

## THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS 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 Devon & Somerset Fire & Rescue Authority (“the Authority”) fulfils its duties and functions under the Fire and Rescue Services Act 2004 (as amended) 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. APPOINTMENT TO THE AUTHORITY

- 2.1. The Authority currently 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).
- 2.2. [The Devon & Somerset Fire & Rescue Authority \(Combination Scheme\) Order 2006 \(as amended\)](#) (“the Order”), 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.
- 2.3. 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.
- 2.4. The Order also allows for the Authority to appoint, on request, a relevant police and crime commissioner (where “relevant” means a police and crime commissioner all or part of whose area falls within the combined area served by the Authority). If the Authority approves such an appointment, then:
- (a). the relevant police and crime commissioner becomes a full Member of the Authority, with voting rights;
  - (b). the relevant police and crime commissioner serves as a Member of the Authority until their term of office as a relevant police and crime ends (unless, in the meantime, they resign or are otherwise disqualified from being a Member of the Authority); and
  - (c). the relevant police and crime commissioner may, in the event that they are unable to attend a meeting, arrange for a substitute to attend. Any substitute so attending may speak at the meeting but may not exercise a vote and is not to be treated as a Member of the Authority for any other purpose.

### 3. **CORE FUNCTIONS OF THE AUTHORITY – FIRE AND RESCUE SERVICES ACT 2004 (“THE ACT”)**

#### ***(a). The Fire and Rescue Services Act 2004 (“the Act”)***

3.1. The core functions of the Authority are set down in 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.

3.2. These functions are discharged on behalf of the Authority by the Devon & Somerset Fire & Rescue Service (“the Service”). The Chief Fire Officer is appointed by the Authority to be the executive, operational and administrative head of the Service.

#### ***(b). The National Fire and Rescue Framework***

3.3. Section 21 of the Act requires a fire and rescue authority to have regard to the [National Fire and Rescue Framework \(“the National Framework”\)](#), produced by the Secretary of State, when carrying out its functions. The National Framework, amongst other things:

- 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.

3.4. The current version of the National Framework identifies the following priorities for fire and rescue authorities:

- make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents;
- identify and assess the full range of foreseeable fire and rescue related risks their areas face;
- collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide;
- be accountable to communities for the service they provide; and

- develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse

3.5. By virtue of Section 22 of the Act, the Secretary of State has the power to intervene in any fire and rescue authority that they consider is failing, or is likely to fail, to act in accordance with the National Framework. In this event, the Secretary of State may order the Authority to:

- do something;
- to stop doing something; and/or
- not to do something.

#### **4. OTHER LEGISLATIVE FUNCTIONS**

4.1. 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.

4.2. Under the Civil Contingencies Act 2004 fire and rescue authorities must, through local and regional resilience forums where appropriate, 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.

4.3. As a “responsible authority” under the Crime and Disorder Act 1998, the Authority has a statutory duty to work in partnership with key agencies in Crime and Disorder Reduction Partnerships. 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.

4.4. As with the core functions, these functions are discharged on behalf of the Authority by the Service.

#### **5. MATTERS THAT MUST BE CONSIDERED BY THE FULL AUTHORITY**

5.1. In law, the following matters are reserved to the full Authority and may not be delegated either to a Committee or officer of the Authority:

1. setting, annually, a balanced budget and associated Council Tax precept;
2. approving the Authority’s Members Code of Conduct (including any revisions to it);

3. approving the appointment of Independent Persons as required by the Localism Act 2011;
  4. approving the Authority's annual Pay Policy Statement; and
  5. approving the annual Scheme of Members' Allowances.
- 5.2. Additionally, all strategic plans and strategic policies will be determined by the full Authority. While it is impracticable to produce a watertight definition of strategic plans/policies, these will include:
- the Authority's Community Risk Management Plan (CRMP);
  - any strategic policy objectives;
  - 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; and
  - the constitutional governance framework for the Authority itself.
- 5.3. [Each of the documents comprising the constitutional governance framework for the Authority can be found in the "Library, Constitutional Governance" section here on the Authority's website by following the link below](#)

