



Report title

Reconstitution of Committees, Standing Orders, Allowances, Delegations and Related Matters

Meeting

Date

Authority

5 October 2017

Report by

Document Number

Clerk to the Authority

FEP 2784

Public

Summary

Further to the appointment of the Chair and all other Members of the Authority by the Mayor, with effect from 1 October 2017, this report is produced to support consideration by the Authority of the Authority's committee structure, the allocation of seats on committees, the membership and chairs of committees for the remainder of the 2017-18 municipal year whilst the Authority continues to exist, the re-establishment of the Joint Council, the programme of meetings up to March 2018, the Standing Orders of the Authority, the Members' Scheme of Allowances and the Scheme of Delegation of Functions to Officers.

Recommendations

The Authority is recommended:

1. To note the appointment by the Mayor of London of the Chair and Members of the Authority;
2. To determine its committee structure for the period to March 2018 and the orders of reference for each such body;
3. To determine (a) whether, with no Member voting against, to dis-apply the proportionality rules in the allocation of seats on committees or (b) to allocate seats on each committee in strict accordance with the requirements of proportionality (as set out in the table at paragraph 11 of the report);
4. To appoint Members and alternate Members to seats on committees which are allocated to political groups and to appoint to seats not allocated to a political group as the Authority decides;
5. To appoint the chairs and vice-chairs of the committees;
6. To: re-confirm the establishment of the Joint Council on the basis of the previously-approved constitution, attached at **Appendix 2**, allocate seats on the Joint Council Employer's Side; appoint Authority Members to the Joint Council, agree arrangements for substitute Members; and agree that the Chair of the Employer's Side be chosen from among those Members present when it is the Employer's Side's turn to chair Joint Council meetings;
7. To confirm the establishment of the Local Pension Board on the basis previously approved (as set out at paragraphs 20-26 below); to appoint Authority Members to the Local Pension Board, noting that these appointees are unable to be Members of the Resources Committee – assuming that this committee is re-established; and to note that, in the interests of good governance, the Board will, as previously agreed, continue to be treated as a formal body in

terms of the publication of papers for Board meetings and the inclusion of legal, finance, equalities and sustainable development implications within reports to the Board;

8. To establish a London Plan Working Group with the terms of reference as set out in the report FEP 2783, attached at **Appendix 9**; to appoint the Chair and Membership of the Working Group and to agree the provisional programme of work.
9. To approve the programme of Authority and committee meeting dates for the period up to March 2018 (as set out at **Appendix 4**);
10. To approve the Standing Orders for the Authority and approve the Scheme of Delegation of Functions to Officers, as set out at **Appendices 5 and 6**;
11. To adopt the Members' Allowances Scheme, as set out at **Appendix 7**;
12. To note the financial regulations, as set out at **Appendix 8**; and
12. To agree that the Clerk to the Authority be instructed to implement the decisions on these matters, to discharge the associated statutory requirements as regards publicity and the keeping of records and to have authority to make any minor, consequential revisions to the Authority's governance documents referred to in this report as are necessary following the decisions taken on this report.

Introduction

1. The Police and Crime Act 2017 received Royal Assent on 31 January 2017. It is now expected that the abolition of the Authority will take place at the end of March 2018. It is therefore necessary to ensure the Authority is reconstituted for the period leading up to this.
2. On 14 September 2017 (and with effect from 1 October 2017), the Mayor of London formally appointed the membership of the Authority for the period until the Authority is abolished (anticipated to be March 2018). The membership of the Authority is therefore as set out on the formal notice for this meeting of the Authority. The Mayor has also appointed Dr Fiona Twycross AM as Chair of the Authority for the period to 31 March 2018. Members are asked to note that following the previous resignation from the Authority of Emma Dent Coad (after she had been elected as the member of Parliament for Kensington), Councillor Rachel Blake has been appointed, as a mayoral representative, as an Authority Member.
3. The two Members appointed as Mayoral representatives, Councillor Mehboob Khan and Councillor Rachel Blake, have confirmed that they will be members of the Authority's Labour Group. It is anticipated that, in terms of overall membership, there will be 11 Labour Group Members, 4 Conservative Group Members, 1 Green Member (ungrouped) and 1 UKIP Member (ungrouped). This report anticipates that the party Groups will, under the Local Government (Committees and Political Groups) Regulations 1990, submit formal notice in respect of their memberships (as set out above) prior to the Annual Meeting of the Authority – and this is the basis for the proportionality calculations used below.

