

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27 JUNE 2021

1. GOVERNANCE OF THE AUTHORITY 2022/2023

Report of the Clerk and Monitoring Officer.

RECOMMENDED

- 1.1 THAT the Authority approve the amendments proposed to the Constitution as set out in this report and in particular Appendix 1.
- 1.2 THAT the calendar of meetings for 2022-2023 as set out in Appendix 2 be approved.
- 1.3 THAT the Members' Allowances Scheme for 2022-2023 as set out in Appendix 3, be approved.
- 1.4 THAT the Clerk be authorised to make and publish any necessary consequential amendments to constitutional documents in the light of decisions made regarding governance arrangements for 2022-2023 in consultation with the Chair, Vice Chair and CFO.

2. PURPOSE OF REPORT

- 2.1 This report is submitted for the Authority to determine its governance arrangements for 2022/23.

3. BACKGROUND

Governance arrangements during the COVID pandemic

- 3.1 In response to the major incident which was instigated in the West Midlands on the 19 March 2020 due to the COVID pandemic, the CFO and Strategic Enabling Team formed as the Business Continuity Management Team (BCMT). This was to enable a clear focus on responding to the pandemic, ensuring the safety of staff and the most effective delivery of services to communities, whilst also ensuring their safety in the delivery of services.

- 3.2 This impacted on the Authority’s “business as usual”, with full authority meetings initially paused until October 2020, returning as digital-only meetings from that point, before moving to a hybrid digital and in-person approach from June 2021.
- 3.3 Other committees also returned to hybrid meetings from June 2021.
- 3.4 Joint Consultative Panel and Policy Planning Forum continued as fully digital meetings throughout.
- 3.5 Scrutiny Committee was paused for a longer period, returning as hybrid meetings from November 2021.
- 3.6 The BCMT arrangements came to an end in April 2022, as WMFRA moved to “Living with COVID”, although arrangements remain under review.
- 3.7 It is anticipated that there will be a full schedule of meetings in 2022/23 as outlined in points 3.7 and 3.8

Constitution review

- 3.8 Following a review of the Authority’s Constitution and CFO delegations in May 2022, further refinements are now proposed as outlined in Table 1 below. A more detailed table of changes is included in Appendix 1. Most changes are concerned with reducing repetition and making the Constitution easier to interpret and use.

Table 1 – Summary of Constitution Changes

PART 1
Preface and Summary/Introduction
<ul style="list-style-type: none"> • Preface removed and merged into Summary/Introduction • Bullets on “How decisions are made” removed as duplicated in Article 4 • Legislative Context section removed as unnecessary and better covered elsewhere
PART 2 – Articles
Article 1 – The Constitution
<ul style="list-style-type: none"> • Discharge of functions section removed as unnecessary • Article 15 and 16 merged into this section.

Article 2 – Composition of Members
<ul style="list-style-type: none"> • Diagrams inserted to better explain role of members and composition • Chair responsibility to Chair the Appointments Committee removed • All Chairs of Committees now expected to provide an annual report covering performance of the Committee to the Fire Authority • Increased emphasis on engagement by members with training
Article 4 – Decision Making
<ul style="list-style-type: none"> • Matters of Urgency process clarified and inserted here, removed from the rest of the document • Removal of paragraphs relating to CRMP and the Plan which are repeated in Article 6
Article 5 – Role and Functions of Officers
<ul style="list-style-type: none"> • SET Terms of Reference Removed • Merged - Head of Paid Service and CFO sections
Article 6 – The Authority
<ul style="list-style-type: none"> • Intro text removed • Quorum added • Explanatory notes moved to a separate explanatory notes document • Remove reference to operational independence of CFO as covered within Scheme of Delegations • Detail relating to appointment of senior officers moved to single location within ASA Terms of Reference and Standing Orders. Explanatory notes moved to separate document. • Representative Body observer status (as described within MOU) to be added
Article 10 – Audit and Risk Committee
<ul style="list-style-type: none"> • Moving Pension Board to its own Article with full Terms of Reference
Article 11 – Appointments, Standards and Appeals Committee
<ul style="list-style-type: none"> • Intro amendments for greater clarity • Clarification over investigation and decisions process via Monitoring Officer and updated Sub Committee Terms of Reference • Inserted text on minor amends to approach to ACFO and DCFO appointment process
Article 13 – Join Arrangements and Partnerships
<ul style="list-style-type: none"> • Propose removal of this section
PART 3
Scheme of Delegations
<ul style="list-style-type: none"> • Removal of Authority Reserved Matters (as repeats Article 6)

