

PART 2 ARTICLES

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Articles of the Constitution			Page Number
Article	1	Purpose of the Constitution	3
Article	2	Members of the Authority	4 – 7
Article	3	Citizens and the Authority	8
Article	4	The Role of the Authority, Legal Structure and Delegations	9 – 10
Article	5	Chairing the Authority	11
Article	6	The Role of the Audit and Governance Committee	12 – 13
Article	7	The Role of the Appointments Committee	14
Article	8	The Role of the Appeals and Standards Committee	15 - 16
Article	9	The Role of the Principal Officer Review Committees	17 - 18
Article	10	The Role of the Corporate Advisory Group	19
Article	11	The Role of the Stakeholder Planning Board	20
Article	12	The Role of the Performance and Scrutiny Board	21
Article	13	The Key Officers and the Management Structure	22 - 23
Article	14	Decision Making	24
Article	15	Finance, Contracts and Legal Matters	25
Article	16	Review and Revision of the Constitution	26
Article	17	Suspension, Interpretation and Publication of the Constitution	27

Note:

Revision dates appearing in the footer represent the date actual amendments were made to the document.

See record of revision for dates amendments approved by Authority/delegated officers.

Article 1 - Purpose of the Constitution

1.1 Discharge of Functions

This Constitution and all its appendices comprises the Constitution of the South Yorkshire Fire and Rescue Authority. The Authority will exercise its functions, powers, duties and responsibilities in accordance with this Constitution, within the law, fairly, equitably, openly and transparently and in the best interests of the community of South Yorkshire as a whole.

1.2 Purpose of the Constitution

The purpose of this Constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby assisting:

- (1) Members to discharge their role as decision makers efficiently and effectively
- (2) Ensure that the decision making processes are clearly identifiable to citizens
- (3) Provide citizens with information about their rights and right to be involved in the process of decision making
- (4) Provide a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.3 Monitoring

The Authority will proactively keep the Constitution under monitor and review, with a formal review / update every three years.

Article 2 - Members of the Authority

2.1 Composition and Eligibility

- (a) Composition - The Authority comprises 12 Members, each of whom must be an elected councillor, elected to one of the four constituent district councils comprising South Yorkshire. The constituent councils appoint Members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following proportions:

Sheffield	5	Rotherham	2
Doncaster	3	Barnsley	2

Members may be removed by their appointing council, subject to their Council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification etc.

- (b) The Policing and Crime Act 2017 set out the requirement for closer collaboration across the emergency services in order to improve efficiency and effectiveness in public safety, and to deliver better outcomes for communities as a result.
- (c) The Act introduced a statutory duty for police, fire and ambulance services to collaborate. It also created two distinct routes enabling Police and Crime Commissioners (PCCs) to have a direct role in the governance of fire and rescue services – either by becoming one of two forms of new ‘PCC-style’ fire authority, or by being allocated a voting seat on existing fire authorities.
- (d) In February 2017, South Yorkshire Fire and Rescue Authority agreed that the Police and Crime Commissioner would become a full, voting, Member of the Authority.

2.2 Roles and Functions of Members

All Members are expected:

- (i) to act corporately for the good governance of the Authority, balancing the needs of the whole community of South Yorkshire with their role of local representative
- (ii) to actively represent, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of South Yorkshire
- (iii) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, working parties or external bodies to which the Member has been appointed and to fully participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving the Strategic and Operational Plans (including the Integrated Risk Management Plan) in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
- statutory and other legal requirements
 - the Code of Conduct for Members
 - Standing Orders of the Authority

- the Member /Officer protocol
- (iv) to represent the Authority throughout the area of South Yorkshire
- (v) if appointed by the Authority to an external body, to represent the interests of the Authority on that body
- (vi) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of Fire and Rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations in order to effectively promote the safety and well-being of the whole community of South Yorkshire.

2.2.1 Roles and Responsibilities of Designated Office Holders

Chair of the Authority:

- (i) to provide overall political leadership to the Authority
- (ii) to chair meetings of the Authority and to ensure its overall effectiveness
- (iii) to provide effective leadership in the development of the Authority's policy, strategy and budget proposals
- (iv) to lead on the implementation of effective service delivery and the Authority's approved policies and strategies
- (v) to act as the Authority's principal Member spokesperson at local, regional and national level
- (vi) to seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions
- (vii) to lead in the development of good working relationships between the leaders of political groups represented on the Authority.

Vice Chair of the Authority

- (i) to support the Chair of the Authority in discharging the roles associated with the office of Chair
- (ii) to deputise for the Chair in his/her absence.

