



MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 16 July 2014 at Fire Service HQ at 10:00 am.

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

independent member: Mr W Ravenscroft

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A CHAIR AND MEMBERSHIP OF COMMITTEE 2014/15

The Agenda sheet contained details of the appointment of a Chair, Deputy Chair and membership to this Committee for 2014/15, as agreed by the Fire Authority at its Annual General Meeting on 18 June 2014 as listed below:

Councillors:

H Mundry - Chair

M Biggin

J Houlbrook

B Livesley

R Polhill

T Sherlock – Deputy Chair

Substitute Members:

Cllr D Brickhill

Cllr C Thorley

Cllr N Wright

Members were also reminded that Mr R Garner, Mr M McBride and Mr W Ravenscroft attended this Committee in a non-voting advisory capacity.

B APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Houlbrook and independent members Mr R Garner and Mr M McBride.

C DECLARATION OF MEMBERS' INTERESTS

There were no declarations of Members' interests.

D MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE

RESOLVED: That

the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 2nd April 2014 be confirmed as a correct record.

ITEMS REQUIRING DISCUSSION / DECISION

2 COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2013-14

The Head of Legal and Democratic Services introduced this report which provided Members with information in relation to Compliments and Complaints about the Service made during the period 1st April 2013 to 31st March 2014.

He advised Members that the report detailed comparative data on the overall number of compliments and complaints recorded for the past five annual reporting periods. It showed that the number of complaints had remained relatively static since there had been a change in the handling of complaints prior to the 2011-12 reporting period.

The Head of Legal and Democratic Services drew Members' attention to the appendices attached to the report which gave further details of the complaints and compliments received and a brief note of any action taken in response to each complaint. He advised Members that two formal complaints had been recorded which had not been resolved by the Service and were subsequently referred to the Local Government Ombudsman. He confirmed that a decision was received from the Ombudsman that the first of the complaints would not be investigated and that a response had recently been received from the Ombudsman, in relation to the second of the complaints indicating that no further action was likely.

The Head of Planning, Performance and Communications described the impact of social media on the amount of feedback, both positive and negative, received by the Service and advised Members that this type of feedback had not been included within this report due to the volume received. However, he confirmed that the feedback received through social media was monitored by Corporate Communications to identify and respond to any issues quickly.

RESOLVED: That

- [1] the information regarding Compliments and Complaints made during the period 1st April 2013 – 31st March 2014 be noted**

3 SUMMARY OF MEMBERS ATTENDANCE JUNE 2013 – MAY 2014

The Head of Legal and Democratic Services explained that this report provided Members with information in relation to Member attendance for the Committee's consideration. Members were also being asked to consider whether they

wished to make any amendments to the principles previously adopted in respect of the monitoring of attendance.

He referred Members to Appendix 1 attached to the report, which summarised Member attendance at the Fire Authority and three main committees for 2013/14. He explained that Members had previously agreed an acceptable level of attendance to be 70% and that this level had been achieved.

Members pointed out that the report only covered a small proportion of their input and time commitment to fire authority business. They regularly attended a number of additional meetings and conferences, both locally and nationally, and events which included open days, Princes Trust presentations and project openings and road safety events.

Members requested that consideration be given to revising the report to provide a more accurate reflection of Members' commitment (i.e. attendance at additional meetings and events).

Members agreed that percentages need not be shown in future reports but should be used to check that attendance remained at acceptable levels.

RESOLVED: That

- [1] the summary of Member attendance at meetings of the Authority and its three main Committees for 2013-2014 be noted; and**
- [2] officers produce a report next year which more accurately reflects the level of Member commitment.**

4 FIRE AND RESCUE NATIONAL FRAMEWORK STATEMENT OF ASSURANCE

The Head of Planning, Performance and Communications introduced this report which presented Members with the draft Statement of Assurance 2013-14 for their consideration and approval. He reminded Members that one of the requirements of the Fire and Rescue National Framework for England (2012) was the publication of an Annual Statement of Assurance which provided assurance on financial, governance and operational matters. He referred to the Authority's first Statement of Assurance which he advised was approved by the Fire Authority and published on the Service's website in December 2013. He explained that the Statement of Assurance was now included within the Service's corporate timetable and would be presented to the Fire Authority at its meeting in September.

He introduced the Corporate Programme Manager who was also in attendance at the meeting. She explained that the purpose of the Statement of Assurance was to bring information together into a single document that was easily understood and accessible to members of the public. She confirmed that this document would be published on the Service's website and would provide links to more detailed information on related sites, providing transparency.

