



**MINUTES OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on 27 February 2014 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 M McBride and Mr W Ravenscroft

**PART 1 – MATTERS CONSIDERED IN PUBLIC**

**1 PROCEDURAL MATTERS**

**A APOLOGIES FOR ABSENCE**

Apologies were received from Councillor B Livesley and Independent Member Mr R Garner.

**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 Friday 8 November 2013 be confirmed as a correct record.**

**ITEMS REQUIRING DISCUSSION / DECISION**

**2 SCHEME OF DELEGATION UPDATE AND UNITARY PERFORMANCE GROUPS**

The Head of Legal and Democratic Services introduced this report which provided Members with an update in relation to progress in redrafting the Scheme of Delegation. It also sought Members' guidance about the role and operation of the Unitary Performance Groups (to be reflected within the Authority's Constitution).

The Head of Legal and Democratic Services explained to Members that since the report was drafted he had become aware of a proposal by the Government to change the law relating to the openness of meetings and the recording of decisions. This had direct relevance to the Authority and its work on the

Scheme of Delegation. A copy of the letter to the Chief and the Chair from CLG, an extract from the descriptive summary of the draft Openness of Local Government Bodies Regulations 2014 and a copy of the draft response that Merseyside Fire and Rescue Authority were considering was distributed to help inform the discussion.

The Head of Legal and Democratic Services provided a brief summary of the proposals. Whilst he was seeking Members' views and intended to feed these back to the Government, the process did not appear to be a true Consultation.

He summarised the two main elements to the proposals as follows:

- What people were able to do at public meetings by way of filming, use of social media etc.
- What local government bodies needed to do to record, publicise and make available certain decisions made by officers.

The extract from the descriptive summary had been produced to provide Members with a short document stating what the regulations were intended to achieve. Whilst the Authority meetings did not normally attract members of the public the Authority would need to think about how it would wish to secure compliance with the regulations and maintain order in its meetings.

There would also be a need to clarify which kinds of decisions made by officers would need to be recorded, published and made available. This should tie in with the scheme of delegation so that it was as clear as possible when the requirements applied and needed to be complied with.

Members discussed the information provided and a number of comments were made in respect of both proposals. The following comments were noted:

1. A protocol should be developed to regulate any filming or recording at public meetings to ensure that these activities were not allowed to disrupt meetings;
2. Individuals wishing to film/record meetings should be required to inform the Authority in advance of doing so;
3. The Authority may prefer to record/film relevant meetings to ensure it has its own record (e.g. edited recordings which might show elements out of context could then be challenged);
4. Allowing filming/recording could have the opposite effect on transparency as it could stifle debate.

The Head of Legal and Democratic Services summarised the comments made and explained that he would draft a brief response detailing the issues raised. He would circulate this response to Members for comment prior to submitting it to CLG.

An update on progress on the revisions to the Scheme of Delegation was also provided and the Head of Legal and Democratic Services explained that whilst progress had been made it was slower than anticipated. This was largely due to

competing demands on a number of officers who needed time to engage fully in the process in order to do the work justice. As a result a revised scheme had been produced which was intended to be an interim version as the existing scheme did need to be updated as it was deficient in a number of respects. It was proposed that a more comprehensive scheme would be developed and presented to Members later in the year.

Members discussed the proposals and a number of comments and amendments were suggested for further consideration as follows:

- Links to reporting lines and job descriptions would be useful;
- Further clarity on who was responsible to whom required;
- Should simply list delegation powers for each role;
- Add reference to general power of competence;
- Amend amount that the Head of Legal and Democratic Services can settle actions from £10k to £25k;
- Add 'liaison with other FRA's' to the Chief Fire Officer's responsibilities.

The Head of Service Delivery was in attendance at the meeting and provided his views on reporting lines and the hierarchy within the operational side of the organisation.

The Head of Legal and Democratic Services explained that he would also like Members to review the existing wording within the Constitution associated with the role and operation of the Unitary Performance Groups (UPGs), which was attached as an appendix to the report. He explained that the Head of Service Delivery had come along to the meeting to provide further information on the current operation of the UPG's if it was required.

