



Appendix A

CONSTITUTION 2021/22

OFFICIAL – JUNE 2021

“Our Vision 2018 - 2022

is that we have built a sustainable future and:

- ***make a positive difference to the safety and quality of life of every local citizen; and the places where they live and work***
- ***deliver services by people who are professional, proud and passionate***
- ***are nationally recognised as being high performing and innovative; and internationally renowned for being able to reduce risk in business, industry and the home”***

***“Our Mission is to deliver an
Inclusive Fire and Rescue Services that ensure the
Safety and Wellbeing of its Communities”***

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SUMMARY

Cleveland Fire Authority (“the Authority”) is a corporate body and for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972 and other local government legislation. It is funded from Government Grants and by precepting the constituent councils of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees. The Authority operates within an agreed governance framework which sets out its rules and regulations in relation to meetings, decision making and responsibilities.

The sixteen Elected Members of the Authority are nominated by the four constituent Borough Councils – Hartlepool (three Members), Middlesbrough (four Members), Redcar & Cleveland (four Members) and Stockton-on-Tees (five Members) .who are accountable in their decisions to the Authority rather than their individual council.

The Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

The Government’s blueprint of priorities and objectives for fire and rescue services as set out in its document the ‘Fire and rescue national framework for England’ also influences the Authority’s work.

The Fire Authority has overall control over the strategic direction, establishment, budget and functions of the Brigade as a body and over the acquisition, disposal and alteration of Brigade premises and appliances. The Chief Fire Officer is the Chief Officer (Head of Paid Service) of the Brigade with direct responsibility to the Authority for the efficient operation of the Brigade.

The Authority has a Constitution which sets out how it operates, how decisions are made and the procedures and legislation followed to ensure that an efficient, effective, transparent and accountable service is delivered to the local community. Some of these processes are required by law, whilst others are matters for the Authority to agree. The Constitution is divided into Sections which set out the basic rules governing the Authority’s business.

The Authority’s four year Community Integrated Risk Management Plan (CIRMP) 2018 - 2022 outlines the strategic plan and priorities of how we can make a real difference within the local communities.

Governance – Section 2

Details the Authority's membership, committee structure and governance information.

Terms of Reference and Delegated Powers – Section 3

Details the terms of reference and delegated powers of the Authority and Committees.

Scheme of Delegation – Section 4

The Delegation Scheme sets out the terms and limitations upon which the Authority has empowered its Authorised Officers, this includes additions in line with the requirements of the Public Service Pension Act 2013 and Regulations made thereunder.

Financial Procedure Rules – Section 5

The Financial Procedure Rules also include the updated roles of Audit.

Standing Orders – Section 6

Standing Orders of the Authority in Respect of Proceedings and Business

Contract Procedure Rules – Section 7

The Contract Procedure Rules have been updated to reflect the UK leaving the European Union.

Ethical Governance Framework – Section 8

- Anti-Fraud and Anti-Corruption Strategy
- Standards and Partners
- Member Code of Conduct
- Register of Members Interests
- Declaration of Gifts and Hospitality
- Hearing Procedures
- Complaints Procedure

Members Allowance Scheme – Section 9

The Members Allowance Scheme details the governance of the scheme.

Code of Corporate Governance – Section 10

The Code of Corporate Governance sets out how the Authority carries out their responsibilities in accordance with legislative and regulatory requirements whilst demonstrating accountability, transparency, effectiveness, integrity, impartiality, inclusivity and efficiency.

GOVERNANCE

- **Membership**
- **Statutory Officers and Authorised Persons**
- **Political Representation**
- **Meeting Structure**
- **Calendar of Meetings 2021/22**
- **Appointment of Chair and Vice Chair**
- **Appointment to Outside Bodies**
- **Protocol for filming, recording and photographing at CFA meetings**
- **Access to Information**

GOVERNANCE

Membership

The sixteen Elected Members of the Authority are nominated by the four constituent Borough Councils. The appointing Councils appoint Members for whatever term they feel appropriate (one to four years). Members can resign at any time and cease to hold office if they cease to be Councillors. Councils can replace their Members at their discretion.

