

Governance Arrangements for the Fire Authority

Report of the Monitoring Officer

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1 Executive Summary

The Fire Authority is asked to consider the matters set out within this report and make decisions regarding the future shape, format and governance arrangements of the Fire Authority.

2 Recommendations

Members are asked to:

- a) Consider the size of the Fire Authority and decide whether to remain constituted with 15 Members or to revert to the former total of 17 Members, as set out within the report with any change taking effect from 1 October 2025;
- b) Give final approval to the re-organisation of the Fire Authority Structure as set out within the report with effect from 1 October 2025, including the creation of a dedicated scrutiny committee and delegate Authority to the Chief Fire Officer and Monitoring Officer, in consultation with the Chair, to agree any final arrangements in preparation for its first meeting;
- c) Approve the Terms of Reference for each of the Committees that Fire Authority would like to progress with as set out at **Appendix A**;
- d) Delegate authority to the Monitoring Officer to commence recruitment of two Independent Persons to sit on the Performance & Scrutiny Committee should the Authority agree to the new structure in accordance with recommendation c);
- e) Approve the payment of a small co-optee allowance in the sum of £500 per annum to each of the Independent Persons appointed to the Performance & Scrutiny Committee (if approved) and those who support in the delivery of the standards regime;
- f) Approve the Member Role Profiles for various positions across the Authority set out at **Appendix B**;
- g) Note that Officers will review all of the working arrangements between the Fire Authority and the Unions and Representative bodies prior to bringing a future paper to Fire Authority with recommendations for approval; and

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| h) Delegate authority to make any changes needed to the Fire Authority Standing Orders to reflect the decisions made by the Fire Authority at this meeting. |
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3 Background

Members will be aware that in recent months, a series of Governance Workshops have taken place with former and present Members, with a view to seeking a steer about the future governance arrangements of the Fire Authority.

This report seeks to provide firm outcomes against the topics which were discussed and subject to the decision sought from Members being approved, the future structure of the Fire Authority and its Committees will then take shape.

4 Main Proposals

This report sets out various workstreams towards putting the Fire Authority on a strong governance footing for the future and sets out the expected timelines for doing so.

The size of the Fire Authority

Until April 2019, the Fire Authority was constituted with 17 Members. 11 from Shropshire Council and 6 from Telford & Wrekin Council. As part of a trial, to test whether a more efficient operating model could be achieved, the Fire Authority agreed to operate with a total of 15 Members. This is the current constitution of the Fire Authority, with 10 Members nominated from Shropshire Council and 5 Members nominated from Telford & Wrekin Council.

The Fire Authority is now asked to consider whether the existing arrangement of 15 Members should continue or whether the Fire Authority should revert to its former size of 17 Members from the two constituting Councils.

The Shropshire Fire Services (Combination Scheme) Order 1997 that established the Combined Fire Authority limits the maximum number of Members to 25. The decision as to the size of the Fire Authority, is a decision for the Fire Authority alone, with no legislative requirements to consult or seek approval from the Secretary of State.

The number of Members for each authority must be proportionate to the elector population. Based upon a total electorate across Shropshire Council and Telford & Wrekin Council of 383,599, Shropshire Council has 65.65% of the electorate split and Telford & Wrekin Council has 34.35%. This is based on data published by the Office of National Statistics. Looking at potential options: -

Authority Numbers	Shropshire	Telford & Wrekin
15	10 (66.6%)	5 (33.3%)
17	11 (64.7%)	6 (35.3%)

It can be seen from the above that, although the current arrangement is broadly in line with the population split, a higher number of members would allow for a more accurate representation that better reflects the population split between the two constituent authorities.

It should be noted that, based upon information published this week by the Office of National Statistics, by 2030, the population across the two authorities is projected to be 554,751 which would provide a percentage split of 63.0% to Shropshire (349,890) and Telford & Wrekin 36.9% (204,861) which would, in fact, be better represented by 19 members.

Previously, there was a Governance review carried out by the Fire Authority in 2019 which was an opportunity for the Authority to give direct consideration to any change of numbers of seats, however on that occasion, discussions largely leaned towards more delegation to committees as opposed to numbers of seats.

The Fire Authority must have regard to the number of electors in the areas when determining number of seats and also the Best Value Duty (“having regard to combination of economy, efficiency and effectiveness”.) Clearly, Members will be alive to the consideration, and provision, of reasons so as to clearly demonstrate the rationale and avoid the risk of legal challenge.

