

## Part2

### The Constitutional Framework (Articles)

#### **Article 1 - The Constitution**

##### 1.1 POWERS OF THE CFA

The CFA, as a corporate body, will exercise all its powers and duties in accordance with the law and this Constitution.

##### 1.2 THE CONSTITUTION

This Constitution, and its various parts, is the Constitution of the Leicester, Leicestershire and Rutland Combined Fire Authority ("the CFA").

##### 1.3 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- (a) enable the CFA to provide clear leadership to its communities in partnership with members of the public, businesses and other organisations.
- (b) support and encourage the active involvement of members of the public in the process of the CFA's decision-making.
- (c) provide a framework within which Members can represent the CFA Area effectively.
- (d) enable decisions to be taken efficiently, effectively and transparently.
- (e) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for the decisions.
- (f) provide for the effective delivery of fire and rescue services to Leicester, Leicestershire and Rutland.

##### 1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the CFA to choose between different courses of action, the CFA will always choose that option which it believes is closest to the purposes stated above.

The CFA will monitor and evaluate the operation of the Constitution as set out in Article 12.

##### 1.5 REVOCATION

The provisions of this Constitution take effect from the date of the

Meeting of the full CFA which approved the most recent edition of the Constitution as set out on the front cover. All previous editions and versions of this Constitution shall be revoked from that date, although the validity of anything done under those previous editions and versions prior to that date shall not be affected. This Constitution shall continue in full force and effect until such time as it is amended or revoked by the full CFA.

## **Article 2 - Members of the CFA**

### **2.1 COMPOSITION**

The CFA is composed of 17 Members who are appointed by Leicester City Council (5), Leicestershire County Council (11) and Rutland County Council (1). The number of appointees is in proportion to the number of local government electors each Council has as a proportion of the total number of such electors in the CFA Area. The size of the CFA, i.e the number of members, shall be kept under review.

### **2.2 ELECTION & TERMS OF OFFICE OF MEMBERS**

The appointing Councils appoint Members to the CFA for whatever term those authorities feel is appropriate. Members can resign at any time and cease to hold office if they cease being councillors. The Councils can replace their Members at their discretion.

The Monitoring Officer is authorised to make and terminate appointments to the CFA and its committees in accordance with the wishes of the constituent authority to which the seat is allocated subject to being given one day's notice of its wishes.

### **2.3 ROLES AND FUNCTIONS OF ALL MEMBERS**

All Members will:

- collectively share responsibility for the good governance of the CFA and be the ultimate policy-makers and carry out a number of strategic and corporate management functions.
- represent their communities and bring their views into the CFA's decision-making process i.e. become the advocates of and for their communities.
- contribute to the good governance of the CFA and actively encourage community participation and public involvement to inform decision-making.
- respond to the public's enquiries and representations, fairly and impartially.
- be available to represent the CFA on other relevant bodies.
- maintain the highest standards of conduct and ethics and show respect for fellow Members, employees and the community.

## 2.4 RIGHTS AND DUTIES

Members have rights of access to such documents and information as is necessary for the proper discharge of their functions and in accordance with the law. However, the Chief Fire and Rescue Officer in consultation with the Monitoring Officer may refuse to allow inspection of any documents where they are, or in the event of legal proceedings would be, protected by privilege arising out of a Solicitor and Client relationship or where access is sought for improper or ulterior motives.

Members will not make public any information which is confidential or exempt without the consent of the CFA or divulge information given in confidence.

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 Section D of this Constitution.

Members cannot issue or make a contract or any other arrangement which is binding upon the CFA.

Members do not have any right to inspect or enter any land unless specifically authorised to do so by the CFA.

## 2.5 CONDUCT

Members will at all times observe the Members' Code of Conduct set out in Part 5 Section H of this Constitution.

## 2.6 REGISTER OF INTERESTS

The CFA is required to maintain and update a Register of Interests of its Members. The Register is available for public inspection on the Fire Service's website and at Fire Service HQ.

## 2.7 ALLOWANCES

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## 2.8 MEMBERS' ROLES

The various roles of the Members of the CFA are set out in detail under Schedule 2 at the conclusion of Part 2 of this Constitution.

## 2.9 INDEMNITY

Members (including any Independent Members appointed by the CFA) have the benefit of the indemnity set out in Part 5, Section M of this Constitution.

