

## APPENDIX 2

### **Committees, Panels and Working Groups** **Terms of Reference 2010/2011**

#### **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 the Service's strategic planning document 'The Plan' on behalf of the Authority.

To approve any matters arising from the outcomes of the Integrated Risk Management process.

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

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

To deal with matters relating to the Members Allowances Scheme.

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

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

To receive regular updates from Lead Members with regard to current issues affecting his/her portfolio and his/her activities in pursuance of corporate aims and objectives.

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

To submit its minutes to the Authority.

### **Audit and Performance Management Committee**

#### **Audit Activity**

Approve the internal audit strategy.

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.

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

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

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.

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

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

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

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

### Regulatory Framework

Maintain an overview of contract procedure rules and financial regulations.

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

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

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

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

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

## Accounts

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.

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

## Performance

To ensure that performance is actively monitored and reported upon.

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:

- that activity is delivering performance outcomes and that targets and measures are aligned to the strategic direction of the Brigade; and
- that all issues relating to performance management arising from internal and external reviews and audits of service provision are considered and that recommendations are being progressed as appropriate.

To consider the link between cost and performance by receiving budget monitoring information alongside performance reports.

To receive monitoring reports on the progress against the Service's objectives.

To receive monitoring reports on the Service's performance against its indicator targets.

## Generally

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.

To submit its minutes and Annual Report to the Authority.

## **Principal Officers' Staffing 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 against dismissal or other disciplinary action.

To shortlist and interview candidates for appointment as independent Members 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:-

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

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

To appoint Sub Committees with delegated power:

- a. To discharge any function specified in Section 57A of the Local Government Act 2000 (initial assessment of allegations of Member misconduct);
- b. To discharge any function specified in Section 57B of the Local Government Act 2000 (review of decision of Assessment Sub Committee)
- c. To conduct local hearings under Regulation 10 of the Standards Committee (England) Regulations 2008.

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

To consider applications for exemption from the 'politically restricted post list' by the post holder, and make decisions as to whether the post should be included on the list.

To consider concerns from any member of the public who believes that a post has been wrongly omitted from the 'politically restricted post list'.

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

To meet at least quarterly.

To submit an Annual Report to the Authority.

To submit its minutes to the Authority.

## **Joint Consultative Panel (JCP)**

### 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 trade unions as follows:

#### JCP

6 employers and

2 Fire Brigades' Union  
1 Fire Officers' Association  
1 UNISON  
1 APFO  
(Known as the employees)

All members shall retire annually and shall be eligible for re-appointment by the Fire Authority.

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 staff organisations concerned, by nomination to the Authority.

### 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:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

- v. To discharge such other functions as are specifically assigned to it.
- vi. 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. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions of service of employees of the Authority.

## 7. RULES AND REGULATIONS

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 being represented, however, where the Panel is considering business relating specifically to one trade union, 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 to be represented, provided that the relevant union 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 Development Working Group**

The Member Development Working Group is an open forum where Members and officers aim to establish, and continue to improve, a comprehensive and robust Member training and development process; ensure that Member development becomes part of mainstream organisational development activities and that the development of Members contributes to the Authority achieving its core values, priorities and objectives.

### **Terms of Reference**

To assist in the development and continuous review of a strategy for Member development.

To act as champions, helping to create an environment where Members can clearly identify how participation in training and development activities has assisted them in carrying out their role.

To identify learning and development needs for elected Members that will assist them in carrying out their roles, duties and responsibilities.

To develop and approve an annual programme of development activities which provides Members with development opportunities that support the core values, priorities and objectives set out within The Plan.

To make recommendations to the Authority on the identification of sufficient resources, including people and financial, to deliver an effective Member Development Programme.

To prioritise and review training and development needs within agreed resources.

To select and develop Members and officers who will undertake the various roles required to assist the Authority in achieving the Member Development Charter.

To monitor and review the Member Development Programme.

To submit its minutes to the Authority.