Essex County Council

Essex Police, Fire and Crime Panel

14:00	**Thursday, 23 June 2022**	**Council Chamber County Hall, Chelmsford, CM1 1QH**

For information about the meeting please ask for:
Sophie Campion, Senior Democratic Services Officer
Telephone: 03330 131642
Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

ECC Guest Wifi
For members of the public, you can now access free wifi in County Hall.

- Please log in to 'ECC Guest'
- Follow the instructions on your web browser

Attendance at meetings
Most meetings are held at County Hall, Chelmsford, CM1 1LX. A map and directions to County Hall can be found on our website.

Access to the meeting and reasonable adjustments
County Hall is accessible via ramped access to the building for people with physical disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

Induction loop facilities are available in most Meeting Rooms. Specialist headsets are available from Reception.

Accessing Documents

If you have a need for documents in, large print, Braille, on disk or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, www.essex.gov.uk From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Audio recording of meetings
Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded.

If you are unable to attend and wish to see if the recording is available, you can find out by checking the Calendar of Meetings any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

Should you wish to record the meeting, please contact the officer shown on the agenda front page.

		Pages
1	**Election of Chairman** To elect a Chairman of the Panel.	
2	**Review of the Essex Police, Fire and Crime Panel's Constitution Procedure Rules** Report EPFCP/08/22	5 - 6
3	**Appointment of Vice-Chairman** To appoint a Vice-Chairman of the Panel.	
4	**Membership, Apologies and Declarations of Interest**	7 - 7
5	**Balanced Appointment Objective Report** Report EPFCP/09/22 - to follow	
6	**Minutes** To approve the minutes of the meeting held on 22 March 2022.	8 - 15

7	**Questions to the Chairman from members of the Public** The Chairman to respond to any questions relevant to the business of the Panel from members of the public. Please note that members of the public wishing to ask a question must email democratic.services@essex.gov.uk by noon on the day before the meeting and that questions must relate to an item on the agenda for the meeting.	
8	**Review of Terms of Reference: Ethics and Integrity Sub-Committee** Report EPFCP/10/22	**16 - 19**
9	**Review of Terms of Reference: Complaints Sub-Committee** Report EPFCP/11/22	**20 - 31**
10	**Police and Crime Plan Performance Measures - Quarter 4 2021/22** Report EPFCP/12/22	**32 - 51**
11	**The 2023/24 Budget Setting Process** Report EPFCP/13/22	**52 - 54**
12	**Review of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's Constitution** Report EPFCP/14/22	**55 - 236**
13	**PFCC Decisions** Report EPFCP/15/22	**237 - 245**
14	**The Police, Fire and Crime Commissioner to update the Panel on any ongoing issues**	
15	**Essex Police, Fire and Crime Panel Annual Report** Report EPFCP/16/22	**246 - 252**
16	**Essex PFCP Grant Claim and Outturn Report - 2021/22** Report EPFCP/17/22	**253 - 254**
17	**Report of the Ethics and Integrity Sub-Committee** Report EPFCP/18/22	**255 - 259**
18	**National Association of Police, Fire and Crime Panels Update**	
19	**Dates of Future Meetings** Report EPFCP/19/22	**260 - 260**

20 **Date of Next Meeting**

To note that the next meeting will be held on Thursday 21 July 2022.

21 **Urgent Business**

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

22 **Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda Item 2

Reference number: EPFCP/08/22

Report title: Review of the Essex Police, Fire and Crime Panel's Constitution Procedure Rules	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Senior Democratic Services Officer	
Date: 23 June 2022	**For:** Consideration
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of report

1.1 To consider a change to the Essex Police, Fire and Crime Panel's Constitution Procedure Rules.

2. Background

2.1 The current version of the Essex Police, Fire and Crime Panel Constitution comprising of the Panel Arrangements and Procedure Rules had previously been agreed at a meeting of the Panel held on 23 May 2019.

2.2 Over the past year there have been a number of changes to the membership of the Panel and some more experienced Panel Members are no longer on the Panel. The Panel has also temporarily increased in size in order to better meet the balanced appointment objective.

2.3 A review of the membership requirements in the Terms of Reference for the Panel's Sub-Committee's has recently taken place, following some difficulties experienced when the Chairman and Vice-Chairman were unable to attend certain meetings.

2.3 The Panel is asked to consider whether it would be beneficial to the work of the Panel to consider a change to the Procedure Rules in the Constitution to allow the appointment of up to two Vice-Chairmen. The benefit of this would be additional support to the Chairman, particularly with meeting attendance requirements for Panel meetings, Sub-Committee meetings and other working groups and providing more opportunity for Panel Members to engage and develop a deeper knowledge of Panel responsibilities and work.

2.4 Whilst the Panel cannot change the 'panel arrangements' document, which is approved by the fifteen local authorities in the Essex Police area, it is entitled to set its own rules of procedure and the number of Vice-Chairman to be appointed forms part of these rules.

2.5 It should be noted that the constitution refers to the Vice-Chairman appointed as a result of a casual vacancy being a council member. Whilst the Panel is entitled to make this distinction, in view of the fact that the current Chairman is not a Council member it seems difficult to maintain this rule.

3. Recommendations

3.1 That the Panel considers amending the Procedure Rules within its Constitution to allow for the appointment of up to two Vice-Chairmen.

3.2 That, if agreed, paragraph 1 of the Procedure Rules paragraph 10 be amended with immediate effect to read:

> 10.3 One or two Vice-Chairmen will be appointed at the Annual Meeting, and this shall be the item of business following the election of Chairman. The Vice-Chairmen will be elected from amongst the members of the Panel.
>
> 10.4 In the event of the resignation of the Chairman or Vice-Chairmen or if any of them ceases to be a member of the Panel, a replacement will be appointed at the next meeting and will be drawn from amongst the members sitting on the Panel.
>
> 10.5 The Chairman shall preside at any meeting of the Panel. One of the Vice-Chairmen selected by agreement or in the absence of agreement by the Panel shall preside in the absence of the Chairman. If neither the Chairman nor either of the Vice-Chairmen are present at a meeting of the Panel, the other members of the Panel shall choose another member of the Panel to preside at the meeting.

Agenda item 4

Committee: Essex Police, Fire and Crime Panel

Enquiries to: Sophie Campion, Senior Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership (Quorum: 7)	**Representing**
Councillor D Dadds	Basildon Borough Council
Councillor F Ricci	Braintree District Council
Councillor K Barber	Brentwood Borough Council
Councillor R Savage	Castle Point Borough Council
Councillor J Lager	Chelmsford City Council
Councillor M Lilley	Colchester Borough Council
Councillor P Stalker	Epping Forest District Council
Councillor R Playle	Essex County Council
Councillor M Garnett	Harlow District Council
Councillor M Heard	Maldon District Council
Councillor A Williams	Rochford District Council
Councillor I Shead	Southend Borough Council
Councillor L McWilliams	Tendring District Council
Councillor G Collins	Thurrock Council
Councillor M Sutton	Uttlesford District Council
John Gili-Ross	Independent Member
Sheila Murphy	Independent Member
Councillor J Deakin	Co-opted Member for Balanced Appointment
Councillor A McGurran	Co-opted Member for Balanced Appointment
Councillor L Scordis	Co-opted Member for Balanced Appointment

Minutes of the meeting of the Essex Police, Fire and Crime Panel, held in the Council Chamber at County Hall, Chelmsford on Tuesday, 22 March 2022

Present:

Councillor	**Representing**
Frankie Ricci	Braintree District Council
Keith Barber	Brentwood Borough Council
Jeremy Lager	Chelmsford City Council
Paul Stalker	Epping Forest District Council
Mark Heard	Maldon District Council
Ian Shead	Southend-on-Sea Borough Council
Lynda McWilliams	Tendring District Council
Gary Collins	Thurrock Council
Aidan McGurran	Co-opted Member for Balanced Appointment
Lee Scordis	Co-opted Member for Balanced Appointment

Co-opted Independent Members
John Gili-Ross (Chairman)
Sheila Murphy

Also in attendance

Gemma Bint	Democratic Services Officer
Pippa Brent-Isherwood	Chief Executive, Office of the Essex Police, Fire and Crime Commissioner (OPFCC)
Sophie Campion	Senior Democratic Services Officer, Secretary to the Panel
Jane Gardner	Deputy Essex Police, Fire and Crime Commissioner
Roger Hirst	Essex Police, Fire and Crime Commissioner (PFCC)
Rick Hylton	Chief Fire Officer/Chief Executive, Essex County Fire and Rescue Service

1 Membership, Apologies, Substitutions and Declarations of Interest

The report of the Membership, Apologies and Declarations was received.

1. The membership of the Panel was noted.

2. The following apologies were noted:
    - Cllr Garnett, Harlow District Council
    - Cllr Oxford, Colchester Borough Council
    - Cllr Baggott, Basildon Borough Council
    - Cllr Playle, Essex County Council
    - Cllr Deakin, Co-opted Member for Balance Appointment
    - Cllr Isaacs, CastlePoint Borough Council
    - Cllr Sutton, Uttlesford District Council
    - Cllr Williams, Rochford District Council

There were also apologies from Neil Cross, ECFRS and Chief Constable Harrington

3. The following declarations were made by Members:
    - Councillor Mark Heard declared a Code Interest as his son was currently a serving police officer. Councillor Heard participated fully in the meeting.
    - Councillor Lynda McWilliams declared a Code Interest as her son was currently a serving police officer. Councillor McWilliams participated fully in the meeting.
    - Councillor Frankie Ricci declared a Code Interest as his step-son was currently a serving police officer. Councillor Ricci participated fully in the meeting.

2 Minutes

a) The minutes of the confirmation hearing meeting held on the 3 February 2022 were approved as a correct record and signed by the Chairman.
b) The minutes of the meeting held on the 3 February 2022 were approved as a correct record and signed by the Chairman.

3 Questions to the Chairman from members of the public

There were none.

4 Essex County Fire and Rescue Service - Quarter 2 Performance Report 2021-2022

The Panel received report EPFCP/04/22 which provided an overview of the Essex County Fire and Rescue Service's (ECFRS's) progress in delivering the priorities set out in the Fire and Rescue Plan 2019 – 2024 and the Integrated Risk Management Plan 2020-2024, based on data and other information for the period July 2021 to September 2021.

The Commissioner introduced the report, drawing attention to a number of key points in the report, including the decrease in the number of fires attended, the increase in attendances to other specialist services, the attendance at false alarms and increase in malicious calls. The Commissioner highlighted the significant increase in Safe and Well visits and reported that the diversity of the service continued to improve. Areas of challenge were availability of fire fighters, attendance times and the number of audits of high risk and very high risk premises. There was also an increase in road safety fatalities and seriously injured. The service remained focussed on succession planning.

In response to questions and concerns raised by the Panel the following points were made:

<u>False Alarms and Malicious calls</u>
Members of the Panel were particularly concerned with the increase in false alarms and malicious calls. It was explained that a root and branch review was

being undertaken with regard to the causes of unwanted fire signals. There were some inconsistencies in the way information was captured which was being addressed. The aim was to be more consistent in the approach to ascertaining whether calls were genuine and challenging where appropriate. There was also recognition that some calls had been made with good intent and ensuring that the service was attending where necessary was vital, especially for high-risk premises and life risk. With the number of automatic fire detection alarm systems in place, it was reasonable to expect that there would be a threshold of activations. Work needed to be done with those premises where it was not being managed effectively. The point regarding prosecutions being a possible deterrent for malicious calls was taken on board. Enforcement action was taken and notices had been served with regard to taking better responsible care of systems.

Who investigated a malicious call would depend on the call and often the outcome would be education or sometimes enforcement. Costing these incidents had not been done at this stage but could be done if the level of activity were so high that it needed to be managed more precisely. If there was a particular localised issue there may be opportunities to address that through the Community Safety Partnerships with localised messages and education.

Attendance times and availability

A number of concerns were raised with regard to the average response times and availability of appliances. In response it was explained that some on-call stations were not available all of the time. However, there was dynamic deployment, with strategic stations across the County which were available. If there had been a deployment over 25mins that was looked into. The more relevant measure was considered to be whether stations were available when they were expected to be, rather than all of the time.

With regard to average response time targets, it was noted there was further work to do, however the Commissioner also considered other indicators such as numbers of people killed and seriously injured and levels of economic damage. Getting tenders to the right place to minimise these was key. There had been an improvement over time, however during this reporting period some factors related to the pandemic were present. Previously during lockdown periods there had been reduced road traffic accidents and reduced number of home fires and more on-call availability. However, since then activity levels had risen and with many on-call firefighters no longer working from home, availability for on-call work was impacted. This was a reversion back to 2019 trend lines. Some on-call tenders were key and needed to be covered, others were part of the dynamic deployment and would be a back-up to the key station.

Recruitment, Diversity and Workforce

Issues were raised regarding the aging profile and succession planning. It was reported that there had been no recruitment for nine years prior to the current Commissioner taking over governance of the Fire and Rescue Service, which had led to an aging profile, however this had been addressed straight away. The profile was improving over time but balanced with retaining expertise. There were no issues with attracting applicants.

There had been work to re-scope the on-call development programme and the service had recruited more on-call firefighters than they had ever done in the last year. Retention of on-call firefighters was also being looked at.

In response to a question regarding what more could be done to improve diversity, the Commissioner confirmed that it was important to him that the Fire and Rescue service was open to all and there was an active programme of positive action recruitment. It was acknowledged that some fire and rescue services had succeeded in becoming an employer of aspiration for people from an ethnic minority community. It was recognised in Essex that more positive action was required, particularly in the on-call area.

In response to a question, it was confirmed that the employee relation cases included attendance relating to sickness, grievances and performance.

Working with Partners

A member of the Panel asked how the Fire and Rescue service could better integrate within the Community Safety Partnerships. It was noted that there was a link particularly regarding supporting the vulnerable and with safety of residents. One of the priorities of the Chief Fire Officer was to integrate the service better with the partnerships and ensure that their purpose and role was clear.

There was collaboration between the Fire and Rescue Service and Police Service on the area of deliberate fires and arson, of which the Firestoppers was a part. There were two categories, primary deliberate fires, affecting life and property and secondary fires. There was a fire intervention scheme to educate young people. For the purposes of incidents of arson, there was joint fire investigation with Essex Police.

The Joint Education Steering Board was made up of the Fire and Rescue service and Police service working together to provide community safety messages as a joint team through education and schools.

Safeguarding

It was recognised that vulnerable people were particularly at risk from hazard and investment and improvements in the way the service worked with partners in this area had been done. It was seen as positive that more vulnerabilities were being recognised and addressed, although it was not known whether this had actually increased, had been deferred due to lockdown or whether more cases were being identified due to improved partnership working. There was a target of 90% of referrals being dealt with within 28 days and in that period 98% had been achieved, with operational crews assisting with delivery and building capacity.

Road Safety and Fire Bike

The value of the Fire Bike scheme was recognised and the service had sought to expand the number of people trained to provide Fire Bike training. All trainers

were ROSPA trained. The move from time off in lieu to secondary contracts was to ensure sustainability.

A contribution had been made to Vision Zero and the launch was the following month. The benefits and outcomes of those interventions would be seen in due course. There was a future aim to have vehicle manufacturers represented, covering all road users.

The Panel requested further information on a number of issues, which the Commissioner agreed to provide after the meeting:

- Detail on the increase in hazardous materials incidents
- Fuller detail on incidents where response times were over 25mins
- Timeline of the review of causation factors for pumping appliance availability
- Impact of long Covid in managing longer term sickness

It was also suggested that consideration be given to the readability and formatting of the report in future.

Resolved:

That the Panel received and noted the report.

5 Police Complaints Reviews

The Panel received report EPFCP/05/22 which provided an overview of the Commissioner's activities during 2021 in relation to complaint handling.

The Commissioner introduced the report, drawing attention to a number of issues highlighted in the report including; key findings of the independent public perception survey, the growing demand for complaint reviews across the country and the backlog in Essex and how that was being addressed.

In response to questions and concerns raised by the Panel the following points were made:

- It was clarified that there had been 167 requests received since February 2021. In the last 12 months 186 had been closed which included those carried over from the backlog.
- It was confirmed that recommendations and organisational learning points were fed back to the complainant, but not incidental findings. Recommendations made to Essex Police were not on a timeframe as the force respond and advise on a timeframe. Sometimes there may be a particular recommendation that is within a timeline.
- A breakdown in future reports was requested to show complaint reviews closed due to being invalid and those going through to full completion.
- The transfer of responsibility for complaint reviews from the Chief Constable to the Commissioner had led to an increase to more reviews than anticipated and the resourcing was not currently sufficient and

therefore further investment had been made. More was being invested during the next year to deal with the backlog. Reassurance was given regarding the quality of the reviews through independent internal audits. The increase in the number upheld and the increase in recommendations made to the force demonstrated a thorough and robust process. The IOPC also scrutinised the process.

- Concern was acknowledged regarding the health and wellbeing of people involved in the complaint and review, due to the time taken to complete the entire process. The additional investment should improve matters. It was confirmed that it would be unusual for a Police Officer to be taken off front line duty as a result of a review, unless it was found that the original complaint had not been dealt with properly. Any conduct matters would have been dealt with as part of the original complaint process by the force. The review was not a re-investigation of the complaint, it was a consideration and conclusion as to whether the handling of it by the force had been reasonable and proportionate.

Resolved:

That the Panel received and noted the report.

6 Police, Fire and Crime Commissioner Decisions Report

The Panel received report EPFCP/06/22 which provided information about financial and strategic decisions made by the PFCC.

It was suggested that moving the location of knife bins on a regular basis could make them more successful. The Commissioner agreed to consider the suggestion.

A query was raised with regard to the cost of producing the precept leaflets which were sent out with the Council Tax bills. In response it was explained that this was considered to be very important with regard to accountability and public scrutiny of the Police, Fire and Crime Commissioner, particularly with regard to how precept money would be spent. The overall cost was kept to a minimum by working efficiently with District and Borough Councils.

Resolved:

That the Panel received and noted the report.

7 The Police, Fire and Crime Commissioner to update the Panel on any ongoing issues

The Commissioner provided the Panel with a verbal update on ongoing issues:

- The key findings from the Police and Crime Commissioner (PCC) Review Part 2
- Consultations on the outcomes from the PCC Review Part 2 and the Policing Protocol Order from the PCC Review Part 1

- HMICFRS Annual State of Policing Report
- Further funding had been secured for support of victims of domestic and sexual abuse, which would be invested in independent domestic violence advisors and sexual abuse advisors.
- The bidding window was open for the fourth round of the Safer Streets Funding Programme. The Commissioner was looking to work with Councils to bring forward programmes to submit. However, the funding required 50% match funding from bidders.

Councillor Barber wished to put on record his thanks to the Commissioner for assistance with the work of the Brentwood CSP.

A query was raised regarding the use of social media to report crimes and how the Commissioner might assist with communication regarding how people should be reporting crime. The Commissioner agreed to consider this issue.

Resolved:

That the verbal report was noted.

8 National Association of Police, Fire and Crime Panels (NAPFCP) update

The Panel received a verbal update from the Chairman of the Panel on the current workstreams of the National Association of Police, Fire and Crime Panels.

The Chairman raised the following points:

- A series of training sessions for Panels had been run on behalf of the Home Office by Dods Group as an outcome from the PCC Review Part 1.
- The Police Foundation Strategic Review of Policing outcome.
- Part of the remit of the NAPFCP was to deal with the public awareness of Panels and the Chairman had been asked to present on community safety with the Nottinghamshire PCC to the Parish and Town Council sector.

Resolved:

That the verbal report was noted.

9 Forward Work Plan

The Panel received report EPFCP/07/22 setting out the planned business of the Panel.

Following a number of questions raised over previous Panel meetings on the subject of E-scooters, the Panel discussed whether to take a focussed look at the issues raised. It was noted that consideration would need to be given to the timescales of the current E-scooter pilot in Essex.

Resolved:

That the Panel received the report, agreeing the addition of a focussed look at the issue of E-scooters as an area of particular concern highlighted by Panel Members.

10 Date of Next Meeting

The Panel noted that the next meeting would take place on Thursday 23 June 2022.

There being no urgent business, the meeting closed at 4.56pm.

Agenda Item 8

Reference number: EPFCP/10/22

Report title: Review of Terms of Reference: Ethics and Integrity Sub-Committee	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Senior Democratic Services Officer	
Date: 23 June 2022	**For:** Consideration
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of report

1.1 To consider the revised Terms of Reference and Procedure Rules for the Essex Police, Fire and Crime Panel Ethics and Integrity Sub-Committee, and appoint members of the Sub-Committee for 2022-23.

2. Background

2.1 The Essex Police, Fire and Crime Panel Ethics and Integrity Sub-Committee Terms of Reference and Procedure Rules had previously been agreed at a meeting of the Panel held on 12 April 2018.

2.2 The Terms of Reference and Procedure Rules have recently been reviewed as part of a periodic regular review of Panel procedures to ensure that they are up to date and fit for purpose. During that review a number of issues were identified relating to the full integration of the Fire and Rescue Service in the work of the Sub-Committee and updates to the membership information.

2.3 The Panel is asked to consider the proposed changes to the Terms of Reference and Procedure Rules, attached at Appendix A and then to appoint the agreed number of members and named substitutes to the Sub-Committee for the municipal year 2022-23.

3. Recommendation

3.1 That the revised Essex Police, Fire and Crime Panel Ethics and Integrity Sub-Committee Terms of Reference and Procedure Rules be adopted in the form appended to this report.

3.2 That the Panel agree the appointment of four members of the Panel and named substitutes to the Essex Police, Fire and Crime Panel Ethics and Integrity Sub-Committee.

Essex Police, Fire and Crime Panel Ethics and Integrity Sub-Committee

Terms of Reference and Procedure Rules:

Terms of Reference

To scrutinise the Commissioner's performance in relation to ethics and integrity and, where appropriate, provide support, in order to ensure that the highest standards of ethics and integrity of policing and fire and rescue are maintained in Essex, both currently and in the future.

Procedure Rules

I. After each meeting the Sub-Committee will report back to the next available ordinary meeting of the Essex Police, Fire and Crime Panel.

II. The Sub-Committee has no decision-making powers but may make recommendations to the Commissioner and to the Panel and will monitor progress against such recommendations.

III. The Sub-Committee will at all times have regard to the College of Policing Code of Ethics, the Seven Principles of Public Life and any other statutory or non-statutory code or guidance relevant to the ethics and integrity of policing and fire and rescue. They will also consider the PFCC's own Ethics and Integrity Framework.

IV. The Committee will meet at least twice a year and its meetings will be governed by schedule 12A of the Local Government Act 1972.

V. The Sub-Committee has no role in reviewing operational issues or individual cases but may have regard to relevant themes emerging from operational issues and how they have been dealt with.

VI. The Sub-Committee has no involvement in complaints made against individual police or fire and rescue officers or members of police or fire and rescue staff but may have regard to themes emerging from such complaints and how they have been dealt with.

<u>Definitions:</u>

For the purposes of the work of the Sub-Committee, the following definitions shall apply, recognising that the principles established in the frameworks at (III) above are held in equal regard:

Integrity:

The conviction that Essex Police and Essex Fire and Rescue Service should comply, not only with the letter but also with the spirit of the law and with Police Regulations, and that Essex Police Officers and staff behave in a way that commands public trust and confidence. This includes the moral courage to do what is right regardless of personal interest or influence.

Ethics:

(i) The setting out of the behaviours, values and beliefs which underpin policing in Essex and which the public believe to be morally right for those upholding the law; and (ii) Police officers and members of police staff consistently demonstrating those behaviours, values and beliefs.

Membership

Four members of the Panel and named substitutes appointed at the Annual meeting.

Quorum

The quorum for a meeting of the Sub-Committee shall be three.

The Commissioner and Officers giving account. The Sub-Committee may request the Commissioner to invite specific staff or officers or may invite individuals to attend meetings who it considers can contribute to any particular matter which it is to discuss.

Work programme

To enable forward planning and preparation for meetings, the sub-committee shall agree and keep under review a work programme of proposed areas and themes of focus. This will not prevent additional themes being added or changes made when agreed necessary by the Sub-Committee.

Agenda Item 9

Reference number: EPFCP/11/22

Report title: Review of Terms of Reference of Complaints Sub-Committee	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Senior Democratic Services Officer	
Date: 23 June 2022	**For:** Consideration
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of report

1.1 To consider the revised Complaints process for the Essex Police, Fire and Crime Panel Complaints Sub-Committee, and identify members to sit on the Sub-Committee as required for 2022-23.

2. Background

2.1 The Essex Police, Fire and Crime Panel Complaints process was adopted by the Panel in October 2019. The process includes the terms of reference of the Complaints Sub-Committee which includes the Chairman, Vice Chairman of the Panel together with one other Panel Member.

2.2 During the period 2021-22 there have been some difficulties with meeting the requirements of membership when the Sub-Committee was convened to review a complaint.

2.3 As a result of this a review has been undertaken. The recommendation is that there are some amendments to the membership requirements of the Sub-Committee, to ensure that membership is flexible and that difficulties meeting the requirements are avoided in future. The revised recommendation would see the Panel is asked to nominate a pool of Members at its annual meeting, from which membership of the Complaints Sub-Committee can be drawn as required.

2.4 In addition the opportunity has been taken to make some minor updating to the process.

2.3 The Panel is asked to consider the proposed changes to the Complaints process, attached at Appendix A. The Panel is also asked to nominate a pool of Panel members from which membership of the Complaints Sub-Committee can be drawn as and when a meeting is convened for the municipal year 2022-23.

3. Recommendation

3.1 Agree to adopt the revised Essex Police, Fire and Crime Panel Complaints process, including the terms of reference of the Complaints Sub-Committee, in the form appended to this report.

3.2 Agree the nomination of a pool of Panel members for 2022-23 from which membership of the Complaints Sub-Committee will be drawn as and when a meeting is convened.

Police, Fire and Crime Panel for Essex

Procedure to be Followed when Considering Complaints About the

Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

1. Introduction

1.1 The Police, Fire and Crime Panel for Essex ('the Panel') has responsibility for the initial handling of complaints made about the conduct of the Police, Fire and Crime Commissioner for Essex ('the PFCC') or the Deputy Police, Fire and Crime Commissioner ('the Deputy PFCC'). Complaints are governed by a statutory complaints procedure[1]. The panel is required to refer criminal complaints to the Independent Office of Police Conduct (IOPC).

1.2 The Panel has authorised the Monitoring Officer of Essex County Council (or another authorised officer of ECC) to make some decisions about complaints under the complaints procedure. Unless the context otherwise requires, any reference to the Monitoring Officer in this policy includes a reference to an officer of ECC authorised by the Monitoring Officer.

1.3 The Panel has also created a Complaints Sub-Committee which is authorised to take any action under the Complaints Procedure.

1.4 Any decision or action which may be taken by the Monitoring Officer may also be taken by the Panel or by a Complaints Sub-Committee in an appropriate case.

1.5 A complaint is about the 'conduct' of the PFCC if it includes an allegation which relates to any act, omission, statement or decision of the PFCC or his Deputy (whether actual, alleged or inferred).

1.6 When following this procedure the Panel and those working on its behalf will ensure that they make such adjustments as it is reasonable to have to take in order to accommodate needs arising from the disability of a person involved.

2. Stage 1: Recording the Complaint

2.1 When a complaint is received the Monitoring Officer will consider the following questions:

(a) Does the complaint relate to the conduct of an office holder (either a PFCC or a Deputy PFCC)?

(b) Is the Police, Fire and Crime Panel for Essex the correct panel for the complaint (ie does the complaint relate to the Essex PFCC or Deputy PFCC)? If the Panel is not the correct Panel then the Monitoring Officer will refer the complaint to the correct panel.

(c) Has the complaint been withdrawn?

[1] The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

(d) Does the complaint relate to a new matter which is a matter which has not been or is not already the subject of criminal proceedings against the office holder?

2.2 If the answer to all four questions is 'yes' then the Monitoring Officer will record the complaint.

3. Stage 2: Determining whether the complaint should be referred to the IOPC

3.1 The Monitoring Officer will consider whether the complaint includes any allegation which, if proved, would indicate that either the PFCC or the Deputy PFCC is likely to have committed any criminal offence. If the Monitoring Officer, after consulting the Chairman of the PFCP, considers that it does include such an allegation then the matter must be referred to the Independent Office of Police Conduct (IOPC) and the Monitoring Officer will make the referral.

3.2 The IOPC may investigate - in which case the Panel has no further involvement - or it may decline to investigate and refer the complaint back to the Panel, in which case the complaint will move to stage 3.

3.3 In the remainder of this document a reference to the PFCC is to be read as a reference to the Deputy PFCC if the complaint is about that officer.

4. Stage 3: Determining the Statutory route to be followed

4.1 If the complaint is not required to be referred to the IOPC - or if the IOPC refers the complaint back to the PFCP - then the next step is for the Monitoring Officer to consider whether or not to disapply the statutory process.

4.2 If the statutory process is disapplied then the Panel can respond to the complaint in whatever way it feels fit. This would include deciding not to respond to it.

4.3 The Monitoring Officer is not required to disapply the statutory process, but may do so - after consulting the Chairman of the PFCP- if and to the extent that one or more of the following criteria apply:

(a) The complaint is concerned with the conduct of a relevant office holder in relation to a person who was working in his capacity as a member of the office holder's staff at the time when the conduct is supposed to have taken place.

Complaints relating to the PFCC's alleged behaviour towards his staff will not normally be considered. Complaints about the activities of the PFCC's staff cannot be considered directly. The Panel can consider complaints that the PFCC has failed to respond adequately to complaints he has received about his staff may be considered if the PFCC's response is so in adequate as to amount to misconduct.

(b) More than 12 months have elapsed between the incident, or the latest incident giving rise to the complaint and the making of the complaint **and** either—

(i) no good reason for the delay has been shown, or

(ii) injustice would be likely to be caused by the delay;

(c) The matter is already the subject of a complaint. Note that the complaint does not have to be from the same complainant.

(d) The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.

(e) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;

(f) The complaint is repetitious. A complaint can only be regarded as repetitious if all of (a)-(d) below apply:

(a) it is substantially the same as a previous complaint (whether made by or on behalf of the same or a different complainant), or it concerns substantially the same conduct as a previous conduct matter;

(b) it contains no fresh allegations which significantly affect the account of the conduct complained of;

(c) no fresh evidence, being evidence which was not reasonably available at the time the previous complaint was made, is tendered in support of it; and

(d) as regards the previous complaint, either-

(i) the IOPC dealt with the complaint;

(ii) the Panel resolved the complaint in accordance with this process;

(iii) the complainant withdrew the complaint; or

(iv) the statutory complaint process was disapplied.

4.4 If the Monitoring Officer considers that the statutory process should be disapplied, the Monitoring Officer should, before finally deciding to do so, write to the complainant to explain

(a) why the Monitoring Officer considers that the statutory process should be disapplied;

(b) how it is proposed to deal with the complaint if the procedure is disapplied; and

(c) that before making a decision the Monitoring Officer will consider any representations made by the complainant within14 days from the date of the letter.

4.5 If, having considered any representations received in response to the letter, the Monitoring Officer then disapplies the process then the Monitoring Officer must write to the complainant and explain why the procedure has been disapplied and how the complaint is to be dealt with (which may include taking no further action). Any such action is beyond the scope of this policy.

4.6 There is no right of appeal against any decision to disapply the complaints process although the complainant may ask the Local Government and Social Care Ombudsman to look at whether an appropriate process has been followed.

5. Stage 4: Informal Resolution

5.1 At this stage the Panel is required to arrange for the complaint to be subjected to informal resolution. The Monitoring Officer will write to the Complainant and the PFCC (and the Deputy PFCC if the complaint is about the Deputy PFCC) with proposals for informal resolution.

5.2 There are four possible approaches as set out below. Two of them encourage the parties to reach agreement and two of them involve an opinion being reached by the Panel; Unless agreed otherwise by the parties, informal resolution will follow one or more of the following:

(a) **Period for local settlement:** The PFCC (or Deputy PFCC) is invited to consider the complaint and respond to it (for example by apologising or providing the complainant with a detailed explanation of the issues). This is likely to be suitable where the parties have a constructive relationship or where the complaint is minor. This process is unlikely to be suitable where positions have become entrenched or where the PFCC (or Deputy PFCC) does not believe that such a process is likely to resolve the complaint.

If this route is followed then the PFCC (or Deputy PFCC) will be given a fixed period of time (usually a month) to resolve the complaint. At the end of the fixed period the Monitoring Officer will contact both parties and ask if the matter has been resolved. If both parties agree that the complaint has been resolved then the complaint will be closed and the matter recorded as resolved.

(b) **Mediation:** The Monitoring Officer (either in person or via another person appointed for this purpose) attempts to facilitate a mediation. This is also likely to be appropriate for less serious complaints. It is not suitable unless both parties agree. Any information disclosed by either party to the mediator may be used in any subsequent resolution. At the end of the mediation the Monitoring Officer will contact both parties and ask if the matter has been resolved. If both parties agree that the complaint has been resolved then the complaint will be closed and the matter recorded as resolved.

(c) **Resolution by Monitoring Officer, after Consulting the Chairman of the PFCP.** The Monitoring Officer may come to a conclusion about the complaint. As part of this conclusion the Monitoring Officer may, after consulting the Chairman of the PFCP, make recommendations about action the Monitoring Officer considers should be taken by the PFCC (or Deputy PFCC). This is only suitable for less serious complaints where the Monitoring Officer believes that it may be helpful for a person independent of OPFCC and complainant to express a view without convening a meeting of the Complaints Sub-Committee. It may also be suitable for less serious complaints where either of the previous processes have failed to resolve the complaint.

(d) **Resolution by the Complaints Sub Committee** The Monitoring Officer may, after consulting the Chairman of the PFCP, decide that a complaint should be referred to the Complaints Sub-Committee. The Complaints Sub-Committee will receive a report of the Monitoring Officer and will hold a meeting. This is suitable for more serious complaints, regardless of whether or not any other process has been followed. The basic process for this is set out at appendix 1 (although this may be varied in any particular case by the Monitoring Officer or by a Complaints Sub-Committee).

5.3 The resolution of the complaint must be informal. The parties may agree to follow an approach which is different to those set out in 5.2. The Monitoring Officer will write to the Complainant and the PFCC (or Deputy PFCC) and explain a preliminary view as to how the complaint ought to be subjected to informal resolution. Each party will be given a period of time to respond.

5.4 If a period for local settlement or mediation is allowed but does not resolve the complaint to the satisfaction of all parties then the Monitoring Officer will, after consulting the Chairman of the PFCP, adopt one of the processes in 5.2(c) or 5.2(d) instead.

6. Recording and Publishing the Outcome

6.1 When a complaint has been subject to informal resolution (whether or not to the satisfaction of both parties) then the Monitoring Officer must make a record of the outcome of the resolution and send a copy to both parties and to the monitoring officer of the Office of the Police, Fire and Crime Commissioner.

6.2 The Panel or a Complaints Sub-Committee may, after consulting the complainant and the subject of the complaint, publish part or all of the record referred to in 6.1 (subject to any alterations or redactions which they consider appropriate). Publication will be considered if:

(a) Either party asks for the record to be published; or

(b) The Sub-Committee considers that the response of the PFCC (or Deputy PFCC) to any recommendations made has not, in their opinion,

been adequate and that it is in the public interest for the record to be published.

6.3 Publication may take the form of publishing the record or a written summary and may include a press release.

6.4 Publication of the outcome is entirely at the discretion of the Sub Committee.

Appendix 1

Process for the Sub-Committee to Review Complaints

1.1 The Monitoring Officer may appoint a Reviewing Officer whose role will be:

- to gather information about the complaint; and
- to write a report on the Complaint and make recommendations about whether there is any merit in the complaint and, if so, what action the PFCC should take.

2. Process to be followed by the Reviewing Officer

2.1 The Reviewing Officer is not permitted to investigate the Complaint, although they may ask for information. The Reviewing Officer will:

(a) Send a copy of the complaint to the person complained about and allow them a reasonable opportunity to provide a response and any supporting documents.

(b) Send a copy of the response to the complainant to give the complainant a reasonable opportunity to provide any information or documents in response to the evidence.

2.2 Further steps may be necessary depending on how the review progresses.

2.3 The Reviewing Officer may ask for any further information they consider helpful in order to provide the Sub-Committee with full details about the matters complained of. No party can be required to provide any information if it would be unlawful for them to provide that information.

2.4 Any material sent to the Reviewing Officer will normally be shared with all other parties and the Sub-Committee.

2.5 Notwithstanding 2.4 a party may apply to the reviewing officer with an application not to share a document or documents, if there are exceptional reasons not to do so.

2.6 An application under paragraph 2.5 should clearly set out the nature of the material and why the party does not want it to be shared.

2.7 A decision on the application will then be taken by the Reviewing Officer or the Monitoring Officer.

2.8 If a party is dissatisfied with the decision under paragraph 2.7 they may appeal to the Sub-Committee.

2.9 Other than as agreed in paragraph 2.7 or 2.8 above, material submitted to the Reviewing Officer should not be redacted or altered in any way.

2.10 Once the Reviewing Officer is satisfied that all parties have had a fair opportunity to comment on the material submitted by the other party they will produce a report. The report will normally include all material submitted by parties to the complaint.

3. Before the Meeting

3.1 The Monitoring Officer will send the parties the final report. The version of the report sent to the parties will not include material where it has been agreed that it will not be shared. The parties may comment on the final report and any comments received by the Reviewing Officer or the Monitoring Officer will be circulated by him or her to the Sub-Committee and to the other party.

3.2 The Monitoring Officer, in consultation with the Chairman of the Sub-Committee, will decide whether or not the parties should be invited to attend the meeting. As a general rule the parties will not be invited to attend.

3.3 The Reviewing Officer's report will be considered by a Committee of the Panel, comprising the Chairman and / or Vice-Chairman of the Panel and one or two further members taken from a pool of Panel members nominated at the Annual meeting to comprise a membership of three. The Monitoring Officer may wish to submit a separate covering report clarifying or highlighting certain aspects of the Reviewing Officer's report.

4. Procedure at the meeting

4.1 The Chairman will welcome those attending the meeting and introduce everyone. The Chairman will remind everyone that the purpose of the meeting is for the complaint to be informally resolved.

4.2 The Committee will consider excluding the press and public.

4.3 The Monitoring Officer will present the findings and recommendations of the Reviewing Officer's report and may ask the Reviewing Officer to present all or highlight certain aspects of his or her report.

4.4 Members of the Sub-Committee may ask questions of the Monitoring Officer or the Reviewing Officer.

4.5 If present, the complainant (or their representative) will be invited to address the Sub- Committee for up to 10 minutes. No new matters may be raised and no new material may be introduced without the permission of the Chairman.

4.6 The Sub-Committee may ask questions of the Complainant (if present) to clarify any part of the complaint.

4.7 The PFCC or Deputy PFCC (or their representative) will, if present, be invited to address the Sub-Committee for up to 10 minutes. No new material may be introduced without the permission of the Chairman.

4.8 The Sub-Committee may ask questions to clarify any information provided by the PFCC (if present).

4.9 No witnesses may be called by any person without the prior permission of the Chairman. If permission is given then the other party and the Sub-Committee

will each be given the opportunity to ask questions of the witness. Any witness will be heard as part of the address and an extension of time will be given.

4.10 The Monitoring Officer will summarise the issues.

4.11 If the parties are present they will be asked to leave while the members deliberate.

4.12 The Committee may adjourn a meeting at any time for as long as they think appropriate.

4.13 The Sub-Committee will make a decision on the complaint and on how they think that the Complaint should be resolved. This may or may not include expressing a view as to whether there has been misconduct by the PFCC (or Deputy PFCC) and making a recommendation as to whether or not the PFCC should take any action to provide redress. If the Sub-Committee expresses the view that there has been misconduct then it will give reasons for this.

4.14 The Sub-Committee may:

(a) Make recommendations about any action which the Sub Committee considers should be taken by the PFCC.

(b) Ask the Monitoring Officer to provide an explanation to the complainant if it considers that this may assist to clear up or settle the matter directly with the complainant.

4.15 There is no right of appeal or review of the Sub-Committee's decision although the complainant may ask the Local Government and Social Care Ombudsman to look at whether an appropriate process has been followed.

5. After the Meeting

5.1 The Monitoring Officer will inform the parties of the outcome of the meeting.

5.2 Where the Sub-Committee has made recommendations to the PFCC the Monitoring Officer will ask the PFCC to consider the recommendations and to respond (usually within fourteen days) to say whether or not the PFCC accepts the recommendations and

(a) what action the PFCC has taken (or proposes to take); and

(b) if the PFCC does not propose to accept any recommendation then to provide detailed reasons as to why this is the case.

5.3 The Monitoring Officer may seek clarification of the PFCC's response and may make suggestions as to further actions which may assist with informal resolution of the complaint.

5.4 The Monitoring Officer will inform the Sub-Committee of the response to the recommendations received from the PFCC.

5.5 Having considered the PFCC's response, the Sub-Committee may make further recommendations to the PFCC on how it feels the complaint may be resolved informally or ask the PFCC to consider his response.

Record of Outcome

The Monitoring Officer will prepare a record of the outcome of the procedure and will ask the parties whether they would want the record to be published.

The Monitoring Officer will submit the record of the outcome to the members of the Sub-Committee for approval.

The Sub-Committee will consider whether to publish the record of the outcome of the procedure, taking account of the views of the parties if any views were received.

If so determined by the Sub-Committee, the Monitoring Officer will arrange for the record of the outcome so approved by the Sub-Committee to be published on the Council's website and anywhere else which the Sub-Committee directs

Agenda Item 10
EPFCP/12/22

Report title: Police and Crime Plan Performance Measures – Quarter 4 2021/22	
Report to: Essex Police, Fire and Crime Panel	
Report author: The Police, Fire and Crime Commissioner for Essex	
Date: 23 June 2022	**For:** Noting and comment
Enquiries to: Suzanne Harris (Head of Performance and Scrutiny – Policing and Crime) 01245 282083 suzanne.harris@essex.police.uk	
County Divisions affected: All Essex	

1. Purpose of Report

1.1 The purpose of this report is to provide an overview of Essex Police's progress in delivering the priorities set out in the Police and Crime Plan, based on data and other information to the end of March 2022.

2. Recommendations

2.1 That members of the Panel note and comment / seek clarity as appropriate on the content of the report and attached appendix.

3. Context / Summary

3.1 The attached quarterly report, produced by Essex Police and scrutinised at the monthly Performance and Resources Board chaired by the Commissioner, provides highlight reporting against the priorities set out in the Plan.

3.2 This is the last iteration of this report, which focuses on the priorities of the Police and Crime Plan, as extended for 2020/21. Since the Police and Crime Plan 2021 – 2024 was adopted, work has been undertaken to develop new performance measures that reflect the new strategic commitments relating to targeted prevention and early intervention. This work will be reflected in future performance reports to the Panel.

3.3 To put into context the circumstances in which the levels of performance described in this report were achieved:

- Emergency call handling decreased by 6% compared to the previous quarter. The Force Control Room received 82,621 emergency (999) calls during the quarter, which is 5,599 fewer than in Quarter 3. Meanwhile there was a 6% increase in non-emergency (101) calls, from 60,789 to 64,230 (+3,441).
- The Resolution Centre continues to deal with a high volume of investigations that would otherwise have been dealt with by frontline officers. 50,629

Athena investigations were recorded and processed by the Resolution Centre demand team in Quarter 4. This represents a 19.5% increase (8,205 more investigations) compared to the same quarter the previous year. 3% (714) more non-emergency (101) calls were also received and dealt with by the Resolution Centre in Quarter 4 compared with Quarter 3.

3.4 During Quarter 4, highlights with regard to performance include:

- Volunteering continues to be strong within policing in Essex. The dedicated Essex Specials recruitment campaign has continued to attract new Special Constables into Essex Police, which is turn provides a pipeline for recruitment into the regulars. 10 parishes are supported by 15 Community Special Constables and 52 companies across Essex support 100 Specials through the Employer Supported Policing scheme. The cadre of Police Support Volunteers also continues to grow and to be deployed across the force, including into new roles within the Casualty Bureau. In addition, seven recruitment events held during Quarter 4 led to an increase of 120 Volunteer Police Cadets (bringing the total to 340) and 10 Volunteer Cadet Leaders (bringing the total to 80) across the 13 Cadet Units. A new Community Speed Watch scheme is also being established in Ingatestone and the Epping scheme is being revived after a period of inactivity.
- Despite the increase in call volume, the 101 average answer time was 2 mins 43 seconds. This had improved by 30.7%, from 3 mins 50 seconds in the previous quarter.
- Partnership working continues to be recognised as an important approach within the force. In line with this, the Local Policing Support Unit (LPSU) has introduced a Strategic Coordination Group which brings together Community Safety Partnerships, Community Safety Managers, Crime Stoppers, Police Support Volunteer leads, District Commanders, Active Citizens, the Special Constabulary, Volunteer Police Cadets, Accredited Persons, Street Pastors, Community Speed Watch and Essex Watch groups, all of which are focused on delivering organised, proactive community engagements, and providing more local, visible policing and access to police and partners. The new Baker Community Safety Hub in Brentwood also opened on 18 March 2022, including representation from Essex Police, Brentwood Borough Council, the Essex County Fire and Rescue Service, the South Essex Parking Partnership, the Probation Service and social care.
- Essex Police recorded 64 disruptions against Organised Crime Groups in the latest quarterly regional data, compared with a regional average of 33 disruptions. Essex Police maintained its position as the top performing force in the region against this measure throughout the whole of 2021/22.
- The number of Hate Crime Ambassadors has expanded across all Local Policing Areas (LPAs). The number of Hate Incident Reporting Centres (HIRCs) increased by two in the South LPA, while availability has increased within the existing centres in the West LPA.

3.5 In terms of areas for continued focus:

- Although call answering times in the Force Control Room improved, the increase in call demand impacted the average answer time for public calls

received by the Resolution Centre. During Quarter 4, this was 6 mins 30 secs, which is 2 mins 32 secs longer than during the previous quarter and will continue to be closely monitored going forward.

