

Article 1 - The Constitution

1. Purpose of the Constitution

The purpose of this Constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:-

- (i) assisting members to discharge their role as decision makers efficiently and effectively;
- (ii) ensuring that the decision-making processes are clearly identifiable to citizens;
- (iii) enabling officers of the Authority to deliver the agreed key priorities, outcomes set out in The Plan and strategic objectives, in order to achieve the vision of making West Midlands Safer;
- (iv) providing citizens with information about their rights and right to be involved in the process of decision making to encourage their active involvement;
- (v) providing a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.2 Monitoring

The Authority will monitor and review the operation and content of this Constitution, in consultation with officers and the Clerk and Monitoring Officer at least once per annum and, consequential upon any review, will make any changes deemed appropriate. However, the Monitoring Officer or Clerk may make such purely administrative changes (e.g., formatting, spelling or updating of references) as required in consultation with the Chair and CFO without formal review by the Authority.

1.3 Suspension of the Constitution

(i) Limit to Suspension - The articles of this Constitution may not be suspended. However the rules specified below may be suspended to the extent permitted within those rules and the law.

(ii) Rules Capable of Suspension

The following rules may be suspended in accordance with Article 17.1 (i):

- Authority Standing Orders
- Access to Information Procedure Rules
- Officer Employment Procedure Rules
- Financial Regulations
- Procurement Procedures

1.4 Interpretation

Except as otherwise provided and subject to (ii) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.

In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

1.5 Publication

The Clerk to the Authority will arrange for copies to be available for inspection at West Midlands Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website. This Constitution is available electronically for public inspection via the Committee Management Information System (CMIS) on the Fire Service's website (www.wmfs.net) or at West Midlands Fire Service Headquarters, 99 Vauxhall Road, Birmingham, B7 4HW.

- (i) The Clerk to the Authority will give a copy of the relevant practical parts of this Constitution to each member of the Authority after that member has signed the Code of Conduct acceptance following their appointment.

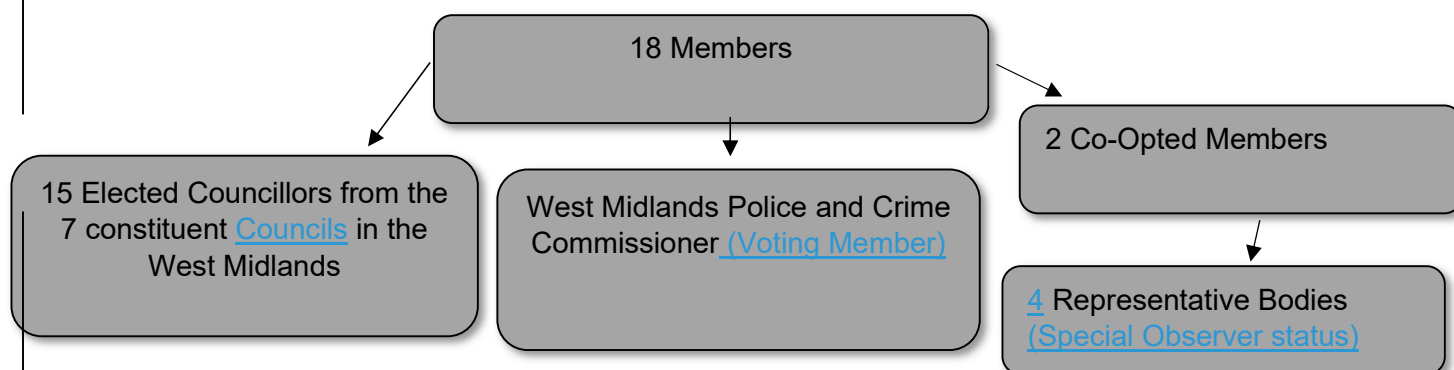
Your Chance to Comment

Should you have any queries or suggestions on the constitution, please send them to the address below:-

The Clerk or the Monitoring Officer to West Midlands Fire and Rescue Authority
99 Vauxhall Road
Birmingham
West Midlands
B7 4HW

Article 2 – Members of the Authority

2.1 Composition and Eligibility



- (ii) The constituent councils appoint members to the Authority at their annual meetings each year and in accordance with the provisions of the Local Government Act 1985. These appointments are made in the following proportions, which reflect the size of the population of each Council:-

