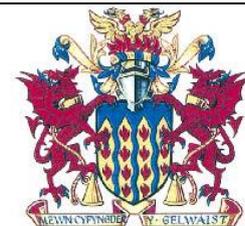


Report to	North Wales Fire and Rescue Authority
Date	17/06/2019
Lead Officer	Clerk to the Authority
Contact Officer	Deputy Clerk
Subject	Review of the Constitution



PURPOSE OF REPORT

- 1 To update Members on the review of the constituent elements of North Wales Fire and Rescue Authority's (the Authority) Constitution and to seek approval for the proposed revisions.

EXECUTIVE SUMMARY

- 2 The Constitution was approved by the Authority during June 2015. It is good practice to periodically review the document to ensure that it remains current. During 2018/19 a number of sections have been reviewed as set out in paragraphs 7 to 13 of this report.

RECOMMENDATIONS

- 3 Members are asked to:
 - (i) approve the updates to the Constitution as outlined within paragraphs 7 to 13 of this report; and
 - (ii) note the proposed actions for 2019/20 to ensure that the Constitution remains up to date.

BACKGROUND

- 4 The Constitution provides a clear framework for the governance arrangements of the Authority and is comprised of six sections:
 - (i) Summary and explanation;
 - (ii) Articles of the Constitution;
 - (iii) Responsibility for Functions;
 - (iv) Rules and Procedures;
 - (v) Codes and Protocols; and
 - (vi) Members' Remuneration
- 5 The Constitution was approved by the Fire and Rescue Authority on 15th June 2015. Since that time, the Members' Code of Conduct was revised in 2016 to reflect legislative changes.

INFORMATION

- 6 It is recognised good practice to undertake a review of the constituent elements of the document on a periodical basis. During 2018/19 the following reviews have been undertaken:
1. review of the terms of reference of the Audit Committee, the Executive Panel and the Local Pension Board;
 2. review and update of the Contract Standing Orders; and
 3. review and update of the Codes and Protocols

Terms of Reference

- 7 Part three of the Constitution provides a summary of the Authority's committees and includes the Audit Committee, the Executive Panel and the Standards Committee. The revised structure shown within Appendix 1 confirms the inclusion of the Local Pension Board.
- 8 The Public Service Pensions Act 2013 required bodies responsible for a public sector pension scheme to establish a Local Pension Board. The role of the Local Pension Board is to support the Authority in discharging its responsibilities with respect to the Firefighters' Pension Scheme. The terms of reference at the meeting of the Local Pension Board on 2 May 2019 are set out in Appendix 2.
- 9 The Audit Committee's terms of reference were revised at its meeting of 28 January 2019 to reflect the guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) during 2018. The updated terms of reference are included in Appendix 3.
- 10 The Executive Panel's terms of reference were reviewed by the Deputy Monitoring Officer and no revisions were required.
- 11 The Standards Committee reviewed the Codes and Protocols relating to members and officers and further information is provided below.

Contract Standing Orders

- 12 Part 4 of the Constitution includes the rules and procedures of the Authority. A key element relates to the Contract Standing Orders which provides a framework covering the procurement of goods and services. This ensures that contracts entered in to align with the public sector procurement principles of transparency and value for money and also compliance with relevant legislation. Some elements reflect current European legislation, the substance of which is likely to remain in place after the United Kingdom leaves the European Union although the document will require some revision at that time. The updated Contract Procedure Rules are provided in Appendix 4.

Codes and Protocol

- 13 At its meeting of the 27 February 2018, the Standards Committee resolved to review the codes and protocols contained within the Constitution over a three year period. This work was completed in 2018/19. Each document was reviewed to ensure that it remained relevant, was up to date and was as clear as possible to aid understanding. Updated documents are provided within appendices 5 – 10.
- Appendix 5 - the Members' Code of Conduct - this document is based on a mandatory statutory code and was largely up to date having been reviewed in 2016;
 - Appendix 6 - the Protocol on Member/Officer relations - this document needed only minor changes to update it;
 - Appendix 7 - the Local Resolution Procedure - this document needed only minor changes to update it;
 - Appendix 8 - the Gifts and Hospitality Protocol - this document needed changes to clarify the procedure to be followed for reporting gifts/hospitality;
 - Appendix 9 - the Social Media Protocol - the Authority's own protocol is very good and the Committee recommended adopting guidance issued by the Welsh Local Government Association alongside it; and
 - Appendix 10 - the Standards Complaints process - this document required updating to reflect the subsequent adoption of the Local Resolution Procedure.

PROPOSED WORK FOR 2019/20

- 14 The Annual Governance Statement confirms that during 2019/20 the Financial Procedure Rules (contained within Part 4 of the Constitution) will be reviewed and revised.
- 15 Further work will be undertaken to ensure that the Contract Procedure Rules reflect any legislative changes arising from the United Kingdom's exit from the European Union.
- 16 The terms of reference for the Standards Committee will be reviewed and updated to reflect current guidance and legislation.

IMPLICATIONS

Well-being Objectives	Good governance is essential to the achievement of the Authority's overall objectives.
Budget	The existence and application of robust governance arrangements promotes the effective use of financial resources.
Legal	The provision of a comprehensive and robust Constitution enables the Authority to discharge its responsibilities in a legal manner.
Staffing	No issues identified.
Equalities/Human Rights/ Welsh Language	No issues identified.
Risks	The failure to maintain an up to date and comprehensive Constitution would pose a significant risk to the Authority in discharging its duty.