relevant police and crime commissioner may only be appointed as a member of the Authority in response to a request by the commissioner.

12C. If a relevant police and crime commissioner makes such a request the Authority must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such a manner as it thinks appropriate.

12D. Paragraph 12E applies where the Authority appoints a relevant police and crime commissioner to be a member of the Authority and the police and crime commissioner makes arrangements under section 18 of the Police Reform and Social Responsibility Act 2011⁽⁸⁾ to delegate their attendance at a meeting of the Authority.

12E. A person who attends a meeting of the Authority on behalf of a relevant police and crime commissioner—

- (a) may speak at the meeting but not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

6. In paragraph 13 after “the Authority” insert “appointed by a constituent authority”.

7. After paragraph 13 insert—

“ A relevant police and crime commissioner appointed under paragraph 12A shall, subject to paragraphs 14 and 15(2), be a member of the Authority until— A relevant police and crime commissioner appointed under paragraph 12A shall, subject to paragraphs 14 and 15(2), be a member of the Authority until—

- (a) a vacancy in the office of the police and crime commissioner is regarded as occurring for the purposes of section 59 of the Police Reform and Social Responsibility Act 2011, or

⁽⁸⁾ 2011 c. 13; section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 (c. 20) and paragraphs 115 and 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

- (b) if there is no vacancy in the office before then, the day on which their term of office as a police and crime commissioner ends in accordance with section 50(7)(b) of that Act.”.

8. In paragraph 16—

- (a) after “a member of the Authority”, the first time it appears, insert “appointed by a constituent authority”;
- and

- (b) for sub-paragraph (2) substitute—

“If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless—If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless—

- (a) on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11; or
- (b) without such an appointment no meeting of the Authority would be quorate as a result of the quorum requirements required by paragraph 19.”.

9. In paragraph 19—

- (a) for “one third” substitute “one half”; and
- (b) for “each constituent authority” substitute “any two of the constituent authorities.”.

SCHEDULE 2

article 4

1. In this Schedule “the Scheme” means the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015.

Variation of Part 3 of the Scheme

2. In paragraph 6(1) for “30 members” substitute—

“~~30~~”.

3. For paragraph 7 substitute—

“—(1) Each constituent authority shall appoint 2 representatives to be members of the Authority.—
(1) Each constituent authority shall appoint 2 representatives to be members of the Authority.

(2) Each constituent authority shall, so far as is practicable, appoint such additional number of representatives to be members of the Authority as may be required to ensure that the total number of representatives is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities’ areas.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments in relation to the membership of the West Midlands Fire and Rescue Authority, the Hampshire Fire and Rescue Authority and the Dorset and Wiltshire Fire and Rescue Authority.

Article 2 amends Schedule 10 to the Local Government Act 1985 to reduce the number of members to be appointed to the West Midlands Fire and Rescue Authority by each of its constituent councils.

Article 3 and Schedule 1 amend the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996 in particular to make provision enabling the Hampshire Fire and Rescue Authority to appoint a police and crime commissioner whose police area wholly or partly coincides with the area of the Authority, as a member of the Authority. This reflects the provision made in section 7 of the Policing and Crime Act 2017 (c. 3) enabling police and crime commissioners to be represented on all types of fire and rescue authority.

Article 4 and Schedule 2 amend the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 to reduce the maximum number of members of that Authority from 30 to 18.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

