

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**18 NOVEMBER 2019**

## **1. GOVERNANCE OF THE AUTHORITY 2019/2020**

Report of the Clerk and Monitoring Officer.

### **RECOMMENDED**

- 1.1 THAT the Authority approve the proposed amendments to the Constitution as set out in this report in relation to:
  - a) Governance and Transformation Committee Terms of Reference and removal of any reference to the Executive Committee
- 1.2 THAT the Authority approve the proposal of four observer positions on the Fire Authority for each recognised Trade Union aligned to the proposed Terms of Reference in Appendix 1 and that these positions are constituted on the agreement of a Memorandum of Understanding.
- 1.3 THAT the Authority note the Clerk will develop a Memorandum of Understanding aligned to the Terms of Reference set out in this report between the Authority and Trade Unions and that this be agreed between the Chair, Vice Chair and Trade Unions.
- 1.4 THAT the Clerk, in consultation with the Chair and Vice Chair, be authorised to make and publish any necessary consequential amendments to constitutional documents, in the light of amendments made to organisational Policy documents.

## **2. PURPOSE OF REPORT**

This report is submitted for the Authority to determine changes to its Constitution for 2019/20. A comprehensive review of the Constitution would then take place in 2020.

### 3. **BACKGROUND**

- 3.1 The Authority updated its Constitution and Committee Structure at the Annual General Meeting held on 24 June 2019. Following the first meeting of the Collaboration and Transformation Committee, the Committee agreed an enhancement of the current terms of reference as set out below:
- The role of the committee in championing digital transformation across the Service as a core consideration for collaboration;
  - The role of the committee in enabling the Service to improve and evolve new and existing areas of collaboration through providing clear strategic direction, aligned to the Authority's strategy, Our Plan.
  - Member involvement in supporting collaborative relationships through links within respective local authorities.
- 3.2 Upon updating the Constitution, it was noted that some references to the deleted Executive Committee remained. Any references would now be deleted, or where appropriate changed to a decision of the Fire Authority.
- 3.3 It is proposed that four 'observer' places are provided for Trade Unions on the Authority, enabling an open and transparent approach to joint working through being able to discuss issues raised at full Authority meetings.
- 3.4 To enable Trade Unions to ensure this approach is balanced with their responsibilities through the Trade Union and Labour Relations (Consolidation) Act 1992 ('the Act'), observer status ensures Trade Unions can contribute to the discussion, but do not form part of the decision making structure or process of the Fire Authority.
- 3.5 The Authority formally recognises four Trade Unions. One place for the following Trade Unions will be provided for:
- Fire Brigade Union
  - Unison
  - Fire Officers Association
  - Fire Leaders Association

- 3.6 A proposed Terms of Reference for an 'observer' position is set out in Appendix 1 and has been formed based on the Authority's constitution, an understanding of current organisational policy, plus an understanding of how 'observer' and/or Trade Union representation works in other public sector services, where this exists.
- 3.7 On Authority approval of these Terms of Reference a Memorandum of Understanding (MOU), based on these Terms of Reference will be agreed between the Fire Authority and each Trade Union. Once this MOU is agreed the position of an observer will be constituted.
- 3.8 The Service has been updating its Standing Orders and changing them into Policies. Some of these Standing Orders form part of the Constitution and now need to be updated as and when the new Policies are published. This is an ongoing activity and updated Policies are now published on the front page of Mesh when changes take place. The Clerk will amend the Constitution to reflect the changes in line with recommendation 1.4

#### 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**

- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision making.

## **BACKGROUND PAPERS**

Fire Authority AGM June 2019

Collaboration and Transformation Committee, October 2019

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Karen Gowreesunker  
CLERK to the Authority

Satinder Sahota  
Monitoring Officer

## APPENDIX 1

### Terms of Reference

The following terms of reference are proposed to be added to the Constitution to enable the effective contribution of 'observer' members.

- 1 The Authority may invite Observers which are not Elected Members to become Observers of the Authority providing that they comply with Authority Standing Orders.
- 2 Observer status confers no legal status and is an arrangement between the Authority and a relevant Member of the Authority classed as an Observer.
- 3 Observers (and any substitutes) may participate in discussions on agenda items and must comply with the terms of the Constitution as they relate but will not have entitlement to vote on any issue or agenda item.
- 4 All parties must ensure that areas of discussion do not compromise potential and/or current areas of change that are being engaged, consulted and/or negotiated on through the agreed Employee Relations Framework. Authority forums cannot be used for the purposes of negotiation.
- 5 Any Observer may be represented at meetings of the Authority by a named representative or a named substitute. Where that Observer is a trade union the named representative or substitute must be from one of the recognised trade unions.
- 6 Written notice of the names of the Observers representative or substitute must be provided to the Clerk by the Observer prior to attendance at any meeting of the Authority.
- 7 Observers may not be present when the Authority is considering 'private' papers.

- 8 The Chair of any meeting of the Authority may require an Observer's named representative or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.
- 9 Where the Authority invites any Observers, then the Authority's Monitoring Officer will prepare a Memorandum of Understanding in such form as the Monitoring Officer deems appropriate. Observer status will take effect on the date that the Memorandum of Understanding which has been signed by the Observer is received by the Authority.
- 10 The provisions in relation to participation in the discussion on agenda items relate to meetings of the Authority only and not to any of its committees or subcommittees.
- 11 Observers are able to attend committees or sub committees but may not participate in the discussion.