- Due to court delays, which have been exacerbated by COVID, some cases are still taking longer than usual to get to trial, resulting in some victims withdrawing their support for prosecutions. Essex Police continues to work to build the trust and confidence of victims so that they remain in the criminal justice system wherever possible. For example, it has reviewed and changed the process by which victims of sexual violence are referred to commissioned support services to ensure that more victims get the earliest possible access to specialist support. This is designed to decrease the likelihood of victims withdrawing from an investigation. The Force Growth programme has also seen the creation of Domestic Abuse Problem Solving Teams (DAPSTs), which have worked successfully with partner agencies to engage with the highest risk and often most reluctant victims and allow for prosecutions against the most entrenched and chaotic domestic abuse offenders. Where victims are unsupportive of prosecutions and the police wish to pursue an evidence-led prosecution, the North Domestic Abuse Investigation Team (DAIT) has developed relationships with the Crown Prosecution Service, through which a pathway has been agreed which will see the CPS provide early evidential advice to the force.
- During Quarter 4 of 2021/22, 155 people were killed or seriously injured following road traffic collisions, compared with 128 during the same period the previous year. Nine of these were fatalities, which is three times as many as during the final quarter of the previous year. These figures are linked to a 5.9% increase in the number of people arrested for drink / drug driving offences, from 661 in Quarter 4 of 2020/21 to 700 in the same period of 2021/22.

4. Appendices

Appendix 1 – Police and Crime Plan Quarterly Update – Quarter 4 2021/22

Police and Crime Plan

Quarterly Update

Quarter 4 – 2021/22

Data to March 2022

ESSEX POLICE
Protecting and serving Essex

PFCC
POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX

Version 1.5
Produced April 2022
Performance Analysis Unit, Essex Police

Contents

Priority 1 – More Local, Visible and Accessible Policing 3-7

Priority 2 – Crack Down on Anti-social Behaviour 8-9

Priority 3 – Breaking the Cycle of Domestic Abuse 10

Priority 4 – Reverse the Trend in Serious Violence 11-12

Priority 5 – Tackle Gangs and Organised Crime 13-14

Priority 6 – Protecting Children and Vulnerable People 15-16

Priority 7 – Improve Safety on our Roads 17

Police and Crime Plan – Quarterly Update 2021/22 Q4

Priority 1 - More Local, Visible and Accessible Policing

We will:

Boost community volunteering, encouraging the Active Citizen Programme and grow the police family - doubling the Special Constabulary, with a Special Constable in every community.

Special Constabulary

- The Special Constabulary headcount is currently 461 (as of 18 March 2022). There are 13 student officers due to attest on 11 April 2022. At the end of February 2022, there were 29 students booked onto future foundation courses. In Q4, Specials have completed a total of 33,750 hours work; they have undertaken 25,394 hours of Operational Policing and attended over 4,972 incidents. 7 Special Constables left to join the regulars in this quarter. A dedicated Essex Specials recruitment campaign (Media, Positive Action and Out Reach programme) is in place throughout 2022 to increase application opportunities.
- There are 15 Community Special Constables supporting 10 Parishes. The Employer Supported Policing (ESP) scheme currently has 52 companies registered, including Essex Police; under this scheme, 100 Specials are provided with paid time off to volunteer as a Special in Essex. Engagement includes Southend City Council to promote ESP within the council and local businesses as well as a targeted general recruitment campaign in the City.

Active Citizens and Police Support Volunteers

- Essex Police currently retains 61 Active Citizens (AC) and 130 Police Support Volunteers (PSV) .
- There are 13 volunteer applicants in the pipeline, with 12 ready for deployment. 7 volunteers were selected for a new role in the Casualty Bureau and will start training shortly. If this role is successful, future recruiting will be considered.
- Two PSVs have been recruited into the Learning and Development Team and into the LGBTQ+ Support Network role. One PSV has been recruited as a FCR Researcher, and two PSVs are deployed with their well-being dogs.
- Further candidates and roles are being progressed in the Learning and Development Team and Trauma Risk Management (TRiM).
- The Councils for Voluntary Services (CVSs) continue to provide support around recruitment campaigns and we are seeking to boost Active Citizens roles in Thurrock, Colchester and Uttlesford. Active Citizens are working with Community Safety Engagement Officers and have returned to support local Coffee with Cops and some street events.
- 3 volunteer induction courses have been conducted for both new and existing volunteers and monthly induction and training courses continue to be provided.
- In the last six months, Active Citizens and Police support volunteers have provided 1,000 volunteer hours.

Volunteer Police Cadets

- There are 340 Volunteer Police Cadets (VPCs) and 80 Volunteer Cadet Leaders across 13 Cadet Units. Recruitment campaigns are ongoing across the force, with 7 events held in the last quarter; this resulted in an increase of 120 VPCs and 10 Leaders. In this period, Cadets have continued to attend community engagement events, with activities including litter picking and giving out Crime Prevention advice.

Police and Crime Plan – Quarterly Update 2021/22 Q4

Priority 1 - More Local, Visible and Accessible Policing

We will:

Boost community volunteering, encouraging the Active Citizen Programme and grow the police family - doubling the Special Constabulary, with a Special Constable in every community.

North LPA

- Joint patrols in Colchester were conducted with Councillors. This involved bringing together Community Policing Teams (CPTs), the Rural Engagement Team, Special Constabulary and Business Crime Team.
- Regular training inputs are being arranged to develop the Special Constables attached to the Colchester area. Roles are publicised through Independent Advisory Groups (IAGs) to communities to raise awareness and interest.

South LPA

- In Southend, Specials have continued to provide support. They have completed a number of 'takeover days' to take full responsibility for attending emergency incidents on late shifts, thereby allowing the team on duty to progress investigations. They have also run a number of traffic operations and speed checks in hotspot locations.
- In Basildon, the Special Constabulary have worked tirelessly supporting the night-time economy and carrying out a number of activities, including supporting local policing, warrant execution, and community violence suppression operations.

West LPA

- A programme of engagement has commenced with local faith and wider minority groups. This involves engagement with officers from the LPA Commander to new joining officers and staff, and is aimed at enriching general understanding of difference and maximising opportunities for active citizen recruitment.
- After two fatal road traffic collisions in Waltham Abbey, the Special Constabulary have been assisting local officers by conducting speed checks in the local area, thereby building public confidence and providing some much needed advice to drivers.
- The Special Constabulary assists Brentwood Community Policing Team in conducting high-visibility patrols targeted at the night-time economy and violence against women and girls. This provides a reassuring presence to local businesses and residents (Operation VINKA).
- Special Constables have been conducting licensing visits in Brentwood and Loughton to ensure conditions are being met and schemes such as 'Ask Angela' and drinks spiking awareness campaigns are being promoted. This forms part of the Violence Against Women and Girls Strategy.
- Through partnership working with Health and Social Care, the Special Constabulary has been promoting dementia Buddy Tags across the district to help protect and identify those with dementia who are likely to go missing.
- In Ongar, PCSOs have been engaging with Active Citizens to build community relations and to hear their local concerns.

Priority 1 - More Local, Visible and Accessible Policing

We will:

Support increased participation in Community Safety by supporting schemes such as Neighbourhood Watch, Street Pastors, Community Speed Watch, Volunteer Police Cadets and others.

- The Local Policing Support Unit (LPSU) has introduced a LPSU Strategic Coordination Group, which brings together Community Safety Partnerships, Community Safety Managers, Crime Stoppers, Police Support Volunteer leads, District Commanders, Active Citizens, the Special Constabulary, Volunteer Police Cadets, Accredited Persons, Street Pastors, Community Speed Watch and Essex Watch groups. All are focused on delivering organised, proactive community engagements, including more local, visible policing and access to police and partners. Planned mobilisations are in addition to business as usual and are taking place monthly throughout 2022. This has seen a Day of Action delivered during January in Thurrock and an Intensification Week (Operation) in Colchester the following month. March has seen a three-day Specials Weekend of 'NIGHTSHADE' action (high harm reduction) in the north of the county, and plans are in place for further operations and organised mobilisations in the Castle Point and Rochford area during April 2022. This is all being tracked through the Strategic Command Guidance and Force Planning Calendar, with outcomes and results reported to partners and Safer Essex.

- The Essex Watch Liaison Officers continue to work with Neighbourhood Watch (NHW) and, during this quarter, have supported 23 community engagement events and promoted the 7 main Watch Groups by offering crime and fraud prevention advice. They continue to work closely with the farming and rural community; 809 farmers and related businesses signed up to this Watch. Dog Watch continues to grow, with 2,176 individuals and related businesses now members.

- The Volunteer Police Cadet Scheme continues to work in collaboration with Essex County Fire Cadets. There are plans for Fire Safety Training for the Police Cadets and Crime Prevention Training for the Fire Cadets as well as an input around Valuing Women and Girls. Preparations are in place to hold the joint Police and Fire Cadets PFCC Games this summer. Volunteer Police Cadets also continue to support their Local Policing Teams with crime prevention activity.

- Street Pastors continue to work closely with all Local Policing Teams across the districts by offering support, particularly around the night-time economy.

Priority 1 - More Local, Visible and Accessible Policing

We will:

Support increased participation in Community Safety by supporting schemes such as Neighbourhood Watch, Street Pastors, Community Speed Watch, Volunteer Police Cadets and others.

North LPA

- In Chelmsford, the Safer Streets fund has paid for extra street pastors and full coverage on Friday and Saturday nights, as well as the SOS bus in the City Centre. Work is ongoing with the Community Safety Partnership to explore a rural engagement equivalent of 'bar and bus'.
- Neighbourhood Watch (NHW) is represented by the Community Safety Engagement Officer at each meeting. There has been recent work in Maldon, whereby information and intelligence passed to Essex Police via the group has led to a warrant being executed and a positive outcome obtained.
- Cadets assisted in a door-to-door burglary intervention / advice operation in an area at a time when a small spike in burglaries was being experienced in the Chelmsford area.
- Tendring has been the pilot area for a collaborative police and fire project, the "Safe and Well" scheme, into which the police refer vulnerable people and victims of crime. The Fire and Rescue Service then visits to support with fire, crime and safety advice.
- Via the community inbox, and in coordination with the Casualty Reduction Section and Speed Watch partnership work, speed enforcement checks have been conducted in Mersea, Layer and Dedham.
- Joint work with the council has been undertaken in Colchester to have traffic calming measures installed.
- Engagement has taken place with Leader of Essex County Council to seek a Public Space Protection Order to reduce anti-social behaviour linked to nuisance vehicles in Blind Lane, Stane's Park.

West LPA

- Under the Safer Streets programme and the force's response to violence against women and girls, a street pastor programme is being set up in Grays.
- The Special Constabulary has been supporting Operation IRISH LION by assisting local officers and partner agencies in tackling nuisance vehicles, breaches of the Public Spaces Protection Order and anti-social behaviour within the Lakeside area.
- A Community Speed Watch group is being set up in Ingatestone, with the assistance of the Community Policing Team. The Epping Community Speed Watch is also being revived after a period of inactivity. Epping's new beat officer is further liaising with their Neighbourhood Watch (NHW) to forge a productive partnership between the Community Policing Team and the local community.
- In Chigwell, the NHW has been a valuable partner in developing intelligence and connecting with the community to rebuild relations after the pandemic.
- Brentwood had a day of action where 400 drivers were interacted with, 14 people processed for careless driving and 55 processed for not wearing a seatbelt. This was conducted in partnership with the Community Safety Hub.

Priority 1 - More Local, Visible and Accessible Policing

We will:

Make it easier to contact the police. Improve the 101-response time, encourage online reporting and realise the benefits of the national Single Online Home solution.

The Force Control Room (FCR):

- Emergency call handling decreased by 6% this quarter compared to last quarter, with 82,621 emergency (999) calls received. This is 5,599 fewer calls than the previous quarter. March was the busiest month in the quarter, with 29,041 emergency (999) calls.
- 64,230 non-emergency (101) calls were received in the FCR this quarter. This is a 6% increase when compared to the previous quarter, when there were 60,789 non-emergency (101) calls; this equates to 3,441 more calls.
- There were 2,670 Live Chat interactions this quarter. This equates to an average of 60-80 contacts per day that would otherwise have been dealt with via 101.
- The online reporting facility for anti-social behaviour (ASB) provides another alternative to calling 101 to report various categories of ASB. 273 reports were generated this quarter.
- Despite the increases in calls for service, performance has remained positive. 999 average answer time remained at 9 seconds; 101 average answer time was 2 mins 43 seconds, which is a 30.7% improvement from the last quarter, when it was 3 mins 50 secs.

The Resolution Centre (RC):

- The Resolution Centre (Case Investigations team) is the county-wide resource to manage investigations of crimes reported by the public. 2,343 investigations were received by the team this quarter that would otherwise have been dealt with by front-line officers; 2,060 (87.9%) of these were retained by the RC Case team. This service continues to offer an efficient, centrally-managed service for the public.
- 50,629 Athena Investigations have been recorded and processed by the Resolution Centre demand team in the last quarter. This represents a 19.5% increase (8,205 more investigations) when compared to the same quarter the previous year.
- The average answer time for public calls received at the end of this quarter was 6 mins 30 secs, which is 2 mins 32 secs longer than last quarter, and was caused by an increase in demand.
- During the quarter, 21,214 non-emergency (101) calls were received and dealt with by the RC; this equates to an average of 236 per day. This volume of calls represents a 3% increase compared to the previous quarter (714 additional 101 calls to Demand Team).

Priority 2 – Crack Down on Anti-Social Behaviour

Working with partners we will:

Target repeat and high harm anti-social behaviour through the continued development of Community Safety Hubs to include police, Essex County Fire and Rescue Service, Community Safety Officers, licensing, housing and environmental health in every police district.

North LPA

- The football project (Play as One) for high schools started in Chelmsford with Chelmsford City Football Club. There are 14 youths identified as being on the cusp of exclusion or a being vulnerable. This eight-week programme will build healthy relationships between students and teachers and the police. There are external agencies employed to come in each week to talk about healthy relationships and explain the dangers and risks of being part of gangs and drug taking. Each week, there are also question and answers with police. In addition, discussions around anti-social behaviour (ASB) take place each week, with the intention of reducing the association of those involved in such behaviours and changing their perceptions of what ASB is.
- A Saffron Walden district Councillor, a PCSO, a Special Constable and a local resident completed speed checks and road safety advice for drivers in the Saffron Walden area following complaints of anti-social driving.
- Following reports of crime and ASB in Frinton and Walton, the Community Policing Team (CPT) managed a joint operation with the British Transport Police (BTP) to identify those responsible. Once identified the CPT Children and Young Person Officers worked with those responsible and their families. The reports of crime and ASB reduced significantly.
- Operation LOCKDOWN focused on reducing crime and anti-social behaviour in Jaywick. The CPT re-aligned the boundaries and the areas of responsibility for each of the sergeants, resulting in Jaywick having a specific sergeant and team to support the community. Through proactive work and targeted patrols, recorded crime was reduced by 30%.
- Colchester CPT has commenced Operation MADAGASCAR, which targets ASB committed by young persons on the Greenstead Estate. This is a joint approach with the Council and housing providers and has resulted in 6 arrests. All 6 of these individuals are currently on bail and 9 young persons are being referred to the youth offending team for intervention.
- Referral to the Pegasus Pathway has been introduced in Colchester. Working with the Army, this deals with youth ASB suspects, who will be placed on army training and discipline days.

South LPA

- Operation VIMTO in Southend aims to tackle street prostitution and associated anti-social behaviour (ASB) in problem areas. This is being conducted in partnership with Community Safety Officers and the local community.
- Operation RATCHET in Basildon is designed to tackle ASB that is occurring in and around Wickford High Street. The Community Policing Team (CPT) monitors any crimes that are committed in the area and looks to draw comparisons and identify any patterns and trends.
- A new radio scheme has been launched in Basildon with the CPT and the Business Crime Team, alongside Basildon Council. This means that police can be alerted to anti-social behaviour in the town centre more quickly and can therefore react faster.

Priority 2 – Crack Down on Anti-Social Behaviour

Working with partners we will:

Target repeat and high harm anti-social behaviour through the continued development of Community Safety Hubs to include police, Essex County Fire and Rescue Service, Community Safety Officers, licensing, housing and environmental health in every police district.

West LPA

- The Baker Community Safety Hub in Brentwood opened on 18 March 2022. This hub includes the Community Policing Team (CPT) from Brentwood, Community Safety and Anti-Social Behaviour officers from Brentwood Borough Council, representation from Essex County Fire and Rescue Service, the South Essex Parking Partnership, the Probation Service and Social Care.
- In Thurrock, weekly meetings are conducted with the Community Safety Partnership, including council partners, fire and rescue service and the CPT. In these meetings, the areas to focus resources on tackling emerging anti-social behaviour are identified and ongoing target-hardening for the top five local anti-social behaviour (ASB) areas is conducted.
- Operation CAESAR aims to tackle ASB involving off-road vehicles in Thurrock. This is one of the main areas of concern raised by the community and is repeatedly within the top three ASB call types for the district. Essex Police is currently working with partners to obtain a Public Spaces Protection Order to target this.
- Operation IRISH LIONS focusses on cruisers and anti-social vehicle nuisance at Lakeside. It involves developing further cross-border partnership work and utilising partners to deal with nitrous oxide cannister offences that fall outside of legislation.
- In Epping, there are now 3 council funded police constables and 1 police sergeant, demonstrating the new investment in the partnership.
- In Harlow, Operation SENTRY involves conducting targeted foot patrols around transport hubs at times of peak footfall. This is informed by collated data on ASB as a 'hotspots' policing technique, but also as a part of the wider Violence Against Women and Girls Strategy.
- Harlow Local Policing Teams work with partners on Operation BYSON, which involves multi-agency visits to licenced premises (those identified as being hotspots for violence and disorder).
- In Loughton, the Children and Young Persons' Officer has been visiting local schools to deliver engagement events to discourage them from committing ASB, with a resultant decrease in incidents.

Priority 3 – Breaking the Cycle of Domestic Abuse (DA)

Working with and through the Domestic Abuse Strategic Board to deliver an ambitious programme of transformation we will:
Support victims and their families affected by domestic abuse to feel safe, cope and recover through targeted help and jointly commissioned services.

North LPA

- A multi-agency partnership group has been established in Braintree District to review and support families that are affected by child on parent abuse, with the aim of preventing crime and offering a wider variety of support.
- Tendring has been working with Next Chapter to improve referrals into the charity to support victims of domestic abuse. Next Chapter has delivered briefings to every shift and the Domestic Abuse Investigation Team (DAIT) has been supplying domestic abuse detectives to support the Local Policing Teams in the DA vehicles.
- The third instalment of Operation WARREN, a week-long proactive operation to arrest outstanding domestic abuse suspects, was conducted. This resulted in the arrest of 19 suspects.
- Community Safety Engagement Officers and PCSOs in Colchester continue to build partnerships and relationships by visiting and engaging with local women's refuges and the Mother and Baby Unit at Newhythe.

South LPA

- The Southend Domestic Abuse Problem Solving Team (DAPST) has built a relationship with a local homeless and outreach centre called St Vincent's, which is a charity that provides assistance for those in need, and connects victims who have relocated to Southend to flee domestic abuse with their services. They are able to provide immediate aid to families by providing food, clothing, and emergency housing, as well as ongoing support in terms of connecting them to local amenities and services. The DAPST has been instrumental in organising a joint monthly outreach programme with St Vincent's – Women's Wellbeing Wednesdays – whereby services, including sexual health, social care, drug / alcohol support, financial aid, housing and domestic abuse officers are made available for women across the district.

West LPA

- The Force Growth programme has seen the creation of DAPSTs. These teams have successfully engaged with the most high risk and often most reluctant victims. They work with partner agencies to improve the lives of victims of DA and allow for prosecutions against the most entrenched and chaotic DA offenders.
- The new Proactive Orders Enforcement Team will be assisting in officers' procurement of Domestic Violence Protection Notices and other orders to break the cycle of DA. This will be taking place across the district.
- In Loughton and Brentwood, the Community Safety Partnerships have been working with officers to identify high risk DA victims and improve the security of their homes, particularly if they are housed by the council.
- Children and Young Persons Officers in Harlow and Epping have been carrying out education programmes targeting secondary schools to help pupils build healthy relationships.

Priority 4 – Reverse the Trend in Serious Violence

Working with partners we will:

Ensure victims of rape and sexual violence receive the help and support they need, and work with criminal justice partners to ensure that perpetrators are brought to justice.

- Essex Police has reviewed and changed the process of how victims of sexual violence are referred to commissioned support services to ensure that more get the earliest possible access to specialist support. This is designed to decrease the likelihood of victims withdrawing from an investigation.

- Our Standard Operating Procedure has been updated this quarter, reiterating the importance of an offender-centric approach. This follows the advice of Dr Patrick Tidmarsh, a renowned criminologist who works with sex offenders, and is part of the ongoing Operation SOTERIA BLUESTONE learning. The aim of these changes is to ensure investigators thoroughly explore the offender's background, look for any further offending which may be submitted and explore the subject's propensity to commit these crimes, along with any other opportunities there may be to disrupt their offending through the prosecution of other offences or orders (criminal or civil).

- During the Q4 period, the Management of Sexual Offenders and Violent Offenders (MOSOVO) unit has arrested 18 persons and have laid 36 charges against perpetrators. This can be compared to 19 arrests and 24 charges during Q3.

- In January, following a Chief Officer review, the Police On-Line Investigation Team (POLIT) was given the task of leading the investigation of referrals from Online Child Activist Groups (OCAGs). During Q4 it investigated 14 referrals from OCAGs.

- Essex Police has been delivering joint training with the CPS on disclosure and redaction to ensure investigators understand their role and that our criminal justice partners have access to the right information without delay.

- The Proactive Orders Enforcement Team (POET) is now established. POET will assist in the application for civil orders to monitor and disrupt a vast number of offenders subject to civil and criminal orders.

- Operation COMPOUND is a joint initiative between police and partner agencies to tackle an increase in 'drink spiking incidents'. The proactive approach saw overt patrols to identify and protect victims of crime. It also involved the purchasing of testing kits, which were funded through the Violence Against Women fund. The proactive operation led to the arrest of a suspect (the investigation remains ongoing).

- An information sharing group is currently being developed and will include the Community Policing Team, MOSOVO and Proactive Orders Enforcement Team to identify and support those in the Thurrock district.

- Operation AIDANT, which is a force-wide operation, is being delivered in Loughton and Brentwood. This involves visits to nail bars and engagement with staff with a view to identifying and preventing sexual violence.

Priority 4 – Reverse the Trend in Serious Violence

Working with partners we will:

Bring violent offenders to justice through targeted police enforcement, working closely with neighbouring forces such as the Metropolitan Police.

North LPA

- The North Domestic Abuse Investigation Team (DAIT) has developed relationships with the Crown Prosecution Service (CPS) which has provided training on evidence-led prosecutions. A pathway has also been agreed that will now see the CPS provide early evidential advice for cases where the victim is unsupportive and the police wish to pursue an evidence-led prosecution.
- Operation NIGHTSHADE was utilised to target high harm suspects in the Colchester district.
- Operation RUDD utilised Disruptive Effects Officers in the night-time economy to detect potential perpetrators and prevent violence against women.

South LPA

- In March 2022, the South LPA Disruptor Team executed a warrant alongside the Metropolitan Police at an address belonging to a member of an organised criminal network who was supplying Class A and B drugs. The operation stemmed from an incident whereby a shotgun was discharged. The Disruptor Team worked closely with the Met Police to share information and arrange to execute a warrant. The occupant was arrested, and was subsequently charged and remanded for conspiracy to supply Class A drugs.

West LPA

- The West LPA fortnightly tasking process has been aligned to the 4Vs (Victims, Violence, Vulnerability and Visibility) of the Policing Plan. Regular attendance is now established with the Metropolitan Police Service (MPS) and various divisions within Hertfordshire and Bedfordshire, who contribute intelligence and work on joint operations. This has resulted in a burglary series being interrupted, organised crime groups disrupted and transient / cross border sexual predators being identified and convicted.
- As part of the Force Growth Plan, the introduction of Disruptor Teams has delivered significant results for the community, both through an additional reassuring presence and the targeting of high harm perpetrators, such as drugs suppliers, sexual predators and violent offenders. The Disruptor Teams regularly work with Community Policing Teams (CPTs), Criminal Investigation Dept (CID), Operation RAPTOR and the Serious Crime Directorate (SCD), and also with neighbouring forces such as Hertfordshire, Bedfordshire and the MPS.
- Operation TARANTULA is Harlow's operation for tackling serious violence on the streets. This targets 13 nominals who are linked to serious violence and acquisitive crime. There has been a recent charge and remand for offensive weapons and assaults offences, and 27 intelligence reports specifically relating to these nominals in the last quarter, all as a result of this operation.
- Operation LASER BLUE focuses on three Loughton locations identified as hotspots for drug fuelled violence. This has resulted in increased stop checks and disruption.

Priority 5 – Tackle Gangs and Organised Crime

Working with partners we will:

Support victims of human trafficking and modern slavery, including sexual exploitation, working closely with the UK Border Agency (UKBA), National Crime Agency (NCA) and national and regional partners to bring perpetrators to justice.

- Essex Police has retained focus on identifying possible victims of modern slavery over the last 12 months. Despite some forces seeing a decrease in Modern Slavery and Human Trafficking (MSHT) referrals during the pandemic, Essex data continued with an increasing overall trend. Officers are now more knowledgeable of the MSHT signs and this has contributed to increased referrals. Each Local Policing Area has a designated MSHT point of contact to drive the information sharing and sharing of learning out to the staff from the centralised Serious Crime Directorate dedicated team.

- A pilot has now begun to have MSHT cases supported by a qualified MSHT specialist barrister to try to increase conviction rates for specific MSHT legislation. This will also ensure wider prevention orders are used. Work is ongoing to form a partnership that will enhance digital support for victims in this area.

- Essex Police has excellent working relationships with Justice and Care. This partnership has seen 3 Victim Navigators provided by the charity to work within the force (1 within MSHT, 1 within Organised Immigration Crime and 1 within the Force's Violence and Vulnerability Unit). This has greatly enhanced the victim experience within the county, with 42 adult victims and 28 child victims currently being supported. The force also maintains a local safe facility through partnership with Communities and Asylum Seekers Together (CAST) and Justice & Care. The details of how to access this facility have been passed to all supervising officers and within the Force Control Room (FCR). These details are also available within the MSHT advice pages on the force intranet.

- The force has created a learning environment and, with strategic partners, has developed a system that captures learning from police activity to enhance future victim service. Working with 'Stop the Traffik', a victim of sexual exploitation was able to share experiences of how earlier intervention could have been achieved by police had certain behaviours not existed. This information was shared with LPA colleagues via the MSHT SPOCs.

Police and Crime Plan – Quarterly Update 2021/22 Q4

Priority 5 – Tackle Gangs and Organised Crime

Working with partners we will:

Disrupt and prevent organised drug distribution through improved intelligence shared between police partners and local communities to limit the harm drugs cause.

- The Serious Crime Directorate (SCD) has just revamped the quarterly Strategic Serious Organised Crime (SOC) Board, now making it the Strategic Partnership SOC Board. The first iteration of the new board took place in March 2022, which saw senior representation from Trading Standards, HMRC, Environment Agency, Border Force and Crime Stoppers. All key law enforcement agencies have committed to working in partnership to tackle SOC, which has big overlaps with drugs supply.
- Essex Police recorded 64 disruptions against Organised Crime Groups in the latest quarterly regional data, making it the top performing force in the region (regional average: 33 disruptions in this reporting period). Essex Police has maintained the lead force around disruptions for the whole of 2021/2022. This is due to the SOC board structures across SCD and Local Policing, with great partnership support and working across a 4P approach (Prepare, Pursue, Protect and Prevent).

North LPA

A number of operations are in place which aim to disrupt and prevent organised drug distribution in the North LPA. These include:

- Operation BURNS which targets drug supply in the Barnhall area of Colchester.
- Operation LANDSEAR, which proactively targets taxi drivers to reduce the incidence of drug suppliers using them to transport drugs.
- Operation MONACO, which involved a strike on an Organised Crime Group operating in Colchester. This resulted in class A drugs and cash being seized, and a number being remanded and several remaining on court bail.

South LPA

- In March, the South Disruptor Team carried out a strike day for Operation SWEEP, which was a drugs investigation into cocaine supply whereby the main offenders were using females to run the drugs line. Violence was threatened if these females then spoke about their actions in the Organised Crime Group. 12 warrants were executed across Southend and Benfleet by 45 officers; 8 suspects were arrested and charged, and £25,733 in cash and a significant amount of drugs were seized. The results of this were circulated on social media which garnered a positive response from the communities affected.

West LPA

- The Disruptor Team, in conjunction with other partner agencies, has conducted a number of successful warrants resulting in significant custodial sentences for those arrested. They have successfully dismantled a number of drug lines within the Harlow district, preventing the influx of large quantities of drugs into the local communities.
- Operation SPITFIRE is an ANPR operation in Harlow that targeted vehicles with gangs markers around the border with the Metropolitan Police Service. This operation was aimed at targeting Organised Crime Groups that use road networks to facilitate their criminality and resulted in the arrest of eight suspects, including five who were involved in a knife point robbery.

Priority 6 – Protecting Children and Vulnerable People

Working with safeguarding partners and the Southend, Thurrock and Essex Safeguarding Boards we will:
Bring more perpetrators of rape and sexual abuse to justice.

- A member of the MOSOVO (Management of Sexual Offenders and Violent Offenders) team identified a Registered Sex Offender (RSO) who was using a gym with a creche. The company had no conditions precluding use of the gym by RSOs. Working with partners in their legal team, they updated their terms and conditions to prevent use by RSOs. A not-for-profit gym industry association that promotes the interests of commercial fitness gyms and community leisure centres is also looking to get the condition added to their terms and conditions. This was quick work to help safeguard the public and will now be a condition in many gyms throughout the UK.

- In Q4, the Police Online Investigation Team (POLIT) executed 68 search warrants, arrested 34 suspects and safeguarded 57 children.

- Continuous Professional Development (CPD) days were undertaken with partners on 8 and 9 March, and were directed at Essex Police Child Abuse Investigators. They included inputs from Local Authority Designated Officers (LADOs), the Early Intervention Team and Children's Social Care to help equip investigators with tools to better protect children and seek support where concerns are identified.

- Essex Police supported National Child Sexual Exploitation Awareness Day on 18 March 2022 by promoting CSE awareness across social media platforms externally and internally.

- Due to court delays as a result of COVID, some cases are taking longer than usual to get to trial, resulting in some victims withdrawing support. The Child Abuse Investigation Team (CAIT) recently had a case reported in September 2018; this finally reached trial in 2022. At one stage, the young victim wanted to withdraw from the process due to the time it was taking. However, with the support of CAIT staff, and building trust and confidence in the victim, they continued through to trial. This resulted in a guilty verdict, a prison sentence and offender being placed on the sex offenders' register for life.

- Planning has continued for Operation HENDERSON, a joint initiative with partners which focusses on disrupting the transport networks in relation to Child Sexual Exploitation (CSE), Child Criminal Exploitation (CCE) and missing children. This is due to take place on 26 April 2022.

- The National Crime Agency threat assessment has been reviewed and briefed to the Crime & Public Protection (C&PP) Senior Leadership Team to ensure teams across the county are aware of the increasing threat of digital devices that can give offenders opportunities to abuse children.

Priority 6 – Protecting Children and Vulnerable People

Working with safeguarding partners and the Southend, Thurrock and Essex Safeguarding Boards we will:

Improve reporting of hate incidents through improved community engagement, improved reporting through Victim Support and greater use of Hate Crime Reporting Centres.

North LPA

- The North LPA has expanded the number of Hate Crime Ambassadors by providing training to 31 members of various community organisations. including 11 young persons at Saffron Walden County High School.
- Hate Crime Awareness training to 19 other members of the community has been undertaken, as have engagement events with Colchester Culver Square Shopping Precinct, Colchester taxi drivers, and Tendring and Maldon District Councils.
- The Hate Crime Officer has provided safeguarding to 40 victims of hate crime, referred 11 people to Victim Support and attended a number of multi-agency meetings representing victims.
- Hate Crime Reporting Centres have been set up in Chelmsford with the support of the Independent Advisory Group (IAG).
- Braintree and Uttlesford have launched a new initiative to have a dedicated Hate Crime Unit that will attend any live incidents or crimes reported in relation to hate crime in order to provide an improved service to victims and witnesses. This will create more positive engagements and increase the likelihood of positive action against offenders.
- Hate crime reporting awareness has been raised via the orthodox church to gain support within Eastern European communities in Colchester.

South LPA

- There were Hate Crime Awareness training and community engagement events held at the Southend Winter Pride festival.
- Hate Crime Ambassador refresher training was provided to 16 individuals alongside the recruitment of seven new ambassadors.
- The total number of South LPA Hate Incident Reporting Centres (HIRC) increased by 2.
- The Hate Crime Officer has provided safeguarding to 22 victims of hate crime, with 3 referred to Victim Support.

West LPA

- The number of Hate Crime Ambassadors has expanded by 30 people. Hate Crime Awareness Training has also been delivered to 168 people from various community organisations. Engagement has additionally been made with 122 Youth Ambassadors.
- The West LPA engaged with three events across the district in partnership with the NHS for International Women's Day.
- The Hate Crime Officer has provided safeguarding to 21 victims of hate crime, referred 7 people to Victim Support and attended numerous multi-agency meetings representing victims.
- Our Community Safety Engagement Officers work closely with the community and partners to improve engagement by the police and partners with hard-to-reach minority groups.
- Hate Crime Reporting Centres have seen an increase in availability in order that those with protected characteristics are confident in discussing and reporting crime. Thurrock has an increasingly diverse community and this multiagency work allows for improved reporting.
- Hate Crime emergency action plans are implemented in conjunction with partners to identify and monitor community tensions, drawing on expertise from community leaders and departments to tackle this area of crime and support victims.

Priority 7 – Improve Safety on our Roads

Working with Safer Essex Roads Partnership we will:

Reduce the numbers of people killed or seriously injured on our roads through the work of the multi-agency Safer Essex Roads Partnership on enforcement, engagement and education.

- During this quarter, a total of 155 people were killed or seriously injured following road traffic collisions. This compares to 128 who were killed or seriously injured during the same period last year. 9 of those in this quarter were fatalities compared to 3 in the same quarter last year. We await an update on the investigations which are at an early stage.

- In relation to Community Speed Watch, during this quarter a total of 3,129 first time warning letters were sent out from a total 122 groups involving over 1,000 volunteers.

- During Q4 a total of 700 people were arrested for drink / drive offences: 350 for a positive breath test, 252 for a positive drugs wipe and 94 for failing to provide. This compares to 661 arrested in the previous year: 215 for a positive breath test, 369 for a positive drugs wipe and 77 for failing to provide.

- The number of e-scooters seized for this quarter was 44. There were six collisions involving an e-scooter and four traffic offence reports issued (3 were for no insurance and 1 was for failing to stop).

- Uninsured vehicles are a contributory factor in collision data on our roads. Q4 last year saw Essex Police seize a total of 1,059 uninsured vehicles from our roads compared to 778 during Q4 of 2021/22.

- Essex Police investigators review submissions from members of the public to identify offenders / offences to contribute to making the roads of Essex safer.

- During Q4 Extra Eyes received a total of 730 incidents to view which resulted in the following outcomes:
    - 271 Close Pass (cyclists v vehicle) - positive outcome 66.1%
    - 236 Careless Driving - positive outcome 65.3%
    - 52 Red Traffic Light - positive outcome 71.2%
    - 95 Traffic Sign Contravention - positive outcome 51.4%

Agenda Item 11
EPFCP/13/22

Report title: The 2023/24 Budget Setting Process	
Report to: Essex Police, Fire and Crime Panel	
Report author: Police Fire and Crime Commissioner, Roger Hirst	
Date: 23 June 2022	**For:** Noting and comment
Enquiries to: Janet Perry - Chief Financial Officer and Strategic Head of Performance & Resources to the PFCC E-mail: janet.perry@essex.police.uk	
County Divisions affected: All Essex	

1. Purpose of Report

1.1. To provide the Panel with an outline of the 2023/24 budget setting process for the Police Fire and Crime Commissioner Fire and Rescue Authority (PFCCFRA) and the Police, Fire and Crime Commissioner (PFCC) for Essex (Essex Police).

2. Recommendations

2.1. That the Panel notes the report and considers the PFCC's invitation to participate in this process through the creation of a 2023/24 Budget Setting Working Group of the Panel, in line with the process set up for 2022/23 budget setting.

2.2 Should the Panel accept the PFCC's invitation as set out above, appropriate dates for the Panel Budget Setting Working Group meetings will be considered by the PFCC and the Panel Chair.

3. Context / Summary

3.1. In March 2022, draft budget setting timetables were presented to the Essex Police and Essex Fire and Rescue Services Strategic Boards chaired by the PFCC.

3.2 The timetables include all stages of budget setting, from capital bids for consideration, through to the identification of revenue contractual commitments, legal requirements, and demand pressures. The coming together of these various components of budget setting are the subject of rigorous governance through the various stages of recommendation and approval before the final presentation to the Panel.

3.3 A number of external factors may affect the budget setting process up until December 2022:

a. The Home Office funding settlement, the date of which can vary depending on central government priorities but is expected at the end of November / beginning of December and is anticipated to be in line with the 2021 multi-year Spending Review for 2022/23 to 2024/25.

b. The local government finance settlement.

c. Preliminary council tax and business rates information will be obtained from the districts in November 2022 and is not likely to be finalised until January 2023.

3.4 The timetable will therefore need to be kept under review and historically there has been a need to take a flexible approach in the stages of budget setting from this point onwards.

3.5 At its meeting on 8 December 2022, the Panel will be presented with reports from the PFCC setting out the key factors and challenges informing the development of budget and precept proposals in respect of Essex Police and the Essex County Fire and Rescue Service.

3.6 Draft 2023/24 budget proposals will be produced by the Chief Officer Group of Essex Police and the Strategic Leadership Team of the Essex County Fire and Rescue Service for the PFCC's consideration at their Strategic Board meetings in early December 2022. At these Boards, the PFCC will scrutinise the proposed draft budgets alongside the Chief Consultable and Chief Fire Officer / Chief Executive respectively.

3.7 Following the grant announcements, consideration will be given to any appropriate adjustments required to present balanced budgets for 2023/24.

3.8 Following this, the Chief Constable and Chief Fire Officer / Chief Executive will provide the PFCC with their formal budget proposals in early January 2023. The PFCC will then consider the proposed budget for each service and will present the proposed 2023/24 budgets and precepts to the Essex Police, Fire and Crime Panel in January / February 2023 for its consideration and agreement.

3.9 As set out in the Police Reform and Social Responsibility Act 2011, the PFCC must notify the Panel of the proposed precepts for both the PFCC and the PFCCFRA. The Panel must then review the proposed precepts and make reports to the PFCC including recommendations as to whether to support the proposed precepts for the financial year or whether to confirm a statement which vetoes the proposed precept(s).

3.10 As referred to under Recommendations above, the Panel is asked to consider the creation of a 2023/24 Budget Setting Working Group, in line with the approach taken in previous years. This has been a successful and useful approach to budget setting with much valued discussion and helpful questions. Again, this would allow members of the working group to participate in detailed discussions regarding the 2023/24 budget setting

process. These discussions will provide these members with greater detail regarding the budget setting process and issues facing both services, and the opportunity to contribute to the development of the PFCC's wider budget proposals.

3.11 If the Panel is minded to establish a Budget Setting Working Group, its deliberations will be given due consideration by the PFCC and will inform the 2023/24 budget setting process.

4. Appendices

4.1 None

Agenda Item 12
EPFCP/14/22

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
Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer) 01245 291613 pippa.brent-isherwood@essex.police.uk	
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

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Constitution

Updated June 2022
V2.7

Version Control	Version 2.7	June 2022
Written By	Pippa Brent-Isherwood	June 2022
Authorised By	Roger Hirst	June 2022
Published		June 2022
Review Date		June 2024

Version History

Version Number	Date	Reason for review	Comments
2.0	January 2020	Regular review by the Monitoring Officer	Reviewed and updated in line with the Fire and Rescue Services Act 2004. Reviewed and updated in line with the Fire and Rescue National Framework for England. Reviewed and updated in line with the Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017. Reviewed and updated in line with the Police Reform and Social Responsibility Act 2011. Reviewed and updated in line with the 2019 SLT restructure. Reviewed for consistency with the PFCC Constitution and updated accordingly. Article 10 updated in line with Internal Audit recommendations. Schedule 1 replaced with updated version approved in June 2019. Schedule 3 updated. Terms of Reference for the Essex Emergency Services Collaboration Strategic Governance Board added as Schedule 4 in accordance with decision report 104/19. Schedule 5 updated to reflect fully the Elected Local Policing Bodies (Specified Information) Order 2011, the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2013 Schedule 6 updated. Schedule 8 updated with the revised Code of Practice released in 2018. Schedule 10 added. Schedule 13 added. Schedule 14 added. Schedule 16 inserted. Schedule 17 replaced with the procedure approved by the Police, Fire and Crime Panel in October 2019.

Version Number	Date	Reason for review	Comments
			Schedule 19 updated with the version adopted for use in December 2018.
2.1	31 January 2020	Consultation on draft	Updated following consultation with the Fire and Rescue Strategic Board (28/01/2020), the PFCC and Acting Chief Fire Officer (31/01/2020). Schedule 7 updated in consultation with the Monitoring Officer to the Police, Fire and Crime Panel.
2.2	17 March 2020	Consultation with the Essex Police, Fire and Crime Panel	Schedule 16 replaced with the most up to date version, supplied by the Clerk to the Panel.
2.3	April 2022	Planned biennial review	Schedule 2 replaced with the updated Terms of Reference adopted in December 2021. Schedule 4 replaced with the updated Terms of Reference adopted in October 2021. Schedule 5 updated to reflect the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021, which came into effect in May 2021. Schedule 10 replaced with the version agreed through last year's review of the PFCC Constitution. Schedules 16 and 17 removed as these are owned by the Police, Fire and Crime Panel rather than the PFCC. New Schedule 17 (Decision Report template) updated, primarily to incorporate environmental implications.
2.4	May 2022	Planned biennial review	Comments / amendments from the Essex County Fire and Rescue Service incorporated
2.5	May 2022	Planned biennial review	Updated following review by the PFCCFRA and Chief Fire Officer / Chief Executive. Comments from the PFCC's DPO incorporated. Subsections 3.8 – 3.12 added to reflect relevant provisions of the Regulatory Reform (Fire Safety) Order 2005.
2.6	May 2022	Planned biennial review	Updated following consultation with the Chief Fire Officer / Chief Executive and Chief Financial Officer Subsection 1.7.1 amended to reflect the provision of the Elections Act 2022.
2.7	June 2022	Planned biennial review	Updated following consideration by the PFCC's Corporate Management Team and the Strategic Board

Contents

Article 1 – The Constitution of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority		6
1.1	Introduction	6
1.2	The Constitution	6
1.3	Maintaining and updating this Constitution	6
1.4	Election	7
1.5	Term of office	8
1.6	Persons entitled to vote	8
1.7	Voting at elections for the Commissioner	8
Article 2 – Citizens' Rights and Responsibilities		8
Article 3 – The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority: Powers, Functions and Duties		9
3.1	Powers of the Authority	9
3.2	Functions of the Authority	10
3.2	Powers of fire-fighters in an emergency etc.	12
3.4	Duty to prepare and issue a Fire and Rescue Plan	13
3.5	Duty to prepare and issue an Integrated Risk Management Plan	14
3.6	Duty to prepare and issue a Fire and Rescue Statement	14
3.7	Obtaining information and investigating fires	15
3.8	Enforcement of the Regulatory Reform (Fire Safety) Order 2005	16
3.9	Powers of inspectors	17
3.10	Alterations notices	18
3.11	Enforcement notices	19
3.12	Prohibition notices	20
3.13	Duty to publish information for the public	21
3.14	Supply of goods and services	22
3.15	Duties when carrying out functions	22
3.16	Delegation of functions of the Authority	25
3.17	Recording the delegation of functions	25
Article 4 – Financial matters		29
4.1	Requirement to have a fire fund	29
4.2	Financial year	29
4.3	Financial Plans	29
4.4	Acceptance of gifts or loans	30
4.5	Charging by the Authority	30
4.6	Precepts	31
4.7	Budget calculations: report on robustness of estimates etc	32
4.8	Achieving value for money	32
4.9	Emergency financial assistance	32
4.10	Financial and Procurement Regulations	32
4.11	Preventing fraud and corruption	33
4.12	Financial reports	33
4.13	Power to trade	34
4.14	Emergency Services Collaboration Agreements	35
Article 5 - Conduct		36
5.1	Nolan Principles	36
5.2	Code of Conduct	37
5.3	Conflicts of interest	37
5.4	Complaints and conduct matters which relate to the Commissioner or their Deputy	37
Article 6 – Functions of the Essex Police, Fire and Crime Panel		38
6.1	Functions of the Essex Police, Fire and Crime Panel	38

6.2	Power of the Essex Police, Fire and Crime Panel to require attendance and information	39
6.3	Suspension of the Police, Fire and Crime Commissioner	39
Article 7 – Fire and Rescue Authority Appointments		40
7.1	Date of vacancy in the office of PFCC	40
7.2	Declaration of the Commissioner as the Fire and Rescue Authority	41
7.3	Resignation of the PFCC	42
7.4	Appointment and powers of an Acting Commissioner	42
7.5	Vacancy where the Acting Commissioner acts for the maximum of six months	43
7.6	Disqualification from election as Commissioner	43
7.7	Disqualification from election or holding office as the Commissioner – police grounds	43
7.8	Disqualification from election or holding office as the Commissioner – other grounds	46
7.9	Disqualification from holding office as the Commissioner	48
7.10	Validity of acts despite any disqualifications	48
7.11	Appointment of persons not employed by the Authority	48
7.12	Engagement and re-engagement of senior officers	48
Article 8 – Senior Staff and Statutory Appointments		49
8.1	Chief Fire Officer, Chief Financial Officer, Head of Paid Service and Monitoring Officer	49
8.2	Functions of the Chief Fire Officer	50
8.3	Functions of the Head of Paid Service	50
8.4	Functions of the Monitoring Officer	51
8.5	Functions of the Chief Financial Officer	52
8.6	Chief Fire Officer Appointment, Suspension and Dismissal Process	52
8.7	Chief Financial Officer Appointment Process	52
8.8	Appointment of a Deputy Police, Fire and Crime Commissioner	52
8.9	Staff – General Provisions	54
Article 9 – Miscellaneous Provisions		55
9.1	Remuneration etc. of the PFCC	55
9.2	Property and assets	55
9.3	Protection from personal liability	55
9.4	Government Security Classifications	55
9.5	Policies and procedures	56
Article 10 – Decision Making		56
10.1	Responsibility for decision making	56
10.2	Principles of decision making	57
10.3	Written reports and decision records	57
10.4	General provisions	58
Article 11 – Governance Boards		58
11.1	General	58
11.2	Fire and Rescue Strategic Board	59
11.3	Audit Committee	59
11.4	Fire and Rescue Performance and Resources Board	59
11.5	Essex Emergency Services Collaboration Strategic Governance Board	59
Article 12 - Schedules		60

Article 1 - The Constitution of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

1.1 Introduction

1.1.1 The Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017 created this fire and rescue authority, under section 4A of the Fire and Rescue Services Act 2004, for the areas covered by Southend-on-Sea Borough Council, Thurrock Council and Essex County Council.