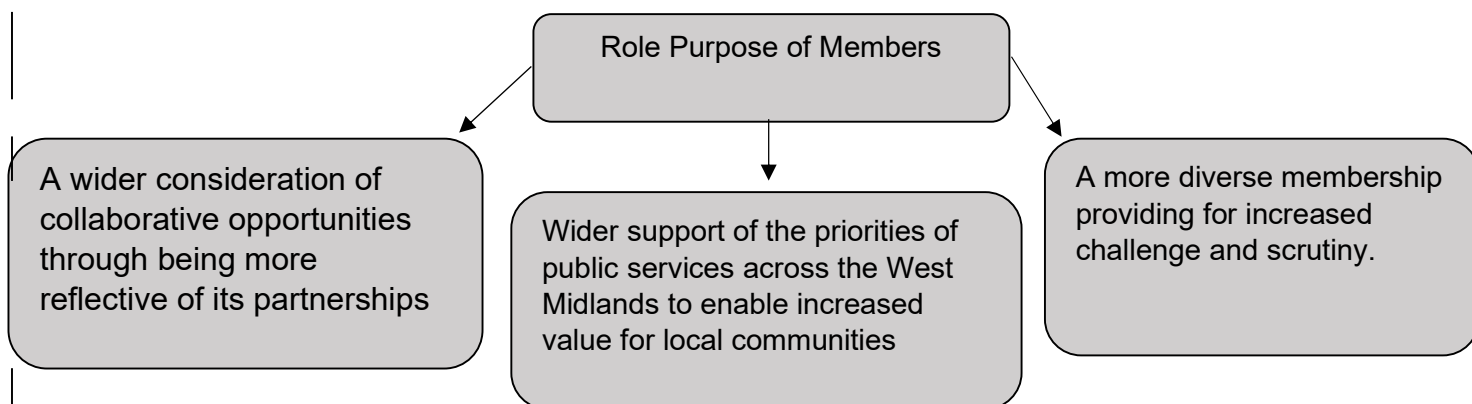
<u>Council</u>	
Birmingham	4
Coventry	2
Dudley	2
Sandwell	2
Solihull	1
Walsall	2
Wolverhampton	2

Each Council's appointments must also reflect its political make up, in accordance with the Local Government and Housing Act 1989.

- (iii) Members may be removed by their appointing council, subject to their council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification etc.
- (iv) The Police and Crime Commissioner by virtue of the Policing and Crime Act 2017, Chapter 2, section 7 may only be appointed to the Authority in response to a request made by the

Commissioner to the Authority or, in the case of a subcommittee, to the appointing committee.

2.2 Roles and Functions of Members



All members are expected to:-

- (i) act corporately for the good governance of the Authority, balancing the needs of the whole community of West Midlands with their role of local representative;
- (ii) to actively represent, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of West Midlands;
- (iii) exercise good judgement when making decisions, with full consideration of relevant information, guidance and external factors.
- (iv) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, fora or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving 'The Plan' in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the code of conduct for members
 - standing orders of the Authority
 - the member/officer protocol
- (v) represent the Authority throughout the West Midlands;

- (vi) if appointed by the Authority to an external body; to represent the interests of the Authority on that body;
- (vii) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of fire and rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations in order to effectively promote the safety and well-being of the whole community of West Midlands;
- (viii) to ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Strategy.

All members have a responsibility:-

- to ensure that the Fire Authority provides an efficient and effective fire and rescue service, taking into account the needs of all sections of the community.
- to contribute actively to the formation and scrutiny of the Fire Authority's policies, priorities, plans, targets, performance and budget.
- to ensure that the Fire Authority is an equal opportunities employer, and considers the needs of all sections of the community.
- to ensure that the Fire Authority delivers value for money.
- to develop and maintain a sound working knowledge of the Fire Authority's duties, policies and practices.
- to ensure the maintain appropriate skills, knowledge and understanding by participating in necessary development and training in accordance with the Member Development Strategy.
- to develop and maintain a working knowledge of the organisation's services, activities and other matters, which affect and impact on the local community.
- to comply with relevant protocols and codes of conduct.

- to participate effectively as a member of any committee or other body to which you are appointed by the Authority.
- to participate in performance review of the services provided by the Fire Authority, including scrutiny of policies and budgets and their effectiveness in achieving strategic objectives.
- to participate effectively in any consultative processes with the local community and with other organisations, as required.
- to encourage the community to participate constructively in consultative arrangements and service provision.
- to develop and maintain good and effective working relationships with the Fire Authority's Chair and Vice-Chair and relevant officers of the Fire Authority.
- to consider recommendations/options put forward by the Treasurer and Chief Fire Officer in relation to the Fire Authority's budget and precept and participate in the budget and precept setting process.

(ix) Co-opted members whilst not full voting members are expected to:

- Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of the West Midlands
- Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of the West Midlands
- On a regular basis attend meetings of the Authority and any committees/sub committees they are appointed to.
- Promote Effective Collaboration
- At all times, act in accordance with the code of conduct and standing orders for the Authority where applicable
- Be actively aware of the issues internal and external relevant to the provision of services to promote a safer, stronger and healthier West Midlands Community.

2.4 Roles and Responsibilities of Designated Office Holders

The Chair and Vice Chair of the Authority will be elected by the Authority at its annual meeting.

Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the standing orders and procedural rules of the Authority as set out in Part 4 of this Constitution.

The Authority has approved a role description for the Chair, as follows:-

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair any other meetings as required by the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:-

- The 3 year rolling Strategy and Annual Plan;
- Policy and budgetary strategy formulation;
- Local, regional, national and international issues;
- Health and Safety;
- The Authority's compliance with the Freedom of Information Act 2000;
- Corporate Risk Management;
- Community Risk Management Plan (CRMP) and Community Safety Strategy (CSS);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other elected members on issues that cut across or fall within the terms of reference or portfolios of other members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

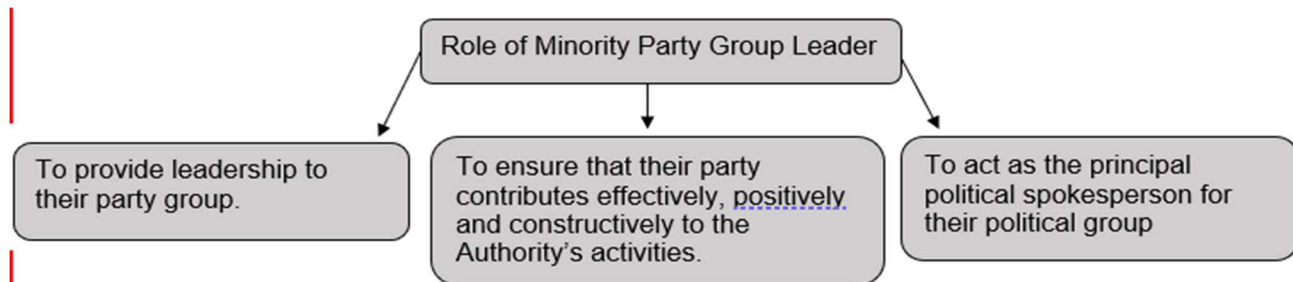
To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake [their](#) duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

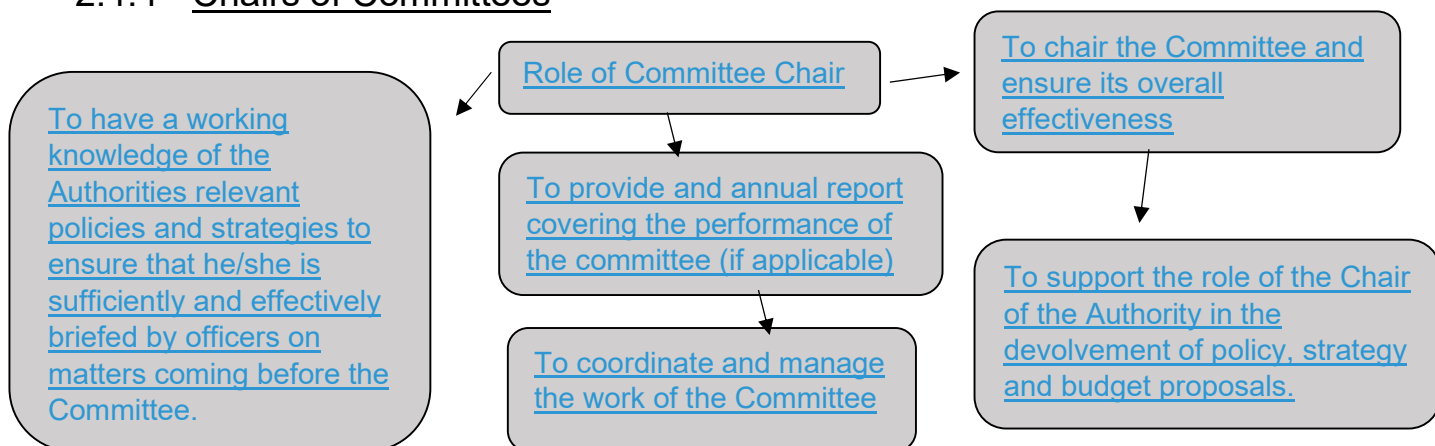
2.4.2 Vice Chair of the Authority

The role of the Vice-Chair is to support the Chair of the Authority in discharging [their](#) roles and responsibilities and to deputise for the Chair in [their](#) absence.

2.4.3 Minority Party Group Leaders



2.4.4 Chairs of Committees



2.4.6 Section 41 Members

In addition to the responsibilities and competences set out in 2.4.5 members appointed as 'lead' members for their constituent council, under Section 41 of the Local Government Act 1985, will be required to answer questions put to them at meetings of their constituent council relating to the discharge of functions of the Fire and Rescue Authority.

