

The report is Not Exempt

The report is for Decision

REPORT TO: FIRE AUTHORITY

**MEETING DATE: 18 March
2019**

SUBJECT: AMENDMENTS TO THE CONSTITUTION

SUMMARY:

The Constitution sets out how the Fire Authority (the Authority) operates, how decisions are made and the procedures which are to be followed. Some of these processes are required by law, while others are a matter for the Authority to choose. The Authority formally adopted its Constitution in 2003 and it is periodically reviewed and amended by the Clerk/Monitoring Officer as necessary.

The Clerk/Monitoring Officer has overall responsibility for ensuring the constitution is fit for purpose and he is required to present periodical reports to Members outlining amendments for Authority approval.

The report sets out a range of routine or minor changes recommended to be made to the Constitution to reflect both changes to the law, and to facilitate more streamlined decision making processes. More significant changes will be addressed in a separate report.

RECOMMENDATIONS:

To agree the amendments to the Authority's Constitution as set out at Appendix 1 of the report and to authorise the Monitoring Officer to make any appropriate minor or consequential changes flowing from these amendments.

REPORT APPROVAL

Clerk:	Comments: Approved Date: 11.03.19
Director:	Comments: Not Applicable Date:
Finance/Treasurer:	Comments: Approved Date: 11.03.19
Chief Fire Officer	Comments: Approved Date: 10.03.19

BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT:

Presenting the Report:	Dave Daycock Clerk/Monitoring Officer
Report Author(s) and Designation	Dave Daycock Clerk/Monitoring Officer
Date original report written	28/02/2019

Mae'r Adroddiad Heb ei eithrio

Mae'r Adroddiad AR GYFER PENDERFYNIAD

ADRODDIAD I'R: AWDURDOD TÂN | DYDDIAD Y CYFARFOD: 18 MAWRTH 2019

TESTUN: DIWYGIADAU I'R CYFANSODDIAD

CRYNODEB:

Mae'r Cyfansoddiad yn pennu'r modd y mae'r Awdurdod Tân (yr Awdurdod) yn gweithredu, y modd y caiff penderfyniadau eu gwneud, a'r gweithdrefnau i'w dilyn. Mae rhai o'r prosesau hyn yn ofynnol yn ôl y gyfraith, tra bo rhai eraill yn brosesau i'r Awdurdod eu dewis. Mabwysiadodd yr Awdurdod ei gyfansoddiad yn ffurfiol yn 2003, ac mae'n cael ei adolygu a'i ddiwygio'n rheolaidd gan y Clerc/Swyddog Monitro, fel y bo angen.

Y Clerc/Swyddog Monitro sy'n gyfrifol am sicrhau bod y cyfansoddiad yn addas i'r diben, ac mae'n ofynnol iddo gyflwyno adroddiadau rheolaidd i'r Aelodau, sy'n amlinellu diwygiadau i'w cymeradwyo gan yr Awdurdod.

Mae'r adroddiad hwn yn nodi amrywiaeth o fân newidiadau neu newidiadau rheolaidd yr argymhellir y dylid eu gwneud i'r Cyfansoddiad i adlewyrchu newidiadau i'r gyfraith a hefyd i hwyluso prosesau mwy syml ar gyfer gwneud penderfyniadau. Eir i'r afael â newidiadau mwy sylweddol mewn adroddiad ar wahân.

ARGYMHELLION:

Cytuno ar y diwygiadau i Gyfansoddiad yr Awdurdod, fel y nodir yn Atodiad 1 i'r adroddiad, ac awdurdodi'r Swyddog Monitro i wneud mân newidiadau neu newidiadau canlyniadol sy'n deillio o'r diwygiadau hyn.

CYMERADWYO'R ADRODDIAD

Clerc:	Sylwadau: Cymeradwywyd Dyddiad: 11.03.19
Cyfarwyddwr:	Sylwadau: Ddim yn gymwys Dyddiad:
Cyllid/Trysorydd:	Sylwadau: Cymeradwywyd Dyddiad: 11.03.19
Prif Swyddog Tân	Sylwadau: Cymeradwywyd Dyddiad: 10.03.19

PAPURAU CEFNDIR A DDEFNYDDIWDYD WRTH BARATOI'R ADRODDIAD HWN:

Yn cyflwyno'r Adroddiad:	Dave Daycock Clerc a Swyddog Monitro
Awdur(on) yr Adroddiad a'u Swyddi	Dave Daycock Clerc a Swyddog Monitro
Dyddiad yr ysgrifennwyd yr adroddiad gwreiddiol	28/02/2019

**REPORT TO THE FIRE AUTHORITY
18 MARCH 2019
AMENDMENTS TO THE CONSTITUTION**

1 Summary

The Constitution sets out how the Fire Authority (the Authority) operates, how decisions are made and the procedures which are to be followed. Some of these processes are required by law, while others are a matter for the Authority to choose. The Authority formally adopted its Constitution in 2003 and it is periodically reviewed and amended by the Clerk/Monitoring Officer as necessary.

