

## Appendix 1

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Proposed Constitutional Changes		
Section	Proposed change(s)	Rationale (if applicable)
Contents page	<b>Administrative changes:</b> <ol style="list-style-type: none"> <li>1 title page removed.</li> <li>Page numbers inserted</li> <li>Delegations to Officers changed to Scheme of delegations and broken down into sections</li> <li>Standings orders – broken down into sections</li> <li>Officer related policies removed</li> <li>Part 7 'Management' removed.</li> <li>Part 8 (now 7 due to removal of Management section) – titles of documents added</li> </ol>	
Preface - REMOVED	<b>Content removed:</b> <ol style="list-style-type: none"> <li>'Governance of the Authority'</li> <li>'Legislative context'</li> <li>'The Authority's Constitution'</li> </ol> <b>Content moved:</b> <ol style="list-style-type: none"> <li>Introduction moved to Summary and Explanation section</li> <li>Your chance to comment – moved to Article 1 – The Constitution</li> </ol>	
Summary and Explanation	<b>Content added:</b> <ol style="list-style-type: none"> <li>Introduction from Preface</li> </ol> <b>Content removed:</b> <ol style="list-style-type: none"> <li>'What is in the constitution' section</li> <li>'How the Authority operates: Para 2: <i>'The Appointments, Standards and Appeals Committee trains and advises members on the Code of Conduct.'</i></li> <li>'How the Authority operates: Para 3: ' All members meet together as the Fire and Rescue Authority. Meetings of the Authority are normally open to the public.</li> </ol>	

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	<p>Members decide the Authority's overall policies and set the budget each year. At the annual meeting they make appointments to the various committees.</p> <p>4. Legislative context</p> <p>5. 'How decisions are made' para 2: The Authority aims to ensure decision making is efficient, transparent and accountable and in accordance with the following principles:-</p> <ul style="list-style-type: none"><li>○ the action taken is proportionate to the desired outcome;</li><li>○ decisions are taken on the basis of due consultation and professional advice from officers;</li><li>○ decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer(s);</li><li>○ respect for human rights;</li><li>○ a presumption in favour of openness;</li><li>○ Reports will only be considered in private where they contain confidential or exempt information as defined under specific legislative provisions (see Part 4 Access to Information Rules – Rules10 and 11)</li></ul> <p>;The written reports submitted to elected members will contain a clear recommendation for every decision they are asked to take.</p> <p><b>Content changed:</b></p> <p>1. The Authorities constitution para 2 – reworded to: This Constitution and all its appendices comprises the Constitution of the West Midlands Fire and Rescue Authority. The Authority will exercise its functions, powers, duties and responsibilities in accordance with this Constitution, within the law, fairly equitably, openly and transparently and, in the best interests of the community of West Midlands as a whole.</p>	
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Part 2: Articles of the Constitution		
Article 1 – The Constitution	<p><b>Content added:</b></p> <ol style="list-style-type: none"> <li>1. Your chance to comment (from preface)</li> <li>2. Article 15: Review and Revision of the Constitution added</li> <li>3. Article 16: Suspension, Interpretation and Publication of the Constitution added.</li> </ol> <p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. ‘Discharge of Functions’</li> <li>2. Legislative context</li> <li>3. 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.</li> </ol> <p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. “The Constitution is available for public inspection at the offices of the Clerk to the Authority and the Monitoring Officer.” Changed to: “The Constitution is available for public inspection at WMFS Headquarters, (address). Removal of the word ‘printed’.</li> </ol>	
Article 2 – Composition of Members	<p><b>Content added:</b></p> <ol style="list-style-type: none"> <li>1. Vii – more focus given on engagement with training.</li> <li>2. 2.6.2 – Monitoring Officer included.</li> <li>3. FLA added to special observer status</li> <li>4. Clarity added on PCC – Voting Member</li> <li>5. Annual reports for those committee applicable (public)</li> </ol> <p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. Timeframe of the AGM removed from: Role of the Chair of Committees ‘To provide an annual report covering the performance of the Committee (if applicable).’</li> </ol>	

