

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**23rd June 2008**

**1. CONSTITUTION OF COMMITTEES AND PANELS, TERMS OF REFERENCE AND MEMBER PORTFOLIOS 2008/2009**

Report of the Clerk.

**RECOMMENDED**

- 1.1 THAT the Member portfolios for 2008/2009 and the constitution and terms of reference of committees and panels, and as set out in Appendices 1 and 2 be approved;
- 1.2 THAT the calendar of meetings for 2008/2009 as set out in Appendix 3 be approved;

**2. PURPOSE OF REPORT**

This report is submitted for the Authority to consider the constitution and terms of reference of committees and panels for 2008/2009, the adoption of Member portfolios and a programme of meetings for 2008/2009.

**3. BACKGROUND**

- 3.1 The Authority's committee structure and political governance arrangements ensure adherence to the following principles:-
  - to be best placed to respond to a range of internal and external issues and to deliver on its commitment to modernisation and other key objectives in the Authority's Corporate Strategy and Annual Service Plan.
  - decision-making processes that are open, transparent, accountable and inclusive in line with Government expectations on strengthening local democracy.

## **Member Portfolios**

- 3.2 The adoption of “portfolios” is consistent with the approach taken in local authorities generally under the modernisation of decision-making structures, as required by the Local Government Act 2000, and the Authority has been appointing Lead Members for Equality and Diversity and Performance Management since 2004/2005.
- 3.3 Not all of the provisions of the Local Government Act 2000 apply to this Authority. Individual Members do not have delegated powers to act on behalf of the Authority. However, the adoption of Member portfolios helps to define the role of key positions and assists in any future reviews of remuneration. Lead Members have a key role to “champion” issues at the Policy Planning Forum, the Executive Committee and Authority meetings. Lead Members also meet with officers on a regular basis to discuss progress within their portfolio area and take part in task and finish groups with officers on issues identified for attention. Lead Members are supported by deputies.
- 3.4 Portfolios for the Chair and Vice-Chair of the Authority; the Lead Members for Equality and Diversity and Performance Management are set out in Appendix 1.
- 3.5 It is proposed to establish a new Lead Member role for Human Resources to lead on human resources issues and provide support and assistance to the Head of Human Resources. The portfolio for this role is also set out in Appendix 1. It is proposed that this role will replace the roles of Principal Member and Deputy Principal Member on the Joint Consultative Committee.
- 3.6 The Lead Members with portfolio responsibilities for Performance Management and Equality and Diversity are currently Members of the Executive Committee. This ensures that these key issues are properly represented in the mainstream decision making processes and governance arrangements of the Authority. It is recommended that this practice continues and that the new Lead Member for Human Resources is also appointed to the Executive Committee for the same reason.

### **Appointments Committee**

- 3.7 The existing arrangements for the Appointments Committee are satisfactory. The Membership of 9 elected Members provides for appropriate levels of representation from across the seven West Midlands District Councils.

### **Appeals Committee**

- 3.8 The Appeals Committee operates as a quasi-judicial body in determining appeals relating to dispute resolution, pensions and superannuation matters. No changes are recommended to the existing arrangements.

### **Audit Committee**

- 3.9 At its meeting on 24<sup>th</sup> September 2007, the Authority established an Audit Committee, as recommended by the Authority's then auditors, KPMG, comprising of five Members, selected in accordance with current proportionality requirements.
- 3.10 The Authority also resolved to appoint an independent Member to the Audit Committee, with effect from the annual meeting in 2008 for a three year term of office. The independent Member will not have voting rights. Interviews for the independent Member post were conducted by the Audit Committee on 9<sup>th</sup> June, 2008 and the Committee recommend that Mr M Ager be appointed to serve as independent Member on the Audit Committee for the term of office expiring with the Annual Meeting in June 2011.