Committee structure and allocation of seats on committees

4. The Authority is asked to establish its committees for the duration of the 2017-18 year that the Authority continues to exist, with orders of reference given to each body, and to then appoint the membership of each committee and, from within the membership of each body, appoint the chairs and vice-chairs for the committees.

Allocation of seats on committees

5. The political balance requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply to any committees and sub committees established by the Authority. This means that the allocation of seats on committees must be proportionate to the number of Members each party Group has on the Authority.
6. The Authority has a duty when allocating or reviewing the allocation of seats on committees to give effect (so far as is reasonably practicable) to the following four principles (set out in section 15 of the Local Government and Housing Act 1989 and modified by the 1990 Regulations) and their order of priority:
 - (i) That not all the seats are allocated to the same political Group (Principle I);
 - (ii) That the majority of the seats on a committee is allocated to one political Group if that Group is a majority of the Authority's membership (Principle II);
 - (iii) That, subject to the above two principles, the total number of seats on the ordinary committees of the Authority are allocated to each political Group in the same proportion as the Group's representation on the Authority (Principle III); and
 - (iv) That, subject to the above three principles, the number of seats on each committee are allocated to each political Group in the same proportion as the Group's representation on the Authority (Principle IV).
7. Section 17(1) of the 1989 Act provides that the Authority can determine arrangements that do not strictly reflect the political composition of the Authority provided that (a) Members have been given prior notice (it is sufficient that notice be given with the summons to the meeting) that such arrangements are to be considered; and (b) at the meeting the arrangements are approved with no Member of the Authority voting against them. The proposals based in this report have assumed the application of strict proportionality within the suggested committee structure (as this reflects the previous decisions made by the Authority on this issue).
8. With effect from 1 October 2017, the political composition of the Authority is:

Labour Group	11 Members	64.70% of the membership
Conservative Group	4 Members	23.53% of the membership
Green Member	1 Member	5.88% of the membership
UKIP	1 Member	5.88% of the membership

Committee structure and allocation of seats on committees

9. The committee structure agreed by the Authority at its Annual Meeting on 20 April 2017 was as follows:

Resources Committee (9 Members– 5 Labour Members, 2 Conservative Members, 1 ungrouped Green Member and 1 ungrouped UKIP Member) - with responsibilities for money, people and property and performance related to those responsibilities.

Strategy Committee (6 Members – 4 Labour Members, 2 Conservative Members) - with responsibilities for policy and strategy for the service delivery functions of emergency response, prevention and protection, including responsibility for community engagement.

Governance, Performance and Audit Committee (5 Members – 3 Labour Members, 2 Conservative Members) - with responsibilities for service delivery performance (excluding performance related specifically to the functions of the Resources Committee) and for all audit and governance matters.

Appointments and Urgency Committee (4 Members – 3 Labour Members, 1 Conservative Member) - to meet on an ad hoc basis as and when urgent matters or appointments dictate.

Equalities Working Group (4 Members – 3 Labour Members, 1 Conservative Member) – with responsibilities in relation to reviewing workforce diversity measures in place that are designed to ensure that the Brigade fully reflects the communities it serves

10. The Authority, at its last annual meeting, unanimously agreed to depart from strict proportionality to provide for the Conservative Group to have two seats on the Resources Committee.
11. The table below exemplifies a strictly proportional allocation of seats. An alternative proposal can be agreed, for example to continue to provide the Conservative Group with 2 seats on the Resources Committee, if such a proposal was made and if the Authority unanimously agrees under recommendation 3, to disapply the proportionality requirements set out in the table below:

	Labour Group	Conservative Group	Ungrouped (Green)	Ungrouped (UKIP)	Total
Appointments & Urgency Committee (4 Members)	3 (2.59)	1 (.94)	0 (.23)	0 (.23)	4
Strategy Committee (6 Members)	4 (3.88)	2 (1.41)	0 (.35)	0 (.35)	6
Resources Committee (8 Members)	5 (5.18)	1 (1.88)	1 (.47)	1 (.47)	8
Governance, Performance and Audit (5 Members)	3 (3.23)	2 (1.18)	0 (.29)	0 (.29)	5
Total	15 (14.88)	6 (5.41)	1 (1.35)	1 (1.35)	23 seats

[Note: The Equalities Working Group is not included in this table as the proportionality rules do not apply to working groups.]