The Corporate Programme Manager explained that the Committee had been presented with and had approved a refreshed 'Local Code of Corporate Governance Framework' at its meeting in November 2013. She confirmed that this framework had provided a simple structure for monitoring compliance and providing assurance under the six principles of the Code of Corporate Governance. This framework had been adopted for the monitoring of compliance to National Framework requirements which was detailed as Principle 7 in Appendix 2 attached to the report.

She summarised by advising Members that action plans were in place which covered any identified areas for improvement and that progress against actions would be reported to the Committee twice yearly as previously agreed.

A member suggested it may be beneficial, for ease of reference, to include within Principle 7 a clear indicator of compliance similar to the format in the other Principles. The Corporate Programme Manager confirmed that this would be considered for future reporting.

RESOLVED: That

- [1] the Statement of Assurance 2013-14 be approved for submission to the Fire Authority.**

5 REVIEW OF WHISTLEBLOWING POLICY AND PROCEDURE

One of the Service's solicitors introduced this report which included the recommendations contained in the Whistleblowing Commission's Code of Practice for effective whistleblowing arrangements and the Government Response to the Whistleblowing framework call for evidence. She advised Members that the Authority's existing Whistleblowing Policy and Procedure was attached as Appendix 2 to the report, including recommended changes to reflect good practice, shown in red.

She summarised the main changes to the Whistleblowing Policy and Procedure which were detailed within the report and included a recommendation that one person should be identified who would have overall responsibility for the implementation of the whistleblowing arrangements. She proposed that the Monitoring Officer would be the most appropriate person for the Authority.

The Service's Solicitor explained that the Code also contained recommendations relating to accessibility and training. She proposed that the revised policy and procedure could be more highlighted on the Service's website to ensure it was more readily accessible and that it could be covered within the induction sessions for new employees.

A member commented that it was an excellent report and showed good amendments to the policy and procedure. He queried the reference to confidentiality and whether the Service had a confidential reporting procedure in place. The Service's Solicitor confirmed that the Safecall procedure was already in place which worked in conjunction with the Whistleblowing Policy and Procedure as a way for employees to report issues confidentially.

A member referred to the identity of the whistleblower remaining confidential and suggested that when the Authority was required by law to disclose this information, this may deter staff from whistleblowing. The Service's Solicitor responded that in some legal circumstances there may be a requirement to disclose this information.

A Member queried whether a right to reply had been included within the policy and procedure as he felt it was important for the person accused of misconduct to be informed of any allegation and be given the right to reply. The Head of Legal and Democratic Services confirmed that it would depend on the circumstances and that initially the Monitoring Officer would discuss the matter with the whistleblower and make a judgement on what further action, if any, was required.

RESOLVED: That

[1] the changes to the Whistleblowing Policy and Procedure be approved; and

[2] the additional recommendations in paragraph 14 of the report be implemented.

6 OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Head of Legal and Democratic Services advised Members that this report provided further information about the implementation of the Openness of Local Government Bodies Regulation 2014 (the Regulations). He explained that the report included proposals as to how the Authority may meet the requirements contained in the Regulations.

He reminded Members that the Committee discussed the requirements contained in the draft Regulations at its meeting in February during their consideration of a report about the Scheme of Delegation. He explained that Members views were sought to assist officers in formulating a response to a form of consultation by the Department of Communities and Local Government.

He explained that the Regulations allowed reporting of meetings in its broadest sense as well as introducing requirements concerned with the documenting and publishing of officer decisions.

The Head of Legal and Democratic Services provided Members of the Committee with a revised version of Appendix 4 of the report which contained a draft Protocol on reporting at meetings. He explained that this protocol had been developed for the Authority to set out its approach to certain types of reporting at its decision-making meetings. Primarily the Protocol was concerned with reporting that involved filming, photographing and/or audio-recording of meetings.

A Member queried whether part 2 (where the press and the public were excluded) of a meeting would be recorded and the Head of Legal and Democratic Services confirmed that it need not be recorded.

A member asked whether it would be clear on the recording which officer or Member was speaking and the Head of Legal and Democratic Services responded that the Chair would normally invite a Member (by name) to speak at a formal meeting.

Members queried whether the minutes of the meeting could be challenged at a later date if the meeting was recorded by a member of the public. The Head of Legal and Democratic Services confirmed that once the minutes of a meeting had been signed and agreed as a correct record by the Chair of the meeting, that the minutes would take precedence.

A Member asked whether the recording of meetings could be obtained by a freedom of information request and the Head of Legal and Democratic Service confirmed that this would be the case if the meeting had been recorded.

RESOLVED: That

- [1] the protocol on Reporting at Meetings be approved for adoption by the Fire Authority; and**
- [2] the position in relation to the recording of decisions be noted**