

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/069/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:	SARAH BOURNE, DEPUTY CLERK; IAN CUMMINS, HEAD OF FINANCE; STEPHEN ASHTON, ACTING HEAD OF PROCUREMENT; HELEN PEEK, DEMOCRATIC SERVICES MANAGER		
TITLE OF REPORT:	THE AUTHORITY'S CONSTITUTION		

APPENDICES:	APPENDIX 1: DRAFT AUTHORITY'S CONSTITUTION 2014/15
ATTACHED – ELECTRONIC COPY ONLY	

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 (the Authority) for 2014/15.

Recommendation

2. That Members
 - a). Approve the draft amended Constitution for 2014/15 and;
 - b). Instruct the Monitoring Officer 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 and 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 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

- 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.
- 8.2 The only proposed changes other than minor typographical amendments are:
 - a) To increase the Membership of the Performance and Scrutiny Committee to a total of 8 Members (including the Independent co-opted Person) to reflect the workload of this Committee and
 - b) To change the Quorum for the full Authority meetings. This has been set at five Members for some however, as all three main Committees have a quorum of five for a Committee of 8 Members, it is considered more proportionate to increase the full Authority meeting quorum to 8 for an Authority of 18 Members.
- 8.3 No significant amendments have been made to the Authority's Scheme of Delegation.

9. Part 4

- 9.1 Part 4 consists of Procedure Rules – relating to Procedural Standing Orders, Contract Standing Orders and Financial Regulations.
- 9.2 Contract Standing Orders have been amended to reflect new European thresholds for the procurement of Goods, Services and Works. Further amendments will be made when new Regulations are published by the Government in respect of the new European Directives which will make significant changes to some procurements.

- 9.3 No significant changes have been made to the Financial Procedure Rules.
- 9.4 The Procedural Standing Orders have been reviewed and some minor typographical changes have been made.
10. Part 5
- 10.1 Part 5 consists of Codes and Protocols, which includes the Members Code of Conduct and the Members' Allowance Scheme.
- 10.2 There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2013/14.
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 Constitution through its Committees must consider the financial implications of decisions and the Constitution reflects this.

Risk Management, Health & Safety, and Environmental Implications

16. 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: *Safer Stronger Communities – Safe Effective Firefighters*

17. 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 2013/14

GLOSSARY OF TERMS
