

<b>MERSEYSIDE FIRE AND RESCUE AUTHORITY</b>			
<b>MEETING OF THE:</b>	<b>FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING</b>		
<b>DATE:</b>	<b>11<sup>TH</sup> MAY 2015</b>	<b>REPORT NO:</b>	<b>CFO/045/15</b>
<b>PRESENTING OFFICER</b>	<b>CLERK TO THE AUTHORITY</b>		
<b>RESPONSIBLE OFFICER:</b>	<b>JANET HENSHAW</b>	<b>REPORT AUTHOR:</b>	<b>JANET HENSHAW</b>
<b>OFFICERS CONSULTED:</b>	<b>SARAH BOURNE, DEPUTY CLERK; IAN CUMMINS, HEAD OF FINANCE; STEPHEN ASHTON, ACTING HEAD OF PROCUREMENT; KELLY KELLAWAY, DEMOCRATIC SERVICES MANAGER</b>		
<b>TITLE OF REPORT:</b>	<b>MERSEYSIDE FIRE AND RESCUE AUTHORITY DRAFT CONSTITUTION</b>		

<b>APPENDICES:</b>	<b>APPENDIX A: DRAFT CONSTITUTION 2015/16</b>
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### **Purpose of Report**

1. To request that Members approve the draft amended Constitution for Merseyside Fire and Rescue Authority (the Authority) for 2015/16.

### **Recommendation**

2. That Members;
  - a). Approve the draft amended Constitution for 2015/16 and;
  - b). Instruct the Monitoring Officer to the Authority to review the Constitution in the light of any changes in legislation and to bring a further report to the Authority in these circumstances

### **Introduction and Background**

3. Members are aware that the Authority needs to have Standing Orders in place in relation to committee procedures, contracts and financial regulations under the Local Government Acts 1972, 1985, 1989 and 2000 as well as the Localism Act 2011.
4. Members will also be aware that guidance and Codes of Practice in relation to the Local Government Act 2000 require this document to be contained within one overall Constitution so that this can be easily accessed by the general public.

5. The Authority's Constitution contains a Summary and Information section, an Introduction, Terms of Reference for all the Authority's committees and sub committees, Procedural Standing Orders, Contract Standing Orders and Financial Regulations. Local and National Protocols and Codes relevant to Members are also included.
6. The draft now presented for approval by Members proposes the following amendments.

7. Part 1 and Part 2

Parts 1 and 2 of the Constitution relate to introductory issues and no substantial changes have been made to these Parts.

8. Part 3

- i. Part 3 relates to the roles of Chairs and Members' rights and duties, the functions of each Committee; the Scheme of Delegation and terms of Reference for the proposed Committee structure are brought into force.
- ii. The proposed changes other than minor typographical amendments are:
  - a) To remove the Consultation and Negotiation sub Committee as it has become clear that industrial relations are now being managed effectively via the Local Joint Secretaries. There will instead be reports on a quarterly basis to the full Authority on industrial relations to ensure that all Members are kept abreast of any such matters.
  - b) To add two new Members Ambassadors to take responsibility, with the relevant officer for the promotion of the Health and Wellbeing and Youth Engagement respectively.
  - c) Amendments have been made to the Authority's Scheme of Delegation to reflect the provisions of the Openness of Public Bodies Regulations 2014 in terms of recording of Authority meetings and of publishing delegations from the Fire and Rescue Authority.

9. Part 4

- i. Part 4 consists of Procedure Rules – relating to Procedural Standing Orders, Contract Standing Orders and Financial Regulations.
- ii. Contract Standing Orders have been amended to reflect new procedures and thresholds European thresholds as contained the new Public Contracts Regulations 2014.
- iii. No significant changes have been made to the Financial Procedure Rules.

- iv. The Procedural Standing Orders have been reviewed and some minor typographical changes have been made along with changes to reflect the Openness of Public Bodies Regulations 2014 in terms of recording of meetings and delegations from the Fire and Rescue Authority.

10. Part 5

- i. Part 5 consists of Codes and Protocols, which includes the Members Code of Conduct and the Members' Allowance Scheme. The Officer and Member Relations Protocol has recently been reviewed by the Member Development Group. Members and Officers are encouraged to read this document carefully.
  - ii. There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2015/16.
11. In order to save printing costs electronic copies are provided to Members of the draft document. One copy will also be provided in each Group room prior to the AGM. Should the draft changes be approved they will be incorporated into the Constitution and copies of amended pages will be provided to each Member for incorporation into the bound copy of the Constitution which has already been provided to Members. The revised document will also be published on the Authority's website and the internal Portal.

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**Equality and Diversity Implications**

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12. The terms of reference for every Committee contain duties for Members to consider the Authority's public equality duties as part of their decision making

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**Staff Implications**

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13. There are no direct staffing implications resulting from this report.

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**Legal Implications**

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14. The Constitution and its constituent parts are required by Local Government legislation.

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**Financial Implications & Value for Money**

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15. The Constitution through its Committees must consider the financial implications of decisions and the Constitution reflects this.

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**Risk Management, Health & Safety, and Environmental Implications**

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16. The terms of reference for every Committee contain duties for Members to consider the Authority's Health, Safety and Environmental duties as part of their decision making - in order to support its mission to create Safer, Stronger Communities and Safe Effective Firefighters".

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Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

17. The Constitution provides a transparent mechanism to ensure that the communities of Merseyside can have full confidence in the decision making processes of this Authority.

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**BACKGROUND PAPERS**

**NONE**

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**GLOSSARY OF TERMS**