

**WEST MIDLANDS FIRE AND CIVIL DEFENCE AUTHORITY**

**26TH JULY, 2004**

**1. CONSTITUTION OF COMMITTEES, PANELS AND FORA, TERMS OF REFERENCE AND MEMBER PORTFOLIOS 2004/2005**

Report of the Clerk.

**RECOMMENDED**

- 1.1 THAT the Authority approve the constitution and terms of reference of committees, panels and fora and Member portfolios 2004/2005 as set out in Appendices 1 and 2;
- 1.2 THAT the calendar of meetings for 2004/2005, as set out in Appendix 3, be approved.
- 1.3 THAT a report on any necessary amendments to the Authority's Members' Allowances Scheme be submitted to the Executive Committee in due course, including consideration of the Member portfolios.

**2. PURPOSE OF REPORT**

- 2.1 This report is submitted for the Authority to consider the constitution and terms of reference of committees, panels and fora for 2004/2005, the adoption of Member portfolios and a programme of meetings for 2004/2005.

**3. BACKGROUND**

- 3.1 In line with its commitment to the principles of the Government's modernisation agenda, this Authority has adopted numerous changes to its committee structure and political governance arrangements in recent years. Amongst other things, this has involved the formation of the Executive and Standards Committees, the adoption of new ways of working through the Policy Planning Forum and an Independent Review of the Authority's Members Allowances Scheme.
- 3.2 In 2002, it was proposed to undertake a full review of the Authority's constitution and political management structures. However, as reported at the annual meeting of the Authority in 2003, this was deferred in view of major developments within the national and regional context and particular issues arising from the Independent Review of the Fire Service.

- 3.3 In the context of these developments and ongoing discussions, consideration has been given to potential changes to this Authority's "local" structures and governance arrangements. The changes recommended in this report aim to ensure that the Authority:-
- continues to best placed to respond to a range of internal and external issues and deliver on its commitment to modernisation and other key objectives in the Authority's Best Value Performance Plan and Business Plan.
  - adopts decision-making processes that are open, transparent, accountable and inclusive in line with Government expectations on strengthening local democracy.
- 3.4 The Authority is recommended to adopt the constitution and terms of reference of committees, panels and the Policy Planning Forum for 2004/2005 as set out in Appendix 1.
- 3.5 The Authority is also requested to consider the following issues regarding the role of Members and the general governance arrangements operated by the Authority:-

#### **Member Portfolios**

- 3.6 During the independent review of the Members' Allowances Scheme, an issue was raised regarding the possibility of developing role descriptions for key positions held by Members of the Authority. The adoption of role descriptions or "portfolios" would be consistent with the approach taken in local authorities generally under the modernisation of decision making structures as required by the Local Government Act 2000.
- 3.7 Not all of the provisions of the Local Government Act 2000 apply to this Authority. Individual Members may not have delegated powers to act on behalf of the Authority. However, the adoption of Member portfolios will help to define the role of key positions held by Members of the Authority and assist in any future reviews of remuneration. Draft portfolios have been developed for the Chair and Vice-Chair of the Authority and these are set out in Appendix 2.

#### **Equality and Diversity and Best Value Performance Review Committees**

- 3.8 In previous years, the Authority has established two separate Committees to deal with the key issues of Best Value Performance Review and Equality and Diversity. These issues remain central to the business of the Authority and should be part of mainstream decision making processes and governance arrangements.
- 3.9 Rather than establishing two separate Committees, it is proposed to establish two Lead Member portfolios to take special responsibility for Performance Management and Equality and Diversity within the Authority's political

management arrangements. Draft portfolios for these two key positions are set out in Appendix 2. Each Member should also have a nominated Deputy.

- 3.10 The Lead Members would not have delegated powers to act on behalf of the Authority, but they would have a key role to “champion” issues at the Policy Planning Forum, the Executive Committee and Authority meetings. It would be appropriate for the Lead Member to meet with officers on a regular basis to discuss progress on issues within their portfolio area.
- 3.11 On occasions, the Authority might consider that a particular initiative or project should be referred for in-depth analysis by Members and Officers. This could be achieved by establishing a “Task and Finish” Group. This would provide for Lead Members (and other nominated Members) to work with officers, in a less formal setting than a Committee, to develop proposals and recommendations for consideration by the Authority or Executive Committee. Any recommendations arising from Task and Finish Groups would need to be reported to the Authority or the Executive Committee for final approval.
- 3.12 It is recommended that the Lead Members with portfolio responsibilities for Performance Management and Equality and Diversity should be appointed to serve on the Executive Committee in future. This would ensure that these key issues are properly represented in the mainstream decision making processes and governance arrangements of the Authority. This would increase the size of the Executive Committee to 7 members.
- 3.13 To reflect the workload and special responsibilities that are likely to be expected of the portfolio holders, it is recommended that the Lead Members (and their Deputies) should be entitled to the same levels of remuneration that are currently paid to the Chairs (and Vice-Chairs) of the Best Value Performance Review and Equality and Diversity Committees respectively. A report on any necessary amendments to the Members’ Allowances Scheme will be submitted to the Executive Committee in due course. This will include consideration of future elected Member portfolios.

3.14 **Appointments Committee**

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.

