



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

**PART 1 – MATTERS CONSIDERED IN PUBLIC**

**1 PROCEDURAL MATTERS**

**A APOLOGIES FOR ABSENCE**

Apologies were received from 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 8 February 2013 be confirmed as a correct record.**

**ITEMS REQUIRING DISCUSSION / DECISION**

**2 PRODUCTION OF ANNUAL GOVERNANCE STATEMENT 2012-13**

The Head of Planning, Performance and Communications introduced this report which provided Members of the Committee with an overview of the Annual Governance Statement (AGS) process and timetable for the production of the statement for 2012-13.

He informed Members that the preparation and publication of the AGS was required to meet the statutory requirements set out in the Accounts and Audit Regulations. He brought Members attention to the AGS Process Map 2012/13 which he advised was supported by the Service's key corporate processes and documents, reviewed by the independent internal auditors (RSM Tenon) and resulted in the Annual Governance Statement being presented to Members of the Closure of Accounts Committee.

The Head of Planning, Performance and Communications summarised the refreshed guidance that stated the AGS should be more publicly available and be written in an open and readable style. He advised that the AGS would be published on the Service's website and would provide links to the Service's key corporate documents for the public to access. Additionally a streamlined report would be printed. He provided further information on the process of how the AGS was developed and evaluated with any areas of improvement being captured in an action plan which was monitored during the year. He advised Members that progress on 2011-12 actions was presented as an appendix within the report. The Head of Legal and Democratic Services stated that good progress had been made against the majority of actions detailed with the exception of the arrangements for partnerships which was still a live issue. Work was continuing to address this.

Members discussed the process and queried the timeline for presenting the Corporate Governance Actions to this Committee. The Head of Planning, Performance and Communications confirmed that the timelines would be reviewed.

**RESOLVED: That**

- [1] the Annual Governance Statement process and timetable be noted; and**
- [2] progress on the 2011-12 Annual Governance Statement action plan be noted**

**3 BRIBERY ACT 2010**

The Head of Legal and Democratic Services introduced this report which informed Members of the Committee about the provisions of the Bribery Act 2010 (the Act) and the guidance issued by the Ministry of Justice (the Guide). He advised Members that the report sought the Committee's approval for an Anti-Bribery Policy and the actions associated with continued compliance with the Act being secured.

He explained that the Act had come into force in 2011 and had replaced various pieces of old legislation that concerned corruption. He brought Members attention to the most significant change in the legislation which introduced an offence entitled "Failure of commercial organisations to prevent bribery". He advised that for organisations to avoid prosecution they needed to have an Anti-Bribery policy in place which was accessible to employees and was understood by them.

The Head of Legal and Democratic Services summarised the extract from the Act which had been provided to Members as an appendix to the report. He highlighted the six principles to be considered within the policy and how it should be communicated and monitored to ensure it was embedded. He explained that it was important for the policy to be agreed by Members and that responsibility for the policy sat with a senior officer, in the Authority's case, the

Chief Fire Officer. The proposed Anti-Bribery Policy was attached as appendix 2 to the report.

Members queried why there wasn't a 'zero tolerance' statement within the policy. The Head of Legal and Democratic Services explained that the wording used reflected 'zero tolerance' without using the term and Members confirmed that the wording was acceptable.

Members discussed the importance of keeping records on how the policy was communicated in order for the Authority to defend itself if an employee was found to have committed a bribery offence and suggested employees could sign to accept they have understood the policy. It was also suggested that training for the Authority Members could be carried out at the end of a Fire Authority meeting. The Head of Legal and Democratic Services confirmed that the policy would be communicated through various channels which included the Intranet and it would also be part of the Induction briefing for new employees.

**RESOLVED: That**

- [1] the content of the Bribery Act 2010 report be noted and the Anti-Bribery Policy be approved; and**
- [2] the actions contained in the report be endorsed.**

**3 REDRAFTING THE FIRE AUTHORITY CONSTITUTION**

The Head of Legal and Democratic Services presented this report which provided an update on progress with the redrafting of the Constitution. He sought Members' guidance on various issues. He advised Members that the intention was to make the document shorter, clearer and more accessible than the existing version. He took Members through the report and appendices securing their response to various questions.

The Head of Legal and Democratic Service brought Members' attention to the proposed list of contents of the new Constitution which appeared as an appendix to the report and asked them to compare it with the existing list of contents. Members confirmed that they were happy with the proposed contents.

The Head of Legal and Democratic Services then referred to progress that had been made with a number of sections of the new Constitution which had been provided as an appendix to the report and summarised the proposed changes. Members considered the revised sections and indicated that they were comfortable with the content and style.

Members commented that it was not clear in the section 'Cheshire Fire Authority' how the number of Members of the Fire Authority was established and how, if required, they could be changed. The Head of Legal and Democratic Services confirmed that these requirements were detailed in the Cheshire Fire Service (Combination Scheme) Order 1997 which would be attached to the new Constitution once it was completed.

Members asked what would happen if one of the constituent authorities made the decision not to appoint any Members to the Authority. This would mean that the Authority meetings would not be quorate as not all constituent authorities would be represented. Members felt that a requirement for contingency arrangements should be explored further.

The Head of Legal and Democratic Services sought Members comments on the table attached to the report as an appendix which summarised all of the Authority's main Committees and the key requirements for each one. Members confirmed they were happy with this approach to presenting key information. They discussed how appointments to the Committees were made and made reference to areas of the content which required further development.

Members' attention was then drawn to the documents within the report which showed the functions of the main Members' decision-making bodies. Members agreed that their preferred description for the role of decision making bodies should be 'Responsibilities'. Members discussed the responsibilities of the main decision making bodies and it was felt that Policy Committee's role remained largely advisory, carrying out more in-depth work on elements of policies, plans and strategies, making recommendations to the Fire Authority. It was felt that the balance of responsibilities between the Fire Authority and Policy Committee was correct. The Head of Legal and Democratic Services explained these documents would need to be shared with Group Spokespersons and senior officers.

The Head of Legal and Democratic Services advised that officers would continue to draft further sections which included Procedural Matters, Outside Bodies and Members' Roles and these would be reported to this Committee at the next meeting.

The Head of Finance provided Members with an overview of the simplified version of the Financial Regulations. He explained that the table format detailed the key activities and responsibilities of Officers and/or Members for each. Members discussed the content and agreed that the revised format provided clarity.

The revised Financial Regulations included a section on quotations and tenders. The Head of Procurement attended the meeting to provide Members with a presentation of the new procurement E Tendering system, which was used by the Service when seeking quotes and/or tenders for services from external suppliers. He explained that Members had previously discussed the involvement and responsibility of Members in the opening of tenders.

The Head of Procurement summarised the advantages of the E Tendering system which had been purchased in collaboration with 3 other North West Fire Authorities. He explained that the system was fully auditable and provided a secure way to exchange documentation throughout the tendering process. He advised Members that the previous paper based tendering process required the Chair of the Authority to attend and sign the opening of tenders received. The new fully electronic based system locked down any tenders received until the deadline and the tenders would then be opened by a simple click of a button, all

of which was time recorded on an activity log within the system for audit purposes.

Members felt that there was still a requirement for a Member to have visibility in the process of opening tenders but that this could be achieved by the Member Champion for Procurement having access to the E Tendering system remotely and that, along with the controls within the system, would be acceptable.

**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.**