

Appointment of Alternative Director to FireControl Local Authority Controlled Company

Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260201 or Paul Raymond, Deputy Chief Fire Officer, on 01743260205.

1 Purpose of Report

This report recommends that Members appoint an Alternative Director to the FireControl Local Authority Controlled Company (LACC) to represent the Fire Authority when its nominated Director, Cllr Allen, is unable to attend, thus ensuring that the Authority always has representation.

2 Recommendations

The Fire Authority is asked to:

- a) Agree to nominating an Alternative Director;
- b) Nominate an Alternative Director to represent the Fire Authority on occasions where the current Board member is unable to attend Company meetings; and
- c) Agree that the current Board Member write to the Company Secretary with details of the nominated Alternative Director

3 Background

Directors (other than an Alternative Director) of the company are able to appoint an Alternative Director to attend meetings on their behalf.

Prior to being appointed by the Director, who is being replaced, the proposed Alternative Director should have been approved by the relevant Fire and Rescue Authority Member. This means that, unless the particular person has already been approved by the Authority, the appointment cannot be made at the last minute.

Any such appointment (or revocation) of an Alternative Director shall be made by written notice to the Company (sent to the Company Secretary) signed by the Director making the appointment.

Once appointed, the Alternative Director (until the appointment is terminated) is entitled to:

- Receive notice of **all** meetings of directors (including any sub-committees that the Director being replaced sits on);
- Attend any such meetings, at which the Director they are replacing is not personally present; and
- Vote at any such meetings, at which the director they are replacing is not personally present.

An Alternative Director would cease to be an Alternate Director if their appointer ceases to be a Director of the Company or if the appointer revokes the appointment.

4 Practicalities of Appointing an Alternative Director

The option to appoint an Alternative Director is one that can be used if a Director cannot attend a specific meeting and wishes to send someone in his/her place, who can vote. It is not advisable, however, for someone to be appointed as an Alternate Director on an ongoing basis, as they could then become a 'Shadow Director', which would have implications on the information that the Company would be obliged to retain in its books and formally file with Companies House.

To achieve this the Fire Authority is required to nominate an Alternative Director and then for our current Director to inform the Company Secretary initially of the nomination and also to inform the Company Secretary each time the Alternative Director will attend on his / her behalf.

5 Alternative Option

Provided the rest of the Board have no objections, Directors are free to send a representative to attend a Board meeting that they cannot attend for the purposes of observing the proceedings and giving any messages that the absent Director wishes them to give. Such a representative would not, however, be able to vote at the meeting, nor count towards the quorum and would not officially be representing the views of the absent Director. It is, therefore, not recommended that the Authority take this option.

6 Recommendations

Members are, therefore, asked to nominate an Alternative Director, who will be able to represent the Director (Cllr Allen currently) at Company meetings.

7 Financial Implications

Financial implications will depend on whether Members wish to pay additional responsibility allowance to the Alternative Director.

8 Legal Comment

The appointment of an 'Alternative Director' is permitted, as recommended by the report, under the Articles of Association of the West Midlands Fire and Rescue Services Regional Control Centre Limited. The 'Alternative Director' will be a Director in his own right and will be responsible for his or her own acts and defaults. It should be noted that Companies House must be notified of any changes or additions within 14 days of the change.

9 Equality Impact Assessment

An Initial Equality Impact Assessment has been completed and is attached to this report.

10 Appendices

There are no appendices attached to this report.

11 Background Papers

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*



Initial Equality Impact Assessment Form

EQIA Number:

Directorate	Community Safety	Department/ Section	
Name of officer	Paul Raymond	Job title	DCFO
Name of Policy/Service to be assessed	Alternative Director for LACC Board	Date of assessment	7/04/08
New or existing policy	N		

1. Briefly describe the aims, objectives and purpose of the policy/service	To nominate an alternative director for the Board so that the CFA are always able to send a Member who can vote. This allows the Director flexibility and the ability to juggle a full diary whilst ensuring that the CFA always has empowered representation at Board Meetings.		
2. Are there any associated objectives of the policy/service?	No		
3. Who is intended to benefit from the policy/service and in what way?	The Director of the Company principally as it will allow increased work life balance.		
4. What outcomes are wanted from this policy/service?	That the Director can send an Alternative Director to a few meetings that he / she is unable to attend.		
5. Who are the main stakeholders in relation to the policy/service?	The Director and the CFA		
6. Who implements the policy/service and who is responsible for this?	The Director of the Company representing the CFA is responsible for informing the Company Secretary if he/she is to send an Alternative Director.		
7. Are there any concerns that this policy/service could have a differential impact on the following groups and what existing evidence do you have for this? Yes or No, please detail in boxes below.			
8. Age		N	
9. Disability		N	
10. Gender		N	

11. Race		N	
12. Religion or belief		N	
13. Sexual orientation		N	
14. Dependant/caring responsibilities		N	
15. Could the differential impact identified in 7-14 amount to there being the potential for adverse impact in this policy/service?		N	Please detail
16. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or another reason?		N	Please explain for each, equality heading on a separate piece of paper.
17. Have you consulted those who are likely to be affected by the policy/service?		N	List those groups/individuals that have been consulted.
18. Should the policy proceed to a full impact assessment?		N	Please detail
19. Date by which full impact assessment to be completed			
20. Reason for non completion			

I am satisfied that this policy has been successfully impact assessed.

I understand the Impact Assessment of this policy is a statutory obligation and that, as owners of this policy, we take responsibility for the completion and quality of this process.

Signed: (Assessing person)	Paul Raymond	Date:	21.4.08
Signed: (Line Manager)		Date:	
Please note that this impact assessment will be scrutinised by the E&D Officer			