

Report of Head of Legal Services

8. Draft Constitution

Purpose of report

1. To propose the adoption of the draft Constitution, as recommended by the Audit Committee and which is intended to:
 - (i) define the matters of strategic importance that are reserved for decision by the full Authority;
 - (ii) delegate other matters within the remit of individual committees to those committees for decision; and
 - (iii) combine the previous Audit Committee and Standards Committee into a single Audit and Standards Committee.
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Recommendation

It is recommended that the draft Constitution (Appendix 1) be adopted.

Introduction and Background

2. Part of the remit given to the Head of Legal Services following his appointment last year was to review the Authority's governance arrangements. A subsequent report to Audit Committee identified the scope for improvements, principally to:
 - (a) avoid unnecessary duplication between the work of committees and meetings of the full Authority;
 - (b) reflect the reduction in workload for Standards Committee by combining that function with Audit Committee; and
 - (c) bring together all of the policies and procedures relating to Members and governance in a single place.
3. At the meeting of the Authority on 13 February 2013 it was agreed in principle that the Authority should adopt a new Constitution, the aims of which would be as described in paragraph 1 above.
4. The draft Constitution was considered and approved by Audit Committee on 17 April and is now recommended by them to the Authority for adoption.

Draft Constitution

5. The detail of the constitution (Appendix 1) follows the model form for local authorities and will be broadly familiar to Members from elsewhere. The key aspects are as follows:
 - Articles 4.1 & 4.2: These define the strategic budgetary and policy issues that will always come to the full Authority for decision.
 - Article 6.3: Committees will have full delegated decision making in respect of all other matters within their remit (i.e. those not reserved to the full Authority).
 - Article 6.4: In the event that Members are unhappy about the decision of a Committee, any five (5) Members of the Authority can ask for the decision to be 'called in' and refer it to the full Authority for consideration.

A Protocol on the use of the call-in procedure is contained in Part 4.
 - Part 3: A diagram showing the proposed new committee structure is included on page 24.
 - Part 4: Following the changes introduced by the Localism Act 2011, gifts & hospitality are no longer dealt with under the Members' Code of Conduct. A separate protocol for the registration of gifts and hospitality is therefore recommended in Part 4 of the Constitution.
6. Since presenting the draft constitution to Audit Committee, the Standing Orders for the Conduct of Business have also been updated to reflect the terms of the new constitution and these are included in the document at Appendix 1.

The Role of Scrutiny

7. In addition to amending the terms of reference for committees, consideration has also been given to the role of scrutiny within the Authority and how this can best be accommodated. Overview and Scrutiny is primarily associated with Executive arrangements (or structures that are closely akin to this). The committee structure within the Fire Authority is very different from this and a separate Overview & Scrutiny Committee would therefore not be appropriate because:
 - (a) all Members are already involved in decision making; and
 - (b) a large part of the remit of Policy and Resources Committee and of Audit and Standards Committee already involves a high degree of effective scrutiny of the organisation.
8. However, until now there has been no mechanism by which Members can get involved in more detailed review of policies or procedures, should this become necessary. The proposed committee structure at Part 3 of the Constitution

therefore allows for the creation of ad hoc Member Task and Finish Groups as and when a need arises. This approach has worked extremely well elsewhere. It is envisaged that Task and Finish groups will adopt a range of flexible approaches to meet the needs of the particular circumstances. Due to the potential resource implications for officers, particularly within the Committee Services team, a maximum of two Task and Finish Groups would operate at any one time.

Conclusion/Summary

9. The draft Constitution sets out the proposed new committee structure along with the arrangements for governance of the Authority, which are designed to ensure effective and efficient decision making.
10. Other policies and procedures which form part of the overall Constitution, such as the Scheme of Delegation to Officers and Contract Standing Orders have not been reviewed at this stage (and are not re-printed in Appendix 1). These will be the subject of review in the next stage of the process and any changes to those policies will be the subject of further reports.

Corporate Considerations

Resource Implications (identify any financial, legal, property or human resources issues)	None.
Strategic Policy Links (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.'
Risk Management / Health & Safety (identify any risks, the proposed control measures and risk evaluation scores).	None.
Consultation (identify any public or other consultation that has been carried out on this matter)	Formal consultation with Audit and Standards Committees.
Equalities (has an Equalities Impact Assessment been completed? If not, why not?)	No. Not applicable.

Supporting Information

Appendix 1 (separate enclosure) – Draft Constitution

Background papers – Minutes and reports of Audit Committee 16/1/13 and Fire Authority 13/2/13

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