2.4.7 Special Observers

In accordance with the agreed Memorandum of Understanding, three representatives from trade unions (one FBU, one FOA, one Unison and one FLA) will hold special Observer status that entitles them to attend and participate in the main Authority meetings and Policy Planning Forum. This arrangement doesn't impact upon the existing rights of all members of the public to attend public meetings of the Authority. This arrangement also does not negate the effect and the processes within the organisation's Employee Relations Framework.

The Chair of any meeting of the Authority may require a special Observer or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.

2.5 **Rights and Duties of Members**

2.5.1 Members will have such rights of access to such documents, information, land and buildings of the Authority as described in the Authority's Standing Orders in Part 4 of this Constitution.

2.6 **Failure to Attend Meetings**

- 2.6.1 Subject to the provisions of Section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its committees for a period of six months ceases to be a member of the Authority, unless, within that period, the member's absence is approved by the Authority.
- 2.6.2 The Clerk/[Monitoring Officer](#) will monitor absences from meetings and, unless approval for any absence is given by the Authority, will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.7 Conduct

- 2.7.1 Councillors will at all times be guided by the Members' Code of Conduct and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

2.8 Allowances

- 2.8.1 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

3.1.1 Information – Citizens have the right to:

- i) Attend meetings of the Authority and public committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens.
- ii) Film, audio record, take photographs, blog or tweet authority meetings in accordance with (i) above.
- iii) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its public committees.
- iv) Inspect the Authority's accounts and make representations to the external auditor about the content of those accounts.
- v) Request a permanent copy of any personal information held about them under the provisions of the Data Protection Act [2018](#), subject to any of the exemptions to disclosure contained in that Act applying.
- vi) Request information relating to Authority business under the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to any of the exemptions to disclosure contained within the respective legislation applying.

3.1.2 Participation and Consultation

- (i) The rights of citizens to speak at meetings of the Authority and its [public](#) committees shall be at the discretion of the Chair [presiding the meeting in question](#).
- (ii) The Authority has established arrangements for consultation for key areas of activity. [Please see Explanatory Guidance: 1 for example](#).

- (iii) Citizens can expect to be consulted on significant issues on either a local or authority-wide basis depending upon the nature of the matter and its relative effect on the community.

3.1.3 Complaints – Citizens have the right to complain to:

- (i) The Authority, under its Compliments, Comments and Complaints Policy.
- (ii) The Local Government Ombudsman after using the Authority's complaints scheme.
- (iii) The Monitoring Officer/Appointments, Standards and Appeals Committee about a breach of the Code of Conduct by any member of the Authority.

Please visit our Committee Management Information System (CMIS) for more detailed information relating to the Councillors and meetings of the Fire Authority. This [Link](#) will also give you access to all agendas, minutes and public reports since the Fire Authority's Annual General Meeting on 26th July 2004.

3.2 Citizens' Responsibilities

- 3.2.1 Citizens are expected to conduct themselves in a reasonable manner and must not be violent, abusive or threatening to members or officers or damage Authority owned property. Citizens should behave with due respect for the rights and opinions of others and have respect for the procedural decisions on conduct and behaviour made by the Chair of any meeting.

Article 4 – Decision Making

4.1 Responsibility for Decision Making

4.1.1 Responsibility for decision making by the Authority, its committees, and officers is in accordance with Articles 4 to 12 of this constitution and the Officers' Scheme of Delegations set out in Part 3 of this constitution which together comprise the record of responsibility for decision making.

4.2 Principles of Decision Making

4.2.1 All decisions of the Authority will be made in accordance with the following principles:

- be within the lawful powers of the Authority;
- proportionality (i.e., the action taken is proportionate to the desired outcome);
- be aligned to the decision-making definitions set out in this article.
- Decisions are taken with due consultation and professional advice from officers and statutory officers (Decision making by members of the Authority will be supported by information provided in a written report prepared by the responsible officer/s)
- respect for human rights;
- a presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) (see Part 4 Access to Information Rules – Rule 11);
- clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take).

4.3 Types of Decisions

4.3.1 The Authority will make Governance and Political decisions aligned to the following definitions:

Governance Decisions are those which:

- take into account the whole environment the Service operates within both internally and externally (save for political matters)

- provide a framework of wider community focused outcomes, which meet the priorities and commitments of the integrated risk management plan.
- are high level in design and provide direction for what ‘needs’ to be achieved as outcomes, but do not include the detail of ‘how’ to achieve them.