### **Executive Committee**

- 3.11 The Executive Committee arrangements are working effectively. The Executive Committee has provided for speedy decision making to deal with key issues. All Members of the Authority are entitled to attend the Executive Committee and are involved in the discussion of key issues to be considered by the Executive Committee via the Policy Planning Forum.
- 3.12 As a consequence of the establishment of the Audit Committee, the Executive Committee's terms of reference were amended by the Authority on 24<sup>th</sup> September, 2007 to avoid duplication of functions.

- 3.13 In 2007/08 the Executive Committee comprised seven Members as follows:-

Chair of the Authority  
Vice-Chair of the Authority  
Lead Member for Performance Management  
Lead Member for Equality and Diversity  
3 additional Members (in accordance with proportionality) to include the Leader of the Main Opposition Group if not covered above.

It is proposed that the Lead Member for Human Resources is also appointed to this Committee.

### **Policy Planning Forum**

- 3.14 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.
- 3.15 All Members of the Authority are involved in the Policy Planning Forum and it is recommended that the existing arrangements should continue.

### **Joint Consultative Panel**

- 3.16 In 2007/2008 the Authority appointed six Members to the Joint Consultative Panel, which included a Principal and Deputy Principal Member. It is proposed that these roles be replaced with the Lead and Deputy Leader Member roles for Human Resources.
- 3.17 A review is currently taking pace on the future role of the Joint Consultative Panel and how it would fit into the wider consultation framework.

### **Standards Committee**

- 3.18 The term of office of the current independent Members of the Standards Committee expires with the Annual meeting of the Authority in 2010. It is not proposed to make any changes in respect

of the independent Membership of the Committee.

**3.19** Part 10 of the Local Government and Public Health Act enacted in October 2007 concerns ethical standards and gives effect to the Government's proposals for the reform of the regime relating to standards of conduct for local government. Under the new arrangements the Standards Board for England (SBE) will have a more strategic role and local Standards Committees will have the responsibility for dealing with the majority of allegations of misconduct. The Standards Committee (England) Regulations 2008 came into effect on 8<sup>th</sup> May, 2008 and transfer responsibility for the initial assessment of allegations of misconduct from the SBE to local authorities. The Standards Committee is required by the new Regulations to establish assessment and review sub-committees to undertake these new duties. This will require some amendment to the terms of reference of the Committee as indicated in Appendix 2.

3.20 It has been the practice of the Authority for the Chair of the Standards Committee for each year to be appointed from amongst the independent Members of the Committee. This is now a legal requirement, and furthermore, guidance from the Standards Board for England also suggests that the Vice Chair of the Committee should be drawn from the independent Membership. Furthermore, the Standards Board also advises that substitute Members are not appointed to standards committees.

### **Programme of Meetings**

3.21 A proposed programme of meetings for 2008/2009 is attached as Appendix 3. No provision has been made for meetings of the Joint Consultative Panel (JCP) in the calendar at this time. It is anticipated that a meeting of the Panel will be convened in the near future to look at the proposals for the future of the consultative process referred to in 3.16 above.

## **4. EQUALITY IMPACT ASSESSMENT**

4.1 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. The Lead Member will ensure that equality and diversity issues are properly considered in the

mainstream decision-making processes of the Authority.

- 4.2 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 political organisation for the coming year taking into account the requirements of the Local Government Act, 1972, and the Local Government and Housing Act 1989 with regard to proportionality.
- 5.2 The Authority's Standing Orders prescribe the issues the Authority should address at its Annual Meeting in terms of the appointment of a Chair and Vice-Chair, and the appointment of committees and their Chairs and Vice Chairs.

6. **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**

None

SUSAN PHELPS  
CLERK

### **MEMBER PORTFOLIOS 2008/2009**

#### **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 and the Annual Service 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;
- Corporate 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 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 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 and the Annual Service 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 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.

## **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 Rescue Authority.
- The various Equality Schemes.

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 or Panels.

To chair task and finish groups as required from time to time and take the lead on all aspects relating to Equality and Diversity.

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 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.

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 represent the Authority on matters related to all aspects of CPA including Service Assessment, Use of Resources and Direction of Travel.

To take a leading role in respect of ensuring data quality.

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 or Panels.

