



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

REPORT REFERENCE NO.	DSFRA/09/11
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	6 MAY 2009
SUBJECT OF REPORT	THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY
LEAD OFFICER	Clerk to the Authority
RECOMMENDATIONS	<p>(a) <i>that, subject to any amendments as may be indicated at the meeting, the attached document setting out the accountabilities, roles and responsibilities of a Member of the Authority be approved;</i></p> <p>(b) <i>that the document be circulated to constituent authorities to assist in possible succession planning following the forthcoming local government elections in June 2009.</i></p>
EXECUTIVE SUMMARY	<p>The production of a document setting out the accountabilities, roles and responsibilities of Members of the Authority, together with an indication of the core functions of the Authority, may prove beneficial for a number of reasons including:</p> <ul style="list-style-type: none"> ▪ providing greater clarity for Authority Members as a whole; ▪ enhancement of Member engagement – by promoting greater clarity and assisting in the identification of appropriate developmental opportunities ▪ succession planning – to assist constituent authorities in determining appropriate appointments to make to the Authority; ▪ Annual Governance Statement – the Authority is required, as part of the statutory Statement of Accounts process, to produce an Annual Governance Statement. The clear identification of Members’ roles and responsibilities forms part of the evidence required when producing this Statement and generally auditing the Authority’s governance and risk management arrangements.

	<p>Attached to this report is a document, based on one currently in place for the Wiltshire & Swindon Fire & Rescue Authority, that aims to clarify - by setting out in general terms - the accountabilities, roles and responsibilities of an Authority Member together with providing a brief overview of the core functions of the Authority and details as to its structure.</p> <p>The Authority is invited to consider with a view to adopting the document (amended as necessary).</p>
RESOURCE IMPLICATIONS	Nil.
EQUALITY IMPACT ASSESSMENT	No potentially negative impact sufficient enough to warrant a full impact assessment has been identified in the content of this report.
APPENDICES	A. The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset fire & Rescue Authority
LIST OF BACKGROUND PAPERS	Wiltshire & Swindon Fire & Rescue Authority Members' Handbook

THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY

1. INTRODUCTION

- 1.1 The purpose of this document is to define the role of Members in ensuring that the Authority fulfils its duties and functions under the Fire and Rescue Services Act 2004 and other relevant statutes in relation to the provision of services for the geographical counties of Devon and Somerset (incorporating those areas governed by the unitary authorities of Plymouth City Council and Torbay Council).

2. CORE FUNCTIONS OF THE AUTHORITY

- 2.1 The core functions of the Authority are set down in the Fire and Rescue Services Act 2004 ("the Act") as follows:

- **Fire Safety** – a fire and rescue authority must make provision for the purpose of promoting fire safety in its area (Section 6 of the Act);
- **Fire Fighting** – a fire and rescue authority must make provision for the purpose of extinguishing fires in its area and protecting life and property in the event of fires in its area (Section 7 of the Act);
- **Road Traffic Collisions** – a fire and rescue authority must make provision for the purpose of rescuing people in the event of road traffic collisions in its area and protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic collisions in its area (Section 8 of the Act; and
- **Other Emergencies** – the Secretary of State may, by Statutory Order, confer on fire and rescue authorities functions relating to emergencies other than fires and road traffic collisions. These may include chemical, biological, radioactive and nuclear incidents, major transport incidents, search and rescue incidents and rescues from flooding.

- 2.2 Section 21 of the Act requires a fire and rescue authority to have regard to the National Fire and Rescue Framework, produced by the Secretary of State, when carrying out its functions. The Framework:

- must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
- may contain guidance for fire and rescue authorities in connection with the discharge of their functions; and
- may contain any other matters relating to fire and rescue authorities and their functions as the Secretary of State considers appropriate.

3. OTHER FUNCTIONS

- 3.1 The Regulatory Reform (Fire Safety) Order requires that responsible persons in all premises, other than single private dwellings, carry out fire risk assessments. The auditing and enforcement of this activity is the responsibility of fire and rescue authorities to ensure people are protected from fire in places such as hotels, hospitals, entertainment venues and similar premises.

