

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24th April 2006

1. CLERK TO THE AUTHORITY

Report of the Acting Clerk and Treasurer and Chief Fire Officer.

RECOMMENDED

- 1.1 THAT the Authority considers the option for future clerking arrangements put forward by Sandwell MBC.

2. PURPOSE OF REPORT

- 2.1 A report was submitted to the Authority on 13th February 2006 when the Clerk informed Members that he would be taking early retirement from his post of Chief Executive of Sandwell MBC with effect from 19th March 2006. A further report was submitted to a special meeting of the Authority on 6th March, 2006 detailing a number of options for the future clerking arrangements. The Authority resolved:

- (1) that Sandwell Council be 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, with a report consequent upon this reconsideration to be made to the Authority at its meeting on 24th April, 2006;
- (2) that the Treasurer assume responsibility for the clerking role, in addition to her current role, with effect from 20th March, 2006 until such time as revised arrangements for the clerking are agreed;
- (3) that the Chief Fire Officer produce a report on a review of clerking support services to be submitted to the Authority at its meeting to be held on 24th April, 2006.

- 2.2 This report details the response from Sandwell to that request and recommends a way forward whereby the clerking function be carried out by two Chief Officers from Sandwell, with the Chief Executive providing an overview on significant strategic issues.

3. **BACKGROUND**

- 3.1 At the meeting of the Authority on 13th 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 19th March 2006. It was also stated within the report that the interim successor at Sandwell MBC would 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 A report was submitted to the Authority on 6th March, 2006 detailing a number of options that were available to provide the clerking role. The Members' view was that Sandwell be asked to reconsider their decision and the Authority resolved as follows:

"that Sandwell Council be 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 under the role, with a report consequent upon this reconsideration to be made to the Authority at its meeting on 24 April, 2006"

- 3.5 A formal request was submitted to Councillor Thomas, Leader of Sandwell Council, by your Chair. Detailed discussions on the precise requirements of the role were held between your officers, the Chair of the Authority and Councillor Thomas and the Interim Chief Executive of Sandwell MBC, to determine a way forward. As a result of these discussions, Councillor Thomas was happy to put forward a proposal to the Fire Authority whereby the clerking function be provided by two of Sandwell's Chief Officers. A copy of Councillor Thomas's letter is attached as an Appendix for Members' information.
- 3.6 The proposal is that Sandwell's Head of Governance Services cover the clerking duties and their Head of Legal Services support her with legal advice and act as Monitoring Officer. Both officers have extensive experience in their field of work and the Fire Authority will benefit from a broader and more flexible clerking support than previously. Administrative support to the Clerk will continue to be provided by Sandwell's existing officers.
- 3.7 The precise split of the duties (detailed in paragraph 4 of this report) will be agreed with the Officers if this proposal is accepted.

4. **ROLE OF THE CLERK**

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

- 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. **EQUALITY AND DIVERSITY IMPLICATIONS**

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

6. **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.

7. **LEGAL IMPLICATIONS**

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

8. **FINANCIAL IMPLICATIONS**

It is anticipated that the cost of this proposal can be accommodated within existing budgetary provision. The payment made to the previous Clerk will be utilised to fund the proposal.

F.J.E SHEEHAN
CHIEF FIRE OFFICER

L. BATEMAN
ACTING CLERK & TREASURER

BACKGROUND PAPERS

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

Letter from Leader of Sandwell MBC March 2006

Cllr D Hinton
Chair of West Midlands Fire and Rescue Service
Lancaster Circus
Queensway
Birmingham
B4 7DE

WHT/DER

WH Thomas

0121 569 3045

24 March 2006

Dear Councillor Hinton

Re: West Midlands Fire and Rescue Authority – Clerking Arrangements

Thank you for your letter of 7th March requesting the Council to reconsider our decision in respect of the clerking arrangements to the Fire and Rescue Authority.

Having now had the opportunity to discuss in detail the need of the Fire and Rescue Authority in respect of this important role with our new Interim Chief Executive, together with the advantages to both of our Authorities of this mutual support, I am pleased to say that I feel able to put forward an alternative proposal.

You will be aware that Sandwell has clearly committed to freeing-up the Chief Executive from the substantial personal input required on the extent of regional working carried out by her predecessor. I believe, however, that this could be achieved and clerking support to your authority maintained by utilising the skills and capacity of two of our other Chief Officers.

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I propose that Sandwell's Head of Governance cover the clerking duties and our Head of Legal Services will support her with legal advice, an overview being provided by our Chief Executive of significant strategic issues. Both Heads have extensive experience in their field, and I am of the view that this can provide your authority with a broader and flexible clerking support than previously. The Clerk support will continue to be provided by Sandwell's existing officers.

I am happy for the details of the arrangements to be agreed between the Chief Fire Officer and Sandwell's Interim Chief Executive if that is acceptable to you.

Yours Sincerely

Cllr W H Thomas O.B.E.
Leader of the Council