

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL MEETING
DATE:	12TH JUNE 2012
REPORT NO.	CFO/070/12
REPORTING OFFICER:	JANET HENSHAW – CLERK TO THE AUTHORITY
CONTACT OFFICER:	JANET HENSHAW EX 4301
OFFICERS CONSULTED:	SARAH BOURNE, DEPUTY CLERK, IAN CUMMINS : HEAD OF FINANCE; SHARON MATTHEWS: HEAD OF PROCUREMENT; HELEN PEEK: DEMOCRATIC SERVICES MANAGER
SUBJECT:	THE AUTHORITY'S CONSTITUTION FOR 2012/13

**APPENDIX A TITLE DRAFT AUTHORITY CONSTITUTION
2012/13**

ATTACHED – ELECTRONIC

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 2012/13.

Recommendation

2. That Members:
 - (a) approve the draft amended Constitution 2012/13 and
 - (b) Instruct the Clerk 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 & Background

3. Members are aware that the Authority needs to have Standing Orders 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 normally reviewed annually as a matter of good practice however a number of Regulations and Commencement Orders in relation to provisions of the Localism Act 2011 will be published and come into force over coming months. Some of these, in particular in relation to Standards Committees will mean that the Authority's committee structure may need to change and as a result it is proposed that a review of these aspects of this Constitution is undertaken when such Regulations are published

7. The draft now presented for approval by Members proposes the following amendments

8. 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.

9. Part 3

9.1 Part 3 relates to the roles of Chairs and Members' rights and duties, the functions of each Committee and the Scheme of Delegation. Terms of Reference for the proposed Committee structure. The Standards Committee remains by law until the changes provided by the Localism Act 2011 are brought into force. A number of changes to the Authority's committees have been made and these have been the subject of another report on this Agenda

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

10. Part 4

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

10.1 Contract Standing Orders have been amended both to increase thresholds required by European law and amended local thresholds for lower value contracts. These amendments were approved by the Authority in February 2012. Further amendments have now been incorporated since an e procurement system has been in operation (April 2012) which is assisting staff in lower value contract work

10.2 No significant changes have been made to the Financial Procedure Rules

10.3 The Procedural Standing Orders have been reviewed and some minor typographical changes have been made.

11 Part 5

11.1 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 to the Code of Conduct for Members (although the Localism Act proposes changes to the Code of Conduct which will, if enacted, come into force later in 2012).

11.2 There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2012/13.

12 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.

13 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

14 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

Staff Implications

15 There are no direct staffing implications resulting from this report

Legal Implications

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

Financial Implications & Value for Money

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

Risk Management, Health & Safety, and Environmental Implications

18. The terms of reference for every Committee 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 Communities and Safe Effective Firefighters".

Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

19. 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

BACKGROUND PAPERS

MFRA Constitution 2011/12