<ul style="list-style-type: none"> • Removal of various repeated delegations/topics • Explanatory notes moved to sperate document
PART 4
Standing Orders
<ul style="list-style-type: none"> • Exemption of all non-public meetings • Clarification around quoracy of meetings – adjournment and postponement • Changes to Appointment and Discipline of Staff Standing Order to account for minor changes to ACFO and DCFO appointment process, and to ensure process is described in one place within the Constitution (see above)
Member Allowance Scheme
<ul style="list-style-type: none"> • Updated text for 2022 and clarified process for increases in Allowances • Link to live Schedule of Allowances for the given year rather than requiring annual update to Constitution
Protocol for Member/Employee Relations
<ul style="list-style-type: none"> • Removed and link to live document provided instead
Service Staff Code of Conduct
<ul style="list-style-type: none"> • Removed and link to live document provided instead
Overall
<ul style="list-style-type: none"> • Corrections, formatting, improvements to style and readability of document

Programme of Meetings

3.9 As a consequence of COVID-19 arrangements Authority meetings in 2021/22 were undertaken either via a fully digital or digital/in-person hybrid approach to facilitate social distancing and reduce risk of spread. In 2022/23, it is proposed that most meetings will return to a fully in-person format, with the exception of Policy Planning Forums, JCP and Pensions Board. Exceptions will continue to be made on medical grounds.

3.10 A proposed programme of meetings for 2022/2023 is attached for approval as Appendix 2.

Members' Allowances Scheme

3.11 In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

- 3.12 The current members allowance scheme does not allow for indexing beyond 1 April 2011, and it is proposed under the Constitutional amendments outlined in Table 1 above that referencing to such indexing is removed given that it is now significantly out of date. Instead, decisions on member allowances will be made by the Authority directly.
- 3.13 The member allowance scheme was last reviewed by an Independent Review Panel and a report presented to the Authority in November 2018. Despite the outcomes of the review the Authority agreed to maintain its current members' allowance scheme for 2019/20 and 2021/22. This scheme continues for 2022/23.
- 3.14 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.
- 3.15 The members' allowances scheme is attached for approval as Appendix 3.
- 3.16 The governance structure is unchanged.

Member Role Descriptions

- 3.17 The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. There have been no changes to role descriptions within the Constitution for 2022/23.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. LEGAL IMPLICATIONS

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act 1972,

Local Government Act 1985 and the Local Government and Housing Act 1989.

6. **FINANCIAL IMPLICATIONS**

Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision-making structures and the payment of Members' Allowances.

7. **ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

None.

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Karen Gowreesunker
CLERK to the Authority

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Monitoring Officer

APPENDIX 1**DETAIL OF CONSTITUTION CHANGES**

Proposed Constitutional Changes		
Section	Proposed change(s)	Rationale (if applicable)
Contents page	Administrative changes: <ol style="list-style-type: none"> 1 title page removed. Page numbers inserted Article 13 Pension Board Terms of Reference - added Delegations to Officers changed to Scheme of delegations and broken down into sections Standings orders – broken down into sections Part 7 'Management' removed. Articles (financial regulations/Procurement Procedures) moved under part 4 procedural rules Part 8 (now 7 due to removal of Management section) – titles of documents added 	Easier to manoeuvre through the Constitution.
Preface - REMOVED	Content removed: <ol style="list-style-type: none"> 1. 'Governance of the Authority' 2. 'Legislative context' 3. 'The Authority's Constitution' Content moved: <ol style="list-style-type: none"> 1. Introduction moved to Summary and Explanation section 2. Your chance to comment – moved to Article 1 – The Constitution 	Removal of duplications.
Summary and Explanation	Content added: <ol style="list-style-type: none"> 1. Introduction from Preface Content removed: <ol style="list-style-type: none"> 1. 'What is in the constitution' section 2. 'How the Authority operates: Para 2: <i>'The Appointments, Standards and Appeals Committee trains and advises members on the Code of Conduct.'</i> 3. '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. Members decide the Authority's overall policies and set the budget each 	Removal of duplications.

