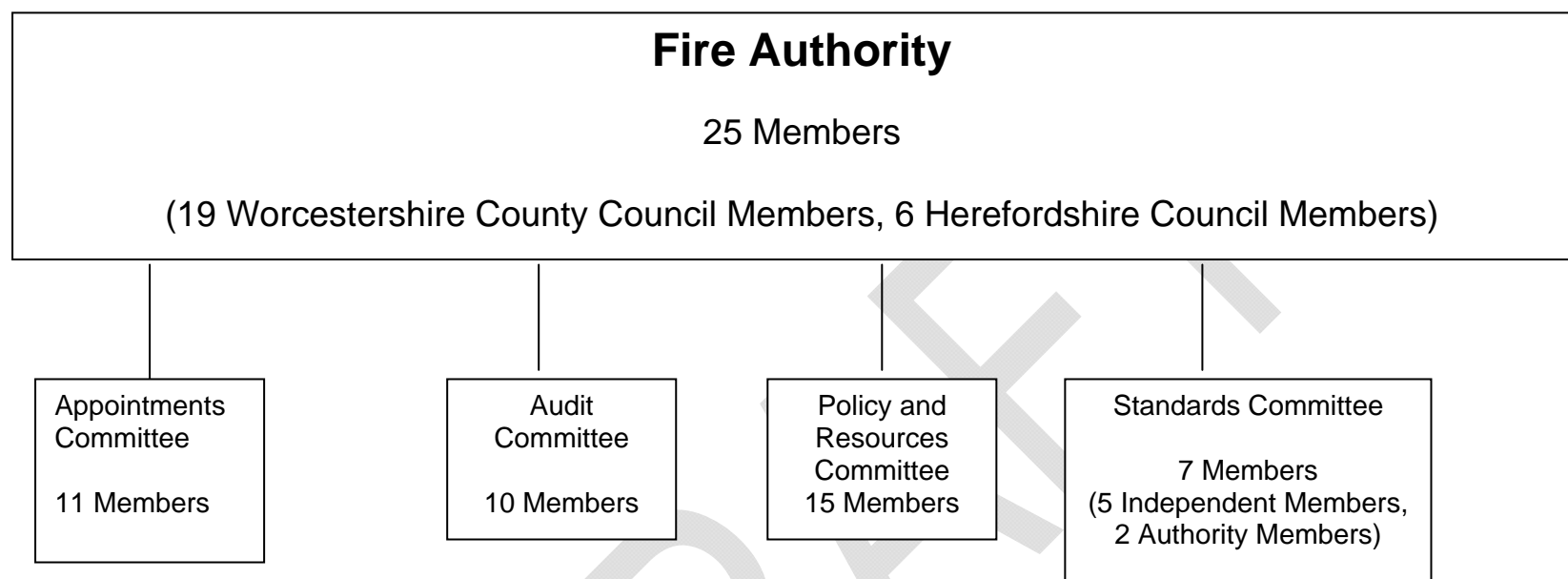




Hereford & Worcester Fire and Rescue Authority – Proposed Governance Structure



APPOINTMENTS COMMITTEE

DRAFT - Terms of Reference, Constitution, Rules and Procedures

Role

1. The Committee will consider and make recommendation to the Authority on the appointment, terms and conditions, suspension or dismissal of the Chief Fire Officer and Deputy Chief Fire Officer, Section 151 Officer and Monitoring Officer.
2. The Committee will determine pursuant to the grievance procedure any grievances submitted by or against the Chief Fire Officer and Chief Executive following a difference between him and an employee of the Authority
3. The committee will determine pursuant to the grievance procedure any appeal arising from any grievance procedure relating to the Deputy Chief Fire Officer, the Section 151 Officer or Monitoring Officer
4. To set up a sub committee of 3 members to carry out an annual performance appraisal for the Chief Fire Officer, Section 151 Officer and Monitoring Officer.
5. To receive a report on the Deputy Chief Fire Officer's annual appraisal.

Constitution

1. The Committee will comprise 11 Members
2. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply
3. The quorum of the Committee will be 4 Members

Substitution

4. A member of the Committee, who is unable to attend a meeting of the Committee, may propose another Member of the Authority to take their place at that meeting and act as their substitute. The substitute may be a Member of any political group.
5. The substitute Member shall remain a Member of the Committee for the duration of the meeting and shall be entitled to vote and assume all of the responsibilities of the named Member.

Reporting Arrangements

6. The Committee will report to the Authority and have clear access to other Committees and functions

Rules and Procedures

7. The Committee will meet as and when required.
8. The Committee Chair will report proceedings of the Committee to the Authority
9. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt
10. The Committee will be advised by the Chief Fire Officer, Treasurer, Monitoring Officer and other officers and advisors as necessary.
11. Meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business.
12. An agenda, together with reports, will be made available at least five clear working days before each formal meeting.

