

REPORT REFERENCE NO.	DSFRA/21/8
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Budget Meeting)
DATE OF MEETING	19 FEBRUARY 2021
SUBJECT OF REPORT	AUTHORITY GOVERNANCE
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<p>(a). <i>that the Authority considers the contents of this report and approves either Option 1 or Option 1a as a revised governance structure to operate from the Authority's Annual Meeting in 2021;</i></p> <p>(b). <i>that, in so doing, the Authority:</i></p> <ul style="list-style-type: none"> (i). <i>determines the size of the Audit & Governance Committee as being nine Members and the Policy & Performance Working Group (if appointed) as being five members;</i> (ii). <i>determines whether it wishes to remove the requirement for requests for retirement and re-employment of officers below Area Manager to be determined by Members and if so for this change to be reflected in the Pay Policy Statement considered elsewhere on this agenda;</i> (iii). <i>authorises the Clerk to make consequential amendments to the Authority's constitutional framework documents (to align to the new structure), with any such amendments reported to the Authority Annual Meeting in 2021; and</i> (iv). <i>authorises the Clerk to undertake a review of the Authority's approved Scheme of Members Allowances, commissioning external support as required, for report to the Authority Annual Meeting in 2021;</i> <p>(c). <i>that the Authority determines whether it would wish to make, from the Annual Meeting in 2021, a reduction in the number of Members appointed by constituent authorities to 20 Members and in this event authorises the Clerk to advise the constituent authorities accordingly.</i></p>
EXECUTIVE SUMMARY	This report sets out the outcomes from the review of the Authority's governance structure, commissioned in 2020 and supported by the Centre for Governance and Scrutiny (CfGS).

	<p>In particular, it sets out the findings of CfGS (as contained in the appended report) and the work undertaken by the Governance Review Working Group established to progress the issues identified in the draft CfGS report as considered at three initial workshops held for Authority Members.</p> <p>The report identifies options to amend the Authority's governance structure, as recommended by the Governance Review Working Group.</p>
RESOURCE IMPLICATIONS	<p>Implementation of one of the options could have implications for the Authority's approved Scheme of Members' Allowances. It is envisaged that any such financial implications would be contained within existing resources.</p>
EQUALITY RISKS AND BENEFITS ANALYSIS	<p>This report and the options proposed are considered compatible with existing Equalities and Human Rights legislation</p>
APPENDICES	<ul style="list-style-type: none"> A. "Supporting a Governance Review" – final report from the Centre for Governance & Scrutiny. B. Governance Review Working Group Terms of Reference C. Option 1 Meeting Cycle D. Option 1a Meeting Cycle E. Extract from Scheme of Delegations
BACKGROUND PAPERS	<ol style="list-style-type: none"> 1. "Leading the Fire Sector: Oversight of fire and rescue service performance" published by the Local Government Association in November 2019 2. "State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019" published by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in January 2020

1. BACKGROUND AND INTRODUCTION

- 1.1. The Devon & Somerset Fire & Rescue Authority (“the Authority”) was established in 2007 as a combined fire and rescue authority by a Combination Scheme Order (“the Order”) – a statutory instrument made under the Fire & Rescue Services Act 2004. The Authority is a body corporate i.e. it is a separate legal entity, able to both employ staff and enter into contracts for the provision of goods and services.
- 1.2. When initially established, the Authority adopted the governance structure of the former Devon Fire Authority (established in 1997). This provided for a full Authority, with places allocated to the constituent authorities in accordance with the provisions of the Order, and a number of Committees to assist the Authority in discharging its functions.
- 1.3. This was because the primary legislation relating to governance of the Authority was – and continues to be – the Local Government Act 1972. In broad governance terms, this allows the Authority to establish committees and sub-committees and/or to delegate functions to officers. There are some exceptions (for example, setting the budget) which cannot be delegated and must be exercised by the full Authority. Unlike other principal authorities, though, the Authority cannot delegate the exercise of functions to individual Members as the statutory provisions for this, as contained in the Local Government Act 2000, do not apply to combined fire and rescue authorities.
- 1.4. Consequently, a governance model with an Executive (comprising individual Cabinet Members, each with delegated responsibilities) and separate, distinct committees/panels to scrutinise decisions of the Executive, is not available to this Authority. Rather, it is the Authority itself that has responsibility for strategic policy setting (including financial considerations) and then holding officers to account for the effective and efficient delivery of the strategic policy agenda.
- 1.5. The Authority commenced a review of its governance arrangements in December 2018 and a number of Member workshops were held during 2019.