12. The following adjustments have been made to this proportional committee structure:
- The Conservative Group has been allocated 2 seats on the Strategy Committee (whilst being entitled to 1.41 seats on the Committee), 1 seat on Resources Committee (whilst being entitled to 1.88 seats on the Committee) and 2 seats on the Governance, Performance and Audit Committee (whilst being entitled to 1.18 seats on the Committee) in order to ensure that it is allocated 6 seats in total. It should also be noted that that Group's overall entitlement to seats across the structure has been rounded up to 6 (as against a strict entitlement of 5.41) as, in order to retain the same total number of seats within the committee structure; and
 - The two ungrouped Members have been allocated a place each on the Resources Committee despite being entitled to only 0.47 seats on that body in order to ensure that the ungrouped Members are, once the party Groups' allocation has been

determined, allocated the 1 seat in total within the overall structure which those Members could receive.

13. The orders of reference agreed for the committees established at the Annual Meeting in April 2017 are set out at **Appendix 1**.
14. **London Plan Working Group** - At the Strategy Committee meeting on 21 September 2017 it was agreed to refer the report FEP 2783 (attached as Appendix 9 to this report) to this meeting of the Authority. The report recommends the establishment of a London Plan Working Group with the terms of reference as set out in the report FEP 2783 and included in Appendix 1, the appointment of the Chair and Members of the Working Group and to agree the provisional programme of work. As it is a Working Group, the proportionality rules (as set out above) do not apply.

Appointment of Members to committees

15. The proposed membership of each committee/body listed above, with names of the relevant Members included, is to be tabled at the meeting for approval. Further to the revision to Standing Orders agreed at the Authority's meeting in December 2014, the document to be tabled at the meeting, setting out the proposed membership for each committee of the Authority, will propose that the Members of each party Group are again all appointed as alternates for their Group's appointed Members, in no particular order.

Chairs and Vice-Chairs of committees

16. Following the appointment of Members to each established committee, the Authority is asked to make an appointment to the office of chair and vice-chair for each of those bodies. The proposed chairs and vice-chairs will be tabled in the same document referred to in paragraph 14 (above).

Joint Council

17. At its Annual Meeting in April 2017, the Authority agreed to re-establish the Joint Council (on the basis of the constitution set out in Report FEP 710, 16 June 2005, the details of which are also recorded in Appendix 1 to the minutes of the Annual Meeting of the Authority held on 2 December 2015 and which are attached as **Appendix 2** to this report).
18. The Authority is now asked to: agree to re-establish the Joint Council; to allocate seats on the LFEPA Joint Council Employer's Side; appoint Authority Members to the Joint Council, agree arrangements for substitute Members (noting the previous agreement that Conservative / Labour Group Members can be substituted by any other LFEPA Member from their respective Groups); and agree that the Chair of the Employer's Side be chosen from among those Members present when it is the Employer's Side's turn to chair Joint Council meetings.
19. Whilst the proportionality principles do not apply to the Joint Council, the Authority's policy has been to reflect the political balance, insofar as possible, when appointing Members to negotiating bodies. The following table sets out the application of proportionality principles based on 8 seats:

Group/No. of Members	% of Authority Membership	% of 8 seats
Labour Group (11 Members)	64.70% of the membership	5 (5.18)
Conservative Group (4 Members)	23.53% of the membership	1 (1.88)
Ungrouped Member (Green, 1 Member)	5.88% of the membership	1 (0.47)
Ungrouped Member (Green, 1 Member)	5.88% of the membership	1 (0.47)

[Note: Under the above model, the two ungrouped Members have been allocated a place each despite being entitled to only 0.47 seats on that body and the Conservative Group has been allocated one seat, despite being strictly entitled to 1.88 seats.]