## **Article 3 - CFA and the Public**

### **3.1 RIGHTS OF MEMBERS OF THE PUBLIC**

In general members of the public have the following rights:

#### **(a) Information**

Members of the public have the right to:

- (i) attend meetings of the CFA and its committees except where confidential or exempt information is likely to be disclosed and the meeting is, therefore, held in private.
- (ii) see agendas, reports and background papers (these are listed at the end of each report) of matters discussed in public and any records of decisions made by the CFA.
- (iii) Contact the CFA about the conduct of its Members.

These rights are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

#### **(b) Participation**

Members of the public have the right to attend meetings of the CFA and its committees, submit written questions and submit petitions.

#### **(c) Complaints**

Members of the public have the right to complain to:

- (i) the CFA under its complaints procedure or about an alleged breach of the Members Code of Conduct.
- (ii) the Local Government Ombudsman.

### **3.2 RESPONSIBILITIES**

Members of the public are expected to conduct themselves in a reasonable manner that is non-confrontational, when dealing with Members or employees. Equally, they are expected to show respect for property and assets owned by the CFA, Members or employees. Failure to do so may require them to be excluded from the meeting or any property owned by the CFA.

### **3.3 EQUAL OPPORTUNITIES**

In all its dealings with members of the public, the CFA will endeavour to provide the highest level of service and aim to provide its services fairly

across its Area except where they need to (or by law must) be targeted to meet special needs, regardless of age, gender, marital status, disability, ethnic and national origin, religious beliefs or sexual orientation. The CFA will thoroughly investigate any complaint of non-compliance with this policy.

## **Article 4 - The Full CFA**

### **4.1 MEANINGS**

#### **(a) Policy Framework**

The Policy Framework means the following plans and strategies:

- (i) Integrated Risk Management Plan
- (ii) Strategic Plan
- (iii) Annual Report on Equalities
- (v) Any other strategic policy or matter that the CFA reserves to itself for approval.

#### **(b) The Budget (Medium Term Financial Strategy)**

The CFA's revenue budget and capital programme including the setting of a precept rate.

### **4.2 FUNCTIONS**

The CFA will exercise the following functions:

- (a) Determination of the policy and strategy relating to the objectives of the CFA and its priorities including approval of its Strategic Plan and other plans identified in the CFA's Plan Framework;
- (b) Approving the CFA's revenue and capital budget strategy, revenue and capital budgets including any in-year changes, the precept level and the Statement of Accounts;
- (c) Ensuring that the CFA fulfils its statutory responsibilities and duties including those under the relevant Fire and Rescue Services Acts and Regulations;
- (d) Dealing with questions and petitions from the public;
- (e) Receiving quarterly reports on the performance of the CFA against its approved budget and targets within strategic plans.
- (f) Receiving reports and recommendations from its committees arising from the discussions and investigations.
- (g) Approving changes to the Constitution of the CFA.

- (h) Making appointments to outside bodies.
- (i) Approving the Members' Allowances Scheme.
- (j) Appointing persons to the posts of Chief Fire Officer, the Assistant Chief Fire Officer, the Treasurer (Section 151 Officer) and the Monitoring Officer;
- (k) Any other matters which, by law, must be reserved to the CFA.

#### 4.3 MEETINGS

There are three types of CFA meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings (at least 4 per year)
- (c) Extraordinary meetings (as required)

They will be conducted in accordance with the CFA Procedure Rules in Part 4 of this Constitution.

### **Article 5 - The Corporate Governance Committee**

#### 5.1. COMPOSITION

Membership of the committee shall be determined by the CFA.

#### 5.2. FUNCTIONS

- (a) To promote and maintain high standards within the CFA in relation to the operation of its Code of Governance and in particular to ensure:-
  - i. That an adequate risk management framework and associated control environment is in place;
  - ii. That the CFA's financial and non-financial performance is properly monitored;
  - iii. Proper oversight of the financial reporting process;
  - iv. That the CFA's Treasury Management arrangements are appropriate and regularly monitored.
- (b) To review the CFA's Code of Governance as necessary and make recommendations to the CFA to ensure that it remains relevant to the Authority's work and practices.
- (c) To satisfy itself that the CFA's Statement of Accounts including the Annual Governance Statement have been prepared in accordance with best practice.

