

Cleveland Fire Authority Governance Review 2014/15: Current Arrangements

1. Establishment of Cleveland Fire Authority

- 1.1 On 4 December, 1995, the Secretary of State for Home Affairs signed the Cleveland Fire Services (Combination Scheme) Order 1995. The Order, which came into force on 5th December 1995, established a Combined Fire Authority known as the Cleveland Fire Authority for the combined areas of Hartlepool, Middlesbrough, Langbaugh (Redcar and Cleveland, after 1st April, 1996) and Stockton-On-Tees. Detailed extracts from the Order are detailed at Appendix A.
- 1.2 On 1st April, 1996, with the demise of Cleveland County Council, the powers and duties of the County Council were transferred through the constituent authorities to the Combined Fire Authority under the then Fire Services Act, 1947, to provide fire services in the combined area with a membership of 23 elected members.
- 1.3 Cleveland Fire Authority, for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972, 2000 and other local government related legislation.

2. Cleveland Fire Authority's Statutory Function

- 2.1 Cleveland Fire Authority's statutory functions emanate from three main pieces of legislation:
 - **The Fire and Rescue Services Act 2004:** promotion of fire safety; preparation for fire-fighting; protecting people and property from fires, rescuing people from road traffic collisions.; and dealing with other emergencies such as flooding or terrorist attack.
 - **The Civil Contingencies Act (CCA):** working with others to develop and implement emergency and business continuity Plans.

- The Regulatory Reform (Fire Safety) Order 2005: places the responsibility for Fire Safety in commercial premises with the owner/occupier and makes it a duty for them to carry out a fire risk assessment. The Authority is responsible for enforcement of the Order via its risk based inspection programme.

2.2 Other key pieces of legislation influencing the Authority's work include:

- Local Government and Housing Act 1989
- Local Government Finance Act 2012
- Health and Safety at Work Act 1974
- Equality Act 2010
- Data Protection Act 1998
- Freedom of Information Act 2000
- Localism Act 2011

2.3 The Government's blueprint of priorities and objectives for fire and rescue services is set out in its document the '**Fire and rescue national framework for England**'. These are to:

- identify and assess the full range of foreseeable fire and rescue related risks their areas face, make provision for prevention and protection activities and respond to incidents appropriately
- work in partnership with their communities and a wide range of partners locally and nationally to deliver their service
- be accountable to communities for the service they provide

3 Cleveland Fire Authority's Current Constitution and Governance Arrangements

Membership

3.1 The Cleveland Fire Authority 23 seat membership allocation has remained unchanged since 1996.

- 3.2 Paragraph 12 of the Combination Order 1995 states that 'each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas'.
- 3.3 The number of electors in each authority and the associated representative seats is shown in Table 1 below. Also shown are the populations.

Table 1: Seat Allocation to Constituent Authorities							
Council	Pop*	As % of Overall Pop	Member to Pop Ratio	Electors *	As % of Overall Electors	Member to Elector Ratio	No of Seats
Hartlepool	92,665	16.6	1:23,166	72,478	16.5	1:18,119	4
Middlesbrough	138,939	24.8	1:23,156	107,219	24.5	1:17,869	6
Redcar & Cleveland	134,945	24.1	1:22,490	107,472	24.5	1:17,912	6
Stockton	193,196	34.5	1:27,599	150,920	34.5	1:21,560	7
Total	559,745	100	1:24.336	438,089	100	1:19,047	23

* Office for National Statistics - Population Estimates for UK, England & Wales - Mid 2013

3.4 Table 2 shows the elected member/population and elected member/elector ratios for Combined Fire and Rescue Authorities in England.