The Clerk/Monitoring Officer has overall responsibility for ensuring the constitution is fit for purpose and he is required to present periodical reports to Members outlining amendments for Authority approval.

The report sets out a range of routine or minor changes recommended to be made to the Constitution to reflect both changes to the law, and to facilitate more streamlined decision making processes. More significant changes will be addressed in a separate report.

2 National/Wales Position

- 2.1 All Fire Authorities in Wales/UK are required to maintain an up to date Constitution in line with the statutory and common law requirements.

3 Mid and West Wales Fire and Rescue Service Current Position

- 3.1 The current Constitution was adopted in 2003, and has had a number of revisions / amendments since. This report outlines suggested amendments to the Authority's current Constitution. The following proposed significant amendments are set out at Appendix 1 and relate to the following areas of the Constitution:

3.1.1 ARTICLE 19 – PARAGRAPH 19.3 MEETINGS OF THE AUTHORITY

This proposes a change to the date of the Authority's Annual General Meeting (AGM) in order to give sufficient time to consider changes in representation made by the Constituent Authorities at their respective AGMs.

3.1.2 ARTICLE 35 – PARAGRAPHS 35.10.2 and 35.20.1 PERSONAL INTERESTS

These changes give greater clarity and guidance regarding the requirement on Officers to declare interests and also reflect the current operational establishment required to declare interests.

- 3.1.3 The other changes set out in Appendix 1 outline minor corrections required throughout the Constitution and also amend all references to staff to reflect the current operational establishment.

4 Proposal

- 4.1 To make amendments to the Constitution in order to simplify, improve and update the Authority's Constitution.

5 Financial/Procurement Implications

5.1 There are no financial/procurement implications arising from this report.

6 Risk Assessment/Legal Implications

6.1 Changes to the Constitution will only be approved by the full Fire Authority, except in cases where urgent changes are required by operation of law.

7 Equality and Diversity Including Welsh Language

7.1 It is not considered that there are any risks that need addressing as the recommendations apply equally to all Members, staff and the public.

8 Human Resource and People Development

8.1 There are no Human Resource and People Development issues associated with this report.

9 Information and Communications Technology (ICT)

9.1 There are no ICT issues associated with this report. The Constitution is a public document, and available online

10 Estates

10.1 There are no Estates issues associated with this report.

11 Service Delivery

11.1 There are no Service Delivery issues associated with this report.

12 Fire Authority Governance

12.1 Under Article 1 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein are given full effect and, when necessary, to formulate recommendations for changes.

13 Consultation & Communication

13.1 The meeting timetable did not allow full consultation with the Democratic Services Forum, though the Members have been informed of the changes in the report beforehand, and can comment at the Fire Authority meeting.

14 Evaluation

14.1 There are no Evaluation issues associated with this report as it relates to routine governance matters. Significant changes to the Constitution are dealt with in specific reports.

15 Well-being of Future Generations (Wales) Act 2015

15.1 All proposed changes to the Constitution have regard to the principles embedded in the Well Being of Future Generations (Wales) Act 2015.

16 Data Protection and Privacy Issues

16.1 There are no Data Protection and Privacy issues associated with this report.

17 Recommendations

17.1 To agree the amendments to the Authority's Constitution as set out at Appendix 1 of the report and to authorise the Monitoring Officer to make any appropriate minor or consequential changes.

