



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

HIWFRA Full Authority

Purpose: Approval

Date: **15 JUNE 2021**

Title: **APPOINTMENTS REPORT AND UPDATES TO HIWFRA
CONSTITUTION**

Report of Monitoring Officer

SUMMARY

1. This report seeks approval to the proportional allocation of members to the Hampshire and Isle of Wight Fire and Rescue Authority's (HIWFRA) Standards and Governance Committee and to the Stakeholder Committee for 3SFire Community Interest Company (CIC); to the appointment of members and the respective Chairman and Vice-Chairman to serve on those Committees. It also seeks appointments to the Hampshire and Isle of Wight Firefighters' Pension Board, and to various other appointments.
2. This report seeks approval of the appointment of members to serve on an informal working group to review the Members' Allowance Scheme with a view to making recommendations to the Authority about a new scheme prior to March 2022.
3. This report seeks the approval of the Authority to some minor changes to the HIWFRA Constitution.

BACKGROUND

4. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Meetings and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
5. As part of its response to the Covid-19 pandemic, the Government introduced emergency legislation in April 2020 to temporarily allow local authorities (including Fire and Rescue authorities) to hold virtual member meetings. The Regulations came into force on 4 April 2020 and applied to

any meetings held before 7 May 2021.

6. Following the cessation of this legislation on 7 May 2021, all meetings of the Hampshire and Isle of Wight Fire and Rescue Authority have returned to physical meetings, apart from informal briefings and meetings where formal decisions are not being made, which can remain virtual.

SIZE AND POLITICAL COMPOSITION OF COMMITTEES

7. Under the Combination Order, during the Shadow Period and with effect from 1 April 2021 the number of members of the Combined Fire Authority is 11. These are comprised of 8 from Hampshire County Council and one from each of the Isle of Wight, Portsmouth and Southampton City Councils, with effect from the inaugural meeting of the Shadow Authority in June 2020.
8. Following the local elections held on 6 May 2021, the current political composition of the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) is attached at Appendix 1, noting that one vacancy remains pending an appointment by the Isle of Wight Council.
9. The political proportionality provisions of the Local Government and Housing Act 1989 apply to the Authority. These include a requirement that where one political group has an overall majority, that group must have a majority on any Committee. The proposed proportionality table for 2021/22 appears as Appendix 2. The Authority is asked to review and confirm the appointment of Members to the Standards and Governance Committee and to the Stakeholder Committee. A list of currently scheduled meetings can be found at Appendix 3.

PENSION BOARD MEMBERS

10. Firefighters' Pensions Boards became mandatory from April 2015, and as such both Hampshire Fire and Rescue Authority and Isle of Wight Fire and Rescue Authority took steps to establish a local Pension Board in respect of the Firefighters Pension Scheme. Under combination there is the requirement to have one Pension Board for the new combined authority from 1 April 2021. At its meeting of 10 February 2021, the Shadow Authority agreed the membership of the HIWFRA Firefighters' Pension Board, consisting of four employer representatives and four scheme members to be appointed by the Fire Authority for a four-year term. The Terms of Reference for the Pension Board make provision for the Board to elect its own Chairman and Vice-Chairman and therefore this responsibility does not fall to the Fire Authority. Scheme management of the Firefighters Pension Scheme is delegated to the Standards and Governance (S&G) Committee. At the AGM in 2018, it was acknowledged that it could be considered a

conflict of interest for a Member of the S&G Committee to also be appointed to the Pension Board. This was something that could be overcome by a Member declaring an interest and not taking part in discussions should such a conflict arise.

For reference: current appointments to the Pension Board are as follows:

Employer Representatives:		Scheme Members:	
	Date appointed		Date appointed
Stew Adamson	10 Feb 2021	Richard North	10 Feb 2021
Cllr Roger Price	10 Feb 2021	Richard Scarth	10 Feb 2021
Dan Tasker	10 Feb 2021	Mark Hilton	10 Feb 2021
Sean Harrison	10 Feb 2021	Ross Singleton	10 Feb 2021