Table 2: Elected Member/Population and Elected Member/Elector Ratios for Combined Fire Authorities in England					
Combined Fire Authority	Population	No of Members	Member Population Ratio	No of Electors	Member Elector Ratio
Avon	1,092,831	25	1: 43,713	868,903	1:34,756
Bedfordshire	633,899	12	1: 52,824	485,455	1:40,454
Buckinghamshire	771,788	17	1: 45,399	589,729	1:34,689
Cambridgeshire	820,468	17	1: 48,262	644,613	1:37,918
Cheshire	1,034,812	23	1: 44,991	821,308	1:35,709
Cleveland	559,745	23	1: 24,336	438,089	1:19,047
Derbyshire	1,027,583	16	1: 64,223	814,949	1:50,934
Durham & Darlington	621,353	24	1: 25,889	498,377	1:20,765
Devon & Somerset	1,687,406	24	1: 70,308	1,360,921	1:56,705
Dorset	754,463	15	1: 50,297	614,178	1:40,945
East Sussex	534,402	18	1: 29,689	429,506	1:23,861
Essex	1,753,052	25	1: 70,122	1,377,530	1:55,101
Hampshire	1,787,331	25	1: 71,493	1,415,107	1:56,604
Hereford Worcester	758,255	25	1: 30,330	607,233	1:24,289
Humberside	922,183	22	1: 41,917	733,745	1:33,352
Kent	1,764,617	25	1: 70,584	1,376,740	1:55,069
Lancashire	1,468,845	25	1: 58,753	1,157,304	1:46,292
Leicestershire	1,032,993	17	1: 60,764	811,081	1:47,710
North Yorkshire	805,102	16	1: 50,318	650,534	1:40,658
Nottinghamshire	1,107,053	18	1: 61,502	880,559	1:48,919
Royal Berks	878,431	25	1: 35,137	671,688	1:26,867
Shropshire	477,019	25	1: 19,080	378,049	1:15,121
Staffordshire	1,107,234	27	1: 41,008	881,928	1:32,664
Wiltshire	693,671	13	1: 53,359	542,262	1:41,712
Average Combined FA	1,003,939	21	1: 47,997	793,741	1:37,948

Figure 1: Comparison of Elected Member/Population Ratios for Combined Fire Authorities in England

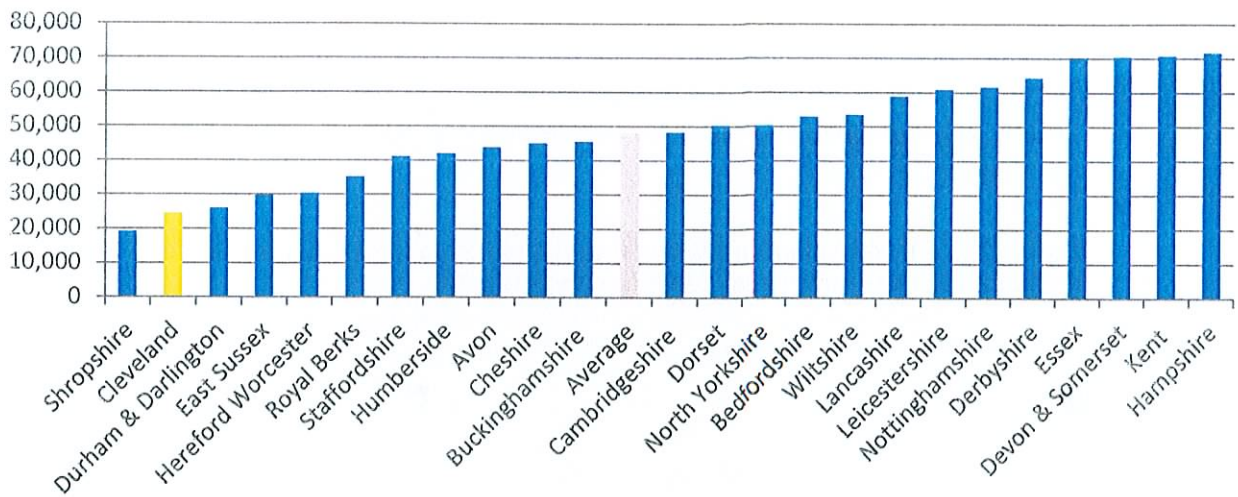
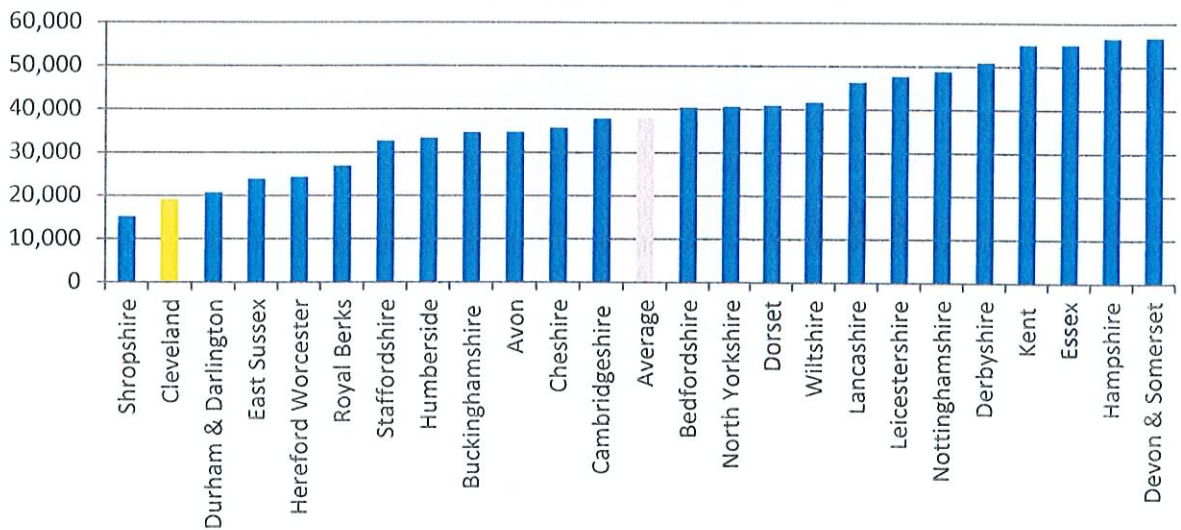