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	<p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. diagrams inserted where appropriate/wording removed (e.g. role of members/composition).</li> <li>2. Composition reworded to 7 Constituent Councils</li> <li>3. Paragraphs moved around within section.</li> <li>4. Role of Co-opted, 2.4 - point 3 – specified the Committees/Sub-Committees they are appointed to.</li> </ol>	
Article 3 - Citizens	<p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. 3.1.2 – (ii) – example removed/added to guidance document.</li> </ol> <p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. Legislations to be updated.</li> </ol>	
Article 4 – Decision Making	<p><b>Content added:</b></p> <ol style="list-style-type: none"> <li>1. Matters of Urgency Decisions – to be determined.</li> </ol> <p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. Definitions removed</li> </ol> <p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. Duplications removed on the recommendations to note/approve reports and merged in this section.</li> <li>2. Operational decision merged.</li> <li>3. Operation decisions – bullet point 3 – removal changed to reduction</li> </ol>	
Article 5 – Role and Functions of Officers	<p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. SET Terms of Reference removed.</li> <li>2. Job titles/specific names removed.</li> <li>3. Strategic Enablers reference removed.</li> <li>4. Officer policy's removed</li> <li>5. Clerk legislation removed (5.5)</li> </ol>	

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	<p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. Diagrams added/wording removed for the roles.</li> <li>2. Head of Paid service paragraphs merged with Chief Fire Officer responsibilities/ 3<sup>rd</sup> paragraph removed.</li> <li>3. 5.3.1 – changed to ‘The Deputy Chief Fire Officer will deputise for the Chief Fire Officer in their absence’.</li> <li>4. 5.5 – Local Government Act removed and reworded to: The Authority has appointed a Clerk to act on behalf of the Authority.</li> <li>5. Detail added to clarify that a secure e-signature platform can be used</li> <li>6. Clerk responsibilities – added DOI Forms</li> </ol>	
Article 6 – The Authority	<p><b>Content added:</b></p> <ol style="list-style-type: none"> <li>1. Quorum inserted</li> <li>2. ‘Except in relation to urgent operational matters, when such expenditure may be approved as a Matter of Urgency’ added to relevant section</li> <li>3. Explanatory notes added to guidance</li> <li>4. Severance payments text added to align with Home Office policy.</li> </ol> <p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. Explanatory notes moved to guidance doc.</li> <li>2. Authority responsibility for approval of Property Asset Management Plan</li> </ol>	<ol style="list-style-type: none"> <li>1. The plan itself is approved by SET but also already included within authority approved budget.</li> </ol>
Article 7 – PPF	<p><b>Content removed:</b></p> <ol style="list-style-type: none"> <li>1. Removal of internal meetings from the constitution</li> </ol> <p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. Name to change to Members Engagement Forum</li> </ol>	

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Article 8 - C&T	<b>Content added:</b> <ol style="list-style-type: none"> <li>1. Quorum added</li> </ol>	
Article 9 – Scrutiny Committee	<b>Content added:</b> <ol style="list-style-type: none"> <li>1. Quorum inserted.</li> </ol>	Additional proposed changes included in the Annual Scrutiny Report on the agenda for FRA approval.
Article 10 – Audit and Risk Committee	<b>Content changed:</b> <ol style="list-style-type: none"> <li>1. Reference to Grant Thornton removed.</li> <li>2. text updated: 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 to publish an Annual Report on the work of the Committee and submit its minutes to the Authority.</li> <li>3. Quorum inserted.</li> </ol>	
Article 11 – Appointment, Standards and Appeals	<ol style="list-style-type: none"> <li>1. Member Development Strategy/Core Code of Ethics included.</li> <li>2. Terms updated.</li> <li>3. Submit an annual report when significant activities have been undertaken by the committee.</li> </ol>	
Article 12 – Joint Consultative Panel	<b>Content changed:</b> <ol style="list-style-type: none"> <li>1. Formatting /removal of subheadings</li> <li>2. Specified elected members retire annually</li> <li>3. Annual report requirement removed</li> </ol> <b>Content removed:</b> <ol style="list-style-type: none"> <li>1. Removal of internal meetings from the constitution</li> </ol>	
Article 14 – Joint Arrangements	Article removed.	