	<p>year. At the annual meeting they make appointments to the various committees.</p> <p>4. '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"> • the action taken is proportionate to the desired outcome; • decisions are taken on the basis of due consultation and professional advice from officers; • decisions taken by elected members will be based on 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 confidential or exempt information as defined under specific legislative provisions (see Part 4 Access to Information Rules – Rules 10 and 11) • ;The written reports submitted to elected members will contain a clear recommendation for every decision they are asked to take. <p>Content changed:</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>	
Part 2: Articles of the Constitution		
Article 1 – The Constitution	<p>Content added:</p> <ol style="list-style-type: none"> 1. Your chance to comment (from preface) 2. Article 15: Review and Revision of the Constitution added 	<p>Content removed:</p> <ol style="list-style-type: none"> 1. Unneeded 2. Legislative context is not comprehensive and better covered on live web pages as will constantly be rendered

	<p>3. Article 16: Suspension, Interpretation and Publication of the Constitution added.</p> <p>Content removed:</p> <ol style="list-style-type: none"> 1. 'Discharge of Functions' 2. Legislative context <p>Content changed:</p> <ol style="list-style-type: none"> 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)." 	out of date by changing legislative environment.
Article 2 – Composition of Members	<p>Content added:</p> <ol style="list-style-type: none"> 1. Vii – more focus given on engagement with training. 2. 2.7 – Monitoring Officer included. <p>Content removed:</p> <ol style="list-style-type: none"> 1. Chairs responsibility to Chair the Appointments Committee 2. Timeframe of the AGM removed from: Role of the Chair of Committees 'To provide an annual report covering the performance of the Committee.' <p>Content changed:</p> <ol style="list-style-type: none"> 1. diagrams inserted where appropriate/wording removed (e.g. role of members/composition). 2. Paragraphs moved around within section. 3. Role of Co-opted, 2.4 - point 3 – specified the Committees/Sub-Committees they are appointed to. 	<p>Content Removed:</p> <ol style="list-style-type: none"> 1. To align with TOR of Appointment, Standards and Appeals TOR/Appointments to Committees. 2. Provides greater flexibility with the submission of annual reports.
Article 3 - Citizens	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Specified public meetings throughout. 2. 3.1.1 – clarity on the Chair of the Committee in question added. <p>Content removed:</p> <ol style="list-style-type: none"> 1. 3.1.2 – (ii) – example removed. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Legislation updated. 	

Article 4 – Decision Making	<p>Content added:</p> <ol style="list-style-type: none"> 1. More comprehensive approach to Matters of Urgency Decisions, including necessary reporting and notification. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Duplications removed on the recommendations to note/approve reports and merged in this section. 	<p>Content added:</p> <ol style="list-style-type: none"> 1. In line with good practice
Article 5 – Role and Functions of Officers	<p>Content removed:</p> <ol style="list-style-type: none"> 1. SET Terms of Reference removed. 2. Job titles/specific names removed. <p>Content changed:</p> <ol style="list-style-type: none"> 1. Diagrams added/wording removed for the roles. 2. Head of Paid service paragraphs merged with Chief Fire Officer responsibilities. 	
Article 6 – The Authority	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Quorum inserted <p>Content removed:</p> <ol style="list-style-type: none"> 1. Introduction text removed 2. Explanatory notes (added to Explanatory Note Guidance Document). <p>Content changed:</p> <ol style="list-style-type: none"> 1. Minor changes to explanatory notes on appointment process to reflect clearer role of CFO in interview and recommendation of suitable candidates (these notes also moved to Standing Orders) 2. Human resources (iii) reworded slightly to reflect minor changes to appointment process. 	<p>Content removed:</p> <ol style="list-style-type: none"> 1. Duplicated in summary. <p>Content changed:</p> <ol style="list-style-type: none"> 2. Necessary to align with other changes proposed for appointment process.
Article 7 – PPF	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Removed – To submit its notes to the Authority. 2. Rep Bodies membership added. 	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. Internal meeting. 2. Following MOU decision.
Article 8	<p>Administrative changes:</p> <ol style="list-style-type: none"> 1. 8.3 - updated to Collaboration and Transformation Committee 2. 8.4 - updated to 'to submit its minutes to the authority, following Committee approval'. 	