- (d) To make recommendations to the CFA on any amendments required to the Financial Procedure Rules and Contract Procedure Rules.
- (e) To monitor the adequacy and effectiveness of the external audit of the Authority's services and functions and to:-
  - i. Consider the nature and scope of the external audit of the Authority's services and functions;
  - ii. Consider external audit reports;
  - iii. Monitor the CFA's response to the external auditor's findings and the implementation of external audit recommendations.
- (f) To Monitor the adequacy and effectiveness of the Internal Audit Service and to:-
  - i. Consider the annual Internal Audit plan;
  - ii. Monitor progress against the plan through the receipt of periodic progress reports and an annual Internal Audit report;
  - iii. Consider major Internal Audit findings and recommendations;
  - iv. Monitor the response to major Internal Audit findings and the implementation of its recommendations.
- (g) To monitor the effectiveness of officer arrangements for ensuring an adequate internal control environment and combating fraud and corruption.
- (h) To monitor the arrangements for the identification, monitoring and management of strategic and operational risk within the CFA.
- (i) To liaise with other bodies as appropriate on matters of corporate governance and financial accountability.
- (j) To advise on training for members of the CFA on matters relating to the corporate governance of the CFA.

## STANDARDS OF CONDUCT MATTERS

- (K) The promotion and maintenance of high standards of conduct by members of the CFA, including:-
  - (i) Advising the CFA on the adoption or revision of its code of conduct;
  - (ii) Monitoring and advising the CFA about the operation of its Code of Conduct in the light of best practice and changes in the law.
- (l) Ensuring that all members of the CFA have access to training in all aspects of the code, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the code.

- (m) Making arrangements for the appointment of independent persons, or a panel, whose views must be sought about allegations of a breach of the Members' Code of Conduct in accordance with the provisions of the Localism Act 2011.
- (n) Making payments or providing other benefits in cases of maladministration under section 92 of the Local Government Act 2000.
- (o) Making arrangements for members to receive dispensations to speak on, or participate in matters in which they have interests.
- (p) Subject to the powers of the Employment Committee in relation to Local Conditions of Service, advising as necessary on matters relating to the conduct of employees and procedures relating to the handling of complaints, including "whistle blowing".

## CONSTITUTIONAL MATTERS

- (q) Advising the CFA on the Members' Allowances Scheme (Note: approval of the scheme cannot be delegated by the CFA to a committee).
- (r) Advising the CFA on the Constitution.

### 5.3. MEETINGS

The committee shall meet at least 4 times a year. Additional meetings shall be convened as and when required. All meetings will be conducted in accordance with the CFA Procedure Rules.

## **Article 6 - The Employment Committee**

### 6.1. COMPOSITION

Membership of the committee shall be determined by the CFA. The Monitoring Officer shall be empowered to constitute a Panel to hear appeals and disciplinary cases from time to time as required. The Panel shall be drawn from the membership of the CFA and shall include at least one member of the Employment Committee.

### 6.2. FUNCTIONS

- (a) To determine suspension decisions in respect of the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (b) To hear disciplinary proceedings against the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (c) To recommend for approval by the CFA the appointment of the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring



Officer and the Treasurer.

[Note: for the appointment of the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer, the Chief Fire and Rescue Officer shall act as the principal adviser to the Employment Committee and/or the CFA.]

- (d) Acting on behalf of the CFA as the body to deal with any collective dispute that has not been resolved by discussions with the Chief Fire and Rescue Officer.
- (e) To hear appeals against disciplinary decisions lodged by the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (f) To hear appeals under the grievance procedure by the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (g) To hear appeals under the Firefighters Pension and Compensation Schemes.
- (h) To make recommendations to the CFA on matters relating to terms and conditions.

### 6.3. MEETINGS

The Committee shall meet as and when required and those meetings will be conducted in accordance with the CFA Procedure Rules except that Rule 5.1 shall be replaced by the following:

"A minimum of three members of the Committee must be present for there to be a quorum."

## **Article 7 – Pension Board**

### 7.1 STATEMENT OF PURPOSE

The purpose of the Board is to assist Leicester, Leicestershire and Rutland Combined Fire Authority (CFA) in its role as the Scheme Manager of the Firefighters Pension Scheme 1992, 2006 and 2014 (Scheme). Such assistance is to:

- a) secure compliance with the Scheme's regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.
- b) ensure the effective and efficient governance and administration of the Scheme.