2. AUTHORITY FUNCTIONS, GOVERNANCE ROLE AND THE ROLE OF SENIOR OFFICERS

Authority Functions

- 2.1. Unlike principal authorities, the Authority has the single purpose of ensuring the provision of effective and efficient fire and rescue services for the area it serves.
- 2.2. The Fire & Rescue Services Act 2004 (“the Act”) provides that the core functions (“must do” duties) of fire and rescue authority are to make provisions to:

Prevention

- (a). promote fire safety (Section 6);

Response

- (b). when fires occur, extinguish them and protect life and property (Section 7);
- (c). rescue people involved in road traffic collisions (Section 8); and

- (d). deal with the following other types of emergency as specified by the Secretary of State (Section 9). The Secretary of State has, to date, specified the following:
 - (i) chemical, biological, radiological and nuclear emergencies;
 - (ii) collapsed buildings (urban search and rescue);
 - (iii) emergencies involving trains, trams or aircraft.
- 2.3. Additionally, Section 11 of the Act gives a fire and rescue authority the power (“can do”) to respond to other situations which cause, or are likely to cause:
 - (a). one or more individuals to die, be injured or become ill; and/or
 - (b). harm to the environment (including the life and health of plants and animals).
- 2.4. The Regulatory Reform (Fire Safety) Order 2005 places protection functions on the Authority by regulating fire safety standards. This is a “self-compliant” regime which is enforced by fire and rescue authorities through a risk-based inspection programme.
- 2.5. The Act also requires the Secretary of State to prepare a National Framework which all fire and rescue authorities must “have regard to” when discharging their functions. The current iteration of the National Framework lists the following priorities for fire and rescue authorities:
 - 1. identify and assess foreseeable risks and make appropriate provision for managing them through prevention, protection and response activities (integrated risk management planning);
 - 2. collaborate with emergency services and other partners to increase efficiency and effectiveness;
 - 3. be accountable to the communities for the services they provide; and
 - 4. develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse.

Authority Governance Role

- 2.6. In November 2019 the Local Government Association published a useful guide on governance in the fire and rescue sector “Leading the Fire Sector: Oversight of fire and rescue service performance”. This guide set out the key responsibilities in discharging the governance role of a fire and rescue authority as:
 - 1. determining the strategic policy agenda for the fire and rescue service;
 - 2. setting an appropriate budget to fund delivery of that policy agenda; and
 - 3. ensuring that the policy agenda is delivered, i.e. scrutinising performance and “holding to account”.

Role of Senior Officers and Interface with the Authority Governance Role

- 2.7. The Chief Fire Officer is the operational head of the fire and rescue service which should deliver, effectively and efficiently, the intended outcomes of the strategic

policy agenda for the benefit of the communities served by the fire and rescue authority.

- 2.8. Additionally, the Chief Fire Officer – along with that of the other statutory officers (i.e. the Chief Financial Officer and the Monitoring Officer) – is responsible for supporting the Authority in undertaking its governance role. This provides the interface between governance and operational matters.
- 2.9. This interface requires an effective, professional relationship between Members and senior officers. In turn, this relationship should be characterised by openness, honesty, mutual respect and high levels of trust. While senior officers should provide Members with high-quality, reliable information to support them, it is also important that Members provide constructive challenge.
- 2.10. In exercising this performance review/scrutiny role, Members should seek assurance on the advice and information provided by officers both in support of strategic policy setting and subsequent performance oversight. In the context of performance oversight, “assurance” may be differentiated from “reassurance” in the following lay terms:
- Reassurance:** when someone you trust tells you that all is well.
- Assurance:** when someone you trust tells you what’s happening; shows you the evidence; encourages questions and constructive challenge; and allows you to judge for yourself if everything’s fine.
- 2.11. To secure assurance, effective scrutiny should be an integral component and fire and rescue authority governance arrangements. It should also be noted that the National Framework requires each fire and rescue authority to hold the Chief Fire Officer to account for the exercise of their functions and the functions of persons under their direction and control.