## **6. ROLE 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 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 role of the Members can, therefore, be summarised as setting the overall strategic direction and associated budget for the Authority and to hold the Chief Fire Officer to account for ensuring:
- that this strategic direction is followed; and
  - that the statutory functions of the Authority are discharged effectively and efficiently.
- 6.3. The main elements of the Members' role are:
- To determine, in accordance with legislative requirements as appropriate, strategies and resources for future delivery of services including:
    - approval of the Community Risk Management Plan (the risk-based and evidential approach used to determine service delivery);
    - setting a strategic policy agenda;
    - the setting a budget to facilitate delivery of the strategic policy agenda;
  - To ensure that the services for which the Authority is responsible are delivered effectively and efficiently in accordance with determined strategies and resources by:

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- putting in place appropriate scrutiny and monitoring arrangements for monitoring Service performance against the Authority's approved strategic policy agenda;
  - 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.

6.4. In undertaking this role a Member of the Authority will be responsible for:

- representing the views of the Authority within their constituent authority communities and the views of their constituent authority 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 fire and rescue issues at both national sector and local authority level;
- maintaining a good working knowledge of Service policies and practices; and
- maintaining good working relationships with officers of the Authority.

6.5. The Authority is not responsible for the day-to-day management of the Service or day-to-day operational matters. This is the responsibility of the Chief Fire Officer who, in discharging the responsibility, must act in accordance with:

- the overall strategic direction approved by the Authority;
- the Authority approved budget; and
- the National Framework; and
- the Authority's approved Scheme of Delegations.

**SEE ALSO SECTION 8 BELOW**

## **7. MEMBER ACCOUNTABILITIES AND CONDUCT**

7.1. Members appointed to the Authority represent the community served by the Authority as a whole – 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.

- 7.2. It is natural that, while serving on the Authority, Members will be mindful of the values and aspirations of their appointing constituent authorities (or, in the case of a relevant police and crime commissioner, the mandate on which they were elected). 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, all 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.
- 7.3. The Authority has adopted, as required by the Localism Act 2011 and associated Regulations, a Members' Code of Conduct setting out expected standards of Members of the Authority when acting in an official capacity. The Authority has also established arrangements for addressing alleged breaches of this Code, including the appointment of Independent Persons.
- 7.4. [A copy of the Members' Code can be found here in the "Library, Constitutional Governance" section on the Authority's website.](#)

## **8. THE ROLE OF AUTHORITY OFFICERS**

- 8.1. Section 4 (Governance) the National Framework requires:

**4.4. Each fire and rescue authority will appoint an individual – commonly known as a Chief Fire Officer – who has responsibility for managing the fire and rescue service. This role does not have to be operational but includes managing the personnel, services and equipment secured by the fire and rescue authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004, and other enactments. Each fire and rescue authority must hold this person to account for the exercise of their functions and the functions of persons under their direction and control.**

**4.5. The chief fire officer must, in exercising their functions, have regard to the fire and rescue authority's Integrated Risk Management Plan and any set objectives and priorities which may be outlined in a strategic plan. The fire and rescue authority should give due regard to the professional advice of the Chief Fire Officer while developing the Integrated Risk Management Plan and when making decisions affecting the fire and rescue service.**

- 8.2. To facilitate this, the Authority has approved, in accordance with Section 101(a) of the Local Government Act 1972, a Scheme of Delegations setting out in detail those matters delegated to its officers. [This Scheme of Delegations can be found in the "Library, Constitutional Governance" section on the Authority's website.](#)

