

## **AGENDA ITEM 9**

### **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**27TH JUNE 2005**

#### **1. CONSTITUTION OF COMMITTEES AND PANELS, TERMS OF REFERENCE AND MEMBER PORTFOLIOS 2005/2006**

Report of the Clerk.

#### **RECOMMENDED**

- 1.1 THAT the Authority approve the constitution and terms of reference of committees and panels, and Member portfolios 2005/2006 as set out in Appendices 1 and 2;
- 1.2 THAT the calendar of meetings for 2005/2006, as set out in Appendix 3, be approved.

#### **2. PURPOSE OF REPORT**

- 2.1 This report is submitted for the Authority to consider the constitution and terms of reference of committees and panels for 2005/2006, the adoption of Member portfolios and a programme of meetings for 2005/2006.

#### **3. BACKGROUND**

- 3.1 In line with its commitment to the principles of the Government's modernisation agenda, this Authority has updated and streamlined its committee structure and political governance arrangements to ensure adherence to the following principles:
  - to be best placed to respond to a range of internal and external issues and to deliver on its commitment to modernisation and other key objectives in the Authority's Best Value Performance Plan and Business Plan.
  - decision-making processes that are open, transparent, accountable and inclusive in line with Government expectations on strengthening local democracy.

- 3.2 The Authority is recommended to adopt the constitution and terms of reference of committees, panels and the Policy Planning Forum for 2005/2006 as set out in Appendix 1.

### **Member Portfolios**

- 3.3 In 2004/05 the Authority established portfolios for the Chair and Vice-Chair, and for the Lead Members for Equality and Diversity and Performance Management as part of the modernisation process. The adoption of “portfolios” is consistent with the approach taken in local authorities generally under the modernisation of decision-making structures as required by the Local Government Act 2000.
- 3.4 Not all of the provisions of the Local Government Act 2000 apply to this Authority. Individual Members do not have delegated powers to act on behalf of the Authority. However, the adoption of Member portfolios helps to define the role of key positions held by Members of the Authority and assists in any future reviews of remuneration. Lead members have a key role to “champion” issues at the Policy Planning Forum, the Executive Committee and Authority meetings. Lead Members also meet with officers on a regular basis to discuss progress on issues within their portfolio area. Both Lead Members are supported by deputies.
- 3.5 Portfolios for the Chair and Vice-Chair of the Authority and for the Lead Members for Equality and Diversity and Performance Management are set out in Appendix 2.
- 3.6 In 2004/05 the Lead Members with portfolio responsibilities for Performance Management and Equality and Diversity served on the Executive Committee. This ensured that these key issues were properly represented in the mainstream decision making processes and governance arrangements of the Authority. It is recommended that this practice continues.
- 3.7 A portfolio has been drafted for the Principal Member on the Joint Consultative Panel which is included in Appendix 2. See paragraph 3.16 below.

### **Appointments Committee**

- 3.8 The existing arrangements for the Appointments Committee are satisfactory and no changes are required at present. The membership of 9 elected members provides for appropriate levels of representation from across the 7 West Midlands District Councils.

### **Disciplinary Committee**

- 3.9 The Fire Service (Discipline) Regulations 1985 have been revoked and revised disciplinary procedures have been approved by the Authority under the provisions of the new Grey Book. One case under the 1985 Regulations is outstanding. It is recommended that the Disciplinary Committee be reconstituted to deal only with the outstanding case, and disestablished as soon as practicable thereafter.

### **Appeals Committee**

- 3.10 The Appeals Committee operates as a quasi-judicial body in determining appeals on various employment related matters. No changes are recommended to the existing arrangements.

### **Executive Committee**

- 3.11 The Executive Committee arrangements have worked effectively in 2004/05. The Executive Committee has provided for speedy decision making to deal with key issues. All Members of the Authority are entitled to attend the Executive Committee and are involved in the discussion of key issues via the Policy Planning Forum. It is proposed to make some minor amendments to the terms of reference of the Committee (see Appendix 1) to clarify its role with regard to the acceptance of tenders and partnership working.
- 3.12 In 2004/05 the Executive Committee comprised 7 Members as follows:-

Chair of the Authority  
Vice-Chair of the Authority  
Lead Member for Performance Management  
Lead Member for Equality and Diversity  
3 Additional Members (in accordance with proportionality) to include the Leader of the Main Opposition Group if not covered above.

It is recommended that this arrangement continues.