Figure 2: Comparison of Elected Member/Elector Ratios for Combined Fire Authorities in England



3.5 As can be seen from Table 2 and Figure 1 the ratio of elected members to population in Cleveland Fire Authority (1:24,336) is one of the lowest, with only Shropshire Fire and Rescue Authority being lower (1:19,080). The average member/population ratio is 1:47,997.

- 3.6 As can be seen from Table 2 and Figure 2 the ratio of elected members to electors in Cleveland Fire Authority (1:19,047) is one of the lowest, with only Shropshire Fire and Rescue Authority being lower (1:15,121). The average member/elector ratio is 1:37,948.
- 3.7 Comparisons of elected member/population and elected member/elector ratios with the Metropolitan Fire Authorities in England and London are shown in Table 3.

Metropolitan Fire Authority	Population	No of Members	Member Population Ratio	No of Electors	Member Elector Ratio
Greater Manchester	2,714,944	30	1:90,498	2,103,545	1:70,118
Merseyside	1,386,589	18	1:77,033	1,107,517	1:61,529
South Yorkshire	1,358,153	12	1:113,179	1,072,962	1:89,414
Tyne & Wear	1,113,577	16	1:69,599	893,551	1:55,847
West Midlands	1,103,092	27	1:103,092	2,119,756	1:78,509
West Yorkshire	2,252,192	22	1:102,372	1,742,801	1:79,218
London	8,416,535	17	1:495,090	6,529,750	1:102,518
Cleveland	559,745	23	1:24,336	438,089	1:19,047
Average Met (exc London and CFA)	1,654,758	21	1:79,428	1,506,689	1:72,321

- 3.8 As can be seen from Table 3 above the ratio of elected members to population in Cleveland Fire Authority (1:24,336) is very low compared to the Metropolitan Fire and Rescue Authorities; the average being 1:79,428.
- 3.9 As can also be seen from the table, the ratio of elected members to electors in Cleveland Fire Authority (1:19,047) is also very low compared to the Metropolitan Fire and Rescue Authorities; the average being 1:72,321.

