

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**26 JUNE 2017**

## **1. GOVERNANCE OF THE AUTHORITY 2017/2018**

Report of the Clerk and Monitoring Officer.

### **RECOMMENDED**

- 1.1 THAT amendments to the constitution regarding co-opted and full members of the Fire Authority as set out in section 3.3 and the inclusion of the terms of reference for the Joint Consultative Panel set out at Appendix 1 be approved;
- 1.2 THAT the calendar of meetings for 2017/2018 as set out in Appendix 2 be approved;
- 1.3 THAT no percentage increase be made in Members' Allowances in 2017/18 by way of indexing or otherwise;
- 1.4 THAT the Members' Allowances Scheme for 2017/18 as set out in Appendix 3 be approved;
- 1.5 THAT in the light of the current financial situation, no action be taken for the time being with regard to convening an independent remuneration panel to review the Members' Allowances scheme and that the situation be reviewed prior to the AGM 2018;
- 1.6 THAT the Clerk be authorised to make any necessary consequential amendments to other constitutional documents in the light of decisions made with regard to governance arrangements for 2017/18.

## **2. PURPOSE OF REPORT**

This report is submitted for the Authority to determine its governance arrangements for 2017/18.

### 3. **BACKGROUND**

3.1 The Authority's political governance arrangements ensure adherence to the following principles:-

- to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
- decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.

3.2 As part of the Authorities 'route to future governance' approved on the 20 February 2017, the Authority will open its membership from the June 2017 AGM to three co-opted members and the Police and Crime Commissioner as a full member of the Authority. These members will be invited to take a place on the Authority as soon as is practically possible. Co-opted members will be invited from:

Ambulance Service  
Public Health  
Mayoral representative

This change forms the beginning of implementing proposals for a Reformed Fire Authority. This was agreed by the Authority as part of the 'route to future governance' on the 10 April 2017.

It is proposed that Article 2 – Members of the Authority be amended as follows:

2.1 (i) *The Authority comprises of 31 members, 27 of whom are elected councillors, three co-opted members and a further membership to be held (on request) by the West Midlands Police and Crime Commissioner. The 27 members will be elected from the seven constituent district councils comprising the West Midlands.*

*Inserting:*

- (iv) *The Police and Crime Commissioner by virtue of the Policing and Crime Bill 2017, Chapter 2, section 7 may only be appointed to the Authority in response to a request made by the Commissioner to the Authority or, in the case of a sub-committee, to the appointing committee.*

*Article 2, section 2.2 Role and functions of members should be amended to include the following:*

*Co-opted members whilst not full voting members are expected to:*

- *Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of the West Midlands*
- *Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of the West Midlands*
- *On a regular basis attend meetings of the Authority and any committees/sub committees*
- *Promote Effective Collaboration*
- *At all times, act in accordance with the code of conduct and standing orders for the Authority where applicable*
- *Be actively aware of the issues internal and external relevant to the provision of services to promote a safer, stronger and healthier West Midlands Community.*

- 3.3 The terms of reference for Joint Consultative Panel are to be inserted into the Constitution as a recognition of the role members contribute to in providing guidance to the Employee Relations Framework. The terms of reference are set out in Appendix 1.

#### 3.4 **Programme of Meetings**

The Authority agreed to reduce the number of meetings in 2016/17. The Executive Committee meetings were reduced from eight to four per year. No additional Executive Committees have been required to discuss urgent business. There were six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Indicator meetings. There were also six meetings of the Audit Committee which have been arranged to suit the financial timelines required for the approval of the Statement of Accounts by the end of July.

Four meetings of the Joint Consultative Panel were scheduled with one meeting being cancelled. One meeting of the Appeals Committee has been held during the year.

The Executive Committee meetings held have been sufficient to deal with normal business such as the delegated roles of the Committee and urgent business. The number of meetings has also catered for three sounding board updates as part of the Future Governance Working Group programme of work. This does not form part of 'normal' Authority business.

A proposed programme of meetings for 2017/2018 is attached for approval as Appendix 2.

