

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL MEETING
DATE:	9th JUNE 2010
REPORT NO.	CFO/108/10
REPORTING OFFICER:	CLERK TO THE AUTHORITY
CONTACT OFFICER:	HELEN PEEK, MEMBER LIAISON AND SUPPORT MANAGER, EXTN. 4112
REPORT TITLE:	STRUCTURE OF THE AUTHORITY 2010/11

**APPENDIX A TITLE DRAFT AUTHORITY STRUCTURE &
TERMS OF REFERENCE**

ATTACHED – HARD COPY

Purpose of Report

1. To :-
 - (a) inform Members of:-
 - (i) the minimum legal structure;
 - (ii) the existing decision-making structure of the Authority; and
 - (iii) optional variations to the existing structure.
 - (b) request that the Authority determine an appropriate decision-making structure for 2010/11; and
 - (c) request that arrangements are made for the appointment of Committees, the nomination of Chairs, the determination of the powers and duties of Committees and the appointment of Members and alternate Members.

Recommendation

2. That the Authority determines an appropriate decision making structure for 2010/11 by :-
 - (a) Determining which Committees it wishes to establish.
 - (b) Determining the Powers and Terms of Reference of such Committees.
 - (c) Determining the number of Voting Members to be appointed to each Committee.

- (d) Determining the number of seats on each Committee to be allocated to each political group in accordance with the political balance regulations.
- (e) Determining whether alternates are to be appointed, who can attend a Committee in the absence of the substantive Member.
- (f) Confirming the Members who are to be appointed to Committees in accordance with the wishes of the relevant political group in respect of those seats allocated to that group.
- (g) Confirming the specified Members who are to act as alternates for the specified Members appointed to the Committees, and
- (h) Confirming whether it wishes to continue with the existing structure and/or whether it wishes to amend the structure in accordance with the draft structure at Appendix A or in any.

Executive Summary

This report confirms the political balance of the Authority as 11 Labour, 4 Liberal Democrat Members and 3 Conservative.

Based upon the balance of the Authority, Members are requested to consider and determine the appropriate decision making structure, appointment of Committees, nominate Chairs and Members and determine the Powers and Duties of those Committees for the municipal year 2010/11.

Information

Minimum Legal Requirement

3. The minimum statutory requirements for a decision-making structure are:-
 - (a) Authority Meetings - There is a statutory requirement to hold an Annual Meeting (before the end of June in each year) and to meet to determine the precept each year (by the end of February in each year). The Authority is also required to consider other miscellaneous matters including statutory reports of the Chief Finance Officer or Monitoring Officer and public interest reports of District Audit should they arise.

- (b) Standards Committee - There is a statutory requirement to appoint a Standards Committee which must have at least three Members including at least one Independent Member. The Chair of Standards Committee must be an Independent Member. It is also a requirement that at least 25% of those appointed to the Standards Committee are Independent Members. Standards Committees are also required to have two Sub Committees. One Sub Committee to conduct initial assessment of all allegations against Elected Member and one Sub Committee to conduct any review of that decision. In both cases the Sub Committees must be chaired by Independent Members. In addition, where a meeting of Review Sub Committee is convened no decision may be taken by the Sub Committee if a Member of that Sub Committee took part in the initial assessment decision. Also no decision can be taken in relation to initial assessment or review unless at least one Elected Member of the Authority is present.

Existing Structure

4.

4.1. At present, the Authority has appointed:-

- (a) Community Safety & IRMP, Strategy & Resources and Asset Management & Shared Services Committees each consisting of eight Members;
- (b) Appeals, Appointments, Performance and Audit, North West Regional Control & Firelink, Stronger & Diverse Communities and Regional, Economic Development and Sustainability Committees, each consisting of five Members.
- (c) A Standards Committee consisting of six Elected Members - two from each political group - and three Independent Members.
- (d) An initial assessment Sub Committee of the Standards Committee consisting of three Elected Members and one Independent Member.
- (e) A review Sub Committee of the Standards Committee consisting of three Elected Members, and one Independent Member.

4.2. Each Committee has delegated powers except where in the cases of Community Safety & IRMP, Strategy & Resources Committee and Performance and Audit Committees, such Committees may by majority, elect to lift such powers.

4.3. The Appeals Committee has delegated powers to determine matters such as appeals against dismissal, grievances and reconsideration of pension claims.

4.4. In addition, the Authority (since 1999) has operated a Management Board which usually meets six times a year. The Board has no executive powers, but is an informal meeting of the Chairman, Vice-Chairman and Opposition Spokespersons and the Chief Fire Officer , the Clerk and the Chief Finance Officer which:-

- (i) determines how to process items of business;
- (ii) act as a forum for informal discussion and for the conduct of presentations;
- (iii) co-ordinates visits and meetings for Members;
- (iv) raises awareness of the detail of policy issues and an understanding of how the Service operates in practice.

The Management Board is not a Cabinet and where it does appear to make executive decisions, this is only on occasions when a decision can be formally made by the exercise of the duly authorised delegated powers of the relevant Officer.

