

AGENDA ITEM: 8

NORTH WALES FIRE AND RESCUE AUTHORITY EXECUTIVE PANEL

28th July 2008

CONSTITUTIONAL REVIEW

**Report by Colin Everett
Clerk to the Authority**

Purpose of Report

- 1.** To approve a process and a terms of reference for a constitutional review to be completed for reporting to the full Fire and Rescue Authority.

Background

- 2.** The Fire and Rescue Authority agreed, at the meeting held on 16th June, 2008 that a constitutional review should be completed – The Fire Authority resolved to consider:
 - reviewing the size, operation and composition of the Executive Panel;
 - developing a separate Audit Committee which would include those members who were not members of the Executive Panel;
 - creating 'Task and Finish' groups to examine particular issues/decisions and whose members could either report to the Executive Panel or directly to the Fire and Rescue Authority; and
 - whether the Fire and Rescue Authority could draw on local authority scrutiny support where appropriate
- 3.** The constitutional review is intended to both review constitutional issues which have been discussed by the Authority previously, and to address the recommendations of the reports of the *Wales Audit Office, A Review of Scrutiny Arrangements within Fire and Rescue Authorities in Wales* and *Scrutiny and Member Engagement in Fire and Rescue Authorities - Good Practice* which were reported to the meeting of 16th June, 2008.

Information

- 4.** The Executive Panel is required to set a Terms of Reference and a process for the constitutional review.
- 5.** The Terms of Reference for the constitutional review can be derived from the discussions and decisions of the Fire Authority at the 16th June, 2008 meeting in considering reports of the Clerk on the appointment of memberships and political balance, and the reports of the Wales Audit Office named in 3. above.
- 6.** From those discussions the Terms of Reference should include:-
 1. the role, function and size of the Executive Panel;
 2. the appointment of an Audit Committee;
 3. the introduction of scrutiny arrangements and an examination of whether an Audit Committee, with an expansive role, could fulfil the overview and scrutiny function, possibly supported by task and finish groups commissioned to examine important and specific issues.
- 7.** From those discussions the Terms of Reference should include:-
 - the size of the membership of the full Fire and Rescue Authority;
and
 - political balance.
- 8.** Given previous discussion of these issues within the Authority, and the content and recommendations of the reports of the Wales Audit Office, it is presumed that options will be presented to the Fire and Rescue Authority which will:-
 - present a more defined role and function for the Executive Panel;
 - review and reduce the size of the Executive Panel which is currently at 50% of the total membership of the Fire and Rescue Authority;
 - recommend the appointment of an Audit Committee based on recommended national guidelines;
 - advise whether an Audit Committee which combines governance audit, financial and resource audit, risk management audit and organisational and operational performance can fulfil the roles of overview and scrutiny; and
 - make proposals to more fully involve all members of the Fire and Rescue Authority in the governance and business of the

organisation, specifically those members not appointed to the Executive Panel.

- 9.** The Executive Panel is also required to set a process for conducting the constitutional review. The Panel is advised that (1) only the full Fire and Rescue Authority has the authority to make constitutional change (2) the review should be thorough and give all members and senior officers the opportunity to contribute and (3) as the role, function and size of the Executive Panel is included in the Terms of Reference for the Review it would not be appropriate for the review to be conducted by the Executive Panel.
- 10.** The options for a process for the review are:-
 1. a constitutional review group (task and finish) of executive and non-executive members is appointed to evaluate and present fully appraised options, and their recommendations, to the full Fire and Rescue Authority; or
 2. the Clerk and Chief Fire Authority research and evaluate the options for constitutional change and invite all members, via a survey, to comment on those options, and report to the full Fire and Rescue Authority on fully appraised options.

Given the importance of the review and the specific Terms of Reference, and the reported guidance of the Wales Audit Office, it is both advisable and feasible for the review to be completed within three months. The Wales Audit Office would be invited to contribute to the review.

Recommendations

- 11.** Members are recommended -
 - to approve the Terms of Reference for the constitutional review;
 - to set a timescale of three months for the completion of the review; and
 - to set a process for undertaking the review.