OTHER AUTHORITY APPOINTMENTS

11. Additional appointments are as follows:

- (a) Authority Policy Advisory Group (APAG) – The Group meets as a preliminary sounding board with senior officers to develop policies, plans and recommendations for subsequent presentation to the Authority. It is informal and was originally established to make progress with the Authority’s Integrated Risk Management Plan (now referred to as the Safety Plan). It has also been used as a useful cross-party group to discuss and deal with matters of urgency. At the June 2020 AGM, the Authority agreed to appoint all Members of the Hampshire Fire and Rescue Authority and new Shadow Authority to APAG and it is proposed that all Members are re-appointed for 2021/22 as part of the Combined Fire Authority
- (b) Principal Officer Pay Review Group – The Authority is asked to appoint three Members, and identify one of these as Chairman, to an informal working group which may be called upon when required (normally on an annual basis) to conduct a review of any proposed changes to principal officer pay and to make recommendations accordingly to the Authority. Councillors Fairhurst (Chairman), Price and Vaughan were appointed to this Group for one year in June 2020/21.
- (c) Minority Group Spokespersons – A Minority Group Spokesperson’s position is set out in the Members’ Allowances Scheme. The Liberal Democrat Group is asked to confirm their appointment to this position and to inform the Clerk accordingly.
- (d) Independent Persons – At the Standards and Governance Committee meeting on the 24 February 2021 following a working group to recruit, it

was formally proposed that two independent persons be appointed to HIWFRA at its AGM in June 2021 for a four-year term with an allowance of £100 per annum each.

- (e) 3SFire CIC. Shareholder Representative – Pursuant to Article 42 of the Articles of Association of 3SFire CIC, the Authority is asked to appoint a Shareholder Representative, which is proposed to be the Chairman of the Stakeholder Committee.
- (f) 3SFire CIC Directors – Article 22 of the Articles of Association require that the company shall have between three and seven directors.
- (g) Review of Members' Allowance Scheme – At its meeting in February 2021, the Authority adopted a Members' Allowance Scheme for the period 1 April 2021 to 31 March 2022 and agreed to establish a Member Working Group to review the scheme during this period with a view to making recommendations to the Authority about a new scheme for prior to March 2022. The Authority is therefore asked to appoint three members and identify one as Chairman, to an informal working group to review the Members' Allowance Scheme.

GENERAL DISPENSATIONS FOR MEMBERS

12. Where members have a disclosable pecuniary interest in an item of Authority business then they are precluded from participating in either a discussion or a vote on that item (Part 7 of the Localism Act 2011). A beneficial interest that a member or their spouse/civil partner has in land within the administrative area of the Authority must be registered as a disclosable pecuniary interest. Members who have such interests could be seen to have a prejudicial interest in a decision to set the precept. The Government has previously issued guidance stating that in its view, elected members of a Local Authority do not have a prejudicial pecuniary interest in a decision to set council tax (or by extension to a Fire and Rescue Authority, a decision to set a precept). However, many Local Authorities have chosen to err on the side of caution and grant a dispensation to all members in respect of setting council tax or precepts, to remove any doubt.
13. Members are also required to disclose as a pecuniary interest any 'employment, office, trade, profession or vocation carried on for profit or gain'. Whilst Members hold public office, such office is arguably not carried out for profit or gain for the purposes of the legislation. The receipt of member allowances is compensatory (relating to time spent and expenses incurred) and therefore does not mean a Member's role is 'carried out for profit or gain'. On this basis, the fact that members receive allowances under the Authority's Members Allowance Scheme (or another Authority's Members Allowance Scheme) should not constitute a DPI and should not prevent a Member from participating in the business of the Authority.

However, once again, to remove any element of doubt it is recommended that a dispensation is granted, so that there is no question Members in receipt of an allowance are able to participate or vote on any item of Authority business.

14. In the circumstances, it is recommended that the Authority approves general dispensations to members for the next year in respect of both interests in land and receipt of allowances.

AUTHORITY MEETING SCHEDULE

15. The current schedule of meetings for the Authority and its committees for the coming year is set out at Appendix 3. The Authority is asked to approve this, noting that the Authority may at subsequent meetings decide to vary the dates of any meetings.

HIWFRA CONSTITUTION MINOR AMENDMENTS

16. It is recommended that some minor amendments are made to the Authority's Constitution as follows:
 - (a) There is an additional annual report listed in the Authority's Terms of Reference (page 9 Appendix 4). This annual report contributes towards meeting the statutory requirements to publish the Equality Statement on an annual basis, and the Equality Objectives at least every 4 years, in accordance with the Equality Act 2010 and The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.
 - (b) The reference (page 101 Appendix 4). In line with the decision of the Authority in 2017, the Authority agreed to delegate to Officers (Group Managers), with central support from headquarters, attendance and representation at the local crime and disorder reduction partnerships (CDRPs) meetings. Therefore, no formal Member appointments to the CDRPs are made. Following discussion at the Authority meeting in April 2021 a small addition has been made to the Protocol for Member – Officer Relations, to establish that Members may attend the CDRPs meetings where they wish to attend, noting that Officers will be appointed to formally represent the Authority at those meetings.

