

Employers' Secretary, Charles Nolda  
Layden House, 76-86 Turnmill Street,  
London, EC1M 5LG  
Telephone 020 7296 6723 Fax 020 7296 6751  
e-mail: gill.gittins@lg-employers.gov.uk

## NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITIES' FIRE BRIGADES

Employees' Secretary, Andy Gilchrist  
Bradley House, 68 Coombe Rd  
Kingston upon Thames, KT2 7AE  
Telephone 020 8541 1765

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**To: Chief Fire Officers/Firemasters  
Chief Executives/Clerks to Fire Authorities  
Chairs of Fire Authorities**

**Members of the National Joint Council**

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15th November 2000

### CIRCULAR NJC/9/00

Dear Sir/Madam

#### CONSTITUTION OF THE NATIONAL JOINT COUNCIL

1. We are writing to confirm that the proposed amendments to the National Joint Council's constitution set out in circular NJC/6/00 were formally agreed at the meeting of the NJC on 31st October. The amendments are **attached** at Appendix A and the complete revised constitution at Appendix B.

#### *Amendments arising from the Burchill Inquiry*

2. Most of the amendments arise from the following recommendations of the Burchill report:

##### *Appointment of an independent chair*

The Burchill report recommended that the NJC should appoint an independent chair. This is covered at paragraph 12(ii) of the revised constitution and the appointment of a Vice-Chair at paragraph 12(iii).

##### *Establishment of a Standing sub-Committee*

The Burchill report recommended the establishment of a sub-committee to conduct the day to day business of the NJC. This is covered at paragraphs 9 and 10 of the revised constitution. The respective sides have each agreed to have nine members on this committee.

##### *Revised procedure for settling differences*

The Burchill report recommended a revised procedure for dealing with failures to agree in the NJC. This is covered at paragraphs 13 and 14 of the revised constitution.

##### *Amendments to membership of the full NJC*

In the light of the establishment of the Standing sub-Committee the respective sides have decided to increase their membership of the full NJC, the Employers

from 23 to 30 and the Employees from 22 to 27. This is covered at paragraph 3 of the revised constitution.

***Abolition of the Officers' and Lower Ranks' Committees***

3. The abolition of these standing committees had already been agreed in principle at the meeting of the NJC on 14th March 1999. Paragraph 9 of the current constitution has accordingly been deleted. This is more than a simple constitutional change; the NJC regards all members of brigades as having the same status and therefore no longer recognises the artificial distinction between officers and lower ranks.

***Waiving of notice***

4. The NJC has also agreed that, in the wider interest of implementing the Burchill recommendations as soon as possible, the revised constitution should be adopted immediately, thus waiving the three months' notice required under paragraph 14 of the current constitution.

Yours faithfully  
**CHARLES NOLDA**  
**ANDY GILCHRIST**  
**Joint Secretaries**

# APPENDIX A

## SECTION XI - CONSTITUTION

### Title

1. The Council shall be known as the National Joint Council for Local Authorities' Fire Brigades (hereinafter referred to as "the Council").

### Scope

2. The Council shall have within its scope uniformed employees of fire authorities in the UK below the rank of assistant chief fire officer/assistant firemaster.

### Membership

3. The Council shall consist of members appointed as follows:

*Employers' representatives*

National Organisation of Employers of	23	30
Local Authorities' Fire Brigades		

*Employees' representatives*

Fire Brigades Union	22	27
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4. If either of the organisations referred to in paragraph 3 hereof fails to appoint the number of representatives provided for by the constitution, such failure to appoint shall not vitiate the decisions of the Council or its committees. In the event of any member of the Council being unable to attend any meeting of the Council or of its committees, the organisation represented by such member shall be entitled to appoint another representative to attend in his or her place.

### Retirement of members

5. Members of the Council shall retire on 30th September each year and shall be eligible for reappointment.

### Casual vacancies

6. On the occurrence of a casual vacancy a new member shall be appointed by the organisation in whose representation the vacancy occurs. Any such new member shall sit until the end of the period for which his or her predecessor was appointed.

### Functions

7. The function of the Council shall be to make arrangements to secure the largest possible measure of joint consideration and agreement on conditions of service of those persons within its scope, and the settlement of differences between fire authorities and members of brigades within its scope. It shall be permissible for the Council to take any action that falls within the foregoing definition.

8. The term "conditions of service" shall be construed as including in particular:

- (i) ranks, pay and allowances;
- (ii) hours of duty and leave;
- (iii) maintenance of discipline;
- (iv) procedure for appeals against dismissal or disciplinary action (including dismissal on disciplinary grounds) other than questions of discipline affecting individuals;
- (v) welfare arrangements.

