



MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 8 November 2013 at Fire Service HQ at 10:00 am.

PRESENT: Councillors H Mundry (Chair), M Biggin, J Leather, B Livesley, R Polhill and T Sherlock

Independent Members: Mr R Garner, Mr M McBride and Mr W Ravenscroft

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

There were no apologies for absence.

B DECLARATION OF MEMBERS' INTERESTS

There were no declarations of Members' interests.

C MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED: That

the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 26 June 2013 be confirmed as a correct record.

ITEMS REQUIRING DISCUSSION / DECISION

2 CODE OF CORPORATE GOVERNANCE AND FIRE AND RESCUE NATIONAL FRAMEWORK STATEMENT OF ASSURANCE

The Head of Performance, Planning and Communications introduced this report which presented Members with a proposal for the future monitoring of compliance with the principles and expectations set out in the national guidance document 'Delivering Good Governance in Local Government' (the Guidance). He explained that Members were being asked to consider the adoption of a similar approach to fulfil the new requirement under the Fire and Rescue National Framework for England to produce an Annual Statement of Assurance.

The Corporate Intelligence Unit Manager provided further context and background to the report. She reminded Members of the Service's Corporate Governance Action Plan which had originated in 2007 which was designed to

secure improvements in the Authority's governance arrangements. This plan had been produced by analysing the local code of corporate governance which used the six core principles published in the Guidance. The plan was monitored on a regular basis by what was then the Standards Committee which had decided in March 2012 that the plan had served its purpose with most aspects showing good levels of compliance.

The Corporate Intelligence Unit Manager confirmed that the same six core principles had been used as a basis for the refresh of the local code of corporate governance. A working group of officers had reviewed the Guidance and provided evidence and relevant assurance mechanisms for each of the six core principles detailed in Appendices 1- 6 of the report. She brought Members attention to one key change to the proposed new approach. This was a recommendation from the Authority's Internal Auditors, which was to have either a status of compliant (green) or non-compliant (red) rather than a scale of 1 – 5 as had previously been reported. She advised that the small number of areas of non-compliance identified in the revised principles had been developed into an action plan, which was attached as Appendix 7 to the report.

The Corporate Intelligence Unit Manager summarised a proposed approach to the process of monitoring, reporting and reviewing the revised local code of corporate governance which included; a Head of Department identified as having overall responsibility for each core principle; Members of this Committee receiving a progress update on the action plan twice yearly (once as part of the Annual Governance Statement process with an assessment of compliance with the six core principles); and evidence aligned to the principles being made available on the Service's website.

A Member commented that the proposed structure was excellent and that he supported the structure and process detailed within the report. However, he queried a number of points evidenced within the six core principles and challenged whether in certain areas further detail should be included. Officers acknowledged these points and confirmed that the document would be further developed.

The Corporate Intelligence Unit Manager highlighted the final proposal within the report which referred to the new requirements of the Fire and Rescue National Framework for England (2012) with the publication of an Annual Statement of Assurance and the proposed approach outlined within this report. She explained that, within the Statement of Assurance, the Authority must provide assurance on financial, governance and operational matters. She confirmed that the financial and governance requirements were validated through the Annual Accounts and the Annual Governance Statement processes. However these arrangements did not currently cover the operational matters detailed within the National Framework and these would need to be captured and reported.

She proposed that the Annual Statement of Assurance be subjected to the same approach as the local code of corporate governance as this would provide auditable evidence of compliance as required within the Framework. She advised Members that the statement would be drafted for approval at the

next Fire Authority meeting in December and once finalised would be published on the Service's website.

Members confirmed they were comfortable with the proposed approach and timescales detailed within the report.

RESOLVED: That

- [1] the assessment of compliance with the Code of Corporate Governance (Appendices 1-6) and associated action plan (Appendix 7) be noted and the feedback provided by the Committee be considered as the documents were refined and supporting evidence collated;**
- [2] the proposal for future monitoring, reporting and review arrangements related to the Code of Corporate Governance be agreed; and**
- [3] the proposal for developing and managing the Annual Statement of Assurance be agreed.**

3 MEMBERS' INTERESTS – GUIDANCE FROM THE GOVERNMENT

The Head of Legal and Democratic Services introduced this report which asked Members to consider the guidance 'Openness and transparency on personal interests' attached as an appendix to the report. This guidance had been issued by the Government and was originally promoted as providing transparency on trade union interests. He advised Members that he had considered whether any changes were required to the Members' Code of Conduct (the Code) and other current practices. He brought Members attention to some specific points for consideration within the guidance which had been summarised within the report:

He referred to the requirement for Members to register a membership of a trade union which he confirmed was already covered in the Code.