Political Balance

- 3.10 Under Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, the principle of political balance established by the 1989 Act applies only where the members of a local authority are divided into political groups. The allocation of seats is determined under the 1989 Act and requires adherence to the following principles:

- not all seats are allocated to a body forming the same political group
- a majority of seats on a body is reflective of the group holding the majority of seats
- the total number of seats (giving cognisance to the above) on the Ordinary Committee of a relevant authority as allocated, should reflect the group's proportion to the membership of the authority
- again giving cognisance to the above, that the number of seats upon a body as allocated to each group in the same proportion to the number of all seats on that body relative to the number of Members of a group to the membership of the authority

3.11 The 1989 Act, therefore requires 'as far as reasonably practicable' that decisions are made which conform to the above principles. Further, a sharing of seats, otherwise than in accordance with the relevant proportions, is lawful if agreed without any member voting against, thus enabling a different allocation to be established.

3.12 As determined within the Act, each constituent authority with three or more allocations must appoint by applying political balance, authorities with less than three allocations do not have to apply political balance.

3.13 The current political balance of the Authority is:

- 11 Labour
- 4 Conservative
- 1 Liberal Democrat
- 1 Independent (Middlesbrough)
- 1 The Independent Group (R & C)
- 1 New Independents (R & C)
- 1 Ingleby Barwick Independent Society (IBIS)
- 1 Thornaby Independent Association (TIA)
- 1 Marton Independent Group
- 1 Putting Hartlepool First

Appointments

3.14 Cleveland Fire Authority is recognised as a body corporate whose rights and duties are comparable to a local authority.

3.15 The composition of the membership of the Authority is through appointment by the constituent authorities from amongst their own membership.

- 3.16 Once appointed to the Fire Authority, elected members have separate and distinct responsibilities in the decision making to the Fire Authority, from their individual Borough Council.
- 3.17 Under Part III of the 1995 Combination Scheme Order there is to be found the “Constitution” of the Combined Fire Authority. Accordingly, the following points are pertinent to any consideration of the terms of appointment and political composition of the Cleveland Fire Authority:
- Each Member of the Authority shall be appointed by a Constituent Authority from its own Members.
 - Each Constituent Authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other Constituent Authority’s areas.
 - A Member of the Authority shall come into office on the date of his appointment and shall (subject to resignation, disqualification or ceasing to be a Member of a Constituent Council) hold office for such period or periods as shall be determined by the Constituent Authority which appoints him.
- 3.18 Section 15 of the Local Government and Housing Act, 1989 states that ‘it shall be the duty of the relevant authority having power from time to time to make appointments to a body to which this section applies to review the representation of different political groups on that body’. Reference here to a local authority is also a reference under Section 21(1) (f) to ‘a Fire Authority constituted by a combination scheme under the Fire Services Act, 1947’.
- 3.19 At the Fire Authority meeting on 28th March, 2008, it was agreed by Members that appointments to the Authority would now be made based on the Borough Councils own political composition rather than across the Cleveland area which had been the accepted practice since 1996 although this had not been statutory. It was also agreed that each Constituent Authority determines the ‘period or periods’ of office which an individual Member will hold on the Authority.
- 3.20 Stockton on Tees Borough Council currently elect Members for a four year term of office, with the other Councils appointing on an annual basis.

Appointment of Chair and Vice Chair

3.21 The appointment of the Chair and Vice Chair is a matter for Cleveland Fire Authority Members. The Cleveland Fire Service (Combination Scheme) Order 1995 paragraph 17 states that:

- the Authority shall elect a chairman, and may elect a vice-chairman, from among its members
- the chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election
- sub-paragraph directly above shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

3.22 At the CFA meeting on 18 March 2005, to assist strategic continuity, Members agreed that the rotation of the Chair and Vice Chair should be every two years but that this arrangement was not to be binding and must remain an informal arrangement which is subject to change.

Rotation of the Chair and Vice Chair

3.23 The 1995 Order does not include any direction or guidance on the rotation of the Chair and Vice Chair and it can only be assumed that Members agreed the following rotation by informal arrangement:

Chair: Hartlepool	Vice Chair: Redcar and Cleveland
Chair: Redcar and Cleveland	Vice Chair: Middlesbrough
Chair: Middlesbrough	Vice Chair: Stockton on Tees
Chair: Stockton on Tees	Vice Chair: Hartlepool

Members Allowances

3.24 Members are currently entitled to a basic allowance of £2,194 per annum with an annual cost to the Authority of £50,462. In addition to the basic allowance, Special Responsibility Allowances are also paid to the Chair (£8,776), Vice Chair (£4,388), Chair of Audit and Governance Committee (£2,742) and Chair of Overview and Scrutiny (£2,742) totalling £18,649.