Article 9 – Scrutiny Committee	Administrative changes: <ol style="list-style-type: none"> updated to ‘to submit its minutes to the authority, following Committee approval’ Quorum inserted. Content added: <ol style="list-style-type: none"> Additional wording regarding skills and ability 	Content added: <ol style="list-style-type: none"> Added to place greater emphasis on skills requirements
Article 10 – Audit and Risk Committee	Administrative changes: <ol style="list-style-type: none"> Reference to Grant Thornton removed. 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, following Committee approval.” Content removed: <ol style="list-style-type: none"> ‘Pension Board’ section removed. 	Content removed: <ol style="list-style-type: none"> Pension board Terms of Reference added to the Constitution.
Article 11 – Appointment, Standards and Appeals	Content added: <ol style="list-style-type: none"> Process/appointment of DCFO/ACFO (from Article 6) added/updated. Content removed: <ol style="list-style-type: none"> Reference to two different approaches 	Content added: <ol style="list-style-type: none"> Required to align with proposed changes to appointment process
Article 12 – Joint Consultative Panel	No changes.	
Article 13 – Pension Board	Pension Board Terms of Reference added.	Ensures consistency and that ToR are all within Constitution
Article 14 – Joint Arrangements and Partnerships - Removed	Content moved: <ul style="list-style-type: none"> General power of competence moved to article 1 Content removed: <ol style="list-style-type: none"> Joint arrangements Cross-Border Collaboration Partnership working 	Content removed: <p>All repeated elsewhere or not necessary.</p>
Article 15 – Finance, Contracts and Legal Matters	No changes.	
Article 16 – Review and	Merged with Article 1 – The Constitution	Brevity

Revision of the Constitution		
Article 17 – Suspension, Interpretation and Publication of the Constitution	Merged with Article 1 – The Constitution	Brevity
Part 3: Scheme of Delegations (previous reference: Delegations to Officers)		
Part 3	Content removed: <ol style="list-style-type: none"> 1. Explanatory notes removed and added to the Explanatory notes guidance document. 	
Part 4 – Procedure Rules		
Part 4	Administrative changes: <ol style="list-style-type: none"> 1. Removal of out of date and incorrect terminology. 2. Clarity given on non-public/public meetings. Content changed: <ol style="list-style-type: none"> 1. Standing orders broken down into sections 2. Quorum of the Committees/The Authority, points 2 & 3 changes to clarify the meeting would be adjourned and then postponed if the quorum is not met after 15 minutes. 3. Appointment and Discipline of Staff changed to reflect slight change to process of appointment of ACFO and DCFO to reflect CFO role in interview and recommendation to Appointments Committee. Appointment process for CFO remains unchanged. 	Content changed: <ol style="list-style-type: none"> 1. For ease of reference 2. Ensures consistent approach to inquorate meeting 3. Allows CFO to only bring forward candidates that are suitably qualified in terms of operational and technical requirements and make recommendations based on that process.
Part 5 – Codes of Conduct and Protocols		
Part 5	Linked to live documents.	
Part 6 – Members’ Allowances Scheme		
Part 6	Content removed: <ol style="list-style-type: none"> 1. Appendix 1 – table of schemes removed and link inserted to ‘Public Documents’ on CMIS 	Content removed: <ol style="list-style-type: none"> 1. To ensure access to the most up to date scheme of allowances.
Part 7 – Management		
Part 7	Content removed: <ol style="list-style-type: none"> 1. Management and Service Delivery article 2. Brigade Standing Orders article 	Unnecessary, covered elsewhere outside of the Constitution

Part 8 (Now 7 due to removal of Management) - Complaints and Procedures		
Part 8 (now 7 due to removal of management)	<p>Content changed:</p> <ol style="list-style-type: none"> 1. Code of Conduct for Members – Linked to CMIS ‘Public Documents’ 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’ <p>Content removed:</p> <ol style="list-style-type: none"> 1. Terms of reference for Assessment Sub-Committee and Review Sub-Committee 	<p>Content changed:</p> <p>In all cases ensures that the documents are “live” and can be updated without requiring changes to the constitution.</p> <p>Content removed:</p> <p>No longer used.</p>

