GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE - REVIEW OF TERM OF OFFICE OF INDEPENDENT CO-OPTED MEMBERS, ALLOWANCES AND TERMS OF REFERENCE

SUMMARY

1. Members will be aware that in 2017 the Members of the GAS Committee were also appointed by the Police and Crime Commissioner (PCC) for Humberside to serve on a joint Humberside Police/PCC Audit Committee for periods of 3 and 5 years up to 2022 and that there was a possibility that that arrangement might lead to a joint committee being established as a further collaboration initiative. In view of this it was suggested that the Authority review the term of office of all 7 Independent Co-opted Members of the GAS Committee. The report also stated that there were benefits to staggering the completion of the terms of office, mainly to allow a more gradual evolution of the Committee rather than a complete change of Members at one point in time.

2. The Authority in June 2017 agreed - (a) That, subject to the agreement of the individual Members, the period of appointment of all of the Independent Co-opted Members of the Governance, Audit and Scrutiny Committee be extended to 31 March 2019 to ensure continuity of the Committee, and (b) that a review is carried out prior to September 2018 to consider the potential for a joint committee with the PCC’s office. The individual Members subsequently agreed their revised period of appointment.

4. The purpose of this joint report is to update Members on recent discussions between Officers of the Authority and the PCC’s Office regarding the possibility of closer collaboration between the GAS Committee and the Joint Police/PCC Audit Committee. Those discussions were extended to include discussions with the Chairperson and Vice-Chairperson of the Fire Authority and the Chief Fire Officer & Chief Executive, and also with the Independent Co-opted Members of the GAS Committee and the Chief Executive to the PCC. Those discussions have led to agreement as to the best way to proceed and the endorsement of the recommendations set out in this report.

RECOMMENDATIONS

5. (a) That the Term of Office of the Independent Co-opted Members of the GAS Committee should be aligned with the term of office of those Members on the Joint Police/PCC Audit Committee as set out below:

   2 Members to serve for 2 years (1/4/2019 to 31/3/2021) [Mr Allingham and Mr Vertigans]
   3 Members to serve for 3 years (1/4/2019 to 31/3/2022) [Mr Chapman, Mr Smith and Mrs Thomlinson]
   2 Members to serve for 4 years (1/4/2019 to 31/3/2023) [Mr Doyle and Mrs Jackson]

Existing Members would be eligible for re-appointment for the above periods.

At the end of the above appointment periods the positions will be re-advertised for 4 year terms;
(b) that the appointments shall be appointments to both the GAS Committee and the Joint Police/PCC Audit Committee and resignation by an individual Member from either Committee shall result in the termination of the appointment on the other Committee;

(c) that going forwards the Authority and the PCC will collaborate by conducting a joint recruitment process for future Committee Members on the basis that any Member appointed shall serve on both the GAS Committee and the Joint Police/PCC Audit Committee;

(d) that recognising that Members of the Joint Police/PCC Audit Committee are paid an attendance allowance based on the rates set by the Home Office for attendance at Appeals Tribunals the Authority agrees that the Independent Co-opted Members of the GAS Committee should be paid on a similar basis, and that in relation to the Members of the GAS Committee that they receive an annual allowance (paid monthly rather than an as attendance allowance) calculated on the same basis as that adopted for the Police/PCC Audit Committee as set out below:

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Mileage and bridge toll costs will continue to be met as before. The only exceptions to the above remuneration arrangements for Independent Co-opted Members of the GAS Committee will be on the very rare occasions when they might be asked to attend training arranged for them in support of their role e.g. Treasury Management training when such attendance will qualify for the one-off £26 hourly rate + travel expenses + bridge tolls. In addition, for attendance at HFA Member Days/HFA meetings, GAS Committee Members will be reimbursed for their travel expenses and bridge tolls

(e) that with regard to part (d) above the Authority will make the necessary amendment when the Authority next reviews its Members’ Allowances Scheme for 2019/20; and

(f) that the Authority approves the proposed revised Terms of Reference for the Governance, Audit and Scrutiny Committee set out in Appendix A and the associated consequential amendments to parts of Schedule 2 of Part 2 to the Constitution as set out in Appendix B with immediate effect and that the Authority’s Constitution be amended accordingly.

