

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL MEETING
DATE:	26TH JUNE 2011
REPORT NO.	CFO/065/11
REPORTING OFFICER:	CLERK TO THE AUTHORITY/MONITORING OFFICER
CONTACT OFFICER:	JANET HENSHAW, CLERK TO THE AUTHORITY/ MONITORING OFFICER, EXTN. 4301
OFFICERS CONSULTED:	IAN CUMMINS, DIRECTOR OF FINANCE, SHARON MATTHEWS, DIRECTOR OF PROCUREMENT, HELEN PEEK, MEMBER LIAISON & SUPPORT MANAGER
SUBJECT:	THE AUTHORITY'S CONSTITUTION FOR 2011/12

APPENDIX A TITLE DRAFT CONSTITUTION FOR 2011/12

MEMBERS HAVE BEEN SUPPLIED WITH THE APPENDIX ON C.D.

Purpose of Report

1. To request that Members approve the recommendations of this report relating to the revised Constitution for Merseyside Fire and Rescue Authority for 2011/12.

Recommendation

2. That Members approve the draft amended Constitution 2011/12.

Introduction & Background

3. Members are aware that the Authority needs to have a Standing Order in place in relation to committee procedures, contracts and financial regulation under the Local Government Acts 1972, 1985, 1989 and 2000.
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 Constitution is reviewed annually as a matter of good practice and although no substantial changes have been made to the draft now presented for approval by Members, the following amendments are proposed.
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

- 8.1 Part 3 relates to the roles of Chairs and Members' rights and duties, the functions of each Committee and Panel and the Scheme of Delegation.

- 8.2 Some minor amendments have been made to clarify the legal responsibilities of Members, however the only main change is that each Committee and Panel has now the responsibility to consider Equality and Diversity duties of the Authority as well as its Health and Safety and Environmental duties when making decisions.

- 8.3 No significant amendments have been made to the Authority's Scheme of Delegation.

9. Part 4

Part 4 consists of Procedure Rules – relating to Procedural Standing Orders, Contract Standing Orders and Financial Regulations.

- 9.1 The only significant amendment to Procedural Standing Orders concerns the quorum required for the Strategic Assets Committee and the Community Protection Committee. Both of these Committees have 9 Members and have decision making powers.

- 9.2 In 2010 training was provided by the Clerk to the Authority along with North West Employers for chairs of Committees. It was considered during this training that a quorum of 5 Members would be more appropriate than the current 2 Members. The Terms of Reference for these 2 Committees have therefore been amended to reflect this.

- 9.3 No changes are proposed to either Contract Standing Orders or the Financial Regulations.

10. Part 5

10.1 Part 5 consists of Codes and Protocols, which includes the Members Code of Conduct and the Members' Allowance Scheme. No substantial changes are proposed at this time (although the Localism Bill proposes changes to the Code of Conduct which will, if enacted, come into force later in 2012).

10.2 There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2011/12.

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.

12. Should the draft changes be approved they will be incorporated into the Constitution and a copy will be provided to each Member and also published on the Authority's website and the internal Portal.

Equality & Diversity Implications

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

Financial Implications & Value for Money

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

Health & Safety and Environmental Implications

15. The terms of reference for every Committee now contain duties for Members to consider the Authority's Health and Safety and Environmental duties as part of their decision making "To Make Merseyside a Safer, Stronger, Healthier Community".

Contribution to Achieving our Purpose

"To Make Merseyside a Safer, Stronger, Healthier Community"

16. 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.