

Fire Authority Terms of Reference and Committee Constitutions

Report of the Clerk

For further information about this report please contact Anthea Lowe, Clerk and Monitoring Officer, on 01952 383219 or Germaine Worker, Head of Human Resources and Administration, on 01743 260210

1 Purpose of Report

This report requests approval of the Terms of Reference for the Fire Authority and also asks the Fire Authority to agree the constitutions of its committees.

2 Recommendations

The Fire Authority is asked to:

- a) Note the report;
- b) Agree the proposed Terms of Reference for the Fire Authority, as set out in Appendix A to the report; and
- c) Agree the constitutions of its committees, as set out in Appendix B to the report.

3 Background

Following a recent review of Committee delegations by a group of officers and the Vice-Chair of the Fire Authority, a formal Terms of Reference document for the Fire Authority has been developed to ensure the Fire Authority is discharging its purpose and responsibilities correctly.

In accordance with the Fire Authority's Standing Order 7(2) for the Regulation of Proceedings and Business, the Fire Authority is required at least annually to review the constitution and composition of any committees or sub-committees, which it has appointed.

4 Fire Authority Terms of Reference

The proposed Fire Authority Terms of Reference are attached at Appendix A to the report.

The Terms of Reference encompass the existing arrangements that ensure the Fire Authority has proper governance of its affairs, can facilitate the effective exercise of its functions, and manage corporate risk.

The Fire Authority is asked to agree the proposed Terms of Reference as set out in Appendix A. The Fire Authority is also able to propose amendments to this document, should any be required.

5 Committee Constitutions

The proposed terms of reference for all the Authority's committees and panels are shown in Appendix B to the report with additions shown in bold italics and deletions struck through. A brief synopsis of the proposed changes is given below.

Strategy and Resources Committee

Following the recent review of Committee delegations, extensive changes, as set out in Appendix B to the report, are proposed to the Terms of Reference for this Committee.

Standards, Audit and Performance Committee

Following the recent review of Committee delegations, extensive changes, as set out in Appendix B to the report, are proposed to the Terms of Reference for this Committee.

Hearings Panel

No amendments are proposed.

Strategic Advisory Group

No amendments are proposed.

Brigade Managers' Employment Panel

No amendments are proposed.

Pensions Panel

No amendments are proposed.

6 Conclusions

Following reviews by officers, approval is sought for the Fire Authority Terms of Reference, attached at Appendix A to the report and for the Committee Constitutions, attached at Appendix B.

7 Legal Comment

Under its Standing Orders for the Regulation of Proceedings and Business the Fire Authority is required at least annually:

- To consider the constitution of its committees and sub-committees and their membership (Standing Order 6.3); and

- To review the constitution and composition of any committees or sub-committees which have been appointed (Standing Order 7.2).

8 Financial Implications

There are no financial implications arising from this report.

9 Equality Impact Assessment

There are no equality or diversity implications arising from this report. An e-EQIA is not, therefore, required.

10 Appendices

Appendix A

Fire Authority Terms of Reference

Appendix B

Constitution of Committees

11 Background Papers

There are no background papers associated with this report.

Shropshire and Wrekin Fire and Rescue Authority

Terms of Reference

Members – 15

Quorum – 5 including at least one Member from each constituent authority

The role of the Shropshire and Wrekin Fire and Rescue Authority (the Authority), is to ensure that the services provided by Shropshire Fire and Rescue Service are delivered economically, efficiently and effectively and meet the needs of the communities of Shropshire.

In discharging its overall responsibilities, the Authority ensures proper arrangements are in place for the governance of its affairs, facilitating the effective exercise of its functions and the management of corporate risk.

Specifically, the Authority will:

- Be the ultimate decision-maker for all Authority matters;
- Be the governing body of Shropshire Fire and Rescue Service;
- Discharge duties through its governance arrangements and schemes of delegation, and ensure compliance with its statutory duties;
- Agree proposed changes to the Authority's constitution, standing orders, committee arrangements, terms of reference, contract procedure rules, financial regulations, schemes of delegation, and codes of conduct;
- Set the strategic vision and service priorities through approving the Annual Plan, associated performance targets and People Strategy;
- Approve the annual budget for the Service including approval of Fire Authority precepts;
- Elect the Chair and Vice Chair;
- Agree the size of, and appoint the membership of, committees;
- Make strategic decisions relating to key changes in service delivery, and corporate resources that are above the levels delegated to the Chief Fire Officer;