TERMS OF OFFICE

6. Given the joint work that has been undertaken between Humberside Fire and Rescue Service and Humberside Police, discussions commenced regarding opportunities to work together in this area. Whilst these discussions continued it was agreed 12 months ago that the 7 Members of the GAS Committee would sit on the Joint Independent Audit Committee for the Police and Crime Commissioner and the Chief Constable.
The current terms of office of the Members of both Committees is as follows:

**HFA GAS Committee**

<table>
<thead>
<tr>
<th>Member</th>
<th>Start</th>
<th>Finish</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Allingham</td>
<td>17 September 2012</td>
<td>31 March 2019</td>
<td>6.5</td>
</tr>
<tr>
<td>Mr Chapman</td>
<td></td>
<td></td>
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<tr>
<td>Mrs Thomlinson</td>
<td></td>
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</tr>
<tr>
<td>Mr Vertigans</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Doyle</td>
<td>26 September 2014</td>
<td>31 March 2019</td>
<td>4.5</td>
</tr>
<tr>
<td>Mr Smith</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mrs Jackson</td>
<td>24 October 2014</td>
<td>31 March 2019</td>
<td>4.5</td>
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Members are appointed for a maximum period of 2 three or four year terms.

**Joint Police/PCC Audit Committee**

<table>
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<th>Finish</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>22 May 2017</td>
<td>May 2020</td>
<td>3</td>
</tr>
<tr>
<td>x</td>
<td>22 May 2017</td>
<td>May 2022</td>
<td>5</td>
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The period of appointment is 3 or 5 years in the interests of continuity although the period of appointment of individual Members has not yet been determined.

7. Rotation of Members will be a key part of ensuring continuity recognizing the skills and experience built up by Members in exercising their roles. It is also necessary to maintain a degree of independence by limiting the maximum period a person might serve on the respective HFA/PCC Committee. There is a consensus that a Member should not serve for more than 2 four year terms. Continuity is beneficial and therefore it is RECOMMENDED –

(a) That the Term of Office of the Independent Members of the GAS Committee should be aligned with the term of office of those Members on the Joint Police/PCC Audit Committee as set out below:

- 2 Members to serve for 2 years (1/4/2019 to 31/3/2021) [Mr Allingham and Mr Vertigans]
- 3 Members to serve for 3 years (1/4/2019 to 31/3/2022) [Mr Chapman, Mr Smith and Mrs Thomlinson]
- 2 Members to serve for 4 years (1/4/2019 to 31/3/2023) [Mr Doyle and Mrs Jackson]

Existing Members would be eligible for re-appointment for the above periods.

At the end of the above appointment periods the positions will be re-advertised for 4 year terms.

(b) that the appointments shall be regarded as appointments to both the GAS Committee and the Joint Police/PCC Audit Committee and resignation by an individual Member from either Committee shall result in the termination of the appointment on the other Committee, and

(c) that going forwards the Authority and the PCC will collaborate by conducting a joint recruitment process for future Committee Members on the basis that any Member appointed shall serve on both the GAS Committee and the Joint Police/PCC Audit Committee.
ALLOWANCES

8. Currently Members of the GAS Committee and Joint Police/PCC Audit Committee are remunerated as follows:

HFA GAS Committee

2. Special Responsibility Allowances:
   c. The Chairs of Committees £561

3. Co-optees Allowance (per annum) £548

5. Travel Allowances
   a. Car Allowances – In accordance with the National Joint Council for Local Government Services casual user rate:


Police/PCC Audit Committee

A daily rate allowance will be paid to members, the daily rate for members will be £211.50, which is based on rates set by the Home Office for attendance at Appeals Tribunals. The Chair will be paid a daily rate of £240.

Meetings – Payment for meetings will equate to 1 day i.e. £211.50. This will cover all preparation e.g. reading time as well as attendance at the meeting. Any additional work requested between meetings by the PCC / CC or OPCC will be paid at an hourly rate of £26 (£211.50 divided by 8 hours rounded). Travel time is not claimable, but travel expenses are and will be paid at the prevailing HM Revenue and Customs approved rate. Subsistence costs incurred may be claimed in line with current policy. Remuneration associated with this appointment is taxable under Schedule E and subject to Class 1 NI contributions. It is not pensionable.

8.1 Option Going Forward

An option would be to pay attendance at each Committee on the same basis. This would be the Home Office attendance at Appeals Tribunals day rate of £211.50, with £240 paid to the Chair, as set out below:

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In addition there may be some minor additional costs for any further work performed for either Committee based on the hourly rate of £26 identified above. No payment is made if a Member does not attend a meeting.

However, taking on board the views expressed by Members of the GAS Committee it is proposed:

That the Option Going Forward did not fully recognise the uniqueness of the GAS Committee and accordingly that the recommendation to the Authority be that in relation to the Members of the GAS Committee that they receive an annual allowance (paid monthly rather than an as attendance allowance) calculated on the same basis as that adopted for the Police/PCC Audit Committee.