3.2 Under the Civil Contingencies Act 2004 fire and rescue authorities, through local and regional resilience forums where appropriate, must work in co-operation with other emergency services and agencies to ensure an effective response to a full range of emergencies from localised incidents to catastrophic emergencies. The Act imposes a range of duties on resilience forums that include:

- to have in place appropriate information sharing mechanisms between responders;
- to develop and implement business continuity plans;
- to produce and publish emergency plans as appropriate; and
- to agree arrangements for public awareness and information provision.

3.3 As a “responsible authority” under the Crime and Disorder Act 1998, the fire and rescue authority has a statutory duty to work in partnership with key agencies in Crime and Disorder Reduction Partnerships (CDRPs). These are required to carry out annual strategic assessments to identify current and possible future crime, disorder and substance misuse issues from sound evidence and robust analysis.

4. **APPOINTMENT TO THE AUTHORITY**

4.1 The Authority comprises 25 Members (elected Councillors) drawn from the four constituent authorities of Devon County Council (11 Members), Somerset County Council (8 Members), Plymouth City Council (4 Members) and Torbay Council (2 Members).

4.2 The Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006, which established the authority as a legal body corporate, provides for the constituent authorities:

- to appoint to the Authority in relation to relative electoral roles; and
- to determine the term of office of appointees to the Authority.

4.3 Once appointed, however, Members continue to serve on the Authority for the duration of their term of office unless:

- they submit in writing their resignation to Clerk to the Authority (in which case the Clerk may seek a replacement from the relevant appointing constituent authority); OR
- they cease to be a Member of their appointing constituent authority.

5. **ACCOUNTABILITIES**

5.1 Members appointed to the Authority represent the community as a whole served by the Authority – that is the area of the geographical counties of Devon and Somerset. Although not directly elected to the Authority, Members are nonetheless accountable to the community as a whole through their membership of and election to their appointing constituent authorities.

5.2 It is natural that, while serving on the Authority, Members will be mindful of the values and aspirations of their appointing constituent authorities. It is important to remember, however, that the Authority is a body corporate in its own right with its own values and aspirations. When serving on the Authority Members are there to promote these aspirations and values to the benefit of the Authority’s community as a whole. Members are not delegates of their appointing constituent authorities and cannot be mandated by them to follow a particular course of action.

- 5.3 Although the fire and rescue authority does not itself directly have “well being” powers, it nonetheless is the case that, in the widest sense, Members represent the community, act as community leaders and, by partnership working with other agencies and other local authorities, promote the social, economic and environmental well being of the community.
- 5.4 The Authority has adopted, as required by the Local Government Act 2000 and associated Regulations, a Model Code of Conduct setting out expected standards of Members of the Authority primarily when acting in an official capacity. Every Member of the Authority is required, upon appointment, to sign a declaration agreeing to abide by the contents of this Code. The Authority has also established a Standards Committee responsible, amongst other things, for ensuring that Members receive appropriate training on the Code and for enforcing the Code at a local level.
- 5.5 A copy of the Members’ Code, together with the current Terms of Reference for the Authority’s Standards Committee, may be found elsewhere in the Members’ Handbook.
- 5.6 The Authority has also adopted the nationally developed Core Values for the Fire and Rescue Service. These Core Values are set out in Appendix A to this document and Members should, as ambassadors for the Authority, seek to promote them when acting in an official capacity.

6. **ROLES AND RESPONSIBILITIES OF AUTHORITY MEMBERS**

- 6.1 In general terms, Members of the Authority are, collectively, responsible for setting the overall strategic direction of the Authority (including the setting of its budget), promoting its core values and ensuring that the Service for which it is responsible delivers effectively and efficiently those core and other functions as identified above to the benefit of the community it serves.
- 6.2 The main elements of the Members’ role are, through robust decision making:
- To determine, in accordance with legislative requirements as appropriate, strategies and resources for future delivery of services including:
 - the development and maintenance of a risk-based and evidential approach to inform service delivery (including resource allocation and disposition);
 - partnership working;
 - the setting of an appropriate budget to facilitate service delivery in accordance with approved strategies;
 - developing and monitoring policies to support the delivery of the strategies;
 - To ensure that the services for which the Authority is responsible are delivered effectively and efficiently in accordance with determined strategies and resources by:
 - agreeing performance objectives and evaluation measures for Authority and Service performance and monitoring against these measures;
 - ensuring appropriate participation with any external assessment either of the Authority or Service; and

- securing continuous improvements by requiring appropriate actions to be taken to redress performance deficits and further monitoring against such required actions;
- To promote the highest standards of corporate governance for the Authority in accordance with appropriate legislative and best practice requirements.