3. **GOVERNANCE REVIEW AND COMMISSIONING OF CENTRE FOR GOVERNANCE & SCRUTINY (CfGS)**

- 3.1. In 2020 the Centre for Governance & Scrutiny (CfGS) was commissioned to build on work commenced in December 2018 with the intention of strengthening governance arrangements to ensure the Authority was best placed to:
- provide political leadership and have effective arrangements in place for oversight of the Service ; and
 - to assist in driving forwards continuous improvement in all areas.
- 3.2. In addition, there were a number of external drivers making such a review timely, including comments made by Sir Thomas Winsor (Her Majesty’s Chief Inspector of Constabulary and Fire & Rescue Services) in the “State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019”. The Annual Assessment was in turn based on inspections of fire and rescue services undertaken by HMICFRS between June 2018 and August 2019.

- 3.3. The Annual Assessment commented on “unclear demarcation between political oversight and operational leadership” and concluded that “Chief fire officers should have operational independence to run their services effectively and efficiently to meet the priorities and commitments in their integrated risk management plans”. Consequently, the Annual Assessment recommended that the Home Office should issue clear guidance on the demarcation between governance and operational decision-making to clarify and protect the role of the Chief Fire Officer.
- 3.4. CfGS is an independent national charity founded by the Local Government Association, the Local Government Information Unit and the Chartered Institute of Public Finance Accountants and has a respected and trusted track record for providing independent and impartial advice. It is the leading national body for promoting and supporting excellence in governance and scrutiny with a well-developed methodology for reviewing governance and scrutiny across the public sector
- 3.5. The methodology for the Authority governance review featured:
- desktop research of this Authority’s and other fire authority documents;
 - a survey of all Authority Members; and
 - interviews with a range of stakeholders including the Authority Chair and Vice-Chair, Committee Chairs; groups of Members as requested; the Service Executive Board; and other key stakeholders (including Police & Crime Commissioners and the leaders of the four constituent authorities).
- 3.6. This resulted in production of an initial draft report that was then considered by Authority Members at three workshops during November 2020. The report findings identified clear drivers for change, including:
- (1) The majority of Members interviewed felt that improvements were needed for the Authority to operate in a more strategic and efficient way.
 - (2) A lack of clarity of roles and responsibilities, increased operational focus and time spent in Committees with minimal impact beyond advising or information sharing.
 - (3) The need to move to a more streamlined and proportionate governance model was recognised.
 - (4) A perceived lack of clarity in the legislation about where accountability for operational decisions lie is the rationale for the existing approach and focus on operations.
 - (5) The LGA governance guide for Members is clear that the Authority should be setting strategic policy objectives in keeping with its responsibility in the statutory framework and holding the Chief Fire Officer to account.

- (6) The Authority's existing scheme of delegation provides clarity on roles and responsibilities but this is not regularly applied or reinforced by either the Authority or senior Officers. This often leads to a blurring of lines with time being spent on operational areas and decisions beyond the remit of the Authority.
- (7) There is a significant range in Members' understanding of the Authority's role and purpose. Many of those interviewed felt that it would be beneficial to refresh understanding of the statutory responsibilities of the Authority and delineation of the Member and Officer roles.
- (8) The existing Committee structure is largely historical and broadly similar committees have been in place since 1997. It was felt that the structure no longer appeared to be fit for purpose to achieving the Authority's ambitions of strategic outcomes, managing risk, delivering value for money and reflecting changing service demands.
- (9) It was felt that the cycle of committee meetings, rather than strategic risks and priorities, is driving the agenda and taking up significant Officer and Member time.
- (10) There would be more value if Committees could have decisions delegated to them or they were assigned overview and scrutiny type responsibilities.

3.7. In summary, the feedback from the three Member workshops was that:

- overall, there was acceptance of the report findings and analysis, although for some Members it did not match their experience;
- there was understanding of the drivers for change, with the majority of Members feeling that it was important to own governance modernisation rather than wait until this was imposed externally; and
- there was broad acceptance of the review recommendations relating to strategic focus and prioritisation, clarity of roles and responsibilities, meeting management, training and development.