Minority Party Group Leaders

- (i) to ensure their party contributes effectively, positively and constructively to the Authority's activities
- (ii) to act as the principal political spokesperson for their political group
- (iii) to provide leadership to their party group.

Chairs of Committees / Boards

All Committee / Board Chairs:

- (i) to chair the committee / Board and ensure its overall effectiveness
- (ii) to have a working knowledge of the Authority's relevant policies and strategies and to ensure that he/she is sufficiently and effectively briefed by officers on matters coming before the committee / Board.
- (iii) to co-ordinate and manage the work of the committee / Board.
- (iv) to support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

All Committee Vice Chairs (if appointed):

- (i) to support the committee chair in discharging the roles of the chair
- (ii) to deputise for the committee chair during any absence of the chair.

2.3 Rights and Duties of Members

2.3.1 Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.

2.3.2 A Member of the Authority may, for the purposes of his/her duty as such Member but not otherwise, on application to the Clerk to the Authority, inspect any document which has been considered by a Committee or a Sub-Committee or by the Authority, and shall on request be supplied with a copy of such a document if practicable.

Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Government Act 2000 and/or regulations made there under or the Code of Conduct, shall not preclude the Clerk to the Authority from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

2.3.3 All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any Member of the Authority during office hours.

2.3.4 Subject to any statutory provision in that behalf, no Member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk to the Authority, the document is of a confidential nature.

2.3.5 Inspection of Lands, Premises etc

A Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or unless authorised by the Authority claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

2.3.6 Members will not make public information which is confidential or exempt, without the consent of the Authority or divulge information given in confidence to anyone other than a Member or officer of the Authority entitled to know it.

2.3.7 For these purposes "confidential" "exempt" information are defined in the access to information rules in Part 5b of this Constitution.

2.3.8 Appointment of Relatives of Members

A candidate for any appointment under the Authority who knows that he/she is related to any Member of the Authority shall, when making application, disclose that relationship to the chief officer concerned. A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

Every Member of the Authority shall disclose to the chief officer concerned any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority. The chief officer concerned shall report to the Authority any such disclosure made to him/her.

2.3.9 Failure to Attend Meetings

(A) Subject to the provisions of Section 85 Local Government Act 1972, any Member failing to attend any meeting of the Authority or its Committees for a period of six months ceases to be a Member of the Authority unless within that period the Members absence is approved by the Authority.

(B) The Clerk to the Authority will monitor absences from meetings and unless approval for any absence is given by the Authority will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.4 **Conduct**

Members will, at all times, observe the Members' Code of Conduct and the Member/Officer relations protocol set out in Part 6 of this Constitution.

2.5 **Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part 7 of this Constitution.

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

(a) Information - Citizens have the right to:

- (1) Attend meetings of the Authority, its committees and sub-committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens. The Authority's meetings will include as an agenda item 'Questions and Communications from the Public'.
- (2) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees or sub-committees.
- (3) Inspect the Authority's accounts and make representations to the district auditor about the content of those accounts.
- (4) Use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of their Councils and other local government bodies.

<https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>

(b) Participation and Consultation

- (1) Citizens and citizens' organisations and interest groups may be invited to contribute to meetings of the Authority and its committees and sub-committees and subject to the agreement of the Authority, committee or sub-committee, may bring a deputation to the meeting on any matter of interest.
- (2) Citizens can expect to be consulted on significant issues on either a local or Authority wide basis depending on the nature of the matter and its relative effect on the community.
- (3) The Authority has established arrangements for consultation for key areas of activities, for example consultation procedures involving all relevant stakeholders on the Integrated Risk Management Plan.

(c) Complaints - Citizens have the right to complain to:

- (1) The Authority, under its complaints scheme.
- (2) The Local Government Ombudsman after using the Authority's complaints process.
- (3) The Monitoring Officer about a breach of the Code of Conduct by any Member of the Authority.

3.2 Citizens' Responsibilities

Citizens are expected to conduct themselves in a reasonable manner and must not be violent, abusive or threatening to Members or officers or damage Authority owned property. Citizens should behave with due respect for the rights and opinions of others and have respect for the procedural decisions on conduct and behaviour made by the Chair of any meeting.

Article 4 - The Role of the Authority, Legal Structure and Delegations

4.1 Legal Structure/Delegations

The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or the common law. The Authority has delegated a range of decision making about various matters to committees and officers as set out in this Constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees and sub-committees appointed by the Authority and described in this Constitution shall be subject to:

- (i) statutory or legal requirements
- (ii) standing orders and financial regulations of the Authority
- (iii) strategic and corporate policies adopted by the Authority

and/or any directions given by the Authority in relation to the exercise of delegated functions.