6.3 In undertaking this role a Member of the Authority will be responsible for:-

- representing the views of the Authority within local communities and the views of local communities to the Authority;
- ensuring that appropriate stakeholder consultation is undertaken with interested parties and the community in general to inform – as required – service strategies and policies, including funding issues;
- maintaining a up-to-date awareness of national and local fire and rescue authority issues;
- maintaining a good working knowledge of Service policies and practices; and
- maintaining good working relationships with officers both of the Authority and the Service.

6.4 The full Authority usually meets seven times during the year. To assist in discharging its functions, the Authority has established a Committee structure which currently provides for:

- a Resources Committee (five meetings per year);
- a Human Resources Management and Development Committee (five meetings per year);
- a Corporate Safety and Community Planning Committee (four meetings per year);
- an Audit and Performance Review Committee (four meetings per year);
- a Standards Committee (three meetings per year); and
- a Capital Programme Working Party (three meetings per year).

6.5 Each Committee (with the exception of the Standards Committee and the Capital Programme Working Party) comprises seven Members and the current Terms of Reference for each can be found elsewhere in the Authority Members' Handbook. The Standards Committee comprises six elected Members and three Independent Members; the Capital Programme Working Party comprises four Members.

6.6 This structure is reviewed yearly by the Authority at its Annual Meeting, at which time appointments to Committees etc. are made and a Calendar of Meetings approved. In addition to the full Authority, Members will usually only sit on one Committee.

6.7 Full Authority meetings last on average for two hours; Committee meetings for one and a half hours. Additionally, between one and two hours are set aside at the end of each Authority and Committee meeting to facilitate informal engagement sessions between Members and officers of the Authority on the whole range of issues for which the Authority is responsible. The Authority will also hold additional, ad-hoc, engagement sessions with Members on specific issues/matters (e.g. new Government requirements) as these arise.

- 6.8 The Authority, together with the other fire and rescue authorities within the South West region, is a member of the South West Regional Management Board - a joint committee established to promote regional collaboration on specified service delivery issues such as procurement, human resource management and development and “common services” (e.g. fire investigation). Under the Agreement establishing the Board this Authority may appoint three of its Members as main Board Members (with a further three as designated substitutes). Those Members so appointed serve as the Authority’s representatives on the Board with a duty to represent the Authority’s interests in regional collaborative working. The Board meets between four and five times a year, with meetings lasting approximately one and a half hours.
- 6.9 Finally, some Members may be appointed to represent the Authority on local, regional or national bodies (e.g. the Local Government Association Fire Forum).
- 6.10 Appointments to the South West Regional Management Board and any appropriate local, regional or national bodies are made by the Authority at its Annual Meeting.

7. **WHAT MATTERS MUST BE CONSIDERED BY THE FULL AUTHORITY?**

- 7.1 In law, the only duty which must be exercised by the Authority as a whole and cannot be delegated is the setting of the Council Tax precept. This means that, in turn, the Authority’s budget will be a matter for the Authority as a whole to determine.
- 7.2 Additionally, while the Authority’s Committee structure may be involved in developmental and monitoring stages, all strategic plans and major policies will be determined by the full Authority. While it is impossible to produce a watertight definition of ‘strategy’ or ‘policy’ these will include :
- proposals designed to ensure that the Authority and Service complies fully with any requirements and expectations as contained within the Fire and Rescue Service National Framework;
 - the Authority’s Corporate Plan (which sets out the Authority’s Mission, Goals, Priorities, Activities and Targets incorporating those requirements of the Government’s national framework for the Fire & Rescue Service and the Authority’s own Integrated Risk Management Plan);
 - Equality and Diversity issues such as the Single Equality Scheme;
 - adoption and implementation of a Sustainability/Climate Change strategy;
 - the overall partnership working framework for the Authority;
 - policy on charging;
 - the overall governance framework for the Authority itself (including Standing Orders; Financial Regulations; Procurement Regulations; Corporate Governance Code; and Scheme of Delegations.
- 7.3 The Chief Fire Officer is the person duly appointed by the Authority as the executive, operational and administrative head of the Devon & Somerset Fire & Rescue Service. The Chief Fire Officer is, as such, responsible for the day-to-day running of the Service and managing its operations within the Authority’s approved strategic plans and policies.