3.25 Members are also entitled to claim for travelling and subsistence expenses in line with the Members Allowance Scheme. The total for Members Allowances in 2013/14 was £74,942.

- 3.26 When comparing the basic allowance per annum with other Fire and Rescue Authorities in the region, Cleveland Fire Authority is high at £2,194 with Tyne and Wear being £1,848 and County Durham and Darlington being £1,158.
- 3.27 Comparison of allowances paid to other Combined Fire and Rescue Authorities can be viewed at Appendix B. As can be seen from the appendix the average basic allowance for combined fire authorities is £2,678, putting Cleveland Fire Authority's basic allowance (£2,194) below average.
- 3.28 An Independent Remuneration Panel (IRP) comprising of one person from each of the four constituent IRPs is in place. Its role is to review and make recommendations to the Cleveland Fire Authority regarding future Members allowances and the responsibilities/duties of Members which could/should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.

Committee Structure

- 3.29 The current Committee Structure of Cleveland Fire Authority is detailed in the diagram below:

Fire Authority	• Strategic	23 Members
Executive	• Strategic	7 Members
Audit and Governance	• Scrutiny	7 Members
Overview and Scrutiny	• Scrutiny	7 Members
Appeals Committee	• Specialist	7 Members
Joint Consultative (Informal)	• Specialist	7 Members
Tenders	• Specialist	3 Members

Outside Bodies

- 3.30 On an annual basis the Authority appoints to the following outside bodies to which they have allocated representation:
- **Local Government Association Fire Commission**
 - **Safer Partnership Forums (or equivalent)**
 - Middlesbrough Responsible Authorities Group representative
 - Redcar and Cleveland Community Safety Partnership representative
 - Stockton Safer Partnership representative

Extracts from Part III of the Cleveland Fire Services (Combination Scheme) Order 1995

Constitution

11. (i) The Authority shall consist of not more than 25 members save that, where the minimum number of members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of members.
- (ii) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance with this Part.
12. Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.
13. A member of the Authority shall come into office on the date of his appointment and shall, subject paragraph 14 to 16 hold office for such period or periods as shall be determined by the constituent Authority which appoints him.
14. A member of the Authority may resign his membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.
15. (i) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.
- (ii) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.
16. (i) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.

- (ii) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council, which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.
17. (i) The Authority shall elect a chairman, and may elect a vice-chairman, from among its members.
- (ii) The chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.
 - (iii) Sub-paragraph (2) above shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.
 - (iv) On a casual vacancy occurring in the office of chairman or, if a vice-chairman has been elected, the vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.
 - (v) The election to replace the chairman under sub-paragraph (4) above shall take place not later than the next following ordinary meeting of the Authority.
18. The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the Secretary of Hartlepool Borough Council, and subsequent meetings shall be convened in such a manner as the Authority shall determine.
19. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine.
- 20.(i) The following provisions of the Local Government Act 1972(1), namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.
- (ii) Section 101(6) of the Local Government Act 1972 shall have effect, by virtue of sub-paragraph (1), as if for the words "levying, or issuing a precept for, a rate" there were substituted the words "assessing or varying the contributions to be paid into the combined fire service fund by the constituent authorities".

