

<b>REPORT REFERENCE NO.</b>	DSFRA/21/12
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
<b>DATE OF MEETING</b>	29 JUNE 2021
<b>SUBJECT OF REPORT</b>	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK
<b>LEAD OFFICER</b>	Director of Governance & Digital Services
<b>RECOMMENDATIONS</b>	<p><i>(a). that the Authority endorses those minor changes to constitutional governance documents as indicated in paragraph 2.2 of this report;</i></p> <p><i>(b). that the Authority approves:</i></p> <ul style="list-style-type: none"> <li><i>(i). the changes to constitutional governance documents as set out in Appendix A to this report;</i></li> <li><i>(ii). the revised Committee Terms of Reference as set out in Appendix B to this report;</i></li> <li><i>(iii). the revised Members' Code of Conduct as set out at Appendix C to this report; and</i></li> <li><i>(iv). the document "Accountabilities, Roles and Responsibilities of Members and Officers of the Devon &amp; Somerset Fire &amp; Rescue Authority" as set out at Appendix D to this report.</i></li> </ul> <p><i>(c). that the Clerk be authorised to publish all revised constitutional governance framework documents on the website.</i></p>
<b>EXECUTIVE SUMMARY</b>	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.
<b>RESOURCE IMPLICATIONS</b>	Nil.
<b>EQUALITY RISKS AND BENEFITS ANALYSIS</b>	The contents of this report are considered compatible with existing human rights and equalities legislation.

<p><b>APPENDICES</b></p>	<p>A. Proposed revisions to constitutional governance documents.</p> <p>B. Proposed Committee Terms of Reference</p> <p>C. Proposed Members' Code of Conduct</p> <p>D. Proposed document "The Accountabilities, Roles and Responsibilities of Members and Officers of the Devon &amp; Somerset Fire &amp; Rescue Authority.</p>
<p><b>BACKGROUND PAPERS</b></p>	<p>1. <a href="#"><u>Local Government Act 1972.</u></a></p> <p>2. <a href="#"><u>Localism Act 2011.</u></a></p> <p>3. <a href="#"><u>Local Government Association Model Councillor Code of Conduct.</u></a></p> <p>4. <a href="#"><u>The Fire and Rescue National Framework for England.</u></a></p>

## 1. **BACKGROUND**

1.1 The Authority's Constitutional Governance Framework documents include, amongst other things:

- The Accountabilities, Roles and Responsibilities of Members of the Devon & Somerset Fire & Rescue Authority
- Members' Code of Conduct;
- Protocol for Member/Officer Relations;
- Policy on Gifts and Hospitality;
- Scheme of Members Allowances;
- Standing Orders;
- Committee Terms of Reference
- 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 here on the website.](#)

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).

1.4 While there is no legal requirement for the documents to be reviewed, they are nonetheless reviewed, in consultation with relevant officers, at least annually to ensure that they continue to be "fit for purpose". This process 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 As a result of the review, each of the documents listed at paragraph 1.1 above has been subject to minor change including:
- alignment of roles to appropriate officer e.g. Monitoring Officer rather than Clerk;
  - updated definitions sections.
- 2.3 The Treasury Management Policy has been amended to incorporate the expansion of approved counter parties to include any subsidiary entities (subject to approval of the terms and conditions of any such arrangements being reserved to the Authority) as previously approved by the Authority at its budget meeting on 19 February 2021 (Minute DSFRA/72(c) refers).
- 2.4 Additionally, more substantial changes have been made to the following documents:
- Standing Orders;
  - Financial Regulations;
  - Scheme of Delegations;
  - Corporate Governance Code;
  - Protocol for Member/Officer Relations; and
  - Policy on Gifts and Hospitality
- 2.5 Rather than issue each of these revised documents and to seek to minimise documentation, Appendix A to this report sets out the changes proposed for each of the documents, together with a brief rationale for the changes proposed. The Authority is asked:
- (a). to endorse the minor changes as indicated at paragraph 2.2 above;
  - (b). to approve those changes as identified in Appendix A to this report; and
  - (c). to authorise the Clerk to publish the revised documents on the website.