3.8. The feedback was used to inform the final review report, a copy of which is attached at Appendix A. It was suggested at the third workshop that there would be benefit in establishing a small working group, supported by CfGS and officers, to explore the issues in greater depth with a view to proposing options for alternative governance models to the Authority. In line with this proposal, a Governance Review Working Group was established with Terms of Reference and Membership as set out in Appendix B.

4. GOVERNANCE REVIEW WORKING GROUP

4.1. The Working Group met virtually on three occasions – 9 December 2020, 11 and 27 January 2021 – supported on each occasion by CfGS and officers. To assist discussions, the Working Group was provided with copies of both the CfGS report and “Leading the Fire Sector: Oversight of fire and rescue service performance” published by the Local Government Association in November 2019. At the outset it was agreed that a systematic approach should be followed, with the following “road map” used to inform discussions at the three meetings:

1. Assessment and analysis;
2. Structure options;
3. Consideration and recommendation of proposed models.

4.2. The discussions at each of the Working Group meetings are summarised briefly below.

9 December 2020

4.3. The Working Group considered both the internal and external drivers for change, the statutory functions of the Authority, the collective role of the Authority, the roles of both Members and Officers and what comprised “good governance” – see Section 2 above.

4.4. In summary, the Working Group reached a consensus that:

1. good governance comprised the arrangements put in place to ensure that the intended outcomes for stakeholders were defined and achieved;
2. good governance would enable the Authority to:
 - a. set a strategic policy agenda to meet the needs of communities and discharge the Authority’s statutory responsibilities efficiently and effectively (i.e. policy setting); and
 - b. ensure the policy agenda in question (i.e. the defined outcomes) is delivered on time, on budget, to the required standard and in accordance with statutory responsibilities (i.e. scrutinising performance and “holding to account”); and
3. the underlying principle supporting overall governance arrangements should be one of “form follows function”.

11 January 2021

4.5. Building on the discussions from the first meeting, this meeting examined, amongst other things, the governance structures in place for the other nineteen combined fire and rescue authorities. It was identified that, irrespective of the overall size of Authority, the most common governance structures provided for a maximum of two committees, one of which would exercise an audit function.

4.6. The Working Group asked that, for the third meeting, further work (to include a Strengths, Weaknesses, Opportunities and Threats – SWOT – analysis) be undertaken on three possible options:

Option 1 – Full Authority and one Committee (Audit & Standards), supported by an increase in the number of Member Champions, ad-hoc Task & Finish Groups as required and the Members’ Forum;

Option 2 – Full Authority and two Committees (Audit & Standards; People), supported by a smaller increase in the number of Member Champions, Task & Finish Groups as required and the Members’ Forum; and

Option 3 – Full Authority and three Committees aligned to the main pillars of the HMICFRS current inspection regime (i.e. Effectiveness Committee; Efficiency Committee; and People Committee), supported by the Members’ Forum.

27 January 2021

- 4.7. The Options as identified above were further developed to include indicative remits and submitted to this meeting, together with the SWOT analysis for each option as requested by the Working Group.
- 4.8. At an early stage in the meeting, the Working Group reached a consensus, based on the information provided, to discount Option 3 as:
- the HMICFRS inspection pillars were intended to assess service delivery, not governance functions. Additionally, while effectiveness, efficiency and people were the current inspection pillars, these could change over time;
 - it did not provide for a separate, audit committee, with these functions instead being undertaken by the full Authority. Establishment of a separate, audit committee had been identified as “best practice” in the research previously undertaken;
 - with the inclusion of a separate, audit committee, the structure would effectively be no different from that operating at present (albeit with different committee names);
 - that it represented the least joined-up, fully “inclusive” model in terms of involvement by all Members with all significant interdependencies.
- 4.9. Following further discussion, Option 2 was also discounted as there was no strong rationale, from a governance perspective, for a separate People Committee if additional separate committees for other policy areas were not to be established. If additional separate committees were established, this would in effect be a version of Option 3 (which had already been discounted).
- 4.10. The Working Party was of the view, however, that there were two potential options that could be advanced to the Authority for consideration:
- Option 1** – Full Authority and one Committee (Audit & Standards), supported by an increase in the number of Member Champions, ad-hoc Task & Finish Groups as required and the Members’ Forum; and
- Option 1a** – as per Option 1, but with a standing Working Group, with regular, diarised meetings, established to replace ad-hoc Task & Finish Groups to undertake detailed scrutiny of performance and work with officers on policy development.