It is therefore RECOMMENDED

(a) That recognising that Members of the Joint Police/PCC Audit Committee are paid an attendance allowance based on the rates set by the Home Office for attendance at Appeals Tribunals the Authority agrees that the Independent Co-opted Members of the GAS Committee should be paid on a similar basis, and that in relation
to the Members of the GAS Committee that they receive an annual allowance (paid monthly rather than an as attendance allowance) calculated on the same basis as that adopted for the Police/PCC Audit Committee as set out below:

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(b) that with regard to part (a) above the Authority will make the necessary amendment when the Authority next reviews its Members’ Allowances Scheme for 2019/20; and

PROPOSED REVISED TERMS OF REFERENCE OF THE GAS COMMITTEE

9. The detailed discussions between officers from Fire and Police have concluded that there are no substantive advantages to fully merging the two Committees at the moment. The greatest benefits will flow from the sharing of Independent Members as proposed which should help to identify potential areas of closer working and therefore further efficiency and effectiveness.

10. It is recognised that the GAS Committee also performs a scrutiny role on behalf of the HFA but that scrutiny is not a function of the Joint Police/PCC Audit Committee which is undertaken separately by the Police and Crime Panel. To allow the GAS Committee meeting time to further develop its public scrutiny role it is proposed that the Committee's existing Governance role shall revert back to the Monitoring Officer and the HFA. A proposed revised terms of reference is attached at Appendix A. There will be some consequential amendments to parts of Schedule 2 of Part 2 to the Constitution as set out in Appendix B.

11. Furthermore, with regard to the scrutiny work of the GAS Committee, it is intended that 2 or 3 of the meetings in the cycle each year (from the total of 7 programmed) will be largely devoted to scrutiny topics. This will ensure that the scrutiny topics are scrutinised in public with the participation of officers that are appropriate to the subject in attendance. The Head of Corporate Assurance is also looking to source further training for GAS Members on undertaking scrutiny exercises and also arranging attendance at scrutiny panels undertaken by the 4 Unitary Authorities in the Humberside area. Training on undertaking scrutiny work was provided for Members of the GAS Committee by a Scrutiny Officer from East Riding of Yorkshire Council on the rising of its meeting held on 17 September 2018.

12. During discussion with Members of the GAS Committee clarification was sought regarding the role of the Committee with regard to Governance going forward and the Monitoring Officer/Secretary explained how the revised arrangements would work. It was agreed that the proposed revised Terms of Reference be noted and that as
‘Governance’ is still mentioned within the revised role of the Committee it be a recommendation to the Authority that the Committee should retain its existing title.

13. It is RECOMMENDED - That the Authority approves the proposed revised Terms of Reference for the Governance, Audit and Scrutiny Committee set out in Appendix A and the associated consequential amendments to parts of Schedule 2 of Part 2 to the Constitution as set out in Appendix B with immediate effect and that the Authority’s Constitution be amended accordingly.

STRATEGIC PLAN COMPATIBILITY

14. The GAS Committee is an integral part of the Governance Framework which ensures we deliver our strategic objectives in the most effective and efficient way.

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

15. None arising directly.

LEGAL IMPLICATIONS

16. None arising directly though good governance supports legal compliance.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

17. None arising directly.

CORPORATE RISK MANAGEMENT IMPLICATIONS

18. The GAS Committee provides independent assurance on the adequacy of the risk management framework.

HEALTH AND SAFETY IMPLICATIONS

19. None arising directly.

COMMUNICATION ACTIONS ARISING

20. None arising directly.

DETAILS OF CONSULTATION/OR COLLABORATION

21. No direct issues arising.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

22. None.

RECOMMENDATIONS RESTATED

23. (a) That the Term of Office of the Independent Members of the GAS Committee should be aligned with the term of office of those Members on the Joint Police/PCC Audit Committee as set out below:

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(e) that with regard to part (d) above the Authority will make the necessary amendment when the Authority next reviews its Members’ Allowances Scheme for 2019/20; and

(f) that the Authority approves the proposed revised Terms of Reference for the Governance, Audit and Scrutiny Committee set out in Appendix A and the associated consequential amendments to parts of Schedule 2 of Part 2 to the Constitution as set out in Appendix B with immediate effect and that the Authority’s Constitution be amended accordingly.

M BUCKLEY

Officer Contact: Mathew Buckley ☎️ 01482 567174
Monitoring Officer/Secretary

Humberside Fire & Rescue Service
Summergroves Way
Kingston upon Hull
JS
19 September 2018
Appendix A

Article 6 – Governance, Audit and Scrutiny Committee

6.1 COMPOSITION

(a) The membership of the Governance, Audit and Scrutiny Committee shall be determined at the Annual General Meeting of the HFA. The size of the Committee shall be decided by the HFA.