Appendix 2**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**
CALENDAR OF MEETINGS 2022-2023

MEETING	DATE	TIME	LOCATION
2022			
JULY			
Scrutiny Committee	Monday, 18 July	10:30am	Mosedale Suite, WMFS HQ
Audit and Risk Committee	Monday, 18 July	14:00pm	Mosedale Suite, WMFS HQ
SEPTEMBER			
Collaboration and Transformation	Monday, 5 September	10:30am	Mosedale Suite, WMFS HQ
Appointments, Standards and Appeals Committee	Monday, 5 September	14:00pm	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 12 September	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 12 September	14:00pm	Virtual, Microsoft Teams
Pension Board	Tuesday, 20 September	14:00pm	TBC
Chairs Agenda Meeting	Monday, 26 September	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 26 September	12:00am	Mosedale Suite, WMFS HQ
OCTOBER			
Fire Authority [Political Groups – 10am]	Monday, 10 October	11:00am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 24 October	11:00am	Virtual, Microsoft Teams
NOVEMBER			
Scrutiny Committee	Monday, 7 November	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 21 November	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 21 November	14:00pm	Virtual, Microsoft Teams
Chairs Agenda Meeting	Monday, 28 November	10:30am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 28 November	14:00pm	Mosedale Suite, WMFS HQ
DECEMBER			
Pension Board	Thursday, 8 December	14:00pm	TBC
Fire Authority [Political Groups – 10am]	Monday, 12 December	11:00am	Mosedale Suite, WMFS HQ
Collaboration and Transformation	Monday, 12 December	14:00pm	Mosedale Suite, WMFS HQ

OFFICIAL

2023			
JANUARY			
Scrutiny Committee	Monday, 23 January	10:30am	Mosedale Suite, WMFS HQ
Chair Agenda Meeting	Monday, 30 January	10:30am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 30 January	12:00am	Virtual, Microsoft Teams
FEBRUARY			
Joint Consultative Panel	Monday, 6 February	14:00pm	Virtual, Microsoft Teams
Fire Authority [Budget/Precept] [Political Groups – 10am]	Monday, 13 February	11:00am	Mosedale Suite, WMFS HQ
Collaboration and Transformation	Monday, 27 February	10:30am	Mosedale Suite, WMFS HQ
MARCH			
Policy Planning Forum	Monday, 6 March	11:00am	Virtual, Microsoft Teams
Pension Board	TBC in October 2022	TBC	TBC
Audit and Risk Committee	Monday, 20 March	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 27 March	11:00am	Virtual, Microsoft Teams
APRIL			
Policy Planning Forum	Monday, 24 April	11:00am	Virtual, Microsoft Teams
Scrutiny Committee	Monday, 24 April	14:00pm	Mosedale Suite, WMFS HQ
MAY			
Collaboration and Transformation	Monday, 15 May	10:30am	Mosedale Suite, WMFS HQ
Policy Planning Forum	Monday, 22 May	11:00am	Virtual, Microsoft Teams
Joint Consultative Panel	Monday, 22 May	14:00pm	Virtual, Microsoft Teams
JUNE			
Chairs Agenda Meeting	Monday, 12 June	10:30am	Virtual, Microsoft Teams
Policy Planning Forum	Monday, 12 June	12:00am	Virtual, Microsoft Teams
Audit and Risk Committee	Monday, 19 June	10:30am	Mosedale Suite, WMFS HQ
Fire Authority [Annual Meeting] [Political groups at 10am]	Monday, 26 June	11:00am	Mosedale Suite, WMFS HQ
JULY			
Audit and Risk Committee	Monday, 24 July	10:30am	Mosedale Suite, WMFS HQ

*The Appointments, Standards and Appeals Committee will meet as and when required, with the exception of its annual meeting. *

*Please note: these dates may be subject to change. *

APPENDIX 3**Schedule 1****WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2022/2023**

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Collaboration and Transformation Chair	8,575
Collaboration and Transformation Vice Chair	6,575
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals, Standards and Appointments Chair	8,575
Appeals, Standards and Appointments Vice-Chair	3,975
Audit and Risk Committee Chair	8,575
Audit and Risk Committee Vice-Chair	3,975
Elected Member Basic Allowance	3,500
Independent's allowances	
Independent Member of the Audit Committee	350