- Receive, and ratify as required, recommendations and reports from the Authority's Working Groups, Forums and Committees;
- Monitor the performance of the Service and report back to local communities through the publishing of the Annual Plan and Final Statement of Accounts;
- Receive recommendations regarding the disposition, use, acquisition and disposal of assets including the investment, maintenance, safety, security, environmental impact and running costs;
- manage and administer the range of Local Government and Fire Service Pensions schemes in accordance with The Public Service Pensions Act 2013;
- Approve the Pay Policy Statement;
- Adopt and/or amend a Members' Remuneration Scheme;
- Consider Human Resources related matters requiring the Authority's decision where they are not covered by the Chief Fire Officer delegated powers;
- Approve tenders and raising of orders where they are not covered by the Chief Fire Officer delegated powers; and
- Discharge all those local choice functions that the Authority decides should be undertaken by the Authority and all other matters which, by law, must be reserved to the Authority and the delegations, as far as the law allows, of these functions

Strategy and Resources Committee

Quorum - 3

Members – 7

~~Members of the Fire Authority's Standards, Audit and Performance Committee are precluded from sitting on the Strategy and Resources Committee and vice versa.~~

Membership

Members of this Committee shall be drawn from the Membership of the Fire Authority.

No Member of the Fire Authority's Standards, Audit and Performance Committee is entitled to sit on this Strategy and Resources Committee.

Members of this Strategy and Resources Committee are not entitled to sit on the Fire Authority's Standards, Audit and Performance Committee.

Chair

The Chair of the committee shall be elected from the majority group on the Fire Authority.

Statement of Purpose

To promote and maintain a high standard of financial performance and delivery transparency and financial probity in matters relating to the Authority's financial management.

To provide assurance as to the robustness of the Authority's medium term financial plans and to provide scrutiny of such plans, the budget and the Authority's capital programme.

Terms of Reference

~~To~~ ***Review*** the Terms of Reference of the Committee ***at its first meeting following the Annual Meeting of the Authority and as may be required throughout the year*** ~~or at least annually~~ and make recommendations to the Authority regarding amendments

~~To review and~~ ***Agree*** the role descriptions of the Committee's Chair and Vice-Chair at its first meeting following the Annual Meeting of the Authority ***and as may be required throughout the year***

~~To~~ ***Approve*** the Committee's annual work plan

~~To~~ ***Consider*** and make recommendations to the Authority on its strategic direction ***decisions***

~~To~~ **C**onsider any recommendations in relation to changes of service emanating from the Integrated Risk Management Planning Process **and where appropriate, refer these to the Authority for agreement**

~~To~~ **R**ecieve, comment upon, and note the **Authority's draft** Service Plan **for comment and recommendation to the Authority**

~~To~~ **C**onsider and recommend to the Authority an annual financial planning strategy

To review forward revenue and capital budgets for consideration by the Authority, ~~including considering reports from officers,~~ and make recommendations to the Authority on:

- Base budget and committed change
- Pay and prices assumptions
- Efficiencies
- Service developments
- Capital programme
- Robustness of the budget and adequacy of provisions, reserves and funds

~~To~~ **C**onsider revisions to the revenue budget and final budget plan and finalise a revenue budget proposal for consideration by the Authority

~~To~~ **C**onsider and propose the three-year capital programmes, Prudential Guidelines, including Treasury Management Strategy Statement, Treasury Management Practices, Capital Strategy, Investment Strategy and Policy on Minimum Revenue Provision for recommendation to the Authority

Monitor performance in accordance with those Guidelines, Statements, Strategies and Policies

~~To~~ oversee, **Monitor**, review and make recommendations to the Authority on, the management of all financial and physical resources

To have an awareness of the risks faced by the Fire Authority through receiving details of corporate risk in relevant financial reports

~~To~~ monitor budgeting **budgetary** and financial performance, consider any actions proposed by officers and make recommendations to the Authority, where appropriate, including reporting any virements to the Authority for approval

~~To~~ consider national, regional and local procurement strategies

In the monitoring of the Authority's financial and budgetary performance, take into account national, regional and local procurement strategies and ensure that the Authority follows transparent and appropriate procurement processes that accord with any legislative framework in place from time to time

~~To~~ **R**ecieve and consider reports on exemptions agreed by the Chief Fire Officer and Treasurer in consultation with the Chair of the Fire Authority under the Authority's Standing Orders relating to Contracts ~~and advise as appropriate~~

~~To~~ consider value for money issues

~~To~~ **R**evue the Authority's Aims and ~~Service Targets~~ **Corporate Performance Indicators** annually for recommendation to the Authority

To receive reports, **for awareness**, on any financial implications of decisions made by the Authority's Pensions Panel

To investigate and report upon any other matter specifically referred to the Committee by the Authority

To ensure the provision of appropriate training and development to ensure that all Members of the Committee are able to discharge their responsibilities

Human Resources Functions

To consider reports on the progress of regional and national human resource activities and make recommendations to the Authority, where appropriate

To consider and monitor staffing requirements, the establishment scheme and human resource policies and strategies for the Authority and make recommendations to the Authority

To ensure that equality of opportunity and diversity at work issues are promoted, implemented and monitored by the Authority and the Service.