### 3.5 **Members' Allowances Scheme**

In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

- 3.6 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2015/16 in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. There have been minimal increases in local government pay; however, in view of the continuing financial stringency, it is proposed to affirm the stance taken last year and to defer any review of the scheme for a further twelve months.
- 3.7 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.
- 3.8 The revised members' allowances scheme is attached for approval as Appendix 3.
- 3.9 A diagram showing the proposed governance structure for 2017/18 is set out at Appendix 4. This structure has not changed from the structure approved in 2016/2017.

### 3.10 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 5.

## 4. **EQUALITY IMPACT ASSESSMENT**

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

## 5. **LEGAL IMPLICATIONS**

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act, 1972 and the Local Government and Housing Act 1989.

## 6. **FINANCIAL IMPLICATIONS**

- 6.1 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**

Fire Authority Meeting February 2017

Fire Authority Meeting April 2017

The contact name for this report is Karen Gowreesunker, telephone number 0121 380 6678

Karen Gowreesunker  
CLERK to the Authority

## Joint Consultative Panel – Terms of Reference

### 1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP)

### 2. REPRESENTATION

The Panel shall comprise of elected members of the West Midlands Fire and Rescue Authority and recognised elected officials of the Trade Unions/Representative Bodies as follows:

JCP

6 employers and

5 employee side\*

2 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

1 APFO

\* subject to having a locally appointed/elected representative

All elected members shall retire annually and shall be eligible for re appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the Panel.

If a member of the Panel ceases to be a member or an employee of the Service he or she shall immediately cease to be a member of the Panel. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

### 3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from People Support Services on the compilation of the agenda. The People Support Services Manager will consult with the Employees representatives or their representative with regard to the business to be raised.

### 4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members.

### 5. OFFICERS

The Clerk, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the Panel and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

### 6. FUNCTIONS

The functions of the Panel shall be:

- To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees.
- To consider, and elected members of the Panel to make, recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee.
- 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 or the Chief Fire Officer, as appropriate, prior to its submission.

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

## 7. RULES AND REGULATIONS

That the Joint Consultative Panel (JCP) agenda items are reviewed by the Chair of the Joint Consultative Panel in consultation with the Strategic Enabler (People Support Services) or their representative prior to finalising the agenda.

That the Elected Member group of the Joint Consultative Panel (JCP), after due consideration, make recommendations back to the Service or the Fire Authority as appropriate.

Provision for four Panel meetings per year shall be made by the Authority. Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved.

The matters to be discussed at any meeting of the Panel shall be included in the agenda for the meeting. No other matters shall be raised.

The quorum of the Panel shall be one third of the total number of representatives appointed by each side subject to each Trade Union/ Representative Body being represented, however, where the Panel is considering business relating specifically to one Trade Union/ Representative Body that has locally appointed representatives, being represented, however, where the Panel is considering business relating to one Trade Union/Representative Body the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no



requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of:

- (a) The Panel being unable to arrive at an agreement; or
- (b) The Authority or the Chief Fire officer, as appropriate, disagreeing with the recommendations of the Panel

the matters in dispute shall be referred to:

- (a) The National Joint Council Joint Secretaries and/or
- (b) ACAS and/or
- (c) The National Joint Council Technical Advisory Panel

The panel is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service' document.

All sides to the Panel accept that agreements reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

All parties agree, nevertheless, to use their best endeavours to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the Panel shall be submitted to the Authority.

**Appendix 2****WEST MIDLANDS FIRE AND RESCUE AUTHORITY****CALENDAR OF MEETINGS 2017/18**

Date	Time	Meeting
<b>2017</b>		
Monday 26 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
July	9.30 am	Members Induction
Thursday 20 July	2.00 pm	Pensions Board
Monday 24 July	10.30 am	Audit Committee
Monday 4 September	9.00 am 10.30 am 12.30 pm 12.30 pm	Chair's agenda meeting Policy Planning Forum Audit Committee Scrutiny Committee
Monday 18 September	11.00 am  to follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 9 October	10.00 am 10.30 am 12.30 pm	Executive Committee Policy Planning Forum Scrutiny Committee
Monday 6 November	9.00 am 10.00 am 1.00 pm	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
Monday 13 November	10.30 am 10.30 am	Scrutiny Committee Audit Committee
Monday 20 November	11.00 am	Authority [political groups at 10 am]
Monday 11 December	10.00 am 10.30 am	Executive Committee Policy Planning Forum

