

REVIEW OF THE FIRE AUTHORITY CONSTITUTION

SUMMARY

1. The Fire Authority Constitution provides at Article 14.1 that the Fire Authority shall regularly consider the effectiveness of its Constitutional framework (regularly means annually.)
2. The Authority has carried out amendments to the Constitution in 2014/15. Further minor amendments to the Constitution are proposed for approval by the Fire Authority as set out in this report.

RECOMMENDATIONS

3. Members are asked to consider this report and approve the amendments to the Constitution set out in paragraph 7.

BACKGROUND

4. The Fire Authority Constitution is kept under review on an ongoing basis to ensure that it is in compliance with relevant legislation. During 2014/15 amendments to the Constitution were approved by the Authority to implement –
 - Changes to the legislation governing meetings of the Authority to allow, subject to certain exceptions, members of the public to record meetings of the Authority.
 - The requirement for the Authority to have a Pension Board
5. The Fire Authority is required to undertake an annual review of the effectiveness of its Constitutional framework. The Constitution has been reviewed by the Secretary and the S151 Officer and subject to the amendments to the Constitution set out at paragraph 7 the Constitution is considered to be fit for purpose.

AMENDMENTS

6. The following amendments to the Constitution are recommended in relation to the Contract Procedure Rules in Part 4 Section E of the Constitution. Section E of the Constitution sets out the current Contract Procedure Rules but the rules as they exist do not fully reflect current tendering processes whereby tendering portals and dedicated electronic tendering systems are used to invite and receive tenders. It is no longer the practice for tenders to be submitted in sealed envelopes.
7. In recognition of these changed working practices it is suggested that the following amendments be made to the contract rules:

Rule 8 – Authorised Officer

8.1

- (j) “no tender for contracts to which Rules 13 and 14 apply will be considered unless it is uploaded to the tendering solution in accordance with the timescales contained within the Invitation to Tender”;

Rule 17 – Invitation to Tender

17.1 “The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time and in the manner stipulated in the Invitation to Tender. Late Tenders will not be accepted. No Tender delivered in contravention of the method stated in the Invitation to Tender shall be considered.”

17.2 “Invitations to Tender should be issued on appropriate internet web sites or tendering systems using the HFA’s standard document templates, where appropriate”.

8. Existing safeguards with regard to processing tenders will continue in that the Senior Finance Officer (Procurement) is the designated Officer able to access the electronic procurement portal to deal with tenders received.

STRATEGIC PLAN COMPATIBILITY

9. One of the agreed current strategic workstreams is in respect to corporate governance. This report reflects the robustness of those arrangements and proposed options for strengthening these arrangements further.

FINANCIAL/RESOURCES/VALUE FOR MONEY IMPLICATIONS

10. None arising directly.

LEGAL IMPLICATIONS

11. The review ensures that the Constitution is in accordance with current legislation.

EQUALITY IMPACT ASSESSMENT/HR IMPLICATIONS

12. None arising directly.

CORPORATE RISK MANAGEMENT IMPLICATIONS

13. This report is designed to further enhance the governance arrangements of the Authority.

HEALTH AND SAFETY IMPLICATIONS

14. None arising directly.

COMMUNICATION ACTIONS ARISING

15. None.

DETAILS OF CONSULTATION

16. Statutory S.151 Officer.

BACKGROUND PAPERS AVAILABLE FOR ACCESS

17. None

RECOMMENDATIONS RESTATED

18. Members are asked to consider this report and approve the amendments to the Constitution set out in paragraph 7.

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