

## **Report of Head of Legal Services**

### **14. Review of the Constitution**

#### **Purpose of report**

1. To propose the following amendments to the Authority's Constitution:
    - to include the terms of reference for the Political Group Leaders' Meeting;
    - to enable Committee Chairmen and Vice Chairmen to be appointed by Committees as well as by the Authority; and
    - to enable the Monitoring Officer to make any minor amendments consequential upon legislative changes or decisions of the Authority in order to keep the Constitution up to date.
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#### **Recommendation**

***It is recommended that the following amendments be made to the Authority's Constitution:***

- i) the terms of reference for the Group Leaders' Meeting as attached at Appendix 1 be incorporated into Part 3;***
- ii) Article 6.2 be amended to read as follows:***
  - (a) the Chairmen and Vice-Chairmen of:***
    - (i) Policy and Resources Committee; and***
    - (ii) Audit and Standards Committee******may be appointed either by the Authority or where there is a vacancy, by the relevant committee.***
- iii) Article 11.3 be amended to read as follows:***
  - (a) the Monitoring Officer may make any necessary minor amendments to the Constitution consequential upon any legislative changes or decisions of the Authority from time to time;***
  - (b) except as mentioned in (a) above, changes to the Constitution will only be approved by the full Authority after consideration of a written report by the Monitoring Officer or a committee of the Authority.***

## **Introduction and Background**

2. The Authority adopted a new Constitution on 18 June 2013 that brought together the policies and procedures relating to Members and governance into a single place. The Constitution follows the model form for local authorities and is available to all Members and the public on the Authority's website.
3. Article 11 of the Constitution requires the Monitoring Officer to keep the Constitution under on-going review and to make recommendations to ensure that it remains fit for purpose and reflects current legislation and governance practices. The following issues have been identified, which could be rectified by making the proposed amendments to the Constitution.

## **Group Leaders' Meeting**

4. At the Policy and Resources Committee on 26 March some Members requested clarification regarding the role of the Group Leaders' Meeting. The Group Leaders' meeting is an informal meeting arranged at the behest of the Chairman to provide an informal forum for discussion on matters affecting the Authority between:
  - (a) the Chairman and other Group Leaders; and
  - (b) the Chief Fire Officer and Group Leaders.
5. The Group Leaders' Meeting is not a committee of the Authority and does not have decision making powers although:
  - (i) decisions can be taken under the Urgent Business Procedure following discussion with Group Leaders, either individually or collectively, as set out in Article 9.6 of the Constitution; and
  - (ii) where appropriate, officers may give effect to the wishes from Group Leaders through the exercise of powers in the Scheme of Delegation to Officers, as set out in Part 3 of the Constitution
6. Although the Group Leaders' Meeting is not a formal committee, it is suggested that the terms of reference as attached at Appendix 1 are included within the Authority's Constitution. This will provide greater clarity with regards to the purpose and role of the Group and promote further transparency with regards to the operation of the Authority as a whole.

## **Appointment of Committee Chairmen and Vice-Chairmen**

7. It is the Authority's practice that Chairmen and Vice-Chairmen of committees are appointed by the full Authority, usually at the annual meeting. This is advantageous because it means that the Chairmen can be in post ahead of the first meetings of the Committees and avoids a hiatus that would otherwise exist.

8. However, Article 6.2(c) as currently written has had an unintended consequence and means that only the full Authority can appoint the Chairmen and Vice-Chairmen of Committees. This can potentially cause difficulties should a casual vacancy arise when there is not an Authority meeting scheduled for some months.
9. It is proposed that Article 6.2(c) is amended to enable a Committee to appoint a new Chairman or Vice-Chairman should a vacancy arise.

### **Minor Amendments**

10. As the Authority's Monitoring Officer, the responsibilities of the Head of Legal Services include:
  - maintaining an up to date copy of the Constitution in accordance with Article 8.3; and
  - reviewing its contents and making recommendations for changes in accordance with Article 11.
11. From time to time minor amendments are required that are consequential upon legislative changes or other decisions made by the Authority. Currently, such changes would require a report to be considered by the Authority to agree to such changes being made to the Constitution. In order to avoid unnecessary delays and/or agenda items, it is proposed that Article 11.3 of the Constitution be amended to authorise the Head of Legal Services to make any minor amendments that are necessary due to such changes in legislation or decisions made by the Authority.

### **Conclusion/Summary**

12. This report proposes some minor amendments to the Authority's Constitution as part of the on-going review which aims to improve both transparency and efficiency of Authority business. The Head of Legal Services will continue to monitor the operation of the Constitution and bring forward further reports as necessary to the Authority.

## Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	None.
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications)	Yes. Ensuring effective governance arrangements for the Authority is part of 'Our Strategy.'
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores)	Recommendation (ii) aims to reduce the risk of neither a Committee Chairman nor a Vice-Chairman being available to chair a meeting.
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	Consultation with the Chairman and Political Group Leaders has taken place regarding recommendation (i)
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	No. Not applicable.

## Supporting Information

Appendix 1 – Terms of Reference: Political Group Leaders' Meeting

Background papers – Minutes and reports of the Fire Authority 18 June 2013

## Contact Officer

Nigel Snape, Head of Legal Services  
(01905 368242)  
Email: [nsnape@hwfire.org.uk](mailto:nsnape@hwfire.org.uk)