

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2013

1. GOVERNANCE OF THE AUTHORITY 2013/2014

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the terms of reference of committees and panels, as set out in Appendices 1 and 2, be approved;
- 1.2 THAT member role descriptions as set out in Appendix 3 be approved;
- 1.3 THAT the calendar of meetings for 2013/2014 as set out in Appendix 4 be approved;
- 1.4 THAT the Members' Allowances Scheme for 2013/14 as set out in Appendix 5 be approved;
- 1.5 THAT there will be no increase in members' allowances in 2013/14 by way of indexing or otherwise;
- 1.6 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 in 12 months' time;
- 1.7 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 2013/14.

2. PURPOSE OF REPORT

This report is submitted for the Authority to determine its governance arrangements for 2013/14.

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 A diagram showing the proposed governance structure for 2013/14 is set out at Appendix 1. More information about proposed changes to the governance arrangements is set out below.

Scrutiny Committee

3.3 The Authority set up a Scrutiny Committee in 2012/2013. Its Terms of Reference were approved on 25 June 2012.

The main purposes of scrutiny is to:-

- i) inform policy development
- ii) hold officers and the Service to account
- iii) conduct reviews into specific issues.

3.4 The Scrutiny Committee will comprise 8 members with the terms of reference set out in Appendix 2 and will carry out a minimum of two reviews each year, selected by the Committee. Recommendations from these reviews will be considered by the Executive Committee. The arrangements for the Committee are working satisfactorily and it is therefore not proposed to make any further changes.

Appointments Committee

3.5 The Appointments Committee comprises sufficient members to allow each constituent Authority to be represented. The arrangements for the Committee are working satisfactorily and it is not proposed to make any further changes.

Appeals Committee

3.6 The Appeals Committee operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters. The arrangements for the Committee are working satisfactorily and it is not proposed to make any further changes.

Audit Committee

- 3.7 Members will recall that the performance management function was transferred to the Scrutiny Committee in 2012/13.
- 3.8 The Authority established an Audit Committee in September 2007 to include one independent member. The Committee's terms of reference are broadly based on guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 3.9 The arrangements for the Committee are working satisfactorily and it is not proposed to make any further changes.

Executive Committee

- 3.10 The Executive Committee arrangements are working effectively and have provided for speedy decision making on key issues.
- 3.11 All members of the Authority are entitled to attend the Executive Committee and receive the full agenda for the meeting. All members are involved in the discussion of key issues to be considered by the Executive Committee via the Policy Planning Forum.
- 3.12 The Executive Committee will receive review reports from the Scrutiny Committee and its terms of reference as set out in Appendix 2 reflect this arrangement. No other changes are proposed.

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. Specific reference has been included in its terms of reference to its function as a training mechanism for members.

Joint Consultative Panel

- 3.15 The Authority at its meeting on 13 February 2012 approved a revised constitution for the Joint Consultative Panel which is reproduced in Appendix 2. It is proposed to continue existing arrangements for the Panel.

Standards Committee

- 3.16 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members, reinforced by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 3.17 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.
- 3.18 The Terms of Reference for the Standards Committee are set out in Appendix 2. It is proposed to continue existing arrangements.

Member role descriptions

- 3.19 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 3, together with a role description for members of the Joint Consultative Panel.

Programme of Meetings

- 3.20 A proposed programme of meetings for 2013/2014 is attached as Appendix 4.

Members' Allowances Scheme

- 3.21 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.

- 3.22 The current scheme provides for an increase in members' allowances with effect from 1 April in 2009, 2010 and 2011, in line with agreed pay awards to NJC Local Government Services. The Regulations provide that the authority must not rely on indexing for longer than a period of four years before seeking a further recommendation from the independent remuneration panel (IRP) on the application of an index to its scheme.
- 3.23 There was no pay award to NJC and Local Government Services in 2010/11 or 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011. Arrangements would normally have been put in train by now for a review of the scheme by an Independent Remuneration Panel. In 2012/13, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. Negotiations are in hand for a minimal increase in local government pay, however, in view of the continuing financial stringency, it is proposed to affirm the stance taken to last year and to defer any review of the scheme for a further twelve months.
- 3.24 The Localism Act 2011 introduces a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. In 2012/2013, the scheme provided that an allowance of £500 per annum may be paid to the independent person appointed pursuant to Section 28 of the Localism Act 2011 which was the rate paid to the previous Independent Chair of the Standards Committee. The Authority currently has two independent persons who no longer have responsibility to chair meetings of the Standards Committee. It is therefore proposed to withdraw this allowance. The independent person is however still able to claim travel and subsistence allowances as appropriate.
- 3.25 A revised members allowances scheme is attached as Appendix 5 which takes account of changes to the Authority's governance amendments as follows:-
- The previous scheme allowed the withholding of allowances in respect of members subject to sanctions in respect of a failure to comply with the Code of Conduct. It is no longer possible to withhold a member's basic allowance as a sanction because of the changes introduced by the Localism Act 2011. This reference has therefore been removed.