To chair task and finish groups as required from time to time and take the lead on all aspects relating to Performance Management and Measurement.

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 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.

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 Human Resources**

To take a leading role within the Authority for:-

- targets being achieved in relation to human resources
- the implementation of the recruitment action plan
- regular consultation between the Authority and its recognised representative bodies, as appropriate

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 or Panels.

To chair task and finish groups as required from time to time and take the lead on all aspects relating to Human Resources

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 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.

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.



### **Constitution and Terms of Reference 2008/2009**

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

To deal with matters 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.

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

To submit its minutes to the Authority.

## **Audit 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 a report from Audit Services on the timeliness of management responses to internal audit reports and on agreed recommendations not implemented within a reasonable timescale.

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.

### Regulatory Framework

Maintain an overview of contract procedure rules and financial regulations.

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

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

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

Oversee the production of the Authority's Governance Statement<sup>1</sup> and to recommend its adoption.

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

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.

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 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 Firemen's Pension Scheme Order.

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 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 consider and determine any allegations of misconduct against Members of the Authority, being a breach of the National Code of Conduct or a code of conduct or protocol approved by the Authority as amended from time to time, and for this purpose to resolve upon or recommended to the Authority any sanction which it sees fit as a consequence of finding misconduct.~~

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

The granting of exemptions in respect of politically restricted posts.

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

To submit its minutes to the Authority.

## Appendix 3

### WEST MIDLANDS FIRE AND RESCUE AUTHORITY

#### CALENDAR OF MEETINGS 2008/09

Date	Time	Meeting
<b>2008</b>		
Monday 23 <sup>rd</sup> June	11.00 am	<b>Authority</b> [Annual Meeting] [political groups at 10 am]
Monday 7 <sup>th</sup> July	9.30 am To follow TBC TBC	Executive Committee Member induction session Audit Committee Standards Committee
Monday 21 <sup>st</sup> July	10.00 am 12 noon	Policy Planning Forum Executive Committee
Monday 8 <sup>th</sup> September	10.00 am 12 noon To follow	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 22 <sup>nd</sup> September	11 am	<b>Authority</b> [political groups at 10 am]
Monday 6 <sup>th</sup> October	10.00 am	Audit Committee
Monday 20 <sup>th</sup> October	10.00 am 12 noon 2.00 pm	Policy Planning Forum Executive Committee Standards Committee
Monday 10 <sup>th</sup> November	10.00 am 12 noon To follow	Policy Planning Forum Executive Committee Chair's agenda meeting
Monday 1 <sup>st</sup> December	11 am	<b>Authority</b> [political groups at 10 am]
Monday 15 <sup>th</sup> December	10.00 am 12 noon	Policy Planning Forum Executive Committee
<b>2009</b>		
Monday 12 <sup>th</sup> January	10.00 am 12 noon 2.00 pm	Policy Planning Forum Executive Committee Audit Committee
Monday 26 <sup>th</sup> January	10.00 am 12 noon To follow 2.00pm	Policy Planning Forum Executive Committee Chair's agenda meeting Standards Committee
Monday 9 <sup>th</sup> February	11 am	<b>Authority</b> [budget and precept setting] [political groups at 10 am]

<b>2009 cont'd</b>		
Monday 2 <sup>nd</sup> March	10.00 am 12 noon	Policy Planning Forum Executive Committee
Monday 30 <sup>th</sup> March	10.00 am 12 noon To follow 2.00 pm	Policy Planning Forum Executive Committee Chair's Agenda Meeting Audit Committee
Monday 20 <sup>th</sup> April	11.00 am	<b>Authority</b> [political groups at 10 am]
Monday 18 <sup>th</sup> May	10.00 am 12 noon 2.00pm	Policy Planning Forum Executive Committee Standards Committee
Monday 8 <sup>th</sup> June	10.00 am 12 noon To follow 2.00 pm	Policy Planning Forum Executive Committee Chair's agenda meeting Audit Committee
Monday 22 <sup>nd</sup> June	11.00 am	<b>Authority</b> [Annual Meeting] [political groups at 10 am]