1.1.2 That Order sets out that the person who is the Police and Crime Commissioner for Essex is also the **Essex Police, Fire and Crime Commissioner Fire and Rescue Authority** ("**the Commissioner**" or **"the Authority"**). They will be known as the **Police, Fire and Crime Commissioner for Essex.** The Commissioner has sole responsibility for being the fire and rescue authority for Essex.

1.1.3 The Commissioner is directly elected by the electorate and has a duty to represent the views of the whole community, including those who did not vote for them.

1.1.4 The Authority shall establish a fire and rescue service for the combined area, which shall be known as the **Essex County Fire and Rescue Service** ("**ECFRS**").

1.1.5 Within this Constitution the use of the term "Commissioner", refers only and exclusively to the corporation sole of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority and does not include any responsibilities or requirements of the post holder in relation to policing. There is a separate Constitution for the Police, Fire and Crime Commissioner for Essex in relation to policing.

1.2 The Constitution

1.2.1 The Constitution of the Authority comprises these Articles and the supporting Schedules.

1.2.2 The Authority has adopted this Constitution, which sets out how they will work, how decisions are made, and the procedures that are followed to ensure these are efficient, transparent and the Authority is accountable to local people. Some of these procedures are required by law, while others are a matter of choice for the Authority.

1.3 Maintaining and updating this Constitution

1.3.1 The Constitution is divided into 12 Articles, which set out the basic rules governing the Authority's business. More detailed procedures and policies are set out in in the Schedules to the Constitution.

1.3.2 The Articles of this Constitution may not be suspended.

1.3.3 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and to ensure that appropriate amendments are recommended as and when necessary for the purpose of updating or improving the Constitution.

1.3.4 The Monitoring Officer shall review the Constitution at least, but not limited to, biennially, with a view to recommending any such amendments to the Authority.

1.3.5 Changes to the Constitution will only be approved by the Authority after consideration of the proposal by the Monitoring Officer.

1.3.6 Before issuing or varying the Constitution, the Authority must:

a) Provide the draft or variation to the Police, Fire and Crime Panel ("the Panel").

b) Have regard to any report or recommendations made by the Panel in relation to the draft plan or variation.

c) Give the Panel a response to any such report or recommendations.

d) Publish any such response.

1.3.7 Once the response from the Police, Fire and Crime Panel had been considered, the Authority will follow the decision-making process set out in Article 10.

1.3.8 The Monitoring Officer will ensure that copies of this Constitution are widely available to the public, including being available on the Police, Fire and Crime Commissioner for Essex Website.

1.4 Election

1.4.1 The Police, Fire and Crime Commissioner Fire and Rescue Authority comprises the person elected as the Police, Fire and Crime Commissioner (**"PFCC"**) on the ordinary day of election.

1.4.2 In this Article, "the ordinary day of election" in any year means the day which is the ordinary day of election in that year of councillors for counties in England and Districts (see sections 37 and 37A of the Representation of the People Act 1983).

1.5 Term of office

1.5.1 The term of office of the person elected as PFCC at an ordinary election begins with the seventh day after the day of the poll at the election ends with the sixth day after the poll at the next ordinary election, subject to any provision of or made under any Act relating to the appointment or election of commissioners in England or their ceasing to hold office.

1.5.2 The term of office of a person elected as PFCC at an election to fill a vacancy in the office begins immediately the person is declared to be elected as the PFCC for Essex and ends at the time when it would have ended had the person been elected at the most recent ordinary election.

1.5.3 Where a person becomes PFCC for a resulting police area by virtue of, or of an election required to be held by, a police area alteration order, the person's term of office as PFCC ends at the time when it would end had the person been elected as PFCC at the previous ordinary election of commissioners in England.

1.5.4 In this Article –

"police area alteration order" means an order under section 32 of the Police Act 1996 (power to alter police areas by order) or an order under section 10 of the Local Government and Public Involvement in Health Act 2017 (Implementation of Boundary Committee for England review of local government areas) which alters the boundary of any police area in England, and

"resulting police area", in relation to a police area alteration order, means a police area existing immediately after the order comes into force which is created by the order, or any part of whose boundary results from the order.

1.5.5 An order which makes provision altering any police areas may make provision as to who is to be a commissioner, including provision for the commissioner for a police area affected by the order to become the commissioner for a police area resulting from the order, or provision for the holding of an election for the commissioner for any police area resulting from the order. This may, in particular, require the election in question to be held before the alteration of police areas takes effect.

1.6 Persons entitled to vote

1.6.1 A person is entitled to vote as an elector at an election of the PFCC for Essex if on the date of the poll the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and the address in respect of which the person in registered in the register of local government electors for that electoral area is within the police area.

1.6.2 A person is not entitled to vote as an elector more than once in the same police area in any election of the PFCC for Essex.

1.7 Voting at elections for the Commissioner

1.7.1 The Commissioner is to be returned under the simple majority system.

Article 2 - Citizens' Rights and Responsibilities

2.1 The Authority encourages public engagement. Openness, transparency, effective decision-making and accountability are the core principles adopted by the Authority.

2.2 Citizens have the right in accordance with any statutory conditions or restrictions:

a) If on the electoral roll, to vote in the election of the individual to be the Commissioner.

b) To access information under the relevant legislation, including the Freedom of Information Act 2000 and the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

c) To inspect the accounts and to make their views known to the external auditor.

d) To review the Forward Plan of the future business of the governance meetings.

e) To inspect decisions of the Authority and the minutes of the boards, except where they concern a confidential or exempt matter.

f) To inspect statutory enforcement notices under the Environment and Safety Information Act 1988.

g) To contact the Authority about any matters of concern to them.

2.3 Citizens have the ability to make complaints, and complain to:

a) ECFRS under its internal complaints procedure or under the whistleblowing policy regarding the standard of service, actions or lack of action by ECFRS or by its staff when acting in the course of their duties.

b) The Commissioner if it is a complaint against the Chief Fire Officer.

c) The Local Government Ombudsman if it is thought that ECFRS, after following its complaints procedure, has not put the complaint right.

d) The Monitoring Officer of the Police, Fire and Crime Panel if it is a complaint against the Commissioner or their Deputy. The Panel will then determine how the complaint will be handled. Further details of this process can be found in Article 5.4.

Article 3 - The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority: Powers, Functions and Duties

3.1 Powers of the Authority

3.1.1 The Authority may do:

a) Anything it considers appropriate for the purposes of the carrying out of any of its functions (its "functional purposes");

b) Anything it considers appropriate for purposes incidental to its functional purposes;

c) Anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes;

d) Anything it considers to be connected with any of its functions or anything it may do under subsections 3.1.1 (a) – (c), and

e) For a commercial purpose anything which it may do under any of subsections 3.1.1 (a) – (d) otherwise than for a commercial purpose.

3.1.2 The Authority's powers under subsection 3.1.1 are in addition to, and not limited by, the other powers of the Authority.

3.1.3 However, the Authority's powers under subsection 3.1.1 do not enable the Authority to do anything which the Authority is unable to do by virtue of a pre-commencement limitation, or anything which the Authority is unable to do by virtue of a post-commencement limitation which is expressed to apply:

a) To its powers under subsection 3.1.1;

b) To all of the Authority's powers, or

c) To all of the Authority's powers but with exceptions that do not include its powers under subsection 3.1.1.

3.1.4 If exercise of a pre-commencement power of the Authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on the Authority by subsection 3.1.1 so far as it is overlapped by the pre-commencement power.

3.1.5 Subsection 3.1.1 does not authorise the Authority to borrow money.

3.1.6 Subsection 3.1.1 does not authorise the Authority to charge any person for any action taken by the Authority (but see Article 4.5).

3.1.7 Public accountability for the delivery and performance of the Essex County Fire and Rescue Service is placed into the hands of the Authority on behalf of the electorate. The Authority has a statutory duty and electoral mandate to hold the Essex County Fire and Rescue Service to account on behalf of the public.

3.1.8 The Authority will exercise all its powers and duties in accordance with the law, in particular the Fire and Rescue Services Act 2004, the Civil Contingencies Act 2004, Regulatory Reform (Fire Safety) Order 2005, the Policing and Crime Act 2017, all other relevant primary and secondary legislation and this Constitution.

3.1.9 The Authority will also have regard to all relevant guidance from the Secretary of State, such as the Fire and Rescue National Framework for England.

3.1.10 In this Article:

a) "post-commencement limitation" means a prohibition, restriction or other limitation imposed by a statutory provision that is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or is contained in an instrument made under an Act and comes into force on or after the commencement of section 9 (1) of that Act

b) "pre-commencement limitation" means a prohibition, restriction or other limitation imposed by a statutory provision that is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or is contained in an instrument made under an Act and comes into force before the commencement of section 9 (1) of that Act

c) "pre-commencement power" means power conferred by a statutory provision that is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or is contained in an instrument made under an Act and comes into force before the commencement of section 9 (1) of that Act

3.2 Functions of the Authority

3.2.1 The Authority must put in place arrangements to deliver an efficient and effective fire and rescue service and perform the following key functions:

a) Promote fire safety (in accordance with Section 6 of the Fire and Rescue Services Act 2004).

b) Fire-fighting (in accordance with Section 7 of the Fire and Rescue Services Act 2004).

c) Rescue people from road traffic incidents (in accordance with Section 8 of the Fire and Rescue Services Act 2004).

d) Respond to other eventualities (in accordance with Section 11 of the Fire and Rescue Services Act 2004).

e) Assess, plan for and advise on civil emergencies (in accordance with Section 2 of the Civil Contingencies Act 2004 and any subordinate legislation made under that Act applying to the Authority).

f) Enforce the Regulatory Reform (Fire Safety) Order 2005.

g) Keep emergency service collaboration under review and enter into collaboration agreements where it is in the interests of efficiency or effectiveness (in accordance with Sections 1 to 5 of the Policing and Crime Act 2017)

h) Any other key functions conferred on the Authority by any other enactment.

3.2.2 The Authority may provide the services of any persons employed by it or any equipment maintained by it to any person for any purpose that appears to the Authority to be appropriate. The Authority may provide services under this subsection outside as well as within the Authority's area.

3.2.3 In delivering these functions, the Authority has the legal power and duty to:

a) Provide the local link between the fire and rescue service and local communities, working to translate the legitimate desires and aspirations of the public into action.

b) Decide the budget and set the fire and rescue precept for the area.

c) Maintain an efficient and effective fire and rescue service for the area.

d) Set the strategic direction and objectives of the service through the Fire and Rescue Plan, which must have regard to the Fire and Rescue National Framework for England set by the Secretary of State.

e) Scrutinise, support and challenge the overall performance of ECFRS including against the priorities agreed within the Fire and Rescue Plan.

f) Approve an Integrated Risk Management Plan ("IRMP") for the area.

g) Prepare and issue a Fire and Rescue Statement.

h) Publish information specified by the Secretary of State and information that the Authority considers necessary to enable the people who live in the area to assess the performance of the ECFRS.

i) Comply with all reasonable formal requests from the Police, Fire and Crime Panel to attend its meetings.

j) Appoint a Chief Fire Officer to lead and manage the personnel, equipment and services secured for carrying out the functions of the Fire and Rescue Service.

k) Suspend and dismiss the Chief Fire Officer.

l) Appoint such other staff as the Authority thinks appropriate to enable the Authority to exercise their functions, and to pay remuneration, expenses, gratuities and pensions to those staff.

m) Hold the Chief Fire Officer to account for the exercise of:

i. The functions which are delegated to the Chief Fire Officer.

ii. The functions of persons under the directions and control of the Chief Fire Officer.

n) Scrutinise the work of officers and staff of the service.

o) Monitor all complaints made against employees, whilst having responsibility for complaints against the Chief Fire Officer.

3.2.4 In subsection 3.2.3 (l), "allowances", in relation to a member of the Authority's staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as a member of staff.

3.2.5 The Chief Fire Officer is expected to ensure that the Authority is regularly informed of their decisions and operational activity in a timely fashion so that the Authority can hold the Chief Fire Officer to account for the totality of fire and rescue services within their area.

3.2.6 In order to enable the Authority to exercise their functions effectively, access to information, officers and staff within the fire and rescue service will be needed. Such access to information

must not be unreasonably withheld or obstructed by the Chief Fire Officer and / or fetter the Chief Fire Officer's direction and control of the fire and rescue service.

3.2.6 The Authority must, in particular, hold the Chief Fire Officer to account for:

a) Securing that good value for money is obtained in exercising functions which are delegated to the Chief Fire Officer, and by the persons under their direction and control (Article 24 of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017).

b) Having regard to the Fire and Rescue Plan (Article 25 of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017).

c) The preparation, publication and delivery of the Integrated Risk Management Plan for the Authority's area.

3.3 Powers of fire-fighters in an emergency etc.

3.3.1 An employee of the Authority who is authorised in writing by the Authority for the purposes of this Article may do anything they reasonably believe to be necessary:

a) If they reasonably believe a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;

b) If they reasonably believe a road traffic accident to have occurred, for the purpose of rescuing people or protecting them from serious harm;

c) If they reasonably believe an emergency of another kind to have occurred, for the purpose of discharging any function conferred on the Authority in relation to the emergency;

d) For the purpose of preventing or limiting damage to property resulting from action taken as mentioned in paragraph (a), (b) or (c).

3.3.2 In particular, an employee of the Authority, who is authorised as mentioned in subsection 3.3.1 may, under that subsection:

a) Enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises or place;

b) Move or break into a vehicle without the consent of its owner;

c) Close a highway;

d) Stop and regulate traffic, or

e) Restrict the access of persons to the premises or place.

3.4 Duty to prepare and issue a Fire and Rescue Plan

3.4.1 A Fire and Rescue Plan is to be prepared and published by the Authority in accordance with the Fire and Rescue National Framework for England. It sets out the Authority's strategic vision, priorities and objectives, for the period covered by the document, in connection with the discharge of their functions. This Plan may be amended as frequently as considered necessary.

3.4.2 The Commissioner must have regard to both the Fire and Rescue Plan and the Police and Crime Plan when carrying out their functions. The plans can be combined. Where a joint plan is developed, the plan must set out both policing and fire and rescue priorities and objectives.

3.4.3 The Chief Fire Officer must, in exercising functions which are delegated to them, have regard to the Fire and Rescue Plan.

3.4.4 In developing the Fire and Rescue Plan, the Authority must make arrangements for obtaining the views of the community.

3.4.5 Before issuing or varying a Fire and Rescue Plan, the Authority must:

a) Prepare a draft of the plan or variation.

b) Consult the Chief Fire Officer in preparing the draft plan or variation.

c) Provide the draft plan or variation to the Police, Fire and Crime Panel.

d) Have regard to any report or recommendations made by the Panel in relation to the draft plan or variation.

e) Give the Panel a response to any such report or recommendations, and

f) Publish any such response.

3.4.6 The Authority must ensure that the Police, Fire and Crime Panel has a reasonable amount of time to review the draft plan or variation and to make a report or recommendations to the Authority.

3.4.7 The Authority must consult again with the Chief Fire Officer before issuing or varying a Fire and Rescue Plan if, and to the extent that, the plan or variation is different from the initial draft on which the Chief Fire Officer was consulted.

3.4.8 The Authority must:

a) Keep the Fire and Rescue Plan under review, and

b) In particular, review the Fire and Rescue Plan in the light of any report or recommendations made to the Authority by the Police, Fire and Crime Panel on the Authority's Fire and Rescue Statement and exercise the powers to issue or vary the Fire and Rescue Plan accordingly.

3.4.9 When the Authority issues or varies a Fire and Rescue Plan they must:

a) Send a copy of the issued plan, or the variation, to the Chief Fire Officer, and

b) Publish a copy of the issued plan, or the variation.

3.4.10 It is for the Authority to determine the manner in which a response to a report or recommendations is to be published, and a copy of the plan or variation is to be published.

3.4.11 The Fire and Rescue Plan should inform the Integrated Risk Management Plan, which should in turn outline how the Authority's priorities will be met.

3.5 Duty to prepare and issue an Integrated Risk Management Plan

3.5.1 An Integrated Risk Management Plan ("IRMP") will be prepared and published by the Authority in accordance with the Fire and Rescue National Framework for England.

3.5.2 The function of preparing and issuing an IRMP may be delegated to the Chief Fire Officer, however the Plan must be approved by the Commissioner as the Authority.

3.5.3 The IRMP will set out, for the period covered by the document, an assessment of all foreseeable fire and rescue related risks that could affect the area of the Authority and proposals, including about the allocation of resources, for the mitigation of those risks.

3.5.4 The IRMP must:

- Reflect up to date risk analyses including an assessment of all foreseeable fire and rescue related risks that could affect the area of the Authority;
- Demonstrate how prevention, protection and response activities will be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities, through authorities working either individually or collectively, in a way that makes best use of available resources;
- Outline required service delivery outcomes including the allocation of resources for the mitigation of risks;
- Set out its management strategy and risk-based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for Regulators, and the Enforcement Concordat;
- Cover at least a three-year time span and be reviewed and revised as often as is necessary to ensure that the authority is able to deliver the requirements set out in the Fire and Rescue National Framework for England;
- Reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies and partners, and
- Be easily accessible and publicly available.

3.6 Duty to prepare and issue a Fire and Rescue Statement

3.6.1 An annual Fire and Rescue Statement must be prepared and published in accordance with the Fire and Rescue National Framework for England. This statement must provide annual assurance on financial, governance and operational matters and show how ECFRS has had due regard, in the period covered by the document, to any strategic plans prepared by the Authority for that period (including the Fire and Rescue Plan), the expectations set out in its Integrated Risk Management Plan and the requirements included in the framework.

3.6.2 As soon as practicable after producing a Fire and Rescue Statement, the Authority must send the report to the Police, Fire and Crime Panel.

3.6.3 The Authority must attend before the Police, Fire and Crime Panel at a public meeting, arranged by the Panel as soon as practicable after it receives the report, to:

a) Present the report to the Panel, and

b) Answer the Panel's questions on the report.

3.6.4 The Authority must:

a) Give the Panel a response to any report or recommendations on the Fire and Rescue Statement by the Panel, and

b) Publish any such response.

3.6.5 It is for the Police, Fire and Crime Panel to determine the manner in which a response to a report or recommendations is to be published in accordance with paragraph 3.6.4.

3.7 Obtaining information and investigating fires

3.7.1 An employee of the Authority authorised in writing by the Authority for the purposes of this Article ("an authorised officer") may, at any reasonable time, enter premises:

a) For the purposes of obtaining information needed for the discharge of the Authority's functions in relation to fire-fighting, road traffic accidents or other emergencies, or

b) If there has been a fire in the premises, for the purposes of investigating what caused the fire and why it progressed as it did.

3.7.2 An authorised officer may not, under subsection 3.7.1:

a) Enter premises by force;

b) Demand admission as of right to premises occupied as a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling;

c) Enter as of right premises in which there has been a fire if the premises are unoccupied and the premises were occupied as a private dwelling immediately before the fire, unless 24 hours' notice in writing has first been given to the person who was the occupier of the dwelling immediately before the fire.

3.7.3 An authorised officer may apply to a justice of the peace if:

a) They consider it necessary to enter premises for the purposes of subsection 3.7.1 but consider that they are unable to do so, or likely to be unable to do so, otherwise than by force, or

b) They consider it necessary to enter a dwelling for the purposes of subsection 3.7.1 without giving notice as required by subsection 3.7.2 (b) or (c).

3.7.4 If an authorised officer exercises a power of entry under subsection 3.7.1 (a), they may:

a) Take with them any other persons and any equipment that they consider necessary, and

b) Require any person present on the premises to provide them with any facilities, information, documents or records, or other assistance, that they may reasonably request.

3.7.5 If an authorised officer exercises a power of entry under subsection 3.7.1 (b), they may:

a) Take with them any other persons and any equipment that they consider necessary

b) Inspect and copy any documents or records on the premises or remove them from the premises

c) Carry out any inspections, measurements and tests in relation to the premises, or to an article or substance found on the premises, that they consider necessary

d) Take samples of an article or substance found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purposes of the investigation. In this case, they must leave a notice at the premises (either with a responsible person or, if that is impractical, fixed in a prominent position) giving particulars of the article or substance and stating that they have taken a sample of it and, if it is practical to do so, give a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

e) Dismantle an article found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purposes of the investigation

f) Take possession of an article or substance found on the premises and detain it for as long as is necessary for the purposes of:

i) Examining it and having anything they have the power to do under paragraph (c) or (e)

ii) Ensuring that it is not tampered with before their examination of it is completed

iii) Ensuring that it is available for use as evidence in proceedings for an offence relevant to the investigation

In this case, they must leave a notice at the premises (either with a responsible person or, if that is impractical, fixed in a prominent position) giving particulars of the article or substance and stating that they have taken possession of it.

g) Require a person present on the premises to provide them with any facilities, information, documents or records, or other assistance that they may reasonably request.

3.7.6 If, in the exercise of any power under this Article, an authorised officer enters premises which are unoccupied, or from which the occupier is temporarily absent, they must on their departure leave the premises as effectively secured against unauthorised entry as they found them.

3.8 Enforcement of the Regulatory Reform (Fire Safety) Order 2005

3.8.1 The Authority must enforce the provisions of the Regulatory Reform (Fire Safety) Order 2005 and any regulations made under it in relation to premises for which it is the enforcing authority and, for that purpose, except where a fire inspector or other person authorised by the Secretary of State is the enforcing authority, may appoint inspectors.

3.8.2 In performing the duty imposed by subsection 3.8.1, the Authority must have regard to such guidance as the Secretary of State may give it.

3.8.3 The Authority has the power to arrange with the Health and Safety Executive, the Office for Nuclear Regulation or the Office of Road and Rail for certain of the Authority's functions under the Regulatory Reform (Fire Safety) Order 2005 to be performed on its behalf by the Health and Safety Executive, the Office for Nuclear Regulation or the Office of Road and Rail, as the case may be, with or without payment, in relation to any particular workplace.

3.9 Powers of inspectors

3.9.1 Subject to the provisions of this Article, an inspector may do anything necessary for the purpose of carrying out the Regulatory Reform (Fire Safety) Order 2005 and any regulations made under it and, in particular, so far as may be necessary for that purpose, has the power to do at any reasonable time the following:

(a) Enter any premises which they have reason to believe it is necessary for them to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be affected without the use of force;
(b) Make such inquiry as may be necessary for any of the following purposes —
    (i) To ascertain, as regards any premises, whether the provisions of the Regulatory Reform (Fire Safety) Order 2005 or any regulations made under it apply or have been complied with, and
    (ii) To identify the responsible person in relation to the premises;
(c) Require the production of, or where information is recorded in computerised form, the furnishing of extracts from, any records (including plans) -
    (i) Which are required to be kept by virtue of any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it, or
    (ii) Which it is necessary for them to see for the purposes of an examination or inspection under this Article,

    and to inspect and take copies of, or of any entry in, the records;
(d) Require any person having responsibilities in relation to any premises (whether or not the responsible person) to give them such facilities and assistance with respect to any matters to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on them by this Article;
(e) Take samples of any articles or substances found in any premises which they have the power to enter for the purposes of ascertaining their fire resistance or flammability, and
(f) In the case of any article or substance found in any premises which they have the power to enter being an article or substance found in any premises which they have the power to enter being an article or substance which appears to them to have caused or be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

3.9.2 An inspector must, if so required when visiting any premises in the exercise of powers conferred by this Article, produce evidence of their authority to the occupier of the premises.

3.9.3 Where an inspector proposes to exercise the power conferred by subsection 3.9.1(f), they must, if requested by a person who at the time is present in and has responsibilities in relation to those premises, do anything which is to be done by virtue of that power in the presence of that person.

3.9.4 Before exercising the power conferred by subsection 3.9.1(f), an inspector must consult with such persons as appear to them appropriate for the purposes of ascertaining what dangers, if any, there may be in doing anything which they propose to do under that power.

3.9.5 The powers conferred by this Article on a fire inspector are also exercisable by an employee of the Authority when authorised in writing by such an inspector for the purpose of reporting to them on any matter falling within their functions under the Regulatory Reform (Fire Safety) Order 2005.

3.9.6 A fire inspector must not authorise an employee of the Authority under this Article except with the consent of the Authority.

3.10 Alterations notices

3.10.1 The Authority may serve on a responsible person a notice ("an alterations notice") if the Authority is of the opinion that the premises -

(a) Constitutes a serious risk to relevant persons (whether due to the features of the premises, their use, any hazard present, or any other circumstances), or
(b) May constitute such a risk if a change is made to them or the use to which they are put.

3.10.2 An alterations notice must -

(a) State that the Authority is of the opinion referred to in subsection 3.10.1, and
(b) Specify the matters which, in their opinion, constitute a risk to relevant persons or may constitute such a risk if a change is made to the premises or the use to which they are put.

3.10.3 Where an alterations notice has been serviced in respect of premises, the responsible person must. Before making any changes specified in subsection 3.10.4, which may result in a significant increase in risk, notify the Authority of the proposed changes.

3.10.4 The changes referred to in subsection 3.10.3 are -

(a) A change to the premises;
(b) A change to the services, fittings or equipment in or on the premises;
(c) An increase in the quantities of dangerous substances which are present in or on the premises;
(d) A change to the use of the premises.

3.10.5 An alterations notice may include a requirement that, in addition to the notification required by subsection 3.10.3, the responsible person must -

(a) Take all reasonable steps to notify the terms of the notice to any other person who has duties under in respect of the premises;
(b) Record certain information prescribed in article 9(7) of the Regulatory Reform (Fire Safety) Order 2005, in accordance with article 9(6) of that Order;
(c) Record the arrangements required by article 11(1) of that Order, in accordance with article 11(2) of that Order, and
(d) Before making the changes referred to in subsection 3.10.3, send the Authority the following —
(i) A copy of the risk assessment, and
(ii) A summary of the changes they propose to make to the existing general fire precautions.

3.10.6 An alterations notice served under 3.10.1 may be withdrawn at any time and, for the purposes of this Article, the notice is deemed to be in force until such time as it is withdrawn or cancelled by the court.

3.10.7 Nothing in this article prevents the Authority from serving an enforcement notice or a prohibition notice in respect of the premises.

3.11 Enforcement notices

3.11.1 If the Authority is of the opinion that the responsible person or any other person who has, to any extent, control over the premises, has failed to comply with any provision of the Regulatory Reform (Fire Safety) Order 2005, or of any regulations made under it, the Authority may, subject to the determination of any disputes by the Secretary of State, serve on that person a notice (referred to as "an enforcement notice").

3.11.2 An enforcement notice must—

(a) State that the Authority is of the opinion referred to in subsection 3.11.1 and why;
(b) Specify the provisions which have not been complied with, and
(c) Require that person to take steps to remedy the failure within such period from the date of service of the notice (not being less than 28 days) as may be specified in the notice.

3.11.3 An enforcement notice may, subject to the determination of any disputes by the Secretary of State, include directions as to the measures which the Authority considers are necessary to remedy the failure referred to in subsection 3.11.1 and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention.

3.11.4 Where the Authority is of the opinion that a person's failure to comply with the Regulatory Reform (Fire Safety) Order 2005 also extends to a workplace, or employees who work in a workplace, to which the Order applies but for which it is not the enforcing authority, the notice served by them under subsection 3.11.1 may include requirements concerning that workplace or those employees but, before including any such requirements, the Authority must consult the enforcing authority for that workplace.

3.11.5 Before serving an enforcement notice which would oblige a person to make an alteration to premises, the Authority must consult —

(a) The relevant local authority;
(b) In the case of premises used as a workplace which are within the field of responsibility of one or more enforcing authorities within the meaning of Part 1 of the Health and Safety at Work etc Act 1974, that authority or those authorities;
(c) In the case of a building or structure in relation to all or any part of which an initial notice given under section 47 of the Building Act 1984 is in force, the approved inspector who gave that initial notice;
(d) In the case of premises which are, include, or form part of a designated sports ground or a sports ground at which there is a regulated stand, the relevant local authority. For the purposes of this subsection, "sports ground" and "designated sports ground" have the same meaning as in the Safety of Sports Grounds Act 1975 and "regulated stand" has the same meaning as in the Fire Safety and Safety of Places of Sport Act 1987;
(e) Any other person whose consent to the alteration would be required by or under any enactment.

3.11.6 Without prejudice to the power of the court to cancel or modify an enforcement notice, no failure on the part of the Authority to consult under subsection 3.11.4 or 3.11.5 makes an enforcement notice void.

3.11.7 Where an enforcement notice has been served under subsection 3.11.1 —

(a) The Authority may withdraw the notice at any time before the end of the period specified in the notice, and
(b) If an appeal against the notice is not pending, the Authority may extend or further extend the period specified in the notice.

3.12 Prohibition notices

3.12.1 If the Authority is of the opinion that use of premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted, the Authority may serve on the responsible person or any other person who has, to any extent, control over the premises, a notice (referred to as "a prohibition notice").

3.12.2 The matters relevant to the assessment by the Authority, for the purposes of subsection 3.12.1, of the risk to relevant persons include anything affecting their escape from the premises in the event of fire.

3.12.3 A prohibition notice must —

(a) State that the Authority is of the opinion referred to in subsection 3.12.1;
(b) Specify the matters which, in its opinion give or, as the case may be, will give rise to that risk, and
(c) Direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.

3.12.4 A prohibition notice may include directions as to the measures which may be taken to remedy the matters specified in the notice and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the matters.

3.12.5 A prohibition or restriction contained in a prohibition notice pursuant to subsection 3.12.3(c) takes effect immediately it is served if the Authority is of the opinion, and so states in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case takes effect at the end of the period specified in the prohibition notice.

3.12.6 Before serving a prohibition notice in relation to a house in multiple occupation, the Authority shall, where practicable, notify the local housing authority of its intention and the use which it intends to prohibit or restrict.

3.12.7 For the purposes of subsection 3.12.6 —

"house in multiple occupation" means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), and
"local housing authority" has the same meaning as in section 261(2) of the Housing Act 2004.

3.12.8 Without prejudice to the power of the court to cancel or modify a prohibition notice, no failure on the part of the Authority to notify under subsection 3.12.6 makes a prohibition notice void.

3.12.9 Where a prohibition notice has been served under subsection 3.12.1, the Authority may withdraw it at any time.

3.12.10 In this article, "premises" includes domestic premises other than premises consisting of or comprised in a house which is occupied as a single private dwelling and subsection 3.9 (Powers of inspectors) shall be construed accordingly.

3.13 Duty to publish information for the public

3.13.1 The Authority must publish information as specified by the Secretary of State. The information that is currently required to be published is set out in Schedule 5. If the time or manner of the publication of that information is specified, the Authority must publish it at that time or in that manner.

3.13.2 The Authority must publish the information which they consider necessary to enable the persons who live in Essex to assess:

a) The performance of the Authority in exercising their functions in relation to the Fire and Rescue Service.

b) The performance of the Chief Fire Officer in exercising the functions delegated to them.

3.13.3 The information necessary to enable persons who live in Essex to assess the above matters by reference to a particular time, or a particular period, must be published by the Authority as soon as practicable after that time or the end of that period.

3.13.4 Furthermore, section 26 of the Fire and Rescue Services Act 2004 requires that the Authority must:

a) Submit to the Secretary of State any reports and returns that are required, and
b) Provide the Secretary of State with any information with respect to its functions that is required.

3.14 Supply of goods and services

3.14.1 Subsections (1), (2) and (3) of Section 1 (supply of goods and services by local authorities) of the Local Authorities (Goods and Services) Act 1970 apply to the Authority as they apply to a local authority.

3.14.2 Subject to the provisions of section 1 of the 1970 Act, a local authority and any public body may enter into an agreement for all or any of the following purposes:

a) The supply by the local authority to the Authority of any goods or materials.

b) The provision by the local authority to the Authority of any administrative, professional or technical services.

c) The use by the Authority of any vehicle, plant or apparatus belonging to the local authority and the placing at the disposal of the Authority of the services of any person employed in connection with the vehicle or other property.

d) The carrying out by the local authority of works of maintenance in connection with land or buildings for the maintenance of which the Authority is responsible.

3.14.3 The Authority must demonstrate that it is achieving value for money for the goods and services it receives. It should look to improve its commercial practices including whether it can aggregate its procurement with other fire and rescue authorities and local services (e.g. Police) in order to achieve efficiencies.

3.14.4 The Authority must ensure that its commercial activities (be that the placement of new contracts or use of existing contracts) is in line with its legal obligations, including but not limited to the Public Contracts Regulations, the Public Services (Social Value) Act 2012, the Modern Slavery Act 2015 and transparency commitments.

3.15 Duties when carrying out functions

3.15.1 In carrying out their functions, the Authority must have regard to the Fire and Rescue National Framework for England, including the priorities contained within to:

- **Make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents** – The Authority must make provision for promoting fire safety, including fire prevention, and have a locally determined risk-based inspection programme in place for enforcing compliance with the provisions of the Regulatory Reform (Fire Safety) Order 2005 in premises to which it applies. The Authority will target its fire safety, prevention and protection resources on:

    - Those individuals / households who are at greatest risk from fire in the home;
    - Those most likely to engage in arson / deliberate fire-setting, and
    - Those non-domestic premises where the life safety risk is greatest.

  To identify those at greatest risk from fire, the Authority will work closely with other organisations in the public and voluntary sectors as well as the police and ambulance services. Wherever appropriate, the Authority will develop partnerships to support risk reduction services to those identified as vulnerable, including from exploitation or abuse, and wherever possible share intelligence and relevant risk data. However, such activity will not be undertaken at the expense of the effective delivery of its core statutory functions.

  The Authority will ensure that all its staff in public-facing roles have the necessary skills and training to provide the wide range of roles they undertake, including in relation to people with complex needs and vulnerabilities. It will also have appropriate safeguarding arrangements in place, including ensuring staff have appropriate vetting clearance.

  The Authority must make provision to respond to incidents such as fires, road traffic collisions and other emergencies within its area and in other areas in line with mutual aid agreements. The Authority must be able to respond to the threat of terrorism and be ready to respond to incidents in its area and across England as required.

  The Authority must, as far as is practicable, enter into reinforcement schemes or mutual aid agreements with other fire and rescue authorities for securing mutual assistance for the purposes of fire-fighting or responding to road traffic accidents or other emergencies.

  The Authority must have effective business continuity arrangements in place in accordance with its duties under the Civil Contingencies Act 2004. Within these arrangements, the Authority must make every endeavour to meet the full range of service delivery risks and national resilience duties and commitments that it faces.

- **Identify and assess the full range of foreseeable fire and rescue related risks their area faces** – The Authority must assess all fire and rescue related risks that could affect their communities, whether they are local, cross-border, multi-authority and / or national in natures, from fires to terrorist attacks. Regard must be had to Community Risk Registers produced by the Local Resilience Forum and any other risk analyses as appropriate. The Authority's risk assessments must include an analysis of any gaps between its existing capability and that needed to ensure national resilience.

  The Authority must put in place arrangements to prevent and mitigate these risks, either through adjusting existing provision, effective collaboration and partnership working, or building new capability. The Authority will work with the Strategic Resilience Board where appropriate when determining what arrangements to put in place. As part of its analysis, the Authority must highlight to the Home Office or Fire and Rescue Strategic Resilience Board any capability gaps that it believes cannot be met, even when taking into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.

- **Collaborate with emergency services and other local and national providers to increase the efficiency and effectiveness of the service they provide** – Under the Policing and Crime Act 2017, the Authority is under a statutory duty to:

  - Keep all collaboration opportunities under review;
  - Notify other emergency services of proposed collaborations that could be in the interests of their mutual efficiency and effectiveness, and
  - Give effect to a collaboration where the proposed parties agree that it would be in the interests of their efficiency or effectiveness and does not have an adverse impact on public safety.

  This duty does not preclude collaboration with other local partners, such as local authorities and wider health bodies.

  The Authority must collaborate with other fire and rescue authorities to deliver intraoperability (between fire and rescue authorities) and interoperability (with other responders, such as other emergency services, wider Category 1 and 2 responders and the Local Resilience Forum) in line with the Joint Emergency Services Interoperability Principles (JESIP). The Authority must collaborate with the National Resilience Lead Authority to ensure interoperability is maintained for National Resilience assets.

  Intraoperability includes, but is not limited to:

  - Compatible communications systems, control rooms and equipment;
  - Common command and compatible control and co-ordination arrangements;
  - Effective information, intelligence and data sharing;
  - Compatible operational procedures and guidance with common terminology;
  - Compatible training and exercising (both individually and collectively), and

- Cross-border working with other English fire and rescue authorities and those in the devolved administrations

Interoperability includes, but is not limited to:

- Compatible communications systems, control rooms and equipment as appropriate;
- Compatible command, control and co-ordination arrangements;
- Effective inter-agency working and liaison and, where appropriate, information, intelligence and data sharing;
- Shared understanding of respective roles and responsibilities, operational procedures, guidance and terminology;
- Robust multi-agency plans for managing risks identified in the National Risk Assessment and Community Risk Registers;
- Multi-agency training and exercising, and
- Cross-border working with other responders in England and the devolved administrations

- **Be accountable to communities for the service they provide** – In carrying out their functions, the Authority must put in place arrangements for obtaining the views of people in Essex about fire and Rescue services. The Chief Fire Officer should be consulted on the appropriate arrangements. In carrying out their functions, the Authority must have regard to the views of people in Essex about fire and rescue services.

- **Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse** – The Authority should have in place a people strategy that has been designed in collaboration with the workforce. This should take into account the principles set out within the National Fire Chiefs Council's people strategy and, at a minimum, cover:

  - Continuously improving the diversity of the workforce to ensure it represents the community it serves
  - Equality, cultural values and behaviours
  - The various routes available in terms of recruitment, retention and progression
  - Flexible working
  - Professionalism, skills and leadership
  - Training opportunities
  - Health and safety, wellbeing, disabilities and support (e.g. mental health and physical support)
  - Tackling bullying, harassment and discrimination

The Authority must also comply with the fitness principles set out at Annex C to the Fire and Rescue National Framework for England.

3.15.2 The Authority must take all reasonable measures for securing that an adequate supply of water will be available for the Authority's use in the event of fire. It may use any suitable supply of water for the purposes of extinguishing a fire or protecting life or property in the event of a fire, subject to an agreement under section 39 or 41 of the Fire and Rescue Services Act 2004 but must pay reasonable compensation for the water, including as set out under section 147 of the Water Industry Act 1991 (charging for emergency use of water).

3.15.3 The Authority's functions must be exercised efficiently and effectively.

3.15.4 In carrying out functions in a particular financial year, the Authority must have regard to any report or recommendations made by the Police, Fire and Crime Panel with respect to the discharge of functions for the previous financial year.

3.15.5 However, subsection 3.15.3 does not affect any exercise of the functions of the Authority in any part of a particular financial year that falls before the Authority has received a report or recommendations from the Police, Fire and Crime Panel on the Fire and Rescue Statement for the previous financial year, or during the period after receipt of a report or recommendations from the Police, Fire and Crime Panel when the Authority is considering the report or recommendations.

3.15.6 In carrying out its functions, the Authority must have regard to any Financial Management Code of Practice issued from time to time by the Secretary of State, relating to the proper administration of its financial affairs. The latest such document is set out in Schedule 8.

3.15.7 The Authority must cooperate with Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) to enable it to deliver its statutory function. This includes providing relevant data and information to inform inspections.

3.15.8 The Authority must give due regard to reports and recommendations made by HMICFRS and – if recommendations are made – prepare, update and publish regularly an action plan detailing how recommendations are being actioned. If the Authority does not propose to undertake any action as a result of a recommendation, reasons for this should be given.

3.15.9 The Authority must proactively engage with, and support, the National Coordination and Advisory Framework (NCAF) arrangements, including the National Fire Chiefs Council's lead operational role.

3.16 Delegation of functions by the Authority

3.16.1 Subject to Articles 3.16.5 and 3.16.9 - 3.16.12, the Authority may make such arrangements as it considers appropriate for the delegation of its functions to:

(a) the Deputy PFCC;

(b) a member of staff of the Authority, or

(c) a member of staff of the PFCC.

3.16.2 Under this Article, "member of staff of the Authority" means –

(a) staff transferred to the Authority under a transfer scheme made under section 4C of the Fire and Rescue Services Act 2004, and

(b) staff appointed by the Authority under section 4D of the Fire and Rescue Services Act 2004.

3.16.3 Under this Article, "member of staff of the PFCC" means any of the following persons appointed by the PFCC under paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011:

(a) The PFCC's Chief Executive;

(b) The PFCC's Chief Finance Officer, or

(c) The PFCC's other staff.

3.16.4 The Scheme of Delegation details the key roles of the Authority and those functions which are delegated as set out in subsection 3.16.1. This document is set out in Schedule 9.

3.16.5 The PFCC may not –

(a) appoint a person listed in subsection 3.16.8 as the Deputy PFCC;

(b) arrange, under subsection 3.16.1, for any person listed in subsection 3.16.8 to exercise any function, or

(c) arrange, under subsection 3.16.1, for any person to exercise a function listed in subsection 3.16.9.

3.16.6 Where the Authority delegates a function other than those listed in article 3.16.11 to the Deputy PFCC, the Deputy PFCC may delegate the function to a member of staff of the Authority or a member of staff of the PFCC. The Deputy PFCC may not delegate a function specified in article 3.16.11.

3.16.7 However a Deputy PFCC may not arrange for a person to exercise a function if the person is listed in subsection 3.16.8 or the function is listed in subsection 3.16.9.

3.16.8 The persons referred to in subsections 3.16.5 (a) and (c) and 3.16.7 are:

(a) a constable (whether or not in England and Wales);

(b) a Police and Crime Commissioner or a Police, Fire and Crime Commissioner;

(c) the Mayor's Office for Policing and Crime;

(d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;

(e) the Mayor of London;

(f) the Common Council of the City of London;

(g) any other person or body which maintains a police force, or

(h) a member of staff of a person falling within any of the paragraphs (a) to (g).

3.16.9 The functions referred to in subsection 3.16.5 (c), which may not be delegated by the Authority, are:

(a) calculating a council tax requirement (see section 42A of the Local Government Finance Act 1992);

(b) approving the Fire and Rescue Plan and the Fire and Rescue Statement (within the meaning of Schedule A2 of the Fire and Rescue Services Act 2004);

(c) approving the integrated risk management plan;

(d) appointing, suspending or dismissing the Chief Fire Officer;

(e) holding the Chief Fire Officer to account;

(f) approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011 (pay policy statements);

(g) approving arrangements to enter into a reinforcement scheme under section 13 of the Fire and Rescue Services Act 2004 (reinforcement schemes);

(h) approving arrangements with other employers of firefighters under section 15 of the Fire and Rescue Services Act 2004 (arrangements with other employers of firefighters);

(i) approving arrangements under section 16 of the Fire and Rescue Services Act 2004 (arrangements for discharge of functions by others);

(j) approving plans, modifications to plans and additions to plans for the purpose of ensuring that –

(i) so far as is reasonably practicable, the Authority is able to perform its fire and rescue functions if an emergency occurs, and

(ii) the Authority is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it;

(k) approving any arrangements for the co-operation of the Authority in relation to its fire and rescue functions with other general Category 1 responders and general Category 2 responders in respect of –

(i) the performance of the Authority's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004, and

(ii) any duties under subordinate legislation made in exercise of powers under that Act

3.16.10 In subsection 3.16.9 (j), "emergency" has the meaning given in section 1 of the Civil Contingencies Act 2004 (meaning of emergency) for Part 1 of that Act.

3.16.11 The Authority may not make arrangements under article 3.16.1 for the delegation of the following functions of the Authority to any person other than the Deputy PFCC:

a) The function of determining the Authority's priorities and objectives for the purposes of the Fire and Rescue Plan and the Fire and Rescue Statement;

b) The function of attendance at a meeting of the Police, Fire and Crime Panel for Essex in compliance with a requirement by the Panel to do so (see section 29 of the

Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of Schedule A2 to the Fire and Rescue Services Act 2004);

c) The function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (appointment of local auditor), and

d) The function of deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014 (limitation of local auditor's liability).

3.16.12 The Authority may not make arrangements under article 3.16.1 for the delegation of the function of preparing and publishing an integrated risk management plan to any person other than the Chief Fire Officer.

3.16.13 If a function of the PFCC is exercisable by any person in accordance with this then any property or rights vested in the PFCC may be dealt with by the other person in exercising the function, as if vested in that person.

3.16.14 The Deputy PFCC is a member of the PFCC's staff.

3.17 Recording the Delegation of Functions

3.17.1 The Authority shall provide the Monitoring Officer with a written report updating immediately the arrangements under the Scheme of Delegation for the discharge of any of their functions if the Authority makes any amendment to those arrangements.

3.17.2 The report of the Authority provided to the Monitoring Officer shall contain the following information:

a) The nature and extent of any authority delegated to the Deputy PFCC to exercise any function of the Authority.

b) The nature and extent of any authority delegated by the Deputy PFCC to any other person to exercise any function of the Deputy PFCC.

c) The nature and extent of any authority delegated to the Chief Fire Officer to exercise the functions of the Authority.

d) The nature and extent of any authority delegated by the Chief Fire Officer to any other person to exercise the function of the Authority.

e) The nature and extent of any delegated authority provided under any joint arrangements.

f) The nature and extent of any delegated authority provided to a member of the Authority's staff, including any conditions attached and the title of the post concerned.