- Amendments in respect of travel allowances. It is proposed to amend the mileage rate for motor vehicles over 1199cc from 48.5p to 45p per mile for the first 10,000 business miles and 25p per mile after that.

This is in line with Her Majesty's Revenues and Customs rates for reimbursement of travel expenses. It is also proposed to amend the rate for members to claim for carrying a passenger from 3p for the first passenger and 2p per subsequent passenger to 5p. This brings the members allowances scheme into line with the mileage rate paid to officers under the Green and Grey Book conditions of service.

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.

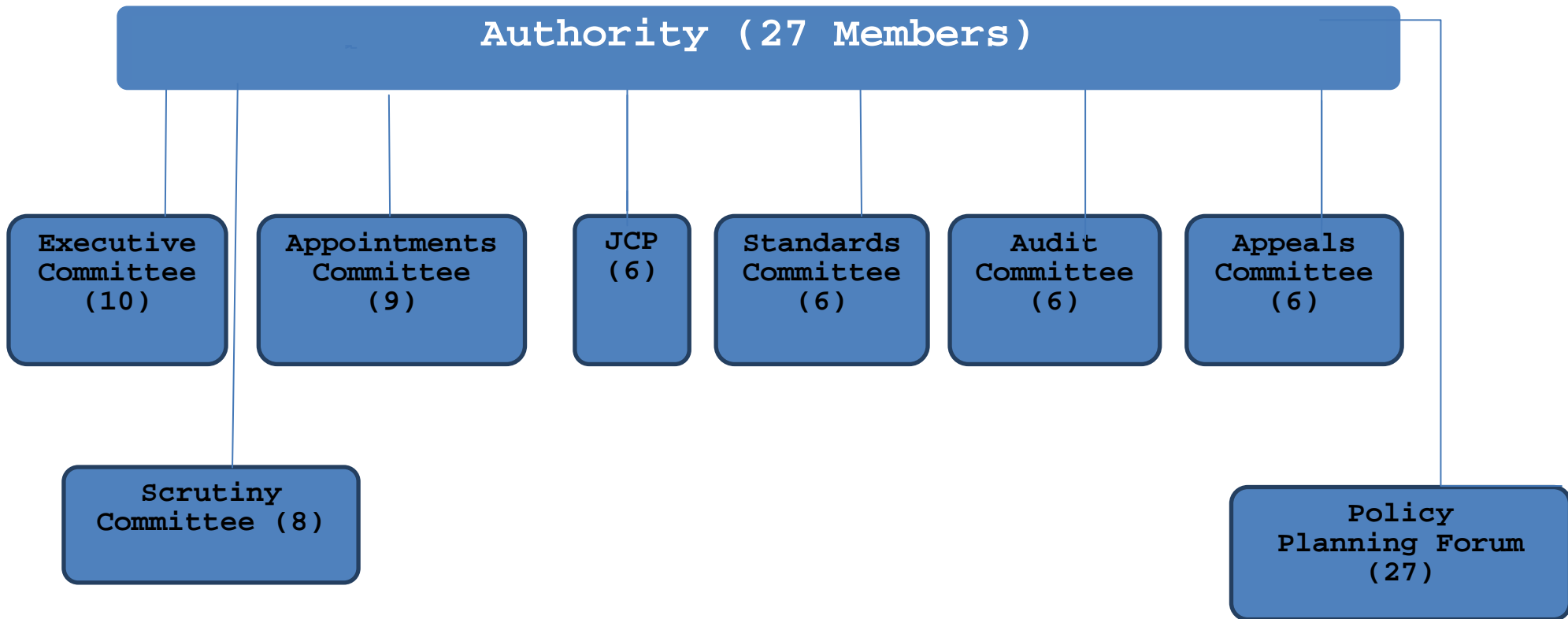
6. **FINANCIAL IMPLICATIONS**

- 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

None

NEERAJ SHARMA
CLERK AND MONITORING OFFICER



Committees, Panels and Forums
Terms of Reference 2013/2014

Executive Committee

To deal with all matters of an urgent nature which in the opinion of the Clerk/Monitoring Officer, cannot reasonably be delayed until the next ordinary meeting of the Authority or appropriate committee.