To receive reports on Occupational Health provision and make recommendations to the Fire Authority, where appropriate.

Powers

The Strategy and Resources Committee

- ***Will have no delegated powers, other than as set out in these Terms of Reference***
- ***Can require relevant officers to attend any meeting, where such attendance would be expedient to the work of the Committee***

Standards, Audit and Performance Committee

Membership – 8

Quorum - 3

Chair

~~The Chair of the Committee shall be elected from a member of the largest opposition group.~~

~~**Members – 8**~~

~~Members of the Fire Authority's Strategy and Resources Committee are precluded from sitting on the Standards, Audit and Performance Committee and vice versa.~~

Members of this Committee shall be drawn from the membership of the Fire Authority

No Member of the Fire Authority's Strategy and Resources Committee is entitled to sit on this Standards, Audit and Performance Committee

Members of this Standards, Audit and Performance Committee are not entitled to sit on the Fire Authority's Strategy and Resources Committee

Members may request a meeting with Internal and / or External Audit without Fire Service officers present.

Chair

The Chair of the Committee shall be elected from a member of the largest opposition group or, where there is no clear majority, from the largest group that does not hold the Chair of the Authority.

Statement of Purpose

Standards

To promote and maintain a high standard of conduct by Members, to oversee the Register of Members' Interests and to oversee the effectiveness of the Authority's procedures for investigating and responding to complaints about Members

Audit*

To provide an independent and high-level resource to support good governance and strong public financial management

To provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting and annual governance processes.

* As defined in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees: Practical Guidance for Local Authorities and Police (2013)

Performance Management

To oversee the process of assessing progress toward achieving the Fire Authority's predetermined aims, as set out in the Annual Plan. The Committee's role involves building on that process, adding the relevant communication and action on the progress achieved against the predetermined aims.

Audit Core Functions*

To be satisfied that the Fire Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievement of the Fire Authority's objectives

In relation to the Fire Authority's internal audit functions: to undertake an effective internal audit 'to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance'

To consider the effectiveness of the Fire Authority's risk management arrangements and the control environment. To review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations

To monitor the effectiveness of and ensure that the Fire Authority has a sound system of internal control, which:

- Facilitates the effective exercise of its functions and the achievement of its aims and objectives;
- Ensures that the financial and operational management of the Fire Authority is effective; and
- Includes effective arrangements for the management of risk

To consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control

To support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process

To review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit

* As defined in the Chartered Institute of Public Finance and Accountancy (CIPFA) Audit Committees: Practical Guidance for Local Authorities and Police (2013)

Terms of Reference

The Committee will

Review the Terms of Reference of the Committee at its first meeting following the Annual meeting of the Authority and as may be required throughout the year and make recommendations to the Authority regarding amendments

Agree the role descriptions of the Committee's Chair, Vice-Chair and Risk Management and Audit Champion at its first meeting following the Annual meeting of the Authority and as may be required throughout the year

Approve the Committee's annual work plan in respect of those matters shown below

~~In order to carry out its purpose and core functions the Committee will consider, monitor, review and, as appropriate, approve the following documents:~~

Governance, Risk Management and Internal Control

Consider, monitor, review and, as appropriate, approve the following documents

- Code of Corporate Governance
- Annual Governance Statement and Annual Statement of Assurance
- Report on the effective development and operation of risk management
- Members Code of Conduct
- Annual Pensions Assurance Report
- Anti-Fraud, Bribery and Corruption Policy
- Brigade Order on Reporting of Illegality and Malpractice (Whistleblowing)

- ~~• Committee Terms of Reference and, where changes are required, make recommendations accordingly to the Fire Authority~~

- ~~• Annual Work Plan~~

- ~~• Role Descriptions of Committee Chair and Vice-Chair and Risk Management and Audit Champion~~

~~To~~ **Consider** fundamental amendments to locally determined conditions of service and make recommendations to the Fire Authority **thereon**

To ~~R~~ receive Pension Board Minutes **for the purpose of providing assurance to the Committee and the Authority on the management of any risk associated to pensions**

To ~~R~~ receive the Annual Report from the Chair of the Pension Board providing assurance on effectiveness and efficient governance and administration of Firefighter Pension Schemes