3.17.3 There is a power for officers further to delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub delegations shall be recorded in a register kept by the Monitoring Officer.

Article 4 - Financial matters

4.1 Requirement to have a fire fund

4.1.1 The Authority must keep a fund to be known as the fire fund and is ultimately accountable to the public for the management of the fire fund.

4.1.2 All of the receipts of the Authority must be paid into the fire fund.

4.1.3 All of the expenditure of the Authority must be paid out of the fire fund.

4.1.4 The Authority must keep accounts of payments made into or out of the Fire Fund.

4.1.5 Paragraphs 4.1.2 and 4.13 are subject to the provisions of:

a) The scheme established under section 26 of the Fire Services Act 1947 (Firemen's Pension Scheme) (as continued in force by order under section 36).

b) A scheme under section 34 (pensions etc.), or

c) Scheme regulations within the meaning of the Public Service Pensions Act 2013.

4.2 Financial year

4.2.1 The Authority's financial year is the period of 12 months ending on 31 March.

4.3 Financial Plans

4.3.1 The Authority is required to produce:

- A medium-term financial strategy, which should include funding and spending plans for revenue and capital. The strategy should take into account multiple years, the interdependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It should have regard to affordability and CIPFA's Prudential Code for Capital Finance in Local Authorities. It should be aligned with the Authority's Fire and Rescue Plan and Integrated Risk Management Plan.

- An efficiency plan and annual report on their progress against this efficiency plan

- A reserves strategy which should:

  - Include details of current and future planned reserves levels

  - Set out a total amount of reserves and the amount of each specific reserve that is held for each year

  - Set out how the level of general reserve has been set

  - If necessary, set out a justification for holding a general reserve larger than 5% of the budget

  - Set out details of the activities or items to be funded from each earmarked reserve, and how these support the Authority's strategy to deliver a good quality service to the public

  - Cover resource and capital reserves

- Make clear how much of the funding falls into the following three categories:

  i) Funding for planned expenditure on projects and programmes over the period of the current medium term financial strategy

  ii) Funding for specific projects and programmes beyond the current planning period

  iii) As a general contingency or resource to meet other expenditure needs held in accordance with sound principles of good financial management (e.g. insurance).

- Provide information for the period of the medium-term financial strategy

4.3.2 The above documents can be combined or published separately.

4.4 Acceptance of gifts or loans

4.4.1 The Authority may, in connection with the discharge of any of their functions, accept gifts of money and gifts or loans of other property on such terms as appear to the Authority to be appropriate.

4.4.2 The terms on which gifts or loans are accepted under paragraph 4.4.1 may include terms providing for the commercial sponsorship of any activity of the Authority, save that the Authority shall consult with the Chief Fire Officer before accepting sponsorship of any activity of the Service.

4.4.3 The Police, Fire and Crime Commissioner and the Deputy Police, Fire and Crime Commissioner will publish all disclosable interests, expenses they claim and any offers of hospitality whether they accept these or not.

4.5 Charging by the Authority

4.5.1 The Authority may charge a person for any action taken by the Authority in the United Kingdom or at sea or under the sea (not restricted to the territorial sea of the United Kingdom), and otherwise than for a commercial purpose.

4.5.2 However, subsection 4.5.1:

- Authorises charging for extinguishing fires, or protecting life and property in the event of fires, only in respect of fires which are at sea or under the sea

- Does not authorise charging for emergency medical assistance

- Authorises charging for action taken in response to a report of a fire or explosion only if:

  - The report is of fire at premises that are not domestic premises (that is, premises occupied as a private dwelling);

  - The report is false;

  - The report is made as a direct or indirect result of warning equipment having malfunctioned or been misinstalled, and

- There is a persistent problem with false reports of fire at the premises that are made as a direct or indirect result of warning equipment under common control having malfunctioned or been misinstalled

- Does not authorise charging for rescuing individuals, or protecting individuals from serious harm, in the event of an emergency

- Does not authorise charging for action taken in response to:

  - Emergencies resulting from events of widespread significance;

  - Emergencies which have occurred as a direct result of severe weather, or

  - Emergencies resulting from road traffic accidents

- Does not authorise charging for action taken to promote fire safety, except in relation to the giving of advice (other than the giving of advice, on request, about how to prevent fires and restrict their spread in buildings and other property, and the means of escape from buildings and other property in case of fire) in relation to premises where a trade, business or other undertaking is carried on (whether for profit or not)

- Does not authorise charging for action taken by the Authority in its capacity as an enforcing authority for the purposes of the Regulatory Reform (Fire Safety) Order 2005

4.5.3 Subsection 5.4.1 authorises a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the Authority.

4.5.4 Nothing in subsection 4.5.2:

a) Applies to charges for providing, under subsection 3.2.2, the services of any persons or equipment;

b) Affects the operation of reinforcement schemes or arrangements under subsection 8.9.8, or

c) Affects any provision for payments to the Authority contained in arrangements for cooperation between the Authority and a public authority that is not a fire and rescue authority, or any person, other than a public authority, who exercises public functions. Before the Authority begins to charge for taking action of a particular description, the Authority must consult any persons the Authority considers appropriate.

4.5.5 If the Authority decides to charge for taking action of a particular description, the amount of the charge is to be set by the Authority and the Authority may charge different amounts (and may charge nothing) in different circumstances.

4.5.6 In setting the amount of a charge under subsection 4.5.1, the Authority must ensure that, taking one financial year with another, the Authority's income from charges does not exceed the cost to the Authority of taking the action for which charges are imposed. This duty applies separately in relation to each kind of action.

4.6 Precepts

4.6.1 The Authority is a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992.

4.6.2 Schedule 5 of the Police Reform and Social Responsibility Act 2011 makes provision about the scrutiny of the Police, Fire and Crime Panel of a proposal from the Authority as to the issuing of a precept. The Schedule confers powers on the Police, Fire and Crime Panel to veto a proposed precept. The Police and Crime Panels (Precept and Chief Constable Appointments) Regulations 2012 attached as Schedule 13 to this Constitution make provision about the procedure to be followed.

4.6.3 The duty of billing authorities or major precepting authorities under the 1992 Act to consult persons or bodies representative of persons subject to non-domestic rates as regards hereditaments situated in the area does not apply to the Authority.

4.7 Budget calculations: report on robustness of estimates etc

4.7.1 When making calculations in accordance with the Local Government Finance Act 1992, the Authority's Chief Financial Officer must report to it on the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves.

4.7.2 The Authority shall have regard to the report when making decisions about the calculations in connection with which it is made.

4.8 Achieving value for money

4.8.1 The Authority must manage its budgets and spend money properly and appropriately and ensure the efficient and effective use of its resources, pursuing all feasible opportunities to contain costs whilst discharging its core duties effectively. The Authority should review regularly the numbers and deployment of firefighters and other staff to ensure that their fire and rescue service has a workforce that is commensurate with the risks it faces.

4.8.2 The Authority must ensure that financial decisions are taken with the advice and guidance of the Chief Financial Officer and that decisions are taken with an emphasis on delivering value for money to the public purse.

4.9 Emergency financial assistance

4.9.1 In the event where an emergency or disaster occurs involving destruction of or danger to life or property and, as a result, the fire and rescue service incurs expenditure on, or in connection with, the taking of immediate action (whether by the carrying out of works or otherwise) to safeguard life or property, or to prevent suffering or severe inconvenience, in its area or among its inhabitants, the Secretary of State may establish a scheme under section 155 of the Local Government and Housing Act 1989 for the giving of financial assistance in respect of that expenditure.

4.9.2 Financial assistance given pursuant to such a scheme shall take the form of grants paid by the Secretary of State with the consent of the Treasury and, subject to that, the terms and conditions of such a scheme shall be such as the Secretary of State considers appropriate to the circumstances of the particular emergency or disaster concerned.

4.9.3 Expenditure incurred by the Fire and Rescue Service may include expenditure incurred in defraying, or contributing towards defraying, expenditure incurred by a parish or community council.

4.10 Financial and Procurement Regulations

4.10.1 The management of the Authority's financial affairs will be conducted in accordance with Financial and Procurement Regulations set out in Schedule 15 to the Constitution.

4.10.2 Every contract made by the Authority will comply with the Financial and Procurement Regulations.

4.11 Preventing Fraud and Corruption

4.11.1 The Authority is firmly committed to dealing with fraud and corruption and will deal equally with both internal and external perpetrators.

4.11.2 The Chief Financial Officer is responsible for the development and maintenance of the Anti-Fraud and Corruption Strategy.

4.12 Financial Reports

4.12.1 The Authority's Chief Financial Officer shall make a report if it appears to them that the Authority, a committee of the Authority, a person holding any office or employment under the Authority, a member of the Essex County Fire and Rescue Service or a joint committee on which the authority is represented:

(a) has made or is about to make a decision which involves or would involve the Authority incurring expenditure which is unlawful;

(b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority, or

(c) is about to enter an item of account the entry of which is unlawful.

4.12.2 The Authority's Chief Financial Officer shall make a report if it appears to them that the expenditure of the Authority incurred (including the expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

4.12.3 It shall be the duty of the Authority's Chief Financial officer, in preparing a report in pursuance of subsections 4.12.1 and 4.12.2, to consult as far as practicable with the Chief Fire Officer as the Authority's head of paid service under the Local Government and Housing Act 1989 and with the PFCC's Chief Executive as the Authority's monitoring officer under section 5 of that Act.

4.12.4 Where the Chief Financial Officer has made a report under this Article, they shall send a copy of it to the person who, at the time the report is made, has the duty to audit the Authority's accounts.

4.12.5 Unless the Chief Financial Officer is unable to act owing to absence or illness, the duties of the Chief Financial Officer described above shall be performed by them personally.

4.12.6 If the Chief Financial Officer is unable to act owing to absence or illness, their duties described above shall be performed:

(a) by such member of their staff as is a member of one or more of the following bodies –

(i) the Institute of Chartered Accountants in England and Wales

(ii) the Institute of Chartered Accountants of Scotland

(iii) the Chartered Association of Certified Accountants

(iv) the Chartered Institute of Public Finance and Accountancy

(v) the Institute of Chartered Accountants in Ireland

(vi) the Chartered Institute of Management Accountants

or any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purpose of this section

and is for the time being nominated by the Chief Financial Officer for the purposes of this section, or

(b) if no member of staff is a member of one or more of these bodies, by such member of their staff as is for the time being nominated by the Chief Financial Officer for the purposes of this section.

4.12.7 Where the Chief Financial Officer makes a report to the Authority in accordance with the provisions above, the Authority must consider the report and decide whether it agrees or disagrees with the views contained in the report and what action (if any) the Authority proposes to take in consequence of it. The consideration and decision-making must be concluded not later than the end of the period of 21 days beginning with the day on which copies of the report are sent.

4.12.8 As soon as practicable after the Authority has concluded the consideration of the Chief Financial Officer's report, the Authority must prepare a report which specifies:

(a) what action (if any) the Authority has taken in response to the report;

(b) what action (if any) the Authority proposes to take in response to the report, and

(c) the reasons for taking the action specified in the report or, as the case may be, for taking no action.

4.12.9 As soon as practicable after the Authority has prepared a report under subsection 4.9.8, the Authority must arrange for a copy to be sent to:

(a) the Chief Financial Officer;

(b) the person who, at the time the report is made, has the duty to audit the Authority's accounts, and

(c) each member of the Essex Police, Fire and Crime Panel.

4.12.10 The Authority's Chief Financial Officer must notify the Authority's auditor of any decisions taken by the Authority in accordance with the provisions above.

4.13 Power to Trade

4.13.1 The Authority is authorised to do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions.

4.13.2 However the Authority is not authorised to do for a commercial purpose anything in relation to a person if a statutory provision requires the Authority to do those things in relation to the person.

4.13.3 The Authority has the power to trade and make a profit but must ensure that its commercial activities are performed in accordance with the requirements of the Local Government Act 2003, the Fire and Rescue Services Act 2004 (as amended by the Localism Act 2011), the Local Government Order 2009 and the Local Authorities (Goods and Services) Act 1970. It must also ensure that such commercial activities are exercised through a company within the meaning of Part 5 of the Local Government and Housing Act 1989.

4.13.4 The Authority must ensure that any actions taken in respect of a trading company that it establishes or participates in is considered against the requirements of competition law. Any financial assistance – in cash or in kind – given by the Authority to such a trading company should be for a limited period, set against the expectation of later returns, and re-paid by those returns. Any assistance should be provided under a formal agreement with the company and must be entered into for a commercial purpose. Before entering into such an agreement, the Authority should satisfy itself that it will meet its objectives in terms of its business plan. The parties should also consider any State Aid implications and obtain their own expert advice where necessary.

4.13.5 Before exercising the power to trade the Authority shall:

a) Prepare a business case in support of the proposed exercise of that power. The business case must include:

i. The objectives of the business.

ii. The investment and resources required to achieve those objectives.

iii. Any risks the business might face and how significant these risks are.

iv. The expected financial results of the business, together with any other relevant outcomes that the business is expected to achieve.

b) Recover the costs of any accommodation, goods, service, staff or any other thing that it supplies to a company in pursuance of any agreement or arrangement to facilitate the exercise of the power set out in 4.13.1.

4.14 Emergency Services Collaboration Agreements

4.14.1 A collaboration agreement may be made by one or more persons as outlined below:

(a) an ambulance trust in England,

(b) a fire and rescue body in England, and

(c) a police body in England.

4.14.2 A collaboration agreement is an agreement in writing that sets out how the parties to the agreement will work together in discharging their functions.

4.14.3 This does not prevent a person other than a person listed above from being a party to a collaboration agreement.

4.14.4 The provisions above are subject to specific restrictions set out in the Policing and Crime Act 2017.

4.14.5 The Chief Fire Officer may not enter into a collaboration agreement without the Authority's consent.

4.14.6 The Authority must consult the Chief Fire Officer before entering into a collaboration agreement.

4.14.7 A collaboration agreement may, in particular, make provision about the use, for the purposes of the agreement, of a power of a party to the agreement to make arrangements for the exercise of the party's functions by another person, or to exercise functions jointly with another person.

4.14.8 A collaboration agreement may include provision for payments to be made by the parties to the agreement for the purposes of facilitating that agreement.

4.14.9 A party to a collaboration agreement may do anything that is necessary or expedient for the purposes of facilitating the agreement, subject to any restriction imposed on a party by, or by virtue of, an enactment or rule of law.

4.14.10 A collaboration agreement may not include provision for the delegation of a function where that function may not otherwise be delegated.

4.14.11 The delegation of a function pursuant to a collaboration agreement does not affect the responsibility of any party to the agreement for the exercise of its functions.

4.14.12 A collaboration agreement must make provision for a party to withdraw from the agreement where, in the view of that party, the agreement is no longer in the interests of its efficiency or effectiveness.

4.14.13 A collaboration agreement may varied with the agreement of all the parties to the agreement, or replaced by a subsequent collaboration agreement.

Article 5 - Conduct

5.1 Nolan Principles

5.1.1 There is an expectation that the Commissioner, their Deputy and all employees will abide by the seven principles set out in the publication *Standards in Public Life: First Report of the Committee on Standards in Public Life* (known as "The Nolan Principles"). The Commissioner and Deputy will also hold themselves to the Policing Code of Ethics.

5.1.2 The Nolan Principles are:

a) **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

b) **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

c) **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

d) **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

e) **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

f) **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

g) **Leadership** - Holders of public office should promote and support these principles by leadership and example.

5.1.3 In any case relating to the Commissioner or their Deputy's conduct, these principles will be taken into account by relevant bodies including the Independent Office for Police Conduct (IOPC) and the Police, Fire and Crime Panel.

5.2 Code of Conduct

5.2.1 The Authority will approve and publish Codes of Conduct. These Codes of Conduct sets out the professional and ethical standards expected of the Commissioner and their Deputy as well as all employees of the Authority.

5.2.2 All staff and officers shall comply with the relevant Code of Conduct.

5.2.3 The Commissioner and their Deputy (if appointed) will, within 28 days of taking office, enter in the register of disclosable interests maintained by the Monitoring Officer every disclosable interest as set out in the register, and will keep this up to date throughout their term of office.

5.2.4 The register of interests and gifts and hospitality shall be published on the Commissioner's website.

5.3 Conflicts of Interest

5.3.1 The Authority, in any case where the interests of exercising their functions may conflict with any disclosable or other interest which has become known to them, shall as soon as possible declare such conflict as is required in accordance with the paragraph 3 of the Elected Local Policing Bodies (Specified Information) Order 2011 (see Schedule 5 to this Constitution).

5.3.2 The Authority shall determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

5.4 Complaints and Conduct Matters which relate to the Commissioner or their Deputy

5.4.1 Where there is a complaint or conduct matter in relation to the Commissioner or their Deputy, it will usually be considered:

a) By the Police, Fire and Crime Panel;

b) By the Independent Office for Police Conduct (IOPC), or

c) By a police force, in an investigation that is under the direction of the Independent Office for Police Conduct.

5.4.2 A "serious complaint", which means a complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence, will be investigated by the IOPC or an independent police force, though regulations may make

provision about the receipt or initial handling of serious complaints or conduct matters otherwise than by the IOPC or a police force.

5.4.3 Regulations may make provision about circumstances in which serious complaints or conduct matters are not to be investigated, and circumstances in which investigations of serious complaints or conduct matters are to be discontinued, including provision about the determination of such matters (whether by the IOPC, a police force or otherwise).

5.4.4 Other complaints and conduct matters which are not, or cease to be, investigated by the IOPC or a police force will usually be investigated by the Police, Fire and Crime Panel which will conduct an informal resolution of complaints in accordance with the Police, Fire and Crime Panel's procedure for conducting an informal resolution of complaints. However regulations may make provision about the receipt or initial handling of qualifying complaints other than by the Police, Fire and Crime Panel.

5.4.5 Regulations may not provide for the PFCC or Deputy PFCC to cease to hold office, or to be required to cease to hold office

5.4.6 Complaints against officers and staff of the service will be handled as laid out in the ECFRS Compliments and Complaints Policy.

Article 6 - Functions of the Essex Police, Fire and Crime Panel

6.1 Functions of the Essex Police, Fire and Crime Panel

6.1.1 In accordance with section 28 of the Police Reform and Social Responsibility Act 2011, there is a Police, Fire and Crime Panel for Essex.

6.1.2 The Police, Fire and Crime Panel is empowered to maintain a regular check and balance on the performance of the Authority. It has:

(a) the power of veto, by a two-thirds majority of the total Panel membership, over the level of the Authority's proposed precept;

(b) the power of veto, by a two-thirds majority of the total Panel membership, over the Authority's proposed candidate for Chief Fire Officer;

(c) the power to ask Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) for a professional view when the Authority intends to dismiss a Chief Fire Officer;

(d) the power to require relevant reports and information in the Authority's possession (except those which are operationally sensitive) to enable it to fulfil its statutory obligations;

(e) the power to require the Authority to attend the Panel to answer questions;

(f) the power to appoint an acting PFCC where the incumbent PFCC is incapacitated, resigns or is disqualified, and

(g) responsibility for complaints against the Authority, although serious complaints and conduct matters must be passed to the Independent Office for Police Conduct (IOPC) in line with legislation.

6.1.3 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the Authority within the legal framework. The Panel must review or scrutinise decisions and actions taken by the Authority and make reports or recommendations to the Authority with respect to the discharge of their functions.

6.1.4 The Police, Fire and Crime Panel must publish any reports or recommendations made to the Authority. It is for the Panel to determine the manner in which such reports or recommendations are to be published.

6.1.5 It is the duty of relevant local authorities in Essex to appoint the Police, Fire and Crime Panel.

6.2 Power of the Essex Police, Fire and Crime Panel to require attendance and information

6.2.1 The Police, Fire and Crime Panel may require the Authority, and members of their staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions in relation to the Fire and Rescue Service.

6.2.2 The Police, Fire and Crime Panel may require the Authority to respond in writing (within a reasonable period determined by the Panel) to any report or recommendation made by the Panel to the Authority.

6.2.3 The Authority must comply with any requirement imposed by the Police, Fire and Crime Panel under subsections 6.2.1 and 6.2.2.

6.2.4 Members of staff of the Authority must comply with any requirement imposed on them under subsection 6.2.1. However nothing in subsection 6.2.1 requires a member of the Authority's staff to give any evidence, or produce any document, which discloses advice given to the Authority by that person.

6.2.5 If the Police, Fire and Crime Panel requires the Authority to attend before the Panel, the Panel may (at reasonable notice) request the Chief Fire Officer to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

6.2.6 The Information Sharing Protocol between the Authority and the Police, Fire and Crime Panel for Essex sets out the arrangements for sharing information. This is included in Schedule 7 to this Constitution.

6.3 Suspension of the Police, Fire and Crime Commissioner

6.3.1 The Police, Fire and Crime Panel may suspend the PFCC if:

(a) the PFCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and

(b) the offence is one which carried a maximum term of imprisonment exceeding two years.

6.3.2 The suspension of the PFCC ceases to have effect upon the occurrence of the earliest of these events:

(a) the charge being dropped;

(b) the PFCC being acquitted of the offence;

(c) the PFCC being convicted of the offence but not being disqualified under Article 7.8 of this Constitution by virtue of the conviction, or

(d) the termination of the suspension by the Police, Fire and Crime Panel.

6.3.3 For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the PFCC is to be treated as not holding that office during that suspension.

6.3.4 In this Article, references to an offence which carries a maximum term of imprisonment exceeding two years are references:

(a) to an offence which carries a maximum term in the case of a person who has attained the age of 18 years, or

(b) to an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

Article 7 - Fire and Rescue Authority Appointments

7.1 Date of vacancy in the office of PFCC

7.1.1 A vacancy in the office of PFCC occurs:

(a) in the case of a vacancy in consequence of the failure of, or other irregularity in relation to, an election at the time specified by the Secretary of State in an order made under section 58 of the Police Reform and Social Responsibility Act 2011;

(b) in the case of resignation, on receipt of the notice of resignation by the appropriate officer;

(c) in the case of death, on the date of death;

(d) in any case within subsection 7.1.2, on the date on which the office of PFCC is declared to have been vacated by the High Court or by the appropriate officer, as the case may be.

7.1.2 The cases referred to in subsection 7.1.1 (d) are:

(a) where the person elected as PFCC fails to make and deliver a declaration of acceptance of office in accordance with section 70 of the Police Reform and Social Responsibility Act 2011;

(b) where a vacancy arises under section 63 of the Act (incapacity of PFCC: acting PFCC acting for 6 months);

(c) where a person becomes disqualified from being a PFCC, or from being the PFCC for Essex.

7.1.3 The appropriate officer must give the public notice of a vacancy in the office of PFCC for the Essex police area.

7.1.4 The appropriate officer must give notice of a vacancy in the office of PFCC to the police area returning officer.

7.1.5 Any notice of a vacancy must be given as soon as practicable after the date on which the vacancy occurs.

7.1.6 An election must be held to fill the vacancy.

7.1.7 If the vacancy occurs within the period of six months ending with the day of the poll at the next ordinary election, no election is to be held in respect of the vacancy and, accordingly, the office is to be left unfilled until that ordinary election.

7.1.8 In the circumstances described in subsection 7.1.7, the Police, Fire and Crime Panel will appoint an Acting Commissioner to act as the PFCC in the intervening period, according to the procedure set out in Article 7.4.

7.2 Declaration of the Commissioner as the Fire and Rescue Authority

7.2.1 A person who is the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority may not act in that office unless the person has made and delivered to the appropriate officer a declaration of acceptance of office for the role of Police, Fire and Crime Commissioner for Essex, under section 70 of the Police Reform and Social Responsibility Act 2011, when not ineligible by virtue of subsection 7.2.4.

7.2.2 If a person fails to make and deliver a declaration in accordance with subsection 7.2.1 within the period of two months beginning with the day after the election, the office of the PFCC for Essex becomes vacant at the end of the period.

7.2.3 Any declaration must be made before:

(a) the appropriate officer;

(b) a Justice of the Peace or Magistrate in the United Kingdom, the Channel Islands or the Isle of Man, or

(c) a Commissioner appointed to administer oaths on the Senior Courts.

7.2.4 A person is ineligible to make or give a declaration of acceptance of office in respect of the office of PFCC for Essex at any time when the person is a member of:

(a) the House of Commons

(b) the Scottish Parliament;

(c) the National Assembly for Wales;

(d) the Northern Ireland Assembly;

(e) the European Parliament

7.2.5 No salary, and no payment towards the provision of superannuation benefits can be paid under the Police Reform and Social Responsibility Act 2011 to or in respect of the PFCC until the PFCC has complied with the requirements of subsection 7.2.1.

7.2.6 Article 7.2.5 does not affect any entitlement of the PFCC to payments in respect of the period before the PFCC complies with the requirements of subsection 7.2.1 once the PFCC has complied with those requirements.

7.2.7 The “Appropriate Officer” for the purposes of Article 7.2 is the Head of Paid Service of the local authority designated for the Essex police area by the Secretary of State. The “Head of Paid Service” means the person designated by the Council under section 4 (1) (a) of the Local Government Act 1989.

7.3 Resignation of the PFCC

7.3.1 The PFCC may at any time resign office by giving notice to the appropriate officer.

7.3.2 Any such resignation takes effect on the appropriate officer's receipt of the notice.

7.4 Appointment and powers of an Acting Commissioner

7.4.1 The Police, Fire and Crime Panel must appoint a person to act as the PFCC for Essex (the **"Acting Commissioner"**) if:

(a) no person holds the office of PFCC for Essex;

(b) the PFCC for Essex is incapacitated, or

(c) the PFCC for Essex is suspended in accordance with subsection 6.3

7.4.2 The Police, Fire and Crime Panel may appoint a person as Acting Commissioner only if the person is a member of the PFCC's staff at the time of the appointment.

7.4.3 In appointing a person as Acting Commissioner in a case where the PFCC is incapacitated, the Police, Fire and Crime Panel must have regard to any representations made by the Commissioner in relation to the appointment.

7.4.4 All of the functions of the fire and rescue authority are exercisable by the Acting Commissioner during that period, apart from the function of issuing or varying a Fire and Rescue Plan. The Acting Commissioner may deal with any property or rights vested in the Commissioner in that period as if vested in the Acting Commissioner.

7.4.5 The appointment of an Acting Commissioner ceases to have effect upon the earliest of these events:

(a) the election of a person as PFCC;

(b) the termination by the Police, Fire and Crime Panel, or by the Acting Commissioner, of the appointment of the Acting Commissioner;

(c) in a case where the Acting Commissioner is appointed because the PFCC is incapacitated, the Commissioner ceasing to be incapacitated;

(d) in a case where the Acting Commissioner is appointed because the PFCC is suspended, the Commissioner ceasing to be suspended.

7.4.6 In a case where the Acting Commissioner is appointed because the PFCC is incapacitated or suspended and a vacancy subsequently occurs in the office of the PFCC, the occurrence of that vacancy does not affect the appointment of the Acting Commissioner (and accordingly subsection 7.4.5 (c) or (d) does not apply).

7.4.7 For the purposes of this Article:

(a) a PFCC is incapacitated if they are unable to exercise the functions of the Commissioner, except where the Commissioner is unable to exercise those functions only because they have yet to give a declaration of office under section 70 of the Police Reform and Social Responsibility Act 2011, and

(b) it is for the Police, Fire and Crime Panel for Essex to determine whether the PFCC for Essex is incapacitated.

7.4.8 Subject to subsection 7.4.4, a reference to any enactment to a PFCC includes a reference to an Acting Commissioner.

7.5 Vacancy where the Acting Commissioner acts for the maximum of six months

7.5.1 This Article applies where an Acting Commissioner is appointed under Article 7.4 to act for the PFCC for Essex because the PFCC is incapacitated, and the PFCC for Essex does not cease to be incapacitated during the period of six months beginning on the day on which the Acting Commissioner is appointed.

7.5.2 At the end of that six-month period, the PFCC ceases to be the PFCC and, accordingly, the office of PFCC for Essex becomes vacant.

7.6 Disqualification from election as Commissioner

7.6.1 A person is disqualified from being elected to the office of PFCC for Essex at any election unless:

(a) the person has attained the age of 18 when nominated as a candidate at the election, and

(b) on each relevant day, the person is registered in the register of local government electors for an electoral area in respect of an address in the Essex police area.

7.6.2 In this Article, “relevant day”, in relation to a person who is a candidate at an election, means:

(a) the day on which the person is nominated as a candidate at the election, and

(b) the day of the poll at the election.

7.6.3 A person is disqualified from being elected to the office of PFCC for Essex at an ordinary election if the person has been nominated as a candidate for election as a Police and Crime Commissioner (PCC) or PFCC for any other police area at that election.

7.6.4 A person is disqualified from being elected to the office of PFCC for Essex at an election other than an ordinary election if:

(a) the person is the PCC / PFCC for any other police area, or

(b) the person has been nominated as a candidate for election as a PCC / PFCC for any other police area for which an election is to be held on the same day.

7.7 Disqualification from election or holding office as the Commissioner – police grounds

7.7.1 A person is disqualified from being elected as, or being, a Commissioner if the person:

(a) is disqualified from being a member of the House of Commons under section 1 (1) (d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

(b) is a member of:

(i) The British Transport Police Force;

(ii) the Civil Nuclear Constabulary

(c) is a Special Constable appointed:

(i) under section 27 of the Police Act 1996 for a police area or the City of London police area;

(ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);

(d) is a member of staff of the Chief Officer of police of any police force maintained for a police area;

(e) is a member of staff of:

(i) a Police and Crime Commissioner or a Police, Fire and Crime Commissioner;

(ii) the Mayor's Office for Policing and Crime;

(f) is the Mayor of London;

(g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

(h) is a member (including a member who is chairman or Chief Executive), or a member of staff of:

(i) the British Transport Police Authority;

(ii) the Civil Nuclear Police Authority;

(iii) the Independent Office for Police Conduct;

(iv) the Serious Organised Crime Agency;

(i) holds any employment in an entity which is under the control of:

(i) a local policing body;

(ii) any body mentioned in paragraph (h) above;

(iii) the Chief Officer of police for any police force maintained for a police area or the City of London police area;

(iv) the Chief Officer of police for any police force mentioned in paragraph (b) above

in accordance with regulations made by the Secretary of State.

7.7.2 In this Article, "member of staff", in relation to any person ("A") includes a person ("B") who works for A:

(a) under a contract of employment;

(b) under a contract for services, or

(c) in accordance with arrangements made between B's employer and A;

and for this purpose works for A if B provides services for A under the direction and control of A.

7.7.3 In this Article, an entity ("E") -

(a) is under the control of a local policing body in the circumstances specified in subsection 7.7.4;

(b) is under the control of a body mentioned in paragraph 7.1.1(h) in the circumstances specified in subsection 7.7.5;

(c) is under the control of a chief officer of police in the circumstances specified in subsection 7.7.6

7.7.4 The circumstances specified in this subsection are that appointments to E are or may be made or confirmed by –

(a) a police and crime commissioner,

(b) the Mayor's Office for Policing and Crime

(c) the Common Council of the City of London in its capacity as a police authority,

(d) a committee or sub-committee of the Common Council in that capacity, or

(e) a joint committee on which a person or body referred to in any of (a) to (c) above is represented

7.7.5 The circumstances specified in this subsection are that appointments to E are or may be made or confirmed by any of the bodies mentioned in section 65(1)(h) of the Police Reform and Social Responsibility Act 2011.

7.7.6 The circumstances specified in this subsection are that appointments to E are or may be confirmed by a chief officer of police.

7.7.7 It does not matter for the purposes of subsections 7.7.4 to 7.7.6 whether the appointments are made or confirmed by the person or body referred to acting alone or jointly with another person or body.

7.7.8 Subsection 7.7.1 (e) does not prevent a PFCC:

(a) from being elected as PFCC at an ordinary election of PCCs / PFCCs, or

(b) from being elected at an election held to fill a vacancy in the office of the PFCC if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as PFCC under Article 7.4.

7.7.9 If a person elected as the Commissioner is disqualified from being, or being elected as a Commissioner, that individual ceases to act as Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

7.8 Disqualification from election or holding office as the Commissioner – other grounds

7.8.1 A person is disqualified from being elected as, or being, a Commissioner unless the person satisfies the citizenship condition set out in section 68 of the Police Reform and Social Responsibility Act 2011.

7.8.2 A person is disqualified from being elected as, or being, a Commissioner if the person:

(a) is disqualified from being a member of the House of Commons under section 1 (1) (a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or

(b) is a member of the legislature of any country or territory outside the United Kingdom.

7.8.3 A person is disqualified from being elected as, or being, a Commissioner if:

(a) the person is the subject of:

(i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;

(ii) an interim debt relief restrictions order under paragraph 5 of that Schedule;

(iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;

(iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;

(b) a debt relief restrictions undertaking has effect in respect of that person under paragraph 7 of Schedule 4ZB to that Act;

(c) the person has been convicted in the United Kingdom, the Channel Islands or the Isle of man of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence; or

(d) the person is in capable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

7.8.4 For the purposes of subsection 7.8.3 (c):

(a) “imprisonable offence” means an offence –

(i) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or

(ii) for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

(b) a person is to be treated as having been convicted:

(i) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or

(ii) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.

7.8.5 A person is disqualified from being elected as, or being, a Commissioner if the person:

(a) is a member of staff of a relevant council

(i) under a contract of employment,

(ii) under a contract for services, or

(iii) in accordance with arrangements made between person B's employer and person A, and for this purpose person B works for A if B provides services for A under the direction and control of A, or

(b) holds any employment in an entity which is under the control of a relevant council.

(c) Relevant councils are those councils for an area which, or any part of which, lies in the Essex police area:

(i) a County Council;

(ii) a County Borough Council;

(iii) a District Council;

(iv) a Parish or Town Council;

(v) a Community Council

7.8.6 For the purposes of this Article, an entity ("E") is under the control of a relevant council in the circumstances specified in subsections 7.8.7 or 7.8.8.

7.8.7 The circumstances specified in this subsection are that appointments or elections to E are or may be made or confirmed by –

(a) a relevant council (as defined above),

(b) a committee or sub-committee of a relevant council,

(c) a joint committee on which a relevant council is represented, or

(d) a person appointed or elected by E to a council or committee referred to in any of (a) to (c) above.

7.8.8 The circumstances specified in this section are that E is a company which, in accordance with Part 5 of the Local Government and Housing Act 1989 (other than section 73), is under the control of a relevant council.

7.8.9 Nothing in subsection 7.8.5 should be taken to disqualify a person by virtue of being a teacher, or otherwise employed, in a school or other educational institution maintained as assisted by a relevant council.

7.8.10 If a person elected as the Commissioner is disqualified from being, or being elected as a Commissioner, that individual ceases to act as Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

7.9 Disqualification from holding office as the Commissioner

7.9.1 A person becomes disqualified from being a Commissioner upon becoming a member of:

(a) the House of Commons

(b) the Scottish Parliament;

(c) the National Assembly for Wales;

(d) the Northern Ireland Assembly;

(e) the European Parliament

7.10 Validity of acts despite any disqualifications

7.10.1 Any acts of the person elected as the PFCC for Essex who acts in that office are, despite that disqualification from being, or being elected as, a PFCC or the PFCC for Essex, as valid and effectual as if the person had not been disqualified.

7.11 Appointment of persons not employed by the Authority

7.11.1 This Article applies where the Authority is required or authorised by any Act to designate a person as having specified duties or responsibilities.

7.11.2 The Authority may appoint or designate a person whether or not the person is already a member of staff of the Authority.

7.12 Engagement and re-engagement of senior officers

7.12.1 All posts at Brigade or Area Manager level and above, and those with comparable responsibilities to those roles, must be open to competition nationally, and the Authority must take account of this in its workforce planning.

7.12.2 The Authority must not re-appoint officers at Brigade or Area Manager level and above, or those with comparable responsibilities to those roles, after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.

7.12.3 In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this should be a published decision by the Commissioner as the Authority. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the relevant officer's pension must be abated until they cease to be employed by a fire and rescue authority.

Article 8 - Senior Staff and Statutory Appointments

8.1 Chief Fire Officer, Chief Financial Officer, Head of Paid Service and Monitoring Officer

8.1.1 The Authority will appoint a person to be the Chief Fire Officer who is responsible for managing the Fire and Rescue Service. This role does not have to be operational but includes managing the personnel, services and equipment secured by the Authority for the purposes of carrying out functions conferred on it by the Fire and Rescue Services Act 2004, Civil Contingencies Act 2004 and other enactments.

8.1.2 The Authority will appoint one of their officers to be responsible for the proper administration of their financial affairs (Chief Financial Officer), who must be a member of an accountancy body specified in section 113 of the Local Government Finance Act 1988. The Chief Financial Officer will fulfil the duties outlined in section 151 of the Local Government Act 1972 for the Authority.

8.1.3 In addition there is the duty of the Authority to designate:

a) One of their officers to be the Head of Paid Service (who will be the same person who is the Chief Fire Officer) who will fulfil the duties outlined in section 4 of the Local Government and Housing Act 1989.

b) One of their officers to be the Monitoring Officer who will fulfil the duties outlined in section 5 of the Local Government and Housing Act 1989 for the Commissioner.

8.2 Functions of the Chief Fire Officer

8.2.1 The Chief Fire Officer is the person with overall responsibility for leading and managing the Fire and Rescue Service.

8.2.2 The Fire and Rescue Service is the personnel, services and equipment secured by the Authority for the purpose of carrying out the functions of the service.

8.2.3 The Chief Fire Officer is responsible for and will be held to account for the delivery of the functions that have been delegated to them by the Authority.

8.2.4 The Chief Fire Officer must, in carrying out their functions, have regard to the Authority's Integrated Risk Management Plan and any objectives and priorities outlined in a strategic plan, including the Fire and Rescue Plan.

8.2.5 The Authority should give due regard to the professional advice of the Chief Fire Officer while developing the Integrated Risk Management Plan and making decisions affecting the Fire and Rescue Service.

8.2.6 The Chief Fire Officer must give the Authority such information on fire and rescue matters as the Authority may require the Chief Fire Officer to give. Such information must be in the form (if any) specified by the Authority.

8.2.7 The Authority may arrange for such information to be published or require the Chief Fire Officer to arrange for such information to be published. It is for the Authority to determine the manner in which the information is to be published.

8.3 Functions of the Head of Paid Service

8.3.1 Section 4 of the Local Government and Housing Act 1989 provides that it is the duty of the Authority to designate one of their officers as its Head of Paid Service. The Authority designates the Chief Fire Officer as the Head of Paid Service.

8.3.2 It is the duty of the Head of Paid Service, where they consider it appropriate to do so, to prepare a report setting out their proposals as to:

a) The manner in which the discharge by the Authority of their different functions is co-ordinated.

b) The number and grades of staff required by the Authority for the discharge of their functions.

c) The organisation of the Authority's employees.

d) The appointment and proper management of the Authority's employees.

8.3.3 It shall be the duty of the Head of Paid Service, as soon as practicable after they have prepared a report under this section, to arrange for a copy of it to be sent to the Authority and members of the Police, Fire and Crime Panel.

8.3.4 It shall be the duty of the Authority to consider any report under this section by the Head of Paid Service and to do so no later than three months after the Authority is sent a copy of the report.

8.3.5 It is the duty of the Authority to provide the Head of Paid Service with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties under this section to be performed.

8.4 Functions of the Monitoring Officer

8.4.1 The Monitoring Officer will lead on the promotion of good governance.

8.4.2 The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by the Authority, the Chief Fire Officer, their staff and the public.

8.4.3 After consulting with the Chief Financial Officer, the Monitoring Officer will report to the Authority and to the Police, Fire and Crime Panel if they consider that any proposal, decision or omission by the Authority, by any committee or sub-committee of the Authority, by any person holding office or employment under the Authority, or by any joint committee on which the Authority is represented has given rise, or would likely give rise to unlawfulness or contravention of any code of practice made or approved by or under any enactment. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

8.4.4 It shall be the duty of the Authority to consider any report under this Article by the Monitoring Officer or their deputy no later than three months after the Authority is sent the report.

8.4.5 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the governance boards.

8.4.6 The Monitoring Officer will ensure that decisions of the Authority, together with the reasons for those decisions and relevant staff reports and background papers, are made publicly available as soon as possible.

8.4.7 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget to the Authority.

8.4.8 Where requested so do to, the Monitoring Officer will exercise powers and duties delegated by the Police, Fire and Crime Panel in relation to complaints against the Commissioner and / or their Deputy in undertaking their fire and rescue functions. This may include the receipt of complaints, the recording of them and notification to the Police, Fire and Crime Panel in accordance with the relevant regulations.

8.4.9 The duties of the Authority's Monitoring Officer under this Article shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by such member of their staff as they have for the time being nominated as their deputy for the purposes of this section.

8.4.10 The Monitoring Officer cannot be the Chief Financial Officer.

8.4.11 The Authority will provide to the Monitoring Officer such staff, accommodation and other resources as are in the opinion of the Monitoring Officer sufficient to allow their duties to be performed, in accordance with the provisions with the Local Government and Housing Act 1989.

8.4.12 The Monitoring Officer shall have the ability to appoint a deputy in accordance with the Local Government and Housing Act 1989.

8.5 Functions of the Chief Financial Officer

8.5.1 After consulting with the Chief Fire Officer and the Monitoring Officer, the Chief Financial Officer will report to the Authority and the external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully.

8.5.2 The Chief Financial Officer will have responsibility for the administration of the financial affairs and ensure the maintenance of an efficient and effective internal audit function.

8.5.3 The Chief Financial Officer will take responsibility for the strategic direction and scrutiny of the fire and rescue service's budget for the Authority.

8.5.4 The Chief Financial Officer will contribute to the corporate management of the Essex County Fire and Rescue Service, in particular through the provision of professional financial advice.

8.5.5 The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and will support and advise the Authority and their staff in their respective roles.

8.5.6 The Chief Financial Officer will provide financial information to the media, members of the public and the community.

8.5.7 The Chief Financial Officer will ensure that, in carrying out their functions, the Authority has regard to and undertakes their financial governance in accordance with the guidance in the Financial Management Code of Practice issued by the Secretary of State attached as Schedule 8 to this Constitution.

8.5.8 The Chief Financial Officer shall not be the Monitoring Officer.

8.5.9 The Chief Financial Officer shall have the ability to appoint a deputy in accordance with the Local Government and Housing Act 1989.

8.5.10 The Authority will provide to the Chief Financial Officer such staff, accommodation and other resources as are in the opinion of the Chief Financial Officer sufficient to allow their statutory duties to be performed.

8.6 Chief Fire Officer Appointment, Suspension and Dismissal Process

8.6.1 The Authority appoints the Chief Fire Officer.

8.6.2 The Authority may suspend from duty the Chief Fire Officer.

8.6.3 The Authority may dismiss the Chief Fire Officer.

8.6.4 The Authority's actions in appointing, suspending or removing the Chief Fire Officer must comply with Part 2 of The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017. These provisions are set out in Schedule 11 to this Constitution.

8.7 Chief Financial Officer Appointment Process

8.7.1 The Authority must appoint a person to be responsible for the proper administration of the Authority's financial affairs (a "Chief Financial Officer").

8.7.2 The Authority must appoint a person to act as the Chief Financial Officer if and for as long as:

a) That post is vacant, or

b) The holder of that post is, in the Authority's opinion, unable to carry out the duties of that post.

8.7.3 Section 113 of the Local Government Finance Act 1988 (qualifications of responsible officer) applies to a person appointed under subsections 8.71 and 8.7.2 as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.

8.7.4 The appointment process to fill the post of Chief Financial Officer, which must be complied with, are set out in Schedule 12

8.8 Appointment of a Deputy Police, Fire and Crime Commissioner

8.8.1 The PFCC may appoint a person as the Deputy PFCC and, subject to Article 3.16, arrange for the Deputy PFCC to exercise any function of the PFCC.

8.8.2 The PFCC must notify the Police, Fire and Crime Panel of the proposed appointment and of the following information:

a) The name of the person the PFCC is proposing to appoint ("the candidate");

b) The criteria used to assess the suitability of the candidate for the appointment;

c) Why the candidate satisfies those criteria, and

d) The terms and conditions on which the candidate is to be appointed.

8.8.3 The Panel must review the proposed appointment.

8.8.4 The Panel must make a report to the PFCC on the proposed appointment. The report must include a recommendation to the PFCC as to whether or not the candidate should be appointed

8.8.5 The Panel must comply with subsections 8.8.3 and 8.8.4 within the period of three weeks beginning with the day on which the Panel receives the notification from the PFCC of the proposed appointment. In calculating the period of three weeks, any relevant post-election period is to be ignored. For that purpose, "relevant post-election period" means the period that:

a) begins with the day of the poll at an ordinary election of the PFCC under section 50 of the Police Reform and Social Responsibility Act 2011, and

b) ends with the day on which the person elected as PFCC delivers a declaration of acceptance of office under section 70 of the Police Reform and Social Responsibility Act 2011.

8.8.6 The Police, Fire and Crime Panel must hold a confirmation hearing before making a report and recommendation to the PFCC in relation to a proposed appointment. For the purposes of this Article, a "confirmation hearing" is a meeting of the Panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

8.8.7 References in this Article to a person appearing at a meeting of the Panel are references to the person attending the meeting in person, or not attending the meeting in person but participating in the proceedings at the meeting by any means that enable to person to hear, and be heard in, those proceedings as they happen.

8.8.8 The Panel must publish the report to the PFCC made under this Article. It is for the Panel to determine the manner in which the recommendation is to be published.

8.8.9 The PFCC may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed.

8.8.10 The PFCC must notify the Panel of the decision whether to accept or reject the recommendation.

8.8.11 The terms and conditions of a person appointed as the Deputy PFCC must ensure that the term of office ends no later than the sixth day after the day of the poll at the next ordinary election of the PFCC (that is, the day on which the term of the appointing PFCC would, if there were no vacancy in the office before then, end).

8.8.12 The terms and conditions must also provide for the Deputy PFCC's appointment to end when, following an election to fill a vacancy in the office of the appointing PFCC, the person makes and delivers a declaration of acceptance of office.