RESOURCE IMPLICATIONS

17. There are no financial or resource implications from the content of this report.

IMPACT ASSESSMENTS

18. There are no specific equality or other impacts arising from the proposals contained in this paper.

LEGAL IMPLICATIONS

19. The Authority's appointments and Constitutional arrangements should be kept up to date in order to ensure lawful decision making and good governance. The proposals in this paper ensure that the Authority's Constitutional arrangements are up to date and compliant with Local Government legal requirements.

OPTIONS

20. Option 1 (Recommended) – The Authority is asked to make the appointments for the reasons outlined in the report above. That HIWFRA approves and adopts the amended version of the Constitution at Appendix 4.
21. Option 2 – That HIWFRA does not approve the amended version of the Constitution at Appendix 4.

RISK ANALYSIS

22. Option 1 ensures that the Authority's Constitution is up to date and reflects the current operation of the Authority and so is the preferred option.
23. Option 2 would mean the Authority has a Constitution that is not up to date and does not reflect the current operation of the Authority. It could therefore create some flaws in the Authority's governance arrangements and ultimately lead to challenges to decision making.

CONCLUSION

24. Option 1 is recommended, for the Authority to make the appointments for the reasons outlined in the report above, and as this will ensure the Authority's Constitution is up to date and reflects the current operation of the Authority. This will ensure good governance and will also minimise the risk of challenge to the Authority's decision making.

RECOMMENDATIONS

25. That the Authority approves the current schedule of meetings of the Authority and its committees for the coming year at Appendix 3.
26. That, for the purposes of Part 1 of the Local Government and Housing Act 1989, the allocation of seats on the Standards and Governance Committee, and the Stakeholder Committee of the Authority be as set out in the Appendix 2 of the report.
27. That the Authority appoint members of the Standards and Governance Committee, and the Stakeholder Committee and their respective Chairmen and Vice-Chairmen following the agreed allocation of seats at paragraph 9 (above). That, with regards to the Pension Board, the Authority consider the position as set out in paragraph 10 of the report and confirm the appointments as set out in paragraph 10 of the report.
28. That APAG include all appointed HIWFRA Members as set out in paragraph 11a of the report, until the AGM in 2021.
29. That the Authority appoint three Members, and identify one of these as Chairman, to an informal working group for the review of principal officer pay, as detailed in paragraph 11b of the report, until the HIWFRA AGM in 2022.
30. That the Authority appoint three Members and identify one of these as Chairman, to an informal working group for the review of the Member Allowance Scheme, as detailed in paragraph 11g of the report, until the HIWFRA AGM in 2022.
31. That the Minority Group Spokesperson for the Liberal Democrat Party Group until the inaugural meeting of the Combined Fire Authority in 2022 is confirmed, as set out in paragraph 11c of the report.
32. That Peter Moore and Michael Cronin be appointed as Independent Persons for HIWFRA for a four-year term with an allowance of £100 per annum each.
33. That the Chairman of the Stakeholder Committee be appointed as the Shareholder Representative for 3SFire CIC pursuant to Article 42 of the Articles of Association of 3SFire CIC as set out in paragraph 11e of the report, until the HIWFRA AGM in 2022

34. That the Authority grants dispensations under Sections 33(2)(a) and (d) of the Localism Act 2011, expiring on 30 June 2022, in respect of the provisions of Sections 31(4)(a) and (b) of the Localism Act:
- a) to all Members to enable them to participate and vote in any business of the Authority relating to the setting of Council Tax or Precepts, when they would otherwise be prevented from doing so in consequence of a beneficial interest in land within the administrative area of the Authority; and
 - b) to all Members in receipt of an allowance under the Authority's Members' Allowances Scheme or Members' Allowances Scheme, enabling them to participate and vote in any business of the Authority where they may otherwise be prevented from doing so in consequence of being in receipt of a Members' Allowance.
35. That the Authority approves the Constitution at Appendix 4 and agrees to delegate any future formatting and minor technical changes to the Monitoring Officer

APPENDICES ATTACHED

- 36. Political Composition – Appendix 1 (IOW appointment being done on 16 June)
- 37. Proportionality – Appendix 2
- 38. Current HIWFRA meeting schedule for 2021/22 - Appendix 3
- 39. HIWFRA Constitution – Appendix 4

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