### 3.15 **Disciplinary Committee**

Subject to the outcome of discussions and agreements at national level, the Disciplinary Committee will no longer be required when the Fire Service (Discipline) Regulations 1985 are revoked. It is anticipated that future disciplinary hearings will be conducted under guidelines issued by the Arbitration and Conciliation Advisory Service (ACAS). This function could be undertaken by the Appeals Committee.

In the meantime, however, pending the revocation of the 1985 Regulations, it is recommended that the Disciplinary Committee s be reconstituted on the same basis as in previous years. This will allow for any cases currently being dealt with under those procedures to be concluded.

### 3.16 **Appeals Committee**

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 other than slight amendments to the terms of reference as highlighted in the Appendix.

### 3.17 **Executive Committee**

The Executive Committee was established at last year's annual meeting and the arrangements have worked effectively. The Executive Committee has provided for speedy decision making to deal with key issues arising from modernisation, the Independent Review of the Fire Service and issues being dealt with at the regional level. 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 amendments to the terms of reference of the Committee (see Appendix 1). This will clarify its key role in considering modernisation issues and matters arising from meetings of the West Midlands Regional Management Board.

If the proposals set out above are approved, the Membership of the Executive Committee would be increased from 5 to 7 Members as follows:-

Chair of the Authority  
Vice-Chair of the Authority  
Leader of the Main Opposition Group  
Lead Member for Performance Management  
Lead Member for Equality and Diversity  
2 Additional Members (in accordance with proportionality).

### 3.18 **Policy Planning Forum**

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.

All Members of the Authority are involved in the Policy Planning Forum and it is recommended that the existing arrangements should continue.

### 3.19 **Joint Consultative Panel**

The Authority has previously 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.

A report on this issue was submitted to the Joint Consultative Panel at its meeting on 22<sup>nd</sup> September, 2003. A recommendation put forward in the report to that meeting was that the membership of the Joint Consultative Panel be as follows:-

Elected members	9
Fire Brigades Union	6
Fire Officers Association	1
UNISON representatives	<u>2</u>
Total	18

3.20 The Panel accepted the need for streamlining, however, further consideration was needed of the number of representatives appointed by the respective trade unions. Reference was made to the ongoing discussions at national level regarding the National Joint Council and local consultation on the way in which the Authority negotiates and consults with representative bodies in the future.

3.21 Members have expressed a wish to work in partnership on this issue and accepted the need for effective two-way dialogue on future consultation and negotiation procedures with the representative bodies.

3.22 The outcome of the Joint Consultative Panel on 22<sup>nd</sup> September, 2003 was that no recommendations concerning the review of the size and membership of the Panel would be submitted to the Authority pending further discussions. At this stage, the Authority is recommended to reconstitute the Joint Consultative Panel on the same basis as in 2003/4. In order to move this matter forward, and subject to the outcome of national negotiations, it is recommended that the future size, membership and constitution of the Joint Consultative Panel be included on the agenda for the next meeting of the Panel for consideration as a matter of urgency.

### 3.23 **Programme of Meetings**

A programme of meetings during 2004/2005 is attached as Appendix 3.

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. To support the Authority in meeting its 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 Civil Defence Authority

### Constitution and Terms of Reference 2004/2005

#### 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 tenders for contracts where the estimated value exceeds £100,000.

To deal with matters ~~referred to in the Bain Independent Review of the Fire Service report~~ 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 ~~and payments made pursuant to Section 34 of the Local Government Act 1985.~~

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 *partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements.*

To consider, ~~in consultation with Private Finance Initiative Project Panel,~~ 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

Disputes under the national conditions of service for uniformed personnel.

Appeals against dismissal made in accordance with the *Authority's* disciplinary procedures ~~for non-uniformed personnel~~ and *ACAS Guidelines*.

Appeals under the Firemen's Pension Scheme Order.

Appeals under the Local Government Superannuation Regulations.

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

To submit its minutes to the Authority.

### **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.

**MEMBER PORTFOLIOS 2004/2005**

**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, Panels or Fora.

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, Panels or Fora.

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, Panels or Fora.

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, Panels or Fora.

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, Panels or Fora.

To assist in ensuring the proper implementation of decisions of the Authority and it's 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, Panels or Fora.

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, Panels or Fora.

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 Civil Defence Authority**  
**Calendar of Meetings 2004/2005**

**Authority**

*(all meetings will commence at 11.00am with the exception of the annual meeting which will start at 11.30am)*

27<sup>th</sup> September, 2004

22<sup>nd</sup> November, 2004

14<sup>th</sup> February, 2005 *(budget and precept setting)*

18<sup>th</sup> April, 2005

27<sup>th</sup> June, 2005 *(annual meeting).*

**Executive Committee**

A schedule of meetings will be agreed in consultation with the Chair and Vice-Chair of the Authority.

**Policy Planning Forum**

*(start times to be advised depending on the business to be discussed)*

4<sup>th</sup> August, 2004 (provisional date for induction event)

A schedule of meetings will be agreed in consultation with the Chair and Vice-Chair of the Authority.

**Joint Consultative Panel**

*(meetings will commence at 11.00am)*

20<sup>th</sup> September, 2004

6<sup>th</sup> December, 2004

4<sup>th</sup> April, 2005