## 7.2 MEMBERSHIP

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

## 7.3 SCHEME MEMBER REPRESENTATIVES

2 Scheme Member representatives shall be appointed to the Board jointly by the trades union recognised by the CFA who represent Scheme Members but in default of any such appointments being made the CFA shall invite expressions of interest from Scheme Members and appoint such Scheme Member representatives who it regards as best suited to the role of Board Member.

## 7.4 EMPLOYER REPRESENTATIVES

- a) 2 Employer representatives shall be appointed to the Board by the CFA.
- b) Employer representatives shall be CFA Members provided they do not exercise delegated responsibility for discharging the Scheme Manager function of the CFA.

## 7.5 SUBSTITUTES

- a) In the absence of a Scheme Member Representative or an Employer Representatives that Representative may send a suitable substitute in their place.
- b) A substitute will have the same rights and responsibilities as the Representative for whom they are substituting.

## 7.6 APPOINTMENT OF CHAIR

The Board shall appoint its own chair for a period of 12 months rotating the appointment between member representatives and employer representatives.

## 7.7 TERM OF OFFICE

The term of office for Board Members shall be 2 Municipal Years and there shall be no restriction on reappointment at the expiry of a Board Member's term.

## 7.8 MEETINGS

The Board shall meet 2 times per year.

## 7.9 QUORUM

A meeting is only quorate when at least 50% of both Scheme Member and

Employer representatives are present.

## 7.10 VOTING

- a) The Board shall as far as possible make any decisions by consensus but where this proves not to be possible the Board may vote upon an issue.
- b) Each Board Member shall have 1 vote but in the event of an equality of votes the Chair shall not have a casting vote and the status quo shall prevail.

## **Article 8 - Joint Arrangements**

### 8.1 JOINT ARRANGEMENTS

The CFA may establish joint arrangements with one or more local authorities to exercise functions in any of the participating authorities, or advise the CFA. Such arrangements may involve the appointment of a joint committee with these other local authorities.

Details of any joint arrangements including any delegations to joint committees will be found in the CFA's Scheme of Delegation in Part 3 Section B of this Constitution.

### 8.2 ACCESS TO INFORMATION

The Access to Information Procedure Rules in Part 4 of this Constitution apply.

If the joint committee contains members who are not on any participating local authority then the Access to Information Procedure Rules in Part VA of the Local Government Act 1972 will apply.

### 8.3 DELEGATION TO AND FROM OTHER FIRE AND RESCUE AUTHORITIES

The CFA may, by agreement, delegate functions to another fire and rescue authority and may also accept such a delegation from another authority.

### 8.4 CONTRACTING OUT

The CFA may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the CFA's agent under usual contracting principles.

## Article 9 - Officers

### 9.1 STRUCTURE

#### General

The CFA may engage such people (referred to as Officers) as it considers necessary to carry out its functions in an efficient and effective manner. Officers may be authorised by the full CFA to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.

#### Statutory Officers

Most local authorities are required to have certain posts under either the Local Government Finance Act 1988 or the Local Government and Housing Act 1989 as set out in paragraph 10.2 below although the requirement to have a Head of Paid Service does not apply to the CFA. However, the CFA has determined that it wishes to have a non-statutory Head of Paid Service designated to undertake the functions set out in the Constitution attributable to the Head of Paid Service post.

#### Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the CFA showing the management structure and deployment of employees. This is set out at Part 7 of this Constitution.

### 9.2 STATUTORY POSTS

The CFA will designate the following posts as shown:

<b>Designation</b>	<b>Post</b>
Head of Paid Service (non-statutory)	Chief Fire and Rescue Officer
Chief Finance Officer (known as the Treasurer)	Director of Finance – Leicester City Council
Monitoring Officer	Director of Law and Governance – Leicestershire County Council

The duties of the Monitoring Officer and the Treasurer (apart from the administration of the financial affairs of the CFA) must be carried out personally. If these powers are delegated or carried out by a nominated Deputy accountability will remain with the Monitoring Officer and the Treasurer as appropriate.

The Treasurer and the Monitoring Officer have the right to have access to and take copies of any information held by the CFA in order to discharge their functions. Where such information involves the disclosure of personal information the Chief Fire and Rescue Officer shall be consulted in advance (unless the information concerns the Chief Fire and Rescue Officer) in which case they shall consult the Chairman of the Combined Fire

Authority or in his/her absence the Vice Chairman.