8.8.13 Subject to subsections 8.8.11 and 8.8.12 above, the terms and conditions may also make such provision about termination as the appointing PFCC thinks appropriate.

8.8.14 Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy PFCC.

8.8.15 For the purposes of this Article, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a PFCC under:

(a) section 65 (1) of the Police Reform and Social Responsibility Act 2011 (police officers, police-related employment etc.), other than paragraph (e) (ii); or

(b) section 66 (1), (3) (a) (iii) or (iv), (3) (c) or (3) (d) of the Act (citizenship, bankruptcy, criminal convictions and corrupt or illegal election practices).

8.9 Staff – General Provisions

8.9.1 The functions set out within this article are in addition to those delegations to the Chief Fire Officer set out within Schedule 9 to this Constitution.

8.9.2 The Authority may appoint such other staff as they think appropriate to enable them to exercise the functions of the Authority. The recruitment, selection and dismissal of employees will comply with internal human resources policies and shall be made on merit, subject to the provision of any legislation relating to equality and diversity in place at the time of the appointment.

8.9.3 The Authority may pay remuneration, allowances and gratuities to the members of its staff.

8.9.4 The Authority may pay:

(a) pensions to, or in respect of, persons who have been members of its staff, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of its staff.

8.9.5 In this Article, “allowances”, in relation to a member of the Authority’s staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

8.9.6 The staff of the Authority are directly accountable to the directly elected holder of that office to enable the Authority to exercise its functions.

8.9.7 The appointment of any director level employee or an employee with director level responsibilities will be reviewed and agreed by the Authority.

8.9.8 The Authority may enter into arrangements with another fire and rescue authority, or any other person, for the discharge to any extent by that other authority or person of the Authority’s functions relating to fire safety, fire-fighting, road traffic accidents, other emergencies and eventualities. Such arrangements may include provision as to the terms on which any function is to be discharged (including provision as to payment). However the Authority may enter into such arrangements with a person in relation to its function of extinguishing fires only if the person employs fire-fighters.

8.9.9 The Authority may enter into arrangements with a person who employs fire-fighters for securing the provision by that person of assistance for the purpose of the discharge by the Authority of its functions relating to fire-fighting or responding to road traffic accidents or other emergencies. Such arrangements may include provision as to the terms on which assistance is to be provided (including provision as to payment). However the Authority may not enter into such arrangements with another fire and rescue authority.

8.9.10 No member of a police force may be employed by the Authority for the purpose of extinguishing fires or protecting life and property in the event of fires.

Article 9 - Miscellaneous Provisions

9.1 Remuneration etc. of the PFCC

9.1.1 The PFCC is to be paid a salary.

9.1.2 The Secretary of State is to determine the amount of the PFCC's salary and must publish every such determination.

9.1.3 The PFCC is to be paid authorised allowances in respect of expenses incurred by the PFCC in the exercise of the PFCC's functions which are of the kinds and amounts determined by the Secretary of State as payable. Such determination may make different provision for different cases. The Secretary of State must publish every such determination.

9.1.4 The PFCC must make authorised pension payments, these being:

(a) pensions to, or in respect of, persons who have been commissioner, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been commissioner

Which are the kinds and amounts determined by the Secretary of State as payable. The Secretary of State must publish every such determination.

9.2 Property and assets

9.2.1 The Authority may acquire land compulsorily.

9.2.2 The Acquisition of Land Act 1981 applies in relation to the compulsory purchase of land pursuant to subsection 9.1.5.

9.2.3 The Authority may establish and maintain one or more training centres for providing education and training in matters in relation to which the Authority has functions.

9.3 Protection from personal liability

9.3.1 A person who is the Authority has no personal liability for an act or omission done by them in the exercise of the Authority's functions unless it is shown to have been done otherwise than in good faith.

9.3.2 A person who is a member of staff of the Authority has no personal liability for an act or omission done by them in the exercise of the Authority's functions unless it is shown to have been done otherwise than in good faith.

9.4 Government Security Classifications

9.4.1 The Authority has adopted the Government Security Classifications.

9.4.2 Security Classification refers to all information, which includes but is not limited to physical assets (e.g. paper records, drawings, photos) and electronic assets (e.g. electronic data records, digital images, word documents). It concerns the storage, transmission, carriage and disposal of information throughout the lifecycle of the data.

9.4.3 The scheme affects all persons working for the fire and rescue service, or other outside bodies who may be expected to handle protectively marked information during the course of their business or relationship with the Authority.

9.4.4 The approach for implementing the Government Security Classifications is set out in Schedule 16.

9.5 Policies and Procedures

9.5.1 An organisation as complex as a fire and rescue service has many policies and procedures which it utilises and operates within. Although the vast majority will fall within the responsibility of staff of the fire and rescue service to prepare and manage, there are a number of key policies which are considered so important that the Authority will want to approve. Although not limited to the list included below, the key policies and procedures which the Commissioner will approve are:

a) Fire and Rescue Plan
b) Integrated Risk Management Plan
c) Fire and Rescue Statement
d) Pay Policy Statement
e) Medium Term Financial Strategy
f) Capital Financing Policy
g) Estates Strategy
h) Treasury Management Strategy
i) Prevention, protection and response strategies
j) IT / Technology Strategy
k) People Strategy
l) Staff Code of Conduct
m) Complaints and Compliments Policy and Whistleblowing Policy
n) Anti-Fraud and Corruption Strategy
o) Risk Management Policy and Strategy
p) Staff Disciplinary and Grievance Policy

9.5.2 It is important that each of these policies is regularly reviewed to ensure they remain fit for purpose and reflect recent developments and knowledge.

9.5.3 The Chief Fire Officer will engage with the Authority to ensure that they have an opportunity to review and approve those policies and procedures which are considered strategic in nature.

Article 10 - Decision Making

10.1 Responsibility for Decision Making

10.1.1 The Scheme of Delegation sets out the discharge of the Authority's functions and may be subject to amendment at any time. The Scheme of Delegation is set out in Schedule 9 of this Constitution.

10.1.2 The Authority's Monitoring Officer will maintain the record of the body or person having responsibility for a decision or decisions relating to a function or functions of the Authority.

10.2 Principles of Decision Making

10.2.1 For the purposes of this Article, the Authority defines a decision as any determination by the Authority to take, or refrain from taking, any action or incurring any obligation with respect to its statutory functions, powers and duties.

10.2.2 All decisions taken in the discharge of a function of the Authority shall have regard to the following matters:

a) Proportionality (i.e. the action must be proportionate to the desired outcome).

b) The presumption in favour of openness and transparency.

c) The need for consultation with interested parties.

d) The need to take account of relevant professional advice from appropriate officers.

e) The need for clarity of aims and desired outcomes.

f) The need to identify the range of options considered.

g) The need to give reasons and explanation for a decision.

h) The need to have due regard to the Government Security Classifications when considering disclosure of reports and documents supplied to the Authority by the Essex County Fire and Rescue Service.

10.3 Written Reports and Decision Records

10.3.1 The Commissioner or their Deputy shall not take any decision without first having reviewed and considered a written report on the matter. For the purposes of making a decision, except in the cases of matters referred to the Essex Police, Fire and Crime Panel and minuted as such, such a report is to be submitted on the template attached as Schedule 17 to this Constitution. The governance boards detailed in Article 11 do not have any formal decision-making powers and as such written reports to such boards submitted on any template other than that attached at Schedule 17 do not fulfil the purposes of this Article.

10.3.2 A decision is only considered to be taken, and as such may only be acted on by officers, once either the relevant decision report has been signed by the Commissioner or their Deputy, or a report setting out the associated recommendation(s) has been presented to the Essex Police, Fire and Crime Panel and minuted as such. Decisions taken by the Commissioner outside of the Police, Fire and Crime Panel will be reported to the Panel for information / scrutiny and published on the PFCC's website.

10.3.3 Decision reports may be signed either in hard copy or electronically. The Personal Assistant to the PFCC / Deputy PFCC and the PFCC's Scrutiny Officers are authorised to add the PFCC's / DPFCC's electronic signature to such documents on their written instruction. No other staff are authorised to add these signatures.

10.3.4 In exceptional circumstances, and with the prior agreement of the Monitoring Officer, the need for a written report may be dispensed with. In such cases, all verbal advice and opinion provided shall be noted and recorded, as the case may be, in the minutes of the meeting or in the decision record.

10.3.5 Any other person making a decision under powers delegated to them by the Scheme of Delegation shall, where that person believes that is proportionate to do so in exercising those powers, produce a written statement which must include:

a) A record of the decision, including the date it was made.

b) A record of the reasons for the decision.

c) Details of any alternative options considered and rejected when making the decision

as soon as reasonably practicable after making the decision.

10.3.6 Where appropriate, the Authority will engage with the unions and staff representative bodies to obtain their views prior to taking a decision.

10.4 General Provisions

10.4.1 The exercise of any delegated authority to take a decision in the discharge of the Authority's functions is subject to the following:

a) The person making the decision has first considered a written report prepared by an appropriate officer.

b) Any decision taken shall be in accordance with the Authority's budget and policy framework, financial and procurement regulations and any condition imposed by the law, this Constitution and any relevant statutory guidance.

c) Any person may, as they may determine appropriate, refer any matter falling within the authority delegated to them to the Authority.

d) The fact that a function has been delegated shall not prevent the discharge of that function by the person that delegated the function.

Article 11 - Governance Boards

11.1 General

11.1.1 In line with the requirements of the Fire and Rescue National Framework for England, the Authority has in place governance and accountability arrangements. It is transparent and accountable to its communities for its decisions and actions; provides the opportunity for communities to help plan their local service through effective consultation and involvement, and has effective scrutiny arrangements in place that reflect the high standards communities expect for an important public safety service.

11.1.2 The Authority will appoint the boards set out below to discharge the functions listed under each.

11.1.3 Each of the boards will conduct its business in accordance with this Constitution. The boards will not meet in public but all papers (with the exception of those restricted by paragraphs 1 and 4 of Part I of Schedule 12A of the Local Government Act 1972) and an account of the board's business will be prepared and published on the Commissioner's website within 14 working days of the board's meeting.

11.1.4 These boards are to provide advice to the Authority and have no decision-making powers. Where a decision is required, the Commissioner or their Deputy where so empowered will make a decision in accordance with the decision-making process set out in Article 10.

11.2 Fire and Rescue Strategic Board

11.2.1 The purpose of the Fire and Rescue Strategic Board is to enable the Authority to review and support the Essex County Fire and Rescue Service's development of strategy.

11.2.2 The Terms of Reference of this board are set out in Schedule 1.

11.3 Audit Committee

11.3.1 The Audit Committee has been established to provide independent assurance to the Authority in relation to their role in fire and rescue. Although having separate Terms of Reference and meetings, the independent members appointed by the Commissioner will sit on both the Audit Committees for the fire and rescue service and for the police service.

11.3.2 The Terms of Reference of this committee are set out in Schedule 2.

11.4 Fire and Rescue Performance and Resources Board

11.4.1 The purpose of the Board is to enable the Authority to review Essex County Fire and Rescue Service's performance, ensure that budgeted resources are closely aligned with fire and rescue priorities and to ensure that resources are effectively and efficiently being utilised.

11.4.2 The Terms of Reference of this board are set out in Schedule 3.

11.5 Essex Emergency Services Collaboration Strategic Governance Board

11.5.1 The Board has been established to enable the Police, Fire and Crime Commissioner to provide strategic governance and oversight of the Emergency Services Collaboration Programme.

11.5.2 The programme will focus specifically on Police and Fire and Rescue collaboration, however where opportunities arise it will seek to work with other emergency services.

11.5.3 The Board will:

a) Seek collaboration opportunities to maximise the effectiveness and efficiency of police and fire and rescue services.
b) To provide governance in relation to finance and resourcing decisions for collaboration opportunities.
c) To provide oversight and management of strategic collaboration risks.
d) To develop a strategic framework that could then be applied to wider emergency services collaboration.

11.5.4 The terms of reference for the Board are attached as Schedule 4 to this Constitution.

Article 12 - Schedules

There are a number of schedules that are referred to in and support the Constitution. The schedules are as follows:

Schedule 1 - Terms of Reference of the Fire and Rescue Strategic Board *61*

Schedule 2 - Terms of Reference of the Audit Committee *66*

Schedule 3 - Terms of Reference of the Fire and Rescue Performance and Resources Board *74*

Schedule 4 - Terms of Reference of the Essex Emergency Services Collaboration Strategic Governance Board *79*

Schedule 5 - Specified Information Orders *83*

Schedule 6 - Information Management Protocol *86*

Schedule 7 - Information Sharing Protocol between the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority and the Essex Police, Fire and Crime Panel *90*

Schedule 8 - Revised Financial Management Code of Practice For the Police Forces of England and Wales and Fire and Rescue Authorities created under section 4A of the Fire and Rescue Services Act 2004 *90*

Schedule 9 - Scheme of Delegation *98*

Schedule 10 - Commissioner's Code of Conduct *109*

Schedule 11 - Appointment, Suspension and Dismissal of the Chief Fire Officer *127*

Schedule 12 – Appointment and scrutiny of the appointment of the Chief Financial Officer *134*

Schedule 13 - Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 *136*

Schedule 14 - The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 *137*

Schedule 15 - Financial and Procurement Regulations *138*

Schedule 16 – Government Security Classifications *174*

Schedule 17 – Decision Report Template *176*

Schedule 1 - Terms of Reference of the Fire and Rescue Strategic Board

Approved June 2022

1 Introduction

1.1 The Board has been established to enable the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") to:

a) Provide governance and oversight of delivery of the Fire and Rescue Plan and Integrated Risk Management Plan (IRMP).

b) Support alignment of the activities of the Essex County Fire and Rescue service with the Essex Vision, Essex Emergency Services Collaboration Vision and other public sector transformation and collaboration programmes across Greater Essex.

c) Recommend to the Commissioner any collaboration agreements considered to be in the interests of the efficiency or effectiveness of one or more fire and rescue services, taking into account the existing collaboration agreements and other arrangements for co-operation to which the parties under consideration are committed; the desirability of the parties under consideration taking a consistent approach in making such agreements and other arrangements, and the opportunities available to the parties under consideration to make such agreements and other arrangements.

d) Be the primary advisor to the Commissioner on the Integrated Risk Management Plan.

e) Provide strategic oversight of the Medium-Term Financial Strategy and recommend to the Commissioner the use of the Service's reserves.

f) Recommend to the Commissioner the annual budget for the Service and the annual Council Tax precept relating to the fire and rescue service to be recommended to the Essex Police, Fire and Crime Panel.

g) Approve in principle and provide strategic oversight of the key policies and strategies governing the work of the fire and rescue service, including agreeing the Fire and Rescue Plan to be recommended to the Essex Police, Fire and Crime Panel and agreeing in principle the Integrated Risk Management Plan (IRMP), prior to formal approval by the Commissioner.

h) Provide strategic oversight of the capital programme, including approval annually of the Portfolio of Change to be delivered by the Portfolio Management Board, receiving reports from this board as required.

i) Approve as appropriate the progression of project bid proposals recommended to the Commissioner.

j) Agree in principle the annual Strategic Assessment of Risk (subject to formal approval by the Commissioner) and advise on the management of strategic risks facing the Essex County Fire and Rescue Service.

k) Agree the annual Statement of Assurance to be recommended to the Essex Police, Fire and Crime Panel.

l) Receive additional reports from the Essex County Fire and Rescue Service's Senior Leadership Team (SLT) and its sub-boards as appropriate.

m) Commission additional reports via the Chief Fire Officer / Chief Executive as appropriate.

1.2 The Strategic Board has no executive powers, other than those specifically delegated in these Terms of Reference.

1.3 The Terms of Reference of this Board will be reviewed on an a biennial basis.

2 Areas of Focus

2.1 The focus of the Strategic Board will include those programmes and portfolios that together deliver the long-term vision of the Commissioner including:

a) Fire and Rescue Plan

b) Integrated Risk Management Plan (IRMP)

c) Change programmes

d) Prevention, protection and response strategies

e) People Strategy

f) Estates Strategy

g) IT / Technology Strategy and information management

h) Fleet and equipment

i) Strategic Finance, including:

- Medium Term Financial Strategy
- Reserves Strategy
- Treasury Management Strategy
- Capital and Minimum Revenue Provision Strategy

j) Pension scheme developments

2.2 The operational management of the Fire and Rescue Service is out of scope of this board. The responsibility of this sits with the Senior Leadership Team, which is chaired by the Chief Fire Officer / Chief Executive.

3 Membership

3.1 The membership of the Strategic Board is as follows:

a) Police, Fire and Crime Commissioner

b) Deputy Police, Fire and Crime Commissioner

c) Chief Fire Officer / Chief Executive

d) Deputy Chief Fire Officer

e) Chief Executive and Monitoring Officer for the Police, Fire and Crime Commissioner

f) Strategic Head of Performance and Resources for the Police, Fire and Crime Commissioner

g) Head of Performance and Scrutiny (Fire and Rescue) for the Police, Fire and Crime Commissioner

h) Essex County Fire and Rescue Service Chief Financial Officer

i) Director of Corporate Services

j) Director of People Services

k) Director of Operations

3.2 Additional members may be invited by the Commissioner to support agenda discussions.

3.3 This meeting is chaired by the Commissioner, or in their absence, their Deputy.

4 Frequency and notice of meetings

4.1 The Board will meet at least four times a year. The calendar of meetings shall be agreed at the start of each year.

4.2 Further meetings outside of the normal cycle of the Board can be convened at the request of the Chair or any of its members, subject to agreement by the Chair.

4.3 Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed, will be forwarded to each member of the Board, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.

4.4 Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent to Board members and to other attendees at the same time as the meeting notice is sent out.

4.5 Oral reports will not be accepted for substantive agenda items except in very exceptional cases, at the discretion of the Chair.

5 Forward planning and submission of papers

5.1 Agenda items will ordinarily be added to the forward plan with a minimum of 12 weeks' notice. Exceptionally, where need arises, papers may be requested with a minimum four weeks' notice.

5.2 The Forward Plan, including the standing agenda items, will be reviewed and any proposed changes agreed at each meeting. Any items which are proposed to be added to the Forward Plan during the meeting will be confirmed by the Chair under this agenda item.

5.3 Where changes to the agenda are requested between meetings, which impact the next scheduled meeting:

- These should be advised at least one month before the meeting, unless an item of business is considered sufficiently urgent to justify shorter notice, and
- Additional items must be accepted by the PFCC and Chief Fire Officer (or their respective deputies).

5.4 Withdrawn items will remain on the agenda for a verbal explanation / update at the meeting.

5.5 Papers will be submitted on a template provided by the PFCC's office unless otherwise agreed in advance with the Head of Performance and Scrutiny. Papers must include a Government Security Classification.

5.6 Papers will be submitted no later than 10 working days prior to the meeting in order to facilitate circulation to the representative bodies and members of the board. Where papers are data dependent, and data availability means that a paper needs to be submitted outside of this timeframe, a schedule for submission will be agreed at least eight weeks prior to the meeting at which the paper will be presented.

6 Attendance at meetings and quorum

6.1 Members of the Board are expected to attend all meetings wherever possible. Where this is not possible, a named substitute may be sent on their behalf, who must be appropriately briefed to represent the standing member.

6.2 A minimum of four members of the Board, including the Commissioner or their Deputy and the Chief Fire Officer / Chief Executive or their Deputy, must be present for the meeting to be deemed quorate. The meetings will be held in private with the matters discussed being placed in the public domain.

6.3 An "open chair" will be available for colleagues attending as observers to the meeting, to support their personal development, at the discretion of the Chair.

7 Minutes

7.1 The Secretary will record the names of those present at the meeting, write minutes, including the key points and decisions made in principle at all meetings, along with any actions stemming from discussion that need to be taken.

7.2 The minutes of all meetings, decisions taken and actions agreed will be circulated within 7 working days of the meeting, and the minutes will be presented to the Commissioner, or the Chair of the meeting for approval within 15 working days.

7.3 Amendments to the minutes may be submitted between meetings and where the Chair is in agreement a revised version of the minutes may be circulated. Any proposed amendments which are not authorised by the Chair between meetings must be highlighted at the following meeting for discussion and approval / rejection.

7.4 Once approved, the written minutes will be the official record of the meeting. In preparing these minutes a recording of the meeting may be used but this will be deleted once the official written minutes have been agreed at the following Board meeting.

7.4 The minutes of the Board will be placed in the public domain as soon as practical after these have been approved and signed by the Chair, with exclusion to any matter deemed private and confidential.

7.5 The secretariat of the meeting will be provided by the Police, Fire and Crime Commissioner's office.

8 Decision-making (Commissioner or Deputy)

8.1 Although the board has no decision-making powers, where a decision is required, the Commissioner or their Deputy (where authorised to do so under the Scheme of Delegation) may decide to take a decision on the item once discussion has concluded.

9 Publishing of information

9.1 All documents must be labelled in accordance with the UK Government Security Classifications.

9.2 The agenda will include verification of the security classification of papers and confirmation of these classifications (and approval for publishing) will be sought at the conclusion of each Board meeting.

9.3 Documents marked 'Official Sensitive' or above (Secret / Top Secret) are not to be published.

9.4 Documents labelled 'Official' and those not protectively marked may be published with the following exceptions:

- The document must not include any personal details in accordance with the UK GDPR.
- The documents must not contain or elude to any form of intelligence, which may compromise operational activity and tactics.
- The document must not contain any embedded documents that fall outside of the classification on the main paper.

Schedule 2 - Terms of Reference of the Audit Committee

Adopted December 2021

1 Introduction

1.1 The Audit Committee ("the Committee") has been established to provide independent assurance to the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") in accordance with the CIPFA Financial Management Code of Practice. The role of the Committee is to advise the Commissioner according to good governance principles; to support and challenge the Commissioner to adopt appropriate risk management arrangements in accordance with proper practices and the associated control environment, and to oversee the financial reporting process.

1.2 The Committee will operate in line with the principles of good governance as laid down by the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Financial Management Code of Practice.

1.3 The terms of reference of the Committee will be reviewed on an annual basis.

1.4 The Committee is an independent body and will seek assurance over the adequacy of the following:

a) The risk management and the internal control framework operated by the Chief Fire Officer / Chief Executive.

b) The effectiveness of the governance arrangements.

c) The appointment, support and quality of the work of internal and external auditors as they provide assurance on risk management, internal controls and the annual accounts through their work.

d) Financial and non-financial performance to the extent that it affects exposure to risk, weakens the control environment and undermines their ability to provide good value for money.

e) The financial reporting process.

1.5 The Committee will also maintain and overview in respect of contract procedure rules, financial and procurement regulations and codes of conduct and behaviour.

1.6 The Committee has no executive powers, other than those specifically delegated in these Terms of Reference.

1.7 The Committee will establish effective communication with the Chief Fire Officer / Chief Executive, the Chief Finance Officer, Monitoring Officer, Head of Internal Audit, the External Auditor and other relevant stakeholders, including the Police, Fire and Crime Panel, for the purpose of fulfilling these terms of reference.

2 Membership

2.1 The Committee will comprise of a chair and four members appointed by the Commissioner and Chief Fire Officer / Chief Executive, but who are independent of both the Commissioner and the Chief Fire Officer / Chief Executive. The chair and four members

will serve on the Joint Audit Committee of the PFCC and Chief Constable as well as the Audit Committee of the PFCCFRA.

2.2 Members of the Committee shall be recruited through open competition, in conjunction with the Commissioner and the Chief Fire Officer / Chief Executive. They shall be recruited to ensure that the Committee has all the necessary skills and experience to fulfil its terms of reference, in accordance with the job description. To ensure the independence of the Committee, members shall not be:

a) A standing or ex-PCC, PFCC, Deputy PCC / PFCC or Chief Fire Officer.

b) A member or ex-member of a Police and Crime Panel or Police, Fire and Crime Panel.

c) A serving fire fighter.

d) A currently serving employee of a Police and Crime Commissioner or a Police, Fire and Crime Commissioner.

e) Individuals who have significant business or personal dealings with the Commissioner or the Essex County Fire and Rescue Service.

f) Individuals who have close relationships with any of the above including immediate family members and as such may not have the requisite level of independence required for membership of the Committee.

g) Individuals removed from a trusteeship of a charity.

h) Individuals under a disqualification order under the Company Directors Disqualification Act.

i) A person who has been adjudged a bankrupt or made a composition arrangement with his creditors.

j) A person convicted in the UK, Channel Islands or the Isle of Man of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, within the last five years prior to their appointment.

2.3 The Chair of the Committee will be recruited by the Commissioner and the Chief Fire Officer / Chief Executive and will serve for one term (of four years) in the role as Chair whereupon they can be re-appointed, if appropriate and subject to agreement by the Commissioner and the Chief Fire Officer / Chief Executive, subject to serving a maximum of three terms.

2.4 All Members will serve for a maximum of three terms, each term being a maximum of four years. To ensure continuity, where possible, members shall be rotated on and off the Committee in turn rather than as a group, therefore the term of membership will be determined on recruitment of the member.

2.5 All members of the Committee will be subject to an independent annual appraisal, the outcomes of which will inform the member development programme.

2.6 On joining the Committee, each member will attend an induction training course to help them understand the roles of the Commissioner, the Police, Fire and Crime Panel and the organisations pertaining to the Commissioner. Further training on specific relevant topics will be provided as necessary, according to the members' own relevant experience and emerging business needs of the Committee. Members will be expected to attend all such training and to develop their skills as part of a member development programme. Training needs will be considered during the annual appraisal process and a training and

development programme established both for the Committee and its individual members as appropriate.

2.7 In accordance with the Committee's code of conduct, each member will be required to record any conflicts of interest in the register of pecuniary and non-pecuniary interests. In addition, members will be required to disclose any such interests at the commencement of any meeting where there is a need to do so due to the nature of the Committee agenda, or immediately if they arise unexpectedly in discussion.

2.8 Only members of the Committee have the right to vote on matters requiring a vote at meetings.

2.9 Members of the Committee will be remunerated and reimbursed for all expenses incurred in the fulfilment of their duties, roles and responsibilities in accordance with the schedule of allowance and expenses agreed by the Commissioner.

3 Frequency and notice of meetings

3.1 The Committee will hold ordinary meetings at least **four** times a year. The calendar of meetings shall be agreed at the start of each year.

3.2 One extraordinary meeting shall be dedicated to the scrutiny and pre-approval of the statement of accounts before submission to external audit. In performing its annual review of the draft financial statements and narrative report, the Committee will consider:

- Proposed accounting policies for inclusion in the draft statement of accounts
- Proposed key accounting judgements
- Management's assessment of going concern

3.3 Further meetings outside of the normal cycle of the Committee can be convened at the request of the Chair or any of its members, subject to agreement by the Chair.

3.4 The Commissioner may ask the Committee to convene further meetings to discuss particular issues on which they want the Committee's advice.

3.5 Meetings can be requested by the external or internal auditors where this is considered necessary and on agreement of the Chair.

3.6 Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed, will be forwarded to each member of the Committee, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.

3.7 Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent Committee members and to other attendees at the same time as the meeting notice is sent out, recognising that, if the matter is urgent, there may only be an oral report. If this is the case then this will be identified on the agenda.

4 Attendance at meetings and quorum

4.1 Members of the Committee are expected to attend all meetings. Regular non-attendance of Committee members will lead to their removal as a member of the Committee on agreement by the Chair.

4.2 The meetings can be held in person, virtually or as a combination of the two.

4.3 The Commissioner will attend all meetings of the Committee or ensure that they are suitably and appropriately represented to ensure that the purpose of the Committee is not compromised and that members are able to fulfil their responsibilities appropriately. In addition, Section 114 of the Local Government Finance Act 1988 and the Audit and Accounts Regulations 2011 assign a number of statutory responsibilities to the Chief Finance Officer. Given the nature of these responsibilities it is expected that the Chief Financial Officer will attend all meetings, or where this is not possible then their nominated representatives. The Chief Fire Officer / Chief Executive is also expected to attend all meetings, or where this is not possible then their nominated representative.

4.4 The Head of Internal Audit and representatives of the external auditor will be invited to attend meetings on a regular basis. Members of the Committee should meet with the Head of Internal Audit and representatives of the external auditor separately and privately at least once a year. Independent members of the Committee may choose to hold meetings with the auditors without management present.

4.5 The Committee may also invite or require subject matter experts to attend meetings of the Committee to present reports or otherwise support its consideration of agenda items as required.

4.6 A minimum of three members of the Committee must be present for the meeting to be deemed quorate.

4.7 Committee meetings will be held in private with the matters discussed being placed in the public domain.

4.8 The Committee may hold private informal meetings, e.g., for briefing and training purposes, without any non-members present as it so decides. Formal decisions cannot be taken at such meetings.

5 Access

5.1 The Chief Finance Officer, the Monitoring Officer, Head of Internal Audit and the representative of External Audit will have free and confidential access to the Chair of the Committee.

6 Minutes

6.1 The Secretary will record the names of those present at the meeting, and write minutes, including the key points and decisions of all meetings, along with any actions stemming from discussion that need to be taken before the next meeting. The minutes of the previous meeting must be approved by the Committee and signed by the Chair as a true record at each meeting.

6.2 Following the approval of the minutes for circulation by the Chair, an unsigned copy will be provided promptly, within 10 working days of the meeting, to all members, the

Commissioner and the Chief Fire Officer / Chief Executive along with their nominated representatives at the Committee, the Chief Finance Officer and to the internal and external auditors.

6.3 The minutes of the Committee will be placed in the public domain as soon as practical after these have been approved and signed by the Chair, with exclusion to any matter deemed private and confidential or otherwise protectively marked.

6.4 The Chair of the Committee will establish, at the beginning of each meeting, the existence of any conflicts of interest and the Secretary will minute them accordingly. See also paragraph 2.7 of these terms of reference.

7 Reporting

7.1 To ensure relevant and timely reporting throughout the year to the Committee a reporting timetable will be prepared and agreed with the Commissioner. This will be designed to enable the Committee to fulfil its responsibilities and receive the assurances it requires.

7.2 The Chair will provide the Commissioner with an Annual Report timed to support finalisation of the accounts and the Annual Governance Statement, summarising its conclusions from the work it has undertaken during the year and drawing attention to any significant or emerging issues as appropriate. This report will be placed in the public domain following discussion with the Commissioner along with responses to the Chair's Annual Report. The Chair will be responsible for dealing with any public or media questions relating to that report.

7.3 The Committee will, having regard to best governance practice, review these terms of reference annually and make any changes deemed necessary in consultation with the Commissioner.

7.4 The Committee will annually review its own performance to ensure it is fulfilling its terms of reference and operating effectively. In doing so it will make any recommendations for change to the Commissioner.

8 Responsibilities

8.1 Risk Management, Governance and Internal Control Responsibilities

8.1.1 The Committee will seek assurance in connection with the following responsibilities:

a) The establishment and maintenance of an effective system of risk management, integrated governance and internal control, across all activities that supports the achievement of the objectives of the Fire and Rescue Plan, ensuring probity, value for money and good governance.

b) The timely implementation of any actions necessary to ensure compliance with all internal standards and best practice, both financial and non-financial operated by the Commissioner.

c) The adequacy of relevant disclosure statements, in particular the Annual Governance Statement, together with any accompanying Head of Internal Audit report, external audit opinion, risk register or other appropriate independent assurances, prior to endorsement by the Commissioner. Subject to this the Committee will recommend for adoption the Annual Governance Statement for the Commissioner.

d) The adequacy of arrangements for ensuring compliance with relevant regulatory, legal and code of conduct requirements as well as counter fraud and corruption measures as set out in Secretary of State Directives and by other relevant bodies or professional standards.

e) Notwithstanding the specific responsibilities of the Committee in connection with both internal and external audit, consider the adequacy of response by the Commissioner to recommendations contained within any external inspection report that has been received for the purposes of assurance.

8.2 Internal Audit Responsibilities

8.2.1 The role of the Committee in relation to internal audit will include the following:

a) Considering and making recommendations to the Commissioner on the provision of internal auditors, including appointment, assessment of performance and dismissal.

b) Approving but not directing the internal audit strategy and annual internal audit plan, ensuring that this:

i. Is consistent with professional standards.

ii. Meets the audit needs of the Commissioner, and

iii. Provides the Committee with adequate coverage for the purpose of obtaining appropriate levels of assurance over the adequacy of the risk management, governance and internal control environment of the Commissioner.

c) Considering the Head of Internal Audit's annual report and opinion, and a summary of audit activity (actual and proposed) and the level of assurance it gives over the risk management, internal controls and governance arrangements of the Commissioner.

d) Considering the findings of internal audit reports (or their summaries), the assurance provided and the adequacy of the response by Commissioner.

e) Commissioning additional work from the internal auditor, having regard to any actual or potential conflicts of interest.

f) Ensuring co-ordination between the internal and external auditors to optimise audit resources.

g) Annually reviewing the effectiveness of internal audit.

8.2.2 Where the Committee considers there is evidence of ultra vires transactions, evidence of improper acts, or if there are other important matters that the Committee wishes to raise, the Chair must initially take advice from the Monitoring Officer before raising the matter with the Commissioner. Where appropriate the Committee may then seek independent legal advice.

8.3 External Audit Responsibilities

8.3.1 The role of the Committee in relation to external audit will include the following:

a) Considering and making recommendations to the Commissioner on the provision of external auditors, including appointment and dismissal in conjunction with the body which is responsible for the appointment of external Local Audit and Accountability Act 2014.

b) Reviewing, advising on and endorsing the external audit strategy and annual audit plan, ensuring that this is consistent with professional standards and the External Audit Code of Audit Practice.

c) Considering the external auditor's annual management letter, relevant reports and the report to those charged with governance.

d) Considering specific reports as agreed with the external auditor.

e) Commissioning work from the external auditor, having regard to any actual or potential conflicts of interest.

f) Considering the major findings of external audit work and the adequacy of response of the Commissioner.

g) Ensuring co-ordination between the internal and external auditors to optimise audit resources.

8.4 Annual Accounts of Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

8.4.1 The Committee will:

a) Review, scrutinise and recommend for signature the annual statement of accounts prior to its external audit. Specifically, it will seek assurances as to whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements.

b) Consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

8.5 Auditor Panel

8.5.1 The functions of the auditor panel are set out in the Local Audit and Accountability Act 2014 and also the Local Audit (Auditor Panel) Regulations 2014 (the Auditor Panel Regulations).

8.5.2 The Auditor Panel's responsibilities are to advise the Commissioner on:

a) The selection and appointment of the external auditor. This includes:

i. Agreeing and overseeing a robust process for selecting the external auditor in line with the Commissioner's normal procurement rules.

ii. Basing the selection of external auditor on effectiveness and cost.

iii. Excluding any proposed external auditor firms that include non-audit services in their offering.

b) Ensuring that any conflicts of interest are dealt with effectively

c) The maintenance of an independent relationship with the appointed external auditor.

d) Any proposal from the external auditor to enter into a liability limitation agreement as part of the procurement process, particularly with regard to its fairness and reasonableness.

e) Any decision about the removal or resignation of the external auditor.

8.5.3 The Committee is authorised by the Commissioner to carry out the functions specified above and can seek any information it requires from any employees/relevant third parties.

8.6 Information Requirement

8.6.1 For each meeting the Committee will normally be provided with the following:

a) A report summarising any significant changes to the Commissioner's risk and controls profile and any action planned in response.

b) A report on any governance matters arising or a note that no governance matters have arisen since the last meeting and any action planned in response.

c) A progress report from the head of internal audit summarising:

i. Work performed and a comparison with work planned.

ii. Key issues emerging from internal audit work.

iii. Management responses to audit recommendations.

iv. Changes to the periodic plan.

v. Any resourcing issues affecting the delivery of internal objectives.

d) A progress report from the external audit representative summarising work done and emerging findings.

e) A summary report of actions being tracked, and progress made in connection with their implementation on significant risk, governance and internal controls matters, thereby providing for an ongoing process of follow-up.

8.7 Support for the Committee

8.7.1 The Chair, in conjunction with the Commissioner, has a particular responsibility for ensuring that the work of the Committee is appropriately resourced, including appropriate secretariat support and any other specialist support necessary to ensure its members are effective in their role. The Chair has a duty to report any shortfall in the level of support to the Commissioner in the first instance and in a public report if this is not remedied.

8.7.2 The allocation of secretariat support to the Committee and its funding will be agreed between the Commissioner and the Chief Fire Officer / Chief Executive. This will include ensuring that best practice as contained in relevant good governance codes and protocols is upheld so that the Committee is effective, and the members' independence is maintained.

8.7.3 The Committee may, with reasonable justification and with approval by the Chief Finance Officer, procure specialist ad-hoc advice, e.g. legal, to obtain additional skills, knowledge and experience at the expense of the Commissioner to support the Committee in the achievement of its terms of reference. This will considered appropriate where specialist advice is not available within the existing Committee support arrangements or it is not considered appropriate to use this support.

Schedule 3 - Terms of Reference of the Fire and Rescue Performance and Resources Board

Approved May 2022

1 Introduction

1.1 The Board has been established to enable the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") to review Essex County Fire and Rescue Service's (ECFRS) performance, ensure that budgeted resources (both human and financial) are closely aligned with fire and rescue priorities and to ensure that resources are effectively and efficiently being utilised.

1.2 The Board will enable the Commissioner to maintain effective oversight of the totality of the fire and rescue service and to hold the Chief Fire Officer / Chief Executive to account for the delivery of fire and rescue services and the delivery against the priorities in the Fire and Rescue Plan.

1.3 The Terms of Reference of the Board will be reviewed on a biennial basis.

1.4 The Board will:

a) Scrutinise, support and challenge the overall performance of the fire and rescue service including against the priorities agreed within the Fire and Rescue Plan and Integrated Risk Management Plan.

b) Support the Commissioner in holding the Chief Fire Officer / Chief Executive to account for the exercise of functions which are delegated to them as well as the exercise of functions of persons under the direction and control of the Chief Fire Officer / Chief Executive.

c) Advise the Commissioner on actions to be taken to maintain an efficient, effective and economic fire and rescue service for Essex.

d) Identify and consider different themes / "deep dives" for scrutiny, challenge and support.

e) Monitor actual revenue spend against budget, and the forecast outturn advising corrective action where appropriate in order to further advance the priorities of the service.

f) Oversee implementation of the service's Treasury Management Strategy.

g) Monitor actual and forecast capital expenditure and resourcing of against the approved capital programme.

h) Monitor the use of the service's reserves.

i) Monitor the progress made in delivering planned transformation and efficiency savings.

j) Receive updates against the key transformation initiatives, as governed and delivered by the service's Portfolio Management Board.

k) Monitor workforce composition and demographics and champion initiatives to increase workforce diversity.

l) Monitor customer and employee satisfaction survey results and the actions to be taken in response.

m) Monitor and take steps to improve compliance with key people management processes, such as operational training and annual performance appraisals.

n) Oversee the development and implementation of the Annual Plan, taking account of recommendations arising from HMICFRS inspections, peer reviews and other external reviews and reports (both local and national).

o) Monitor complaints and compliments made to the Essex County Fire and Rescue Service, and the learning arising from these, on a quarterly basis.

p) Review papers to be submitted to the Essex Police, Fire and Crime Panel and the Joint Audit Committee, other than those approved by the Strategic Board.

q) Scrutinise the service's procurement activities and identify areas of commissioning that would assist in delivering the Fire and Rescue Plan.

r) Receive additional reports from the Essex County Fire and Rescue Service's Senior Leadership Team (SLT) and its sub-boards as appropriate.

s) Commission additional reports via the Chief Fire Officer / Chief Executive as appropriate.

1.5 The Performance and Resources Board has no executive powers, other than those specifically delegated in these Terms of Reference.

1.6 Operational management of the Essex County Fire and Rescue Service is outside the scope of the Performance and Resources Board. This sits with the Senior Leadership Team, chaired by the Chief Fire Officer / Chief Executive.

2 Membership

2.1 The membership of the Performance and Resources Board is as follows:

a) Police, Fire and Crime Commissioner

b) Deputy Police, Fire and Crime Commissioner

c) Deputy Chief Fire Officer

d) Director of Corporate Services

e) Director of People Services

f) Director of Operations

g) Chief Executive and Monitoring Officer for the Police, Fire and Crime Commissioner

h) ECFRS Chief Financial Officer

i) Strategic Head of Performance and Resources for the Police, Fire and Crime Commissioner

j) Head of Performance and Scrutiny (Fire and Rescue) for the Police, Fire and Crime Commissioner

2.2 Additional members may be invited by the Commissioner to support agenda discussions.

2.3 This meeting will be chaired by the Commissioner or the Deputy Commissioner.

3 Frequency and notice of meetings

3.1 The Board will meet monthly. The calendar of meetings shall be agreed at the start of each year.

3.2 Further meetings outside of the normal cycle of the Board can be convened at the request of the Chair or any of its members, subject to agreement by the Chair.

3.3 Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed, will be forwarded to each member of the Board, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.

3.4 Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent Board members and to other attendees at the same time as the meeting notice is sent out.

3.5 Oral reports will not be accepted for substantive agenda items except in very exceptional cases, at the discretion of the Chair.

4 Forward planning and submission of papers

4.1 The Forward Plan, including the standing agenda items, will be reviewed and any proposed changes agreed at each meeting. Any items which are proposed to be added to the Forward Plan during the meeting will be confirmed by the Chair.

4.2 Where changes to the agenda are requested between meetings, which impact the next scheduled meeting:

- Additional items must be accepted by the PFCC and the Chief Fire Officer (or their respective deputies), and
- Withdrawn items will remain on the agenda for a verbal explanation / update at the meeting.

4.3 Papers will ordinarily be added to the forward plan with a minimum of eight weeks' notice. Exceptionally, where need arises, papers may be requested with a minimum four weeks' notice.

4.4 Papers will be submitted on a template provided by the PFCC's office unless otherwise agreed in advance with the Head of Performance and Scrutiny. Papers must include a Government Security Classification.

4.5 Papers will be submitted seven working days prior to the meeting in order to facilitate timely circulation.

4.6 Where papers are data dependent, and data availability means that a paper is anticipated to be submitted outside of this timeframe, a schedule for submission will be agreed at least eight weeks prior to the meeting at which the paper will be presented. This agreement will acknowledge any requests by the PFCC for draft papers to be shared in advance, the Service Leadership Team (SLT) date for approval of the paper and the deadline for such draft papers.

5 Attendance at meetings and quorum

5.1 Members of the Board are expected to attend all meetings, wherever possible. Where this is not possible, a named substitute may be sent on their behalf, who must be appropriately briefed to represent the standing member.

5.2 A minimum of four members of the Board, including the Commissioner or their Deputy and the Chief Fire Officer / Chief Executive or Deputy Chief Fire Officer must be present for the meeting to be deemed quorate. The meetings will be held in private with the matters discussed being placed in the public domain as appropriate.

5.3 An “open chair” will be available for colleagues attending as observers to the meeting, to support their personal development, at the discretion of the Chair.

6 Minutes

6.1 The Secretary will record the names of those present at the meeting, write minutes, including the key points and decisions taken in principle at all meetings, along with any actions stemming from discussion that need to be taken.

6.2 The minutes of all meetings and decisions taken will be circulated within 7 working days of the meeting, and the minutes will be presented to the Commissioner, or the Chair of the meeting for approval within 15 working days. Amendments to the minutes may be submitted between meetings and, where the Chair is in agreement, a revised version of the minutes may be circulated. Any proposed amendments which are not authorised by the Chair between meetings must be highlighted at the following meeting for discussion and approval / rejection.

6.3 The minutes of the Board and unrestricted papers will be placed in the public domain as soon as practical after these have been approved and signed by the Chair, with exclusion to any matter deemed private and confidential.

6.4 Once approved, the written minutes will be the official record of the meeting. In preparing these minutes a recording of the meeting may be used but this will be deleted once the official written minutes have been agreed at the following Board meeting.

6.5 The secretariat of the meeting will be provided by the Police, Fire and Crime Commissioner’s office.

7 Decision-making (Commissioner or Deputy)

7.1 Although the board has no decision-making powers, where a decision is required, the Commissioner or their Deputy (where authorised to do so under the Scheme of Delegation) may decide to take a decision on the item once discussion has concluded.

8 Publishing of Information

8.1 All documents must be labelled in accordance with the UK Government Security Classifications.

8.2 The agenda will include verification of the security classification of papers and confirmation of these classifications (and approval for publishing) will be sought at the conclusion of each Board meeting.

8.3 Documents marked ‘Official Sensitive’ or above (Secret / Top Secret) are not to be published.

8.4 Documents labelled ‘Official’ and those not protectively marked may be published with the following exceptions:

- The document must not include any personal details in accordance with the UK GDPR.
- The documents must not contain or allude to any form of intelligence, which may compromise operational activity and tactics.
- The document does not contain any embedded documents that fall outside of the classification on the main paper.

Schedule 4 -

Essex Emergency Services Collaboration Strategic Governance Board

Terms of Reference

Version	Date	Reviewer	Comments
3.0	June 2019		Agreed at June SGB
3.1	Sep 2021	Greg Myddelton	Review of ToR

Summary of changes

- Addition of version control table
- Membership updated to reflect new appointments
- Added reference to plan on a page as part of Programme Board approval process for new projects
- Secretariat amended to PFCC's office
- Date of next ToR review incorporated

Membership:

- Police, Fire and Crime Commissioner (PFCC) (Chair)
- Deputy Police, Fire and Crime Commissioner (DPFCC) (Vice Chair)
- Chief Constable
- Chief Fire Officer / Chief Executive
- Head of Operations, Mid and South Essex (EEAST)
- Chief Executive to the PFCC & Monitoring Officer to the PFCC and ECFRS
- PFCC's Strategic Head of Partnerships & Delivery (Lead for Emergency Service Collaboration Programme)
- PFCC's Strategic Head of Performance and Resources
- PFCC's Executive Project Support (secretariat)

Substitutions will be accepted, so long as they are appropriately briefed and mandated to represent the view of their organisation at the meeting.

Additional attendees may be invited to individual meetings by the Commissioner to support agenda discussions. An "open chair" will be available for colleagues attending as observers to the meeting, to support their personal development, at the discretion of the Chair.

Attendance at meetings and quorum

Members of the Board are expected to attend all meetings wherever possible. Where this is not possible, a named substitute may be sent on their behalf, who must be appropriately briefed to represent the standing member.