He drew attention to the section which stated that a spouse or civil partner's name does not need to appear in the register of Members' interests and confirmed that the existing Members' Notice of Disclosable Interests form did not require a name, just details of the interest.

He highlighted that it was not a legal requirement for Members signatures to be published in the Register of Members' Interests and confirmed that this had already been taken into consideration by the Authority. An assurance had been given to Members that signatures would not appear online.

Finally he summarised the section offering a view about whether dispensation was required for Members of the Authority to take part in the business of setting council tax or a precept by confirming that this Committee had already agreed

dispensations for Authority Members in February 2013 when it had been uncertain as to whether it was necessary.

Members acknowledged the content of the document and agreed that it did not impact the existing Members' Code of Conduct.

Members queried whether it was necessary to complete a new Members' Notice of Disclosable Interests form for the coming year and the Head of Legal and Democratic Services confirmed that this was the case.

RESOLVED: That

- [1] the content of the guide 'Openness and transparency on personal interests' be noted;**
- [2] no changes to the Members' Code of Conduct and/or current practices be required; and**
- [3] the despatch of Members' Notice of Disclosable Interests forms be approved**

4 REDRAFTING THE FIRE AUTHORITY CONSTITUTION

The Head of Legal and Democratic Services advised Members that this was the third report which had been brought to this Committee which sought Members views in relation to the re-drafting of further sections of the Constitution. He reminded Members about the previous discussions and agreement on the proposed structure of the new Constitution. He advised Members that this report included sections of the re-drafted Constitution concerned with Outside Bodies and Protocols. Additionally the report provided a commentary on the progress made with the work required to produce the redrafted constitution. Finally he concluded that the report detailed the next steps to be considered by this Committee.

The Head of Legal and Democratic Services referred Members to Appendix 1 to the report which listed Outside Bodies. He explained it was important that the Authority was clear about the roles that they were appointing Members to on Outside Bodies. Therefore he advised that this section had been simplified to include specific detail about the role, how appointments would be made and any delegated powers that existed.

Members queried the delegated powers in relation to NW Fire Control Limited and were concerned to fully understand how it would operate when the call handling and mobilising services were being carried out by it. The Head of Legal and Democratic Services explained that there were safeguards for all Authorities involved in the project. Important changes could not be made without consensus. Members felt that further information was required and were told that a report would be presented to the Fire Authority in due course. A short debate also focused on the potential for the Directors to have a conflict of interest – another point to be picked up and covered in the report to the Authority.

The Head of Legal and Democratic Services then drew Members attention to the Appendix 2 of the report entitled 'Protocols' which covered Gifts and Hospitality and Member and Officer Relations.

Members discussed a number of areas including the acceptance of gifts and hospitality by a Member with an estimated value of £50 or more which must be notified to the Monitoring Officer and queried in which situations it would be appropriate to disclose hospitality received when representing the Fire Authority. A Member suggested it may be worthwhile providing a reminder to all Authority Members of the requirement to disclose hospitality in certain situations.

Members referred to the protocol on Members and Officers relations and queried whether there should be a reference as to when certain officer roles were barred from any political activity. The Head of Legal and Democratic Services confirmed that the legislation remained in force and that any restriction would normally be made clear upon appointment to a relevant role. He confirmed that he would consider the value of referencing this in the protocol.

Members asked how a dispute would be handled involving the most senior officers and Members. The Head of Legal and Democratic Services advised that this situation would be referred to the Monitoring Officer for advice and an external individual would be engaged where appropriate.

The Head of Legal and Democratic Services summarised the progress made to date on the proposed structure of the new Constitution which included 11 sections. He concluded that ten sections had been drafted and reported to this Committee and the remaining Section 11 entitled 'Scheme of Delegation' would be discussed separately as part of a workshop to agree the way forward. He suggested that the next step would be that the redrafted Constitution, with the exception of Section 11, should be considered by the Fire Authority at its meeting in December. However, prior to the Fire Authority meeting a read through of the final version would be required and asked the Committee how they would like to approach this.

A Member volunteered to take ownership for reading the final draft of the Constitution prior to submission to the Fire Authority and this offer was accepted by the Committee. A copy would also be supplied to the Chair of the Committee.

RESOLVED: That

- [1] the progress with the redrafting of the Constitution be noted taking into account the comments provided by the Committee; and**
- [2] in relation to NW Fire Control Limited that Members be provided with more advice and guidance on the controls in place in relation to the company.**