Political Decisions are those which:

- are based on the policies, objectives, stated aims and ambitions or activities of a political party to which an individual belongs
- represent the interests of their electorate

4.3.2 The Authority recognises the operational independence of the Chief Fire Officer. Operational decisions are those taken by the CFO and Officers in delivering against the strategic agenda set by the Authority. These decisions are taken independently and in line with the Scheme of Delegations. The CFO and Officers are accountable for operational decisions aligned to the following definition:

Operational Decisions are those which:

- operate within the strategic and governance framework provided by the Authority (see explanatory note)
- direct and detail ‘how’ the strategic priorities and outcomes are achieved to meet the priorities of the Community Risk Management plan (CRMP)
- manage resources (people, finance, fleet, assets) in the most appropriate way to achieve the priorities of the CRMP and strategic priorities, but do not represent a reduction that leads to a significant change to the CRMP or strategic priorities such as the closure of fire stations or the permanent reduction of fire appliances.
- are aligned to the role of the Head of Paid Service and the CFO as set out in the constitution and appropriate legislation

Decisions relating to the functions listed in Article 4 will be made by the Authority and not delegated.

4.4 Decision Making by the Authority and its Committees

4.4.1 The Authority and its committee meetings will comply with the Authority’s procedural rules and Standing Orders set out in Part 4 of this constitution when considering any matter.

4.4.2 The Fire Authority will be asked by officers to ‘note’ or ‘approve’ recommendations.

Recommendations to ‘**note**’ will be where:

Decisions fall within the delegations and financial thresholds of officers as set out in Articles 5 and 6, and Part 3 section of this constitution and are centred on the delivery of an agreed Authority strategy.

Recommendations to ‘**approve**’ will be where:

Decisions are outside of the delegations and financial thresholds of officers and/or are decisions which will require a review if the Authority’s strategy.

4.5 Decision Making by Officers

4.5.1 The CFO and officers have full accountability to make decisions on all matters relating to the administration of the Authority’s functions under the Fire and Rescue Services Act 2004 and any other enabling legislation. This shall include taking and implementing decisions that are:

- Defined as the role of the CFO as set out in section Article 5, section 5.2,
- Defined as ‘operational decisions as set out in Article 4, section 4.3.3 (and explanatory guide) and
- aligned to the Scheme of Delegations set out in this constitution.

Article 5 – Roles and Functions of Officers

5.1 Management Structure

5.1.1 The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.

5.2 Chief Fire Officer

5.2.1 The Chief Fire Officer ([CFO](#)) will engage appropriately with the Authority on the manner in which the discharge of the Authority's functions are coordinated.

[5.2.2](#) The role of the CFO will:

- provide professional, technical advice, so that FRA members can take strategic policy decisions from a well informed and evidence-based position
- implement the strategic decisions that members have taken in an efficient, effective and timely manner
- report progress on implementation of the strategy and the extent to which they are achieving their intended objectives.

[5.2.3](#) The CFO will:

- have the professional knowledge and understanding to ensure that services can be delivered to the most vulnerable within the community they serve.
- be accountable to the Authority and communities for ensuring the delivery of the roles set out in this legislation in a safe, assertive and effective way as set out in the Fire and Rescue Service National Framework.
- be 'operationally independent', which enables the CFO to make financial, staffing, workforce development and resource-based decisions regarding the ongoing operation of the Service. These decisions will be made aligned to the operational decision-making definition set out in Article 4 and Scheme of Delegations and will support the delivery of the Authority approved Strategy.
- be politically independent and therefore it is not the role of the CFO or officers to provide advice on political decisions or align any professional and technical advice to political matters.

5.2.4 This area of responsibility and accountability will be conducted in line with the CFO accountabilities as set out in the Scheme of Delegations (Part 3).

5.2.5 Head of Paid Service

In accordance with the Local Government in Housing Act 1989 (part 1, section 4) local authorities are required to designate one of their officers as the head of paid service. The Chief Fire Officer is the Head of Paid Service for the Authority.

The functions of the head of paid service is to engage appropriately with the Authority as to the discharge of the Authority's functions. Legislation defines this as setting the staffing structure, appointment, and proper management of staff. This area of responsibility and accountability will be conducted in line with the CFO accountabilities as set out in the Scheme of Delegations (part 3) and operational decision-making definitions set out in Article 4.

5.3 Deputy Chief Fire Officer

5.3.1 The Deputy Chief Fire Officer will deputise for the Chief Fire Officer in their absence.

5.4 Assistant Chief Fire Officer(s) (uniformed)

5.4.1 The Authority has designated Assistant Chief Fire Officer(s) as set out in Part 7 of this Constitution.

5.5 Clerk to the Authority

The Authority has appointed a Clerk to [act on behalf of](#) the Authority.

5.5.1 The functions of the Clerk are to:

- Oversee the effective management of the Authority's democratic services
- Advise officers and members of the proper operation of the Authority aligned to this constitution, Committees, and other forums.
- Sign and/ or seal documents (including via a suitably secure e-signature system) on behalf of the Authority.
- To support the monitoring officer in the maintenance of the constitution, maintaining the Statutory Register of Members interests and Register of Gifts and Hospitality.

- Undertaking the development, review and administration of the Members Allowances Scheme, in accordance with the Local Authorities (Members' Allowances) Regulations 2003.