### 9.3 FUNCTIONS OF THE HEAD OF PAID SERVICE

The Head of Paid Service will report to the full CFA on the manner in which the discharge of the CFA's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

### 9.4 FUNCTIONS OF THE TREASURER

#### (a) Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of Paid Service (if that post is not also held by the Chief Finance Officer) and the Monitoring Officer, the Treasurer will report to the full CFA and the CFA's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the CFA is about to enter an item of account unlawfully or the CFA has insufficient resources to meet its spending.

#### (b) Administration of financial affairs

The Treasurer will have responsibility for the administration of the financial affairs of the CFA.

#### (c) Contributing to corporate management

The Treasurer will contribute to the corporate management of the CFA, in particular through the provision of professional financial advice.

#### (d) Providing advice

The Treasurer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and Policy Framework to all Members, and will support and advise Members and Officers in their respective roles. Advice will also be provided on treasury, cash flow management, pensions, trust funds, safe custody of assets, including risk management and insurance.

#### (e) Give financial information

The Treasurer will provide financial information to the media, members of the public and the community. He or she will also provide financial information to Members and Officers.

#### (f) Internal Audit

The Treasurer will ensure an efficient and effective internal audit of the CFA's activities is maintained.

#### (g) Firefighters' Pension Schemes

The Treasurer will usually undertake the role of Scheme Manager for the Firefighters' Pension Schemes on behalf of the CFA, subject to any limitations imposed by the CFA. However, the CFA may alternatively formally delegate this role to another senior officer of LFRS or a constituent authority.

### 9.5 FUNCTIONS OF THE MONITORING OFFICER

#### (a) Maintaining the Constitution

The Monitoring Officer will ensure that an up-to-date version of the Constitution is maintained and that it is widely available for inspection by Members, Officers and the public.

#### (b) Ensuring lawfulness and fairness in decision-making

After consulting with the Head of Paid Service and the Treasurer (if not held by the same post holder as the Head of Paid Service), the Monitoring Officer will report to the full CFA if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### (c) Member Conduct

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by Members through the provision of advice and support to the CFA.

#### (d) Complaints against Members

The Monitoring Officer will be responsible for ensuring the proper operation of the procedure for complaints against Members and ensuring that decisions and recommendations made by a panel of the Corporate Governance Committee and/or the CFA are implemented.

#### (e) Providing Advice

The Monitoring Officer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety and probity to all Members.

#### (f) Restriction on Functions

The Monitoring Officer cannot be the Section 112 Officer.

#### (g) Registers and Lists

The Monitoring Officer will ensure that the following registers and lists are maintained:

- i. a register of Members' interests under Section 29 of the Localism Act 2012.
  - ii. a register of Officers' interests in contracts.
  - iii. a register of Officers' gifts and hospitality.
  - iv. a register of reports received under the confidential reporting procedures (Whistle blowing).
  - v. a list of politically restricted posts under section 2 (2) of the Local Government and Housing Act 1989.
  - vi. a list of Officers to whom powers are delegated under section 100G (2) of the Local Government Act 1972.
- (h) The Monitoring Officer is expected to develop good liaison and working relationships with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- (i) Attendance and Advice to Officer Decision-Making Meetings.

The Monitoring Officer shall receive advance notice of any Officer decision-making meeting and receive agenda, reports and minutes.

#### 9.6 PROVISION OF SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

The CFA will provide the Head of Paid Service, the Treasurer (if held by a different post holder than the Head of Paid Service) and the Monitoring Officer with such Officers, accommodation and other resources as are, in their opinion, sufficient to allow them to perform their duties.

#### 9.7 CONDUCT

Officers will comply with the Officers' Code of Conduct set out in Part 5 of this Constitution.

#### 9.8 EMPLOYMENT

The recruitment, selection and dismissal of the above Officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

#### 9.9 DECLARATION OF INTERESTS BY OFFICERS

All Officers are required to declare in writing to the Head of Paid Service any financial or non-financial interests that they consider could bring about conflict with the CFA's interests.

In addition, Officers have a duty to declare an interest at CFA meetings.

Advice as to the interest declared can also be obtained from the Monitoring Officer, however the onus is on the member concerned in deciding if an interest exists.