Statutory Officers and Authorised Persons

The Authority has the following Statutory Officers; a Section 151 Officer (the Treasurer) a Monitoring Officer (Peter Devlin) and a Head of Paid Service (the Chief Fire Officer). The Assistant Chief Fire Officer Strategic Planning and Resources undertakes the role of Clerk to the Authority and the Authority has appointed the Senior Head of Assets as the Data Protection Officer in line with GDPR. There are four Authorised Persons whose roles are outlined within the Delegation Scheme at Section 4, namely the Chief Fire Officer (Ian Hayton); Assistant Chief Fire Officer Strategic Planning and Resources (Karen Winter); Treasurer (Chris Little) and the Legal Adviser and Monitoring Officer (Peter Devlin).

Political Representation 2021/22

Hartlepool:	1 Conservative, 1 Independent, 1 Labour
Middlesbrough:	1 Independent, 1 Independent, 2 Labour
Redcar & Cleveland:	1 Cleveland Independent Association, 1 Independent Group, 1 Labour, 1 Liberal Democrat
Stockton on Tees:	2 Conservatives, 2 Labour, 1 Thornaby Independent Association

Meeting Structure

The Fire Authority is underpinned by two committees: an Executive Committee of seven Elected Members and an Audit and Governance Committee of nine Elected Members and two Independent Persons.

The Authority operates within an agreed governance framework which sets out its rules and regulations in relation to meetings, decision making and responsibilities.

Calendar of Meetings 2021/22

Cleveland Fire Authority meetings normally commence at 2.00pm and the Executive and Audit and Governance Committees commence at 11.15am and 11.00am respectively. Meetings are normally held at the Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH. Meetings of the Authority are open to the public unless the Access to Information Rules apply. Meetings may be held remotely as per Government guidance. For further information, please contact the Democratic and Administration Manager on 01429 872311 or cfa@clevelandfiregov.uk

CLEVELAND FIRE AUTHORITY 2.00 pm	EXECUTIVE COM 11.15 am	AUDIT & GOVERNANCE 11.00 am
4 June 2021 – Annual Meeting		25 June 2021
30 July 2021	9 July 2021	27 August 2021
15 October 2021	17 September 2021	
10 December 2021	19 November 2021	26 November 2021
11 February 2022	21 January 2022	25 February 2022
25 March 2022	4 March 2022	
17 June 2022 – Annual Meeting	20 May 2022	24 June 2022

Appointment of Chair and Vice Chair

At the Cleveland Fire Authority meeting on 31 March 2017, Members resolved that the rotation of Chair and Vice Chair be discontinued (Minute No. 112.1 refers). The Chair and Vice Chair will be appointed at its annual meeting following a vote of Members.

Appointment to Outside Bodies

Appointments will be made to the following Outside Bodies at the Annual meeting following a vote of Members:

Local Government Association Fire Commission - One Member (Chair of Vice Chair)
One Named Substitute Member

Redcar & Cleveland Community Safety Partnership – One Redcar & Cleveland Member

Stockton Safer Partnership Representative – One Stockton on Tees Member

Protocol for filming, recording and photographing at Authority Meetings

The Authority has a procedure in place for members of the public or media who wish to film, audio- record or photograph proceedings which can be found on the Brigade website.

Access to Information

Agenda Papers are published on www.clevelandfire.gov.uk five working days prior to the meeting. Notice of Meetings are displayed five working days in advance of a formal meeting at the four Constitution Councils main offices and the venue where the meeting is to be held

Meetings of the Fire Authority are open to the public unless Access to Information rules apply. When these rules apply, they will be excluded from the meeting as the business being disclosed is exempt or not for publication under the relevant exemption paragraph of the Local Government Act 1972, Part 1 Schedule 12A as amended by the Local Government (Access to Information) (Variation) Order 2006

A motion to exclude the press and public may also be moved without notice at any time during a meeting, but the mover must identify which of the seven paragraphs it is exempt from.



