

Report title: Review of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's Constitution	
Report to: The Essex Police, Fire and Crime Panel	
Report author: The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority	
Date: 23 June 2022	For: Review
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County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 The purpose of this report is to invite comments from members of 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

- 2.1 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 Authority.

3. Context / Summary

- 3.1 The Constitution is a key element of the Authority's governance framework. It governs how their statutory functions, duties and powers are discharged and how decisions are made. The Constitution also sets out citizens' rights and responsibilities with regard to the Authority's activities, as well as the functions and powers of key associated bodies (including the Police, Fire and Crime Panel and the independent Audit Committee).
- 3.2 The Authority'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 2019/20. Over the past two months, as part of its regular cycle of review, it has been subject to a further wholesale review and updated as necessary to ensure its continued compliance with legislation and regulations relevant to the Authority and to align the Essex County

Fire and Rescue Service's internal governance structures with the Authority's where appropriate.

- 3.3 The supporting Schedules to the Constitution have simultaneously been reviewed and refreshed as necessary. This has included ensuring alignment between the Scheme of Delegation (Schedule 9) and the Financial and Procurement Regulations (Schedule 15) where necessary. Terms of Reference of the PFCCFRA's various governance boards have also been updated as required.
- 3.4 The "Version History" set out on pages 2 - 3 of the Constitution attached for comment at Appendix 1 summarises the key changes and additions made to the document as a result of the review.
- 3.5 The updated Constitution has already been subject to consultation with the PFCC's Corporate Management Team and Senior Management Team, the Chief Fire Officer / Chief Executive, the Authority's Chief Financial Officer, the PFCC's Data Protection Officer and the Authority's Fire and Rescue Strategic Board. Representative bodies have also been offered the opportunity to comment.
- 3.6 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.
- 3.7 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. Once any report or recommendations made by the Panel have been considered by the Authority and incorporated within the final document as appropriate, the Authority 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 Authority warrant this.
- 3.8 Please note that the updated Constitution attached at Appendix 1 only governs the Commissioner's activities with regard to the fire and rescue service. A separate Constitution, which the Panel was consulted on at its meeting in October 2021, governs the Commissioner's activities in relation to policing.

4. Appendices

Appendix 1 – Essex Police, Fire and Crime Commissioner Fire and Rescue Authority Constitution – Updated June 2022