



MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 16 December 2015 at Fire Service HQ at 10:00 am.

PRESENT: Councillors S Wright (Chair), M Biggin, D Marren, L Morgan, and R Polhill.

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

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A RECORDING OF MEETING

The Chair reminded Members that the meeting was being audio-recorded.

B APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Daniels.

C DECLARATION OF MEMBERS' INTERESTS

The independent members declared an interest in Item 5 on the agenda – Independent (Non-Elected Members) and agreed to leave the meeting when this item was discussed.

D MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED: That

- [1] the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 15th July 2015 be confirmed as a correct record.**

It was noted that the meeting scheduled for 7th October 2015 was cancelled.

ITEMS REQUIRING DISCUSSION / DECISION

2 DISPENSATIONS

The Head of Legal and Democratic Services explained that this report asked Members to extend the benefit of the existing dispensations to new Members of the Fire Authority to allow them to take part in debates and votes upon the setting of the Council Tax precept and approval of the Members' Allowance Scheme (and any changes and/or additions to it).

The Head of Legal and Democratic Services provided some background to Members explaining that in 2011 the standards regime had changed when new legislation had been introduced, (the Localism Act 2011 (the Act)). He referred Members to Appendix 1 to the report which was a copy of Section 33 of the Act which detailed the provisions which Members were required to consider when deciding whether to grant dispensations.

He advised that dispensations had been granted by this Committee at its meeting on 8th February 2013 to all Members of the Fire Authority in relation to the setting of the Council tax precept and the approval of the Members' Allowance Scheme which would be effective until February 2017. He drew Members attention to Appendix 2 to the report which was an extract from the original report so that Members could appreciate the original considerations of the Committee prior to granting the dispensations.

The Head of Legal and Democratic Services confirmed that the following new Members had requested that the dispensations be extended so that they would benefit from them; Councillors Bailey, Booher, Daniels, Edgar, Mahon, Marren, Mercer, Morgan and Parker.

A Member queried whether, as he was one of the Members requesting the benefit of the dispensations, he should refrain from voting on this decision. The Head of Legal and Democratic Services confirmed that all Members of the Committee would have been in the same position when dispensations were previously sought and advised that all Members of this Committee should be eligible to deliberate and vote in relation to the dispensations.

RESOLVED: That

- [1] the dispensations granted to Fire Authority Members on 8th February 2013 be extended to benefit Councillors Bailey, Booher, Daniels, Edgar, Mahon, Marren, Mercer, Morgan and Parker thereby allowing them to take part in the debates and votes on the setting of the Council Tax precept, and approval of the Members' Allowance scheme (and any changes and/or additions to it).**

3 APPOINTMENT OF THE INDEPENDENT PERSONS

The Head of Legal and Democratic Services advised Members that this report asked Members to recommend to the Fire Authority that the appointments of the Independent Persons be extended to December 2018.

The Head of Legal and Democratic Services referred Members to Appendix 1 of the report which was an extract of Section 28 of the Localism Act 2011 (the Act) which included the requirement to have arrangements to deal with complaints about breaches of the Members' code of conduct that must involve an Independent Person. He confirmed that two Independent Persons had been engaged following a recruitment process overseen by this Committee with the Fire Authority appointing Robert Fousert and David G Sayer in December 2012

for a three year term. He confirmed that there had not been a requirement to call upon the Independent Persons since their appointment.

He advised that the Act did not specify how long the tenure of Independent Persons should last and did not deal with the possibility of renewing/extending appointments; nor did it prevent renewal/extension. He suggested that, as the Authority had not had occasion to contact its Independent Persons, it seemed sensible to extend the appointments to December 2018.

Members agreed that this was a sensible approach.

RECOMMENDED: That

- [1] the Fire Authority extends the appointments of Robert Fousert and David G Sayer as Independent Persons for Cheshire Fire Authority until December 2018.**

**4 LOCAL CODE OF CORPORATE GOVERNANCE ACTION PLAN –
PROGRESS UPDATE**

The Head of Legal and Democratic Services introduced this report which he explained provided Members with a progress update on the implementation of the Local Code of Corporate Governance Action Plan, which was attached as Appendix 1 to the report. He reminded Members that the framework published in 2007 entitled 'Delivering Good Governance in Local Government (the Guidance)' had encouraged local government bodies to measure their own governance arrangements locally by using six core principles. He confirmed that the Service had developed a local code of corporate governance which had been refreshed and approved by this Committee in November 2013. He advised that Members agreed that the Committee would receive an update on progress of the areas of non-compliance identified, twice a year.