### **Policy Planning Forum**

- 3.13 The Policy Planning Forum has been a successful feature of the Authority's governance arrangements over the past few years. It is recognised as a particularly effective way of engaging Members and Officers in key discussions on major issues faced by the Authority. The Forum operates in a less formal setting than full Authority meetings. The Forum is not a decision making body.
- 3.14 All Members of the Authority are involved in the Policy Planning Forum and it is recommended that the existing arrangements should continue.

### **Joint Consultative Panel**

- 3.15 The Authority has accepted the need to review the membership, terms of reference and constitution of the Joint Consultative Panel taking account of the appropriate levels of representation from the different trade unions that are recognised for negotiating and consultative purposes. Negotiations are still ongoing, and at this stage, the Authority is recommended to reconstitute the Joint Consultative Panel on the same basis as in 2004/5.
- 3.16 As it is proposed to dis-establish the Disciplinary Committee this year, it is recommended elsewhere [agenda item 10] that the special responsibility allowances attached to the Chair and Vice Chair of the Disciplinary Committee be transferred to the Principal elected Member on the Joint Consultative Committee and his/her nominated deputy. A portfolio for the Principal Member has therefore been drafted and is included at Appendix 2.

### **Programme of Meetings**

- 3.17 A programme of meetings during 2005/2006 is attached as Appendix 3. No provision has been made for meetings of the Joint Consultative Panel (JCP) in the calendar. Under its constitution provision should be made by the Authority for three Panel meetings to be held in each year. It is proposed that a schedule of meeting dates be submitted to the first meeting of the JCP.

### **Standing Orders of the Authority**

- 3.18 The Authority's Standing Orders were revised and approved at the Annual Meeting on 26th July 2004. No changes are proposed in respect of Standing Orders.

## **4. EQUALITY AND DIVERSITY IMPLICATIONS**

The adoption of a portfolio for the Lead Member for Equality and Diversity will allow the Authority to continue to pursue its commitment to this area of work. That Member will be appointed to the Executive Committee to ensure that equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority.

## **5. CORPORATE AIM SUPPORTED**

The principal corporate policy supported by this report is:-

1. Meeting the Fire Authority's statutory duties, standards and expectations.

## **6. LEGAL IMPLICATIONS**

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.

## 7. **FINANCIAL IMPLICATIONS**

Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision-making structures and the payment of Members' Allowances.

### **Background Papers**

Local Government Acts 1972, 1999 and 2000

F N SUMMERS  
CLERK

**West Midlands Fire and Rescue Authority**

**Constitution and Terms of Reference 2005/2006**

**Executive Committee**

To deal with all matters of an urgent nature which cannot reasonably be delayed until the next ordinary meeting of the Authority or appropriate committee.

To consider and monitor the Authority's budget as necessary and to make appropriate recommendations.

To award contracts in circumstances where it is recommended to accept other than the lowest tender received.

To open and ~~consider~~ *accept* tenders for contracts where the estimated value exceeds £100,000.

To deal with matters that can be dealt with locally as part of the modernisation agenda.

To consider recommendations arising from meetings of the West Midlands Regional Management Board.

To deal with matters relating to the Members Allowances Scheme.

To consider and make recommendations to the Authority on the conditions of service and salary of the posts of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Officers.

To ~~consider~~ *approve arrangements for* partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements, above £20,000 in value.

To consider all matters associated with the Private Finance Initiative as it relates to the work of the Authority.

To deal with any other matters referred to it by the Authority.

To submit its minutes to the Authority.

## **Appointments Committee**

To make the appointments of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Officers.

To submit its minutes to the Authority.

## **Disciplinary Committee**

Powers delegated as provided for in Regulation 9 and 12 of the Fire Services (Discipline) Regulations 1985.

## **Appeals Committee**

To hear and decide upon:-

~~Appeals arising from decisions of the Disciplinary Hearing as provided for in Regulation 13 of the Fire Services (Discipline) Regulations 1985.~~

~~Appeals against decisions of the Chief Fire Officer under the grievance procedure.~~

~~Appeals against dismissal made in accordance with the Authority's disciplinary procedures and ACAS Guidelines.~~

Disputes under the national conditions of service for uniformed and non-uniformed personnel.

Appeals under the Firemen's Pension Scheme Order.

Appeals under the Local Government Superannuation Regulations.

To submit its minutes to the Authority.

Revised version approved by Executive Committee on 6/12/04



## **Policy Planning Forum**

To provide for the consideration of key policy areas affecting the Authority and service delivery.

To submit its notes to the Authority.

## **Standards Committee**

To promote and maintain high standards of conduct by members of the Authority.

To assist members of the Authority to observe the Authority's Code of Conduct, specifically:-

- To advise the Authority on the adoption or revision of a Code of Conduct.

- To monitor the operation of the Authority's Code of Conduct.

