



**MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 26 June 2013 at Fire Service HQ at 10:00 am.**

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

Independent Members: Mr R Garner and Mr M McBride

**PART 1 – MATTERS CONSIDERED IN PUBLIC**

**1 PROCEDURAL MATTERS**

**A CHAIR AND MEMBERSHIP OF COMMITTEE 2013/14**

Members were asked to note the appointment of a Chair and membership to this Committee for 2013/14, as agreed by the Fire Authority at its Annual General Meeting on 12 June 2013 and listed below:

Councillors:  
H Mundry - Chair  
M Biggin  
J Leather  
B Livesley  
R Polhill  
T Sherlock

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 B Livesley and Independent Member Mr W Ravenscroft.

**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 27 March and 17 April 2013 be confirmed as a correct record.**

## ITEMS REQUIRING DISCUSSION / DECISION

### 2 COMPLIMENTS AND COMPLAINTS – ANNUAL REPORT 2012 - 13

The Head of Legal and Democratic Services introduced this report which provided Members with statistics related to recorded compliments and complaints made to the Authority by members of the public during the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.

He brought Members attention to the table detailing the number of compliments and complaints recorded over the past six years which had remained fairly consistent. He explained that the main changes reflected in the figures occurred from 2010 onwards when a revision to the Compliments and Complaints procedures enabled complaints to be dealt with informally at initial contact. This resulted in less complaints being escalated to the formal process. He advised Members that the total numbers of complaints and compliments recorded remained fairly low and that no particular trends had been identified.

A Member asked what the Local Government Ombudsman's role would be if a complaint was referred to them as he noted there had been none for this reported period. The Head of Legal and Democratic Services responded that the Local Government Ombudsman rarely became involved as this would be the final stage in the process if a complaint remained unresolved. The Ombudsman had the same powers to deal with the fire service as were available to deal with a local authority.

A member referred to a number of complaints that had been reported as following the relevant HR process and queried whether this was because they were confidential. The Head of Legal and Democratic Services confirmed that the Service's Compliments and Complaints procedure detailed a number of exclusions that would not be reported as part of this process and these exclusions included complaints regarding personnel matters. He explained that these complaints were dealt with as part of the Service's HR processes and only the initial receipt of the complaint would be reported.

Members queried a recent complaint that had been received by Fire Authority Members. The Head of Legal and Democratic Services advised Members that he would provide a response in due course.

The Head of Planning, Performance and Communications advised Members that feedback received from consultations and other Service-led user engagement activities were not featured within this report as the feedback had been actively sought by the Service. However he confirmed that if a specific concern was received it would be fed into this complaints process and reported upon.

#### **RESOLVED: That**

- [1] the information regarding Compliments and Complaints recorded for the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013 be noted.**

### **3 SUMMARY OF MEMBERS ATTENDANCE JUNE 2012 – MAY 2013**

The Head of Legal and Democratic Services introduced this report and advised Members that it was this Committee's responsibility to monitor Members' attendance and that this information was reported on an annual basis.

He explained that the appendix attached to the report provided details of Members attendance for the period June 2012 to May 2013. He advised that Members of this Committee had previously agreed that an acceptable level of attendance was deemed to be 70% in respect of meetings of the Fire Authority and its three main committees. He referred to a handout provided to Members at the meeting which provided additional statistics regarding Members' attendance at events and other meetings on behalf of the Authority. The Head of Legal and Democratic Services commented that the reported statistics were extremely good and attendance remained above the acceptable level. He brought Members attention to the attendance levels at Fire Authority meetings which were extremely high.

Members commented that since this Committee had set and monitored the acceptable attendance standard the resultant annually reported statistics had shown a significant improvement.

#### **RESOLVED: That**

- [1] the summary of Members attendance at meetings of the Authority and its three main committees for 2012-2013 be noted.**

### **4 2012 – 13 INTERNAL AUDIT REPORT: CORPORATE GOVERNANCE**

The Head of Planning, Performance and Communications presented this report to Members which summarised the findings of this year's Corporate Governance audit carried out by RSM Tenon in March 2013.

He provided some background to this report by explaining that in 2007 the Chartered Institute of Public Finance and Accounting (CIPFA) published a guidance document which encouraged all local government bodies to measure their own governance arrangements.