At least one representative from each participating agency (EP / ECFRS / EEAST), as well as the PFCC or their Deputy, must be present for the meeting to be deemed quorate.

The meetings will be held in private.

Purpose:

- To provide collective ownership, strategic governance and oversight of the Essex Emergency Services Collaboration Programme, including in relation to finance and resourcing decisions.
- To maximise the effectiveness and efficiency of police, fire and rescue and ambulance services within Essex through a programme of strategic and operational collaboration.
- To review business cases relating to potential emergency services collaboration projects and provide recommendations to the PFCC as to whether these should be progressed, taking into account existing collaboration agreements and other arrangements for co-operation as well as the desirability of the respective parties taking a consistent approach.
- To provide oversight and management of strategic risks pertaining to the Essex Emergency Services Collaboration Programme.

Decision making:

The Board makes recommendations to the PFCC but has no executive decision-making powers. Final decisions in relation to the Essex Emergency Services Collaboration programme are made by the PFCC via the decision sheet process or, where appropriate, Chief Officers under existing schemes of delegation and consent. Where the latter is the case, these decisions must have due regard to the strategic direction set by the Strategic Governance Board and will be reported into the Strategic Governance Board.

Recommendations to the PFCC are to be formulated by the Board on the basis of consensus wherever possible. Where there is divergence of opinion between members of the Board, this is to be made clear to the PFCC when the matter is referred to them for decision.

Stakeholder engagement:

It is recognised that collaboration proposals relating to Enabling Services will also require the active involvement and consent of the Chief Constable of Kent Police and

the Kent Police and Crime Commissioner, who are equal partners in the current Police Shared Services Directorate and the wider 7 Force collaboration programme. Responsibility for engaging Kent colleagues in this regard will sit with the Chief Constable and PFCC respectively.

The Chief Officers of Essex Police, the Essex County Fire and Rescue Service and the East of England Ambulance Service NHS Trust will ensure that the recognised representative bodies of their respective organisations are sighted on all programme work being considered or undertaken, on behalf of their membership.

Any formal consultation with staff required as a result of the collaboration programme will be undertaken by the relevant Chief Officers.

Gateway process for approval of project business cases:

Suggestions to progress additional collaboration initiatives across two or more of the organisations represented within the Essex Emergency Services Collaboration Programme will be raised in the first instance at the Collaboration Programme Board, usually in the form of a plan on a page, for authorisation to progress discussions within the relevant organisations.

Subject to the Programme Board authorising progression to the next stage, proposals will be developed into a Project Initiation Document (PID) (setting out the scope of the project idea, including the mandate, options, outcomes and benefits pathway), to be presented to the relevant Chief Officer teams as follows:

- Essex Police Chief Officer Group (COG)
- Essex County Fire and Rescue Service Leadership Team (SLT)
- EEAST Senior Management Team (SMT)

Subject to the relevant internal governance bodies being content to progress to the next stage of proposal development, the relevant Chief Officers will appoint work-stream leads (project managers) who will be responsible for the development of a Strategic Outline Case (SOC) (including the resourcing requirements, project organisation structure, quality register, risks and issues register, and communications strategy) to be presented to the Strategic Governance Board for consideration and approval in principle. ***No collaboration proposals will be considered by the Strategic Governance Board without first going through this process.***

As set out above, the Board makes recommendations to the PFCC but has no executive decision-making powers. Final decisions as to whether proposed collaboration initiatives are to be progressed are made by the PFCC via the decision sheet process or, where appropriate, Chief Officers under existing schemes of delegation and consent. Where the latter is the case, these decisions must have due regard to the strategic direction set by the Strategic Governance Board and will be reported into the Strategic Governance Board.

Meeting frequency:

The Board shall meet bi-monthly. The calendar of meetings shall be agreed at the start of each year. Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed and the associated papers will be forwarded to each member of the Board, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.

Further meetings outside of the normal cycle of the Board can be convened at the request of the Chair or any of its members, subject to agreement by the Chair. Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent Board members and to other attendees at the same time as the meeting notice is sent out.

Oral reports will not be accepted for substantive agenda items except in very exceptional cases, at the discretion of the Chair.

Secretariat:

The PFCC's office will provide the secretariat to the Board.

Programme Board:

The Strategic Governance Board (SGB) will be supported by the Essex Emergency Services Collaboration Programme Board (see separate Programme Board Terms of Reference). The Programme Board will provide reports into the Strategic Governance Board on progress against the collaboration work streams, as well as draft business cases, resource considerations and recommendations for decisions. The Programme Board is also the owner of the Collaboration Risk Register and will report to each meeting of the SGB on new, emerging and changing risks facing the programme and the mitigations put in place in response.

Review

The Terms of Reference of this Board will be reviewed on an annual basis. The next review is due in October 2022.

Schedule 5 - Specified Information Orders

1 Introduction

1.1 The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") has a statutory duty to publish documents and information as set out in the Elected Local Policing Bodies (Specified Information) Order 2011, the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012, the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2013 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021.

1.2 A summary of the information relating to the fire and rescue service which is required to be published and the timeline for that publication is included below.

2 Information which is required to be published

2.1 In relation to the Commissioner and any Deputy Commissioner appointed by the Commissioner:

a) Their name.
b) Their address for correspondence.
c) Their salary.
d) The allowances paid in respect of expenses incurred by the office holder in the exercise of the body's functions.
e) A register of interests, including every paid employment or office or other pecuniary interest.
f) The number of complaints or conduct matters that have been brought to their attention by the Police, Fire and Crime Panel (either because they have been referred to the Independent Office for Police Conduct, or because they are being subjected to informal resolution by the Panel).

2.2 In relation to the staff in the Commissioner's office (excluding any Deputy Commissioner appointed by the Commissioner):

a) The number of members of staff
b) The proportion of the staff who:
    i. Are women.
    ii. Are, to the knowledge of the Commissioner, members of an ethnic minority.
    iii. Have, to the knowledge of the Commissioner, a disability (within the meaning of section 6 of the Equality Act 2010).
c) An organisational chart showing the structure of the staff.
d) The job title, responsibilities and salary of each senior employee[1] and (unless the senior employee refuses to consent to the publication of his name) the name of the senior employee;
e) A register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused.

2.3 In relation to the power of a local authority to provide administrative, professional or technical services to the Commissioner under section 1 (1) of the Local Authorities (Goods

E|

[1] Defined as a member of staff whose salary exceeds £58,200

and Services) Act 1970, information as to any arrangements for use by the Commissioner of the staff of a local authority under those provisions.

2.4 In relation to the income and expenditure of the Commissioner:

a) The total budget of the Commissioner.
b) The precept issued by the Commissioner.
c) Information as to each anticipated source of revenue other than that precept.
d) Information as to the proposed expenditure of the Commissioner.
e) A copy of the annual Treasury Management Strategy of the Commissioner.
f) Information as to each item of expenditure in relation to travel by, accommodation for or subsistence of the individual undertaking the role of the Commissioner, including the receipt of funds, the purpose of the expenditure and the reason why the Commissioner consider that good value for money would be obtained, and
g) Each item of expenditure of in relation to other matters that exceeding £500 including the recipient of the funds, the purpose of the expenditure and the reasons why the Commissioner considered that good value for money would be obtained.

2.5 In relation to the property, rights and liabilities of the Commissioner:

a) The identity of any premises or land owned by, or occupied for the purposes of, the Commissioner.
b) A copy of each contract with a value exceeding £10,000 to which the Commissioner is or is to be a party.
c) A copy of each invitation to tender issued by the Commissioner in relation to a contract, which the body expects will have a value exceeding £10,000.
d) A list of every contract with a value not exceeding £10,000 to which the Commissioner is or is to be a party, including the value of the contract, the identity of every other party to the contract and the purpose of the contract.

2.6 In relation to the decisions of the Commissioner:

a) The date, time and place of each public meeting to be held by the Commissioner.
b) A copy of the agenda for each public meeting held by the Commissioner, and any report or other document that is the subject matter of an item on the agenda.
c) A copy of the minutes of each public meeting held by the Commissioner, and of each meeting which is not a public meeting but at which matters of significant public interest arising from the exercise of the body's functions are discussed.
d) A record of each decision of significant public interest arising from the exercise of the Commissioner's functions, whether made by the body at or as a result of a meeting or otherwise.

2.7 In relation to the policies of the Commissioner:

a) A statement of the policy of the Commissioner in relation to the conduct of the Commissioner and any Deputy Commissioner appointed by the Commissioner, including procedures for the handling of qualifying complaints and conduct matters (within the meaning of section 31 of the Police Reform and Social Responsibility Act 2011).

b) A statement of the policy of the Commissioner in relation to the making of decisions of significant public interest arising from the exercise of the Commissioner's functions.
c) A statement of the policy of the Commissioner in relation to records management, including procedures for the security and sharing of information and the retention and destruction of documents.
d) A statement of the policy of the Commissioner in relation to the handling of qualifying disclosures (within the meaning of section 43B of the Employment Rights Act 1996).

3 Publication

3.1 The information specified in the following provisions is to be published as soon as practicable after an election, and shall be reviewed each year thereafter and any variation published:

a) Paragraph 2.1 (a) to (c)
b) Paragraph 2.2 (d)
c) Paragraph 2.5(a)
d) Paragraph 2.7

3.2 The information specified in paragraph 2.4 (a) to (e) is to be published in respect of each financial year, before the beginning of the financial year to which it relates.

3.3 The information specified in paragraph 2.1(f) is to be published in respect of each financial year, as soon as practicable after the end of the financial year to which it relates.

3.4 The information specified in paragraph 2.2 (a) to (c) is to be published as soon as practicable after an election and shall be reviewed every six months thereafter and any variation published.

3.5 The information specified in the paragraphs 2.1(d), 2.4(f) and 2.5(d) is to be published quarterly, as soon as practicable after the end of the quarter to which it relates.

3.6 The information specified in paragraph 2.4 (f) and (g) is to be published each month, as soon as practicable after the end of the month to which it relates.

3.7 The information specified in paragraphs 2.1 (e) and 2.2 (e) is to be published as soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the elected local policing body.

3.8 The information specified in the following provisions is to be published as soon as practicable after it becomes available to the elected local policing body:

a) Paragraph 2.5 (b) and (c)
b) Paragraph 2.6

3.9 As in Essex the elected individual is the post holder for both the PCC and the Fire and Rescue Authority, the Commissioner must publish the information specified in 2.1 (a), (b), (c) and (e) in consolidated form rather than separately.

Schedule 6 - Information Management Protocol

Updated April 2022

1 Introduction

1.1 This Information Management Protocol has been developed to govern how information (including sensitive personal data) is processed between the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Authority"), and the Police, Fire and Crime Commissioner for Essex ("the PFCC").

1.2 It is acknowledged that, in the performance of its statutory functions as both the Authority and the Police and Crime Commissioner, it is necessary for the Police, Fire and Crime Commissioner ("the PFCC") to process information (including sensitive personal data) relating to both policing matters and the fire and rescue service. This Protocol is intended to ensure transparency about how such information is processed and handled by staff supporting them in their roles as the Authority and the PFCC.

1.3 This Protocol will explain:

a) The relationship between the Authority and the PFCC.
b) Who has managerial oversight and responsibility for the processing of information by the Authority and the PFCC.
c) What information may be processed under this Protocol.
d) The processes for sharing such information.
e) The use of information under this Protocol.
f) How miscellaneous matters will be managed.

1.4 For the purposes of this Protocol the term **"**Authority**"** means persons employed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority who work solely on matters related to the fire and rescue service for Essex.

1.5 For the purpose of this Protocol the term "PFCC" means persons employed by the PFCC.

1.6 Information processed in accordance with this Protocol will comprise of some information that is defined as 'personal data' under Section 1 of the Data Protection Act 2018 ("DPA") and Article 4(1) of the UK General Data Protection Regulation (2016/679) ("UK GDPR"). The Protocol helps support compliance with such data protection legislation.

2 The relationship between the Authority and the PFCC

2.1 The Policing and Crime Act 2017 enabled police and crime commissioners to take on the governance of fire and rescue authorities, subject to a business case being approved by the Home Office. In accordance with the Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017 ("the Order"), from 1st October 2017, the then Police and Crime Commissioner for Essex became the Police, Fire and Crime Commissioner for Essex and took on responsibility for the governance of fire and rescue services in Essex.

2.2 The PFCC employs a small team to support them in discharging their functions as the PCC and as the Authority.

2.3 In order for the PFCC to discharge those functions, it is necessary for the PFCC to process information relating to both policing and fire and rescue services. The Authority and the PFCC will share information to ensure smooth governance and that all relevant statutory functions are properly discharged. The PFCC will ensure that such information is limited to that which is strictly necessary.

2.4 This Protocol is not intended to cover information that is shared by the Authority or the PFCC with the Essex Police, Fire and Crime Panel. This is supported by a separate protocol.

3 Managerial oversight for the processing of information by the Authority and the PFCC

3.1 Managerial oversight of the information processing under this Protocol will be conducted by the individuals identified in the following paragraphs.

3.2 In the case of processing of information by the Authority, managerial oversight will be conducted by the Director of Corporate Services (as the Authority's Senior Information Risk Owner) (Karl Edwards), who is based at Kelvedon Park and may be contacted by email at karl.edwards@essex-fire.gov.uk.

3.3 For the PFCC, managerial oversight will be performed by the Strategic Head of Policy and Public Engagement (as the PFCC's Senior Information Risk Owner) (Darren Horsman), who is also based at Kelvedon Park and may be contacted by email at darren.horsman@essex.police.uk.

3.4 Both individuals will be responsible for the management of this Protocol and ensuring compliance with it.

3.5 Processing of information on a day-to-day basis under this Protocol will generally be undertaken by other individuals and methods described in Section 5.

4 Information that may be processed under this Protocol

4.1 As a broad principle any information within the possession of the Authority may be processed by the PFCC.

4.2 That said, the PFCC will only process information relating to the Authority where all of the following apply:

a) The processing is reasonably required to assist the Authority in exercising the functions of their office effectively.
b) The processing would not contradict any legal obligation upon the Authority that precludes such processing.

4.3 Subject to 4.2 above and notwithstanding that the PFCC will be entitled to process information relating to the Authority as required to fulfil and exercise the Authority's statutory functions, the PFCC does not intend to process information relating to the Authority in such a way to prejudice ongoing or potential investigations or prosecutions by the Authority or other parties.

4.4 Information will be shared by the PFCC with the Authority where necessary to exercise the Authority's functions and will be strictly limited to information which is necessary and

appropriate for that purpose. The PFCC will share no excessive or irrelevant information with the Authority.

5 Processes for sharing

5.1 The processes for sharing information between the Authority and the PFCC will be shared in accordance with any of the following basic process models, with the most appropriate option used according to the circumstances:

a) **Request and Respond** – the PFCC will approach the Authority to request information they believe the latter does, or may, hold. This could be via telephone, email, letter, arising from a meeting, or by use of a form. The Authority would then respond to the PFCC by any of those means.
b) **At a Meeting** – a formal meeting (with terms of reference, an agenda etc.) will be held to which representatives of the Authority and the PFCC will be invited. The parties will attend with their information likely to be of interest to parties. At the start of the meeting a confidentiality statement will be signed by all attendees if this is deemed by any party to be appropriate. During the course of the meeting attendees will disclose relevant information as necessary.
c) **'Self-Service'** –the PFCC will have direct access to the Authority's information (usually via an IT system) and the PFCC will obtain the information through that process. When accessing the Authority's IT systems, the PFCC will abide by the Authority's IT policies and procedures.
d) **Digital Feed** – The Authority will automatically provide the PFCC with information digitally via an IT infrastructure, usually on a regular, repeated basis.

5.2 Information shared will be provided in any of the following formats, with the most appropriate option used according to the circumstances:

- Verbally (e.g. either through face to face or online meetings or via the telephone).
- Digitally (e.g. via email, text, through access to an IT system, via digital media, via screen etc.).
- Hard copy (e.g. via completed forms, print outs, other documents).

6 Use of Information

6.1 Any information processed under this Protocol may only be used by:

a) The PFCC for the purposes of the effective exercise of the Authority's functions or as otherwise required by, or under, any rule of law.
b) The Authority in the support of the PFCC's functions, or as otherwise required by, or under, any rule of law.

6.2 Any information processed in accordance with this Protocol will not be used in a manner that contradicts any prohibition on further disclosure including, where applicable, the common law duty of confidence. Information will be accessed by individuals on a 'need to know' basis.

7 Miscellaneous Matters

7.1 This Protocol will come into effect on 9 June 2022 and supersedes the previous version, which came into effect on 1 March 2020.

7.2 This Protocol will continue to apply for as long as the PFCC is the fire and rescue authority for Essex as determined by section 3(2) of the 2017 Order.

7.3 This Protocol will be reviewed as necessary. A review may be initiated by either of the individuals listed in section 3. They will consider whether the Protocol is still useful and fit for purpose, identify any emerging issues, and determine whether the Protocol should be amended in any way.

7.4 The use of the Government Security Classifications (GSC) will be adhered to in relation to the handling of any information processed in accordance with this Protocol.

7.5 Should either party receive any request for information, such as a freedom of information request, data protection subject access request, or under any other under rule of law, that encompasses information processed in accordance with this Protocol, that party will inform the other as soon as possible, and in any case prior to the disclosure of the information, in order that the potential implications of responding to the request can be fully assessed and any necessary remedial actions initiated.

7.6 The Authority acknowledges that, where it is necessary and appropriate to do so, some information relating to the Authority may be shared by the PFCC with the Essex Police, Fire and Crime Panel.

7.7 Should the Authority receive a complaint relating to the PFCC's policing functions, it will inform the PFCC's Chief Executive and Monitoring Officer as soon as possible.

7.8 Any letters and electronic communications from Members of Parliament (and those of similar standing) will be shared between the Authority and the PFCC where the content and response falls within their respective responsibilities. Where a letter or electronic communication contains operational matters the Chief Fire Officer / Chief Executive's office will provide the Authority with a draft response to that matter. The PFCC will use such draft as the basis of its response to the communication.

7.9 All staff involved with processing information in accordance with this Protocol will be provided with sufficient training and guidance to enable them to comply with this Protocol and the data protection legislation.

7.10 This Protocol may be made public in accordance with the Commissioner's transparency agenda.

Schedule 7 -

Information Sharing Protocol

Police, Fire and Crime Commissioner for Essex

and

Police, Fire and Crime Panel for Essex

1. Introduction

This Information Sharing Protocol (ISP) has been developed between the Police, Fire and Crime Commissioner for Essex (the 'PFCC'[2]) and the Police, Fire and Crime Panel for Essex ('the Panel') or hereafter termed 'parties' to explain:

- why the parties have agreed to share information;
- the legal justification behind the sharing;
- who, within each party, has managerial oversight and responsibility for the information sharing;
- which information may be shared;
- the processes for sharing;
- the use of shared information;
- how miscellaneous matters will be managed.

This version of the ISP replaces all previous versions of this document.

For the purposes of this ISP the term 'sharing' information means providing or disclosing information to the other party by any means.

This ISP is designed to provide clarity and reassurance to both parties by setting out the administrative processes by which sharing will occur.

Information shared under this ISP will comprise of some information that is defined as 'personal data' under the Data Protection Act 2018 and the UK General Data Protection Regulation 2016 (UK GDPR) and the ISP helps support both parties' compliance with that legislation.

In October 2017 the Essex Police and Crime Commissioner took on a single governance role for the Essex County Fire and Rescue Service and since that point has become the Police, Fire and Crime Commissioner (PFCC). In line with this change the Panel is now called the Essex Police, Fire and Crime Panel. The PFCC is two separate legal entities, one with responsibilities for the police and the other being the fire and rescue authority. This protocol applies to both entities.

The Panel is a joint committee of the 15 Essex local authorities which is administered and supported by Essex County Council which has entered into a grant agreement with the Home Secretary under which the Panel receives funding for its activities. Both the PFCC and the Panel are subject to the Data Protection Act 2018 and the UK GDPR. The PFCC and Essex County Council have each appointed a Data Protection Officer (DPO) who may provide guidance and advice on information sharing and associated policy and procedure.

E|

[2] For the purposes of this ISP the term PFCC is used to encompass the person elected as the Essex Police, Fire & Crime Commissioner and any staff authorised to work for or on their behalf or under their direction and control.

2. Why the parties have agreed to share information

The Police Reform and Social Responsibility Act 2011 created the role of PCC for each of the police forces in England and Wales (excluding London) and set out the functions that the PFCC and the PFCP must discharge.

The Policing and Crime Act 2017 obligates 'blue light services' to collaborate more effectively. Following public consultation, the submission of a business case and approval by the Home Office, the PCC for Essex took on single governance of the Essex County Fire and Rescue Service in October 2017, becoming the Essex Police, Fire and Crime Commissioner, Fire and Rescue Authority. Equally, the Essex Police and Crime Panel scrutinises the PFCC and is now the Essex Police Fire and Crime Panel (PFCP).

For the PFCP to discharge those functions there is a requirement for some personal data in the possession of the PFCC to be shared with the PFCP. A reciprocal sharing of some personal data from the PFCP to the PFCC may also be required to assist in the discharge of the PFCC's functions.

This ISP is not intended to cover a) information sharing between the PFCC and Essex Police or b) information sharing between the Essex Police, Fire and Crime Panel and Essex Police or the Independent Office of Police Conduct.

3. How the sharing can be legally justified

The legal justification for the sharing of personal data between the PFCC and the PFCP is derived from the Police Reform and Social Responsibility Act 2011 and Statutory Instrument 2011 No. 2744, 'The Policing Protocol Order 2011'.

That instrument is an outcome of Section 79 of the Police Reform and Social Responsibility Act 2011 which required the Secretary of State to issue a Policing Protocol, namely a document setting out, or otherwise making provision about, the ways in which relevant persons should exercise or refrain from exercising functions so as to encourage, maintain or improve working relationships or limit or prevent the overlapping or conflicting exercise of functions.

"Relevant persons" for these purposes are the Secretary of State (in the exercise of their policing functions), elected local policing bodies (namely police and crime commissioners and the Mayor's Office for Policing and Crime), chief officers of police forces maintained by elected local policing bodies, and police and crime panels. These persons must have regard to the Policing Protocol in exercising their functions.

Paragraph 24 of the Protocol Order relates to Police and Crime Panels and states:

"The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes-

…

(d) the power to review the draft Plan and make recommendations to the PCC who must have regard to them;

(e) the power to review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;

(f) the power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations

…"

In order for the PFCC to provide information to the PFCP, the PFCP will, on occasion, need to make requests for information and those requests themselves may be considered information sharing.

4. Managerial Oversight for the Information Sharing

Managerial oversight of the sharing of personal data under this ISP will be conducted by the individuals identified in the following paragraphs:

In the case of the PFCC, the Chief Executive, Pippa Brent Isherwood, will perform that role. She is based at the office of Police, Fire and Crime Commissioner and may be contacted by email at Pippa.Brent-Isherwood@essex.police.uk

For the PFCP that role will be conducted by the Head of Democracy and Transparency at Essex County Council, currently Joanna Boaler. The Head of Democracy and Transparency is based at the offices of Essex County Council (County Hall, Chelmsford) and may be contacted by email at democratic.services@essex.gov.uk

Both individuals are responsible for the management of this ISP and ensuring compliance with it. Sharing of information on a day-to-day basis under this ISP will generally be undertaken by other individuals and methods described in Section 6.

5. Information that may be shared

As a broad principle any information within the possession of the PFCC may be considered for sharing with the PFCP.

However, personal data will only be shared by the PFCC with the PFCP where **all** of the following apply:

- the sharing is reasonably required to assist the PFCP in the exercising of its functions (as legally defined) effectively;
- the sharing would not contradict any legal or contractual obligation upon the PFCC that precluded sharing;
- the sharing would not, in the view of the PFCC, fetter, restrict or restrain the Chief Constable's or Chief Fire Officer's direction and / or control of Essex Police or the Essex County Fire and Rescue Service respectively, nor prejudice ongoing or potential investigations or prosecutions by Essex Police or other parties.

Information will be shared by the PFCP with the PFCC where necessary to exercise the PFCC or PFCP's functions or where thought necessary to assist the 'policing purpose'.

6. Processes for sharing

The detailed processes for sharing information between the PFCC and the PFCP will be developed by both parties at regular, appropriate intervals and may be documented in a further iteration of this ISP.

Information will be shared in accordance with any of the following basic process models, with the most appropriate option used according to the circumstances:

- **Request and Respond** – the PFCP will approach the PFCC to request information it believes the latter does, or may, hold. This could be via telephone, email, fax, letter, a list of actions arising from a meeting, or by use of a form. The PFCC would then respond to the PFCP by any of those means.
- **At a Meeting** – a formal meeting (with terms of reference, agenda etc.) will be held by the PFCP to which the PFCC (and on occasions the Chief Constable and / or Chief Fire Officer) will be invited. The parties will attend with their information likely to be of interest to parties. As a part of this agreement all parties accept that confidentially is implicit. During the course of the meeting parties disclose relevant information as necessary.

Information shared will be provided in any of the following formats, with the most appropriate option used according to the circumstances:

- Orally e.g. either face to face meetings or via the telephone.
- Digitally – e.g. via email, text, through access to an IT system, via digital media, via screen etc.
- Hard copy – e.g. via completed forms, print outs, other documents.

The sharing will be undertaken by either of the individuals identified in Section 4 and any other individuals nominated by them as being permitted to do so. The parties will provide each other with the names and contact details of such individuals and will revise those lists as necessary.

7. Use of Shared Information

Any information shared under this ISP may only be used by:

(i) the PFCP for the purposes of the effective exercise of the PFCP's functions (as legally defined) or as otherwise required by, or under, any rule of law.

(ii) the PFCC in support of the PFCP's functions, or for 'the policing purpose' or as otherwise required by, or under, any rule of law.

Any information shared under this ISP will not be used in a manner that contradicts any prohibition on further disclosure including, where applicable, the common law duty of confidence. Shared information will be accessed by individuals on a 'need to know' basis.

Both parties will pay due regard to the protective marking applied to shared information under the Government Security Classification Scheme.

As separate ‘data controllers’ both parties are individually obliged to ensure that information received from the other party which is ‘personal data’ is ‘processed’[3] in accordance with the requirements of the Data Protection Act 2018 and UK GDPR.

8. Breaches

Any breaches of security, confidentiality or other violations of shared personal data must be reported to the owning party as soon as possible and in any case within 24 hours.

Any breach of information by a party is their responsibility. Each party is accountable for any misuse of personal data shared and the consequences of such misuse.

The parties shall provide reasonable assistance as is necessary to each other to facilitate the handling of any data security breach. In the event of a dispute or claim brought by a data subject or the Data Protection Authority concerning the processing of shared personal data against either or both parties, the parties will inform each other about any such disputes or claims and will cooperate with a view to settling them amicably in a timely fashion.

9. Miscellaneous Matters

Both parties:

- Agree that they may withdraw from the ISP upon giving written notice to the other party. A party who withdraws must continue to comply with the terms of this ISP in respect of any personal data that the party has obtained through being a signatory. Information which is no longer relevant should be returned or destroyed in an appropriate manner.
- Agree to review the ISP as necessary. The review will be initiated by either of the individuals listed in section 4. They will consider whether the ISP is still useful and fit for purpose, identify any emerging issues and determine whether the ISP should be extended for a further period or whether to terminate it. The decision to extend or terminate the ISP, and the reasons, will be recorded.
- Agree to respect any handling requirements, for example those arising from the use of the Government Security Classification Scheme.
- Agree that, should they receive any request for information, such as a Freedom of Information request, Data Protection Subject Access request, or under any other rule of law that encompasses information provided by the other party, they will advise the providing party as soon as possible. In any case communication between the parties should be prior to disclosure of the information, so that the potential implications of responding to the request can be fully assessed and any necessary remedial actions initiated.

E|

[3] As defined in the Data Protection Act 2018

- Agree that should they receive any complaint concerning personal data provided by the other party they will advise the other party as soon as possible and in any case prior to responding to the complaint.
- Agree to provide all staff involved with information sharing under this ISP with sufficient training and guidance to enable them to comply with this ISP.
- Agree that this ISP may be made available to the public in its entirety.

Schedule 8 -

Revised Financial Management Code of Practice For the Police Forces of England and Wales and Fire and Rescue Authorities created under section 4A of the Fire and Rescue Services Act 2004.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727772/CCS207_CCS0718021968-001_HO_FMCP_2018_Print_.pdf

Schedule 9 - Scheme of Delegation

1 Introduction

1.1 The Scheme of Delegation details the key responsibilities of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") and those functions which they delegate to officers.

1.2 This Scheme of Delegation forms part of the Commissioner's governance framework to ensure that business is carried out efficiently without unnecessarily delaying decisions.

1.3 The powers set out in this Scheme of Delegation should be exercised in accordance with the consent of the Commissioner, the law, standing orders, financial and procurement regulations, and also policies, procedures, plans, strategies and budgets including the Fire and Rescue Plan.

1.4 This Scheme of Delegation does not identify all the statutory duties of the Commissioner, which are contained in specific legislation and regulation.

1.5 Words denoting the singular shall include the plural and vice versa. Words denoting the masculine gender shall include the feminine gender and vice versa.

2 Public Accountability

2.1 The public accountability for the delivery and performance of the Essex County Fire and Rescue Service ("ECFRS") is placed, by the Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017, into the hands of the Commissioner on behalf of the electorate.

2.2 The Commissioner draws on their statutory duty and electoral mandate to set and shape the strategic objectives of the fire and rescue service in consultation with the Chief Fire Officer / Chief Executive. The Commissioner is accountable to the electorate; the Chief Fire Officer / Chief Executive is accountable to the Commissioner for functions that are delegated to them.

2.3 The Commissioner will be held to account by the Essex Police, Fire and Crime Panel ("the Panel") which will scrutinise their decisions.

3 The Key Roles of the Commissioner

3.1 The Commissioner has a statutory duty and electoral mandate to hold the Essex County Fire and Rescue Service to account on behalf of the public.

3.2 The Commissioner is the recipient of all funding, including the government grant and precept and other sources of income relating to fire and rescue services in Essex, and all funding for the Essex County Fire and Rescue Service must come via the Commissioner. How this money is allocated is a matter for the Commissioner in consultation with the Chief Fire Officer / Chief Executive, or in accordance with any grant terms. The Chief Fire Officer / Chief Executive will provide professional advice and recommendations.

3.3 The Commissioner has the legal power and duty to:

a) Provide the local link between the fire and rescue service and local communities, working to translate the legitimate desires and aspirations of the public into action.

b) Decide the budget and set the fire and rescue precept for the area.

c) Maintain an efficient and effective fire and rescue service for the area.

d) Set the strategic direction and objectives of the service through the Fire and Rescue Plan, which must have regard to the Fire and Rescue National Framework for England set by the Secretary of State.

e) Scrutinise, support and challenge the overall performance of ECFRS including against the priorities agreed within the Fire and Rescue Plan.

f) Approve an Integrated Risk Management Plan ("IRMP") for the area.

g) Prepare and issue a Fire and Rescue Statement.

h) Publish information specified by the Secretary of State and information that the Authority considers necessary to enable the people who live in the area to assess the performance of the ECFRS.

i) Comply with all reasonable formal requests from the Police, Fire and Crime Panel to attend its meetings.

j) Appoint a Chief Fire Officer / Chief Executive to lead and manage the personnel, equipment and services secured for carrying out the functions of the Fire and Rescue Service.

k) Suspend and dismiss the Chief Fire Officer / Chief Executive.

l) Appoint such other staff as the Authority thinks appropriate to enable the Authority to exercise their functions, and to pay remuneration, expenses, gratuities and pensions to those staff.

m) Hold the Chief Fire Officer / Chief Executive to account for the exercise of:

    i. The functions which are delegated to the Chief Fire Officer / Chief Executive.

    ii. The functions of persons under the directions and control of the Chief Fire Officer / Chief Executive.

n) Scrutinise the work of officers and staff of the service.

o) Monitor all complaints made against employees, whilst having responsibility for complaints against the Chief Fire Officer / Chief Executive.

3.4 In order to exercise the functions of their office effectively, the Commissioner will need access to information and officer and staff within the Essex County Fire and Rescue Service. Such access to any information must not be unreasonably withheld or obstructed by the Chief Fire Officer / Chief Executive and / or fetter the Chief Fire Officer / Chief Executive's discretion and control of the Service.

3.5 The Commissioner is a corporation sole which owns all the assets, land and buildings upon it including all rights and liabilities which derive from that ownership. Any consent given by the Commissioner to the Chief Fire Officer / Chief Executive to enter into contracts is given on the condition that all assets arising from the contracts are for the use and benefit of the Commissioner. The role of the Commissioner outlined in paragraph 3.3, including the specific responsibility to raise revenues, particularly through the precept, which cannot be delegated, reinforce the position of retaining ownership of all assets and contracts for the benefit of the public of Essex.

3.6 The Commissioner may appoint a deputy to exercise their functions, with the exception of those functions which cannot or have not been delegated detailed within paragraph 5.1.

3.7 The Commissioner may also arrange for any person who is not the Deputy PFCC to exercise any function of the Commissioner, whether or not there is a Deputy PFCC. Note however that the functions listed in paragraph 6.3 may **only** be delegated to a Deputy PFCC, if appointed.

4 General Principles of Delegation

4.1 This Scheme of Delegation does not attempt to list all matters that form part of the everyday management responsibilities, however delegated authority does include the management of the human and material resources required to deliver the delegated functions.

4.2 The Commissioner may ask that a specific matter is referred to them for a decision and not dealt with under this scheme of delegation.

4.3 Any person to whom powers have been delegated under this scheme may refer the matter back to the Commissioner for a decision if that person thinks this is appropriate, for example, due to sensitive issues or decisions with significant financial implications.

4.4 When a person is considering a matter under this scheme that impacts upon another person's area of responsibility, they should consult that person before proceeding with any decision.

4.5 This scheme includes the power for officers to delegate further, in writing, all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub delegations shall be recorded in a register kept by the Monitoring Officer.

4.6 The power to dismiss staff shall not be delegated below the rank of Area Manager / Brigade Manager (for uniformed staff) or equivalent support staff Directors / Assistant Directors (for non-uniformed staff) and shall only be exercised in accordance with the Disciplinary Procedure.

4.7 In exercising delegated powers, officers shall not go beyond the provision in the revenue or capital budgets for the Commissioner, except to the extent permitted by Financial and Procurement Regulations.

4.8 All decisions made under delegations from the Commissioner must be recorded and available for inspection.

4.9 This scheme includes the obligation on officers to keep the Commissioner properly informed of activity arising within the scope of these delegations.

4.10 The Chief Fire Officer / Chief Executive is responsible for ensuring that the staff of the fire and rescue service are aware of the provisions and obligations of this Scheme of Delegation.

4.11 The Monitoring Officer, Chief Financial Officer and Head of Paid Service have statutory powers and duties relating to their positions and therefore do not rely on delegations in order for those powers and duties to be executed.

4.12 This Scheme of Delegation provides officers with the authority to undertake the duties of the Commissioner. Whilst undertaking these duties the person must comply with all other relevant statutory and regulatory requirements as well as:

a) The Fire and Rescue Services Act 2004
b) The Civil Contingencies Act 2004
c) The Policing and Crime Act 2017
d) Financial and Procurement Regulations
e) Home Office Financial Management Codes of Practice relating to the fire and rescue service
f) CIPFA Statement on the role of the Chief Financial Officer in public service organisations
g) The Public Contract Regulations
h) The Commissioner's employment policies and procedures
i) The Commissioner's Constitution
j) The Data Protection Act 2018, the UK General Data Protection Regulation and the Freedom of Information Act 2000
k) Health and Safety at Work legislation and codes.
l) The Equality Act 2010 and related equality and diversity regulation and guidance

4.13 The Commissioner and their staff must have regard to the following. This list is indicative only and should not be considered to be exhaustive:

a) The views of communities in Essex
b) Any report or recommendation made by the Police, Fire and Crime Panel on the Fire and Rescue Statement for the previous financial year
c) The Fire and Rescue Plan and any guidance issued by the Secretary of State

4.14 This Scheme of Delegation is a record of the formal delegations that are in effect at the time of its publication. The Commissioner's Constitution, including this scheme of delegation, will be reviewed periodically.

5 Commissioner's functions that are not delegated to Officers

5.1 The following functions have not been delegated by the Commissioner:

a) The function of calculating a council tax requirement.
b) The function of approving the Fire and Rescue Plan and the Fire and Rescue Statement.
c) The function of approving the Integrated Risk Management Plan.
d) The function of appointing, suspending or dismissing the Chief Fire Officer / Chief Executive.
e) The function of holding the Chief Fire Officer / Chief Executive to account for functions which are delegated to them or functions of persons under the direction and control of the Chief Fire Officer / Chief Executive.
f) The function of approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011.
g) The function of approving arrangements to enter into a reinforcement scheme under section 13 of the Fire and Rescue Services Act 2004.
h) The function of approving arrangements with other employers of fire fighters under section 15 of the Fire and Rescue Services Act 2004.

i) The function of approving arrangements under section 16 of the Fire and Rescue Services Act 2004.
j) The function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that:
    i. So far as is reasonably practicable, the Commissioner is able to perform their fire and rescue functions if an emergency occurs, and
    ii. The Commissioner is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it.
k) The function of approving any arrangements for the co-operation of the Authority and other general Category 1 responders and general Category 2 responders in respect of:
    i. The performance of the Commissioner's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004; and
    ii. Any duties under subordinate legislation made in exercise of powers under that Act.
l) The function of approving the Medium-Term Financial Strategy, the Capital Financing Policy and the Treasury Management Strategy.
m) The function of approving decisions on permanent savings in the budget to achieve the Commissioner's priorities.
n) The function of approving the Estates Strategy.
o) The function of making an order for the compulsory acquisition of land in accordance with the Acquisition of Land Act 1981.
p) The function of acquisition of land in advance of requirements.
q) The function of approving the IT / Technology Strategy.
r) The function of confirmation of any order or the issue or grant of any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised.
s) The function of approving decisions on the closure or re-location of fire stations.
t) The function of reducing or varying, on a permanent basis, the number of fire appliances and the method used to crew the appliances.
u) The function of approving prevention, protection and response strategies.
v) The function of approving the Risk Management Policy and Strategy.
w) The function of affixing documents with the common seal of the Commissioner as required by the Financial and Procurement Regulations.

6 Functions which are delegated to the Deputy Police, Fire and Crime Commissioner

6.1 The Commissioner may appoint a deputy ("Deputy PFCC") to exercise their functions, with the exception of those detailed in paragraph 5.1 and 7.2(a).

6.2 With the exception of the functions detailed in paragraph 5.1 and 7.2(a) the Deputy PFCC has the power to exercise all of the functions of the Commissioner.

6.3 The Deputy PFCC may arrange for any other person to exercise any function of the Commissioner which is exercisable by the Deputy PFCC, with the exception of:

a) The function of determining the Commissioner's priorities and objectives for the purpose of the Fire and Rescue Plan and the Fire and Rescue Statement.
b) The function of attendance at a meeting of the Police, Fire and Crime Panel for Essex in compliance with a requirement by the Panel to do so.
c) The function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014.
d) The function of deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014.
e) The function of approving the People Strategy.
f) The function of approving the staff Code of Conduct.
g) The function of approving the Staff Disciplinary and Grievance Policies.
h) The function of approving the Complaints and Compliments and Whistleblowing Policies.
i) The function of approving the Anti-Fraud and Corruption Strategy.

7 Functions delegated to the Chief Fire Officer / Chief Executive

7.1 To act as the Head of Paid Service under section 4 of the Local Government and Housing Act 1989.

7.2 To exercise the functions of the Commissioner, excluding those functions set out in 5.1 and 6.3, and in particular:

a) To prepare an Integrated Risk Management Plan which is in accordance with the requirements of the Fire and Rescue National Framework for England. The plan must set out an assessment of all foreseeable fire and rescue related risks that could affect the area and proposals, including about the allocation of resources for the mitigation of those risks. The Commissioner may not make arrangements for the delegation of the function of preparing and publishing an integrated risk management plan to any person other than the Chief Fire Officer / Chief Executive.

b) To undertake the recruitment and management of staff in accordance with agreed policies and procedures.

c) To take decisions and exercise discretions on matters of personnel, development, health and safety and compensation as set out in the fire and rescue service's employment policies and procedures.

d) To determine and issue general guidelines to officers and staff for the management of human resources and in particular recruitment, training, conditions of service, rewards, health and safety and employment relations, discipline and dismissals.

e) To implement national and local pay awards.

f) To exercise discretions under certain provisions of the Local Government Superannuation Regulations and Firemen's Pension Scheme after consultation with and having due regard to the opinion of the Chief Financial Officer, in particular but not limited to:

i) In respect of retirement allowances payable to Grey Book employees as set out in the National Joint Council for Local Authorities Fire Brigade Scheme of Conditions of Service (2004), the Firemen's Pension Scheme Order 1992 and the Firefighters Pension Scheme (England) Order 2006,

the Chief Fire Officer is authorised to exercise discretion on behalf of the Commissioner regarding retirement on the grounds of permanent disability and determination of awards to be received under the scheme, and to approve members of the Firefighters' Pension Scheme to count as pensionable service any absence as a result of industrial action providing they pay the appropriate pension contributions.

ii) In respect of retirement allowance payable to Green Book employees as contained in the Local Government Pension Scheme Regulations 1997 and the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 as amended, the Chief Fire Officer is authorised to exercise the powers and duties of the Commissioner to release early payment of pension benefits in relation to redundancy, efficiency of the service or in accordance with Regulation 31 of the Local Government Pension Scheme Regulations 2013 subject to approval by the Commissioner after consultation with the Chief Financial Officer.

g) To authorise the acquisition, re-use, appropriation and disposal of land and buildings or of any interest therein limited to £100,000.

h) In an operational context, managing and providing strategic leadership for any major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate, or delegating such operational roles to a senior officer (Brigade Manager).

i) To influence the direction of local, regional and national policy in support of the vision, aims and objectives of the Commissioner.

j) To ensure that the Commissioner's activities are carried out with maximum effect and efficiency.

k) To manage the Commissioner's budget, along with the Chief Financial Officer, and ensure that good value for money is obtained in exercising functions of the fire and rescue service.

l) To lead and direct the strategic management of the fire and rescue service.

m) Authorise named employees of the fire and rescue service, in writing, to exercise those powers, as are relevant to the Commissioner, under sections 44, 45 and 46 of the Fire and Rescue Services Act 2004.

n) Authorise named employees of the fire and rescue service, in writing, to exercise powers as are relevant to the Commissioner under the Regulatory Reform (Fire Safety) Order 2005.

o) Authorise named employees of the fire and rescue service, in writing, to exercise those powers, obligations etc. as are relevant to the Commissioner under any statutory provision which may from time to time be created, replace, amend or extend the provisions of any enactment and any orders, directions, regulations, code or byelaws made thereunder and any ministerial circulars or advice or note relating thereto.

p) To authorise surveillance activity in accordance with the fire and rescue service's policy.

7.3 To provide information to the Essex Police, Fire and Crime Panel as appropriate to enable the Panel to carry out its functions.

7.4 To consider and approve, in consultation with the Chief Financial Officer, the indemnity to the Commissioner and Deputy PFCC in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.

7.5 The Commissioner gives consent to the Chief Fire Officer / Chief Executive to enter into contracts involving the sale or purchase of goods and services up to £250,000, provided that:

a) Any assets arising from the transfer are treated in accordance with paragraph 3.5
b) The contracts do not relate to land
c) The contracts do not relate to the borrowing of money
d) The Commissioner is advised in writing of the intention to enter into the contract at least seven days in advance. On receipt of the written notice, the Commissioner may withdraw their consent to enter into the contract or become either a party or the party to the contract of which they have been notified.

7.6 The Commissioner gives consent to the Chief Fire Officer / Chief Executive, in any legal proceedings involving the Commissioner (including settlement agreements), to approve the financial settlement of all claims or requests for compensation that are non-significant because:

a) The compensation to be paid is £100,000 or less (to include multiple or linked claims / claimants) or, in the case of accident claims or ex-gratia payments for damage caused by officers and staff, the compensation sum is £10,000 or less
b) They do not involve a high-profile claimant including Principal Officers
c) There is no significant public interest in the case
d) The risk that the Commissioner or ECFRS will be exposed to serious public criticism or serious weakness in the organisation of policies and procedures is considered low
e) It is not a test case

7.7 Unless delegated, the duties of the Chief Fire Officer / Chief Executive shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by the Deputy Chief Fire Officer. The Chief Fire Officer / Chief Executive has delegated responsibilities within the Service Leadership Team for delivery of core functions as detailed within the Appendix to this Schedule 9.

8 Functions delegated to the Chief Financial Officer

8.1 To exercise the proper administration of the Commissioner's financial affairs as set out in Section 151 of the Local Government Act 1972, section 73 of the Local Government Act 1985 and section 112 of the Local Government Finance Act 1988.

8.2 To have responsibility for the overall management of the internal audit function in accordance with the Accounts and Audit Regulations 1996.

8.3 To produce and manage the Commissioner's cash flow in accordance with the treasury management strategy and supporting policies and procedures.

8.4 To deal with all insurance matters

8.5 To prepare the Commissioner's budget for submission to the Commissioner and undertake day-to-day management of the Commissioner's budget. To commit expenditure within the Commissioner's approved budget to meet the objectives agreed with the Commissioner and reflected in the Fire and Rescue Plan. To manage co-ordination of the budget process and monitor the Commissioner's actual performance against budget.

8.6 Reporting to the Commissioner, via the Fire and Rescue Strategic Board, a proposed Treasury Management Strategy prior to the start of each financial year.

8.7 To implement and monitor the Treasury Management Strategy

8.8 All Commissioner decisions on borrowing, investment or financing are delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management, following approval of the Treasury Management Strategy.

8.9 To manage grants awarded to the Commissioner.

8.10 To make arrangements for securing and preparing the Commissioner's accounts and seek assurances that there are appropriate arrangements in place for the service's accounts.

8.11 To approve the opening and closing of all bank accounts.

8.12 To initiate a review of the Financial and Procurement Regulations from time to time (at least biennially) and to update any financial limits therein broadly in line with inflation for approval by the Commissioner.