To approve, where due to timescales the Authority is unable to, any significant matters arising from the consultation on 'The Plan' and the Authority's Community Safety Strategy

To consider recommendations from the Scrutiny Committee in respect of completed reviews and to respond to the Scrutiny Committee on what action it proposes to take.

Overview of governance arrangements in relation to any collaborative working agreements and shared service delivery arrangements.

In connection with collaborative work between this Authority and the Stoke on Trent and Staffordshire Fire and Rescue Authority, to oversee progress and receive regular reports from the Fire Control Project Governance Board and to make recommendations to the Authority as necessary on the implementation of joint arrangements for delivering control services.

To approve the procurement process in respect of tenders where the estimated value exceeds £100,000.

To approve the award of contracts valued in excess of £100,000 where it is proposed to accept a tender other than the most economically advantageous (highest score) or lowest price; or the value of the contract exceeds the identified funding provisions; or where the Committee/Authority has indicated at pre-tender stage that it reserves the right to approve the award of a particular contract.

To receive reports on the financial and other benefits arising from contracts let by way of negotiation where the estimated value of the contract exceeds £100,000, prior to the award of the contract.

To monitor retrospectively twice yearly the award of all contracts in excess of £100,000 and in particular those to which an exemption to the Procurement Procedures has been approved.

To monitor retrospectively the award of contracts valued over £30,000 but less than £100,000 where a tender other than the most economically advantageous (highest score) or lowest price has been accepted, or where the contract has been extended and this was not an option at the time of the award of the contract.

To approve arrangements for partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements, above £100,000 in value.

To deal with matters relating to the Members' Allowances Scheme.

To oversee member development activities including the identification of members' learning and development needs, the annual programme of development activities and the identification of resources to deliver an effective member development programme.

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 Fire Officers and non-uniformed Directors.

To deal with all matters of an urgent nature which, in the opinion of the Clerk/Monitoring Officer, cannot reasonably be delayed until the next ordinary meeting of the Authority or appropriate committee.

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

To submit its minutes to the Authority.

Scrutiny Committee

To carry out a minimum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Executive Committee.

To track and monitor the implementation of review recommendations that are accepted by the Executive Committee.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Director of Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To have responsibility for scrutiny of equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's HR policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum or Executive Committee, the Chief Fire Officer, Clerk and Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, members of the Scrutiny Committee shall not sit on the Executive Committee.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

Audit Committee

Audit Activity

To approve the internal audit strategy incorporating the annual audit plan.

To consider the Audit Services annual report and opinion, and a summary of internal audit activity and the level of assurance it gives over the Authority's governance, risk management and internal control arrangements.

To consider any summaries of internal audit activity and specific internal audit reports requested by the Committee.

To consider reports dealing with the management and performance of Audit Services where necessary.

To consider reports from Audit Services on the timeliness of management responses to internal audit reports and on agreed recommendations not implemented within a reasonable timescale where necessary.

To consider specific reports as agreed with the external auditor and the report to those charged with governance where necessary.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission over the appointment of the Authority's external auditor.

To consider specific reports in terms of data quality including assessments by the external auditors.

Regulatory Framework

To maintain an overview of contract procedure rules and financial regulations.

To monitor the effective development and operation of risk management and corporate governance in the Authority.

To consider the Authority's arrangements for corporate governance and recommending necessary actions to ensure compliance with best practice.

To oversee the production of the Authority's Governance Statement and to recommend its adoption.

To monitor Authority policies on 'Raising Concerns at Work', the anti-fraud and anti-corruption strategy and the Authority's complaints process.

To consider the Authority's compliance with its own and other published standards and controls.

Accounts

To review the annual statement of accounts, and specifically, consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

To scrutinise and review treasury management arrangements.

Generally

To review any issue referred to it by the Chief Fire Officer, Clerk or Treasurer, or any Authority body.

To refer matters for consideration by the Authority, another Committee or an officer where considered appropriate.

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

To meet at least quarterly in accordance with CIPFA guidelines.

To submit its minutes and Annual Report to the Authority.

Appointments Committee

To make the appointments of the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officers and non-uniformed Directors.

To consider and make a recommendation to the Authority on the dismissal or other disciplinary action in respect of the Chief Fire Officer.