5.6 Monitoring Officer

In accordance with the Local Government and Housing Act 1989 the Authority has appointed a Monitoring Officer.

5.6.1 Functions of the Monitoring Officer: -

- Maintaining an up-to-date version of the constitution and ensuring that it is available for inspection by members, staff and the public.
- Appointment and replacement of members on the Authority under the procedures set out in the Local Government Act 1985.
- Maintaining the Statutory Register of Members' Interests and the Register of Gifts and Hospitality under the Authority's Code of Conduct and advising on members' interests as appropriate.
- Assisting the Authority in meeting its obligations under Freedom of Information and Data Protection legislation as required.
- Ensuring lawfulness and fairness of decision-making - After consulting with the Treasurer and the Chief Fire Officer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in their view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Supporting the Standards Committee and contributing to the promotion and maintenance of high standards and support the Standards Committee in dealing with any allegations of misconduct.
- Conducting investigations into matters referred to him/her into complaints made against members of the Authority and/or (providing no conflict arises) provide or arrange for the provision of legal advice to the Standards Committee.
- Ensuring that the requirements of the Local Government Act 1972, as amended, will be met in relation to the publication of relevant committee reports, background papers and decisions

and that they will be made publicly available (subject to any restrictions on disclosure) as soon as possible.

- Providing advice on the scope of the powers of the Authority and its committees and officers to take decisions and in connection with matters involving maladministration and probity.

5.6.2 The Monitoring Officer cannot be the Chief Finance Officer.

5.7 Treasurer

In accordance with Section 73 of the Local Government Act 1985, the Authority has appointed a Treasurer.

5.7.1 Functions of the Treasurer

- Ensuring lawfulness and financial prudence of financial decision making - After consulting with the Clerk and the Monitoring Officer, the Treasurer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- Administration of financial affairs of the Authority.
- Contributing to corporate management, in particular, through the provision of professional financial advice.
- Providing advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its committees, members and officers and will support and advise members and officers in their respective roles.

5.7.2 Duty to provide sufficient resources to the Monitoring Officer and the Treasurer

The Authority has a duty to provide the Monitoring Officer and the Treasurer with sufficient resources to allow their duties to be performed.

5.8 Conduct

Officers will comply with the [Service's](#) Code of Conduct [policy](#).

5.9 Employment

The recruitment, selection and dismissal of officers will comply with Part 6 of the Authority's Standing Orders regarding Appointment, Dismissal and Disciplinary Action set out in Part 4 of this constitution.

Article 6 - The Authority

6.1 Legal Structure/Delegations

6.1.1 The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law. The Authority has delegated a range of decisions about various matters to committees and officers as set out in this constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in this constitution shall be subject to:-

- (i) statutory or legal requirements;
- (ii) standing orders and financial regulations of the Authority;
- (iii) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

6.1.2 No delegation which may be given by the Authority shall preclude the reference of matters by a committee to the Authority, nor preclude the Authority from exercising any powers so delegated except, where action has already been taken pursuant to a resolution of a committee under its approved terms of reference and delegated Authority.

6.1.3 To manage these responsibilities the role of the Authority as a governing body, aligned to [relevant](#) legislation , is to:

- set a strategic agenda/plan for what the Fire Service priorities and outcomes are – what it should achieve.
- set a budget to fund delivery of that strategic agenda/plan.
- [secure](#) assurance that the budget is being spent wisely on delivering the strategic agenda set by the authority, with ‘public safety’, ‘efficiency’ and ‘effectiveness’ as priorities.

6.2 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

6.2.1 Governance:

- (i) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.
- (ii) Approval and variation of Authority procedural Standing Orders, procurement standing orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.
- (iii) Approval of the Members' Allowances Scheme.
- (iv) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.
- (v) Overview of corporate governance and the regulatory framework [delegated to Audit and Risk Committee].
- (vi) Overview of the progress of governance arrangements in relation to the formation of 'significant' collaborative working and/or, shared service delivery arrangements being implemented by Officers.

*Please see **Explanatory guidance: 2** to define significant collaborations.*

(vii) To ensure compliance in the management and administration, through the Audit and Risk Committee, of the Pensions Board.

6.2.2 Setting the Strategic (agenda) Plan:

Aligned to the Authority's 'governance' decision making definitions, ensure that the Service delivers an effective and efficient fire and rescue response service underpinned by prevention and protection activities through the:

- i. Approval of any Community Risk Management Plan (CRMP) consultation prepared and proposed by the CFO on, at least, a 3-year rolling basis

- ii. Approval of the Community Risk Management Plan (Community Safety Strategy) and the Authority's 3-year Strategy as prepared and proposed by the CFO on at least an annual basis, to enable implementation over years 2 and 3

A 3 rolling year strategy provides a strategic vision over this period where agreement can be reached in year 1 for what can be delivered over years 2 and 3. An understanding of risk through the CRMP is considered against the expectations of the Medium-Term Financial Plan to enable realistic planning.