AUDIT COMMITTEE

Terms of Reference, Rules and Procedures

Role

The Committee will:-

1. In relation to Internal and External Audit

- i. Approve the terms of reference for Internal Audit.
- ii. Approve the Internal Audit Strategy, Strategic and Annual Plans and reporting to the Authority on whether adequate resources are available to enable the plans to be achieved.
- iii. Review the actual Internal Audit coverage in line with the approved Plans
- iv. Consider significant Internal Audit reports in detail and monitor whether appropriate action has been taken in respect of key recommendations.
- v. Review the performance of Internal Audit against relevant performance indicators.
- vi. Receive periodic Internal Audit Activities reports and the Annual Internal Audit report and opinion.
- vii. Review arrangements made for co-operation between Internal Audit, External Audit and other review bodies.
- viii. To appoint External Auditors to carry out the statutory role.
- viii. To consider the External Audit Annual Letter and monitor the Authority's response.
- ix. Review and consider External Audit fees, External Audit planned coverage and its adequacy.
- x. Receive updates from External Audit on their findings or opinions and the adequacy of management response to the External Audit advice, recommendations and action plans.
- xi. To monitor the results of external reviews of the Authority's services, ensuring progress is made on actions planned to remedy any significant issues highlighted.

2. In relation to Corporate Governance

- i. Receive and consider an annual report evaluating the adequacy of application of the Authority's local code of corporate governance (as per the CIPFA/SOLACE framework).

ii. Receive periodic updates on improvement actions identified as necessary to improve corporate governance arrangements.

iii. Monitor levels of training and awareness on governance issues.

iv. Review compliance with the relevant Codes of Conduct, ensuring procedures are in place to demonstrate consistency and appropriate responses.

v. Exercise delegated power in relation to the approval of the annual Statement of Accounts.

vi. Consider and make recommendations to the Authority on:

(a) The Standing Orders and Financial Regulations of the Authority.

(b) The Authority's Committee structure, terms of reference and delegation of powers of Committees

3. In relation to Risk Management

i. Review the adequacy of arrangements for identifying and managing the Authority's business risks – including the implementation of operational Risk Management arrangements.

ii. To receive and consider regular reports on the business risk environment and associated management action.

4. In relation to Internal Control Arrangements and the Annual Governance Statement

i. To exercise delegated power in relation to the consideration of the Annual Governance Statement, the procedures followed in its compilation and the appropriateness of supporting documentation, addressing any significant governance weaknesses disclosed within the statement.

5. In relation to Anti-Fraud & Corruption Arrangements

i. To formulate and approve policy documentation in respect of Anti-Fraud and Corruption processes and ensure the adequacy and the effectiveness of their application throughout the Authority.

ii. To review and ensure that adequate arrangements are established and operating to deal with situations of suspected or actual wrongdoing, fraud and corruption.

Constitution

- i. The Committee will comprise 10 Members
- ii. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply.
- iii. The Chair, Vice-Chair, out going Chair of the Authority and Chair of the Policy & Resources Committee are not eligible to serve on the Audit Committee
- iv. The quorum of the Committee will be 4 Members

Substitution

- i. A Member of the Committee, who is unable to attend a meeting of the Committee, may propose another Member of the Authority to take their place at that meeting and act as their substitute. The substitute may be a Member of any political group.
- ii. The substitute Member shall remain a Member of the Committee for the duration of the meeting and shall be entitled to vote and assume all of the responsibilities of the named Member.

Reporting Arrangements

- i. The Committee will report to the Authority and have clear access to other committees and functions

Rules and Procedures

- i. The Committee will meet quarterly
- ii. The Committee Chair will report proceedings of the Committee to the Authority
- iii. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt
- iv. The Committee will be advised by the Chief Fire Officer, Treasurer, Monitoring Officer and other officers and advisors as necessary.
- v. Meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business.

POLICY AND RESOURCES COMMITTEE

Terms of Reference, Constitution, Rules and Procedures

Role

The Committee will:

1. Exercise general oversight of the resources of the Authority including knowledge management.
2. In conjunction with the Audit committee to scrutinise reports from the Authority's External Auditors (including the report on the Management Letter) to determine where appropriate the Authority's response and appropriate action.
3. To prepare and recommend the Authority's Integrated Risk Management Plan and Authority Plan to the Authority .Thereafter to oversee and monitor progress on implementation of the Authority's Integrated Risk Management Plan and Authority Plan.
4. Consider and recommend to the Authority new strategies or new policy, including People, IT and Public Relations strategies taking into account the impact of such proposals on the staffing and financial resources of the Authority.
5. Oversee the formulation and recommend to the Authority the adoption of the Authority's objectives, the priority of those objectives and progress towards achieving them.
6. Oversee the development and implementation of equality and fairness policies receiving regular reports from the Equalities and Development Steering Group.
7. Oversee the development and implementation of health and safety policies receiving regular reports from the Health and Safety Liaison Panel.
8. Consider and report to the Authority on proposals of government departments and other national or regional bodies which have national or regional implications or which would affect the Authority in its relationship with other authorities.
10. Consider any other item referred to it by the Authority or Chief Officer.
11. Advise the Authority generally as to its financial and economic policies.
12. Make recommendations on the medium term financial plan including the revenue and capital budgets, precept and net budget requirement. Monitor the implementation of the medium term financial plan.