- To advise, train or arrange for training for members of the Authority on matters relating to the Authority's Code of Conduct.

To consider and make a determination on reports referred to the Committee by the Monitoring Officer with regard to alleged breaches of the Authority's Code of Conduct that have been referred to him for investigation by an ethical standards officer of the Standards Board for England.

To exercise any functions which the Authority may consider appropriate from time to time.

To submit its minutes to the Authority.

Revised version approved by the Authority 22/11/04

## **Joint Consultative Panel**

To maintain regular methods of consultation between the Authority and the recognised representative bodies and to consider and make recommendations on any issues which may arise.

To consider and make recommendations to the Authority on any relevant matter referred to it by the Authority or by the relevant employee organisations.

To consider and make recommendations to the Authority on the application of the terms and conditions of service for employees.

To discharge such other functions as are specifically assigned to it.

In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the Panel which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority prior to its submission.

To submit its minutes to the Authority.

**MEMBER PORTFOLIOS 2005/2006**

**Chair of the Authority**

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Executive and Appointments Committees and any other meetings as required by the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Business Planning and the Best Value Performance Plan;
- Comprehensive Performance Assessment;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan;
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or

imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

## **Vice-Chair of the Authority**

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To Chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Business Planning and the Best Value Performance Plan;
- Comprehensive Performance Assessment;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan;
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Equality and Diversity;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

## **Lead Member for Equality and Diversity**

To take a leading role within the Authority for:-

- standards and targets being achieved in relation to equality and diversity.
- the development and maintenance of a positive approach in relation to equality and diversity with regard to employment and service delivery and to celebrate diversity within the West Midlands Fire and Civil Defence Authority.
- The Race Equality Scheme.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair and participate in any other meetings as may be required from time to time by the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the efficient and effective conduct of business within the Authority and to work with other elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations.

To assist in ensuring the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols adopted by the Authority from time to time.



## **Lead Member for Performance Management**

To take a leading role within the Authority for ensuring:-

- that existing service provision has been fully and appropriately challenged and that viable alternatives have been considered.
- that appropriate comparisons have been made with other organisations in the setting of performance measures, performance targets and benchmarking.
- that full and appropriate consultation has taken place regarding the outcomes of Best Value Reviews.
- that full consideration has been given to and appropriate use has been made of competition in the process of service provision.
- that issues relating to performance management and the Comprehensive Performance Assessment are considered.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair and participate in any other meetings as may be required from time to time by the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the efficient and effective conduct of business within the Authority and to work with other elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations.

To assist in ensuring the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols adopted by the Authority from time to time.

## **Principal elected Member on the Joint Consultative Panel**

To take a leading role within the Authority for ensuring:-

- that there is regular consultation between the Authority and its recognised representative bodies

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair and participate in any other meetings as may be required from time to time by the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees and Panels.

To assist and support the efficient and effective conduct of business within the Authority and to work with other elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees and Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations.

To assist in ensuring the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols adopted by the Authority from time to time.

## WEST MIDLANDS FIRE AND RESCUE AUTHORITY

## DRAFT CALENDAR OF MEETINGS 2005/06

Date	Time	Meeting
<b>2005</b>		
Monday 25th July	9.30 am 12 noon	Policy Planning Forum Executive Committee
Monday 12th September	9.30 am 12 noon 1.30 pm	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 26th September	11 am	<b>Authority</b> [political groups at 10 am]
Monday 24th October	9.30 am 12 noon	Policy Planning Forum Executive Committee
Monday 14th November	9.30 am 12 noon 1.30 pm	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 5th December	11 am	<b>Authority</b> [political groups at 10 am]
Monday 19th December	9.30 am 12 noon	Policy Planning Forum Executive Committee
<b>2006</b>		
Monday 16th January	9.30 am 12 noon	Policy Planning Forum Executive Committee
Monday 30th January	9.30 am 12 noon 1.30 pm	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 13th February	11 am	<b>Authority</b> [budget and precept setting] [political groups at 10 am]
Monday 6th March	9.30 am 12 noon	Policy Planning Forum Executive Committee
Monday 3rd April	9.30 am 12 noon 1.30 pm	Policy Planning Forum Executive Committee Chair's agenda meeting

Date	Time	Meeting
<b>2006 contd.</b>		
Monday 24th April	11 am	<b>Authority</b> [political groups at 10 am]
Monday 22nd May	9.30 am 12 noon	Policy Planning Forum Executive Committee
Monday 12th June	9.30 am 12 noon 1.30 pm	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 26th June	11 am	<b>Authority</b> [Annual Meeting] [political groups at 10 am]