MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	**AUTHORITY**		
DATE:	**14 JUNE 2016**	**REPORT NO:**	**CFO/046/16**
PRESENTING OFFICER	**MONITORING OFFICER: JANET HENSHAW**		
RESPONSIBLE OFFICER:	**JANET HENSHAW**	**REPORT AUTHOR:**	**JANET HENSHAW**
OFFICERS CONSULTED:	**DEMOCRATIC SERVICES MANAGER: KELLY KELLAWAY HEAD OF PROCUREMENT: SHARON MATTHEWS LEGAL SERVICES TEAM**		
TITLE OF REPORT:	**THE AUTHORITY CONSTITUTION 2016/2017**		

APPENDICES:	**APPENDIX A: DRAFT CONSTITUTION 2016/17**

Purpose of Report

1. To request that Members approve the draft amended Constitution for Merseyside Fire and Rescue Authority (the Authority) for 2016/17.

Recommendation

2. That Members;

   a). Approve the draft amended Constitution for 2016/17 and;

   b). Instruct the Monitoring Officer to the Authority to review the Constitution in 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 is required 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 delete the Performance and Scrutiny Committee
b) To rename the current Audit sub Committee as the Audit and Scrutiny Committee with amended Terms of Reference to support this change
c) To amend the Terms of Reference for the Policy and Resources Committee and the Community Safety and Protection Committee such that any reports requested by those Committees from Officers should be confirmed as those for scrutiny or those for decisions
d) To add the Fire and Police Collaboration Committee Terms of Reference at Article 14

e) To amend the Terms of Reference for the Appeals Committee in view of the changes to the Authority's disciplinary procedures and reconsideration of pensions issues.

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 European thresholds that were brought into force on 1st January 2016 (Contract Standing Orders 2.1 and 4.1)

iii. Financial Procedure Rules have been simplified.

iv. The Procedural Standing Orders have been amended to give more clarity of Urgency Procedures and Voting (Standing Orders 22 and 26)

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 been reviewed. 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 2016/17.

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.

Equality and Diversity Implications

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

Staff Implications

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

Legal Implications

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

Financial Implications & Value for Money

15. The deletion of the Performance and Scrutiny Committee with appropriate terms of reference incorporated into the remit of the Audit sub Committee will save the Authority in the region of £6,000. This saving will complete the delivery of the £24,000 members allowance saving option approved in the 2013/14 budget.

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, 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*

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

GLOSSARY OF TERMS