13. Consider matters relevant to the control of the general financial arrangements of the Authority including the arrangements for:-
 - (a) the collection of all revenue
 - (b) the supervision of the financial and accounting methods adopted
 - (c) insurance
 - (d) the establishment and management of funds
 - (e) the arrangements for treasury management
14. To ensure that the fees and charges for services provided by the Authority are kept under regular review and recommend any changes to the Authority for adoption.
15. Subject to Standing Orders and Financial Regulations, to exercise delegated power in relation to the invitation and acceptance of tenders.
16. Determine the Authority's Asset Management Plan
17. Determine any matter relating to the Authority's land holdings including any report relating to the acquisition or disposal by way of sale or lease of any interests in land or property surplus to requirements.
18. In accordance with the Authority's Financial Regulations, Standing Orders, give approval to capital projects and the purchasing of supplies, vehicles and services.
19. Receive reports on the discharge of any Civil Contingencies activities carried out by the Authority and authorise any action not already delegated to officers.
20. To receive reports on the implications of the adoption of nationally agreed conditions of service.
21. To receive regular reports from the Joint Consultative Committee.
22. To agree the premature retirement of any employee where this is in the interests of the efficient exercise of the functions of the Authority, or by reason of redundancy, including the power to grant added years service reckonable for superannuation purposes.
20. Receive reports on the introduction and implementation of any new legislation and as appropriate on the discharge of the Authority's obligations under any statutory provisions and authorise any action not already delegated to officers.
21. To set up member /officer working groups, either long standing or temporary to research and consider specific issues affecting the Authority e.g. Equalities and Development Working Group, IRMP working Group etc
22. To consider and make recommendations to the Authority on the Officer Delegation Scheme.

Constitution

1. The Committee will comprise 15 Members
2. In accordance with the requirements of the Local Government and Housing Act 1989, political balance will apply
3. The quorum of the Committee will be 5 Members

Substitution

4. A member of the Committee, who is unable to attend a meeting of the Committee, may propose another Member of the Authority to take their place at that meeting and act as their substitute. The substitute may be a Member of any political group.
5. The substitute Member shall remain a Member of the Committee for the duration of the meeting and shall be entitled to vote and assume all of the responsibilities of the named Member.

Reporting Arrangements

6. The Committee will report to the Authority and have clear access to other committees and functions

Rules and Procedures

7. The Committee will meet quarterly
8. The Committee Chair will report proceedings of the Committee to the Authority
9. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt
10. The Committee will be advised by the Chief Fire Officer, Treasurer, Monitoring Officer and other officers and advisors as necessary.
11. Meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business.
12. An agenda, together with reports, will be made available at least five clear working days before each formal meeting.

STANDARDS COMMITTEE

DRAFT - Terms of Reference, Constitution, Rules and Procedures

Role

1. The role of the Standards Committee is:
 - a. promoting and maintaining high standards of conduct and ethical governance by Members and co-opted members of the Authority
 - b. assisting Members and where appropriate co-opted Members to observe the Member Code of Conduct
 - c. advising the Authority on the re-adoption or revision of the Member Code of Conduct
 - d. advising the Authority on the adoption or revision of the code for member-officer relations
 - e. monitoring the operation of the Member Code of Conduct
 - f. advising, training or arranging to train the Members and co-opted members of the Authority on matters relating to the Member Code of Conduct
 - g. granting dispensations to Members, from requirements relating to interests set out in the Member Code of Conduct
 - h. dealing with any reports from the case tribunal or interim case tribunal and any report from the Monitoring Officer or any matter which was referred by Standards for England to the Monitoring Officer
 - i. to assess and review complaints about Members
 - j. to conduct determination hearings
 - k. to receive reports, and comment on complaints procedures and/or reports from Local Government Ombudsman or external auditors, which are relevant to the Standards Committee's responsibilities.
 - l. To advise the Authority on the appointment of independent members of the Standards Committee.
 - m. to consider the compliance of the Constitution with the ethical framework

- n. to consider any application received from any officer of the Authority for exemption from political restriction under sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and, if it thinks fit, to direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the authority under section 2.2 of that Act; and
- o. upon the application of any person, or otherwise, to consider whether a post should be included in the list maintained by the Authority under section 2.2 of the 1989 Act and, if it thinks fit, to direct the Authority to include a post in that list.