Local Pension Board

20. At its meeting on 26 March 2015 the Authority agreed to establish a Local Pension Board (FEP2429), as required under the Firefighters Pension Scheme (Amendment) Guidance Regulations 2015.
21. At its Annual Meeting on 2 April 2017, the Authority agreed:
 - (1) The Terms of Reference for the Local Pension Board attached as Appendix 2 to the report (FEP 2597);
 - (2) That the employee representatives of the Local Pension Board consist of five trade union nominees - three from the Fire Brigade's Union, one from the Fire Officers Association and one from Prospect;
 - (3) That the employer representatives of the Local Pension Board be composed of three Labour Members and two Conservative Members of the Authority, in order broadly to reflect the political composition of the Authority and;
 - (4) That Tony Arbour AM, Councillor Fiona Colley, Leonie Cooper AM, Councillor Jack Hopkins and Councillor Oonagh Moulton be appointed as the Local Pension Board employer representatives.
22. The term of office of the Local Pension Board Members is one year. The Authority confirmed those decisions at its Annual Meeting on 1 April 2017.
23. At its meeting on 22 June 2017, the Authority agreed to suspend paragraph 2.4 of the terms of reference for the LFEPA Local Pension Board and agreed that the employees' side continued to chair the Board until the expected abolition of LFEPA in 2018.

24. At its meeting on 1 October 2015, the Authority agreed an amendment to the terms of reference of the Local Pension Board to allow for named substitute Members. The terms of reference appear at **Appendix 3** to this report.
25. The Authority is asked to confirm the establishment of the Local Pension Board on the basis previously approved and to appoint Authority Members to the Board, again noting that Members of the Authority's Resources Committee cannot be appointed to this Board.
26. The Authority is additionally asked to note that, in the interests of good governance, the Board will continue to be treated as a formal body in terms of the publication of papers for Board meetings and the inclusion of legal, finance, equalities and sustainable development implications within the reports.

Dates of meetings

27. The proposed programme of dates of Authority and committee meetings for the remainder of the 2017/18 year is set out at **Appendix 4**. The Authority is asked to confirm this programme of meetings. The Authority agreed at its June 2015 Annual Meeting that from then onwards, all formal meetings of the Authority would ordinarily be held at City Hall.

Governance documents

28. The Standing Orders for the Authority are attached at **Appendix 5** for approval.
29. The Scheme of Delegations of Functions to Officers is attached at **Appendix 6** for approval.
30. Financial Regulations are attached at **Appendix 7** for approval.

Scheme of Allowances for Members

31. The Members' Allowances Scheme adopted by the Authority at its Annual Meeting in April 2017 is set out at **Appendix 8**. No revisions have been proposed by officers. The Authority is therefore asked to approve a Members' Allowances Scheme set out at Appendix 8 for the period until March 2018.

Head of Legal and Democratic Services Comments

32. The Head of Legal and Democratic Services' comments are incorporated within the report.

Director of Finance and Contractual Services Comments

33. The Director of Finance and Contractual Services has reviewed this report and has no comments.

Sustainable Development Implications

33. Sustainable Development strategy, policies and performance reporting, including climate change, will under these proposals, continue to be presented to the Resources Committee.

Equalities implications

33. Any review of the Authority's political structure is an opportunity to ensure that Equalities feature prominently in the Authority's decision making. In this case, it is proposed that the Resources Committee remains as the Authority's lead body for all equalities matters.

List of appendices to this report:

Appendix 1 - Orders of Reference for committees adopted in April 2017

Appendix 2 - Constitution of Joint Council adopted in April 2017

Appendix 3 –Terms of Reference of the Local Pension Board agreed in April 2017

Appendix 4 - Proposed dates of Authority and committee meetings for October 2017 to March 2018

Appendix 5 – Standing Orders of the Authority

Appendix 6 - Scheme of Delegation of Functions to Officers

Appendix 7 - Financial Regulations

Appendix 8 –Members' Allowances Scheme adopted in April 2017

Appendix 9 - London Plan Working Group FEP 2783

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**List of background documents**

1. London Councils Independent Review Panel's 2014 report on councillors' remuneration
(<http://www.londoncouncils.gov.uk/London%20Councils/Remunerationreport2014.pdf>)

Proper officer Miles Smith, Head of Legal and Democratic Services

Contact officer Ed Williams, Clerk to the Authority
Telephone 020 8555 1200 (x30081)
Email ed.williams@london-fire.gov.uk

Orders of Reference

Appointments and Urgency Committee

1. To be responsible for all matters relating to recruitment to the following posts:
 - a) the Commissioner for Fire and Emergency Planning;
 - b) the Director of Finance and Contractual Services;
 - c) the Director of Operations;
 - d) the Director of Safety and Assurance;
 - e) Assistant Commissioners; and
 - f) Heads of Service.
2. To be responsible for annual appraisals of the Commissioner and Directors.
3. Notwithstanding any standing order made by the Authority, to deal with any matters (except those reserved to the Authority by law) which will not admit of delay.