TERMS OF REFERENCE AND DELEGATED POWERS

- **Cleveland Fire Authority**
- **Executive Committee**
- **Audit and Governance Committee**
- **Audit and Governance - Hearing Sub Committee**
- **FPS Local Pension Board**
- **Independent Remuneration Panel**

Cleveland Fire Authority: Terms of Reference

Strategic

- setting the vision and strategic direction of the Authority
- ensuring the views of the community, partners and constituent councils are taken into account and that they are kept fully informed of the Authority's plans
- approving the Authority's Community Integrated Risk Management Plan
- approving the Authority's Service Plan
- approving proposals for major changes to delivery of services
- reviewing the corporate identity of the Authority
- establishing an effective and efficient Corporate Governance Framework
- acting as the Subscriber to the Memorandum of Association of the Community Interest Company (CIC) and being a Member of the CIC

Financial

- setting the Authority's Medium Term Financial Strategy and Revenue and Capital Budgets
- complying with the International Financial Reporting Standards (IFRS)
- approving the Treasury Management Policy and Strategy
- approving the Authority's Pay Policy Statement
- approving The Financial Report (Statement of Accounts)

Risk and Performance

- establishing the Authority's risk and performance management frameworks including risk analysis; and risk and performance management, monitoring and scrutiny arrangements

Appointment and Terms and Conditions

- appointing the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement (recommendation from the Executive Committee)
- appointing the Independent Persons to serve on the Audit and Governance Committee (recommendation from the Executive Committee)

Governance

- ensuring Elected Member development
- receiving minutes of Executive, Audit and Governance Committees and Local Pension Board
- receiving reports from the External Auditor, Chief Fire Officer, Proper Officers and Chairs

Quoracy

- 6 Members (one third)

Cleveland Fire Authority: Delegations

The Authority has already recognised that it would be inefficient and ineffective to make all the decisions itself and therefore has a Scheme of Delegation in place that reflects best practice and the CIPFA/Solace ‘Delivering Good Governance in Local Government (Guidance note). The Scheme of Delegation is at Section 4

The Clerk and the Chair have delegated powers to agree Member attendance at external events

The powers delegated to the Executive Committee are detailed within its terms of reference.

The powers delegated to the Audit and Governance Committee are within its terms of reference

Executive Committee: Terms of Reference

Membership

- CFA Chair and Vice Chair to be included in the membership
- CFA Chair to chair the Executive Committee
- A representative from each of the four constituent councils to be included within the seven members
- When the Committee meets to consult with the Representative Bodies, two representatives from the Fire Brigades Union; one Unison and one APFO representative will be invited to attend. The views of the Trade Unions will be noted at this informal meeting.

Principle Remit

To make recommendations to the Authority on the major strategic issues set out in its terms of references and formulate and approve the Authority's Policies in line with its delegated decision-making powers under the Authority's Scheme of Delegation.

Strategic

- making recommendations to the Fire Authority on:
 - its vision and strategic direction
 - the Community Integrated Risk Management Plan (CIRMP) proposals
 - its Service Plan
 - proposals for major changes to delivery of services

Financial

- making recommendations to the Fire Authority on:
 - its Medium-Term Financial Strategy and Revenue and Capital Budgets
 - its Pay Policy Statement

Risk and Performance

- monitoring progress on the implementation of the Authority's CIRMP

Appointment and Terms and Conditions

- making recommendations to the Fire Authority on the appointment of:
 - the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement
 - the Independent Persons to serve on the Audit and Governance Committee

Quoracy

- six Members, plus one Representative Body when dealing with consultation issues

Executive Committee: Delegated Powers

Strategic

- approving the Authority's Policies
- approving the Authority's Annual Statement of Assurance

Financial

- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Schemes

Appointment and Terms and Conditions

- appointing Assistant Chief Fire Officers in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser & Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing appeals from Area Managers
- hearing an appeal against withholding Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union
- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liasing with recognised Representative Bodies on the formulation of Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Constitution and Contract Procedure Rules

Audit and Governance: Terms of Reference

Membership

- To be chaired by a member outside of the majority group
- Any member not on the Executive Committee will be appointed to the Audit and Governance Committee
- The 2 Independent Persons (Messrs Paul McGrath and Steve Harwood) attend meetings in an advisory capacity.
- The External Auditors (Mazars LLP) attend and present their reports to Members

Principle Remit

- The role of an Audit Committee is very important and whilst it is not a statutory requirement to have such a committee, it is well recommended and regarded as best practice by both Auditors and CIPFA
- CIPFA also regard it as best practice for the audit committee to be separate from the executive committee with the size of the audit committee not being unwieldy.
- The purpose of the Audit and Governance Committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.
- The Audit and Governance Committee will include two Independent Persons appointed to undertake the function of standards.

