

Report title: Review of the Police, Fire and Crime Commissioner's Constitution	
Report to: Essex Police, Fire and Crime Panel	
Report author: Roger Hirst (Police, Fire and Crime Commissioner)	
Date: 20 July 2023	For: Review
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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 Commissioner's updated Constitution prior to its adoption.

2. Recommendations

That the Police, Fire and Crime Panel reviews the proposed updated Constitution attached at Appendix 1 and makes any report or recommendations it sees fit on its contents to the Police, Fire and Crime Commissioner.

3. Context / Summary

The Constitution is a key element of the Commissioner's governance framework. It is a comprehensive document governing how their statutory functions, duties and powers will be discharged and how decisions will be made. The Constitution also sets out (in Article 2) citizens' rights and responsibilities with regard to the Commissioner's activities, as well as the functions and powers of key associated bodies (such as the Police, Fire and Crime Panel and the Joint Audit Committee) along with their relationship to the Commissioner.

The Commissioner's Monitoring Officer is required to monitor and review the operation of the Constitution on an ongoing basis to ensure that its aims and principles are given full effect and that appropriate amendments are recommended as and when necessary for the purpose of updating or improving the Constitution. The Constitution was last subject to a fundamental review in 2021. As part of its regular cycle of review, it has now been subject to a further wholesale review to ensure its continued compliance with legislation and regulations relevant to the Commissioner's activities with regard to policing. The Appendices and supporting Schedules to the Constitution have also been reviewed and refreshed as necessary. The Version History (please see pages 4-6 of Appendix 1) summarises the key changes and additions made to the Constitution as a result of this review.

Changes to the Constitution will only be approved by the Commissioner following consideration of a proposal by the Monitoring Officer. Before varying the Constitution, the Commissioner must also provide the draft variation to the Police, Fire and Crime Panel; have regard to any report or recommendations made by the Panel in relation to the variation; provide the Panel with a response to any such report or recommendations, and publish any such response. In accordance with these requirements, the proposed updated Constitution is attached for the Panel's consideration at Appendix 1.

The Chief Constable for Essex has already been consulted on the proposed document, both through his monthly Performance Meeting with the Commissioner and via the Commissioner's Strategic Board. The Force Solicitor has also been consulted and his comments incorporated.

Once any report or recommendations made by the Police, Fire and Crime Panel have been considered by the Commissioner and incorporated within the final document as appropriate, the Commissioner will adopt the updated Constitution through the decision-making process set out in Article 10 of the Constitution. The Constitution will then be reviewed again in two years' time, or earlier should changes to legislation, regulations and / or statutory guidance pertaining to the activities of the Commissioner warrant this.

A separate Constitution governs the Commissioner's activities as Police, Fire and Crime Commissioner Fire and Rescue Authority. This document is due for review in spring 2024 and will likewise be presented to the Panel for its input in due course.

4. Appendices

Appendix 1 – Police, Fire and Crime Commissioner for Essex Constitution v12.16 (July 2023)