4.11. These Options are expanded on in Section 5 below.

5. OPTIONS

5.1. In expanding on the options proposed by the Governance Review Working Group, the opportunity was taken to amend the name of the Audit & Standards Committee to Audit & Governance Committee to better reflect its remit.

Option 1

5.2. This would provide for a full Authority and one Committee (Audit & Governance), supported by an increase in the number of Member Champions, ad-hoc Task & Finish Groups as required and the Members' Forum. The respective remit for each of these is set out below.

FULL AUTHORITY

Strategic

1. Approval of all strategic policy objectives (including Community Risk Management Plan [CRMP]; Equality, Diversity and Inclusion Strategy; Climate Change Strategy)
2. Approval of Service revenue budget (including Council Tax precept) and Capital Programme and Prudential Indicators
3. Approval of strategic financial documents (e.g. Medium Term Financial Plan; Reserves Strategy; Capital Strategy; Treasury Management Strategy)
4. Approval of both internal and external facing performance metrics for all strategic policy objectives
5. Performance review monitoring against all strategic policy objectives – proactive programme

Other

6. Annual approval of constitutional governance documents (e.g. Standing Orders; Financial Regulations; Scheme of Delegations)
7. Annual appointments to:
 - a. Audit & Governance Committee;
 - b. Chief Fire Officer's Appraisals Panel (min. 2 meetings per year)
 - c. Member Champions
 - d. Outside bodies
8. Annual approval of Pay Policy Statement
9. Annual Approval of Members' Allowances Scheme
10. Approval of Members' Code of Conduct (as and when required)
11. Determination of Appointments Panels for posts of Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Treasurer and Monitoring Officer

12. Dismissal of a statutory officer (Chief Fire Officer, Monitoring Officer and Treasurer)

AUDIT & GOVERNANCE COMMITTEE

Audit & Assurance

1. Approval of internal and external audit arrangements for the Authority (including annual internal audit plan)
2. Receipt of external and internal audit reports and approval of associated action plans as required
3. Approval of Annual Statement of Accounts and Annual Assurance Statement

Finance

4. Financial performance monitoring (incl. Red One performance),
5. Approval of budget virements (value threshold to be determined but could be aligned to limit for Resources Committee in existing Financial Regulations)

Governance and Conduct

6. Oversee and review Corporate Risk Register
7. Approval of Authority RIPA Policy
8. Receive Local Pension Board annual report
9. To promote high standards of Member conduct and specifically to:
 - a. review the Code of Members' Conduct (recommending changes to full Authority)
 - b. determine the procedure for and deal with any Member Code of Conduct complaints
10. Appoint Disciplinary Sub-Committees (as required) with responsibility for complaints against statutory officers

Other

11. Approval of retirement and re-employment requests below AM level (but this could be delegated to the Chief Fire Officer)
12. Annual appointment to the Stage 2 firefighter's pension disputes resolution panel (IDRP).

MEMBERS' FORUM

1. To raise awareness of emerging issues of importance and, collectively, to act as a "sounding board" to contribute towards all strategic policy development (including budget), drawing on personal and political experience
2. To receive updates on matters for information
3. Interim performance review updates in specific areas as required
4. Member development opportunities

MEMBER CHAMPIONS

Member Champions could be appointed to focus on key areas of the policy agenda, e.g.:

- a. Environment;
- b. People (Equality, Diversity & Inclusion Strategy; Health & Safety; Member & Employee conduct and behaviours);
- c. Service delivery (prevention, protection, response);
- d. Finance (Economy and Efficiency)

Member Champions would support relevant officers in the development of policy (including appropriate performance monitoring metrics) for eventual consideration by the full Authority.

TASK & FINISH GROUPS

These would be established as and when required, either by the full Authority or the Clerk in consultation with the Authority Chair (as per existing Standing Orders), to:

- a. work with relevant Member Champions and officers in the development of strategic policy;
- b. undertake reactive policy performance “deep dives” as directed by the Authority; and
- c. undertake other, ad-hoc, issues as may be directed.

