



Safest People, Safest Places

Combined Fire Authority

25 June 2024

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. These amendments reflect some of the structural changes that have taken place in the Service since the last full review was undertaken in 2023 and also take account of some legislative changes that affect the publication of documents. A copy of the draft Constitution is attached as Appendix A and a copy of the CFA Procedure for Member Code of Conduct Complaints is included at Appendix B.

Suggested Amendment(s)

Index

4. The current index is a standard list of page numbers and correlating sections of the constitution. The document in its current form is difficult to navigate and requires users to scroll through to find specific sections. It is proposed that hyperlinks are added to the index to make navigating the constitution more user friendly and accessible.

Glossary of Terms

Brigade Managers

5. The Glossary of terms is silent on the definition of Brigade Managers, as the term 'Brigade Manager' is used when referring to the Gold Book. A definition is proposed to add clarity to the role and relies on the definition as referred to within the Gold Book. It is considered appropriate to include a definition of both roles as both terms are referred to within the Constitution, the term 'Principal Officer' is the preferred term within the structure of the authority.
6. It is proposed to use the Gold Book definition of Brigade Managers within the glossary of terms, the wording of which will be as follows;
 - a. Brigade Managers
The term Brigade Manager is used in the National Joint Council (NJC) for Brigade Managers of Fire and Rescue Services Scheme of Conditions of Service, fifth edition 2006 (the Gold Book) and refers to those roles aligned to Principal Officers”
7. The current definition of the Gold Book excludes Directors from its definition. It is proposed to include Directors into the definition to reflect the structure of the authority
 - a. Gold Book
The terms and conditions of operational Principal Officers and Directors as written in the National Joint Council for Brigade Managers of Fire and Rescue Services Scheme of Conditions of Service, fifth edition 2006.

Definitions of Roles

8. The current version of the constitution is silent on the definition of Directors and Service Leadership Team therefore these definitions will be included in the glossary.
 - a. Directors
 - Director of Emergency Response
 - Director of Community Risk Management
 - Director of Corporate Resources
 - Director of People and Organisational Development

b. Service Leadership Team

Service Leadership Team (SLT) provides the senior executive officer function within the service, these roles include;

- Chief Fire Officer
- Deputy Chief Fire Officer
- Deputy Chief Executive and Treasurer
- Director of Emergency Response
- Director of Community Risk Management
- Director of Corporate Resources
- Director of People and Organisational Development

Section 2 – Authority and Committee Structure

9. Section 2 of the Constitution sets out the role, function and committee structure of the authority, it is intended to amend the following;

10. Amend point 15 to replace with “appointing all SLT posts”.

11. Amend the wording of point 16 to remove monitoring and review of the performance of the other principal officers and treasurer. This is currently carried out by the Chief Fire Officer, meaning the performance of these roles is reviewed twice.

12. It is proposed to amend point 17 to clarify that the establishment of any new post with a salary of £100,000 or more shall remain a decision of the full authority.

13. These changes are proposed as they no longer reflect the structure of the authority.

Section 3 – Committee Delegations and Referrals

Appeals Committee

14. The Appeals Committee is currently made up of 6 members, there is no provision for any sub-committee under the Appeals Committee, this is required to reflect the organizational function of the committee.

15. It is proposed to change amend the constitution under the heading “1. The Appeals Committee” with the following text.

16. Six Members of the Fire Authority will form this Committee, with individual appeals or complaint hearings being conducted by a Sub-Committee of 3 Members of the Appeals Committee. The Chair of the Appeals Committee will be Chair of a Sub-Committee. One Sub-Committee member must be from Darlington Borough Council. The quorum for meetings of this Sub-Committee shall be 3, and it will discharge the following functions;

The current delegations numbered 1 and 2 within the constitution will remain and paragraph 3 will be added with the following text.

3. Considering and deciding appeals referred where the service deem it appropriate and necessary for consideration by the Sub-Committee.

17. The referred paragraph has been added to allow the Committee or where deemed to be appropriate or necessary by the service to hear an appeal.

