

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	AUTHORITY		
DATE:	15TH OCTOBER 2020	REPORT NO:	CFO/056/20
PRESENTING OFFICER	ACTING MONITORING OFFICER		
RESPONSIBLE OFFICER:	RIA GROVES	REPORT AUTHOR:	KELLY KELLAWAY / BEE GEBHARDT
OFFICERS CONSULTED:	HYWYN PRITCHARD – HEAD OF PROCUREMENT		
TITLE OF REPORT:	AMENDMENTS TO MERSEYSIDE FIRE & RESCUE AUTHORITY'S CONSTITUTION 2020/21		

APPENDICES:	APPENDIX A: UPDATED MFRA CONSTITUTION 2020/21
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Purpose of Report

1. To request that Members approve the proposed amendments to Merseyside Fire & Rescue Authority's Constitution 2020/21.

Recommendation

2. That Members approve the changes to MFRA's Constitution for 2020/21, as detailed within this report.

Introduction and Background

3. The Authority is required to have Standing Orders in place in relation to committee procedures, contracts and financial regulations under the Local Government Act 1972, 1985, 1989, and 2000, as well as the Localism Act 2011.
4. Members will 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 Constitution contains a Summary and Information section, an Introduction, Terms of Reference for all the Authority's committees, Rapid Reviews, Procedural Standing Orders, Contract Standing Order and Financial Regulations. Local and National Protocols and Codes relevant to Members, are also contained within the Constitution.
6. The Monitoring Officer is responsible for keeping the Constitution under review, to ensure that the aims and principles of the Constitution are given full effect. Also, a key role of the Monitoring Officer is to be aware of the strengths and

weaknesses of the Constitution adopted by the Authority and to make recommendations for ways in which it could be amended in order to better achieve its purposes.

7. Any changes to the Constitution proposed by the Monitoring Officer, require the approval of the Authority.
8. A review of the Constitution has been undertaken, and a number of amendments are now proposed for Members consideration and approval:

9. **Part 1 – Summary and Explanation:**

No changes are proposed to this section of the Constitution.

10. **Part 2 – Introduction:**

- 10.1 Article 3 under Part 2 of the Constitution outlines the functions of Officers.
- 10.2 3.3 outlines the functions of the Monitoring Officer. Previously, the functions of the Monitoring Officer included under (g) the role of *Data Protection Officer for the General Data Protection Regulation 2018, the Freedom of Information Act 2000; and the Regulation of Investigatory Powers Act 2000*.
- 10.3 It was agreed in consultation with the Chair of the Authority that the role of Data Protection Officer within the function of the Monitoring Officer be removed from the constitution in order to prevent a potential conflict of interest and that the role be undertaken by another officer within the organisation. The Information Commissioners Office also agreed with this proposal.
- 10.4 Therefore, members are asked to note that paragraph (g) within 3.3 – Functions of the Monitoring Officer, has been removed from the Constitution.

11. **Part 3 – Responsibility for Functions**

- 11.1 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.
- 11.2 No changes are proposed to this part of the Constitution.

12. **Part 4 – Procedure Rules**

- 12.1 Part 4 consists of Procedure Rules relating to Procedural Standing Orders, Contract Standing Orders and Financial Regulations.
- 12.2 With regards to Procedural Standing Orders an amendment is proposed to Standing Order 11: Presentation of Petitions, Hearing of Deputations and Occasions Where Public May Speak, in relation to the signatories of petitions and the required number and locality of petition signatories, ensuring any issues raised are by and

related to those within the area of Merseyside. This approach is also consistent across the other Councils of Merseyside

- 12.3 In relation to Article 22: Contract Standing Orders, amendments have been made in respect of the tendering thresholds, references to Public Contract Regulations and the Public Procurement Policy Notes as well as typographical changes to enable the documents to be read more easily ;
- 12.4 The amended Contract Standing Orders have been incorporated within the attached amended draft Constitution for Members' consideration and approval.

Equality and Diversity Implications

13. 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

14. There are no staff implications directly concerned with this report.

Legal Implications

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

Financial Implications & Value for Money

16. There are no direct financial implications contained within this report.
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, 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.

Contribution to Our Mission: *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 the Authority.

BACKGROUND PAPERS

GLOSSARY OF TERMS