Task & Finish Groups would be advisory only and would report back to the full Authority.

- 5.3. In this Option the Authority operates as strategic board providing political leadership in setting the strategic policy agenda. The structure is simple and easy to understand from a Member, Officer and public transparency perspective, and has the potential to provide greater clarity between strategic policy decision making (the Authority) and operational leadership and management (the Service). The structure also seems more proportionate in balancing effective and productive use both of Member and Officer time. It allows all Authority Members to be involved in all aspects of strategic policy development and “holding to account”/performance monitoring, which would provide for a better whole Service understanding.
- 5.4. There is a risk that Authority meetings could become longer if the existing committee business is simply replicated at the Authority. This, however, can be managed by using the Member Forums for issues that are for information only and by using task and finish groups, as required, for more “in-depth” analysis of any specific performance areas or ad hoc issues that may arise.
- 5.5. An indicative cycle of meetings for Option 1 is shown diagrammatically in Appendix C.

Option 1a

- 5.6. This is similar to Option 1, but replaces ad-hoc Task & Finish Groups with a Policy & Performance Working Group. This Working Group would meet on a regular, diarised basis and would:
- a. work with officers and relevant Member Champions in the development of strategic policy;
 - b. undertake regular performance review/scrutiny of delivery against the policy agenda; and
 - c. undertake both planned and reactive policy performance “deep dives” as directed by the Authority.
- 5.7. As with Task & Finish Groups, this Working Group would be advisory only and would report back to the full Authority.
- 5.8. This Option would provide for a core group of Members to undertake performance scrutiny work and policy development (supported by relevant Member Champions and officers). It would also allow for focussed training and development to enable the Members to discharge the role effectively and assist Members in managing their other time commitments (by having some regular, diarised meetings).
- 5.9. An indicative cycle of meetings for Option 1a is shown diagrammatically in Appendix D.

6. OTHER CONSIDERATIONS

General

- 6.1. In adopting either Option 1 or Option 1a, there are a number of other issues that would need to be taken into consideration. These are:
- (1) The Authority’s constitutional framework documents would need revision to align to the new structure. For each Option, though, it is not anticipated that significant revisions would be required but indicative revisions include, not exclusively:
 - a. Standing Orders (e.g. references to appointments to Committees/Sub-Committees; appointment of either Task & Finish Groups or Policy & Performance Working Group; appointment of Member Champions);
 - b. Financial Regulations (e.g. references to Committees; virement limit thresholds);
 - c. Member Officer Protocol.
 - (2) Committee Terms of Reference would require revision to align to either Option 1 or 1a and a role description developed for any enhanced Member Champion role;
 - (3) Potential revisions to the Authority’s approved Scheme of Members’ Allowances (e.g. introduction of an allowance to recognise an enhanced Member Champion role);

- (4) The overall size of the Audit & Governance Committee. Given the proposed Terms of Reference for the Committee, it is suggested that it should comprise of nine members. This would allow for the selection of members to form various panels as required to manage, as necessary, any complaints under the Authority's Member Code of Conduct; and
- (5) If Option 1a is selected, the overall size of the Policy & Performance Working Group. It is suggested that the Working Group should have five members, supplemented as required by Member Champions depending on the policy agenda area being scrutinised. Additionally, whilst in terms of spreading the workload on Members it might be practical to seek to have no duplication between membership of this Working Group and the Audit & Governance Committee, as the Working Group is non-decision making it is not thought necessary for this to be an established principle.

Scheme of Delegations

- 6.2. The CfGS review report comments that the Authority's existing Scheme of Delegations provides clarity on roles and responsibilities but that this is not regularly applied or reinforced either by the Authority or senior officers. For ease of reference, an extract from the Scheme of Delegations is showing those matters currently delegated to the Chief Fire Officer is set out at Appendix E to this report.
- 6.3. It can be seen that the Chief Fire Officer already has considerable delegated authority in relation to a wide range of operational and other matters. While it is not proposed that these require extension, approval of either Option 1 or 1a would assist in clarifying and reinforcing the Scheme of Delegations by reducing the potential for confusion and/or duplication that currently exists [through custom and practice] on when issues should be exercised by the Chief Fire Officer or potentially referred to one (or more) of the existing Committees.
- 6.4. The Authority may wish to consider, though, removing the requirement for requests for retirement and re-employment of officers below Area Manager to be determined by Members (this currently is delegated to the HRMD Committee). If this was delegated to the Chief Fire Officer, any such decisions would be reported to the subsequent Authority meeting for transparency purposes.
- 6.5. The National Framework requires that decisions to re-employ senior officers (i.e. Area Managers and above) are taken by the full Authority and that re-appointments should only be approved in exceptional circumstances and in the interests of public safety. No changes are proposed in this respect.

