

Status of Report: Public

Meeting: Combined Fire Authority

Date: 29 November 2023

Subject: Review and Revision of the Constitution of the Combined Fire Authority

Report by: The Monitoring Officer

Author: Lauren Haslam

For: Decision

Purpose

1. The purpose of this report is to seek approval of the Combined Fire Authority (CFA) for the proposed changes to the CFA's Constitution.

Recommendation

2. It is recommended that the CFA approves the proposed changes to Part 2 – Constitutional Framework as set out in the Appendix to this report.

Executive Summary

3. Article 12 of the Constitution gives the Monitoring Officer a duty to monitor and review the operation of the Constitution to ensure that the aims and principles are given full effect and kept up to date.
4. Rule 30 of the Meeting Procedure Rules states that changes to the procedure rules may only be added to, varied or revoked by a motion passed at the meeting of the full CFA.
5. The CFA's Corporate Governance Committee considered a report on this matter on 22 November 2023 and approved the revisions to the Constitution for submission to the CFA for approval.

Background

6. The proposed changes are described in detail in the Appendix to this report. The changes proposed are:-
 - i) Amendment to the number of CFA meetings required to be held each year and when the Annual General Meeting is required to be held;
 - ii) Part 2 – Constitutional Framework, Article 6 'The Employment Committee', functions to reflect what it can agree and what is required to be recommended to the CFA for approval;

- iii) Membership of the Corporate Governance Committee to reflect the appointment of Independent Members (as approved by the CFA at its meeting on 4 October 2023);
- iv) A range of more general amendments to reflect changes in wording/titles etc.

In addition, Part 5, Section K – Anti-Fraud and Corruption Strategy will be updated to reflect changes previously approved by the Corporate Governance Committee.

- 7. The Constitution requires that changes to the Constitution must be approved by the CFA after consideration of the recommendations of the Corporate Governance Committee.
- 8. Should the CFA approve the changes to Part 2 – Constitutional Framework (as set out in the appendix to this report), they will come in to force on 30 November 2023.
- 9. There will be further amendments which will be presented to Committee in the Spring relating to Contract Procedure Rules and Finance Procedure Rules, which are being reviewed at present.

Consideration by the CFA's Corporate Governance Committee

- 9. The CFA's Corporate Governance Committee considered a report on this matter at its meeting on 22 November 2023 and approved the revisions to the Constitution for submission to the CFA for approval.

Report Implications/Impact

- 10. Legal (including crime and disorder)

There are no legal implications arising from this report.

- 11. Financial (including value for money, benefits and efficiencies)

There are no direct financial implications arising from this report.

- 12. Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

There are no risks arising from this report.

- 13. Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

There are no staff, service users or stakeholder implications arising from this report.

14. Environmental

There are no environmental implications arising from this report.

Impact upon Our Plan Objectives

None.

Background Papers

The Constitution of the Leicester, Leicestershire and Rutland Combined Fire Authority – <https://leics-fire.gov.uk/wpcontent/uploads/2023/03/constitution-2023.pdf>

Report to the Corporate Governance Committee 22 November 2023 – Review and Revision of the Constitution of the Combined Fire Authority
<https://leics-fire.gov.uk/your-fire-service/decision-making/cfa-meetings/>

Appendix

Proposed changes to the Constitution.

Officers to Contact

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LEICESTER, LEICESTERSHIRE AND RUTLAND COMBINED FIRE AUTHORITY

CONSTITUTION – PROPOSED CHANGES TO THE CONSTITUTION 2023

SECTION	CURRENT	REVISED	REASONS
Part 2 – Constitutional Framework – Article 3 – CFA and the Public, 3.3 Equal Opportunities	Did not reflect current wording and specific responsibility for investigating complaints of non-compliance	Section amended to ‘Equality and Inclusion’ (to be reflected throughout the Constitution), and final sentence to be updated to – <i>3.3 The CFA will ensure a thorough investigation of any complaint of non-compliance with this Policy is undertaken by the Monitoring Officer (or their nominee)</i>	To ensure wording around equality is more appropriate, and to have a specific officer responsible for dealing with complaints, not the CFA.
Part 2 – Constitutional Framework, Article 4 – The Full CFA, 4.1 (a) Policy Framework	Did not reflect the change in title of plans and strategies.	Amended to reflect the updated titles: <i>(i) Community Risk Management Plan</i> <i>(iii) Annual Report on Equalities and Inclusion</i>	The previously titled Integrated Risk Management Plan is now called the Community Risk Management Plan
Part 2 – Constitutional Framework, Article 4 –	Did not include the CFA having oversight of external inspection findings	A further function of the CFA added – <i>4.2 (i) oversight of progress against inspection findings from external regulators.</i>	To ensure inspection findings are acted upon and reported.

The Full CFA, 4.2 Functions			
Part 2 – Constitutional Framework, Article 4 – The Full CFA, 4.3 – Meetings	Lack of flexibility around the number of ordinary meetings to be held each year and the ability to cancel a meeting.	Amended to the following: <i>(b) Ordinary meetings (up to 4 per year)</i> Additional wording to be added – <i>Where no business is to be transacted, the meeting will be cancelled, in agreement with the Chairman and Vice Chairman.</i>	To provide the flexibility to be able to cancel an ordinary meeting, if there is no business.
Part 2 – Constitutional Framework, Article 5 – The Corporate Governance Committee, 5.1 Composition	No reference to the appointment of Independent Members.	Membership to be revised to the following- <i>5.1 Membership of the Committee shall be determined by the CFA and shall include up to two Independent Members who shall be non-voting co-optees.</i>	To reflect the appointment of Independent Members, as agreed by the CFA at its meeting on 4 October 2023.
Part 2 – Constitutional Framework – Article 5 – The	Lack of clarity around the Committee’s scrutiny function.	Wording to be amended – <i>5.2 (a) To promote, maintain and scrutinise high standards within the CFA in relation to the operation of its Code of Governance...</i>	To ensure the Committee scrutinises the CFA effectively.

Corporate Governance Committee, 5.2 Functions			
Part 2 – Constitutional Framework – Article 6 – The Employment Committee, 6.2 Functions	No ability for the Employment Committee to make a decision on the outcome of the annual salary review of the Chief Fire and Rescue Officer.	Function to be revised – <i>6.2 (d) To conduct an annual salary review of the Chief Fire and Rescue Officer and to make a decision on the outcome of the review.</i>	To ensure the Employment Committee is able to make a decision, rather than needing to make a recommendation to the CFA.
Part 4 – Procedure Rules - Section C – CFA Meeting Procedure Rules, Rule 1 – Meetings of the CFA	Lack of flexibility as to when the Annual meeting of the CFA can be held.	Rule 1.1 to be amended – <i>1.1 The CFA shall hold an annual meeting each year, usually before the last day of June, except in exceptional circumstances.</i>	To provide some flexibility to hold an annual meeting at a later date in the year, if required.
Part 5 – Section K - Anti-Fraud and	To be updated to reflect changes approved by the Corporate Governance Committee in July 2023.		

Corruption Strategy	
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