8.13 Within Service budgets, accept tenders, place contracts and procure other resources within or outside the entity subject to compliance with the Financial and Procurement Regulations.

8.14 To determine whether contracts with a value greater than £1m should be executed under seal, taking into account factors such as the nature of the contract, the contractual period, and the goods, assets or services being purchased.

8.15 Terminate contractual and other commissioning arrangements after receiving appropriate legal advice.

8.16 To deliver the finance functions and those related to activities delivered under any contract or Service Level Agreement.

8.17 To provide financial information to the media, members of the public and the community as required.

8.18 To act as money laundering reporting officer under the Proceeds of Crime Act 2002 and Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payee) Regulations 2017 or other appropriate legislation from time to time in force.

8.19 To determine when any goods are surplus to requirements or obsolete and arrange for disposal in line with financial and procurement regulations.

8.20 After consulting with the Chief Fire Officer / Chief Executive and the Monitoring Officer, to report to the Commissioner and the external auditor if they consider that any proposal,

decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully.

8.21 To appoint a deputy in accordance with the Local Government and Housing Act 1989.

8.22 The duties of the Chief Financial Officer shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by such member of suitably qualified staff as they have for the time being nominated as their deputy.

9 Functions delegated to the Monitoring Officer

9.1 To lead on the promotion of good governance, including by maintaining an up to date version of the Constitution and ensuring it is widely available for consultation by the Authority, the Chief Fire Officer / Chief Executive, their staff and the public.

9.2 To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal including the making of appeals (other than financial settlements dealt with under sub-section 7.6 above), but they shall consult the Chief Fire Officer / Chief Executive and the Commissioner before settlement.

9.3 To make arrangements to approve and appoint external solicitors and Counsel to represent the Commissioner from time to time.

9.4 To sign any document necessary in any legal procedure or legal proceedings on behalf of the Commissioner unless any enactment otherwise requires or authorises, or the Commissioner gives authority to some other person for the purpose of such procedure or proceedings.

9.5 To authorise officers to appear before Magistrates' Courts or District Judges.

9.6 To authorise the giving of any indemnity by the Commissioner after consultation with the Chief Financial Officer and Commissioner.

9.7 To be the Proper Officer of the Commissioner except where legislation or this scheme names another officer and to authorise the making and issue of any formal documents.

9.8 To authenticate documents on behalf of the Commissioner.

9.9 Where requested to do so, to exercise powers and duties delegated by the Police, Fire and Crime Panel in relation to complaints against the Commissioner and / or their Deputy. This may include the receipt of complaints, the recording of them and notification to the Police, Fire and Crime Panel in accordance with the relevant regulations.

9.10 After consulting with the Chief Financial Officer, to report to the Commissioner and to the Police, Fire and Crime Panel if they consider that any proposal, decision or omission by the Authority, by any committee or sub-committee of the Authority, by any person holding office or employment under the Authority, or by any joint committee on which the Authority is represented has given rise, or would likely give rise, to unlawfulness or contravention of any code of practice made or approved by or under any enactment.

9.11 To appoint a deputy in accordance with the Local Government and Housing Act 1989.

9.12 The duties of the Monitoring Officer shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by such member of their staff as they have for the time being nominated as their deputy.

10 Urgent Matters

10.1 If any matter, which would normally be referred to the Commissioner for a decision arises, cannot be delayed, and the Commissioner or their Deputy are not available, the appropriate chief officer may decide the matter.

10.2 The appropriate persons authorised to decide urgent matters are the:

a) Chief Fire Officer / Chief Executive
b) Deputy Chief Fire Officer
c) Chief Financial Officer

10.3 Urgent decisions taken must be reported to the Commissioner as soon as practically possible.

Appendix to Schedule 9

Service Leadership Team
Roles and Responsibilities
May 2022

Within the Constitution of the Authority, the Chief Fire Officer/Chief Executive has delegated authority and ultimate responsibility for the running of the Fire and Rescue Service in Essex.

To assist with this, the Chief Fire Officer appoints Directors (Principal Officers) who form the Service Leadership Team. These officers' functional responsibilities are detailed as follows:

Deputy Chief Fire Officer
Director of Policy, Planning and Assurance

To lead organisational learning and continuous improvement in policy and practice; derived from reviewing performance.

- To deputise for the CFO in their absence
- Responsible for providing arrangements that assure the delivery of service against statutory duties, national guidance, fire standards and improvement objectives
- Responsible for the strategic planning and risk identification. Ensuring the Service has capability to respond safely and effectively to foreseeable risk including the production and effective management of the Strategic Risk Register and Strategic Assessment of Risk
- Responsible for ensuring the Service is a learning organisation through the delivery of effective debriefing and organisational learning that feeds back into improved practice
- To hold Service to account for the delivery of performance, ensuring it delivers improvements in efficiency, effectiveness, and value for money
- Lead Executive Officer responsible for ensuring the Service is compliant with the Health and Safety at work Act
- Responsible for effective business continuity arrangements to enable the Authority to always discharge its legal responsibilities including but not limited to - times of Industrial Action.
- Escalation point for Industrial relations
- Lead Executive Officer for Performance and Resource Board

Assistant Chief Officer
Director of People Services

To lead people and organisational strategy, enabling a diverse competent and motivated workforce while managing best in class HR and workforce development.

- Responsible for the Service's approach to delivery of the people strategy and associated development of staff including work force succession.
- To act as the Service lead officer for Industrial relations
- Responsible for ensuring the safe and effective delivery of operational training, delivering a safe and competent workforce
- Responsible for the leadership, management and behaviour change training of staff aligned with the objectives and priorities of the Fire and Rescue Plan and Integrated Risk Management Plan
- Responsible for ensuring effective people management systems are in place and the Service can demonstrate it values its employees and they are supported to achieve the highest standards
- To act as the lead Executive Officer for delivering an inclusive and diverse workforce including ensuring compliance with PSED
- To act as principal advisor to the CFO on matters of people and human resource management including cases of appeal and legal proceedings

Assistant Chief Fire Officer
Director of Operations

To deliver activities against organisational policy which support our core mission of making Essex a safer place to work, live and travel.

- Responsible for effective / efficient and safe delivery of response services ensuring legal duties are achieved and identified performance measures met.
- Responsible for effectively discharging responsibilities under the Fire Safety Act 2005 including the discharging of duties under the Building Safety Regulator and subsequent changes arising from the Fire Safety Bill.
- Responsible for the effective discharging of legal responsibilities to prevent harm to the public through prevention activities incl. compliance with the Children's Act and safeguarding
- To ensure risk information is relevant, accurate and available to crews and effective arrangements are in place for exercising and familiarisation of known risk

- To ensure effective relationships with other Cat 1 responders and the principles of JESIP and Joint Operational Procedures (JOP) and National Operational Guidance are embedded within the Service
- To act as principal advisor to the CFO on matters of operational service delivery

Assistant Chief Officer
Director of Corporate Service

To enable the organisation in its public duties by providing the infrastructure which supports activities and to ensure the organisation complies with statutory responsibilities.

- To act as the lead Executive Officer for fleet and equipment, ensuring a fit for purpose and future proof fleet and operational equipment that meets the needs of the risks identified
- Responsible for the safe and effective utilisation of estates, maximising value and ensuring fit for purpose
- Responsible for delivering sustainability through the delivery of the Environmental strategy
- Responsible for IT systems and service infrastructure, inc mobilisation system and operational communications ensuring resilience and ease of access to users
- To ensure compliance with the Data Protection Act and act as the Senior Information Responsible Officer (SIRO)
- To act as the Principal Advisor to the CFO on matters relating to corporate services
- Lead Executive Officer for liaison with Audit Committee

Chief Financial Officer

To ensure the appropriate financial administration of the Authority and prudent financial management across the organisation. To balance service needs with corporate interests whilst ensuring compliance with all statutory requirements.

- Statutory officer under Local Government Act 1974
- Legal duty to manage budget within set regulations
- Full details within the EPFCCFRA scheme of delegation
- In addition, responsible officer for Procurement, ensuring the Service is compliant with Procurement rules and able to evidence VFM

Assistant Director
Communications, Marketing and Brand

To lead the organisation to deliver effective internal and external communication strategies and plans that promote our core values and mission and enhance the brand of the Service.

- Responsible for ensuring the Service is compliant with legal duties to warn and inform the public in preparing and responding to emergencies
- To act as the lead officer for ensuring effective communication with staff and stakeholders
- Responsible for identifying opportunities to promote and enhance our brand to communities, partners and key stakeholders
- Lead officer for engaging with stakeholders during public consultation (IRMP)
- Responsible for ensuring the Service is compliant with the Localism Act with regards to transparency and accessibility of information
- To act as principal advisor to the CFO on matters of corporate communications, crisis communications and brand advancement

Schedule 10

Code of Conduct

August 2021
Version V1.3

Version Control	Version 1.3	August 2021
Updated By	D. Horsman	August 2021
Authorised By	R. Hirst	October 2021
Published		October 2021
Review Date		August 2023

Version history

Version Number	Date	Reason for review	Comments
1.0	November 2012		First publication
1.1	April 2013	Review decided by PFCC	
1.2	November 2018	Reviewed as part of a wider review of the Constitution	Amendments reflect joint governance of the police and fire and rescue services w.e.f. October 2017
1.3	August 2021	Reviewed as part of a wider review of the PFCC Constitution	

PART 1

Introduction

This Code as a whole is consistent with the seven “Nolan Principles” which are set out in Article 5 of the Constitution and is closely aligned to the local Codes of Conduct adopted by local authorities in Essex under the provisions of Section 29 (1) of the Localism Act 2011.

Essex Police and the Police, Fire and Crime Commissioner for Essex have also adopted the two further policing principles of **fairness** and **respect**.

I have adopted this Code and agree to abide by its provisions.

Any person that I may appoint as Deputy Police, Fire and Crime Commissioner (Deputy PFCC) is required to abide by the provisions of this Code also.

Interpretation

1. "relevant period" means the period of 12 months ending with the day on which notification was given to the Monitoring Officer of any disclosable pecuniary interests which existed at the time of the notification.

2. "profit or gain" includes any payments or benefits in kind which are subject to Income Tax

3. "beneficial interest" means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale

4. For the purposes of this Code 'PFCC' refers to the corporate body known as the Police, Fire and Crime Commissioner for Essex

1.0 When Does The Code Apply?

1.1 This Code applies to me in the elected office of Police, Fire and Crime Commissioner when acting or representing that I am acting in that role.

1.2 It also applies to the Deputy PFCC when acting or representing that s/he is acting in that role.

1.3 This Code does not apply to me or the Deputy PFCC when acting in a purely private capacity.

2.0 General Obligations

2.1 I will treat others with respect and fairness.

2.2 I will uphold the law.

2.3 I will not:

(a) do anything which may cause a breach of any of the equality enactments;

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant;
(ii) a witness; or

(iii) involved in the administration of any investigation or proceedings.

in relation to an allegation that I failed to comply with this Code of Conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the PFCC.

(e) conduct myself in a manner which could reasonably be regarded as bringing my office or the PFCC into disrepute.

3.0 Confidential Information

3.1 I will not:

(a) disclose information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) I have the consent of a person authorised to give it;
(ii) I am required by law to do so;
(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
(iv) the disclosure is:

(a) reasonable and in the public interest; and
(b) made in good faith and in compliance with the reasonable requirements of the PFCC

(b) prevent another person from gaining access to information to which that person is entitled by law.

4.0 Conferring an Advantage or Disadvantage

4.1 I will:

(a) not use or attempt to use my position improperly to confer on or secure for myself or any other person an advantage or disadvantage;

(b) when using or authorising the use by others of the resources of the PFCC:

(i) Not use those resources for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
(ii) Not use those resources improperly for political purposes (including party political purposes).

PART 2

5.0 Disclosable Pecuniary Interests

5.1 A Disclosable Pecuniary Interest in any business of the PFCC exists if it is of a description set out in 5.2 below and is either:

(a) An interest of mine; or

(b) An interest (of which I am aware) of a spouse, civil partner or a person I am living with as a spouse or civil partner ("known as Relevant Persons").

5.2 A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

(a) Any employment, office, trade, profession or vocation carried on by me or a Relevant Person for profit or gain;

(b) Any payment or provision of any other financial benefit (other than from the PFCC) made or provided within the relevant period in respect of any expenses incurred in carrying out my duties as a Police, Fire and Crime Commissioner, or towards any election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) Any contract for goods, services or works which has not been fully discharged between me or a Relevant Person and the PFCC or a body in which I or they have a beneficial interest;

(d) A beneficial interest in any land in the County of Essex;

(e) A licence of any land in the County of Essex (alone or jointly with others) that I or a Relevant Person occupy for a month or longer;

(f) Any tenancy where to my knowledge

(i) the landlord is the PFCC and
(ii) the tenant is a body in which I or a Relevant Person has a beneficial interest;

(g) Any beneficial interest in securities of a body where:

1. that body (to my knowledge) has a place of business or land in the County of Essex and

2. either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

6.0 Other Pecuniary Interests

6.1 I will have a pecuniary interest in any business of the PFCC where it relates to or is likely to affect:

(a) Any person or body who employs or has appointed me;

(b) Any contract for goods, services or works made between the PFCC and me or a firm in which I am a partner, a company of which I am a remunerated director, or a person or body of the description specified in paragraph 5.2(g) which has been fully discharged within the last 12 months;

7.0. Non-Pecuniary Interests

7.1 I will have a non-pecuniary interest in any business of the PFCC where it relates to or is likely to affect:

(a) Any body of which I am a member or in a position of general control or management;

(b) Any body:

(i) exercising functions of a public nature;
(ii) directed to charitable purposes; or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which I am a member or in a position of general control or management;

(c) The interests of any person from whom I have received a gift or hospitality with an estimated value of at least £50;

(d) A decision in relation to that business which might reasonably be regarded as affecting my wellbeing or the wellbeing of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the County of Essex.

8.0. Disclosure of Interests

8.1 Subject to sub-paragraphs 8.3 to 8.4, I will disclose if I have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the PFCC when I am asked to make a decision as Police, Fire and Crime Commissioner.

8.2 I will make and record that disclosure of the existence and nature of that interest whether or not such interest is registered on my Register of Interests.

8.3 Sub-paragraph 8.1 only applies where I am are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.

8.4 Where I have an interest in any business of the PFCC which would be disclosable by virtue of paragraph 8.1 but by virtue of paragraph 11 (Sensitive Information) details of the interest are not registered in the PFCC's published Register of Interests and the interest is a Disclosable Pecuniary Interest I need not disclose the nature of the interest.

9.0. Effect of Interests

9.1 Disclosable Pecuniary Interests

9.1.1 If I have a Disclosable Pecuniary Interest then:

(a) The function will not be exercised personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

(b) I will not seek improperly to influence a decision about that the exercise of that function.

9.2 Other Pecuniary Interests

9.2.1 If I have an Other Pecuniary Interest in any business of the PFCC which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest

(a) The function will not be exercised personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

(b) I will not seek improperly to influence a decision about that the exercise of that function.

PART 3
REGISTER OF INTERESTS

10.0. Registration of Interests

10.1 Subject to paragraph 11, I will, within 28 days of:

(a) adopting this Code, or

(b) my election, re-election or appointment or re-appointment to office register details of:

(i) Disclosable Pecuniary Interests as referred to in paragraph 5.
(ii) Other Pecuniary Interests referred to in paragraph 6 that I have.
(iii) Non Pecuniary Interests referred to in paragraph 7

10.2 Subject to paragraph 11, I will within 28 days of becoming aware of any new Disclosable Pecuniary Interest, Other Pecuniary Interest or any Non Pecuniary Interest provide written notification to the PFCC's Monitoring Officer

11. Sensitive Information

11.1 Where I have a Disclosable Pecuniary Interest, Other Pecuniary interest or Non Pecuniary Interest and the nature of the interest is such that I and the PFCC's Monitoring Officer consider that disclosure of details of the interest could lead to me or a person connected with me being subject to violence or intimidation if the interest is entered in the Register then copies of the Register available for inspection and any published version of the Register will not include details of the interest but may state that I have an interest details of which are withheld under this paragraph.

11.2 I will, within 28 days of becoming aware of any change of circumstances which mean that information excluded under paragraph 11.1 is no longer sensitive information, notify the PFCC's Monitoring Officer.

11.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that I or person who lives with me may be subject to violence or intimidation.

12. Register of Gifts and Hospitality

12.1 I will within 28 days of receipt, notify the PFCC's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which I have accepted from any person or body other than the PFCC.

12.2 The Monitoring Officer will place my notification on a public register of gifts and hospitality

12.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the PFCC for this purpose.

Appendix to Schedule 10

POLICE, FIRE AND CRIME COMMISSIONER FOR ESSEX

REGISTER OF INTERESTS

I …….,

as Police, Fire and Crime Commissioner for Essex/Deputy Police, Fire and Crime Commissioner for Essex, have set out below under the appropriate headings my interests in accordance with the Code of Conduct referred to in Article 5 of the Constitution. I have put 'none' where I have no such interests under any heading.

Disclosable Pecuniary Interests **[Note: These include your own interests and also those of your husband or wife, civil partner or of any person with whom you are living as if husband and wife or as civil partners when such interests are known by you].**	
Employment, office, trade, profession or vocation 1. Your employment, office, trade, profession or vocation carried on by you or those persons referred to in the note above for profit or gain (this includes any payments or benefits in kind which are subject to Income Tax).	Self & Spouse / Partner:
Sponsorship 2. Any payment or provision of any other financial benefit made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as Police, Fire and Crime Commissioner/Deputy Police, Fire and Crime Commissioner, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.	Self & Spouse / Partner:

Contracts 3. A description of any contract for goods, services or works made between the PFCC and you or the persons referred to above (or a body in which you or they have a beneficial interest) and which has **NOT** been fully discharged.	Self & Spouse / Partner:
Land 4. Any land in Essex in which you have a beneficial interest.	Self & Spouse / Partner:
Licences 5. Any land in Essex for which you or the persons referred to above have a licence (alone or jointly with others) to occupy for a month or longer.	Self & Spouse / Partner:
Corporate Tenancies 6. Any tenancy where to your knowledge the landlord is the PFCC and the tenant is a body in which you or a person referred to above has a beneficial interest.	Self & Spouse / Partner:
Securities 7. The name of any person or body in which you or a person referred to above has a beneficial interest in securities of that body where: (a) that body to your knowledge has a place of business or land in Essex; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issue share capital of that body; or	Self & Spouse / Partner:

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issue share capital of that class.	

Other Pecuniary Interests **[Note: These are your own interests only. Do not include the interests of husbands / wives / civil partners or others]**	
1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.	
2. A description of any contract for goods, services or works made between the PFCC and you (or a body in which you or they have a beneficial interest) and which has been fully discharged within the last 12 months.	
Registerable Non-Pecuniary Interests **[Note: These are your own interests only. Do not include the interests of husbands / wives / civil partners or others]**	
1. Your membership of or the fact that you are in a position of general management and control of any body: (a) to which you have been appointed or nominated by the PFCC. (b) exercising functions of a public nature. (c) directed towards charitable purposes. (d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).	

2. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £50				
Date of Disclosure	**Date of Receipt of Gift / Hospitality**	**Name & Address of Donor**	**Nature of Gift or Hospitality**	**Signature**

I acknowledge that it may be a breach of the Code of Conduct to:

(1) Omit information that ought to be given in this notice;

(2) Provide information that is materially false or misleading;

(3) Fail to provide written notification to the PFCC's Monitoring Officer of any change in my interests contained in this notice within 28 days of my becoming aware of such change of circumstances.

Name: ……..…….

(Print – No Signature Required)

Date: ……..…….

Date Received by MO:

Signed (by MO):

Name (Print)

……..…….

Monitoring Officer PFCC

EXPLANATORY NOTES

- The Code requires registration of:

  (a) Disclosable Pecuniary Interests (DPIs) of you and your spouse / partner. There is no requirement to distinguish the two, but you may wish to do so. There is no requirement to name your spouse / partner.

  (b) Other Pecuniary Interests of you only.

  (c) Registerable Non-Pecuniary Interests of you only.

- You should complete the Register with sufficient detail to identify clearly what the interest is. Please avoid using abbreviations, initials or acronyms.

- You are personally responsible for the accuracy of the contents of the Register.

- Please mark “none” on the Register if you have no interest to register in any category.

- There is no requirement to sign the form, printing your name is sufficient.

- Your Register of Interests will be publicly available both in hard copy and on the PFCC’s website. Therefore please write as clearly as possible.

- Remember that you must keep your registered interests up to date. If anything changes advise the Monitoring Officer within 28 days of any change.

The following notes relate to the numbers on the form:

Disclosable Pecuniary Interests

1. Enter details of your employment, trade, profession etc. carried on by you or your spouse / partner. Include full and part-time work. You do not need to register any pension rights.

2. Enter details of any sponsorship received i.e. any payment of expenses as a Member, or your elections expenses.

3. Enter details of any ongoing contracts between you (or your spouse / partner) and the PFCC. Enter a clear description of the contract.

4. You must include a clear description sufficient to identify land you register. Land includes property and buildings on land and you should include the postal address. Beneficial interest includes freehold and leasehold (tenancy) interests and any legal rights you may have over property, for example a right of way or an option to purchase. Include land in which your spouse / partner has a beneficial interest.

5. This includes grazing agreements, allotments, garage licences and other short term arrangements to use any land or property in Essex by you or your spouse / partner.

6. Include here any land or property leased (tenanted) from the PFCC by yourself, your firm or company, or your spouse / partner.

7. If you (or your spouse / partner) own shares or other form of equity in a company or other body which has a place of business within Essex or owns land or property in Essex, you

will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of the share indicated on the certificate, not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but the holding is more than 1% of the total issued share capital, you need to register the name of the company or body.

Other Pecuniary Interests

1. Enter details of your employer, or firm in which you are a partner, or company of which you are a remunerated director. This box only relates to you, not your spouse / partner. You do not need to refer to pension rights.

2. Enter details of any contract between you (or a body / company in which you have a beneficial interest) and the PFCC, which has been fully discharged within the last 12 months. Enter a clear description of the contract.

Registerable Non-Pecuniary Interests

1. Bodies

   (a) List all the bodies external to the PFCC to which you have been appointed by the PFCC.

   Give the full name of the body (not acronyms or initials).

   If in doubt, ask the Monitoring Officer.

   (b) Include any public bodies of which you are a member (e.g. school governor, health authority, government agency, other non-profit organisations in the public sector, local committee).

   (c) Include any charity of which you are a trustee or member.

   (d) Include the name of any political party of which you are a member, any national or local body operating as a pressure group or any trade union or trade association.

2. The requirement covers gifts and hospitality received by you as Police, Fire and Crime Commissioner worth £50 or over. This requirement does not include gifts and hospitality received by you in your private capacity.

   You must register the nature of the gift or hospitality, and the person or body giving it. The source of the gift or hospitality affects whether you have a non-pecuniary interest in any business of the PFCC where it relates to, or is likely to affect, the source's interests.

   You should register the gift or hospitality as soon as possible after receiving it and in any event within 28 days.

Schedule 11 - Appointment, Suspension and Dismissal of the Chief Fire Officer

1 Introduction

1.1 The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 Part 2 sets out the process that must be followed for the appointment, suspension and dismissal of the Commissioner's Chief Fire Officer.

1.2 For ease of reference the process that will be followed is set out in this schedule.

2 Appointment of the Chief Fire Officer

2.1 The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") must comply with Section 3-13 whilst appointing the Chief Fire Officer.

3 No appointment until the end of the confirmation process

3.1 The Commissioner must not appoint a person to be the Chief Fire Officer unless the end of the confirmation process has been reached.

3.2 The end of the confirmation process is reached in a case to which Section 8 applies:

a) Where the Police, Fire and Crime Panel makes a recommendation in relation to the appointment, the date on which the Commissioner notifies the panel of its decision whether or not to accept that recommendation under section 8.3 or
b) Where the Police, Fire and Crime Panel does not make a report in relation to the appointment, at the end of the period of three weeks starting with the day on which the panel receive the notification from the Commissioner of the proposed appointment.

3.3 The end of the confirmation process is reached in a case to which section 9 (Next steps if veto) applies:

a) Where the Police, Fire and Crime Panel does not make a report in relation to the appointment, at the end of the period of three weeks starting with the day on which the panel receives the notification from the Commissioner of the proposed appointment, or
b) Where the Police, Fire and Crime Panel makes a recommendation in relation to the appointment under section 11, the date on which the Commissioner notifies the panel of its decision whether or not to accept that recommendation under paragraph 12.1 (b).

4 Notification of proposed appointment

4.1 The Commissioner must notify the Police, Fire and Crime Panel of each proposed appointment of the Chief Fire Officer by the Commissioner.

4.2 In such a case, the Commissioner must also notify the Police, Fire and Crime Panel of the following information:

a) The name of the person whom the Commissioner is proposing to appoint ("the candidate").
b) The criteria used to assess the suitability of the candidate for the appointment.
c) Why the candidate satisfies those criteria.
d) The terms and conditions on which the candidate is to be appointed.

5 Panel to review and report on the proposed appointment

5.1 This paragraph applies if the Police, Fire and Crime Panel is notified under Section 4 of a proposed appointment of a Chief Fire Officer.

5.2 The panel must review the proposed appointment.

5.3 The panel must make a report to the Commissioner on the proposed appointment.

5.4 Subject to paragraph 6.2, the report must include a recommendation to the Commissioner as to whether or not the candidate should be appointed.

5.5 The panel must comply with sub-paragraphs 5.2 to 5.4 within the period of three weeks beginning with the day on which the panel receives the notification from the Commissioner of the proposed appointment.

5.6 The panel must publish the report made to the Commissioner.

5.7 In calculating the period of three weeks for the purpose of paragraph 5.5, any relevant post-election period is to be ignored.

5.8 In this paragraph 5.7 and 20.3 a "relevant post-election period" means the period that:

a) Begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50 of the Police Reform and Social Responsibility Act 2011, and
b) Ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance under section 70 of that Act.

6 Power of the panel to veto the proposed appointment

6.1 The Police, Fire and Crime Panel may, having reviewed the proposed appointment, veto the appointment of the candidate.

6.2 If the panel vetoes the appointment of the candidate, the report made under section 5 must include a statement that the panel has vetoed it.

6.3 References in the section to the Police, Fire and Crime Panel vetoing the appointment of a candidate are references to the panel making a decision, by the required majority, that the candidate should not be appointed as Chief Fire Officer.

6.4 For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

6.5 The power conferred by this section is exercisable in relation to a proposed appointment only during the period of three weeks mentions in paragraph 5.7.

7 Confirmation hearings

7.1 The Police, Fire and Crime Panel must hold a confirmation hearing:

a) Before making a report under section 5 to the Commissioner in relation to a proposed appointment, and
b) Before making a recommendation under section 5 (where applicable) or vetoing an appointment under section 6 (where applicable).

7.2 For the purposes of this article:

a) "Confirmation hearing" is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
b) References to a person appearing at a meeting of the panel are references to the person:
    i. Attending the meeting in person, or
    ii. Not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

8 Next steps if no veto

8.1 This article applies if the Police, Fire and Crime Panel does not veto the appointment of a candidate.

8.2 The Commissioner may accept or reject the panel's recommendation as to whether or not the candidate should be appointed.

8.3 The Commissioner must notify the panel of the decision whether to accept or reject the recommendation.

9 Next steps if veto

9.1 This article applies if the Police, Fire and Crime panel vetoes the appointment of a candidate.

9.2 The Commissioner must not appoint that candidate as the Chief Fire Officer.

10 Veto: proposal of reserve candidate

10.1 Where the Police, Fire and Crime Panel exercises the power under section 6 the Commissioner shall propose another person for appointment as the Chief Fire Officer ("a reserve candidate").

10.2 The Commissioner proposes a reserve candidate by notifying the panel of the following information:

a) The name of the reserve candidate.

b) The criteria used to assess the suitability of the reserve candidate for the appointment.
c) Why the reserve candidate satisfies those criteria.
d) The terms and conditions on which the reserve candidate is to be appointed.

11 Panel's consideration of reserve candidate

11.1 Within the period of three weeks beginning with the day on which the Police, Fire and Crime Panel receives notification under paragraph 10.2 the panel shall:

a) Review the proposed appointment.
b) Make a report to the Commissioner on the proposed appointment.

11.2 Before making a report under paragraph 11.1(b), the panel must hold a confirmation hearing within the meaning of paragraph 7.2 (a).

11.3 The report made under paragraph 11.1 (b) must include a recommendation to the Commissioner as to whether or not the reserve candidate should be appointed.

11.4 The panel must publish the report made under paragraph 11.1(b).

11.5 In calculating the period of three weeks for the purpose of paragraph 11.1, any relevant post-election period within the meaning of paragraph 5.8 is to be ignored.

12 Commissioner's consideration of the report

12.1 On receiving a report under paragraph 11.1(b) the Commissioner shall:

a) Have regard to the report (including the recommendation in the report).
b) Notify the panel of its decision as to whether it accepts or rejects the recommendation.

13 Appointment of the Chief Fire Officer

13.1 After the Commissioner gives the notification mentioned in paragraph 12.1(b) it may then:

a) Appoint the reserve candidate as the Chief Fire Officer, or
b) Propose another person for such appointment.

13.2 Where a proposal is made under paragraph 11.1(b), section 10 to 13 applies in relation to that person as if the proposal had been made under paragraph 10.1 (and accordingly the person is treated for these purposes as a reserve candidate).

14 Suspension of the Chief Fire Officer

14.1 If the Commissioner suspends the Chief Fire Officer the Commissioner must notify the Police, Fire and Crime Panel of the suspension.

15 Dismissal of the Chief Fire Officer

15.1 The Commissioner must comply with sections 16 to 22 in relation to the dismissal of the Chief Fire Officer.

16 No dismissal until the end of the scrutiny process

16.1 The Commissioner must not dismiss the Chief Fire Officer until the end of the scrutiny process has been reached.

16.2 The end of the scrutiny process is reached when the first of the following events occurs:

a) The period of six weeks mentioned in section 20 has ended without the Police, Fire and Crime Panel having given the Commissioner any recommendation as to whether or not the Commissioner should dismiss the Chief Fire Officer.
b) The Commissioner notifies the Police, Fire and Crime Panel under section 22 of the decision whether or not the Commissioner accepts the panel's recommendation in relation to the proposed dismissal.

17 Commissioner's duty to consult the chief fire and rescue inspector for England

17.1 If the Commissioner is proposing to dismiss the Chief Fire Officer the Commissioner must:

a) Obtain the views of the chief fire and rescue inspector for England, and
b) Have regard to those written views.

18 Notification and explanation of the proposal to dismiss

18.1 If, having complied with Section 17, the Commissioner proposes to dismiss the Chief Fire Officer, the Commissioner must:

a) Give the Chief Fire Officer:
    i. A written explanation of the reasons why the Commissioner is proposing to dismiss them, and
    ii. A copy of the written views of the chief fire and rescue inspector for England obtained by the Commissioner under Section 17.
b) Give the Police, Fire and Crime Panel:
    i. Written notification that the Commissioner is proposing to dismiss the Chief Fire Officer.
    ii. A copy of the reasons given to the Chief Fire Officer in accordance with sub-paragraph 18.1(a).
    iii. A copy of the written views of the chief fire and rescue inspector for England obtained by the Commissioner under Section 17.

19 Representations from the Chief Fire Officer

19.1 The Commissioner must give the Chief Fire Officer the opportunity to make written representations in response to the Commissioner's proposal to dismiss them.

19.2 The Commissioner must:

a) Consider any such written representations, and
b) Give the Police, Fire and Crime Panel a copy of any such representations as soon as practicable after the Commissioner is given them.

20 The Commissioner's response to representations

20.1 The Commissioner must comply with this section if, after complying with Section 19, the Commissioner is still proposing to dismiss the Chief Fire Officer.

20.2 The Commissioner must notify:

a) The Chief Fire Officer, and
b) The Police, Fire and Crime Panel

that they are still proposing to dismiss the Chief Fire Officer.

20.3 The Commissioner must at the time of giving the Chief Fire Officer and the Police, Fire and Crime Panel notification of the Commissioner's intention under paragraph 20.2:

a) Give the Chief Fire Officer and the panel a written explanation of the reasons why the Commissioner still proposes to dismiss the Chief Fire Officer.
b) Give the chief fire and rescue inspector for England a copy of the notification and explanation.
c) Unless the person who is for the time being designated as the Head of the Commissioner's Paid Service under section 4 of the Local Government and Housing Act 1989 is also the Chief Fire Officer, give the Head of the Commissioner's Paid Service a copy of the notification, the explanation and the written views of the chief fire and rescue inspector for England obtained in accordance with Section 17.

21 Role of the Panel

21.1 Where the Commissioner notifies the Police, Fire and Crime Panel under section 20 that they are still proposing to dismiss the Chief Fire Officer the panel must make a recommendation to the Commissioner as to whether or not the Commissioner should dismiss them.

21.2 The recommendation must be given to the Commissioner in writing before the end of the period of six weeks beginning on the day on which the panel receives the notification under article 20.

21.3 In calculating the period of six weeks for the purposes of paragraph 21.2, any relevant post-election period is to be ignored.

21.4 Before making the recommendation the panel:

a) May consult the chief fire and rescue inspector for England, and
b) Must hold a scrutiny hearing.

21.5 In this article "scrutiny hearing" means a meeting of the panel held in private which the Commissioner and the Chief Fire Officer are both entitled to attend for the purpose of making representations relating to the proposal to dismiss the Chief Fire Officer.

21.6 The reference in paragraph 21.5 to attending the panel includes participating in the proceedings at the meeting by any means that enable the person to hear, and to be heard, in those proceedings as they happen.

21.7 The panel must publish the recommendation made to the Commissioner under this section.

22 The Commissioner's response to the Panel's recommendation

22.1 The Commissioner must:

a) Consider the Police, Fire and Crime Panel's recommendation under section 21, and
b) Having considered that recommendation may accept or reject it.

22.2 The Commissioner must notify the panel of the decision whether or not to accept the recommendation.

Schedule 12 – Appointment and scrutiny of the appointment of the Chief Financial Officer

1 Appointing to the role of Chief Financial Officer

1.1 In the event that an appointment is required for Chief Financial Officer the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority ("the Commissioner") will:

a) Draw up a statement specifying:

i. The duties of the officer concerned.

ii. Any qualifications or qualities to be sought in the person to be appointed.

b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

c) Make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request.

1.2 Where a post has been advertised the Commissioner will:

a) Interview all qualified applicants for the post, or

b) Select a shortlist of such qualified applicants and interview those included on the shortlist.

1.3 Where no qualified person has applied, the Commissioner will make further arrangements for advertisement.

2 Scrutiny of the appointment by the Police, Fire and Crime Panel

2.1 The Police Reform and Social Responsibility Act 2011, paragraphs 9(1)(b) and (2) and 10 to 12 of Schedule 1, apply in relation to the Commissioner. This section of the Act sets out the process which must be followed in the scrutiny of the appointment of the Chief Financial Officer.

2.2 The Commissioner must notify the Police, Fire and Crime Panel of the proposed Chief Financial Officer appointment and provide the Panel of the following information:

a) The name of the person whom the PFCC is proposing to appoint ("the candidate").

b) The criteria used to assess the suitability of the candidate for the appointment.

c) Why the candidate satisfies those criteria.

d) The terms and conditions on which the candidate is to be appointed.

2.3 The panel must review the appointment and report to the Commissioner whether or not the candidate should be appointed.

2.4 The panel must comply with paragraph 2.3 within the period of three weeks beginning with the day on which the panel receives the notification from the Commissioner.

2.5 The panel must publish the report to the Commissioner set out in 2.3.

2.6 In calculating the period of three weeks for the purpose of sub-paragraph 2.4, any relevant post-election period is to be ignored.

2.7 In this paragraph a “relevant post-election period” means the period that:

a) Begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50 of the Police Reform and Social Responsibility Act 2011, and
b) Ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance under section 70 of that Act.

2.8 The panel must hold a confirmation hearing before making a report and recommendation under paragraph 2.3 to the Commissioner in relation to a proposed senior appointment.

2.9 For the purposes of this Schedule a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

2.10 References in this Schedule to a person appearing at a meeting of the panel are references to the person;

a) Attending the meeting in person, or
b) Not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

2.11 The Commissioner may accept or reject the panel’s recommendation under paragraph 2.3 as to whether or not the candidate should be appointed.

2.12 The Commissioner must notify the panel of the decision whether to accept or reject the recommendation.

Schedule 13

Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
[SI 2012/2271]

http://www.legislation.gov.uk/uksi/2012/2271/pdfs/uksi_20122271_en.pdf

Schedule 14

The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 [SI 2012/2553]

http://www.legislation.gov.uk/uksi/2012/2553/pdfs/uksi_20122553_en.pdf

Financial and Procurement Regulations

1 Overview of Financial Regulations

1.1 Introduction

1.1.1 These Regulations provide the framework for managing the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner's") financial affairs. They apply to every employee of the Commissioner and anyone acting on their behalf. All financial and procurement activities must be carried out in accordance with the regulations.

1.1.2 For the purpose of these regulations the term "Principal Officers" includes the posts of the Chief Fire Officer / Chief Executive, Deputy Chief Fire Officer, Director of Corporate Services, Director of People Services, Director of Operations and Chief Financial Officer.

1.1.3 The Chief Financial Officer is appointed to undertake the duties specified under Section 151 of the Local Government Act 1972.

1.1.4 The Regulations should be read in conjunction with other parts of the Constitution. These Regulations are subject to all applicable UK legislation, general financial guidance provided by UK accountancy institutes and specific guidance to Authorities provided by the Government.

1.2 Financial responsibilities

1.2.1 The Commissioner is responsible for approving the policy framework and budget within which the fire and rescue service operates. The Commissioner is also responsible for approving and monitoring compliance with the overall framework of accountability and control. The Commissioner also approves the Capital Financing Policy and the Pay Policy applicable to Principal Officers. The Commissioner is responsible for approving procedures for the delegation of powers.

1.3 General responsibilities

1.3.1 All fire and rescue service employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1.4 Reviewing and changing financial & procurement regulations

1.4.1 The Chief Financial Officer and Monitoring Officer are responsible for maintaining a continuous review of the Financial and Procurement Regulations and submitting any additions or changes necessary to the Commissioner for approval.

1.4.2 The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Commissioner. Any evidence of non-compliance with the Regulations must be reported to the Chief Financial Officer.

1.4.3 Anyone wishing to act outside the provisions of these Regulations, in a specific instance, must seek the written approval of the Chief Financial Officer. Such approvals shall be reported to the Commissioner in a timely manner.

1.4.4 The Financial and Procurement Regulations shall only be suspended by a formal decision from the Commissioner.

1.5 Awareness of existence and content of financial regulations

1.5.1 The Principal Officers are responsible for ensuring that all employees are aware of the existence and content of the Financial and Procurement Regulations and other internal regulatory documents and that they comply with them.

1.5.2 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the Financial and Procurement Regulations which employees and others acting on behalf of the Commissioner are required to follow. Notes and guidance may expand, but not contradict the Regulations. Any consultation required under these regulations must allow sufficient time for a proper consideration of any issues.

1.5.3 Breaches of Financial and Procurement Regulations of a serious nature may result in disciplinary proceedings and potentially criminal action. Such cases shall be reported to the Chief Financial Officer who shall determine, after consulting with the Monitoring Officer, whether the matter shall be reported to the Commissioner.

1.6 Financial management

1.6.1 Financial management covers all financial accountabilities in relation to the running of the fire and rescue service, including the policy framework, revenue budget, and capital programme.

1.6.2 The roles of the Fire and Rescue Performance and Resources Board, the Fire and Rescue Strategic Board, and the Audit Committee can be found in Schedules 1 - 3 of the Commissioner's Constitution. With particular reference to these regulations, the Fire and Rescue Strategic Board has responsibility for considering financial matters appertaining to the Commissioner. The Audit Committee has responsibility for considering the annual external audit letter, internal audit reports and the annual report of the Internal Auditor.

1.6.3 The Commissioner shall receive updates on the financial performance of the PFCCFRA by receiving regular budget monitoring and outturn reports, and also the Annual Audit Letter provided by the external auditors.

1.6.4 The responsibilities of the Chief Financial Officer are:

i) To ensure the proper administration of the financial affairs of the PFCCFRA.
ii) To ensure that proper practices are adhered to.
iii) To advise on the key strategic controls necessary to secure sound financial management.
iv) To ensure that proper systems of internal control are operated.
v) To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
vi) To ensure that all employees are aware of, and comply with, proper financial management standards, including these Financial and Procurement Regulations.
vii) Preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice
viii) To ensure that all staff are properly managed, developed, trained and have adequate support to carry out their financial duties effectively

1.6.5 The Chief Fire Officer / Chief Executive shall ensure that specific duties and responsibilities in financial matters are made clear to individual officers and that these are properly recorded.

1.7 Audit Requirements

1.7.1 The Accounts and Audit Regulations 2015 require the Commissioner to maintain an adequate and effective internal audit function. The Commissioner has a contract with a third party supplier to provide this service.

1.7.2 The Local Audit and Accountability Act 2014 requires a local external auditor to be appointed. The Commissioner may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

1.8 Assets

1.8.1 Principal Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

2 Financial Procedures

2.1 Introduction

2.1.1 All employees have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and by the controls that are in place to ensure that these standards are met.

2.1.2 The Chief Financial Officer's responsibilities are set out in Article 8.5 of the Constitution. They include the responsibility for setting and monitoring compliance with financial management standards.

2.1.3 The responsibilities of Principal Officers are to promote the financial management standards set by the Chief Financial Officer in their departments and to monitor adherence to the standards and practices.

2.2 Virement

2.2.1 Virement is intended to enable budget managers to manage budgets with a degree of flexibility within the overall policy framework determined by the Commissioner, and therefore to optimise the use of resources. The Chief Financial Officer administers it within guidelines set by the Commissioner. Any variation from this scheme requires the approval of the Commissioner.

2.2.2 The Commissioner approves the overall budget. Principal Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement (i.e. switching resources between approved estimate headings of expenditure or income).

2.2.3 Virement does not create additional overall budget liability. Principal Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Principal Officers must plan to fund such commitments from within their own budgets.

2.2.4 The Chief Financial Officer must report with the Chief Fire Officer / Chief Executive or the Deputy Chief Fire Officer to the Fire and Rescue Performance and Resources Board where revenue and capital virements, between policy based budgets, in excess of specified financial limits are proposed (see 9 – Financial Limits).

2.2.5 Virements in relation to asset charges or other budget headings that are outside the direct control of the Principal Officers or where a proposal would adversely affect long-term revenue commitments require Commissioner approval. Where there are budget movements, which are the consequence of, Commissioner approved changes no further approval for the virement is required.

2.2.6 Key virement controls are:

a) The overall budget is agreed by the Commissioner
b) Budget changes are administered by budget holders within the delegated powers given by the Commissioner, any variation from this scheme requires the approval of the Commissioner. Virements above the financial limits set out in section 9 should be presented to the Commissioner for approval
c) Budget managers are authorised to incur expenditure in accordance with the estimates that make up the budget
d) Virement does not create additional overall budget liability
e) The Chief Finance Officer shall ensure that virement is undertaken as necessary to maintain the accuracy of budget monitoring

2.2.7 Exceptions to the above framework:

a) Virement is not permitted in relation to financing items such as asset charges or where a proposal would adversely affect long term revenue commitments to the PFCCFRA
b) When the virement is between an income budget line and an expenditure budget line which is directly related, approval is by the Chief Finance Officer and the income and expenditure budgets will be increased for budget monitoring purposes
c) Budget lines will be cash limited and defined each year as part of the budget approval.
d) All requests for virement must be made in the format prescribed by the Chief Finance Officer in consultation with the Commissioner and information on the virements within the limits set out in Section G will be available to support budget monitoring report information.

2.2.8 Approval of the Commissioner shall be required, even if the financial value is below the limits set out in section 9, if the virement involves:

i) A change in policy, or
ii) A addition to commitments in future years, or
iii) Where resources to be transferred were originally provided to meet expenditure of a capital nature.

2.2.9 Technical Virements

Due to the volume of some technical virements and in order to ensure transparency, additional protocols have been established concerning approval of virements. Virement approval shall follow the process below:

i) The Chief Financial Officer shall propose the amounts to be placed on the holding codes for approval by the Commissioner at budget setting. This will be reported to the Police, Fire and Crime Panel at the budget setting meeting.
ii) If the virement from the holding code necessitates funds being vired to a different line within the Revenue Report Summary and this amount is greater than £250,000, this will be agreed in principle by the Chief Financial Officer and proposed to the Commissioner for approval. This will then be submitted via the Fire and Rescue Performance and Resources Board or individual submission to the Commissioner for formal approval by decision report
iii) Monthly meetings will be held between the Chief Financial Officer and the Head of Performance and Scrutiny (Fire and Rescue) ahead of the Fire and Rescue Performance and Resources Board. The purpose of the meeting will be to review variances, forecast outturn and agree technical virements that require approval via the Fire and Rescue Performance and Resources Board or direct submission to the Commissioner.

2.3 Treatment of year-end balances

2.3.1 The Commissioner determines the treatment of year-end balances. The Chief Financial Officer administers the scheme in accordance with the guidelines set by the Commissioner. The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. Appropriate accounting procedures are in operation to ensure that carried forward totals are correct.

2.3.2 Principal Officers must submit to the Chief Financial Officer all requests for approval of carry-forward of under-spends with supporting reasons for the request. These will be assessed to determine that no material commitments in future years will result from the change that cannot be accommodated within the base budget. Proposals will be submitted to the Commissioner for approval via the Fire and Rescue Strategic Board.

2.4 Accounting policies

2.4.1 The Chief Financial Officer is responsible for the preparation of the Commissioner's Statement of Accounts, in accordance with proper practices as set out in the format required by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom and the IFRS Code for each financial year ending 31 March. Suitable accounting policies are determined by the Commissioner, on the advice of the Chief Financial Officer, applied consistently and set out in the Statement of Accounts.

2.5 Accounting records

2.5.1 The Chief Financial Officer is responsible for determining the accounting procedures and records for the Commissioner. The Chief Financial Officer is responsible for ensuring that the annual Statement of Accounts is prepared in accordance with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. The Commissioner is responsible for approving the annual Statement of Accounts in accordance with the timetable specified in the Accounts and Audit Regulations 2015.

