



Safest People, Safest Places

Combined Fire Authority

20 June 2023

Review of the Constitution

Report of the Chief Fire Officer and Clerk

Purpose of Report

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

Background

2. County Durham and Darlington Fire and Rescue Authority has agreed a Constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Authority to choose. The Constitution is divided into separate sections, setting out the basic rules governing the running of the Fire and Rescue Service.
3. In preparation for the Authority's Annual General Meeting (AGM) a thorough review of the Constitution has taken place. The review has resulted in some proposed amendments being put forward. A copy of the draft Constitution is attached as Appendix A.

Suggested Amendments

4. The substantive amendments are as follows:
 - 4.1 **Glossary of Terms – pages 3-5**

This has been added to provide clarity regarding some of the terminology used throughout the document.

4.2 **Section 13 – Code of Conduct for members**

The following paragraph has been added at page 66:

“10. Dispensations

10.1 The Authority may, on a written request made to the Monitoring Officer by a Member or Co-opted Member, grant a dispensation under section 33 of the Localism Act 2011 enabling the Member or Co-opted Member to participate in discussion and/or vote on a matter in which they have a disclosable pecuniary interest only if, after having had regard to all of the relevant circumstances, the Monitoring Officer:

- a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- c) considers that granting the dispensation is in the interests of persons living in the authority’s area,
- d) considers that it is otherwise appropriate to grant a dispensation.

Any dispensation granted under this provision will specify the period for which it has effect, and the period specified may not exceed four years.

Dispensations may not be granted retrospectively.”

4.3 **Section 14 – Financial Regulations**

The definition of Principal Officers has been amended to cover the roles of the proper officer only i.e., Chief Fire Officer, Deputy Chief Fire Officer and Treasurer.

Recommendations

5. The Authority is requested to:

- i) **note** the contents of the report and the suggested amendments to the Constitution.
- ii) **approve** the amended Constitution as outlined at Appendix A.