No delegation which may be given by the Authority shall preclude the reference of matters by a committee or sub-committee to the Authority nor preclude the Authority from exercising any powers so delegated except where action has already been taken pursuant to a resolution of a committee or sub-committee under its approved terms of reference and delegated authority.

4.2 Functions Reserved to the Authority

Only the Authority will exercise the following functions:

- (1) Variations to standing orders and financial regulations and procedures.
- (2) The revenue budget, medium term financial strategy, capital plan and affordable borrowing limit, and levying or issuing of a precept.
- (3) Approval of the Strategic and Operational Plans including the Integrated Risk Management Plan.
- (4) Major policy issues including:
 - (i) the number and location of fire stations
 - (ii) major organisational variations to the management structure of the Authority and the command structure of the Brigade
 - (iii) major variations to the establishment scheme
- (5) Approvals reserved to the Authority under Procedural and Contract Standing Orders and Financial Regulations and Procedures.
- (6) Adopting a Members' Allowances Scheme.
- (7) Appointing the Chair and Vice Chair of the Authority and the Chairs and Vice Chairs of the committees of the Authority (save for the Appeals and Standards Committee which self-appoints its Chair).
- (8) Any other matters which by law must be reserved to the Authority itself.

4.3 Authority Meetings

There are three types of Authority meetings:

- (1) The Annual Meeting
- (2) Ordinary meetings
- (3) Extraordinary meetings

These meetings will be conducted in accordance with the Authority's Procedural Standing Orders set out in Part 5a of this Constitution.

Article 5 - Chairing the Authority

5.1 Electing the Chair and Vice Chair of the Authority

The Chair and Vice Chair of the Authority will be elected by the Members at the annual meeting.

5.2 Roles and Responsibilities of the Chair and in his absence the Vice Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders and procedural rules of the Authority as set out in Part 5a of this Constitution. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2.1 of this Constitution.

Article 6 - Audit and Governance Committee

6.1 Membership

The Authority has appointed an Audit and Governance Committee. The Committee shall comprise of up to five Members of the Authority and up to three independent members and will exclude the Chair and Vice-Chair of the Authority.

6.2 Meetings

- The frequency and timing of meetings will ensure that the Committee is able to fulfil its responsibilities relating to the functions specified below.
- The Committee will, under normal circumstances, meet six times per year including:
 - May to review the internal control and governance issues prior to the drafting of the Authority's Annual Governance Statement;
 - June to approve the Authority's:
 - Annual Governance Statement prior to it being signed by the Chair of the Authority;
 - Statement of Accounts prior to it being signed by the Chair of this Committee; and
 - September to receive and consider the external auditor's Annual Governance Report.
- The fourth meeting will be arranged in December/January to consider planned progress reports on items related to the Committee's functions.
- Other meetings will be held, as required, as agreed by the Chair of the Committee.

6.2 Terms of Reference

The Committee has delegated powers to take action on matters falling within its terms of reference subject to compliance with the Authority's policies and procedures.

Audit Activity:

- To consider the following internal audit reports:
 - Annual plan and strategy and performance measures;
 - Progress reports (actual against the plan) including summaries of the results of individual audits; internal control issues arising; and action plans implementation (including external audit action plans);
 - Annual report on internal audit activity and performance achievements and the opinion on the Authority's internal control arrangements.
- To consider the external auditor's governance report and Annual Audit Letter and other significant reports.

- To commission work from internal and external audit.

Regulatory Framework

- To maintain an overview of the Authority's Constitution in respect of:-

- Contract standing orders and procedures;
- Financial regulations and procedures;
- Codes of conduct and behaviour.

- To monitor the effective development and operation of risk management.

- To approve the Authority's Anti-Fraud and Anti-Corruption Policy and "whistle-blowing" policy, and to monitor the arrangements for those and the complaints process.

- To oversee the production of, and approve, the Authority's Annual Governance Statement.

- To consider the Authority's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice

Accounts

- To review the annual Statement of Accounts focussing on:-

- The suitability of, and any changes in, accounting policies;
- Major judgmental issues, e.g. provisions.
- To receive and agree the response to the external auditor's report to those charged with governance on issues arising from the audit of the accounts, focussing on significant adjustments and material weaknesses in internal control reported by the external auditor.

Treasury Management

- To scrutinise, and make recommendations to the Authority on, the Treasury Management Strategy and policies, and to monitor the implementation of policies and practices.

Article 7 - Appointments Committee

7.1 Membership

The Authority has appointed an Appointments Committee. The Committee has six Members.

7.2 Terms of Reference

The appointment of the Chief Fire Officer and Chief Executive, Deputy Chief Fire Officer and all appointments at Director level and to determine all matters relating to their terms and conditions of appointment and service.

All matters pertaining to remuneration of Principal officers covered by the Gold Book.

Article 8 - Appeals and Standards Committee

8.1 Membership

The Authority has appointed an Appeals and Standards Committee. The Committee has six members.

8.2 Terms of Reference

- (ii) To act as the Member level appeals panel for employees (other than Principal Officers) under any other employment procedures (including appeals under pensions regulations); and
The Committee has delegated powers to determine appeals.
- (iii) The Committee when considering an employee appeal shall be supported by a relevant officer of the Executive Management Team, whose role within the appeal shall, when necessary, be to provide any requisite organisation and operational advice to the Committee. The Executive Team Management Officer shall not hold a voting right in the appeal process. The Committee shall also be supported by Committee advisors, where and as relevant, who also have no voting rights.

General

- To assist the Authority in discharging its duty to promote and maintain high standards of conduct by Members and co-opted members of the Authority
- To assist Members and co-opted members of the Authority in understanding and observing the requirements of the Authority's Code of Conduct for Members and co-opted members ("the Code")
- To advise the Authority on revisions to the Code and on procedures for dealing with standards complaints
- To receive reports from the Monitoring Officer
- To deal with such other functions as the Authority considers appropriate

Dispensations

- To hear appeals against decisions of the Monitoring Officer not to grant a dispensation
- To grant dispensations to members on behalf of the Authority under section 33 of the Local Government Act 2011

Standards Allegations

- To determine in consultation with the Independent Person in relation to matters referred to the Committee by the Monitoring Officer whether a complaint requires investigation
- To consider complaint investigation reports referred to it by the Monitoring Officer and to determine in consultation with the Independent Person:
 - (i) where there is a "no breach of code" finding on investigation that no further action is required
 - (ii) where there is a "breach of code" finding on investigation to consider and determine whether:
 - (a) to proceed by way of local resolution avoiding the necessity for a hearing; or
 - (b) to hold a hearing.

If the allegation is upheld the Standards Committee (or Sub-Committee) shall either:-

- Determine that no further action be taken; or
- Recommend to the Authority any further appropriate action be taken in accordance with the general powers available to the Authority.

Article 9 - Principal Officer Review Committees

9.1 Membership

The Authority has appointed Principal Officer Review Committees A, B and C. Each Committee is made up of three members.

9.2 Terms of Reference

Committee A

Discipline Proceedings

- To hear and determine disciplinary cases involving Principal Officers and where appropriate Senior Managers
- The Committee will perform the functions of the Investigating Committee under the approved Discipline Procedure applying to Principal Officers and where appropriate Senior Managers.

Capability Proceedings (Principal Officers other than the Chief Fire Officer)

- To hear and determine capability cases involving Principal Officers - Stage 3 hearing under the Principal Officer Capability Procedure - and where appropriate Senior Managers

Capability Proceedings - Chief Fire Officer

- To hear and determine appeals against decisions taken by the Clerk under Stages 1 and 2 of the Principal Officer Capability Procedure

Committee B

Grievance Appeals

(ACAS grievance procedure applied to Principal Officers. This procedure applies to Harassment and Bullying Cases)

- To hear and determine grievance appeals made by Principal Officers and where appropriate Senior Managers

Capability Proceedings (Principal Officers other than the Chief Fire Officer)

- To hear and determine appeals at Stage 1 and 2 of the Principal Officer Capability Procedure where the Clerk to the Authority is unable to perform this role

Capability Proceedings - Chief Fire Officer

- To hear and determine capability proceedings involving the Chief Fire Officer - Stage 3 hearing under the Principal Officer Capability Procedure

Committee C

Discipline Proceedings

- To hear and determine discipline appeals made by Principal Officers and where appropriate Senior Managers

Capability Proceedings (Principal Officers other than the Chief Fire Officer)

- To hear and determine appeals from Principal Officers at Stage 3 of the Principal Officer Capability Procedure - and where appropriate Senior Managers

Capability Proceedings - Chief Fire Officer

- To hear and determine any appeal from the Chief Fire Officer at Stage 3 of the Principal Officer Capability Procedure

Article 10 - The Role of the Corporate Advisory Group

10.1 Membership

The Authority has appointed a Corporate Advisory Group. The Group is made up of all Fire and Rescue Authority Members and has no delegated or decision-making powers.

10.2 Terms of Reference

- The role of the Corporate Advisory Group is to provide strategic consultation and guidance to Officers between Authority meetings.
- Oversee the work programmes of the Authority and its Committees / Boards
- Make recommendations to the Service on reporting to full Authority in respect of all areas of governance, finance, strategic planning, Service development, workforce and organisational development etc
- Observe confidentiality and the Member Code of Conduct at all times..

The Corporate Advisory Group will **not** make any decisions regarding Authority business.

Article 11 - The Role of the Stakeholder Planning Board

11.1 Membership

The Authority has appointed a Stakeholder Planning Board. Membership is extended to all Members of the Authority.

11.2 Terms of Reference

To be responsible for:-

- Proportionate and timely consultation and communication with the public, businesses, statutory partnerships and other stakeholders including community groups and the voluntary sector.
- Enabling diversity, inclusion and independence within the communications and consultation process. The development of the Authority's involvement and participation in key strategic partnerships in all four Districts, including Community Safety Partnerships and the Office of the Police and Crime Commissioner.
- Working with the four District Community Safety Partnerships.
- Engagement with Local Resilience Forums.
- Monitoring collaboration with key strategic partners.

Article 12 - The Role of the Performance and Scrutiny Board

12.1 Membership

The Authority has appointed a Performance and Scrutiny Board. The Board comprises seven members of the Authority.

12.2 Terms of Reference

- To ensure the Authority's business is subject to effective scrutiny.
- To provide constructive, robust and purposeful challenge to strategic areas of corporate operation.
- To take an evidence-based approach to identifying areas of scrutiny to make best use of the resources available - for example through the use of research, consultation, performance management information, referrals from Authority or other Boards / Committees, any issues requiring further examination, concerns around the Service's Change Programmes and Projects, Member 'call in', and post-implementation reviews.
- Having identified that further exploration is required, , the Fire and Rescue Authority will request the Board to address when and how to proceed, taking account of the methodology set out as part of the agreed Scrutiny Protocol.
- The Board will seek to work in a co-operative and consensual manner, seeking the assistance of all parties engaged in the process.
- In seeking to ensure that it carries out its role in the most effective way, and to achieve added value, improved outputs or outcomes, the Board may adopt a variety of modes of operation for receiving evidence and will not restrict itself to formal "committee style" meetings when carrying out its scrutiny role.
- The Board may seek independent advice to assist in the interpretation of information and to aid understanding of issues.

Article 13 - The Key Officers and the Management Structure

13.1 Management Structure

- (a) *General* - The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.
- (b) *Statutory Officers* - The Authority has appointed the following Statutory Officers:
- Chief Fire Officer / Chief Executive
 - Clerk to the Joint Authority
 - Treasurer (S151 officer)
 - Monitoring Officer
 - Deputy Clerk
- (c) *Management Structure* - This is detailed in Part 4 of this Constitution.

13.2 Functions of the Chief Executive Officer

The Chief Fire Officer / Chief Executive will report to the Authority on the manner in which the discharge of the Authority's Fire and Rescue functions are co-ordinated, the number and grade of officers required for the discharge of these functions and the organisation of officers.

13.3 Functions of the Monitoring Officer

- (a) *Maintaining the Constitution* - The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is available for inspection by Members, staff and the public.
- (b) *Ensuring lawfulness and fairness of decision making* - After consulting with the Clerk, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in his/her view 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) *Supporting the Appeals and Standards Committee* - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Appeals and Standards Committee.
- (d) *Receiving complaints* - The Monitoring Officer will receive, acknowledge receipt and review complaints that an elected or co-opted member of the Authority has failed to comply with the Authority's Code of Conduct.
- (e) *Conducting investigations* - The Monitoring Officer, after consultation with the Independent Person, will take a decision as to whether a complaint merits formal investigation. The Monitoring Officer may refer a complaint to the Appeals and Standards Committee for a decision on whether it should be investigated where he/she considers it would be inappropriate for him/her to take the decision. The Monitoring Officer will arrange for an officer, or some other person if appropriate, to carry out a further investigation and produce a report of their findings for consideration by the Appeals and Standards Committee.
- (f) *Providing advice* - The Monitoring Officer will provide advice on the scope of the powers of the Authority, its committees and sub-committees and officers to take decisions and in connection with matters involving maladministration and probity.

- (g) *Restriction on appointment* - The Monitoring Officer cannot be the Chief Finance Officer.

13.4 Functions of the Treasurer

- (a) *Ensuring lawfulness and financial prudence of financial decision making* - After consulting with the Monitoring Officer, the Treasurer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- (b) *Administration of financial affairs* - The Treasurer has responsibility for the administration of the financial affairs of the Authority.
- (c) *Contributing to corporate management* - The Treasurer is required to contribute to the corporate management of the Authority, in particular, through the provision of professional financial advice.
- (d) *Providing advice* - The Treasurer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its committees and sub-committees, Members and officers and will support and advise members and officers in their respective roles.

13.5 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Authority will provide the Monitoring Officer and the Treasurer with such offices, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

13.6 Conduct

Officers will comply with the Officers Code of Conduct set out in Part 6d of this Constitution.

Article 14 - Decision Making

14.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its committees, sub-committees and officers is in accordance with Articles 4 to 14 of this Constitution and the Officer Delegation Scheme set out in Part 3 of this Constitution which together comprise the record of responsibility for decision making.

14.2 Principles of Decision Making

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

- (a) be within the lawful powers of the Authority
- (b) due consultation (including the taking of relevant professional advice from officers)
- (c) respect for human rights
- (d) presumption in favour of openness
- (e) clarity of aims and desired outcomes
- (f) within the letter and spirit of the Constitution

14.3 Types of Decisions

Decisions relating to the functions listed in Article 4.2 will be made by the Authority and not delegated.

14.4 Decision Making by the Authority and its Committees and Sub-Committees

The Authority, committee and sub-committee meetings will comply with the Authority's Procedural Standing Orders set out in Part 5a of this Constitution when considering any matter.

14.5 Decisions made by Authority Bodies acting as Tribunals

The Authority and its committees and sub-committees, Members or officers when acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

14.6 Decision Making by Officers

Officers have full authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the officer delegation scheme set out in Part 3 of this Constitution.

Article 15 - Finance, Contracts and Legal Matters

15.1 Financial Management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations and Procedure Rules set out in Parts 5c and 5d of this Constitution.

15.2 Contracts

Contracts made by the Authority will comply with the Procedural Standing Orders and Contract Standing Orders set out in Parts 5a and 5e of this Constitution.

15.3 Legal Proceedings

The Clerk is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority (or any committee, sub-committee or officer) or in any case where the Clerk considers that such action is necessary to protect the Authority's interests.

15.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk or by some other person duly authorised by the Authority. The Contract Standing Orders of the Authority in relation to contracts, set out in Part 5e of this Constitution, make further provision in relation to formal processes involving the award of contracts.

15.5 Common Seal of the Authority

The common seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, a committee or sub-committee or any authorised officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Authority's Solicitor, appropriate for sealing. The Clerk, or some other person authorised by the Authority shall witness the affixing of the common seal.

Article 16 - Review and Revision of the Constitution

16.1 Duty to Monitor and Review the Constitution

- (a) The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Authority and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In performing this duty the Monitoring Officer may, in his/her discretion:
 - (i) attend and observe meetings of different parts of the Member and officer structure
 - (ii) examine the audit trail relating to decision making
 - (iii) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders and,
 - (iv) compare practices in the Authority with those in other comparable authorities or national examples of best practice.

16.2 Changes to the Constitution

Approval

The Monitoring Officer is authorised to update the Constitution to take account of:

- Proposals approved by
 - The Authority
 - The Service or the Clerk acting under delegated powers
 - The Appeals and Standards Committee

Article 17 - Suspension, Interpretation and Publication of the Constitution

17.1 Suspension of the Constitution

(a) *Limit to Suspension*

The articles of this Constitution may not be suspended. However the rules specified below may be suspended to the extent permitted within those rules and the law.

(b) *Rules Capable of Suspension*

The following rules may be suspended in accordance with Article 17.1(a):

Authority procedural standing order rules
Access to information procedure rules
Budget and policy framework procedure rules
Officer employment procedure rules
Financial regulations
Contract and procurement standing order rules

17.2 Interpretation

(a) Except as otherwise provided and subject to (b) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.

(b) In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

17.3 Publication

(a) The Clerk will arrange to provide a copy of this Constitution to each Member of the Authority as soon as practicable after that Member has signed the Code of Conduct declaration, following appointment to the Authority.

(b) The Clerk will arrange for copies to be available for inspection at the Authority's offices and Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website.