He informed Members that the Service had followed the guidance and produced a Corporate Governance Action Plan that had been monitored regularly by this Committee (previously the Standards Committee), who signed off the Action Plan in March 2012. The Head of Planning, Performance and Communications explained that it had been anticipated that a revision of the guidance would be published late in 2012 but that this had not materialised. As a result, he advised that the Service had decided to refresh its approach to its governance arrangements and the Authority's internal audit was used to carry out an independent check of the closed Action Plan together with the associated monitoring and reporting processes in order to provide further

assurance to Members. He drew Members' attention to the Executive Summary attached to the report which had been provided by RSM Tenon, following the internal audit of the Authority's governance arrangements.

The Head of Planning, Performance and Communications summarised the report and advised that a further report would be provided to this Committee at its September meeting with the proposed revised arrangements for reporting and monitoring the Service's future governance arrangements. He advised that consideration would be given to the publication of documents in relation to governance and assurance to ensure they were made easily accessible to members of the public and were written in a user friendly format. Members agreed that a clear and understandable format was important for future reporting.

Members discussed the future reporting arrangements detailed in one of the recommendations (reference number 11) within the report. They felt the reports should be predominantly focussed on problematic areas but should also include some assurance about positive areas in order to provide an overall view.

**RESOLVED: That**

**[1] the internal auditors' findings and recommendations be noted and the proposed actions set out in the attached Executive Summary be endorsed with the following requirement in respect of recommendation 11:**

**i) The reporting arrangements should be predominately focussed on areas which require remedial work but should include some assurance about positive areas.**

**5 REDRAFTING THE FIRE AUTHORITY CONSTITUTION**

The Head of Legal and Democratic Services presented this report which sought Members views about 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 was the second report and included sections of the re-drafted Constitution concerned with Procedural Matters and Members' Roles. He took Members through the report and appendices securing their response to various questions.

The Head of Legal and Democratic Services explained that he had attempted to merge together procedural matters contained within the existing Constitution placing them in logical groupings with the intention of making them more accessible. Members asked whether the Procedural Matters applied to the Fire Authority only or included the other Committees. The Head of Legal and Democratic Services confirmed they were a generic set of procedures for all committees with matters specific to the Fire Authority or other meetings to be captured separately.

The Head of Legal and Democratic Services then requested Members comments regarding the Procedural Matters for the 'Conduct of Meeting' element. Members discussed a number of areas including the time limit for addressing the Fire Authority at a meeting and felt that this should be left to the Chair's discretion. They requested clarification from the Head of Legal and Democratic Services on certain points pertaining to the order of business and rules of debate. Members agreed that the rules of debate needed to remain in full within the Constitution as a fallback position for any issues which may arise in the future. However consideration should be given to re-wording the section detailing 'when a Member may speak again'.

Members' attention was drawn to the requirements in respect of 'voting'. The Head of Legal and Democratic Services advised that he had revised the wording in this section and Members queried the procedures for recording votes within the minutes.

The Head of Legal and Democratic Services concluded that he had a small amount of additional work was needed in order to finalise the Procedural Matters incorporating the points raised by Members.

The Head of Legal and Democratic Services continued with the next section detailing Members Roles and sought Members comments on the two appendices attached to the report. He explained that the first example was an amalgamation of those parts of the existing constitution that appeared to have a bearing on the roles of Members and the second was an extract from a local authority constitution which described the roles and responsibilities of Members in broader terms.

Members discussed the content of the two documents and concluded that they would prefer a merged version of the two examples detailing Members Roles to provide a more generic view within the Authority's Constitution.

The Head of Legal and Democratic Services noted Members views and comments and advised that the final version of the revised Constitution would be reported to the Fire Authority in December. Members queried whether to report it in sections and then the first report could be provided to the September meeting of the Fire Authority. The Head of Legal and Democratic Services confirmed he would consider the feasibility of this. Members commented that the Governance and Constitution Committee's meeting scheduled in December should be brought forward to take place prior to the December meeting of the Fire Authority as this would enable the final version of the proposed new Constitution to be considered prior to reporting to the Fire Authority.

**RESOLVED: That**

- [1] the officers continue with the ongoing work in redrafting the Constitution taking into account the guidance provided by the Governance and Constitution Committee.**