### **Standing committees**

~~9. The Council shall appoint from its number two standing committees each having plenary powers to act in relation to matters within its respective terms of reference. The committees shall be constituted as follows:~~

~~(i) ***Officers' Committee***~~

~~A standing committee appointed with representation as follows:~~

~~***Employers' representatives***~~

~~National Organisation of Employers of 16~~

~~Local Authorities' Fire Brigades~~

~~***Employees' representatives***~~

~~Fire Brigades Union 9~~

~~to determine the conditions of service referred to in sub paragraphs (i), (ii), and (v) of paragraph 8 insofar as they pertain solely to the ranks of station officer to senior divisional officer inclusive and equivalent fire control and retained ranks where appropriate; and to settle differences between fire authorities and members of brigades on such matters.~~

~~(ii) ***Lower Ranks' Committee***~~

~~A standing committee appointed with representation as follows:~~

~~***Employers' representatives***~~

~~National Organisation of Employers of 23~~

~~Local Authorities' Fire Brigades~~

~~***Employees' representatives***~~

~~Fire Brigades Union 22~~

~~to determine the conditions of service referred to in sub paragraphs (i), (ii), and (v) of paragraph 8 insofar as they pertain solely to the ranks of firefighter to sub-officer inclusive and equivalent fire control ranks, non-operational ranks and retained ranks where appropriate, and junior firefighters; and to settle differences between fire authorities and members of brigades on such matters.~~

~~Each of the standing committees may appoint such sub-committees within its terms of reference as it considers to be necessary, with such powers and duties as it may define.~~

~~The Chairman and Vice Chairman of the Council shall each have the right to be in attendance at meetings of the standing committees and to act if necessary as a~~

~~substitute member of their respective organisations and in this latter capacity have the right to vote.~~

*Standing sub-Committee*

9. *The Council shall appoint from its number a Standing sub-Committee, which shall be constituted as follows:*

*Employers' representatives*  
*National Organisation of Employers of*      9  
*Local Authorities' Fire Brigades*

*Employees' representatives*  
*Fire Brigades Union*      9

10. *Reports of the Standing sub-Committee shall, unless the Council so determines, be submitted to the Council for approval, which may be given with or without modification.*

**Other sub-committees**

- ~~10.~~ 11. The Council may appoint such other *sub-committees* as it considers to be necessary, with such duties and powers as it may define. The reports of such ~~other sub-~~ *sub-committees* shall, unless the Council so determines, be submitted to the Council for approval, which may be given with or without modification.

**Procedure**

- ~~11.~~ 12. (i) **Advisers**  
Either side of the Council or of any *sub-committee* thereof may invite the attendance of any person whose knowledge would be of assistance to it, but such person shall not have power to vote.

~~(ii) —~~ **Chairman and Vice-Chairman**  
~~The Council and its committees shall each appoint annually from its number a Chairman and Vice-Chairman. The Chairman, or in his or her absence, the Vice-Chairman, shall preside at all meetings and he or she shall have a vote but not a casting vote. In the absence of the Chairman and Vice-Chairman at any meeting, a Chairman for such meeting shall be elected from their number and shall have a vote but not a casting vote.~~

(ii) **Independent Chair**  
*The Council shall appoint annually an Independent Chair. The Chair shall preside at all meetings of the Council, the Standing sub-Committee and, where the Council so decides, other sub-committees appointed by the Council. The Independent Chair shall not have a vote.*

(iii) **Vice-Chair**  
*The Council shall appoint annually from its number a Vice-Chair. The appointee shall alternate between the two sides. The Vice-Chair shall preside in the absence of the Independent Chair at any meeting. In the absence of both the Independent Chair and Vice-Chair at any meeting, a Chair for such meeting shall be elected from those members present.*

~~(iii)~~(iv) **Officers**

Each side of the Council ~~and its standing committees~~ shall appoint a Secretary or Secretaries, who shall act as Joint Secretaries. Those so appointed *shall also act as Joint Secretaries of the Standing sub-Committee*. They may or may not be members of the Council ~~or the standing committees~~. In the event that a joint secretary is a member of the Council ~~or standing committee~~ he or she shall have a vote. The Employers' Secretary shall also be appointed Treasurer to the Council. The Council may appoint an auditor.