The Human Resources Committee

18. It is intended to create a Sub-Committee of the Human Resources Committee; it will be made up of 3 members. The quorum for meetings of this Sub-Committee shall be 3 and it will discharge the following functions;

The current delegations numbered 1 and 2 of the Committee will remain unchanged, paragraph 3 will be added with the following text.

3. The Human Resources Sub-Committee will receive delegated authority to consider and determine any recommendations made following any investigation into the Chief Fire Officer.

19. It is considered appropriate to include this delegated authority following a review of the Gold Book's principles for dealing with grievance, discipline and capability matters (Appendix D).

Salary Review Group

20. Point 1 of the Delegated functions refers to the remit of the Committee to agree the salary levels for Principal Officers and this will be amended to cover all members of SLT.

21. Point 2 of the Delegated functions refers to the remit of the committee, which is currently responsible for reviewing the professional performance of all Principal Officers in relation to salary reviews. As the Deputy Chief Fire Officer and the Deputy Chief Executive and Treasurer report to the Chief Fire Officer, there is not a requirement for the Salary Review Group to review their professional performance. Therefore, the remit of the Salary Review Group will, in respect of performance only, remove the term Principal Officers and replace it with Chief Fire Officer.

22. In the Referred section the Committee will undertake the Salary Review Process for all members of SLT, therefore the term 'Principal Officers' will be removed, as will reference to Principal Officers and the Treasurer attending any meeting of the Salary Review Group.

23. The following referred functions will be amended:

a) Point 1 will remove the reference to Principal Officer and Treasurer.

- b) Point 3 will remove “the Principal Officer and Treasurer’ roles” and replace it with “all SLT roles.”
- c) Point 4 will remove the reference to ‘Principal Officer’ and replace it with ‘SLT’

Section 4 – Committee Governance

- 24. Section 4.4 currently provides that all members are included with the voting number for the purpose of quorum.
- 25. It is proposed to amend Section 4.4 to add that ‘at least 3 members will not include co-opted members’

Section 7 – Scheme of Delegations

- 26. Section 4.2 (a) describes the Treasurers statutory delegated powers. Section 4.2 fails to appoint a Deputy in the event of the Treasurers absence from the authority. For adequate contingency planning it would be beneficial to appoint a Deputy Section 151 Officer.
- 27. It is intended to add “the Treasurer shall nominate a suitably qualified member of the Authority’s staff to act as a Deputy Section 151 Officer in the event of their absence” to section 4.2 (a)

Section 13 – Code of Conduct for Members

- 28. Section 4.5 provides that where it is alleged a member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.
- 29. There are two proposed changes to section 4.5;
 - a. It is proposed to combine the Local Assessment Procedure and Local Determination Procedure into a single procedure titled ‘The CFA Procedure for Code of Conduct Complaints.’ Combining the two procedures will make them easier to identify and will allow the procedure to be user friendly.
 - b. As outlined above the Constitution currently states complaints would be presented to the Monitoring Officer. It is proposed to delegate this authority to either the Deputy Monitoring Officer or a nominated Durham County Council officer on their behalf. The Monitoring Officer will remain to have oversight of complaints. This change is intended to delegate the authority of the Monitoring Officer to ensure complaints are dealt with quickly and effectively.
- 30. It is proposed to modify Appendix 1 of this report “The CFA Procedure for Code of Conduct Complaints’ by amending the following;

- a. Administrative Officer, it is intended to delete this definition as it is not referred to within the procedure.
- b. A definition of the Human Resources Committee has been added as the procedure failed to define this committee.
- c. The definition of Head of Legal and Democratic Services has been deleted, as this term is not referred to within the procedure.
- d. The definition of Standards Committee has been deleted as this Committee is not reflected within the current structure. Where the Standards Committee has been referred to it will now refer to the Human Resources Committee; this is found within the introduction, section 5 (5.4), section 8 (8.9), section 10 (10.1 10.5), section 11 (11.7) and within schedule A point x.

Recommendations

31. 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 2.