7. OVERALL AUTHORITY SIZE

- 7.1. Paragraphs 6 and 7 of the Combination Scheme Order ("the Order") provide that the Authority shall comprise a maximum of 25 Members (excluding Police & Crime Commissioners), with the places allocated to each constituent authority in accordance with relative electoral roll. The maximum number of 25 may be exceeded only if this is a result of application of the apportionment formula.

- 7.2. Legal advice has confirmed that, subject to not exceeding the maximum permitted number (unless by application of the apportionment formula) and to retaining the relative apportionment of places to constituent authorities (i.e. by reference to electoral roll), it is within the gift of the Authority to determine its overall size. Of the 19 other combined fire and rescue authorities, 15 have already reduced their total size from the 25 stipulated in their Combination Scheme Orders, with numbers now ranging from 10 to 23. For reference, each of the initial Combination Scheme Orders stipulated a maximum of 25 Members and was based on a standard model produced by the [then] Fire Brigades Advisory Council.
- 7.3. The issue of overall Authority size was subject to some discussion at the final meeting of the Governance Review Working Party on 27 January 2021 (the priority being to first establish options for an optimum governance structure). While a significant reduction was not considered appropriate, some views were expressed that a revised governance structure for the Authority should also feature a reduced overall number of Members on the Authority, but with any reduction not being so great as to result in appointments by Torbay Council being reduced down to only one.
- 7.4. Taking account of the most recent electoral roll figures (as at 1 March 2020), the Working Group noted that a model of 20 Members in total (excluding the Police and Crime Commissioners) would achieve this, apportioned as indicated below:
- Devon County Council*** – 9 Members (reduction of 3);
 - Somerset County Council*** – 6 Members (reduction of 2);
 - Plymouth City Council*** – 3 Members (reduction of 1);
 - Torbay Council*** – 2 Members (no reduction).
- 7.5. Based on either Options1 or 1a, 20 Members would be sufficient to allow for: nine appointments to the Audit and Governance Committee; five appointments to the Policy & Performance Working Group; four Member Champions; and an Authority Chair and Vice Chair. There is, of course, no reason why Members cannot have more than one role (as exists at present), so a model with fewer Members could work but that was not considered by the Working Group for the reasons set out at paragraph 7.3 above.
- 7.6. However, it should be noted that as places are allocated to each constituent authority in accordance with relative electoral roll, the actual number of places allocated to each constituent authority can vary year on year by virtue of application of the apportionment formula. This has happened a number of times in previous years and as a result numbers on the Authority have varied between 24 and 26 (excluding the Police and Crime Commissioners).
- 7.7. While overall size is a matter for the Authority to determine (subject to retaining the relative electoral roll ratio), by virtue of Paragraph 7 of the Order actual appointments are matter for each individual constituent authority to determine. In making appointments to outside bodies, the individual constituent authorities need to take account of political proportionality.

7.8. The Authority is invited to indicate whether, in approving one of the proposed governance options, it would also wish to make a reduction in overall number of Members appointed by constituent authorities, i.e. excluding the Police and Crime Commissioners.

8. CONCLUSION

8.1. This report sets out the functions of a fire and rescue authority, the governance role of a fire and rescue authority and the respective roles both of the fire and rescue authority and the officers which support it.

8.2. It also concludes the governance review of this Authority that commenced in December 2018 and which, since 2020, has been independently supported by the Centre for Governance & Scrutiny (CfGS). I would like to place on record my thanks for the support provided by CfGS (in particular, Ian Parry) and for the positive engagement and constructive contribution made by those Members of the Governance Review Working Party in assessing, in more detail, the nature of good governance and proposing options for a revised governance structure for this Authority.

MIKE PEARSON
Director of Governance & Scrutiny