



OFFICIAL

Fire and Rescue Authority Constitution - Review of Committee Structure

Executive Committee

Date: 26 September 2014

Agenda Item:

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Submitted By: Chief Legal and Governance Officer

Purpose

To invite Members to consider whether it is appropriate to make any recommendations to the Authority for amendments to the Constitution in relation to the reform of, or delegation of, responsibilities to Committees.

Recommendations

Members are requested to consider the issues arising from this report and determine whether they wish to recommend any amendments to the Constitution.

Summary

The West Yorkshire Fire and Rescue Authority Constitution requires the Authority to conduct an annual review of the Constitution. Ordinarily this is a process involving the Monitoring Officer making recommendations to the Authority at each Annual Meeting. This report is a consequence of a decision by the Authority at its 2014 Annual Meeting to request a review of the committee structures.

Local Government (Access to information) Act 1972

Exemption Category:

None

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Background papers open to inspection: West Yorkshire FRA Constitution

Annexes:

Draft Terms of Reference – scrutiny function

1 Introduction

- 1.1 The Authority is required to review the operation and content of the Authority Constitution at least once per annum and make any changes deemed appropriate. The mechanism by which this is usually achieved is by consideration of recommendations from the Monitoring Officer. This year the Monitoring Officer made no specific recommendations but invited Members to determine whether they wished to request a review of the Committee structure itself in order to ensure that Members continue to discharge their role as decision makers efficiently and effectively which is a primary obligation under Article 1 of the Constitution.

2 Information

- 2.1 Part 2 Articles 4 – 15 of the Constitution details the legal structure and delegated powers arrangements for the current approved committee structure. This follows the traditional practice of specific delegations to a number of functional committees, namely;

Executive Committee	6 Members
Finance and Resources Committee	11 Members
Community Safety Committee	11 Members
Human Resources Committee	11 Members
Audit Committee	6 Members

- 2.2 This traditional structure reflects the fact that under current legislation only Principal Councils are permitted to operate with executive political management decision making arrangements such as the Mayor or Cabinet arrangements and, therefore, all decisions not reserved to the Authority or delegated to officers (see the Officer Delegation Scheme Part 8 of the Constitution) must, by law in the case of Metropolitan or Combined Fire and Rescue Authorities, be made by Members meeting collectively in committee meetings.
- 2.3 From time to time Members who, at Council level, are used to the modern executive management arrangements have queried why the Authority does not have Scrutiny committees. The simple answer because they were created under statute as a counter balance / check on the exercise of decision making powers by single (cabinet) members on Councils whereas, in this type of local authority, all the most major decisions continue to be made collectively by Members via committee.
- 2.4 Nevertheless it has been suggested that the effectiveness of Members and democratic accountability might be enhanced by some form of (non-statutory) scrutiny role which is specifically focussed on reviewing the manner in which officers discharge their functions and the way the Authority discharges its statutory functions overall.
- 2.5 A review of other major stand-alone Fire and Rescue Authorities has identified that, whilst all of them effectively have the same traditional committee structures (albeit with differing titles and remits) a number of other FRA's have, in fact, created committees which do include a specific scrutiny role whether on a stand-alone basis or combined with another committee function. These include Greater Manchester, West Midlands, Merseyside and South Yorkshire. Copies of the respective terms of reference and examples of recent committee agendas have been circulated to Members of this Committee for information reference purposes.

3 Financial Implications

- 3.1 Any additional expenditure associated with Member attendance at meetings will be met from within existing budgetary provision.

4 Equality and Diversity Implications

- 4.1 Section 149 of the Equality Act 2010 imposes a duty on public authorities to have due regard to
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it,
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The Authority must be able to demonstrate how it has had 'due regard' to these three aims of the general equality duty in its decision-making. Members may wish to consider whether existing scrutiny arrangements are adequate, or should be included in any new arrangements.
- 4.3 Evidence of such scrutiny by Members provides evidence of Authority compliance with the General Equality Duty.

5 Health and Safety Implications

- 5.1 There are no health and safety implications arising from this report.

6 Service Plan Links

- 6.1 This report links to the strategic priority “provide effective and ethical governance and achieve value for money in managing resources”.

7 Conclusions

- 7.1 Members may wish to consider whether they wish to recommend either establishing a stand-alone committee or combine it with an existing committee such as the Audit Committee which could have its remit redrawn. Examples of possible terms of reference are attached to this report. The political balance rules would apply to any new committee and the impact on overall allocation numbers would need to be reviewed but this would not be necessary if an existing committee simply had its terms of reference adjusted.
- 7.2 If Members support the concept of in-depth scrutiny reviews selected by committee these ought to be member-led and evidence-based. There is obviously a need to consider the resourcing of such reviews which would in all probability require a limit on the number of such reviews within any single year. The options include review by the full scrutiny (or combined) committee or the appointment of smaller task and finish groups to report back and which could be drawn from the entire membership of the Authority to ensure maximum Member involvement.

8 Recommendation

- 8.1 Members are invited to consider the issues arising and determine how they wish to proceed.

West Yorkshire Fire and Rescue Authority

Draft Terms of Reference – Scrutiny Function

- 1 To undertake effective scrutiny of Authority / Fire & Rescue Service functions and activities
- 2 To undertake directly or by means of the appointment of Member-led task and finish groups in any year such scrutiny reviews as the committee determines are appropriate.
- 3 The committee or any task and finish group will conduct robust reviews and challenges adopting an evidence-based approach identifying areas of priority for scrutiny identifying any areas of performance delivery concern with a view to producing specific recommendations for further consideration and/or action by Officers or for consideration by the Authority or a relevant committee.
- 4 To receive monitor and scrutinise performance information including IRMP progress and overall service delivery performance standards including the effectiveness of any policies and procedures.
- 5 The committee or any task and finish group may carry out its functions in such manner as it deems appropriate and subject to a financial limit of £25,000 (or such higher sum as may be approved by the Authority) may engage the services of independent consultants in connection with any scrutiny review.