~~(iv)~~(v) **Meetings**

There shall be an annual meeting of the Council as soon as possible after 30th September at which a statement of representatives appointed to serve on the Council ~~and its committees~~ *the Standing sub-Committee* shall be submitted. Ordinary meetings of the Council ~~and its committees~~ *the Standing sub-Committee* shall be held as often as may be necessary ~~and the Chairman of the Council or the Chairman of the standing committee~~ *The Independent Chair* shall call a special meeting *of the Council* if so requested by not less than one-third of the total number of members of either side of the Council ~~or the standing committee~~. The requisition and notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat and no other matters shall be discussed. A special meeting shall take place within fourteen days after receipt of the requisition by the ~~Chairman~~ *Independent Chair*.

~~(v)~~(vi) **Voting**

The voting on the Council or its *sub-committees* shall be by show of hands or otherwise as the Council or the *sub-committee* shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Council or *sub-committee* as the case may be (except where the resolution concerns an amendment to the constitution in which case the procedure set out in paragraph 14 hereof will apply).

~~(vi)~~(vii) **Quorum**

The quorum of the Council shall be ~~seventeen namely eight representatives of the employers and nine representatives of the employees~~ *a majority of the full representation on each side*. In the absence of a quorum the ~~Chairman~~ *Independent Chair* shall vacate the chair and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or, if the meeting was a special meeting, at a further special meeting to be held within fourteen days after the date fixed for the first special meeting. The quorum of ~~a standing committee~~ *the Standing sub-Committee and any other sub-Committee* shall be ~~one-third~~ *a majority of the full representation on each side*.

~~(vii)~~ **Notice of meetings**

~~(viii)~~ The notices of meetings of the Council and its *sub-committees* shall provide full particulars of the business to be transacted thereat and shall be sent to members at least seven days before the date of the meeting.

~~(viii)~~ **Minutes**

- ~~(ix)~~ Within twenty-one days after each meeting of the Council and of any *sub-committee* the Joint Secretaries shall send a copy of the minutes of the proceedings of the meeting to each member of the Council, and these shall be ratified, subject to any amendment, at the next meeting of the Council or *sub-committee* as the case may be.

**Settlement of differences**

- ~~12.~~ If the Council or a standing committee fails to reach agreement upon any matter, it shall thereupon be referred, at the request of either Side of the Council or standing committee, to the Advisory, Conciliation and Arbitration Service (ACAS) for settlement under Section 212 of the Trade Union and Labour Relations (Consolidation) Act 1992. The side of the Council or standing committee not requesting ACAS involvement shall acquiesce in this request.
13. *If the Council fails to reach agreement upon any matter contained in paragraph 8 hereof, that matter will automatically be referred to ACAS for conciliation. Both sides of the Council will participate in the process of conciliation and act in good faith. Where conciliation fails to produce a settlement, either side of the Council may request arbitration through the services of ACAS. Following such a request from one side of the Council, the other side shall fully participate. In such circumstances, it follows that both sides have voluntarily agreed to take part in the arbitration process whenever it is invoked and have agreed in advance to be bound by the decision of the arbitrator.*
14. *In the event that either side has any doubt about whether or not the failure to agree relates to arbitrable issues, and this is not resolved through negotiation or conciliation, then the question of whether or not such issues are arbitrable, taking full account of all agreements between the sides, will be put to an arbitrator provided by ACAS. The decision of the arbitrator on such an issue will be binding on both sides.*

**Finance**

- ~~13.~~ 15. The expenses of the Council (including its *sub-committees*), but not any expenses incurred by members in attending meetings, shall be shared equally by the two sides.

**Amendment of constitution**

- ~~14.~~ 16. (i) This paragraph forms an integral part of the constitution and may itself be amended in accordance with the procedures set out in this paragraph.
- (ii) Any proposal to amend this constitution must be circulated to members of the Council at least three months before the meeting at which it is to be moved. No proposal to amend this constitution will be regarded as carried unless it has the support of at least two-thirds of the members present and voting at the meeting at which it is moved.

**Status**

- ~~15.~~ 17. The status of this constitution is that of a collective agreement between representatives of the fire authorities in the UK and representatives of the employees of fire

authorities within the scope of the Council. As such it is intended by the parties to form a collective agreement as defined in Section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992.

# APPENDIX B

## SECTION XI - CONSTITUTION

### **Title**

1. The Council shall be known as the National Joint Council for Local Authorities' Fire Brigades (hereinafter referred to as "the Council").

### **Scope**

2. The Council shall have within its scope uniformed employees of fire authorities in the UK below the rank of assistant chief fire officer/assistant firemaster.