Internal Audit

Review, **and recommend to the Authority**, any proposals for the revision of the Service Level Agreement with Internal Audit

Consider, monitor, review and, as appropriate, approve the following documents

- The Annual Audit Plan
- The Head of Internal Audit's Annual Report and opinion on the work completed by Internal Audit and the progress made in implementing recommended actions, including progress made against any improvement plans
- Half-yearly reports from the Risk Management Group on the work completed by Internal Audit and the progress made in implementing recommended actions
- Reports on Internal Audit special investigations, including frauds, and consideration of recommendations for strengthening internal controls

Consider and approve any Rrevisions to the annual audit plan, as advised by the Head of Internal Audit and agreed by the Treasurer

External Audit

Consider, monitor, review and, as appropriate, approve the following documents

- The External Auditor's Work Plan, including comments on the scope and depth of external audit work, considering whether it gives value for money
- The Annual Audit Letter
- Reports on external audit assessment frameworks, in order to maintain an awareness of the most current regimes

Financial Reporting

Consider, monitor, review and, as appropriate, approve the following documents

- The Fire Authority's draft Statement of Accounts for review, challenge and approval (as per authority delegated by the Fire Authority on 13 February 2012)

- The audit findings report, based on ‘International Standard on Auditing (ISA) 260’ of the External Auditor to those charged with governance, which includes the Value for Money Conclusion. The Chair of the Committee will sign the Letter of Representation annually on behalf of those charged with governance

Performance Monitoring

Consider, monitor, review and, as appropriate, approve the following documents

- Monitoring reports on implementation of Annual Plan Aims and ~~Service Targets~~ ***Corporate Performance Indicators***
- Exception reports on Directorate objectives, where they lead to a failure in ~~Service Targets~~ ***Corporate Performance Indicators***
- Annual Review on the Service’s previous year’s performance prior to submission to the Fire Authority
- Monitoring reports on the implementation of Best Value Reviews
- ~~Customer relation issues and M~~ monitoring reports on complaints and compliments ***and consider any customer relations issues arising from such reports, making recommendations to the Authority and Officers as appropriate***

Standards

~~To issue~~ ***Ensure the provision of*** advice to Members on the treatment of disclosable pecuniary interests ***and other interests***

Ensure the provision of advice to Members ~~and~~ on conduct matters generally

~~To De~~velop, maintain and monitor the operation of the Members’ Code of Conduct and ~~to~~ advise the Authority on the adoption or revision of this Code

~~To advise, train or arrange to train~~ ***Ensure the provision of advice and training to*** Fire Authority Members on matters relating to the Members’ Code of Conduct

~~To C~~onsider reports regarding the induction, training and development needs of Members and officers, regularly reviewing ***ing*** those needs and make recommendations to the Authority

~~To O~~versee the process for the recruitment of an Independent Person and make recommendations to the Fire Authority for their appointment

~~To R~~eview at least annually the Role Description and Skills and Competencies for Independent Persons and make recommendations to the Fire Authority regarding any amendments required

To ~~R~~review the Protocols on Gifts and Hospitality and Member / Officer Relations and make recommendations to the Fire Authority regarding any amendments required

To ~~C~~onsider and grant, or otherwise, dispensations in respect of Members' interests where:

1. The dispensation is in the interests of persons living in the area of the Fire Authority; or
2. It is otherwise appropriate to grant a dispensation

To ~~R~~review and amend, where required, the processes and procedures for dealing with complaints against Members

To ~~C~~onsider complaints referred to them ~~the~~ **Committee** by the Monitoring Officer and to decide if the complaint should be referred for investigation

To ~~C~~onsider investigation reports in respect of Code of Conduct complaints referred to the Committee by the Monitoring Officer

To ~~R~~receive reports from the Monitoring Officer about:

- a) Complaints
- b) The progress and outcome of investigations
- c) The establishment and maintenance of the Register of Interests of Members of the Fire Authority
- d) Dispensations granted to Members of the Fire Authority

To ~~C~~onsider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and, **as appropriate**, ~~may~~ direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act

Miscellaneous

The Committee will

Oversee and scrutinise Treasury Management and make recommendations, where appropriate, to the Fire Authority.

~~The Committee will~~ Consider, investigate (where appropriate), and report upon, any other matter within its remit, referred to it by the Fire Authority, the Chief Fire Officer, the Treasurer or the Monitoring Officer.