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and Partnerships - Removed	<b>Content removed:</b> <ol style="list-style-type: none"> <li>1. Joint arrangements</li> <li>2. Cross-Border Collaboration</li> <li>3. Partnership working</li> </ol>	
Article 15 – Finance, Contracts and Legal Matters	<ol style="list-style-type: none"> <li>1. 14.3.1 – removal of reference to clerk.</li> <li>2. Participate changed to settle.</li> </ol>	
Article 16 – Review and Revision of the Constitution	Merged with Article 1 – The Constitution	
Article 17 – Suspension, Interpretation and Publication of the Constitution	Merged with Article 1 – The Constitution	
<b>Part 3: Scheme of Delegations (previous reference: Delegations to Officers)</b>		
Part 3	<b>Content added:</b> <ol style="list-style-type: none"> <li>1. Section headers to break down the list of delegations</li> <li>2. Severance payments wording added</li> </ol> <b>Content removed:</b> <ol style="list-style-type: none"> <li>1. Explanatory notes removed and added to the Explanatory notes guidance document.</li> <li>2. Repetitious sections throughout the CFO delegations deleted</li> </ol> <b>Content changed:</b> <ol style="list-style-type: none"> <li>1. 1.1 – text added especially where it may be of particular political, media or public interest.</li> <li>2. Some delegations amalgamated to remove repetition.</li> <li>3. 1.5 changed from actions to decisions</li> </ol>	Removal of duplicated areas within the Scheme of Delegations and where replicated in Standing Orders or Articles. Simplifies overall scheme.

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	<ol style="list-style-type: none"> <li>4. Delegation from MO to maintain register of Interests moved under Clerk</li> <li>5. 5.2 – Text added to allow use of suitably secure electronic signature system when signing contracts or affixing the seal.</li> <li>6. Head of Finance delegation moved under Treasurer</li> </ol>	
<b>Part 4 – Procedure Rules</b>		
Part 4	<p><b>Administrative changes:</b></p> <ol style="list-style-type: none"> <li>1. Removal of out of date and incorrect terminology</li> <li>2. Clarity given on non-public/public meetings.</li> </ol> <p><b>Content changed:</b></p> <ol style="list-style-type: none"> <li>1. Quorum of the Committees/The Authority, points 2 &amp; 3 changes to clarify the meeting would be adjourned and then postponed if the quorum is not met after 15 minutes.</li> <li>2. Part 2 – arrangement of meetings reworded to align with Committees.</li> <li>3. Part 3 – committees – (1) removed – covered in article 6</li> <li>4. Part 3 – committees (16) - order of business removed/in line with FRA (where applicable)</li> <li>5. Access to minutes – 10 days published on CMIS removed.</li> <li>6. Exclusion paragraphs removed / report requirement of ‘not for publication’</li> <li>7. Point 16 – order of business removed ‘inline with that of the Authority (if applicable)’.</li> <li>8. 17(a) ‘reworded to: ‘only to’.</li> <li>9. 24(1) – reworded for clarity following change in substitutes.</li> <li>10. 34 (2) – definitions added to explanatory note guidance</li> <li>11. Part 6 – MO/Clerk clearer separation of roles</li> <li>12. Part 6 – clerk appointment – legal reference removed</li> <li>13. 30(1) – clerk /MO</li> <li>14. Part 6 – independent person added/updated for up-to-date terminology</li> <li>15. Part 7 (1) MO added</li> <li>16. Petitions wording updated for clarity</li> <li>17. 31 (1 – a) ‘Elected’ added for clarity</li> </ol>	

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	<b>Financial regulations –</b> <ul style="list-style-type: none"> <li>• (2.75) wording updated.</li> <li>• (4.64) reworded to add that secure e-signature systems can be used</li> </ul>	
<b>Part 5 – Codes of Conduct and Protocols</b>		
Part 5	Content changed: 1. All linked.  Content removed: 1. Officer related policies	To ensure the most up to date version is accessible.
<b>Part 6 – Members Allowances Scheme</b>		
Part 6	<b>Content removed:</b> 1. Appendix 1 – link inserted to ‘Public Documents’ on CMIS	To ensure the most up to date version is accessible.
<b>Part 7 – Management - Removed</b>		
Part 7	<b>Content removed:</b> 1. Management and Service Delivery article 2. Brigade Standing Orders article	
<b>Part 8 (Now 7 due to removal of Management) - Complaints and Procedures</b>		
Part 8 (now 7 due to removal of management)	<b>Content changed:</b> 1. Code of Conduct for Members – Linked to CMIS ‘Public Documents’ and moved to part 5 2. Whistleblowing report – linked to CMIS ‘Public Documents’ 3. Customer Care Standards - linked to CMIS ‘Public Documents’ 4. Anti-Fraud - linked to CMIS ‘Public Documents’  <b>Content removed:</b> 1. Terms of reference for Assessment Sub-Committee and Review Sub-Committee	To ensure the most up to date version is accessible.

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