This approach supports continuous engagement between officers and Authority Members in delivering against the current year objectives through PPF. This then enables the Strategy to be a responsive to change when refreshed on at least a 12-month basis and/or where there are changes in risk.

- iii. Approval of any fundamental changes to the Authority's CRMP and/or 3-year Strategy arising from any significant matters as prepared and proposed by the CFO. [\(Please see explanatory guidance:3 for significant definition\).](#)
- iv. Assurance of the delivery of the 3-year Strategy and budget in meeting the CRMP via the role of the Scrutiny Committee as defined in Article 9 and Audit and Risk Committee as defined in Article 10

The above responsibilities of the Authority provide the Chief Fire Officer, as Head of Paid Service, with the necessary framework in which to independently lead the Service, set its direction and culture and make 'operational' decisions regarding the operation of the Service to deliver the approved Authority Strategy. This is further defined in 'Scheme of Delegations'

The Authority will approve the priorities, to be included in the Plan for the following financial year at the February meeting of the Authority. Following Authority approval, the Chief Fire Officer will, via [their](#) Scheme of Delegations, ensure the appropriate and flexible allocation of [resources](#) to meet the needs of local communities and enable the delivery of The Plan, based on analysis of risk and best use of the resources available to him/her. Through Officer and Member engagement there will be regular awareness built through PPFs of ongoing performance against the Strategy.

6.2.3 Budget setting and land matters

- i. Capital and revenue budget setting including setting the precept and budget monitoring.
- ii. Approval of expenditure that exceeds that included in approved revenue or capital budget.
- iii. Approval of expenditure exceeding £250,000. [except in relation to urgent operational matters, when such expenditure may be approved as a Matter of Urgency or where necessary approved retrospectively.](#)
- iv. Approval of the accounts and the Annual Governance Statement (delegated to the Audit and Risk Committee).
- v. Acquisition and disposal of land and property where not otherwise delegated to the Chief Fire Officer.
- vi. Overview of internal and external audit functions [delegated to Audit and Risk Committee].
- vii. Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-
 - [viii.](#) The procurement process in respect of tenders with value in excess of £250,000
 - [ix.](#) The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract;
- x. Approval of commissioning arrangements in excess of £250,000;
- xi. Virement in excess of £250,000;
- xii. Approval of sponsorship arrangements in excess of £250,000, which support the delivery of the Authority Strategy.
[Please see Explanatory Guidance: 4 for further guidance.](#)
- xiv. Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to Audit and Risk Committee].

6.2.4 Human Resources

- i. Approval of the staffing structure and pay and conditions of service for principal and statutory officers.
- ii. Appointment of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officers [delegated to Appointment, Standards and Appeals Committee] in line with the processes set out within Part 6 of the Standing Orders.
- iii. The appointment of the Clerk, Monitoring Officer and Treasurer in line with the processes set out within Part 6 of the Standing Orders.
- iv. Discipline and dismissal of the Chief Fire Officer, Clerk, Monitoring Officer and Treasurer in line with the processes set out within Part 6 of the Standing Orders.
- v. to hear and decide upon appeals by the Deputy Chief Fire Officer, and Assistant Chief Fire Officer against dismissal or other disciplinary action [Appointments, Standards and Appeals Committee] in line with the processes set out within Part 6 of the Standing Orders.
- vi. [To decide upon any proposed Special Severance Payments over £100,000, in line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England*. In accordance with that statutory guidance, any such decision to be made in consultation with the S151 Officer \(Treasurer\) and Monitoring Officer.](#)
- vii. Deciding appeals under the firefighter pension schemes and the local government superannuation regulations [Appointments, Standards and Appeals Committee].

6.2.5 Generally

Any other matters which must by law be reserved to the Authority.

(a) Authority Meetings

There are three types of Authority meeting:-

- (i) The annual meeting
- (ii) Ordinary meetings

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- (ii) Extraordinary meetings - These meetings will be conducted in accordance with the Authority's Standing Orders set out in Part 4 of this constitution

(b) Quorum

Seven Members who are eligible to vote shall form the quorum of the Authority. No business shall be transacted at any meeting of the Authority unless a quorum is present.

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Article 8 – Collaboration and Transformation Committee

8.1 The Authority has established a Collaboration and Transformation Committee of seven members, with a quorum of three members who are eligible to vote.

8.2 Role and Functions:-

- To support the Fire Authority's role and responsibility with regards to:

The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority' Strategy, The Plan.

- To review the strengths, weaknesses and opportunities of strategic collaboration work between the service and regional partners.
- To receive updates on digital innovations and strategic collaborations with other organisations.

8.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Collaboration and Transformation Committee.