<p>A) Article 19; Standing Orders</p>	<p>19.3 MEETINGS OF THE AUTHORITY</p> <p><u>Current version</u></p> <p>19.3.1 The Annual Meeting of the Authority shall be held on the first Wednesday in the month of June and shall be held at Carmarthen Headquarters.</p> <p><u>Proposed Amendments</u></p> <p>19.3.1 The Annual Meeting of the Authority shall be held on the second Wednesday in the month of June and shall be held at Carmarthen Headquarters.</p> <p>This proposed change is to give sufficient time to consider changes in representation made by the Constituent Authorities at their respective Annual General Meetings (AGMs).</p>
<p>B) Article 35; Code of Conduct for Officers</p>	<p><u>Current version</u></p> <p>35.10.2 Employees must declare in writing to their appropriate Director or Head of Department any financial and non-financial interests that they consider could bring about conflict with the Authority's interests.</p> <p><u>Proposed Amendments</u></p> <p>35.10.2 Employees must declare in writing to their appropriate Director or Head of Department any financial or non-financial interests that could reasonably be considered that could bring about conflict with the Authority's interests. Examples could include any employment or business carried out by you or a member of your family, or any organisation to which you belong which has, or seeks to have, a contractual or business relationship with the Authority or Service.</p> <p>This change is to give greater clarity to the requirement on Officers to declare interests.</p> <p>35.20.1 <u>Support Staff</u></p> <p><u>Current version</u></p> <p><u>Support Staff</u></p> <ul style="list-style-type: none"> • Director of Resources • All Heads of department • Equality and Diversity Officer • Media & Communications Manager • Democratic Services Officer • IT Services Officer <p><u>Proposed Amendments</u></p>

	<ul style="list-style-type: none"> • Director of Resources • All Heads of department • Deputy Head of Corporate Communications and Business Development • Equality and Diversity Officer • Media & Communications Manager • Democratic Services Officer • IT Services Officer <p>These proposed changes reflect the current operational establishment regarding the need to declare interests.</p>
C)	To make minor corrections and amend all references to staff to reflect the current operational establishment as set out below:
Introduction	Background; add 'The Wellbeing of Future Generations (Wales) Act 2015'
Article 1; The Constitution	2. – add after 'operation of law'; 'or routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service'
Article 2; Members of the Authority	2.3.6 delete 'Section 19.33'- replace with 'Article 27' 2.5 a)-delete 'ceases', and replace with 'deemed to be no longer' a member... 2.5b)- delete 'declare a vacancy and' notify etc
Article 3; Citizens and the Authority	3.1 (b) Participation- after 'the committee' add 'on any matter on the Agenda', and after 'individual item' delete 'and' and replace with 'up to'
Article 4; The Role of the Authority	4.1 (a) add, after 'procedural requirements'; 'or routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service'. Delete 'be approved by' and replace with 'be reported to', 4.1 (d) add 'Annual Audit Report' and 'Capital Strategy Report' 4.1 (j) after accounts add 'and letters of representation'
Article 5; Chairing of the Fire and Rescue Authority	5.2 - Additional responsibilities; add v. after bodies 'and to represent the Fire Authority in meetings with Ministers and representatives of the U.K and Welsh Government' Add 'In urgent or exceptional circumstances, to act on behalf of the entire Fire Authority. Any such urgent actions should be reported to the next available Fire Authority meeting'
Article 9 ; The Standards Committee	9.3 Role and Function. 9.3 ix after 'these issues' add 'and to oversee', and delete 'overseeing', and adding to x 'including consideration of reports regarding compliments and complaints against the Authority'
Article 11 ; Chief Officers' Remuneration Committee	11.4 last paragraph – after 'for information 'add 'only'

Article 12; Working Groups, Panels and other Fora	12.2. 4 - add 'or his/her representative 'after references to the Clerk/Monitoring Officer
Article 14; Decision Making	14.2 after 'sustainability in line with the Authority's policy 'add 'and the principles set out in the Well- being of Future Generations (Wales) Act 2015
Article 16; Review and Revision of the Constitution	16.1 after 'clarify the Constitution', 'or to set out routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service'. Insert after 'prejudice to the' the word 'above'. 16.2 add after 'Clerk/Monitoring Officer '; 'in urgent circumstances'. Delete 'after' and replace with 'without'. 16.3 add after 'and' the word 'or' and delete 'then'. Add iii. 'Changes to set out routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service'
Article 18; Responsibility for Functions	18.4.8 after 'as amended' delete '2007/2008'. 18.4.5. after 'is authorised' add 'jointly with the Clerk/Monitoring officer' 18.7.1 after 'article 18' add '4.5'
Article 19; Standing Orders	19.2.7 before 'disqualified' add 'deemed to be', and add after 'months' add and their constituent authority shall be notified accordingly' 19.4.2 delete 'and' after 'Rules'. Add after 'election' add 'and subject to being re – elected at the Annual Meeting, continue in this office for a further period of one year' 19.9.1 (viii) insert 'if appropriate' before 'consider' 19.12 .1 insert 'if appropriate' before 'All committee minutes', and delete 'All'. 19.20 add after 'prohibited' insert 'unless specifically permitted by law' 19.34 after 'Section 151 Officer' add 'individually or jointly'