(b) The HFA may if it considers it necessary or desirable appoint such number of Independent Co-opted Members of the Committee as it shall determine who shall be selected for their relevant expertise, particularly in:

- Audit and financial governance
- Scrutiny of decision making

The HFA will approve a selection process and criteria.

(c) The Chairperson of the Committee may be appointed annually at the Annual General Meeting of the HFA or elected at the first meeting of the Governance, Audit and Scrutiny Committee following the Annual General Meeting.

(d) The quorum for meetings of the committee shall be 3.

6.2 FREQUENCY OF MEETINGS

The Schedule of meetings shall be decided at the Annual General Meeting of the HFA. In addition, extraordinary meetings may be called at such other times as the Committee or Chairperson of the Committee may determine.

6.3 STATEMENT OF PURPOSE

The Committee is a key component of the Authority’s corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent advice and recommendations to the HFA on the adequacy of the governance and risk management frameworks, internal controls and financial reporting, annual governance processes and internal and external audit, thereby helping to ensure efficient and effective assurance arrangements are in place.

6.4 FUNCTIONS

The Governance, Audit and Scrutiny Committee shall have the following functions, unless decided otherwise by the HFA:

6.4.1 Governance and Risk

(a) Ensuring effective governance is in place and functioning efficiently and effectively and to make any recommendations for improvement.

(b) Reviewing the Annual Governance Statements prior to approval.

(c) Considering the framework of assurance and ensuring that it adequately addresses the risks and priorities of the Authority.
(d) Monitoring the effective development and operation of risk management, reviewing the risk profile, and monitoring the adequacy of management action in addressing risk-related issues reported to them.

(e) Considering the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

(f) Reviewing arrangements for the assessment of fraud risks and potential harm from fraud and corruption and monitor the effectiveness of the counter-fraud strategy, actions and resources.

In addition the Committee shall receive reports on the following matters (the Committee shall have no delegated authority but may make observations to the Fire Authority):

6.4.2 Internal Audit

(a) Considering

   (i) the internal audit plan (and any proposed revisions),

   (ii) regular progress reports, and

   (iii) the Head of Internal Audit’s annual report and opinion and the level of assurance it can give over corporate governance arrangements and the effectiveness of internal controls.

(b) Considering summaries of internal audit reports and such detailed reports as the committee may request from the HFA, including issues raised or recommendations made by internal audit and the adequacy of management action to address areas identified for improvement.

(c) Overseeing the appointment and considering the adequacy of the performance of the internal audit service and its independence.

(d) Considering a report on the effectiveness of internal audit to support the Annual Governance Statement.

6.4.3 External Audit

(a) Receiving the external Audit Plan, the external auditor’s annual management letter, relevant reports, and the report to those charged with governance and consider the adequacy of the of action being taken by the HFA, to address recommendations for improvement.

(b) Commenting on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.

(c) Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

6.4.4 Financial Reporting

Reviewing the annual statement of accounts to provide assurance that they comply with relevant requirements before approval by the HFA,
6.4.5 **Performance Risk and Programme Management**

The Committee shall consider and make observations to the HFA with regard to:

(a) The effectiveness of performance management;
(b) The achievement of Strategic Plan objectives;
(c) The achievement of the Integrated Risk Management Plan (IRMP) objectives;
(d) The achievement of agreed performance indicators;
(e) The effectiveness of corporate risk management processes;
(f) The effectiveness of programme management processes;
(g) The performance of the Humberside Fire and Rescue Service generally.

6.4.6 **Scrutiny - Generally**

**Scrutiny Function**

(a) The Committee shall review and scrutinise decisions of the HFA and the implementation of policy at Humberside Fire and Rescue Service;
(b) The Committee shall be responsible for setting its own work programme which shall be tightly focussed on a small number of major issues;
(c) In setting its work programme the Committee will consider items for scrutiny put forward by the HFA, the Strategic Leadership Team (SLT) and Members of the Committee;
(d) The HFA shall refer business to and seek advice from the Committee as it considers appropriate. Such referrals will be accompanied by an indication of its preliminary view of the matter under consideration;
(e) The Committee shall respond as soon as their work programme permits to requests from the HFA to review a particular issue or issues;
(f) In exercising its scrutiny role, the Committee will ensure that any observations are non-political and are not designed to displace the functions or responsibility of the HFA;
(g) The Committee shall make such recommendations as it considers appropriate to the HFA arising out of the scrutiny process.