Comparison of Combined Fire Authorities' Basic Allowances for Elected Members

Authority		Basic Allowance (£)
Avon	1	1435.00
Bedfordshire	1	3055.20
Buckinghamshire	1	1163.00
Cambridgeshire	1	2409.98
Cheshire	1	3951.00
Cleveland	1	2194.00
Durham & Darlington	1	1158.00
Devon & Somerset	1	2525.00
Derbyshire	1	2952.00
Dorset	1	3550.00
East Sussex	1	2400.00
Essex	1	4509.00
Hampshire	1	2943.00
Hereford and Worcester	1	1163.32
Humberside	1	4457.00
Kent & Medway	1	1388.64
Lancashire	1	2593.00
Leicestershire	1	2940.00
North Yorkshire	1	3762.42
Nottinghamshire	1	3467.33
Royal Berks	1	1818.00
Shropshire	1	2658.00
Staffordshire	1	3217.20
Wiltshire	1	2574.00
Total	24	64284.09
Average		2678.50

Cleveland Fire Authority Governance Review 2014/15:
Strategic Direction

Strategic Direction for Cleveland Fire Authority's Governance Review

Cleveland Fire Authority's future governance framework must demonstrate being legally compliant, efficient and effective: corporate governance; leadership; decision making; accountability; scrutiny and specialist roles (tenders, appeals, standards and joint consultative).

- the committee structure should comprise of the Fire Authority and two sub committees; an executive and an independent scrutiny committee. The number of committee meetings should be reduced where possible
- options relating to the number of Elected Members on the Fire Authority should be provided; these should range from 12 -16 and increase elected member/elector ratio
- explorations should be undertaken to establish the appetite of Hartlepool, Middlesbrough and Redcar and Cleveland Borough Councils to extend the terms of office for elected members of their authorities in line with that of Stockton Borough Council (i.e. 4 years)
- options relating to the arrangements for Chair and Vice Chair appointment and tenure should be provided for Members' consideration
- the level of delegation/decision making for operational, managerial and administrative responsibilities afforded to the Chief Fire Officer and Proper Officers should remain the same
- the level of delegation/decision making should be increased in respect of the Executive Committee.

Proposals and Options Considered for Proposed Changes to Cleveland Fire Authority

Legally Compliant

Cleveland Fire Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

In addition it will take cognisance of all other legislation applying to its operations.

The Government's blueprint of priorities and objectives for fire and rescue services as set out in its document the 'Fire and rescue national framework for England' will influence the Authority's work.

Cleveland Fire Authority's terms of reference are set out at Appendix 3 (i). At this time the terms are indicative of the functions of the Fire Authority.

Membership

The options relating to numbers of Elected Members on the Cleveland Fire Authority are presented below. They are in line with the Executive Committee's steer that the options should range from 12 -16 and increase elected member/elector ratio.

There is no option presented to remain the same as at present given that the Authority's CIRMP 2014-18 and Service Plan 2014/15 sets out the Authority's commitment to review its governance arrangements with a view to being more 'fit for purpose' and realising savings of circa £0.040m. However the current situation has been re-presented below, at the beginning of the options section, for comparison purposes only.

Current Situation					
Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	4
Middlesbrough	138,939	24.8	107,219	24.5	6
Redcar & Cleveland	134,945	24.1	107,472	24.5	6
Stockton	193,196	34.5	150,920	34.5	7
Total	559,745	100	438,089	100	23
Member/Elector Ratio					
Cleveland Fire Authority			1:19,047		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:24,336		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Option 1 (12 Elected Members)

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	3
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	4
Total	559,745	100	438,089	100	12
Member/Elector Ratio					
Cleveland Fire Authority			1:36,507		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:46,645		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 1(12 Elected Members)

- represents that which is most reflective of the average member/electors and average member/population ratios in other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 92% to (1:36,507)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 92% to (1:46,645)

Option 2 (13 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	3
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	13
Member/Elector Ratio					
Cleveland Fire Authority			1:33,699		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:43,057		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 2 (13 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 77% to (1:33,699)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 77% to (1:43,057)

Option 3 (14 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	3
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	14
Member/Elector Ratio					
Cleveland Fire Authority			1:31,292		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:39,981		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 3 (14 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 64% to (1:31,292)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 64% to (1:39,981)

Option 4 (15 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	2
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	4
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	15
Member/Elector Ratio					
Cleveland Fire Authority			1:29,205		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:37,316		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 4 (15 Elected Members):

- improves Cleveland Fire Authority's member/electors and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 53% to (1:29,205)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 53% to (1:37,316)

Option 5 (16 Elected Members):