#### 9.10 INDEMNITY

Officers have the benefit of the indemnity set out in Part 5, Section M of this Constitution.

### **Article 10 - Decision Making**

#### 10.1 RESPONSIBILITY FOR DECISION MAKING

The CFA will issue and keep up-to-date a record of what part of the CFA or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Scheme of Delegation in Part 3 of this Constitution.

#### 10.2 PRINCIPLES OF DECISION MAKING

All decisions of the CFA will be made in accordance with the following principles:

- (a) the Rule of Law;
- (b) proportionality that is, in any decision the action must be proportionate to the desired outcome;
- (c) due consideration and the taking of professional advice from Officers and/or appropriately qualified consultants;
- (d) presumption in favour of openness;
- (e) having due regard to appropriate national, strategic, local policy and guidance.

#### 10.3 DECISION MAKING BY THE FULL CFA IN RELATION TO ITS FUNCTIONS

The full CFA meeting will follow the CFA Meeting Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### 10.4 DECISION MAKING BY COMMITTEES AND PANELS ESTABLISHED BY THE CFA

CFA committees and panels will follow the CFA Procedure Rules set out in Part 4 of this Constitution as apply to them.



## 10.5 DECISION MAKING BETWEEN CFA MEETINGS

Decisions made between CFA Meetings will be in accordance with the CFA Meeting Procedure Rules set out in Part 4 of this Constitution.

## **Article 11 - Finance, Contracts and Legal Matters**

This Article refers to the Financial Procedure Rules and the Contract Procedure Rules which are contained in Part 4 of this Constitution.

### 11.1 FINANCIAL MANAGEMENT

The management of the CFA's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### 11.2 CONTRACTS & PROCUREMENTS

Every contract and procurement made by the CFA will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

### 11.3 LEGAL PROCEEDINGS

The Chief Fire and Rescue Officer and the Monitoring Officer are authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the CFA or in any case where they consider that such action is necessary to protect the CFA's interests.

### 11.4 SIGNING OF DOCUMENTS

The Monitoring Officer or in his absence the Chief Fire and Rescue Officer or the Treasurer are authorised to sign on behalf of the CFA any document or contract necessary to give effect to any resolution of the CFA or to a decision of the Chief Fire and Rescue Officer within powers delegated by the CFA.

Every contract signed shall be recorded and consecutively numbered in a register kept for the purpose and the register may be held electronically. The name of the person who signed the contract shall be recorded in the register.

The Monitoring Officer or in his absence the Chief Fire and Rescue Officer or the Treasurer are authorised to sign the following on behalf of the CFA:

- (a) any document necessary in legal proceedings on behalf of the CFA; and
- (b) information and complaints and to lay them on behalf of the CFA for the purposes of Magistrates Court proceedings.

The Monitoring Officer may specifically authorise other persons to sign such documents under this Article.

For the purposes of this Article "contract" shall have the meaning set out in the Contract Procedure Rules.

## 11.5 COMMON SEAL OF THE CFA

The Common Seal of the CFA will be kept in a safe place in the custody of the Monitoring Officer. A decision of the CFA, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer, or other authorised employee, should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or another officer authorised by him. Every sealing of a document shall be recorded and consecutively numbered in a register kept for the purpose and the register may be held electronically. The name of the person who attested the seal shall be recorded in the register.

## **Article 12 - Review and Revision of the Constitution**

### 12.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

This Constitution has been developed to achieve the purposes set out in Article 1. In order to ensure that the CFA is achieving these, it may from time to time be necessary for amendments to be made to the Constitution.

The Monitoring Officer in consultation with the Treasurer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and it is kept up-to-date.

### 12.2 CHANGES TO THE CONSTITUTION

Changes to the Constitution will only be approved by the full CFA.

Any changes to the Members' Allowances Scheme will only be made following receipt of the views of the Independent Remuneration Panels of the 3 Constituent Authorities.

## **Article 13 - Suspension, Interpretation and Publication of the Constitution**

### 13.1 SUSPENSION OF THE CONSTITUTION

#### **Limit to suspension**

The Articles of this Constitution may not be suspended. The Procedural Rules specified below may be suspended by the full CFA or relevant Committee to the extent permitted within the Rules and the law:

- (a) The CFA Procedure Rules set out in Part 4 of this Constitution;
- (b) Financial Procedure Rules; and
- (c) Contract Procedure Rules.