## **3. COMMITTEE TERMS OF REFERENCE**

- 3.1. The Authority's committee structure has remained largely unaltered since its inception. The Authority is reminded that the ability to establish committees derives from Section 101 of the Local Government Act 1972. By this, the Authority may delegate functions either to a Committee or an officer. The legislation providing for the delegation of functions to an individual Member does not apply to this Authority.

- 3.2. In 2020, the Authority, supported by the Centre for Governance and Scrutiny, undertook an extensive review of its governance structure. As a result of this review, it was felt that:
1. there would be benefit to the Authority in establishing annual Strategic Policy Objectives. This issue is subject to a paper on the agenda for the Ordinary Meeting to follow on the conclusion of this meeting; and
  2. while the existing Committee structure was, in the main, still considered appropriate, there would be benefit in revising the Terms of Reference of these Committees to make their role in scrutinising Service performance against Authority approved Strategic Policy objectives more explicit.
- 3.3. In light of (2) above, the opportunity has been taken to revise the Committee Terms of Reference, which are now shown at Appendix B. By and large the Committee structure remains unchanged. Rather, the Committees have been retitled, with the Terms of Reference emphasising the scrutiny role of each Committee. The opportunity has also been taken to merge the former Standards Committee into the new Audit & Governance Committee. Flowing from this, it is proposed the new Audit & Governance Committee should comprise nine Members (rather than the seven for the Community Safety, People and Resources Committees). This is to provide sufficient membership to allow for Panels as may be required for the process in addressing Code of Conduct complaints.
- 3.4. The Authority is asked to approve the revised Committee Terms of Reference as set out in Appendix B.

#### **4. MEMBERS' CODE OF CONDUCT**

- 4.1 Section 27 of the Localism Act 2011 (the Act) places a duty on the Authority to promote and maintain high standards of conduct by its Members and co-opted Members. In support of this, Section 28 of the Act requires the Authority to adopt a Members' Code of Conduct which, when viewed as whole, [is consistent with the Seven Principles of Public Life \(the "Nolan" principles\)](#). Section 28 also requires the Authority to have in place arrangements to investigate and determine allegations of a breach of the Code.
- 4.2 Following an initial report by the Committee on Standards in Public Life (CSPL) and a subsequent consultation, [the Local Government Association \(LGA\) published, in May 2021, a Model Councillor Code of Conduct](#). The Model Code is intended as a template for authorities to adopt in whole and/or with local amendments. The LGA has indicated that it will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
- 4.3 The Authority's Code of Conduct has been reviewed against the LGA Model Code. Other than the inclusion of:
- (a). a specific requirement for Members to register with the Monitoring Officer, within 28 days of its receipt, any gift or hospitality with an estimated value of £50 or more (as recommended by CSPL); and

- (b). a requirement to declare, as a personal interest, membership of any body directed to charitable purposes,

the LGA Model Code introduces no substantive changes to the content of Authority's previous Code.

- 4.4 The opportunity has been taken, though, to introduce the additional two requirements as referenced in paragraph 4.3 above and to reformat the Authority's Code to make it consistent with the formatting and layout in the LGA Model Code (which includes explanatory guidance for each specific obligation). The revised Code is now attached at Appendix C for approval by the Authority.
- 4.5 The revised Code does not require any changes to the Authority's arrangements for investigating and determining breaches of the Code.

## **5. THE ACCOUNTABILITIES, ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS OF THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

- 5.1. This document has been revised to clarify the distinction in the roles of Members and Officers of the Authority. Specifically, a new Section on the role of Authority Officers, featuring an extract from the [Fire and Rescue National Framework for England](#), has been inserted. This document is now attached at Appendix D for approval by the Authority.

## **6. CONCLUSION**

- 6.1. 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.
- 6.2. In the meantime, the Authority is asked to approve the recommendations as set out in this report.

**MIKE PEARSON**  
**Director of Governance & Digital Services**