~~The Committee will~~ **E**nsure the provision of appropriate training and development to ensure that all of its Members are able to discharge their responsibilities

Powers

The Standards, Audit and Performance Committee will:

- ~~Will H~~ have no delegated powers, ***other than as set out in these Terms of Reference***, ~~(with the exception of approval of the Fire Authority's Statement of Accounts) but~~
- ~~C~~an require relevant officers to attend any meeting, where such attendance would be expedient to the work of the Committee
- Have the power to meet privately and separately with the Head of Internal Audit and / or with the External Auditor, independent of the presence of those officers with whom the auditors must retain a working relationship

Hearings Panel

Members – 7

Quorum – 3

Membership

The membership of the Hearings Panel will consist of the members from the Fire Authority's Strategic Advisory Group.

The number participating in any hearing will be limited to 3. Steps will be taken to ensure that, wherever practicable, political balance is achieved. The need to hold a hearing as quickly as possible will, however, take precedence over this.

Terms of Reference

Appeals Hearings relating to Employees

To undertake the following functions which apply to those employees who come within the jurisdiction of the Fire Authority:

- To consider and determine any complaints against the Chief Fire Officer
- To consider and determine any appeal against a decision of a Brigade Manager / Brigade Managers relating to powers exercised under firemen's and firefighter pension scheme legislation and related legislation in respect of ill-health retirements, except where that appeal is against a medical decision
- To consider and determine appeals at Internal Dispute Resolution Procedures Stage 2 with regard to the firemen's and firefighter pension schemes and the Firefighters' Compensation Scheme
- To consider and determine appeals against dispute in accordance with the Collective Disputes Procedure

Complaints relating to Members

To consider complaints referred to them by the Monitoring Officer and to decide if the complaint should be referred for investigation

To consider investigation reports in respect of Code of Conduct complaints referred to the Committee by the Monitoring Officer

To report its findings to the Fire Authority, as appropriate, for information

Where a breach is found, to make decisions about sanctions, including:

- 1) To make recommendations to the relevant Group Leader regarding future membership of committees and sub-committees
- 2) To make recommendations to the Fire Authority regarding the removal of a non-aligned Member from membership of committees and sub-committees
- 3) To instruct the Monitoring Officer to arrange training for a Fire Authority Member
- 4) To remove a Member from all outside appointments to which he / she has been appointed or nominated by the Fire Authority
- 5) To withdraw facilities provided to the Member or exclude the Member from defined premises (except as necessary for the Member to attend formally constituted Authority meetings)

Strategic Advisory Group

Members – 7

Quorum – 3

Membership

To include the Chair and Vice-Chair of the Fire Authority, Chairs of each Committee and the leaders of each Political group

Terms of Reference

At the request of the Fire Authority, Committees or Officers, the Strategic Advisory Group will meet to act on behalf of the Authority to consider issues, identify solutions and develop recommendations.

Including, but not restricted to:

To consider all aspects of strategic planning, including Integrated Risk Management Planning issues, taking into account national and local political aspirations

To consider all aspects of the budget setting process

To consider value for money issues and ways to deliver efficiencies

To consider national, regional and local service delivery requirements as set out within Fire and Rescue National Framework documents

To review the Terms of Reference of the Advisory Group as required or at least annually

To review annually the role descriptions for the Advisory Group's Chair

To investigate any other matter specifically referred to the Advisory Group by the Fire Authority or its Committees

To develop recommendations to the Fire Authority, when necessary liaising with Officers to ensure recommendations are appropriate and achievable

To ensure the provision of appropriate training and development to ensure that all Members of the Advisory Group are able to discharge their responsibilities

Meeting Dates

The Advisory Group will meet as and when required.

Accountability

The Advisory Group's findings will be reported direct to the Fire Authority.

Brigade Managers' Employment Panel

Members – 7

Quorum – 3

Membership

To include the Chair and Vice-Chair of the Fire Authority and the leaders of each Political group

Terms of Reference and Meetings

To meet as and when required to review the pay and conditions of service of Brigade Managers in accordance with the process agreed by the Fire Authority at its meeting on 3 July 2009, as may be amended by the Fire Authority from time to time, and, having carried out a review, to make decisions relating to the pay and conditions of service of Brigade Managers

To make recommendations to the Authority on the process for appointments to the posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer, Monitoring Officer, Deputy Monitoring Officer and Clerk, as necessary

Pensions Panel

Quorum – 3

Members – 3

Terms of Reference

To make decisions and exercise discretionary powers arising from employee pension scheme legislation

Meeting Dates

There are no scheduled meeting dates for the Pensions Panel, which meets on an “ad hoc” basis as and when there are cases to consider.

Reporting

All decisions of the Pensions Panel will be reported to the Fire Authority and, where there are financial consequences for the Fire Authority, also included in the monitoring report on financial issues to the Strategy and Resources Committee, to enable the Committee to consider any implications for resources.