<b>2018</b>		
<b>Date</b>	<b>Time</b>	<b>Meeting</b>
Monday 15 January	10.30 am 12.30 pm	Policy Planning Forum Audit Committee
Monday 5 February	9.00 am 10.30 am To follow	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel [pre meeting tbc]
Monday 19 February	11.00 am  12.30 pm	Authority [budget and precept setting] [political groups at 10 am] Scrutiny Committee
Monday 26 March	9.00 am 10.00 am 10.30 am 12.30 pm 12.30 pm	Chair's agenda meeting Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 9 April	11.00 am  To follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 4 June	10.00 am 10.30 am 12.30 pm 12.30 pm	Executive Committee Policy Planning Forum Audit Committee Scrutiny Committee
Monday 11 June	10.00 am	Agenda Meeting
NEW MUNICIPAL YEAR Monday 25 June	11.00 am	Authority [Annual Meeting] [political groups at 10 am]

The Standards, Appointments and Appeals Committees will meet as and when required.

**West Midlands Fire and Rescue Authority****Members' Allowances Scheme**

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

‘Councillor’ means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

‘Independent Member’ means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

‘Year’ means the 12 months ending with 31<sup>st</sup> March.

3. **Basic Allowance and Independent's Allowance**

Subject to paragraph 6, for each year:–

- (i) a basic allowance of £3,500.00 shall be paid to each Councillor;
- (ii) a co-optee's allowance of £350 shall be paid to each independent member on the Audit Committee.

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only one such allowance shall be paid to the Councillor concerned.

## 5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

## 6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

## 7. **Part Year Entitlement**

### Basic Allowance and Independent's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

### Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

## Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

## 8. **Subsistence Allowances**

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence  
£79.82 per night

Allowance for such absence in London  
£91.04 per night

## 9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

### **Motor Mileage Allowances**

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

## Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

## Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

## 10. Indexation of Allowances

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

## 11. Claims and Payments

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.
- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of



another authority, that member may not receive allowances from more than one authority in respect of the same duties.

- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

(a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25<sup>th</sup> day of the month (or nearest working day);

(b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25<sup>th</sup> day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2014/2015**