7.4 The Chief Fire Officer, Treasurer and Clerk are, jointly and severally, responsible for exercising those Authority functions which can lawfully be delegated and are consistent with the discharge of their responsibilities in accordance with their job descriptions and principal accountabilities. This includes the submission of appropriate reports to the Authority (and/or its Committees) to enable the Authority to monitor implementation of plans and policies and expenditure against approved budgets.

7.5 The Authority has an approved Scheme of Delegations setting out in detail those matters delegated to its officers. This can be found in the Authority Members' Handbook.

8. **REMUNERATION**

8.1 As required by relevant Regulations, the Authority has an approved Scheme of Members' Allowances. This provides for the reimbursement of expenditure incurred for travelling and subsistence and also provides for the payment of a Basic Allowance to every Member of the Authority to account, generally, for time spent on Authority business and incidental expenses (telephone costs etc). The Scheme also provides for the payment of additional Special Responsibility Allowances linked to certain roles. The current rates for Basic and Special Responsibility Allowances are set out below.

Type of Allowance	Amount per annum £
Basic	2,000
Special Responsibility	
- Chairman of Authority (5 x basic)	10,000
- Vice Chairman of Authority (3 x basic)	6,000
- Committee Chairs (2 x basic)	4,000
- Authority-appointed director to Regional Control Centre Local Authority Controlled Company (LACC) (1 x basic)	2,000
Independent Member of Standards Committee	500

8.2 A copy of the full Scheme, which is subject to periodic review, may be found in the Members' Handbook.

9. **OTHER REFERENCES (SOURCES OF INFORMATION)**

A. The Devon & Somerset Fire & Rescue Authority Corporate Plan – available on the Authority's website by following the link below OR on request from the Democratic Services Section.

www.dsfire.gov.uk/DevonFire/PlanningandPerformance/

B. Authority Members' Handbook (this contains governance documents such as Authority Standing Orders; Financial Regulations; Corporate Governance Code; Member/Officer Relationships Protocol; Approved Scheme of Members' Allowances; Model Code of Conduct). Copies may be viewed on the Authority's website by following the link below OR on request from the Democratic Services Section.

[Devon and Somerset Fire and Rescue Service: Constitutional Governance](#)

- C. Fire and Rescue Service National Framework – available on the Department for Communities and Local Government (CLG) website by following the link below OR on request from the Democratic Services Section.

www.communities.gov.uk/publications/fire/nationalframework200811

- D. Fire and Rescue Service National Equality and Diversity Strategy - available on the Department for Communities and Local Government (CLG) website by following the link below OR on request from the Democratic Services Section.

[Fire and Rescue Service Equality and Diversity Strategy 2008 - 2018 - Fire and resilience - Communities and Local Government](#)

CORE VALUES OF THE FIRE AND RESCUE SERVICE

1. We value **service to the community** by:
 - working with all groups to reduce risk;
 - treating everyone fairly and with respect;
 - being answerable to those we serve; and
 - striving for excellence in all we do.

2. We value all our **people** by practising and promoting:
 - fairness and respect;
 - recognition of merit;
 - honesty, integrity and mutual trust;
 - personal development; and
 - co-operative and inclusive working.

3. We value **diversity** in the service and community by:
 - treating everyone fairly and with respect;
 - providing varying solutions for different needs and expectations;
 - promoting equal opportunities in employment and progression within the service; and
 - challenging prejudice and discrimination.

4. We value **improvement** at all levels of the Service by:
 - accepting responsibility for our performance;
 - being open minded;
 - considering criticism thoughtfully;
 - learning from our experience; and
 - consulting others.