

**AGENDA ITEM:**

<b>REPORT TO:</b> Meeting of the	<b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY ANNUAL MEETING</b>
<b>DATE:</b>	<b>11<sup>TH</sup> JUNE 2013</b>
<b>REPORT NO.</b>	<b>CFO/059/13</b>
<b>REPORTING OFFICER:</b>	<b>JANET HENSHAW – CLERK TO THE AUTHORITY</b>
<b>CONTACT OFFICER:</b>	<b>JANET HENSHAW EX 4301</b>
<b>OFFICERS CONSULTED:</b>	<b>SARAH BOURNE, DEPUTY CLERK, IAN CUMMINS : HEAD OF FINANCE; SHARON MATTHEWS: HEAD OF PROCUREMENT; KELLY JOHNSON:ACTING DEMOCRATIC SERVICES MANAGER</b>
<b>SUBJECT:</b>	<b>THE AUTHORITY’S CONSTITUTION FOR 2013/14</b>

<b>APPENDIX</b>	<b>A</b>	<b>TITLE</b>	<b>DRAFT AUTHORITY CONSTITUTION 2013/14</b>
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**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 2013/14.

Recommendation

2. That Members
  - (a) approve the draft amended Constitution for 2013/14 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 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

8.1 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 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.

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

### 10. Part 4

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

10.2 Contract Standing Orders have been amended to reflect an e-tendering solution for use when seeking bids for goods, services and works which is used by other the Fire & Rescue Authorities in the North West Region. These changes were approved by the Policy and Resources Committee on 15 January 2013.

10.3. No significant changes have been made to the Financial Procedure Rules.

10.4. 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. Changes were made to the Members' Code of Conduct which were approved by the Authority in July 2012

11.2 There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2013/14.

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. 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.

## Equality & 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 direct staffing implications resulting from this report.

## Legal Implications

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

## Financial Implications & Value for Money

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

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

17. 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”

18. 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 2012/13