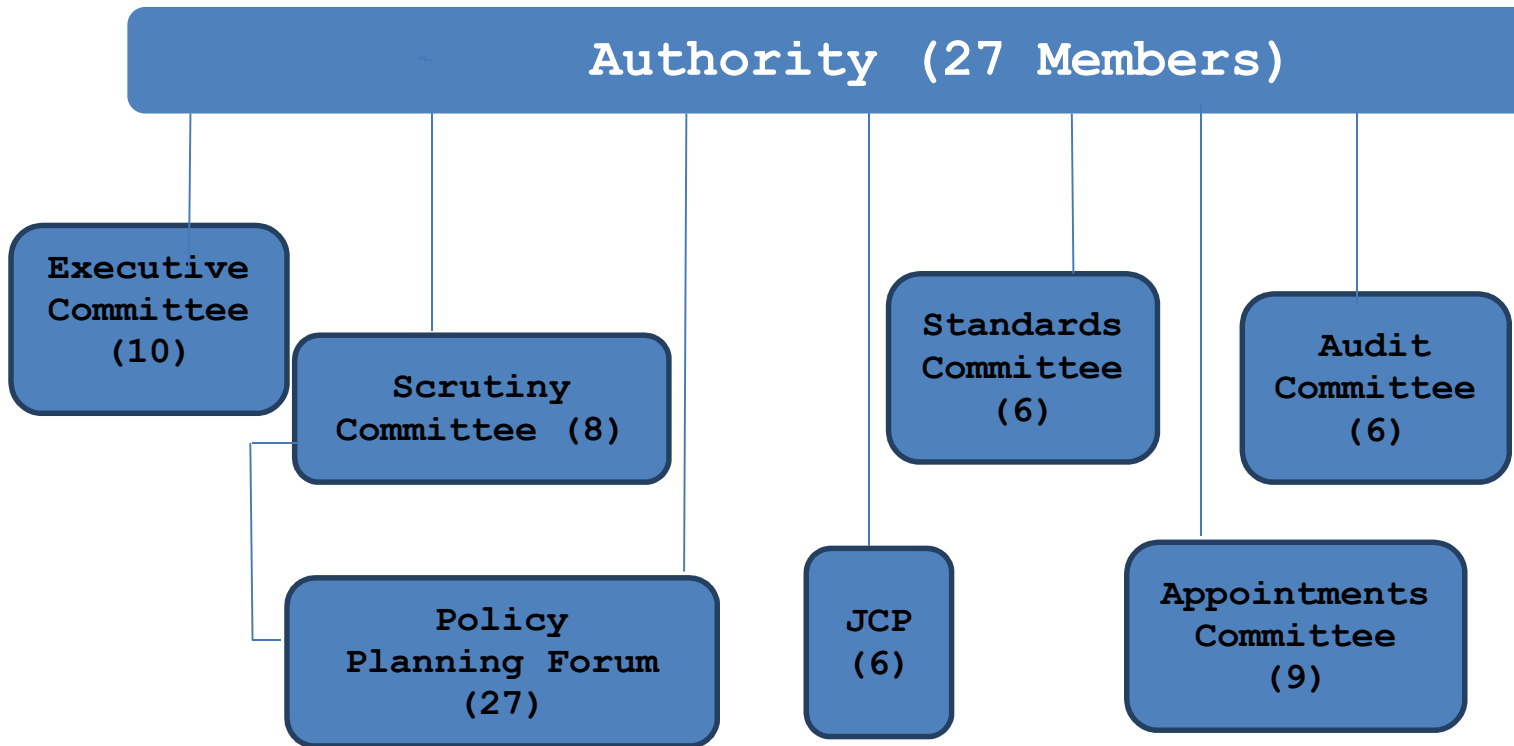
<b>Responsibility</b>	<b>SRA (£)</b>
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Executive Committee Member	4,900
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals Committee Chair	4,900
Appeals Committee Vice-Chair	2,450
Audit Committee Chair	8,575
Audit Committee Vice-Chair	3,975
Standards Committee Chair	4,900
Elected Member Basic Allowance	3,500

<b>Independent's allowances</b>	
Independent Member of the Audit Committee	350

**Schedule 2****Approved Duties**

**The following are “approved duties” in connection with the payment of travelling and subsistence allowances:**

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

**Appendix 4**

**MEMBER ROLE DESCRIPTIONS 2017/2018**

**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 Committee, Appointments Committee and Chair's Committee 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:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- 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;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- 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 champion the promotion and maintenance of high standards of conduct throughout the Authority.

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:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- 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 (Community Safety Strategy);
- 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.

### **Chair of the Scrutiny Committee**

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Executive Committee of the Authority.

To oversee the implementation of recommendations that are accepted by the Executive Committee.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

### **Vice-Chair of the Scrutiny Committee**

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.



## **Responsibilities of Elected Members of the Joint Consultative Panel**

### **1. Background**

West Midlands Fire and Rescue Authority is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, in consultation with the Trade Unions/Representative Bodies, has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a re-established Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

## 2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on:-

- any relevant matter referred to it by the Service or by the relevant employee organisations.
- any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation).
- the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the “Working Together” A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. WMFS supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

### 3. Consultation

Consultation: For the benefit of this process, consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of the views of employees' representatives before making a decision.

Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information.

The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The Strategic Enabler (People Support Services) or delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

### 4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

## 5. Process for Failure to Consult

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

## 6. Process for Failure to Agree

In cases of negotiation, items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side. The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the adviser to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel, they should declare this at the beginning of the meeting under the standing item on the agenda.

9. Confidentiality

Elected members are bound by the Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members when making decisions. Elected members should consider carefully how their decisions might affect the community, Service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

## 11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the Members' Code of Conduct and the Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.