

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL MEETING
DATE:	12TH JUNE 2012
REPORT NO.	CFO/069/12
REPORTING OFFICER:	JANET HENSHAW – CLERK TO THE AUTHORITY
CONTACT OFFICER:	
OFFICERS CONSULTED:	
SUBJECT:	STRUCTURE OF THE AUTHORITY 2012/13

APPENDIX A	TITLE	DRAFT AUTHORITY STRUCTURE FOR 2012/13
APPENDIX B		LIST OF PROPOSED SPONSORS
APPENDIX C		TEMPLATE FOR COMPLETION

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 2012/13; 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 2012/13 by :-
 - (a) Determining which Committees it wishes to establish.

- (b) Determining the number of Voting Members to be appointed to each Committee.
- (c) Determining the number of seats on each Committee to be allocated to each political group in accordance with the political balance regulations.
- (d) Determining whether alternates are to be appointed, who can attend a Committee in the absence of the substantive Member.
- (e) 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.
- (f) Confirming the specified Members who are to act as alternates for the specified Members appointed to the Committees, and
- (g) 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 other way.
- (h) Instructs the Clerk to the Authority to provide mandatory training on both revisions to the Standards regime (when this is brought into force) and the role of Scrutiny

Executive Summary

This report confirms the political balance of the Authority as 15 Labour, 2 Liberal Democrat and 1 Conservative Member.

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.

Introduction & Background

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 currently 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.
- (c) The Localism Act 2011 provides for the abolition of the current standards regime, however, this is not likely to be enacted until Summer/ Autumn 2012. A further report will be provided to the Authority when full information is available and the Constitution and Committee structure will need to be reviewed then. In the meantime Standards Committees continues to be legally required under the provisions of the Local Government Act 2000

Existing Structure

4.

4.1. At present, the Authority has appointed:-

- (a) A Community Protection and a Strategic Assets Committee each consisting of 9 Members;
- (b) Appeals Committee, Appointments Committee, IRMP Scrutiny Panel, Community Safety Scrutiny Panel, Asset Management Scrutiny Panel, Audit & Value for Money Scrutiny Panel, each consisting of 5 Members.
- (c) A Standards Committee consisting of 6 Elected Members - 2 from each political group - and 3 Independent Members.
- (d) An Initial Assessment Sub Committee of the Standards Committee consisting of 3 Elected Members and 1 Independent Member.
- (e) A review Sub Committee of the Standards Committee consisting of 3 Elected Members, and 1 Independent Member.
- (f) Consultation and Negotiation Committee consisting of 4 Members.

- 4.2. Each Committee has delegated 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. The Authority also:
 - (a) appointed Member Sponsors with additional responsibility for the certain services:
 - (b) appointed a Member Development Group with approved terms of reference, consisting of Strategy & Member Development Officers and one Member from each political group.
- 4.5. The Authority appointed a Consultation and Negotiation Committee with approved terms of reference comprising four Members

5 Determination of a Structure

- 5.1. A revised draft structure is attached to this report as Appendix A. This incorporates revised Committees and sub committees and proposes one Performance and Scrutiny Committee, with a Task and Finish Sub Committee to replace the current four Scrutiny Panels. However the revised draft structure maintains the Consultation and Negotiation Committee Appeals Committee and the Appointments Committee whilst also proposing a Community Safety and Protection Committee, with a sub Committee for Social Growth and Localism and a Policy and Resources Committee with an Audit sub Committee
- 5.2. This Performance and Scrutiny Committee would work with the smaller task and finish sub committee and the sponsor roles would now be aligned to this Committee. The Clerk to the Authority will arrange for mandatory training for members and officers on the role and function of scrutiny in the Authority. Sponsors would be members of the Committee and invited to contribute to task and finish groups according to the subject under scrutiny. A list of proposed sponsor roles is attached as Appendix C
- 5.3. The proposed Terms of Reference and powers of each Committee and Sub Committee are contained within the Constitution for 2012/13, which is the subject of a further report on this Agenda. This contains the minor changes in numbers of members on each Committee/Sub Committee and the Quorum for the Executive Leadership Board. Each main Committee will continue to have delegated powers
- 5.4. 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 and Vice Chairs of Committees; and
- (e) the requirement for approval of the Powers and Duties of each appointed Committee.

6. Number of Seats & Political Balance/Membership of Committees

- 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 2012, 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	15 Members
Liberal Democrat	2 Members
Conservative	1 Member

- 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	83.33%	:
Liberal Democrat	11.11%	
Conservative	5.56%	

- 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.

- 6.5. 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.
- 6.6. A template for Members to complete is attached as Appendix C to this report.

7 Chairs and Vice Chairs of Committees

- 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 and Vice 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 and Vice Chairs of Committees at the Annual meeting.

Alternate Members

- 7.3. The Authority is also requested to consider whether it wishes to provide for appointment Vice Chairs of the three main Committees and alternates for the sub Committees.
- 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 that, when considering Alternate Members for Chairs of Sub Committees, the nominated Alternate Chair may be called upon to Chair that sub Committee in the event that the Chair of that Committee is not available.

8 Dates of Meetings

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.

9 Equality & Diversity Implications

None arising directly from the report.

10 Staff Implications

There may be some staff implications in that the number of Committees/Sub Committees has reduced overall and this will impact upon Officer time

11 Legal Implications

The Authority is legally required to have certain meetings as set out in paragraph 3 above. The Authority is also required under the Local Government Act 1972 to have political balance across its Committees and sub Committees

12 Financial Implications & Value for Money

There may be some savings related to a reduced number of Committees and also related to Members' Allowances - which is the subject of another report on this Agenda

13 Risk Management, Health & Safety, and Environmental Implications

None arising directly from this report.

14 Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

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

Constitution 2011/12