Council	Population*	% of Overall Population	Electors*	% of Overall Electors	No of Members
Hartlepool	92,665	16.6	72,478	16.5	3
Middlesbrough	138,939	24.8	107,219	24.5	4
Redcar & Cleveland	134,945	24.1	107,472	24.5	4
Stockton	193,196	34.5	150,920	34.5	5
Total	559,745	100	438,089	100	16
Member/Elector Ratio					
Cleveland Fire Authority			1:27,380		
Average Combined Fire Authority			1:37,948		
Average Metropolitan Fire Authority			1:72,321		
Member/Population Ratio					
Cleveland Fire Authority			1:34,984		
Average Combined Fire Authority			1:47,997		
Average Metropolitan Fire Authority			1:79,428		

Comments on Option 5 (16 Elected Members):

- improves member/elector and member/population ratios compared to other Fire and Rescue Authorities
- increases Cleveland Fire Authority's current member/electors ratio (1:19,047) by 43% to (1:27,380)
- increases Cleveland Fire Authority's current member/population ratio (1:24,336) by 43% to (1:34,984)

Committee Structure

There are no statutory requirements in relation to the nature and type of committee structure that a Combined Fire Authority should have in place.

Cleveland Fire Authority will be underpinned by two committees: an Executive Committee and an Audit and Governance Committee.



The number of elected members on each committee will be dependent on the number of elected members on the Fire Authority and the political balance. (see options above). Table 4 below illustrates the number of members on each committee against those options.

Option	Fire Authority	Executive	Audit and Governance	
			CFA Members	Independent Persons
1	12	7	5	2
2	13	7	6	2
3	14	7	7	2
4	15	7	8	2
5	16	7	9	2

The Authority has already recognised that it would be inefficient and ineffective to make all the decisions itself and therefore has a Scheme of Delegation in place that reflects best practice and the CIPFA/Solace 'Delivering Good Governance in Local Government (Guidance note)'

Executive Committee

The role of the Executive Committee is intended to:

- quicken the decision making process
- reduce bureaucracy and wasteful duplication of resources
- strengthen Member understanding of issues and enhance their skills

The Executive Committee will make recommendations to the Authority on the major strategic issues set out in its terms of references and formulate and approve the Authority's Policies in line with its delegated decision making powers under the Authority's Scheme of Delegation. The Committee will also undertake the roles of joint consultative and tenders.

The terms of reference of the Executive Committee are set out at Appendix 3(ii). At this time the terms are indicative of the functions of the Executive Committee.

Audit and Governance Committee

The role of an Audit Committee is very important and whilst it is not a statutory requirement to have such a committee, it is well recommended and regarded as best practice by both Auditors and CIPFA.

CIPFA also regard it as best practice that the audit committee should be separate from the executive committee with the size of the audit committee not being unwieldy.

The purpose of the Audit and Governance Committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.

The Audit and Governance Committee will include two independent persons appointed to undertake the function of standards.

The terms of reference of the Audit and Governance Committee are set out at Appendix 3 (iii). At this time the terms are indicative of the functions of the Audit and Governance Committee.

Appointment of Chair and Vice Chair

There are two main options in relation to the appointment of the Chair and Vice Chair, one in relation to staying the same and the other in relation to voting:

- **Option 1:** Remain the same with the Chair and Vice Chair being rotated across the constituent authorities on a two yearly basis
- **Option 2a:** Vote for the Chair and Vice Chair and appoint for 1 year
- **Option 2b:** Vote for the Chair and Vice Chair and appoint for 2 years (must be re-affirmed at CFA's AGM each year as a statutory requirement)
- **Option 2c:** Vote for the Chair and Vice Chair and appoint for any other number of year (must be re-affirmed at CFA's AGM each year as a statutory requirement)

Cleveland Fire Authority Indicative Terms of Reference

Statutory

Cleveland Fire Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

The Government's blueprint of priorities and objectives for fire and rescue services as set out in its document the 'Fire and rescue national framework for England' also influences the Authority's work.

