

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**6<sup>TH</sup> MARCH 2006**

## **1. CLERK TO THE AUTHORITY**

Report of the Clerk, Chief Fire Officer and Treasurer.

RECOMMENDED

- 1.1 THAT the Authority considers the options for future clerking arrangements detailed in the report;
- 1.2 THAT the Authority considers the interim arrangements outlined at paragraph 5.8;
- 1.3 THAT the Authority considers the preferred option outlined at paragraph 5.5, and that the Chief Fire Officer brings a report to the Authority on 24th April, 2005, with recommendations on how the new arrangements would work.

## **2. PURPOSE OF REPORT**

- 2.1 This report is supplementary to the report submitted to the Authority on 13<sup>th</sup> February 2006 when the Clerk informed Members that he will be taking early retirement from his post of Chief Executive of Sandwell MBC with effect from 19<sup>th</sup> March 2006. This report sets out a number of options for the future provision of clerking arrangements to the Authority and submits a preferred option.

## **3. BACKGROUND**

- 3.1 At the meeting of the Authority on 13<sup>th</sup> February 2006, the Clerk submitted a report informing Members that he would be taking early retirement from his post of Chief Executive of Sandwell MBC with effect from 19<sup>th</sup> March 2006. Also stated within that report, the interim successor at Sandwell MBC will not be taking on the role of Clerk to the Authority as part of her job description.

- 3.2 Members will be aware that in accordance with the Local Government Act 1985 the Authority is obliged to appoint a person to be Clerk to the Authority and in making the appointment shall have regard to the desirability of that person being the chief officer of a constituent council of the Authority.
- 3.3 Members may recall that at the time of the legislation the seven constituent authorities in the West Midlands allocated joint authorities between themselves.
- 3.4 In recent years the other precepting authority in the West Midlands, West Midlands Police Authority, decided to appoint an Executive Director to undertake the role of Clerk to that Authority. However, the financial and legal responsibilities remain with Dudley MBC as the lead authority.
- 3.5 Having benchmarked against other Fire and Rescue Authorities, it is the case that a variety of support mechanisms exist, ranging from stand alone bodies, to directly employed officers and lead authority arrangements.
- 3.6 The role has also taken on the responsibility for Clerk to the Regional Management Board. This responsibility has added considerably to the workload of the Clerkship.

#### 4. **ROLE OF THE CLERK**

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

##### Role and Functions

The role of the Clerk embraces responsibility for the following functions:-

- Organising and issuing calling notices for meetings of the Authority, its Committees and other decision making bodies.
- Administrative support to political groups.

- Attending all meetings, giving advice on the interpretation or application of standing orders and other procedures.
- Producing and publishing minutes.
- Maintaining a list of functions delegated by the Authority to chief officers.
- Producing reports to the Authority as required.
- Offering advice on the content of Authority and Committee reports, including specific legal and procedural advice where required.
- Producing a summary of decisions from Authority meetings for circulation to the West Midlands District Councils.
- Carrying out the statutory process for consultation with non-domestic ratepayers on the Authority's budget setting process.
- Issuing precept notices to the District Councils (in consultation with the Treasurer).
- Appointing and replacing members on the Authority under the procedures in the Local Government Act 1985 and proper officer for the purposes of Section 15 of the Local Government and Housing Act, 1989
- Members Allowances Scheme, including the monthly issue and processing of claims forms.
- Publication of statutory notices relating to members allowances and the audit of accounts process.
- Maintaining the statutory register of Members' interest under the Authority's code of conduct (including protocols on gifts and hospitality and Member/Officer relations).
- Dealing with appointments to outside bodies.
- Administrative arrangements for the attendance of Members at conferences (in consultation with the Chief Fire Officer).
- Providing reports to West Midlands Joint Committee and District Leaders on matters of interest from the Authority.
- Dealing with circulars and other correspondence addressed to the Clerk to the Authority.
- Involvement in specific projects required from time to time by the Authority.

- Monitoring Officer under the Local Government and Housing Act, 1989
- Proper Officer under the Local Government (Access to Information Act 1985)

## 5. **OPTIONS FOR CLERKING ARRANGEMENTS**

5.1 There are a number of options open to Members for the efficient clerking arrangements for the Authority.

### 5.2 **Option One**

Sandwell MBC is asked to reconsider its decision regarding the Chief Executive acting as Clerk to the Fire and Rescue Authority, or to consider nominating an appropriate Chief Officer to undertake the role.

### 5.3 **Option Two**

The Authority might wish to consider following the same route as the West Midlands Police Authority in creating a post of Clerk to perform the clerking function.

### 5.4 **Option Three**

The Authority could also consider allocating the role of Clerk to an existing Brigade Senior Officer.

### 5.5 **Preferred Option**

Having considered these options, the Authority is recommended to allocate the role of Clerk to an existing Principal Officer within West Midlands Fire Service. The reasons for this would be:

- The responsibility for clerking would be in house and therefore within the total control of the Authority.
- Greater flexibility of working and ready availability of access to the Clerk.

A review of clerking support services would need to be undertaken.

5.6 If the Authority agrees to allocate the role of Clerk to an existing Principal Officer within West Midlands Fire Service, the obvious

post would be that of the Director of Administration. This officer is a member of the Service's Corporate Management Team and currently has a significant role in the business of the Authority. If it is agreed that this post-holder should also undertake the function of Clerk and Monitoring Officer to the Authority, written protocols will be required to guarantee the independence of the role of Monitoring Officer from the Brigade in giving advice to the Authority.

- 5.7 This proposal would require a detailed review of how the clerking arrangements would work and of any remuneration issues that would arise. Should the Authority agree to the preferred option, the Chief Fire Officer would report back to the Authority on 24th April, 2006, following his review of the corporate management structure.
- 5.8 Should the Authority agree to this option, then interim arrangements would need to be put in place from 20th March 2006 with regard to the position of Clerk. In order to guarantee continuity of business and to provide support and guidance during the transition, it is proposed that the Treasurer would assume responsibility for the clerking role, in addition to her current role, until such time that revised arrangements for clerking are agreed.

## 6. **EQUALITY AND DIVERSITY IMPLICATIONS**

There are no direct equality and diversity implications involved with the recommendations contained within this report.

## 7. **CORPORATE AIM SUPPORTED**

The principal corporate aim supported by the information in this report is as follows:

1. Supporting the Authority in meeting its statutory duties, standards and expectations.

## 8. **LEGAL IMPLICATIONS**

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

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

## 9. **FINANCIAL IMPLICATIONS**

It is anticipated that the cost of all three options outlined in this report could be accommodated within existing budgetary provision. If the preferred option is approved, the associated financial implications would be determined as part of the detailed analysis undertaken by the Chief Fire Officer and presented in a report to a future meeting.

F. N. SUMMERS  
CLERK

F.J.E SHEEHAN  
CHIEF FIRE OFFICER

L. BATEMAN  
TREASURER

## **BACKGROUND PAPERS**

Review of the payments to Lead Officers.

HR Department files.

Schedule of Delegations to Chief Officers approved by the Authority on 27th June 2005.