- 8.3. The Chief Fire Officer, Treasurer, Clerk and Monitoring Officer 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.
- 8.4. Specifically, as Head of Paid Service, the Chief Fire Officer is (by virtue of the National Framework and the Authority's approved Scheme of Delegations) responsible for a range of service delivery and personnel issues including (not exhaustively):
- the effective and efficient delivery of all Authority functions (i.e. all matters relating to protection, prevention and response) – including crewing systems, operational deployment of staff and equipment, use of buildings;
  - Service restructuring (within existing budgets);
  - staffing issues including appointments, retirements and disciplinary matters (up to and including dismissal).
- 8.5. This delegation **does not** extend, though to:
- the closure of a fire station **unless** this is explicitly mentioned in the Authority's approved Community Risk Management Plan **or** is the subject of a separate Authority resolution;
  - the appointment of officers to the Service Executive Board; and
  - dismissal of a Statutory Officer (i.e. Chief Financial Officer; and Monitoring Officer)

## **9. AUTHORITY MEETINGS AND OUTSIDE BODY APPOINTMENTS**

- 9.1. The full Authority usually meets several times during the year. To assist in discharging its functions, the Authority has established a Committee structure which currently provides for:
- an Audit & Governance Committee;
  - a Community Safety Committee;
  - a People Committee;
  - a Resources Committee; and
  - a Shareholder Committee.
- 9.2. With the exception of the Audit & Governance Committee (which has nine Members), each of these Committee has seven Members. [The current Terms of Reference for each Committee can be found in the "Library, Constitutional Governance" section on the Authority's website.](#)

- 9.3. The Authority also has an Appointments & Disciplinary Committee and an Appeals Committee. The primary role of both relate to the Authority approved process for addressing complaints against Statutory Officers. The Appointments & Disciplinary Committee is also responsible for appointments at Assistant, Deputy and Chief Fire Officer level and for making arrangements to appraise the performance of the Chief Fire Officer.
- 9.4. The Committee structure is reviewed yearly at the Authority's Annual Meeting, when appointments to Committees etc. are also made and a Calendar of Meetings approved. In addition to the full Authority, Members will usually only sit on one Committee.
- 9.5. In addition to full Authority meetings and Committee meetings, regular Members Forum meetings are also held to which all Authority Members are invited. These Forum meetings are informal and provide an opportunity for "networking" with other Members and Officers to discuss significant issues and assist in providing strategic direction prior to reports being submitted for determination at a future point.
- 9.6. The Authority also has a commercial trading arm – Red One Ltd. – established in accordance with existing legislation. Red One Ltd. has its own Board of Directors with an independent, non-executive director as Chair. Both the Authority and Service are able to appoint Members or officers, respectively, to sit as non-executive directors on the Board although it should be noted that neither the Authority Chair nor Vice-Chair may be so appointed.
- 9.7. Finally, some Members may be appointed to represent the Authority on local, regional or national bodies (e.g. the Local Government Association Fire Commission). Again, such appointments are made at the Authority's Annual Meeting, usually for a twelve month period unless otherwise specified at that time.

## 10. **REMUNERATION**

- 10.1. 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 Members of the Authority (**excluding** any relevant police and crime commissioner appointed by 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.
- 10.2. [A copy of the full Scheme, which is subject to annual review, can be found elsewhere in the "Library, Constitutional Governance" section on the Authority's website.](#)



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

- A. [Integrated Risk Management Plan \(Community Risk Management Plan from 2022\)](#). This document details those risks in the communities served by the Authority and how it proposes to address these risks.
- B. [Medium Term Financial Plan](#)
- C. [Capital Strategy](#)
- D. [Reserves Strategy](#)
- E. [Authority Constitutional Governance Framework](#). This contains all the Authority's governance documents including Standing Orders; Financial Regulations; Corporate Governance Code; Member/Officer Relationships Protocol; Approved Scheme of Members' Allowances; and Members' Code of Conduct).
- F. [Fire and Rescue Service National Framework](#)
- G. [Fire and Rescue Service National Equality and Diversity Strategy](#)
- H. [Local Government Association Fire Authority Members' Guide](#)
- I. [Local Government Association Leading the Fire Sector: Oversight of Fire & Rescue Service Performance](#)