6.4.7 **Other Responsibilities**

(a) Reviewing and assessing the adequacy of the Terms of Reference annually and seeking the approval of the HFA for any proposed changes.
(b) Producing an Annual Report that provides details of the Committee’s work, evaluates its performance during the preceding year and confirms whether all allocated responsibilities have been carried out.
(c) Preparation of reports on issues highlighted by the Committee recommending appropriate actions for consideration by the HFA or their statutory officers.

(d) Performing any other relevant activities requested by the HFA.

6.4.8 Additional Powers

(a) The Committee is authorised to investigate any activity within its terms of reference and to seek any information it requires from any employee. All employees are directed to co-operate with any request made by the Committee.

(b) The Committee is authorised to obtain outside legal or other independent advice and to secure the attendance of non-members with relevant experience and expertise if it considers this necessary, normally in consultation with the Secretary, Chief Fire Officer & Chief Executive and Chairperson of the HFA. However, it may not incur direct expenditure in this respect without the prior approval of the HFA.

6.5 POWER TO ESTABLISH SUB-COMMITTEE OR PANELS

(a) The Governance, Audit and Scrutiny Committee shall have the power to establish a sub-committee of the Members of the Committee and any such sub-committee shall be authorised solely to make recommendations to the Governance, Audit, and Scrutiny Committee.

(b) The Governance, Audit and Scrutiny Committee shall be entitled to establish such panels or groups as it considers necessary to assist in the discharge of its functions. No delegated authority shall be granted to such a panel and the composition of a panel shall not be confined to the Members of the Committee and the rules of political proportionality shall not need to apply.

6.6 MINUTES

(a) Minutes of the Committee will be circulated to all Members of the HFA and shall be included as an agenda item on the HFA;

(b) The Chairperson of the Committee or nominated representative will be invited at the discretion of the Chairperson of the HFA to present the minutes at the meeting of the HFA and to respond to any questions that the HFA may have in respect to any matter concerning the Committee.
3. ROLE OF INDEPENDENT CO-OPTED MEMBERS OF THE GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE

PURPOSE

As the Members of the Governance, Audit and Scrutiny Committee (whether Independent Co-opted Members or otherwise), to provide assurance to the Authority from an independent perspective in respect to Internal Control and Risk Management; Audit; Performance Risk and Programme Management, and public Scrutiny of HFA decisions and the implementation of policy at Humberside Fire and Rescue Service.

KEY ROLES

In accordance with the roles and functions of the Governance, Audit and Scrutiny Committee set out in Part 2 Article 6.2 of this Constitution, Members’ key roles through the Governance, Audit and Scrutiny Committee will be to:

(a) Jointly with the other Members of the Committee:
   (i) drive the scrutiny process through enthusiastic and active involvement and engagement;
   (ii) consider issues coming before the Committee and, where appropriate (provided this does not delay HFA decision making), refer these issues for further examination by any working parties set up by the Committee;
   (iii) contribute to the good government of our area by monitoring decision-making, standards of service provision and examining policy issues;
   (iv) monitor the work of the HFA and Officers in carrying out the HFA policy;
   (v) hold to account Officers for their actions in carrying out HFA policy and require the Chairperson of the HFA to answer questions on any relevant matter;
   (vi) investigate the basis on which major decisions are taken and, where they are inconsistent with HFA policy;
   (vii) monitor the HFA’s performance through Internal Audit reports and by scrutinising services which are not meeting their targets or where performance is falling;
   (viii) investigate the quality of services provided;
   (ix) commission research;

(b) Individually or jointly with other designated Members:
(i) participate constructively in the Committee’s activities;

(ii) participate in the reviews of HFA’s services in respect to value for money, efficiency and effectiveness;

(iii) participate constructively on working parties carrying out investigations or reviewing existing HFA policies and making recommendations on the development of new policies; and

(iv) assist in writing reports.

6. **SPECIFIC ROLES OF THE CHAIRPERSON OF THE GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE**

   The Chairperson of the Governance, Audit and Scrutiny Committee will direct and steer the Committee towards the fulfilment of its specific functions and objectives by:

   (a) ensuring, with relevant employees, the effective programming of projects determined by the Committee for inclusion in its annual workstreams;

   (b) encouraging Members to take the lead in setting its annual workstreams and carrying out investigations by ensuring that the scrutiny skills of new Members are developed and that all Members are engaged in the process;

   (c) ensuring that adequate resources (financial and Officer support) are provided and that any pitfalls are resolved or minimised; and

   (d) develop a constructively critical relationship with Officers.