

REPORT REFERENCE NO.	DSFRA/17/10
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (ANNUAL MEETING)
DATE OF MEETING	12 JUNE 2017
SUBJECT OF REPORT	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK DOCUMENTS
LEAD OFFICER	Director of Corporate Services (Clerk to the Authority)
RECOMMENDATIONS	<p><i>(a). that the minor amendments to constitutional governance documents, as set out in Section 3 of this report, be noted; and</i></p> <p><i>(b). that, subject to (a) above, the constitutional governance framework documents as listed in Section 1 of this report be endorsed.</i></p>
EXECUTIVE SUMMARY	This report sets out information on the most recent review of the Authority's constitutional governance framework documents (Standing Orders, Financial Regulations etc.), which, while not a statutory requirement, is undertaken at least annually as a matter of good practice.
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing human rights and equalities legislation.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	Nil.

1. **BACKGROUND**

1.1 At its inaugural meeting on 11 April 2007 the Authority approved a number of “in-principle” decisions previously approved by the Shadow Authority, including its Constitutional Governance Framework documents (Minute DSFRA/5 refers). These documents now include, amongst other things:-

- The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset Fire & Rescue Authority
- Members’ Code of Conduct;
- Member/Officer Protocol;
- Policy on Gifts and Hospitality;
- Scheme of Members Allowances;
- Standing Orders;
- Financial Regulations;
- Contract Standing Orders;
- Scheme of Delegations;
- Corporate Governance Code;
- Treasury Management Policy;
- Strategy on the Prevention and Detection of Fraud and Corruption; and
- “Whistleblowing” Code (Confidential Reporting Policy).

1.2 The Authority Constitutional Governance Framework documents may be viewed on the Authority’s website by following the link below.

<https://fireauthority.dsfire.gov.uk/ecCatDisplay.aspx?bcr=1&sch=doc>

The constitutional operation of the Authority also features a Committee structure (with associated terms of reference). This is addressed by a report elsewhere on the agenda for this meeting.

1.3 The documents referred to above were drafted by reference to a number of sources, some statutory; some based upon “models” issued either by central government or by professional bodies (e.g. the Chartered Institute for Public Finance Accountancy – CIPFA); and others based on “best practice” documents in use by other local authorities (including combined fire and rescue authorities). While there is no legal requirement for the documents to be reviewed, they are nonetheless reviewed at least annually to ensure that they continue to be “fit for purpose”. This clearly does not preclude making revisions at any time to any of the documents where this might be required by changes in legislation or internal structure; or the approval of new documents to enhance the governance framework.

2. **OUTCOME OF MOST RECENT REVIEW**

- 2.1 Each of the Authority's Constitutional Framework documents have again been subject to review over the last twelve months and will continue to be subject to ongoing review with any further proposed revisions submitted to future meetings of the Authority as required.
- 2.2 While the documents remain fit for purpose and require no material, substantive changes, the opportunity has been taken to make minor amendments for clarification purposes, or to reflect both internal, Service changes over the past twelve months and other changes necessitated by external factors. These minor amendments are indicated in Section 3 below.

3. **MINOR AMENDMENTS**

Financial Regulations, Strategy on the Prevention of Fraud and Corruption, Scheme of Delegations and Protocol for Member/Officer Relations

- 3.1 Each of these documents makes reference to the Service Executive Board. As previously reported to the Authority, the composition of the Executive Board has changed during the last twelve months and now comprises the Chief Fire Officer, Assistant Chief Fire Officer (Director of Service Improvement), Temporary Assistant Chief Fire Officer (Service Delivery), Director of Corporate Services, Director of People and Commercial Services and the Treasurer to the Authority.
- 3.2 While the purpose of the Executive Board remains unaltered from the initial definition (to "set the strategic direction of the Devon & Somerset Fire & Rescue Service and provide the most senior officer level of decision making on strategic planning and policy to deliver the organisation's purpose and vision"), the initial definition referred to four Service Directors.
- 3.3 To reflect the organisational changes previously reported, the revised definition has been amended to read:
- "The Executive Board (EB) comprises those Service Directors who, together with the Treasurer to the Authority, set the strategic direction of the Devon & Somerset Fire & Rescue Service and provide the most senior officer level of decision making on strategic planning and policy to deliver the organisation's purpose and vision"

Contract Standing Orders

- 3.4 The definition of Executive Board has been amended as indicated above and the following additional amendments made for clarification purposes:
- Reference included to Service Procurement Team following the Chartered Institute of Procurement and Supply (CIPS) Professional Code of Conduct;
 - Reference made to Contract Standing Orders dealing with both financial thresholds and procurement practices to be followed;
 - Reference made to working with relevant departments on low value procurements (less than £20,000) and to relevant authorisations including both initial contract signing and any subsequent contract variations (**NOTE:** high value procurements – £20,000 and above – are managed by the Procurement Team);
 - EU Procurement Thresholds updated to current levels.

"Whistleblowing" Code (Confidential Reporting Procedure

- 3.5 Appendix at back of document (listing Executive Board and Service Leadership Team contacts) updated to reflect current post-holders.

Standing Orders

- 3.6 Heading at Part III (Contractual Matters), Section 39 amended to read “Financial Regulations and Contract Standing Orders” to reflect current governance framework and associated documents.

Corporate Governance Code

- 3.7 The previous version of the Code referred, at paragraphs 4.1 and 4.6, to nationally developed Core Values for the fire and rescue service. These original core values, developed by the Chief Fire Officers Association, have subsequently been replaced by internally-developed values – “Our Values” – based around the four key principles of:
- Honesty, clarity and accountability;
 - Respect for each other;
 - Working together to improve; and
 - A “can do” attitude.
- 3.8 These new values form an appendix to the Member roles and responsibilities document.
- 3.9 The opportunity has therefore been taken to rectify a previous oversight and amend the Corporate Governance Code to now refer to “Our Values”.

4. CONCLUSION

- 4.1 The Service has a commitment to continuous improvement to achieve and sustain its stated ambition of being an “excellent” organisation. As part of this, the Authority’s constitutional governance framework documents will continue to be subject to ongoing review with any further proposals for amendments being submitted as and when required. By way of example of this approach, the current Gifts and Hospitality Code is currently being reviewed in the context of developing an easily-accessible “one stop shop” point of reference on wider ethical issues (e.g. Bribery Act implications etc.). It is intended that the outcome of this will be submitted to a future meeting of the Audit & Performance Review Committee
- 4.2 The amendments to other constitutional governance documents as currently set out in Section 3 above are not material, substantive amendments but instead are either for clarification purposes, required as a consequence either of internal, structural changes or to reflect external factors (e.g. changes in EU Procurement thresholds).
- 4.3 The Authority is therefore asked to note the amendments as indicated and subject to this to endorse the constitutional governance framework documents as listed in Section 1 of this report.

MIKE PEARSON
Director of Corporate Services
(Clerk to the Authority)