To hear and decide upon appeals by the Deputy Chief Fire Officer, an Assistant Chief Fire Officer, Director of Resources or Director of Human Resources against dismissal or other disciplinary action.

Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

To submit its minutes to the Authority.

Appeals Committee

To hear and decide upon:-

- Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.
- Appeals under the Local Government Superannuation Regulations.

To submit its minutes to the Authority.

Policy Planning Forum

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

May refer matters to the Scrutiny Committee for consideration.

To act as a training facility for Members and support Member development.

To submit its notes to the Authority.

Standards Committee

To promote and maintain high standards of conduct and ethical governance by Members and co-opted Members of the Authority.

To assist Members and co-opted Members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

To advise, train or arrange for training for Members and co-opted Members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).

To grant dispensations to Members and co-opted Members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

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

To meet at least annually and as and when appropriate.

To submit an Annual Report to the Authority.

To submit its minutes to the Authority.

Joint Consultative Panel

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 Director HR on the compilation of the agenda. The Director HR will consult with the Employees 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 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 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 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 Director of Human Resources or his 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, 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.

MEMBER ROLE DESCRIPTIONS 2013/2014

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:

- 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 HR Director or his 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 advisor 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 Trades Union representative outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying with the Code of Conduct outline the considerations for elected members the 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 Services core values in respect of their communications with the Trade Unions/ Representative Bodies.

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY
CALENDAR OF MEETINGS 2013/14**

Date	Time	Meeting
2013		
Monday 24 June	11.00 am 12.30 pm	Authority [Annual Meeting] [political groups at 10 am] New member induction [part 2]
Monday 22 July	10.00 am 10.30 am 1.00 pm 1.00 pm	Executive Committee Policy Planning Forum Scrutiny Committee Standards Committee
Monday 2 September	9.30 am 11.00 am	Tour of Safeside Chair's agenda meeting
Monday 9 September	10.00 am 10.30 am 1.00 pm	Executive Committee Policy Planning Forum Audit Committee
Monday 16 September	11.00 am 1.00 pm 2.30 pm	Authority [political groups at 10 am] Scrutiny Committee The Academy Visit
Monday 23 September	11.00 am 1.00 pm	Standards Committee Joint Consultative Panel [pre meeting tbc]
Monday 7 October	10.00 am	Transport Engineering Visit
Monday 14 October	10.00 am 10.30 am 1.00 pm	Executive Committee Policy Planning Forum Audit Committee
Monday 21 October	10.00 am	Scrutiny Committee
Monday 4 November	10.00 am 10.30 am To follow 1.00 pm	Executive Committee Policy Planning Forum Chair's agenda meeting Scrutiny Committee
Monday 11 November	1.30 pm	Joint Consultative Panel [pre meeting 1 pm]
Monday 25 November	11 am To follow	Authority [political groups at 10 am] Audit Committee - self-assessment exercise
Monday 9 December	10.00 am 10.30 am 1.00 pm	Executive Committee Policy Planning Forum Scrutiny Committee

2014		
Monday 20 January	10.00 am 10.30 am 1.00 pm 1.00 pm	Executive Committee [non domestic ratepayers consultation meeting] Policy Planning Forum Scrutiny Committee Audit Committee
Monday 27 January	10.00 am	Chair's agenda meeting
Monday 17 February	11.00 am to follow	Authority [budget and precept setting] [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 24 February	10.00 am	Scrutiny Committee
Monday 24 March	10.00 am 10.30 am To follow 1.00 pm 1.00 pm	Executive Committee Policy Planning Forum Chair's Agenda Meeting Audit Committee Standards Committee
Monday 31 March	10.00 am	Scrutiny Committee
Monday 14 April	11.00 am To follow	Authority [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
Monday 2 June	10.00 am	Scrutiny Committee
Monday 9 June	10.00 am 10.30 am To follow 1.00 pm	Executive Committee Policy Planning Forum Chair's agenda meeting Audit Committee
Monday 7 June	All day	Induction day for new members
NEW MUNICIPAL YEAR Monday 21 July	11.00 am	Authority [Annual Meeting] [political groups at 10 am]

The 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 23rd June 2008 until 31st March 2009 and in subsequent years from 1st April to 31st 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 31st March.

3. **Basic Allowance and Co-optees 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 Co-optees 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 1st 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 25th 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 25th 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 2013/2014

Responsibility	SRA (£)
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
Elected Member Basic Allowance	3,500
Co-optees allowances	
Independent Member of the Audit Committee	350

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.