There are therefore a number of considerations for Members when considering this question.

Firstly, an increase in the size of the Fire Authority, will mean two further allowances become payable, at a total cost of £7,436. The extra cost might be a relevant consideration, particularly when the national trend has seen a rationalisation of seats on most Fire Authorities as part of efficiency drives.

Members may however feel that should they determine to create a third Committee as outlined later in this report, that resilience to the Fire Authority will be added by bolstering the numbers of Members and ensure that there are sufficient Members to sit on each Committee and ensure a proper division of responsibilities amongst the Membership.

Taking into account the need to demonstrate best value and demonstrate economy, efficiency and effectiveness, Members will need to be clear that this can continue to be delivered on a larger membership number. This will be particularly relevant as the government progresses its public service reorganisation agenda.

It should be noted that, in the event of any change to the numbers sitting on the Authority, it will be necessary for each of the constituent authorities to appoint additional members to the Fire Authority. The political affiliation of these Members will impact upon the political balance of the Fire Authority and, therefore, the allocation of Committee seats. It is, therefore, proposed that any change in membership numbers should take effect from 1 October 2025 to allow the constituent authorities to make their appointments and for the political balance of the Fire Authority and Committees to be recalculated. At this point, there may then be a need to seek different appointments to the Authority.

Scrutiny Committee

During the Governance workshops held with Members, it was clear that there was an overwhelming desire from Members for the Fire Authority to have a permanent Scrutiny Committee.

In considering the best way for this to be accomplished, it is recommended that the Fire Authority should have three distinct Committees, all with their own area of oversight. These are Strategy & Resources, Audit & Standards and Performance & Scrutiny. Performance currently sits within the remit of Standards, Audit and Performance Committee, however there are clear synergies with Scrutiny and so they would appear to be a natural fit.

The terms of reference make provision for the Committee to elect its own Chairperson and also provide that neither the Chair, nor Vice-Chair of the Fire Authority may sit on Performance and Scrutiny Committee but may attend and participate in discussions, without voting rights.

It will be a matter for the Performance & Scrutiny Committee, once constituted, to devise and agree a work programme for the Municipal Year following an exercise of engagement with Members, Senior Officers and external stakeholders. It will also be permissible for a Committee to invite the Performance & Scrutiny Committee to undertake a piece of scrutiny on a particular workstream. Similarly, where the Performance & Scrutiny Committee undertakes a scrutiny exercise, they will be empowered to make formal recommendations to Officers, a Committee or Fire Authority itself.

The Performance & Scrutiny Committee will thereafter make an annual report of its work to the Fire Authority, setting out the areas scrutinised and any recommendations as a result of their work.

Members will also note that the Terms of Reference provide for the appointment of two independent members to sit on the Performance and Scrutiny Committee. Such independent members will likely hold experience in business, enterprise or the blue light sector and will be appointed by the Performance and Scrutiny Committee for an initial term of four years with the potential to extend their term by a further four-year period. No independent person should sit for a period exceeding 8 years although. To ensure that the Committee is constituted effectively and efficiently, it is recommended that

Authority be delegated to the Monitoring Officer to commence the recruitment of two Independent Persons without delay.

In order to ensure that suitable candidates are attracted, it is recommended that the Fire Authority approves payment of a small co-optee allowance in the sum of £500 per annum to these roles. Benchmarking has been carried out across the West Midlands region and the allowance allocated to such roles vary from just over £300 to almost £2,000.

At the same time, the Authority has two Independent Persons who have a role to play in supporting the Monitoring Officer in considering standards complaints about Members. Whilst there have not been any such complaints for some years, undertaking this review has identified that they are not in receipt of a co-optee allowance and, if the Fire Authority approves a small allowance for those sitting on scrutiny, it appears appropriate to replicate this for others fulfilling a similar role.

Finally, given Members are creating a new Chairperson role, the Authority is also asked to agree the creation of a new Special Responsibility Allowance for the Chair of the Performance & Scrutiny Committee, commensurate with the special responsibility allowance payable to the Chairs of Strategy & Resources Committee and Audit & Standards Committee. This amounts to £2,259 per year.