There were three specific questions asked:

**Question 1 – Do UPG's make decisions?**

**Question 2 – Is there sufficient governance in relation to UPG spending?**

**Question 3 - Is it appropriate to maintain UPG reserves indefinitely and, if so at what level**

Members discussed the questions raised and a number of comments were made.

The UPGs do make decisions on the budgets devolved to them but also have a number of informal discussions. Generally Members felt that it was not necessary to hold these meetings in public but understood that the governance of the meetings should be reviewed.

A Member queried where these groups currently fit within the decision-making and management structure of the Authority. The Head of Service Delivery provided information on the history of the development of the UPGs and the functions that they were, primarily, used for. He provided examples of where they had accessed the funding available for local initiatives with partners. He commented that the UPGs had been influential in tackling local issues within their areas which had resulted in a number of positive outcomes as they could

act quickly and had the local knowledge/connections to help initiatives to succeed. In respect of decision-making the Fire Authority approved the overall budget provision of £25k per annum for each UPG. Bids of £500 or more had to be justified through the production of a business case. The business case was submitted to the Head of Service Delivery who, where appropriate, consulted with the relevant departments (including Finance and Legal) and then presented the document to UPG Members for decision.

It was noted that there was a need to formalise the current approach and ensure that the governance arrangements were documented. The role and operation of UPGs would need to be updated in the Constitution to achieve this. However Members were keen to ensure that UPGs were not stifled by bureaucracy as they felt it was one of Authority's key tools for effective intervention in the community.

Members also discussed the current level of UPG reserves (approx £360k) which had been built up over a number of years due to regular underspends in all four areas. Members agreed that the reserves were too high and suggested that there should be a cap on the amount of reserves held. A cap of £100k was suggested with any underspend being available in the general fund.

The Head of Legal and Democratic Services thanked Members for their input and explained that he would revise the role and operation of the UPG's in the Constitution and would add a paragraph in respect of the reserves.

It was noted that the Governance and Constitution Committee had a meeting prior to the Fire Authority in April and the Head of Legal and Democratic Services would provide an updated copy of the interim Scheme of Delegation and details of the revised wording for UPGs for this meeting.

**RESOLVED: That**

- [1] the approach suggested in the report, to produce an interim Scheme of Delegation be endorsed, pending more detailed work being presented to Members later in the year; and**
- [2] officers be authorised to produce updated wording about the role and operation regarding the Unitary Performance Groups, subject to the comments provided by the Committee being incorporated.**

**3 BLACKLISTING**

The Head of Legal and Democratic Services introduced this report which provided details of proposed changes to the Authority's procurement methods to help reduce the likelihood of the Authority contracting with an organisation engaged in blacklisting practices.

He provided Members with some background to the report and highlighted the industries where blacklisting had taken place. It was proposed that the Authority adopted a statement on its stance in relation to blacklisting, amended its pre-qualification procurement process and changed the standard contract

conditions to ensure that, wherever necessary and appropriate, the Authority could disassociate itself from dealing with companies proved to have been engaged in blacklisting.

Members discussed the proposals and agreed the recommendations subject to a minor amendment to the statement.

**RESOLVED: That**

- [1] the Statement set out in paragraph 8 of the report in relation to 'blacklisting', subject to the amendment of the wording by removing 'may' and replacing it with ' will, where possible', be recommended to the Fire Authority for adoption;**
- [2] the changes to the Authority's pre-qualification procurement process, such that officers may reject those organisations that have been involved in 'blacklisting' be approved; and**
- [3] the changes to the standard contract conditions to include a clause specifically addressing 'blacklisting', be approved.**

**4 BRIBERY ACT 2010: UPDATE**

The report provided Members with an update on the delivery of actions endorsed by the Committee at its meeting on 27 March 2013 in relation to the implementation of the Authority's Anti-Bribery Policy. The Head of Legal and Democratic Services explained that the action plan contained a narrative about action taken to date. He added that it was important to record the actions taken to ensure that the appropriate measures were re-inforced by updating documentation and through the promotion of the Anti-Bribery message.

**RESOLVED: That**

- [1] the contents of the Bribery Act 2010 Update Report and the delivery of the actions contained in the action plan be noted.**