The Standards Committee has established sub-committees to conduct assessments, reviews, consideration of investigation reports and hearings on its behalf.

A. Assessment Sub-Committee

1. The Assessment Sub-Committee has been established to receive allegations that a member of the authority has failed, or may have failed, to comply with the authority's Member Code of Conduct. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - a. refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation or arrange training, conciliation or such appropriate alternative steps as permitted by Regulations
 - b. refer the allegation to Standards for England, stating the reasons for that decision
 - c. Decide that no action should be taken in respect of the allegation, stating the reasons for that decision.
 - d. where the allegation is in respect of a person who is no longer a member of the authority, but is a member of another relevant authority (as defined in section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority and
 - e. Shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

2. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall determine whether –
 - a. it accepts the Monitoring Officer's findings of no failure to observe the Code of Conduct
 - b. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
 - c. The matter should be referred to the First Tier Tribunal for determination.

B. Review Sub-Committee

1. If the Assessment Sub Committee decides that no action should be taken in respect of an allegation that a Member of the Authority has failed, or may have failed, to comply with the Authority's Member Code of conduct, the person who made the allegation has a right to request a review of the Assessment Sub Committee's decision. The Review Sub Committee will conduct all such reviews.
2. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:
 - a. refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation or take an alternative action as permitted by the Regulations
 - b. refer the allegation to Standards for England, stating the reasons for that decision
 - c. decide that no action should be taken in respect of the allegation stating the reasons for that decision; or
 - d. where the allegation is in respect of a person who is no longer a Member of the authority, but is a member of another relevant authority (as defined in section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority; and
 - e. Shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

C. Consideration Sub Committee

1. Upon receipt of each such request and any accompanying report by the Monitoring The Consideration Sub-Committee will consider a report of an investigation referred to the Standards Committee by the Monitoring Officer and determine whether:-
 - a. that it accepts the Monitoring Officer's finding of no failure to comply with the Member Code of Conduct; or
 - b. that the matter should be considered at a hearing of the Hearing Sub Committee; or
 - c. that the matter should be referred to the First Tier Tribunal for determination

D. Hearing Sub Committee

1. The Hearing Sub Committee will hold a hearing in relation to a matter referred to it by the Consideration Sub Committee and will make one of the following findings
 - a. that the member who was the subject of the hearing had not failed to comply with the Code of Conduct of the Authority;
 - b. that the member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority but that no action needs to be taken in respect of the matters which were considered at the hearing; or
 - d. that the member who was the subject of the hearing had failed to comply with the Code of Conduct of the Authority and that a sanction should be imposed.

Constitution

1. The Standards Committee will comprise 7 Members, 5 independent lay persons and 2 Authority Members (one representative from Herefordshire and one from Worcestershire).
2. In accordance with Section 53(10) of the Local Government Act 2000, political balance will not apply.
3. Group Leaders, the Chair and Vice Chair of the Authority are not eligible to serve on the Standards Committee.
4. The quorum of the Committee will be 3 Members .The Committee will be chaired by a lay member.

5. The Sub-Committees will comprise 3 Members including at least one independent lay member and one Authority representative. The sub committees shall be chaired by a lay member.
6. Members that have served on the Assessment Sub-Committee shall not serve on a Review Sub-Committee in relation to the same matter.

Substitution

7. Each Authority representative on the Committee shall have a named substitute appointed by the Authority.

Rules and Procedures

8. The Chair and Vice-Chair will be elected from amongst the independent lay Committee members.
9. Where possible, the Chair shall alternate each year between a Herefordshire based Independent Member and Worcestershire based Independent Member.
10. The Committee will meet as and when required and in addition hold an annual review meeting.
11. The Committee will submit an annual report to the Authority each June.
12. The Committee Chair will report proceedings of the Committee to the Authority.
13. The minutes and reports of the Committee will be available for public inspection, except those documents classified as exempt
14. The Committee will be advised by the Monitoring Officer and other officers and advisors as necessary.
15. When assessing complaints alleging breaches of the Code of Conduct, the Committee shall have regard to the:
 - the published assessment criteria for deciding whether to refer a complaint for investigation (Appendix 1); and
 - procedure for Local Assessment and Investigation of Complaints that Members have breached their Code of Conduct (Appendix 2)

16. With the exception of assessment and review sub committees meetings will normally be held in public, with the right of attendance for all members, public and press, except during consideration of exempt business.
17. With the exception of assessment and review sub- committees an agenda, together with reports, will be made available at least five clear working days before each formal meeting.

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