He referred Members to Appendix 1 to the report which provided the latest position on the Service's Local Code of Corporate Governance action plan which he advised was regularly reviewed and monitored by the relevant action owners. He described each of the four actions detailed as follows:

- The development of Sharepoint for improving version control functionality for all of the Service's policies was still being progressed and would continue to be developed.
- The Risk Management Policy and Framework had been recently refreshed and submitted for approval of the Policy Committee at its meeting on 16th December.
- Review of the partnership arrangements and how these were defined and managed by the Service would continue to be progressed. A mapping exercise was the next part of this process.
- Governance arrangements for NWFC had been implemented which included detailed annual reporting of performance to the Performance and Overview Committee along with quarterly high level performance statistics also reported to that committee within the general performance reporting arrangements.

Members discussed the risks of partnerships not being adequately governed and suggested that the Service would benefit from considering the objectives of partnerships to enable the measurement of the contribution of the partnership arrangements allowing them to be effectively monitored and reviewed. The Head of Legal and Democratic Services confirmed that officers would report back to this Committee in relation to work being carried out on mapping out the Service's expectations for partnership arrangements.

RESOLVED: That

- [1] the Local Code of Corporate Governance Action Plan – Progress Update report be noted; and**
- [2] further detail on the work in relation to mapping out the Service's partnership arrangements be presented at a future meeting.**

5 INDEPENDENT (NON-ELECTED) MEMBERS

The independent members left the meeting, following their declaration of an interest in this agenda item. The Chair thanked the independent members for their contribution.

The Head of Legal and Democratic Services introduced this report which asked Members to determine how they wished to deal with the introduction of a term of office for independent (non-elected) members (IMs).

The Head of Legal and Democratic Services provided Members with some background to this report and explained that under the old standards regime there had been a requirement for IMs to be involved in standards committees, with one IM chairing the Committee. He advised that, following the change in law, the current arrangements for standards and governance were introduced in 2012. He reminded Members that a decision was made by Members at that time to retain the role of IMs who would act in an advisory capacity.

Members discussed the existing role of IMs and how the role could be redefined but still provide challenge and an independent view to the Fire Authority and its Committees. Members agreed that they wished to retain IMs but felt that there was a need to consider how they were utilised e.g. too great a focus on Governance and Constitution Committee.

Members discussed whether a term of office should be introduced and suggested that a similar term to elected Members would be appropriate. It was agreed that a term of office of 4 years would be recommended and that existing IMs would be able to re-apply. A Member suggested that the recruitment process should be progressed in time for the new appointments to take place at the annual meeting of the Fire Authority in June 2016.

Members concluded by discussing the number of IMs to be appointed, the recruitment process and which committees and groups they should be appointed

to. It was agreed that it be recommended that the number of IMs appointed be reduced to two and that the documents for recruitment, which were provided as Appendix 1 to the report, should be reviewed and updated.

The Head of Legal and Democratic Services asked Members to consider their involvement in the recruitment process and it was proposed that Cllr S Wright (Chair), Cllr M Biggin, Cllr D Marren and Cllr L Morgan should meet to progress the recruitment.

RECOMMENDED: That the Fire Authority endorses the proposed approach summarised below

- [1] independent members to be retained in an advisory capacity;**
- [2] role of independent members to be reviewed;**
- [3] number of independent members to be reduced from 3 to 2.**
- [4] independent members to serve a term of four years but be eligible to apply to serve a further term; and**
- [5] new arrangements to be introduced in time for appointments to be made at the Fire Authority's meeting in June 2016.**

RESOLVED: That

- [1] Councillors S Wright, L Morgan, M Biggin and D Marren facilitate the work associated with the recommendations on behalf of the Committee.**