Strategic

- setting the vision and strategic direction of the Authority
- ensuring the views of the community, partners and constituent councils are taken into account and that they are kept fully informed of the Authority's plans
- approving the Authority's Community Integrated Risk Management Plan
- approving the Authority's Service Plan
- approving proposals for major changes to delivery services
- reviewing the corporate identity of the Authority
- establishing an effective and efficient Corporate Governance Framework
- acting as the Subscriber to the Memorandum of Association of the Community Interest Company (CIC)

Financial

- setting the Authority's Medium Term Financial Strategy and revenue and capital budgets
- complying with the International Financial Reporting Standards (IFRS)
- approving the Treasury Management Policy and Strategy
- approving the Authority's Pay Policy Statement

Risk and Performance

- establishing the Authority's risk and performance management frameworks including risk analysis; and risk and performance management, monitoring and scrutiny arrangements

Appointments and Terms and Conditions of Employment

- appointing the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement (recommendation from the Executive Committee)
- appointing the Independent Persons to serve on the Audit and Governance Committee (recommendation from the Executive Committee)

Governance

- ensuring Elected Member development
- receiving minutes of Executive and Audit and Governance Committees
- receiving reports from the External Auditor, Chief Fire Officer, Proper Officers and Chairs

Delegated Powers to the Executive Committee

Strategic

- approving the Authority's Policies
- approving the Authority's annual statement of assurance

Financial

- approving the Financial Report
- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Scheme (FPS) 2015

Appointments and Terms and Conditions of Employment

- appointing Brigade Directors in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser and Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing an appeal against the withholding of Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union

- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liaising with recognised Trade Unions on the formulation of the Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Corporate Governance Framework and Contract Procedure Rules

Delegated Powers to the Audit and Governance Committee

Financial

- approving the Annual Governance Statement contained within the Financial Report

Hearings and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct

Delegated Powers to the Clerk and Chair

Governance

- agreeing Member attendance at external events

Executive Committee Indicative Terms of Reference

Strategic

- making recommendations to the Fire Authority on:
 - its vision and strategic direction
 - the Community Integrated Risk Management Plan (CIRMP) proposals for inclusion in the Authority's CIRMP
 - its Service Plan
 - proposals for major changes to delivery services
- receiving core strategies in relation to the Authority's Strategic direction

Financial

- making recommendations to the Fire Authority on:
 - its Medium Term Financial Strategy and revenue and capital budgets
 - its Pay Policy Statement

Risk and Performance

- monitoring progress on the implementation of the Authority's CIRMP

Appointments and Terms and Conditions

- making recommendations to the Fire Authority on the appointment of:
 - the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement
 - the Independent Persons to serve on the Audit and Governance Committee

Delegated Powers

Strategic

- approving the Authority's Policies
- approving the Authority's annual statement of assurance

Financial

- approving the Financial Report
- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Scheme (FPS) 2015

Appointments and Terms and Conditions of Employment

- appointing Brigade Directors in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser and Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing an appeal against the withholding of Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union
- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liaising with recognised Trade Unions on the formulation of the Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Corporate Governance Framework and Contract Procedure Rules

Audit and Governance Committee Indicative Terms of Reference

Strategic

- scrutinising the Authority's annual statement of assurance

Financial

- monitoring the progress of the Authority's Medium Term Financial Strategy and revenue and capital budgets
- monitoring and scrutinising of the Treasury Management Strategy

Risk and Performance

- providing independent assurance of performance, risk management and data quality frameworks
- monitoring, scrutinising, regularly reporting and communicating on the Authority's performance, risk and efficiency outcomes
- monitoring the management of the Authority's Corporate Risks

Audit

- scrutinising of the Annual Audit letter and other External and Internal Audit reports and monitoring of achievements against any associated action plans and recommendations
- agreeing and adopting the Annual Internal Audit Plan and scrutiny of the Internal Audit Annual Report

Standards

- advising the Authority on, promoting and maintaining good ethical governance and standards
- advising the Authority upon the adoption of a Members' Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
- providing advice, guidance and training in relation to the duty to promote and maintain high standards of conduct in observing the Authority's Code of Conduct by elected and co-opted members
- ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted
- reviewing the Anti-Fraud and Anti- Corruption Strategy
- making recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion

Delegated Power

Financial

- approving the Annual Governance Statement contained within the Financial Report

Hearings and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct