

# ROYAL BERKSHIRE FIRE AUTHORITY CONSTITUTION

June 2025



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## INTRODUCTION

### NAME

CN1. The name of the Authority shall be the "Royal Berkshire Fire Authority".

### MEMBERSHIP OF THE AUTHORITY

- CN2. "The Authority shall consist of not more than 20 members save that, where each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas".
- CN3. The Authority shall consist of members of the constituent authorities of Bracknell Forest Borough Council, Reading Borough Council, the Council of the Royal Borough of Windsor and Maidenhead, Slough Borough Council, West Berkshire Council and Wokingham Borough Council.
- CN4. Seats on the Fire Authority shall be calculated annually based on 20 seats based on the electoral numbers provided by the constituent authorities.
- CN5. Members appointed by a constituent authority shall be appointed and continue in office in accordance with paragraphs 13 to 16 of the Schedule to the Berkshire Fire Services (Combination Scheme) Order 1997.
- CN6. A Member of the Authority may resign his / her membership by giving the Monitoring Officer written notice to that effect.

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Approved by the Royal Berkshire Fire Authority on 30 June 2025

## INDEMNITY TO MEMBERS AND OFFICERS

- CN7. In exercise of its powers under The Local Authorities (Indemnities for Members and Officers) Order 2004. SI 2004 No. 3082, the Fire Authority has given an indemnity to Members and Officers of the Authority as set out in CN8 - CN22.
- CN8. The Royal Berkshire Fire Authority will, subject to the exceptions set out below, indemnify each of its Members and Officers against any loss or damage suffered by the Member or Officer arising from his / her action or failure to act in his / her capacity as a Member or Officer of the Fire Authority.
- CN9. This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
- a) any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Member or Officer;
  - b) any act or failure to act by the member or employee otherwise than in his / her capacity as a Member or Officer of the Fire Authority; or
  - c) failure by the Member to comply with the Fire Authority's Code of Conduct for Members.
- CN10. The Fire Authority will, subject to the exceptions set out below, indemnify each of its Members and Officers against the reasonable costs which he / she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings or Part 3 proceedings to which he / she are subject.
- CN11. "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom.
- CN12. "Part 3 proceedings" means any investigation or hearing in respect of an alleged failure to comply with the authority's Code of Conduct for Members under Part 3 of the Local Government Act 2000.
- CN13. "Officers" means the officers listed on page 5 of this Constitution.
- CN14. This indemnity will not extend to Part 3 proceedings where the allegation has been referred to the Monitoring Officer for local investigation and/or determination by the Authority's Audit and Governance Committee
- CN15. This indemnity shall not extend to any advice or representation in respect of any claim or threatened claim in defamation by or against the Member or Officer.
- CN16. Where any Member or Officer avails him / herself of this indemnity in respect of defending him / herself against any criminal proceedings or Part 3 proceedings, the

indemnity is subject to a condition that if, in respect of the matter in relation to which the Member or Officer has made use of this indemnity –

- a) the Member or Officer is convicted of a criminal offence in consequence of such proceedings; or
- b) a Case Tribunal or the Audit and Governance Committee determine that the Member has failed to comply with the Code of Conduct for Members; and
- c) the conviction or determination is not overturned on appeal, the Member shall reimburse the Fire Authority for any sums expended by the Fire Authority pursuant to the indemnity.

CN17. Where the Fire Authority arranges insurance to cover its liability under this indemnity, the requirement to reimburse in Paragraph CN10 shall apply as if references to the Fire Authority were references to the insurer.

CN18. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the Member or Officer “in His / her capacity as a Member or Officer of the Fire Authority” where:

- a) the act or failure to act was outside the powers of the Fire Authority, or outside the powers of the Member or Officer, but the Member or Officer reasonably believed that the act or failure to act was within the powers of the Fire Authority or within the powers of the Member or Officer (as appropriate) at the time that he / she acted or failed to act, as the case may be;
- b) the act or failure to act occurred not in the discharge of the functions of the Member or Officer as a member or officer of the Fire Authority but in their capacity as a member or employee of another organisation, where the Member or Officer is, at the time of the action or failure to act, a member or employee of that organisation either –
  - i. in consequence of his / her appointment as such member or officer of that organisation by the Fire Authority; or
  - ii. in consequence of his / her nomination for appointment as such member or officer of that organisation by the Fire Authority; or
  - iii. where the Fire Authority has specifically approved such appointment as such a member or employee of that organisation for the purpose of these indemnities.

CN19. The Fire Authority undertakes not to sue (or join in any action as co-defendant) an Officer of the Authority in respect of any negligent act or failure to act by the Officer in his / her capacity as an Officer of the Fire Authority, subject to the following exceptions:

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- a) any criminal offence, fraud or other deliberate wrongdoing [including discrimination, bullying and/or harassment of another officer of the Fire Authority] or recklessness on the part of the Officer; or
- b) any act or failure to act by the Officer otherwise than in his/her capacity as an Officer of the Fire Authority.

CN20. These indemnities and undertakings will not apply if a Member or Officer, without the express permission of the Fire Authority or of the appropriate Officer of the Fire Authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution.

CN21. These indemnities and undertakings are without prejudice to the rights of the Fire Authority to take disciplinary action against an Officer in respect of any act, omission or failure to act.

CN22. These indemnities and undertakings shall apply retrospectively to any act, omission or failure to act which may have occurred before this date and shall continue to cover all acts omissions or failure to act that occur during his / her membership of or employment by the Fire Authority and the indemnity shall apply to cover such matters even if subsequently the Member or Officer has ceased to be a Member or Officer of the Fire Authority.

## **OFFICERS OF THE AUTHORITY**

**CHIEF FIRE OFFICER / CHIEF EXECUTIVE**

**DEPUTY CHIEF EXECUTIVE / DIRECTOR OF CORPORATE SERVICES**

**DEPUTY CHIEF FIRE OFFICER**

**ASSISTANT CHIEF FIRE OFFICER**

**CHIEF FINANCE OFFICER**

**MONITORING OFFICER**

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