### **Membership**

3. The Council shall consist of members appointed as follows:

<i>Employers' representatives</i>		
National Organisation of Employers of		30
Local Authorities' Fire Brigades		

<i>Employees' representatives</i>		
Fire Brigades Union		27

4. If either of the organisations referred to in paragraph 3 hereof fails to appoint the number of representatives provided for by the constitution, such failure to appoint shall not vitiate the decisions of the Council or its committees. In the event of any member of the Council being unable to attend any meeting of the Council or of its committees, the organisation represented by such member shall be entitled to appoint another representative to attend in his or her place.

### **Retirement of members**

5. Members of the Council shall retire on 30th September each year and shall be eligible for reappointment.

### **Casual vacancies**

6. On the occurrence of a casual vacancy a new member shall be appointed by the organisation in whose representation the vacancy occurs. Any such new member shall sit until the end of the period for which his or her predecessor was appointed.

### **Functions**

7. The function of the Council shall be to make arrangements to secure the largest possible measure of joint consideration and agreement on conditions of service of those persons within its scope, and the settlement of differences between fire authorities and members of brigades within its scope. It shall be permissible for the Council to take any action that falls within the foregoing definition.



- (iv) ***Officers***  
Each side of the Council shall appoint a Secretary or Secretaries, who shall act as Joint Secretaries. Those so appointed shall also act as Joint Secretaries of the Standing sub-Committee. They may or may not be members of the Council. In the event that a joint secretary is a member of the Council he or she shall have a vote. The Employers' Secretary shall also be appointed Treasurer to the Council. The Council may appoint an auditor.
- (v) ***Meetings***  
There shall be an annual meeting of the Council as soon as possible after 30th September at which a statement of representatives appointed to serve on the Council and the Standing sub-Committee shall be submitted. Ordinary meetings of the Council and the Standing sub-Committee shall be held as often as may be necessary. The Independent Chair shall call a special meeting of the Council if so requested by not less than one-third of the total number of members of either side of the Council. The requisition and notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat and no other matters shall be discussed. A special meeting shall take place within fourteen days after receipt of the requisition by the Independent Chair.
- (vi) ***Voting***  
The voting on the Council or its sub-committees shall be by show of hands or otherwise as the Council or the sub-committee shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Council or sub-committee as the case may be (except where the resolution concerns an amendment to the constitution in which case the procedure set out in paragraph 14 hereof will apply).
- (vii) ***Quorum***  
The quorum of the Council shall be a majority of the full representation on each side. In the absence of a quorum the Independent Chair shall vacate the chair and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or, if the meeting was a special meeting, at a further special meeting to be held within fourteen days after the date fixed for the first special meeting. The quorum of the Standing sub-Committee and any other sub-Committee shall be a majority of the full representation on each side.
- (viii) ***Notice of meetings***  
The notices of meetings of the Council and its sub-committees shall provide full particulars of the business to be transacted thereat and shall be sent to members at least seven days before the date of the meeting.
- (ix) ***Minutes***  
Within twenty-one days after each meeting of the Council and of any sub-committee the Joint Secretaries shall send a copy of the minutes of the proceedings of the meeting to each member of the Council, and these shall be ratified, subject to any amendment, at the next meeting of the Council or sub-committee as the case may be.

### **Settlement of differences**

13. If the Council fails to reach agreement upon any matter contained in paragraph 8 hereof, that matter will automatically be referred to ACAS for conciliation. Both sides of the Council will participate in the process of conciliation and act in good faith. Where conciliation fails to produce a settlement, either side of the Council may request arbitration through the services of ACAS. Following such a request from one side of the Council, the other side shall fully participate. In such circumstances, it follows that both sides have voluntarily agreed to take part in the arbitration process whenever it is invoked and have agreed in advance to be bound by the decision of the arbitrator.
14. In the event that either side has any doubt about whether or not the failure to agree relates to arbitrable issues, and this is not resolved through negotiation or conciliation, then the question of whether or not such issues are arbitrable, taking full account of all agreements between the sides, will be put to an arbitrator provided by ACAS. The decision of the arbitrator on such an issue will be binding on both sides.

### **Finance**

15. The expenses of the Council (including its sub-committees), but not any expenses incurred by members in attending meetings, shall be shared equally by the two sides.

### **Amendment of constitution**

16. (i) This paragraph forms an integral part of the constitution and may itself be amended in accordance with the procedures set out in this paragraph.  
  
(ii) Any proposal to amend this constitution must be circulated to members of the Council at least three months before the meeting at which it is to be moved. No proposal to amend this constitution will be regarded as carried unless it has the support of at least two-thirds of the members present and voting at the meeting at which it is moved.

### **Status**

17. The status of this constitution is that of a collective agreement between representatives of the fire authorities in the UK and representatives of the employees of fire authorities within the scope of the Council. As such it is intended by the parties to form a collective agreement as defined in Section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992.