## **Procedure to suspend**

A motion to suspend any Procedural Rule cannot be moved without notice unless at least one half of the total numbers of the full CFA or the relevant Committee are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and will only be for so long as is necessary to transact the particular item of business necessitating the suspension.

### **13.2 INTERPRETATION**

The ruling of the Chair of the CFA or relevant committee, or in his/her absence the chair of the meeting, as to the construction or application of this Constitution or as to any proceedings of the CFA, or committee, shall not be challenged at any meeting. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **13.3 PUBLICATION**

The Chief Fire and Rescue Officer will ensure that copies of this Constitution are available for inspection at Fire Service HQ and on the Fire Service's Website, and can be purchased by members of the local press and the public on payment of a reasonable fee which shall be determined each year.

## **Schedule 1 - Description of Arrangements**

The following parts of this Constitution constitute the CFA's decision-making structure:

Article 4	Full CFA
Article 5	Corporate Governance Committee
Article 6	Employment Committee
Article 7	Pension Board
Part 3	Responsibilities for Functions
Part 4	Meeting Procedure Rules

## **Schedule 2 – Guidance Notes on role of the Chair, Vice-Chair and members of Committees**

### **a) ROLE OF THE CHAIR OF THE CFA**

#### **APPOINTMENT PROCEDURE**

The Chair is usually appointed from the majority party on the CFA at the Annual CFA Meeting in May/June for the forthcoming Municipal Year (until the next Annual Meeting).

## KEY ROLES

The Chair will:

1. provide strong political leadership for the CFA;
2. chair meetings of the CFA and exercise any power or duty of the Chair permitted in terms of the CFA Procedure Rules to ensure democratic decision making and the orderly conduct of meetings;
3. propose the budget and tax level to the full CFA for adoption following appropriate consultation.
4. propose the Policy Framework for adoption by CFA and any material changes thereto;
5. ensure the CFA is represented on appropriate bodies;
6. represent the CFA's view to the media.

### **b) ROLE OF THE VICE-CHAIR OF THE CFA**

#### PURPOSE

The Vice-Chair will deputise for the Chair in his absence. The Vice-Chair will also act in a supportive role in assisting the Chair to fulfil his or her role.

#### APPOINTMENT PROCEDURE

As with the Chair of the CFA, the Vice-Chair is appointed at the Annual CFA Meeting for the forthcoming Municipal Year.

#### KEY ROLES

1. Chair Meetings of the CFA in the absence of the Chair;
2. Undertake the role of the Chair in his or her absence and carry out all duties applicable to this position.

### **c) ROLE OF THE MEMBERS OF THE CORPORATE GOVERNANCE COMMITTEE**

#### PURPOSE

Collectively Members of the Corporate Governance Committee will be responsible for the promotion and maintenance of high standards within the Authority in relation to the operation of its Code of Governance. In particular this shall include monitoring the Risk Management Framework and the Authority's financial performance.

## APPOINTMENT PROCEDURE

Members of the Committee are appointed at the Annual CFA Meeting for the forthcoming Municipal Year. The membership of the Committee is politically balanced to reflect the political make-up of the CFA as a whole.

### **d) ROLE OF THE MEMBERS OF THE EMPLOYMENT COMMITTEE**

#### PURPOSE

Collectively Members of the Employment Committee will be responsible for taking decisions on any staffing matter not delegated to the Chief Fire and Rescue Officer excepting any matter which falls to be considered by an Appeals Panel.

#### APPOINTMENT PROCEDURE

Members of the committee are appointed at the Annual CFA Meeting for the forthcoming Municipal Year. The membership of the Committee is determined by the CFA.

### **e) ROLE OF THE MEMBERS OF THE PENSION BOARD**

The role of the Board is to ensure the effective and efficient governance and administration of the Scheme. It must also ensure compliance with relevant legislation or requirements imposed by the Pensions Regulator.

#### APPOINTMENT PROCEDURE

Regulations require that the Board 'must include an equal number, which is no less than 4 in total, of employer representatives (i.e. members of the CFA) and scheme member representatives (i.e. employees) and must be satisfied that persons appointed to the Board have 'the capacity and understanding to represent employers/members on the local pension board'. The CFA has agreed that the Board membership should number four, two members of the CFA and two employee representatives.