In making decisions regarding Member allowances, the Authority is required to have regard to the latest report from the Independent Remuneration Panel (IRP). The last report received from the IRP set out that the Chairs of Standards, Audit and Performance and Strategy and Resources should be in receipt of a Special Responsibility Allowance to recognise the additional time commitment and responsibility that these roles require. It is anticipated that the role of Chair of Performance & Scrutiny would entail a similar level of endeavour and responsibility and, therefore, it would be appropriate for an allowance to be paid for this role.

Committee Terms of Reference

Further to the creation of a Performance & Scrutiny Committee, Members will see at **Appendix A**, draft Terms of Reference for the Committees of the Fire Authority. Ordinarily, these are approved annually at the Annual Meeting, however given the decision for Members about the future structure, Members are now asked to approve the Terms of Reference which reflect the Committee changes outlined above.

Member Role Profiles

Members have previously reviewed the Authority's role profiles for Members and provided comments about the contents as well as useful suggestions for changes and additions. Those suggested changes include making clearer the line management responsibilities of the Chair, (reflecting the Chief Fire

Officer's contract of employment,) and the need for group leaders to support the Chair and Vice-Chair in their duties.

In addition, the role profiles for the Committee Chairs have been updated as required and a new one created for Chair of the Performance & Scrutiny Committee. Members are asked to approve the role profiles at **Appendix B**.

Unions and Representative Bodies

Working collaboratively and positively with our Unions and Representative bodies has clearly been identified as an area where Authority Members wish to improve and build upon the existing relationships.

As such, it is considered timely for the Fire Authority to re-state and re-invite union and representative bodies to meetings in an observatory capacity. At present, the standing orders do not make provision for representatives to also speak at meetings, other than during public questions. At present, this right is limited to matters of general interest, as opposed to specific operational or strategic questions which relate to employment matters.

There is a clear indication from Fire Authority and its Members that they see building constructive relationships with the unions and representative bodies as a critical element of Fire Authority governance in the future. To that end, the Fire Authority is asked to note that Officers plan to review all of the working arrangements between the Fire Authority and the Unions and Representative bodies before bringing a future paper back to Fire Authority to review and approve improved ways of working together.

5 Conclusions

It is hoped that given the measures being agreed by virtue of this paper, the Fire Authority will be in the best possible place to build upon improving its governance arrangements.

6 Capacity

There are no capacity impacts arising from this report.

7 Fire Alliance / Collaboration / Partnership Working

There are no direct fire Alliance implications arising from this report.

8 Financial Implications

The financial implications are as set out within the body of this report.

9 Legal Comment

In respect to any changes of the constitution (by way of numbers of Members on Fire Authority,) the legal implications are set out within the body of the report.

However, Members will be aware that, in their roles, they are responsible for determining the strategic policy agenda for SFRS and undertaking performance oversight and scrutiny to ensure that intended outcomes are being achieved efficiently, effectively and in accordance with statutory requirements. By approving the recommendations in this report, Members are demonstrating that they are meeting their governance responsibilities.

The payment of allowances to Members and Co-optees is permitted under the Local Authorities (Members' Allowances) Regulations 2003 which sets out the requirement to make a Basic Allowance payment to all Members and then allows the payment of Special Responsibility Allowances to reflect additional roles. The Regulations also permit the payment of an allowance to Co-optees.

10 Communications

If a decision is made to increase the number of members to 17, there is a potential for public and media interest. There will therefore be a requirement to develop an effective communications plan prior to any change being implemented.

11 Community Safety

There are no community safety impacts arising from this report.

12 Environmental

There are no environmental impacts arising from this report or relevant UN Sustainability Goals.

13 Equality Impact Assessment

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

14 Health and Safety

There are no health and safety impacts arising from this report.

15 Fire Standard Core Code of Ethics and Human Rights (including Data Protection)

There are no impacts on compliance with the Fire Standards Core Code of Ethics or human rights arising from this report.

16 ICT

There are no ICT impacts arising from this report.

17 Insurance

There are no insurance impacts arising from this report.

18 The On Call Service

There are no impacts on the On Call service arising from this report.

19 Reputation

There are no reputational impacts arising from this report.

20 Security

There are no security impacts arising from this report.

21 Training

The training impacts are set out within the body of the report.

22 Appendices

Appendix A
Committee Terms of Reference

Appendix B
Member Role Profiles

23 Background Papers

Shropshire and Wrekin Fire and Rescue Authority
12 February 2020
Report 16 – The Scheme for the Payment of Member Allowances 2020-21