

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**EXECUTIVE COMMITTEE**

**10<sup>th</sup> JANUARY 2011**

**1. CLERK TO THE AUTHORITY/PRESIDENT OF THE CHIEF FIRE OFFICERS' ASSOCIATION**

Report of the Treasurer

**RECOMMENDED**

- 1.1 That the Fire Authority be recommended to approve the role of Clerk/Monitoring being undertaken by the Director of Legal and Governance Services Sandwell MBC.
- 1.2 That approval be given for additional support to be provided to the Authority by Mrs Susan Phelps as set out in the report and that this arrangement be reviewed after 12 months.
- 1.3 That the Chief Fire Officer be congratulated on being elected as Vice President Elect of the Chief Fire Officers' Association from September 2010, leading to mandatory appointment as Vice President in September 2011, leading to appointment as President in 2012, and that the commitment and associated benefits to the Authority as set out in the report be noted.

**2. PURPOSE OF REPORT**

- 2.1 Members will be aware that since 2006, the post of Clerk to the Authority has been carried out by the Head of Governance Services at Sandwell MBC. The Monitoring Officer role is undertaken by the Head of Legal Services at Sandwell MBC.
- 2.2 The Clerk has taken early retirement from Sandwell MBC with effect from 31<sup>st</sup> December 2010 and it proposed that the Director of Legal and Governance Services (formally the Head of Legal Services) be appointed as Clerk/Monitoring Officer to the Authority.
- 2.3 In order to maintain the level of service to the Authority it is proposed that the retiring Clerk be retained on a self employed

basis to provide the capacity needed for the efficient running of the Authority.

2.4 This will include assisting the Clerk/Monitoring Officer on the duties set out in paragraph 3 of the report and undertaking specific pieces of work at the direction of the Clerk and Chief Fire Officer.

2.5 Members will be aware that the Chief Fire Officer has been elected as Vice President elect of the Chief Fire Officers' Association (CfOA).

### 3. **BACKGROUND**

#### **Role of the Clerk**

The role of the Clerk to the West Midlands Fire and Rescue Authority can be summarised as follows:

- Organising and issuing calling notices for meetings of the Authority, its Committees and other decision making bodies.
- Administrative support to political groups.
- Attending all meetings, giving advice on the interpretation or application of standing orders and other procedures.
- Producing and publishing minutes.
- Maintaining a list of functions delegated by the Authority to chief officers.
- Producing reports to the Authority as required.
- Offering advice on the content of Authority and Committee reports, including specific legal and procedural advice where required.
- Producing a summary of decisions from Authority meetings for circulation to the West Midlands District Councils.
- Carrying out the statutory process for consultation with non-domestic ratepayers on the Authority's budget setting process.
- Issuing precept notices to the District Councils (in consultation with the Treasurers).
- Appointing and replacing members on the Authority under the procedures in the Local Government Act 1085 and proper officer for the purposes of Section 15 of the Local Government and Housing Act 1989.
- Members Allowances Scheme including the monthly issue and processing of claim forms.

- Publication of statutory notices relating to members allowances and the audit of accounts process.
- Maintaining the statutory register of Members' interest under the Authority's code of conduct (including protocols on gifts and hospitality and Member/Officer relations).
- Dealing with appointments to outside bodies.
- Administrative arrangements for the attendance of Members at conferences (in consultation with the Chief Fire Officer).
- Providing reports to the West Midlands Joint Committee and District Leaders on matters of interest from the Authority.
- Dealing with circulars and other correspondence addressed to the Clerk of the Authority.
- Involvement in specific projects required from time to time by the Authority.
- Monitoring Officer under the Local Government and Housing Act 1989.
- Proper Officer under the Local Government (Access to Information Act 1985)

These roles are discharged by Sandwell MBC, as lead Authority and statutory officers. Staff of the lead Authority will continue to provide services under the existing Service Level Agreements.

### **Chief Fire Officers' Association**

The positions undertaken by the Chief Fire Officer will provide an opportunity to be present at the heart of Fire Service involvement on a national basis. There will be close involvement with LGA/CLG/Minister/National and International relations.

In addition the position will also facilitate working with groups directly associated within the Sector including the Fire Protection Association, Building Research Establishment, Construction Industry, other Emergency Services, other public services and the media.

There will be many opportunities to present the West Midlands Fire Service in a wider context including speaking at Conferences and Events. The time commitment will depend upon what is current and contentious within the sector to be discussed with Chairman of Authority as part of the usual monitoring arrangements.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

The matters contained in this report do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

Members will be aware that in accordance with the Local Government Act 1985, the Authority is obliged to appoint a Clerk to the Authority and in making the appointment shall have regard to the desirability of the appointee being the chief officer of a constituent Council of the Authority.

In 1985, the constituent Councils in the West Midlands, in allocating responsibilities for the Joint Authorities and residual bodies, appointed Sandwell MBC as the Lead Authority.

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

6. **FINANCIAL IMPLICATIONS**

The cost to the Authority of the Section 151 Officer, Monitoring Officer and Clerk will not increase as a result of these proposals.

**BACKGROUND PAPERS**

Schedule of Delegations to Chief Officers approved by the Authority in June 2010.

STUART KELLAS  
TREASURER