8.4 To submit its minutes to the Authority.

Article 9 - Scrutiny Committee

9.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

9.2 Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and CFO as set out in articles 4 and 5 of this constitution, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety' aligned to the following definitions:

Pre scrutiny enables changes proposed to strategic policy decisions to be scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward plan' for approval). Pre scrutiny can:

- i) Inform policy development and/or
- ii) Hold the Authority to account

Post scrutiny enables the Fire Authority to seek assurance around operational decisions already made by the CFO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:

- i) Scrutinise performance of specific issues and/or
- ii) Hold officers to account

9.3 Role and Functions: -

- To carry out scrutiny reviews selected by the Committee, with appropriate consideration of committee and officer capacity and cost. Such reviews will be member-led, and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.
- To track and monitor the implementation of review recommendations that are accepted by the Authority.

- To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.
- To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.
- To receive and scrutinise performance information including progress against the Community Risk Management Plan and 'The Plan', the objectives and priorities and corporate performance indicators and review performance targets.
- To review and scrutinise strategic performance information of the Shared Fire Control on a bi-annual basis.
- To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.
- To monitor and scrutinise as appropriate the Authority's HR policies.
- To monitor and scrutinise sickness levels, promotion policies and employee exit information.
- To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.
- To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.
- To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.
- To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.
- To submit its minutes and an Annual Report to the Authority.

9.4 In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

9.5 The Committee will sit in public with minimum exceptions.

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9.6 In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

9.7 Three Members who are eligible to vote shall form the quorum of the Committee. No business shall be transacted at any meeting of the Authority unless a quorum is present.

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Article 10 – Audit and Risk Committee

- 10.1 The Authority has established an Audit and Risk Committee comprising five members, selected in accordance with current proportionality requirements with a quorum of [three](#) members.
- 10.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee:
- 10.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and overseeing the Authority's financial reporting process.
- 10.2.2 The appointment is reviewed on a three-year basis.
- 10.3 Role and Functions: -

Statement of purpose

Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

External Audit

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the Authority's auditor panel as appropriate.

Financial Reporting

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose [and provide an annual report on the work of the Committee and submit its minutes to the Authority.](#)

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme.

Pensions Board

The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Audit and Risk Committee.

Article 11 – Appointments, Standards and Appeals Committee

11.1 The Authority has established an Appointments, Standards and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Appointments, Standards and Appeals Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers.

11.2 The Appointments, Standards and Appeals Committee comprises seven members and at least one independent person in accordance with current proportionality requirements and to represent each of the seven constituent authorities, with a quorum of [three](#) Members.

11.3 Standards Role and Functions: -

- To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.
- [To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct and Code of Ethics for Members and Co-opted Members.](#)
- [To support Authority to deliver against its responsibilities within Fire Standards as published by the Fire Standards Board.](#)
- To advise the Authority on the adoption or revision of a Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- To monitor the operation of the Authority's Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct [and Code of Ethics](#) for Members and Co-opted Members.
- [To assist members and co-opted members of the authority to participate in the Member Development Strategy.](#)
- [To determine, monitor and revise the Member Development Strategy.](#)

- To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.
- To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).
- To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

11.4 Appointments Role and Functions: -

- To make the appointments of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer(s).
- To make an appointment to act up to the post of Chief Fire Officer.
- Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the [Prospect Fire Leaders Association \(FLA\)](#) guidance and authority standing orders:
 - To consider any appeal arising by way of a review of the previous decision
- To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.
- To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the Chief Fire Officer, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with [FLA](#) guidance and Authority Standing orders
- Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

11.5 Appeals Role and Functions: -

To hear and decide upon: -

- Appeals under the Firefighters Pensions Schemes, and the Firefighters Compensation Scheme.
- Appeals under the Local Government Superannuation Regulations.
- An appellant may attend a meeting of the appeals panel where their appeal is being heard.
- To exercise any functions which the Authority may consider appropriate from time to time.
- To meet at least annually and as and when appropriate.
- To submit an Annual Report to the Authority if significant activities are conducted in relation to its role.

Article 14 – Finance, Contracts and Legal Matters

14.1 Financial Management

14.1.1 The management of the Authority's financial affairs will be conducted in accordance with Financial Regulations set out in Part 4 of this constitution.

14.2 Contracts

14.2.1 Contracts made by the Authority will comply with the Procurement Procedures set out in Part 4 of this constitution.

14.3 Legal Proceedings

14.3.1 The Monitoring Officer, are authorised to institute, defend or [settle](#) any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where he/she considers that such action is necessary to protect the Authority's interests.

14.4 Authentication of Documents

14.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk to the Authority, following advice where required from the Monitoring Officer or a nominated deputy. The Procurement Procedures and associated standing orders of the Authority in relation to contracts, set out in Part 4 of this constitution, make further provision in relation to formal processes involving the award of contracts.