Strategic

- scrutinising the Authority's Annual Statement of Assurance

Financial

- monitoring the progress of the Authority's Medium Term Financial Strategy and Revenue and Capital Budgets
- monitoring and scrutinising of the Treasury Management Strategy
- scrutinising The Financial Report

Risk and Performance

- providing independent assurance of performance, risk management and data quality frameworks
- monitoring, scrutinising, regularly reporting and communicating on the Authority's performance, risk and efficiency outcomes
- monitoring the management of the Authority's Corporate Risks

Audit

- scrutinising of External and Internal Audit reports and monitoring of achievements against any associated action plans and recommendations
- scrutiny of the Internal Audit Annual Report

Standards

- advising the Authority on promoting and maintaining good ethical governance and standards
- advising the Authority upon the adoption of a Members' Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
- providing advice, guidance and training in relation to the duty to promote and maintain high standards of conduct in observing the Authority's Code of Conduct by elected and co-opted members
- ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted
- reviewing the Anti-Fraud and Anti-Corruption Strategy
- making recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion

Quoracy

- three Members, plus one Independent Person when dealing with Standards

Audit and Governance: Delegated Powers

Financial

- approve the Annual Governance Statement contained within the Financial Report

Audit

- approve the External Auditors Annual Audit Letter
- approve the Audit Strategy Memorandum
- adopt the Annual Internal Audit Plan

Hearing and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a **Hearing Sub-Committee**, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate. **See Standards Note 1**
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct

STANDARDS NOTE 1

Membership

The Hearings Sub-Committee is a Sub-Committee of the Authority's Audit and Governance Committee. The Audit and Governance Committee has decided that the sub-committee will comprise of a maximum of five and a minimum of three of its members drawn from at least two different political parties. Subject to those requirements, a Member is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Authority.

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and his/her views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Delegated Powers

The Audit and Governance Committee has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- Publish its findings in respect of the member's conduct;
- Report its findings to the Authority for information;
- Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Authority;
- Recommend to the Leader of the Authority (operating executive arrangements) that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the member;
- Remove from all outside appointments to which he/she has been appointed or nominated by the Authority;
- Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and Internet access; or
- Exclude the member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

NOTE

The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Authority.

The full complaints process and procedure for local hearings are detailed within the Ethical Governance Framework at Section 8.

MEMBERSHIP OF THE BOARD

2 Employer Representatives

2 Employee Representatives

REMIT OF THE BOARD

The purpose of the Board is to assist the Administering Authority in its role as a Scheme Manager of the Scheme to:

- Secure compliance with Regulations, any other legislation relating to the governance and administration of the Scheme and requirements imposed by the Pension Regulator in relation to the Scheme and;
- Ensure the effective and efficient governance and administration of the Pension Scheme.
- Provide the Scheme Manager with such information as it requires ensuring that any member of the Pension Board or person to be appointed to the Board does not have a conflict of interest.

The Board will ensure it effectively and efficiently complies with the code of practice or future codes of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

The Board has no delegated powers

Quoracy

1 Employer representative

1 Employee representative

Independent Remuneration Panel

Membership – Four Independent Representatives

One representative from each of the Independent Remuneration Panels of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton which will be appointed by their constituent council

Terms of Reference

When instructed by the Authority, the Treasurer will call an Independent Remuneration Panel. The next review is scheduled for 2023.

The IRP have no delegated powers and make recommendations to the Cleveland Fire Authority regarding:-

1. The amount of basic allowance that should be payable to its elected members.
2. The responsibilities or duties of Members which could/should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.
3. The Member duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
4. Whether any allowance should be backdated to the beginning of a financial year in the event of the Member Allowances scheme being amended.
5. Whether annual adjustments of allowance levels may be referred to an index and if so, for how long such a measure should run.

Quoracy

Three representatives