4.5. The Authority also:

- (a) appointed a Consultation and Negotiation Panel with approved terms of reference (a copy of which is attached as Appendix A), consisting of one Member of each political group;
- (b) appointed the following Member champions with additional responsibility for the following services;

1. Modernisation – Equality & Diversity
2. Modernisation – Information Management & ICT Incorporating Lifelong Learning
3. Modernisation – Value for Money
4. Modernisation – Corporate Risk
5. Modernisation – Fire Service Direct
6. Modernisation – Older Persons
7. Modernisation – Health & Safety
8. Modernisation – Water Rescue and Technical Rescue
9. Modernisation – Training

- (c) appointed a Member Training Liaison Group with approved terms of reference, consisting of Strategy & Member Development Officers and one Member from each political group.

5. Determination of a Structure

- 5.1 In consultation with the Chair of the Authority, a draft revised structure has been developed which is attached to this report as Appendix A.
- 5.2 Members are invited to consider this draft version, which includes draft terms of reference for each Committee/Panel on the draft structure. This structure would create 2 Vice Chair posts to replace the present single post and replaces Member Champions with Member Mentors.
- 5.3 In making their decision on a structure, Members are also requested to take into account the following matters:-
 - (a) the requirement for each political group to complete a notice in writing to the Clerk detailing their Membership and a Group Leader;
 - (b) the requirement for political balance on any Committees which are appointed (except in the case of the Standards Committee and its Sub Committees) and unless the Authority has resolved otherwise and no Member has voted against such resolution;
 - (c) the requirement to appoint Members (and Alternates) to Committees in accordance with the wishes of the political group to whom the seat has been allocated. In this respect it will assist the Clerk if all such nominations can be determined on, or before;
 - (d) the appointment of Chairs of Committees; and
 - (e) the requirement for approval of the Powers and Duties of each appointed Committee.

Number of Seats & Political Balance/Membership of Committees

6.

- 6.1. The Authority is required to make appointments to its Committees in a manner which, so far as practicable reflects the political balance of the Authority (except in the case of the Standards Committee) unless the Authority has resolved otherwise and no Member has voted against such resolution.
- 6.2. Due to Local Elections in May 2010, there has been a change to the political balance in the District Councils. Therefore, (subject to receipt of formal notification of political groups) the representation of each political group on the Authority will be as follows:-

Labour	11 Members
Liberal Democrat	4 Members
Conservative	3 Members

- 6.3. In order to comply with political balance requirements, where practicable it is therefore appropriate that the proportion of seats on Committees allocated to political groups is as follows :-

Labour	:	61.11%
Liberal Democrat	:	22.2%
Conservative	:	16.67%

- 6.4. Having decided which Committees the Authority is to establish, and the number of Voting Members to be appointed to each Committee, it is then appropriate for each political group to submit nominations for membership of those Committees in accordance with the allocation of seats to that political group.

Members are requested to consider their nominations in advance of the meeting, so that the information can be provided at the Annual Meeting, to enable the Authority to confirm the appointments at the Annual Meeting.

Chairs and Vice Chairs of Committees

7. 7.1. Having determined which Members are to be appointed to the Committees, it is appropriate for the Authority to consider proposals for the appointment of Chairs of Committees.
- 7.2. Members are requested to consider this issue prior to the Annual Meeting with a view to the Authority being in a position to appoint Chairs of Committees at the Authority meeting.

Alternate Members

- 7.3. The Authority is also requested to consider whether it wishes to provide for appointment of Alternate or Substitute Members of Committees. In this respect, the Authority has made such provisions in the previous municipal year.
- 7.4. Similarly, Members are requested to consider their nominations for alternates in advance of the meeting so that the relevant details can be provided at the Annual Meeting to enable the Authority to confirm the appointments at the Annual Meeting.
- 7.5. It is important to note, when considering Alternate Members for Chairs of Committees, that the nominated Alternate Chair may be called upon to Chair that Committee in the event that the Chair of that Committee is not available.

Dates of Meetings

8. The separate report on this agenda dealing with a draft schedule of dates of meetings has been prepared on the basis of the draft Committee structure being approved, although alternative meeting dates will be provided if necessary. If the draft structure is not approved then amendments or addition to the draft schedule of meetings will be required.

Equality and Diversity Implications

9. None arising directly from the report.

Financial Implications & Value for Money

10. The proposed structure of allowances is unchanged. The proposed new structure is anticipated to save £41,000 or 20% of the current cost of allowances (this is made up of a cashable reduction in allowance payments of 19K or 7.8% and a non-cashable efficiency of £22K arising from a significantly reduced number of committee meetings – from 44 to 33).

Health & Safety and Environmental Implications

11. None arising directly from this report.

Contribution to Achieving the Vision:

“To Make Merseyside a Safer, Stronger, Healthier Community”

12. Membership and structure of the Fire Authority will provide a framework to ensure decisions are made to best reflect the Fire Authority, Service, and the Community it serves.

BACKGROUND PAPERS

None.