

REPORT REFERENCE NO.	DSFRA/22/10
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Annual Meeting)
DATE OF MEETING	10 JUNE 2021
SUBJECT OF REPORT	REVIEW OF CONSTITUTIONAL GOVERNANCE FRAMEWORK
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<p><i>(a). that the clarifying revision to Financial Regulations as set out at Section 3 of this report be approved;</i></p> <p><i>(b). that, subject to (a) above, the Authority's constitutional governance framework documents as listed at paragraph 1.1 of this report be endorsed; and</i></p> <p><i>(c). that the Clerk be authorised to publish all revised constitutional governance framework documents on the website.</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	The contents of this report are considered compatible with existing human rights and equalities legislation.
APPENDICES	Nil.

BACKGROUND PAPERS

1. [Local Government Act 1972.](#)
2. [Localism Act 2011.](#)
3. [Local Government Association Model Councillor Code of Conduct.](#)
4. [The Fire and Rescue National Framework for England.](#)
5. [Government White Paper "Reforming Our Fire and Rescue Service"](#)

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.

1.5 At its annual meeting in 2021, the Authority approved significant changes to its committee structure (including Terms of Reference) and to the following constitutional framework documents:

- Standing Orders;
- Financial Regulations;
- Scheme of Delegations;

- Corporate Governance Code;
- Protocol for Member/Officer Relations; and
- Policy on Gifts and Hospitality

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 Since the last review, the Government has published its White Paper “Reforming our Fire and Rescue Service”. This features as an item on the agenda for the Ordinary Meeting to follow this meeting.
- 2.3 The White Paper proposes a number of reforms which, if implemented, would impact on the Authority’s constitutional governance arrangements – specifically the Scheme of Delegations. The opportunity will be taken at forthcoming Members’ Forum meetings to consider the White Paper in detail to inform an appropriate response to the White Paper and to consider any amendments that may be required to the Authority’s constitutional governance documents.

3. FINANCIAL REGULATIONS

- 3.1. It is proposed that the financial thresholds shown in the appendix to the Financial Regulations be amended by the addition of the following words (shown highlighted and in ***bold, italics***) for clarification purposes:

Maximum Delegated Approvals (all other items of income or expenditure are reserved to the full Authority)	Treasurer	Resources Committee	People Committee
Financial Implications arising from exercise of discretions under the Local Government Pension Scheme or Firefighters Pensions Schemes, <i>where the financial thresholds indicated relate to either a one-off payment or an annual cost (as the case may be)</i> . (NOTE: this is a delegation to the Chief Fire Officer)	£0.025m	N/A	£0.075m

- 3.2. Discretions under the various Firefighters' Pensions Schemes were approved by the Authority at its meeting on 7 October 2015 (Minute DSFRA/26(c)(ii) refers). At that time, it was intended that the limits referenced above should relate either to a one-off payment or an annual cost as might, for example, arise from reinstatement of a widow's pension – which is one of the discretions delegated to the Chief Fire Officer.
- 3.3. In the example cited, it is likely that the annual cost of reinstating a widow's pension would be far lower than the indicated threshold of £0.025m albeit that the cumulative cost could ultimately exceed this depending on the how long the individual survives. As this will be unknown at the time the discretion is exercised, to base the decision on a speculative cumulative cost rather than annual cost would, in essence, frustrate the intent and purpose of the delegation. For these reasons, the clarifying amendment as shown above is recommended for approval.

4. CONCLUSION

- 4.1. Given the significant revisions made last year, as indicated in paragraph 1.5, no changes are proposed for the majority of the Authority's constitutional governance documents following the most recent review. The opportunity has been taken, though, to propose a clarifying amendment to Financial Regulations to resolve a potential ambiguity.
- 4.2. 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. This is particularly the case in relation to the implications of the recently-published White Paper.
- 4.3. In the meantime, the Authority is asked to approve the recommendations as set out in this report.

MIKE PEARSON
Director of Governance & Digital Services