

Report title: Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (PFCCFRA) Constitution	
Report to: Essex Police, Fire and Crime Panel	
Report author: The Police, Fire and Crime Commissioner Fire and Rescue Authority	
Date: 13 February 2020	For: Consultation
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County Divisions affected: All Essex	

1. Purpose of Report

The purpose of this report is to invite comments from the Police, Fire and Crime Panel on the contents of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's updated Constitution prior to its adoption.

2. Recommendations

The Panel is invited to comment on the draft updated Constitution prior to its adoption by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

3. Context / Summary

The Constitution adopted by the Authority when the Police, Fire and Crime Commissioner took on joint governance of police and fire and rescue services in 2017 has been reviewed and updated as necessary to ensure its continued compliance with legislation and regulations relevant to the Authority. The "Version History" table set out on pages 2 - 3 of the Constitution attached for comment at Appendix A summarises the changes made. For ease of reference, the updates to the Constitution deal principally with the following matters:

- The election and term of office of the Commissioner (Articles 1.4 – 1.7)
- The powers of fire-fighters in an emergency (Article 3.3)
- Obtaining information and investigating fires (Article 3.7)
- Financial plans (Article 4.3)
- Charging by the Authority (Article 4.5)
- Budget calculations (Article 4.7)
- Achieving value for money (Article 4.8)
- Financial reports (Article 4.12)
- Emergency services collaboration agreements (Article 4.14)
- Suspension of the Commissioner (Article 6.3)

- Date of vacancy in the office of Police, Fire and Crime Commissioner (Article 7.1)
- Resignation of the Commissioner (Article 7.3)
- Vacancy where the Acting Commissioner acts for the maximum of six months (Article 7.5)
- Disqualification from election or holding office as Police, Fire and Crime Commissioner (Articles 7.6 – 7.9)
- Validity of acts despite any disqualifications (Article 7.10)
- Appointment of persons not employed by the Authority (Article 7.11)
- Engagement and re-engagement of senior officers (Article 7.12)
- Appointment of a Deputy Police, Fire and Crime Commissioner (subsection 8.8.1)
- Remuneration etc. of the Commissioner (Article 9.1)
- Property and assets (Article 9.2)

The updates to the Constitution also respond to the finding of an Internal Audit of the Authority's governance arrangements, reported in November 2019, that "guidance on what constitutes a decision and the criteria by which these are to be escalated to the PFCC had not been established and documented within the Constitution." These matters are dealt with in Articles 3.11 and 3.12, as well as subsections 10.2.1, 10.3.1 and 10.3.2 of the updated Constitution attached at Appendix A.

The supporting Schedules to the Constitution have simultaneously been reviewed and refreshed as necessary.

Please note that the draft Constitution attached at Appendix A only governs the Commissioner's activities with regard to fire and rescue services. A separate Constitution, which the Panel was consulted on at its meeting in December 2018, governs their activities in relation to policing.

The Acting Chief Fire Officer has been consulted on the document attached at Appendix A, along with the recognised representative bodies.

Comments provided by the Panel will inform the final version of the Constitution adopted by the Police, Fire and Crime Commissioner Fire and Rescue Authority.

4. Appendices

Appendix 1 – Police, Fire and Crime Commissioner Fire and Rescue Authority Constitution