Governance, Performance and Audit Committee

1. For service delivery functions, to develop, agree and review general performance management policies, targets and indicators for the Authority.
2. On behalf of the Authority, to agree the planned internal audit activities for the year and to undertake an annual review of internal audit activity, and to review summary internal audit reports and seek assurance that action has been taken where necessary.
3. On behalf of the Authority and as necessary (where the Authority itself is not to determine this matter), to approve the Authority's annual accounts and to determine all associated matters.
4. To review and monitor the effectiveness of the Authority's policies on fraud, irregularity and corruption.
5. To consider the external auditors audit and inspection plan and their Annual Governance report, and the main issues arising and the Authority's response to those issues.
6. To monitor the Authority's risk management system, framework and its control environment to ensure that it is fit for purpose, noting that management and implementation of specific risk controls remain with the relevant committee and/or the Authority.
7. To monitor the framework for business continuity and disaster recovery arrangements to ensure they are fit for purpose.
8. To oversee and agree the Authority's policies on transparency issues and to receive at 6 monthly intervals reports on gifts and hospitality received by Members notified to the Authority and itemised expenses incurred by Members and paid for by the Authority, and reports on equivalent notifications, and expenses incurred, by the Commissioner, Directors and Heads of Service and to oversee arrangements for the publication on the Authority's website of all such notifications and expenses.
9. To grant dispensations to Members of the Authority (under Section 33 of the Localism Act 2011) permitting, in certain circumstances, participation in discussion of, and voting on, matters in which a disclosable pecuniary interest is held.

Resources Committee

In accordance with approved policies –

1. To consider and, as appropriate, advise the Authority on matters relating to its capital and revenue budgets and budget development, including decisions on proposals to draw from earmarked or general reserves.
2. Regularly to monitor the Authority's budget and expenditure and treasury management activities.
3. To make decisions on capital and revenue building, property and energy schemes that are (a) outside of officers' delegated authority limits and (b) within the provisions of Standing Order 102(2).
4. To make any other decision in relation to expenditure on capital or revenue account, including approval to virements and the letting of contracts, provided that the expenditure does not cause the Authority's approved budget to be exceeded.
5. To consider and approve requests for shareholder approval from the LFEPA Trading Company where the value of a contract to be entered into or any expenditure to be incurred by the company exceeds the limit permissible under the Director of Finance and Contractual Services' delegated authority, and to consider an annual report from the shareholder representative (the Director of Finance and Contractual Services) on the company's financial performance.
6. To submit views to Government or other bodies, on behalf of the Authority, on matters relating to finance, procurement, property and personnel matters, providing those views are in accordance with existing Authority policies.
7. Regularly to monitor the Authority's contracts and procurement policies and to review contract performance reports as determined by the Committee.
8. To develop the Authority's Human Resources Strategy and its implementation and to agree and review the performance of general personnel, equalities, sustainable development and health and safety policies.
9. To be responsible for all matters relating to the career development and succession planning in respect of all posts to which recruitment is decided on by the Appointments and Urgency Committee.

Strategy Committee

1. To be responsible for the development of Authority strategies relating to its emergency response, prevention and protection responsibilities other than the London Safety Plan, which will be a matter reserved to the Authority only, unless the Authority decides otherwise.
2. To be responsible for the development of the Authority's strategies relating to community engagement and partnership working.
3. To receive regular reports concerning the progress on implementation of major strategies and projects (except those specifically reserved to other committees).
4. To develop an understanding of key risks faced by London and the Authority's strategic response to them to ensure that the Authority has an informed perspective of these issues.
5. To consider proposals for major campaigns and to evaluate their effectiveness.
6. To be responsible for the development of the Authority's response to the Government's National Framework for Fire and Rescue Services.

7. To submit views to Government and other bodies, on behalf of the Authority, on matters relating to the functions of the Committee, providing those views are in accordance with existing policies.

Equalities Working Group

1. To oversee the initial steps in the implementation of the Inclusion Strategy "Safer Together"; and
2. To continue to review, as necessary, any workforce diversity measures in place.

London Plan Working Group (subject to being established at the meeting)

1. To consider issues of relevance to the Authority in the Mayor of London's consultation on the Draft London Plan; and
2. To recommend a proposed LFEPA response to the Mayor's Draft London Plan to the Authority.