2.5.2 Maintaining proper accounting records is one of the ways in which the Commissioner discharges their responsibility for stewardship of public resources. The Commissioner has a statutory responsibility in preparing the annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Commissioner's resources.

2.5.3 All the Commissioner's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis. Procedures are in place to enable accounting records to be reconstituted in the event of systems failure. Reconciliation procedures are carried out to ensure transactions are correctly recorded. Prime documents are retained in accordance with legislative and audit requirements.

2.5.4 The Chief Financial Officer shall ensure that there is adequate segregation of duties so that the duties of providing information is separate from calculating, checking and recording these sums and employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

2.5.5 The Chief Financial Officer shall make proper arrangements for the audit, approval and publication of the Commissioner's accounts in accordance with the Accounts and Audit Regulations 2015. They shall ensure that all claims for funds including grants are made by the due date.

3 Financial Planning

3.1 Introduction

3.1.1 The way in which the Commissioner manages community risk and meets statutory responsibilities under the Fire and Rescue Services Act 2004 and the Fire and Rescue National Framework for England is set out in an Integrated Risk Management Plan. For planning purposes the Commissioner adopts a Fire and Rescue Plan and the annual planning and budget cycle is used to enable budget managers to demonstrate their plans for achievement of the Fire and Rescue Plan and the financial impact of those plans set out in their departmental budgets. The Commissioner is responsible for agreeing the Authority's policy framework and budget.

3.1.2 The general format of the budget will be approved by the Commissioner and proposed jointly by the Chief Fire Officer / Chief Executive and the Chief Financial Officer The budget should include allocation to different services and projects, proposed taxation levels and contingencies. The Chief Financial Officer, in consultation with the Chief Fire Officer / Chief Executive, is responsible for coordinating the preparation of the budget on an annual basis for consideration by the Fire and Rescue Strategic Board and the Essex Police, Fire and Crime Panel, before approval by the Commissioner. The Chief Financial Officer shall also submit Medium Term Financial Projections covering at least a three- to five-year period to the Fire and Rescue Strategic Board in advance of the detailed budget process. The Commissioner may amend the budget or ask the Fire and Rescue Strategic Board to reconsider it before approving the budget.

3.1.3 It is the responsibility of Principal Officers to ensure that revenue budget and capital programme proposals reflecting agreed service plans are submitted to the Chief Financial Officer and that these estimates are prepared in line with guidance issued by theChief

Financial Officer. The Chief Financial Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The Chief Financial Officer must monitor expenditure against budget allocations and report to the Fire and Rescue Performance and Resources Board on the overall position on a regular basis.

3.1.4 It is the responsibility of Principal Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Financial Officer. They should explain variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

3.1.5 The Commissioner is responsible for delivering a variety of services. The Commissioner needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Commissioner's plans and policies.

3.1.6 A report on new proposals should explain the full financial implications, following consultation with the Chief Financial Officer. Unless the Commissioner has agreed otherwise, Principal Officers must plan to contain the financial implications of such proposals within their budget.

3.1.7 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Commissioner. Budgets (spending plans) are needed so that the Commissioner can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Commissioner not to balance the budget.

3.1.8 Medium-term planning (or a three to five year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Commissioner is always preparing for events in advance.

3.1.9 The key controls for budgets and medium-term planning are:

a) Specific budget approval for all expenditure;
b) Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Commissioner for their budgets and the level of service to be delivered; and
c) A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

3.1.10 The Chief Financial Officer shall prepare and submit reports to the Fire and Rescue Strategic Board on the aggregate spending plans of Services and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied. They will advise on the medium-term implications of spending decisions and encourage the best use of resources and value for money. The Chief Financial Officer will work with Principal Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

3.1.11 The Chief Financial Officer, in consultation with the Chief Fire Officer / Chief Executive, will prepare and present the budget planning timetable to the Commissioner no later than the end of the first quarter of each financial year.

3.1.12 As part of the budget setting process the Chief Financial Officer will advise the Commissioner on appropriations from / to and / or the appropriate level of general reserve, earmarked reserves or provisions to be held.

3.1.13 It is the responsibility of the Chief Financial Officerto advise the Commissioner on budget proposals in accordance with their responsibilities under section 151 of the Local Government Act 1972 and the Local Government Act 2003.

3.1.14 The responsibilities of the Principal Officers are to prepare estimates of income and expenditure, in consultation with the Chief Financial Officer. They shall prepare budgets that are consistent with any relevant cash limits, with the annual budget cycle and with guidelines issued by the Chief Financial Officer.

3.1.15 Principal Officers shall integrate financial and budget plans with service planning, so that budget plans can be supported by financial and non-financial performance measures. When drawing up draft budget requirements, the Principal Officers should have regard to spending patterns and pressures revealed through the budget monitoring process. They shall reflect legal and policy requirements.

3.1.16 The Commissioner will present the proposed budget and council tax recommendations to the Police, Fire and Crime Panel for approval.

3.2 Budget preparation, monitoring and control

3.2.1 Budget management ensures that once the Commissioner has approved the budget, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Commissioner to review and adjust budget targets during the financial year. It also provides the mechanism that calls managers to account for defined elements of the budget.

3.2.2 By identifying and explaining variances against budgetary targets, the Commissioner can identify changes in trends and resource requirements at the earliest opportunity. The Commissioner operates within an annual cash limit, approved when setting the overall budget. For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service function. Budgetary control should take place at the lowest practical level.

3.2.3 Budget managers should be responsible only for income and expenditure that they can influence with only one nominated budget manager for each department. Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.

3.2.4 Budget managers shall follow an approved certification process for all expenditure. Performance levels/levels of service should be monitored in conjunction with the budget and necessary action is taken to align service outputs and budget. Principal Officers and senior managers should supervise the financial management of those reporting to them.

3.2.5 The Chief Financial Officer shall ensure there is an appropriate framework of budgetary management and control that ensures that budget management is exercised within annual cash limits unless the Commissioner agrees otherwise. They shall provide budget holders with timely information on receipts and payments on each budget that is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.

3.2.6 All staff responsible for committing expenditure shall comply with relevant guidance, and the financial regulations. Each cost centre shall have a single named manager, determined by the relevant Principal Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure. Significant variances from approved budgets shall be investigated and reported by budget managers regularly.

3.2.7 The Chief Financial Officer shall oversee the Commissioner's scheme of virement. They shall provide reports to the Commissioner via the Fire and Rescue Performance and Resources Board, in consultation with the Chief Fire Officer / Chief Executive, where the Chief Fire Officer / Chief Executive is unable to balance expenditure and resources within existing approved budgets under their control.

3.2.8 Reports shall be submitted on the Commissioner's projected income and expenditure compared with the budget on a monthly basis through the Fire and Rescue Performance and Resources Board. The report format will be agreed with the Chief Finance Officer and the Commissioner and will contain the most recently available financial information.

3.3 Capital Programme

3.3.1 The Chief Financial Officer, in consultation with the Chief Fire Officer / Chief Executive, is responsible for preparing the capital programme on an annual basis for consideration by the Fire and Rescue Strategic Board before submission to the Commissioner for approval. The Chief Financial Officer will issue guidelines on revenue budget and capital programme preparation to Principal Officers.

3.3.2 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Commissioner, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

3.3.3 Capital expenditure within the approved programme is authorised by the ECFRS Strategic Leadership Team or the Commissioner. The approval process will agree the business case for the expenditure, the timeline for the project or programme, and the projected benefits. Reports will be prepared and submitted to the Fire and Rescue Performance and Resources Board on the projected income, expenditure and resources compared with the approved estimates on a monthly basis

3.3.4 The Chief Financial Officer, in consultation with Principal Officers, shall prepare a three to five year rolling programme of proposed capital expenditure for consideration and approval by the Commissioner. This programme should be considered as part of the Medium Term Financial Strategy. Each scheme shall identify the total capital cost of the project and any additional revenue commitments.

3.3.5 Each capital project shall have a named officer responsible for sponsoring the scheme, monitoring the progress and ensuring completion of the scheme.

3.3.6 The Chief Financial Officer shall identify available sources of funding the capital programme including the identification of potential capital receipts from disposal of assets

3.3.7 Gaps may be identified between available resources and required capital investment. Requirements should be prioritised by the Chief Fire Officer / Chief Executive to enable

the Commissioner to make informed judgements as to which schemes should be included in the capital programme, the minimum level of funding required for each scheme and the potential phasing of capital expenditure.

3.3.8 Subject to the limits shown in section 9 and with the exception of professional fees (e.g. for feasibility studies and planning), no capital expenditure or disposal shall be incurred unless the scheme is approved by the Commissioner on recommendation of the Fire and Rescue Strategic Board.

3.3.9 The Chief Financial Officer shall issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The Chief Financial Officer, having regard to government regulations and accounting requirements, will determine the definition of capital expenditure.

3.3.10 The Chief Financial Officer shall prepare the following financial strategies on an annual basis, which should be aligned to the budget process:

- Medium Term Financial Strategy
- Reserves Strategy
- Treasury Management Strategy
- Capital and Minimum Revenue Provision Strategy

These shall be presented to the Strategic Board prior to the start of each financial year, for approval by the Commissioner.

3.3.11 Monitoring Capital Expenditure

The Chief Financial Officer and Chief Fire Officer / Chief Executive shall:

a) Monitor the progress of the capital programme and expenditure throughout the year against the approved programme
b) Submit capital monitoring reports, based on the most recent financial information, to the Commissioner on regular basis throughout the year to the Fire and Rescue Strategic Board. The reports will show spending to date and compare projected income and expenditure with the approved programme.
c) Will prepare a business case of all new capital schemes after the programme has been agreed for submission to the Commissioner and approval is required by the delegated limits.

3.4 Reserves

3.4.1 It is the responsibility of the Chief Financial Officer to advise the Commissioner on prudent levels of reserves. The level of reserves should make a general recognition of potential expenditure in respect of emergencies/disasters including those that may be subject to eventual funding under the Bellwin Scheme of Government support.

3.4.2 The Commissioner must decide the level of general reserves it wishes to maintain before it can decide the level of Council Tax. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items. Reserves shall be maintained in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies. For each reserve established, the purpose, usage and basis of transactions should be clearly identified. Authorisation of

expenditure from reserves shall be by the Commissioner with the advice of the Chief Financial Officer.

3.4.3 Under section 114 of the Local Government Finance Act 1988 the Chief Financial Officer must report to the Commissioner if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the Commissioner will not have the resources to meet its expenditure in a particular financial year. Part 2 of the Local Government Act 2003 imposes a duty upon the Chief Financial Officer to report, at Council Tax setting, on "the robustness of estimates and the adequacy of proposed reserves".

3.4.4 Responsibilities of the Chief Finance Officer:

a) To advise the Commissioner on reasonable levels of balances and reserves
b) To report to the Commissioner on the adequacy of reserves and balances before he approves the annual budget and council tax
c) To recommend appropriations to and from each earmarked reserve to the Commissioner for approval. These will be separately identified in the Annual Statement of Accounts
d) To produce an annual reserves strategy and recommend to the Commissioner to publish the strategy on the PFCCFRA website in line with Home Office guidance

3.4.5 Responsibilities of the Commissioner:

a) To approve the policy on reserves and balances, including the lower and upper parameters for the level of general reserve
b) To approve the creation and appropriate to each earmarked reserve. The purpose, usage and basis of transactions should be clearly identified for each reserve established
c) To approve the allocation of monies to and from general reserve.

3.5 Internal Control

3.5.1 Internal control refers to the systems of control devised by management to help ensure the Commissioner's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Commissioner's assets and interests are safeguarded. The Chief Financial Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

3.5.2 The Fire and Rescue Service is complex. It therefore requires internal controls to manage and monitor progress towards strategic objectives. The Commissioner has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations. The Commissioner faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of their objectives. Internal controls are necessary to manage these risks.

3.5.3 Key controls should be reviewed on a regular basis and the Commissioner must make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively. This is informed by a report to the Audit Committee, which reviews the governance arrangements for the Commissioner's finances, including:

a) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
b) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
c) An effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

3.6 Internal Audit

3.6.1 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities 'make arrangements for the proper administration of their financial affairs'. The Accounts and Audit Regulations 2015 require that the relevant body 'undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance.'

3.6.2 Accordingly, internal audit is an independent and objective appraisal function established by the Commissioner for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

3.6.3 The key control for internal audit is that it is independent in its planning and operation. The Internal Auditor shall have direct access to the Chief Fire Officer / Chief Executive, all levels of management and the Commissioner. The internal auditors comply with the Auditing Practices Board's guideline Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

3.6.4 The Chief Financial Officer shall ensure that internal auditors have the authority to access premises at reasonable times; access all assets, records, documents, correspondence and control systems. They shall receive any information and explanation considered necessary concerning any matter under consideration and may require any employee of the Commissioner to account for cash, stores or any other asset under his or her control.

3.6.5 The Head of Internal Audit shall prepare in consultation with the Chief Financial Officer, Chief Fire Officer / Chief Executive, Commissioner and Chair of the Audit Committee, the annual audit plan for consideration at the Audit Committee. The Head of Internal Audit will attend all Audit Committee meeting or ensure they are suitably represented.

3.6.6 The Head of Internal Audit will prepare and present an annual report to the Audit Committee which includes an opinion on the effectiveness of the internal control environment of the PFCCFRA.

3.6.7 Internal Audit may access records belonging to third parties, such as contractors, when required. The Audit Committee will approve the strategic and annual audit plans prepared

by the Internal Auditor, which shall take account of the characteristics and relative risks of the activities involved.

3.6.8 Any suspicion of fraud, corruption or other financial irregularity in respect of either Commissioner or private funds shall be reported to for investigation in accordance with the Anti-Fraud Policy. The Chief Financial Officer shall ensure that the Internal Auditor is given an opportunity, in a timely manner before live operation, to evaluate the adequacy of new systems for maintaining financial records, or records of assets, or changes to such systems.

3.7 External audit

3.7.1 The Secretary of State for Levelling Up, Housing and Communities has delegated statutory functions on a transitional basis from the Audit Commission Act 1998 to Public Sector Audit Appointments Limited (PSAA) by way of a letter of delegation issued under powers contained in the Local Audit and Accountability Act 2014.

3.7.2 Under these transitional arrangements, PSAA is responsible for appointing auditors to local government, police and local NHS bodies, for setting audit fees and for making arrangements for the certification of housing benefit subsidy claims. Before 1 April 2015, these responsibilities were discharged by the Audit Commission.

3.7.3 The Secretary of State has specified PSAA as an appointing person under provisions of the Local Audit and Accountability Act 2014. For audits of the accounts from 2018/19, PSAA will appoint an auditor to relevant principal local government bodies that opt into its national scheme.

3.7.4 Decisions to opt in or out of the PSAA national scheme will be taken by the Commissioner in consultation with the Chief Fire Officer / Chief Executive, Chief Financial Officer and Audit Committee as detailed in the Audit Committee Terms of Reference.

3.7.5 The external auditor has rights of access to all documents and information necessary for audit purposes. The duties of the external auditor are defined in the Local Audit and Accountability Act 2014. In particular, Part 5 of the Act requires the local auditor to prepare a code of audit practice, which external auditors follow when carrying out their duties.

3.7.6 The Commissioner's accounts are scrutinised by external auditors, who must be satisfied that the Statement of Accounts "presents a true and fair view" of the financial position of the Commissioner and their income and expenditure for the year in question and complies with the legal requirements.

3.7.7 The Chief Financial Officer will liaise with the external auditors and advise the Chief Fire Officer and the Commissioner of their responsibilities in relation to external audit and ensure that there is effective liaison between external and internal audit.

3.7.8 The Chief Financial Officer will ensure that the external auditors have access to which they are statutorily entitled in regard to personnel, premises and all other assets and documentation.

3.7.9 The Chief Financial Officer will ensure that all recommendations are implemented in a timely manner.

3.8 Preventing fraud and corruption

3.8.1 The Commissioner will not tolerate fraud and corruption in the administration of responsibilities, whether from inside or outside the Fire and Rescue Service. The Commissioner's expectation of propriety and accountability is that the Commissioner and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Commissioner has adopted a separate Anti-Fraud Policy covering the Commissioner, employees, contractors and suppliers.

3.8.2 The Commissioner also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Commissioner with integrity and without thought or actions involving fraud and corruption.

3.8.3 Principal Officers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Commissioner or who are corrupt.

3.8.4 For the Commissioner and Principal Officers a register of interests is maintained and any hospitality or gifts accepted must be recorded. There are whistle blowing procedures are in place and operate effectively. The Commissioner maintains an anti-fraud and anti-corruption policy.

3.8.5 The Internal Auditor will periodically report significant matters to the Chief Fire Officer / Chief Executive and the Audit Committee.

3.8.6 The responsibilities of the Principal Officers are to:

- Instigate the Commissioner's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- Ensure that all suspected irregularities are reported to the Chief Financial Officer who shall determine whether to seek investigation by the Internal Auditor.
- Where sufficient evidence exists to believe that a criminal offence may have been committed, after consultation with the Chief Financial Officer, to ensure that the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

3.9 Security of assets

3.9.1 The Commissioner holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

3.9.2 The responsibilities of the Chief Financial Officer are to ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of a specified financial limit (see 9 – Financial Limits).

3.9.3 The Chief Financial Officer shall ensure that each Principal Officer provides information for costing and the maintenance of financial records. They shall ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.

3.9.4 Principal Officers shall ensure that lessees and other prospective occupiers of Commissioner land are not allowed to take possession or enter the land until a lease or

agreement, in a form approved by the Chief Financial Officer and Monitoring Officer, has been established as appropriate. Title deeds for all property shall be passed to the Essex Legal Services who are responsible for custody of all title deeds.

3.9.5 Principal Officers shall ensure the proper security of all buildings and other assets under their control. Where land or buildings are surplus to requirements, a recommendation for disposal should be the subject of a joint report by the Principal Officer and the Chief Financial Officer. Principal Officers shall ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Commissioner. They will ensure that assets are identified, their location recorded and that they are appropriately marked, after consultation with the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

3.9.6 Disposal or part exchange of assets that are no longer required should normally be by competitive tender or public auction, unless, following consultation with the Chief Financial Officer, the Commissioner agrees otherwise.

3.9.7 All employees have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records under UK General Data Protection Regulation 2018. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Commissioner in some way.

4 Financial Systems and Purchasing Procedures

4.1 Introduction

4.1.1 Sound systems and procedures are essential to an effective framework of accountability and control. The Chief Financial Officer is responsible for the operation of the Commissioner's accounting systems, the form of accounts and the supporting financial records. Any changes made by Principal Officers to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer.

4.1.2 Principal Officers are responsible for the proper operation of financial processes in their own departments. Any changes to agreed procedures by Principal Officers to meet their own specific service needs should be agreed with the Chief Financial Officer. Principal Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Principal Officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

4.1.3 The Fire and Rescue Service has many systems and procedures relating to the control of the Commissioner's assets, including purchasing, costing and management systems. Most systems are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

4.1.4 The Chief Financial Officer has a professional responsibility to ensure that the Commissioner's financial systems are sound and should therefore agree any new developments or changes in any system involving financial transactions, assets, purchasing, stock or sales.

4.2 Procurement

4.2.1 Public money should be spent with demonstrable probity and in accordance with the Commissioner's policies and the Public Contracts Regulations 2015. The Commissioner has a statutory duty to achieve value for money. The Commissioner's procedures should help to ensure that the Service obtains value for money from the purchasing arrangements.

4.2.2 Every employee of the Commissioner as well as the Commissioner has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Commissioner, in accordance with the Codes of Conduct. Official orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all works, supplies or services to be supplied to the Commissioner, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases, e-ordering of approved supplies from an agreed supplier or other exceptions agreed by the Chief Financial Officer.

4.2.3 Each order must conform to the guidelines approved by the Commissioner on central purchasing and the standardisation of works, supplies or services. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.

4.2.4 The normal method of payment from the Commissioner shall be by BACS or other instrument or approved method, drawn on the Commissioner's bank account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Commissioner's contracts except where they are used to provide specific employee benefits.

4.2.5 All works, supplies or services should be ordered only by appropriate persons and correctly recorded. Works, supplies or services received are checked to ensure they are in accordance with the order. Purchase orders should not be received by the person who placed the order and appropriate P2P processes should be followed. Payments are not made unless orders have been satisfied to have been received by the Commissioner to the correct price, quantity and quality standards. All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule.

4.3 Purchasing Procedures

4.3.1 The aims of the purchasing procedures are to achieve for the Commissioner the best value obtainable in the market (recognising the need to balance quality and whole life cost) with full accountability but without disproportionate procedural and procurement costs. The use and interpretation of the standards must reflect the legal and ethical framework within which the Commissioner must operate.

4.3.2 The procedures apply to all contracts made for, by or on behalf of the Commissioner with the exception of contracts for any interest in land and employment contracts (but contracts for the supply of agency staff do come within these standards), including the renewal or extension of contracts beyond their original scope or term in the same way as they apply to the formation of new contracts.

4.3.3 The procurement activities are subject to all applicable UK legislation and in particular the Public Contract Regulations 2015 and other tendering procedures. They apply to all parts of the Commissioner's business and where the Commissioner is acting as an agent for another body. Any modification to the tendering procedure must be approved in advance by the Chief Financial Officer. Where the Commissioner is a member of any consortium or similar body, or is collaborating with another body which is acting as its agent, the regulations of that body shall apply, but the Chief Financial Officer or their delegated Procurement Officer shall not enter into any such arrangements unless satisfied that the Commissioner will thereby achieve best value for money and proper control within the consortium or by the agent over procurement arrangements.

4.4 Duties of Officers

4.4.1 The Chief Fire Officer / Chief Executive and Principal Officers may delegate authority within the Service to departmental heads and other officers to act for them under these standards and the expression "Officer" includes such designated officers except where expressly excluded.

4.4.2 Officers shall ensure that all staff involved in procurement processes are properly trained, managed and monitored. They will ensure that records required under these standards are fully kept and available to persons needing to see them, including the notification to the Category Procurement Manager and the inclusion in the Commissioner's contract register of all contracts with a life time value greater than £25,000.

4.4.3 Subject to being satisfied that the interests of the Commissioner will be best served thereby (by reason of continuity of supply, price, value for money or other sufficient reason), an Officer may authorise changes to the price or time period of an existing contract, where this is allowed for under the terms of the contract, and maintains compliance with the Public Contracts Regulations 2015.

4.4.4 The Commissioner shall advertise all opportunities on Contracts Finder where contracts exceed £50,000 in value. This applies to all contracts (works, supplies, services, Light Touch Regime, framework agreements and dynamic purchasing systems) which are regulated by the 2015 Regulations and meet the relevant thresholds. The Commissioner cannot include information on Contracts Finder which is not included in the Find a Tender Service Above Threshold contract notice. Contracts Finder should also be used to publish the outcome of all contract awards valued over £50,000 unless the contract notice was also published via the Find a Tender service, in which case the outcome of the award must also be published via the Find a Tender service.

4.5 Duties of Procurement Officers

4.5.1 Procurement Officers are those officers and staff directly involved in the procurement process. Procurement Officers shall ensure that a Product or Service Specification is sufficiently well defined so as to enable all bidders to submit a competitive price on the basis of equal and full information.

4.5.2 Procurement Officers shall ensure that the procedure used is as transparent and fair to all prospective bidders as practicable. They shall ensure contracts entered into meet the requirements set out in these procedures. Procurement Officers shall record (with reasons), sign and date any duly authorised decision taken under these standards.

4.5.3 Any person engaged to manage a procurement process or contract award on behalf of the Commissioner who is not an employee of the Commissioner shall comply with these

procedures. Where arrangements are made as part of a consortium, the procedures of the lead authority or another partner within the consortium may be used.

4.6 Procurement Procedures

4.6.1 Before starting any procurement process, Procurement Officers shall determine the estimated value of the contract. The table below sets out the procedure that will normally be used:

Procurement Option	Financial Level
Minor Procedure (Direct Award)	< £5,000
Competitive Procedure (Request for Quotation)	£5,000 - £24,999
Competitive Procedure Request for Quotation (Procurement Officers)	£25,000 - £49,999
Formal Tender Procedure (Supply & Services)	£50,000 - £213,477 (incl. VAT)
Find a Tender Service Above Threshold Procedure (Supply & Services)	> £213,477 (incl. VAT)
Formal Tender Procedure (Works)	£50,000 - £5,336,937 (incl. VAT)
Find a Tender Service Above Threshold Procedure (Works)	> £5,336,937 (incl. VAT)

4.6.2 Specific requirements of UK or EU legislation, or other statutory regulation, guidance or code of practice governing the procurement (including compliance with Compulsory Competitive Tendering rules) shall be followed (even if they conflict with these standards). In all cases procedures for higher value contracts may be used.

4.7 Minor Contract Procedure

4.7.1 Minor contracts and orders for the provision of works, supplies and services may be let without competitive tender. Where alternative suppliers are available reference should be made to publishing price information, quotations or other competitive pricing information before the award of the contract, or the issuing of the Purchase Order. Deadlines for competitive quotations or formal tenders may also be used.

4.8 Competitive Contract Procedure

4.8.1 Contracts, which do not exceed £50,000, may be let after inviting quotations, prices or tenders from at least three alternative suppliers. For areas where there is a regular requirement for procurement there should be a standing approved list of suppliers who should be approached. Decisions about the names of suppliers on such an approved list shall be authorised at Principal Officer or equivalent level. A record of the bids received shall be kept and the reasons for the award of contract recorded.

4.8.2 The Category Procurement Manager will maintain a contracts register for all contracts with a lifetime value greater than £25,000.

4.9 Formal Tender Procedure

4.9.1 For contracts with an estimated value greater than £50,000, up to Cabinet Office set threshold limits, a more formal tender process will apply. All such tenders are conducted through Contract Finder, an electronic government portal, or from a relevant and appropriate framework.

4.10 Above Threshold Procedures

4.10.1 The Category Procurement Manager will have responsibility for the management of all procurement exercises where the expenditure is above the set thresholds and the laid down Public Contracts Regulations 2015 shall be followed.

4.10.2 All purchases exceeding £25,000 are to be conducted by the Purchasing Department working in collaboration with the budget holder and other relevant stakeholders.

4.10.3 All purchase orders shall be subject to two approvers as detailed below:

Budget Approval	Procurement Approval	Value
Department staff with authority to spend on behalf of the budget holder	Purchasing Administration Assistant	< £5,000
Budget holder	Category Manager	< £25,000
Budget holder	Category Procurement Manager	< £100,000
Principal Officer, Chief Fire Officer / Chief Executive	Chief Financial Officer	< £250,000
Chief Fire Officer / Chief Executive, Chief Financial Officer	PFCC, DPFCC, PFCC's Chief Executive	£250,000 +

Each level may also be approved by those in a higher approval group.

4.11 Exceptions

4.11.1 The procedures outlined above shall be followed except where specific exemptions apply. The decision to apply an exemption shall be taken at the next higher level to the person authorised to commit the expenditure. The following specific exemptions may apply:

4.11.2 The product or service is required so urgently that the standard procedure cannot be followed. An urgency reason shall be a reason outside the control of the Commissioner. This option may not be used where above threshold rules apply;

4.11.3 It is for other reasons demonstrably in the best interests of the Commissioner to negotiate with a single supplier only or it is not reasonably practicable or in the Commissioner's interest to invite tenders;

4.11.4 The procurement is for a service activity where the personal quality of the personnel engaged in the activity is the major element of the procurement, such as architects, financial consultants and legal advisers. Quotations, tenders or Framework prices may be accepted or reviewed on grounds which award a greater weight to quality than to price. Officers shall seek to include appropriate mechanisms for the control of fees payable and ensure that bidders are aware of the relevant evaluation criteria and rankings before

submitting their tenders. Due regard is to be given to the Public Contract Regulations 2015 in so much that this process does not conflict with these; or

4.11.5 The declared prices procedure may be used to maximise the value obtained from a fixed sum. Under this procedure, the Commissioner indicates the price it is willing to pay for a product or service and asks bidders to indicate what they are willing to supply at that price. The Procurement Officer may inform potential bidders of the sum available and negotiate the products or services to be supplied in return. This procedure should only be used where it is demonstrably in the Commissioner's best interest and has prior Commissioner approval. Due regard is to be given to the Public Contract Regulations 2015 in so much that this process does not conflict with these.

4.12 Private Interests

4.12.1 No employee or agent of the Commissioner shall improperly use his or her position to obtain any personal or private benefit (including benefit accruing to connected third parties) from any contract entered into by the Commissioner. Employees shall have due regard to the registration of relevant interests in the registers maintained for that purpose by the Executive Support Team.

4.13 Tender Processes

4.13.1 Procurement Officers shall ensure that any tender rejected for late delivery shall be immediately returned to the sender and no details within such tender shall be recorded or disclosed. If an error is identified within a tender, the bidder shall be given the opportunity of either confirming or withdrawing the tender, but no request to amend a tender after the time fixed for receipt will be accepted.

4.13.2 Tenders must be conducted electronically. A tender may only be accepted if it is within an approved revenue estimate or an approved capital vote adjusted as agreed by the Chief Financial Officer for increased price levels.

4.13.3 The Procurement Officer may award a contract other than to the financially first ranked bidder (i.e. lowest acceptable or highest in the case of a receipt) provided they certify why it is in the Commissioner's best interests to do so. The acceptability of a tender may be determined by reference to characteristics which are not capable of precise definition (e.g. taste or quality) provided that those characteristics are connected with the purpose for which the tender has been sought and that the influence of personal preference is minimised so far as practicable. The lowest acceptable tender need not be accepted where this would not represent the best value for money. Due regard is to be given to the Public Contract Regulations 2015 in so much that this process does not conflict with these.

4.13.4 In the event that Post Tender Negotiation is required, this must be approved by the Category Procurement Manager prior to any contact with the bidder. This is to take place after that bidder has been properly chosen to be the contractor but before acceptance on any aspect of a tender (Post Tender Negotiation). The Category Procurement Manager shall attend these meetings. Post Tender Negotiation will only be undertaken where negotiation does not permit the disclosure of commercially sensitive information supplied by unsuccessful bidders for that contract and it is considered that the tender process has not resulted in the most advantageous offer and that offers are capable of improvement by negotiation. Due regard is to be given to the Public Contract Regulations 2015 in so much that this process does not conflict with these.

4.14 Form of Contracts

4.14.1 Procurement Officers shall ensure the provision within the contract of clear and appropriate conditions governing the key elements of price, performance, warranty, duration, cancellation and default. The decision as to whether contracts with a value greater than £1m should be executed under seal will be made by the Chief Financial Officer taking into account factors such as the nature of the contract, the contractual period, and the goods, assets or services being purchased.

4.14.2 Every contract shall contain a clause empowering the Commissioner to terminate the contract if the contractor or any person employed by the contractor or acting on the contractor's behalf, with or without their knowledge, has acted corruptly in connection with the contract or any other contract with the Commissioner and in particular appears to have committed any offence under the Bribery Act 2010 or the Criminal Justice Act 2003, or to have paid or offered any fee or reward contrary to Section 117 of the Local Government Act 2000.

4.14.3 Every contract shall contain a clause empowering the Commissioner to terminate the contract summarily by notice in writing should the contractor become bankrupt, insolvent, transfer or assign the contract or resolve to wind up or be ordered to be wound up, or carry on business under an Administrative Receiver. Such cancellation shall, so far as practicable, permit recovery by the Commissioner of all losses stemming from termination.

4.14.4 Procurement Officers shall in all cases consider the need for liquidated damages and seek the Chief Financial Officer's guidance and specific advice in this regard on all contracts worth more than £250,000. Procurement Officers may require a contractor to provide a bond or a guarantee from a parent company for contracts over £50,000.

4.14.5 For contracts over £250,000 a bank bond or guarantee should be considered depending on the risk profile of the contract.

4.15 Financial Limits

4.15.1 The financial limits determining who is responsible for the approval, agreement or sign off of contracts and purchase orders are given under section 9.13 – Financial Limits.

4.15.2 Individuals may be delegated specific authority to authorise orders or invoices above these general limits by agreement with the Chief Financial Officer. Any such delegation and agreement shall be in writing.

5 Financial Management Procedures

5.1 Introduction

5.1.1 More detailed procedures for the operation of the financial systems, including the payment of creditors, collection of debts, asset and stock reviews and write offs are the responsibility of the Chief Financial Officer. The following paragraphs cover the financial limits for the controls.

5.2 Financial Limits

5.2.1 The following levels of authority apply for the write off of stock, or bad debts:

Approval Levels	Post
Stock < £1,000	Stores Manager, Transport Manager
Stock < £10,000	Category Procurement Manager, Fleet Engineer
Bad Debts < £5,000	Finance Manager
Stock & Bad Debts < £10,000	Chief Financial Officer
Stock & Bad Debts >£10,000	Chief Financial Officer – Reported to the Commissioner

5.2.2 The following levels of authority apply to Treasury Management:

Term	Post
Overnight investment	Financial Processes Manager or Finance Manager
Terms up to 3 months	Finance Manager
Terms up to 1 Year	Chief Financial Officer
Terms over 1 year	Chief Financial Officer, reported to the Commissioner

5.3 Payments

5.3.1 The authority to authorise the initiation of payment runs rests with the Financial Processes Manager, Finance Manager or Assistant Director of Finance. The actual payment run may be initiated by another member of the department. Records will be maintained of who authorised, and who actioned each payment run and BACS transfer. Individual payments through CHAPS or cheques will also be recorded in this way. The following staff have delegated authority to authorise payments through the bank, or to issue instructions to the bank:

a) Chief Financial Officer;
b) Assistant Director of Finance
c) Financial Processes Manager, and
d) Finance Manager

5.3.2 The Chief Financial Officer is authorised to amend and delete this list to meet operational requirements.

5.3.3 Responsibility for maintaining the detailed procedures, including the instructions for the use of the finance system rests with the Chief Financial Officer. These detailed procedures shall be subject to version control.

5.4 Banking Arrangements

5.4.1 The Chief Financial Officeris responsible for the arrangements for the ordering and security of cheques, electronic payment systems and other payments arrangements. All cheques and payments will be signed, authorised or transacted under the authority of the

Chief Financial Officer by nominated staff. The Chief Financial Officer will arrange to notify the Commissioner's bankers of the names of nominated staff.

5.4.2 The Chief Financial Officer is responsible for ensuring that all bank accounts operated by the fire and rescue service are reconciled on a regular and timely basis, and that the transactions are subject to independent review.

6 Banking & Treasury Policy

6.1 Treasury management

6.1.1 The Commissioner has adopted CIPFA's Code of Practice for Treasury Management. The Commissioner is responsible for approving the treasury management strategy. The Chief Financial Officer has delegated responsibility for implementing and monitoring the strategy. All money in the control of the fire and rescue service is controlled by the Chief Financial Officer.

6.1.2 The Chief Financial Officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy / suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect. The Commissioner approves the Treasury Management Strategy in February of each year. The objectives or aims of each element of activity are set out in the sections below:

6.1.3 **Liquidity risk management** – The objective is to ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available which are necessary for the achievement of its objectives.

6.1.4 **Interest rate risk management** - The objective is to manage exposure to fluctuations in interest rates with a view to containing its medium term net interest costs, and in securing its interest revenues in accordance with the amounts provided in its budgetary arrangements. The Commissioner will achieve these objectives by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. The above are subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

6.1.5 **Exchange rate risk management** - The objective in managing the exposure to fluctuations in exchange rates is to minimise any detrimental impact on its budgeted income/expenditure levels. Where possible the risk of exchange rate fluctuations will be borne by suppliers of goods and services. The Commissioner will achieve this objective by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of exchange rates. The above is subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

6.1.6 **Inflation risk management** - The effects of varying levels of inflation, insofar as they can be identified, as impacting directly on its treasury management activities, will be controlled

by the Commissioner as an integral part of its strategy for managing its overall exposure to inflation. It will achieve this objective by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of inflation. The above is subject at all times to the consideration and, if required, approval of any policy or budgetary implications.

6.1.7 **Credit and counterparty risk management** - The prime objective of the Commissioner's Treasury Management activities is the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with whom funds may be deposited, and will limit its investment activities to the approved instruments, methods and techniques referred to. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing arrangements.

6.1.8 **Refinancing risk management** - The Commissioner will ensure that its borrowing, financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies so raised are managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time. The Commissioner will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective, and will avoid over-reliance on any one source of funding if this might jeopardise achievement of the above.

6.1.9 **Legal and regulatory risk management** - The Commissioner will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the organisation, particularly with regard to duty of care and fees charged. The Commissioner recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the organisation.

6.1.10 **Fraud, error and corruption, and contingency management** - The Commissioner will ensure that it has identified the circumstances, which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.

6.1.11 **Market risk management** - The Commissioner will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

6.2 Treasury Management Strategy

6.2.1 The Chief Financial Officer is responsible for reporting to the Commissioner via the Strategic Board a proposed Treasury Management Strategy for the coming financial year no later than March of the preceding financial year. All Commissioner decisions on

borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management following approval of the Treasury Management Strategy. Reports on treasury management are included within the monthly financial pack that is reported through the monthly Performances and Resources Board.

6.2.2 Many millions of pounds pass through the Commissioner's accounts each year and procedures have been established to deal with the management of cash flows and the associated risks. These seek to provide assurances that the Commissioner's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Commissioner's investment.

6.2.3 The Chief Financial Officer shall arrange the borrowing and investments of the Commissioner in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Commissioner's Treasury Management policy statement and strategy. All investments of money shall be made in the name of the Commissioner or in the name of nominees approved by the Commissioner. All securities that are the property of the Commissioner or its nominees and the title deeds of all property in the Commissioner's ownership shall be held under arrangements approved by the Chief Financial Officer.

6.2.4 The Chief Financial Officer shall affect all borrowings in the name of the Commissioner and act as the Commissioner's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Commissioner. The Chief Financial Officer shall ensure that the procedures to be followed for borrowing are documented.

6.2.5 Principal Officers shall ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Commissioner, following consultation with the Chief Financial Officer.

6.2.6 For trust funds and funds held for third parties these should be held, wherever possible, in the name of the Commissioner. All officers and staff acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the, Chief Financial Officer unless the deed otherwise provides. Where funds are held on behalf of third parties, arrangements shall be made for their secure administration, approved by the Chief Financial Officer with written records of all transactions. Trust funds shall be operated within any relevant legislation and the specific requirements for each trust.

6.2.7 The Chief Financial Officer shall operate bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Chief Financial Officer. All payments made on behalf of the Commissioner shall be authorised by the Chief Financial Officer or such officers as they nominate for that purpose. The Commissioner may provide employees of the Commissioner with cash or bank imprest accounts to meet minor expenditure on behalf of the Commissioner and the Chief Financial Officer shall prescribe rules for operating these accounts. The arrangements for the operation of these accounts shall be reviewed periodically.

6.2.8 Principal Officers shall ensure that employees operating an imprest account obtain and retain vouchers to support each payment from the account. Where appropriate, an official receipted VAT invoice must be obtained. They shall make adequate arrangements for the safe custody of the account and record transactions promptly. Imprest accounts may not be used to make personal loans and the only payments into the account shall be the reimbursement of the float and change relating to purchases where an advance has been made.

6.3 Value for Money

6.3.1 The Commissioner is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its Treasury Management Policy Statement.

6.3.2 Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the organisation's stated business or service objectives. It will be the subject of regular examination of alternative methods of service delivery, of the availability of fiscal or other grant or subsidy incentives, and of the scope for other potential improvements.

6.4 Records

6.4.1 The Chief Financial Officer shall maintain full records of treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time.

6.5 Approved Instruments for Investment and Borrowing

6.5.1 The Chief Financial Officer shall maintain a list of approved instruments, methods and techniques. This shall include limits, either in duration of financial limits, in the use of specific instruments and financial limits for investments.

6.6 Organisation

6.6.1 It is essential, for the purposes of the effective control and monitoring of its treasury management activities, and for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times clarity of treasury management responsibilities.

6.6.2 The principles on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

6.6.3 The Chief Financial Officer shall have responsibility for setting the detailed treasury management policies. The Chief Financial Officer will ensure that there is an adequate structure in place to implement the policies and undertake the day to day treasury management activities.

6.6.4 If, as a result of lack of resources or other circumstances, there is a departure from these principles, the Chief Financial Officer will ensure that the reasons are reported in the next Treasury Management report to the Commissioner.

6.6.5 The Chief Financial Officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangement for

absence cover. They will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds.

6.6.6 The delegation to the Chief Financial Officer in respect of treasury management is set out in the main scheme of delegation. The Chief Financial Officer will fulfil all such responsibilities in accordance with the organisation's policy statement and with generally accepted professional practice on treasury management.

6.7 Budgeting, Accounting and Audit

6.7.1 The Chief Financial Officer will include the financial implications of treasury management policy in the annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function, together with associated income. The Commissioner will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being. The Commissioner will ensure that its auditors, and those charged with regulatory review, have access to all information and papers supporting the activities of the treasury management function as are necessary for the proper fulfillment of their roles, and that such information and papers demonstrate compliance with external and internal policies and approved practices.

6.8 Cash Flow Management

6.8.1 Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Commissioner will be under the control of the Chief Financial Officer, and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and the Chief Financial Officer will ensure that these are adequate for the purposes of monitoring compliance with liquidity risk management.

6.9 Money Laundering

6.9.1 The Commissioner is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will maintain procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that staff involved in this are properly trained. The Chief Financial Officer will be the responsible officer for reporting purposes.

6.10 Staff Training

6.10.1 The Commissioner recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to maintain an appropriate level of expertise, knowledge and skills. The Chief Financial Officer will recommend and implement, where appropriate, the necessary arrangements.

6.11 Use of External Service Providers

6.11.1 The Commissioner recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources. When it employs such service providers, it will ensure it does so for reasons

which will have been submitted to full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review. And it will ensure, where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one or a small number of companies. Where services are subject to formal tender or re-tender arrangements, legislative requirements will always be observed. The monitoring of such arrangements rests with the Chief Financial Officer.

6.12 Corporate Governance

6.12.1 The Commissioner is committed to the pursuit of proper corporate governance and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

6.13 Income

6.13.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the cash flow and also avoids the time and cost of administering debts. For the Commissioner this risk is limited as most income is collected by other Authorities or paid as government grants.

6.13.2 The charges set by the fire and rescue service are reviewed annually and applied for all new contracts and agreements after their implementation date. Income is invoiced in accordance with agreed procedures. All money received by an employee on behalf of the fire and rescue service is paid without delay to the Commissioner's bank account, and properly recorded. The responsibility for cash collection should be separated from identifying the amount due or for reconciling the amount due to the amount received. Effective action is taken to pursue non-payment within defined timescales and formal approval for debt write-off is obtained.

6.13.3 Principal Officers have a responsibility to assist the Chief Financial Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Commissioner's behalf. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

7 Staffing

7.1 Introduction

7.1.1 The Chief Fire Officer / Chief Executive is responsible for providing overall management to staff and is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job. Principal Officers are responsible for controlling total staff numbers by adjusting the staffing to a level that can be funded within approved budget provision and the proper use of appointment procedures.

7.1.2 In order to provide the highest level of service, it is crucial that the fire and rescue service recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

The key controls for staffing include ensuring that an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.

7.1.3 Procedures are in place for forecasting staffing requirements and cost, controls are implemented that ensure that staff time is used efficiently and to the benefit of the fire and rescue service; and checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

7.1.4 The Commissioner is responsible for approving the overarching HR strategy and budget provision in consultation with the Chief Fire Officer, who will advise the Commissioner on the budget necessary in any given year to cover estimate staff costs.

7.2 Payments to employees

7.2.1 Staff costs are the largest item of expenditure for most fire and rescue services. It is therefore important that payments are accurate, timely, made only where they are due for services to the fire and rescue service and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for.

7.2.2 The key controls for payments to employees are to ensure that proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to Starters, Leavers, Variations, Enhancements, Timesheets, and Claims. There is segregation of duties in the operation of the HR and Payroll system with employees and their pay elements maintained by the HR department and responsibility for payment and the accounting for payroll cost within the Finance department. Frequent reconciliation takes place of payroll expenditure against approved budget and bank account. It is the responsibility of the Chief Fire Officer / Chief Executive and Chief Financial Officer to ensure that these controls are maintained.

7.3 Pay in Lieu of Notice

7.3.1 All payments to leavers to cover the contractual period of notice shall be treated as contractual and paid through the payroll with the deduction of tax and national insurance contributions.

7.4 Taxation

7.4.1 Like all organisations, the Commissioner is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all employees to be aware of their responsibilities.

7.4.2 All taxable transactions are identified, properly carried out, accounted for within stipulated time-scales and paid through appropriate financial systems and records are maintained in accordance with HM Revenue and Customs guidance to enable returns to be made to the appropriate authorities within the stipulated timescale. It is the responsibility of the Chief Financial Officer to ensure that suitable arrangements are in place to comply with the statutory requirements.

8 Joint Working Arrangements

8.1 Introduction

8.1.1 Public bodies are increasingly encouraged to provide seamless service delivery through working closely with other public bodies, local authorities, agencies and private service providers.

8.1.2 When the Commissioner acts as a commissioner of services, they will need to agree the shared priorities and outcomes expected to be delivered through the contract or grant agreement with each provider. The inclusion of detailed grant conditions directing recipients how to spend funding need not be the default option

8.1.3 Joint working arrangements can take a number of different forms, each with its own governance arrangements. These can be grouped under the following headings:

i. Partnerships
ii. Collaboration
iii. Regional working
iv. Consortia
v. External Funding
vi. Work for Third Parties

8.2 Partnerships

8.2.1 Partnerships can play a key role in delivering community strategies and in helping to promote and improve the well-being of the area.

8.2.2 The main reasons for entering into a partnership are to provide new and better ways of delivering services or to access new resources. Partners may act as a project deliverer, sponsor, funder or beneficiary. They have responsibilities in common with the Commissioner for the project. They must act in good faith at all times and in the best interests of the partnership's aims and objectives, being open about any conflict of interests that might arise.

8.2.3 Partners must encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors and hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;

8.3 Collaboration

8.3.1 The Commissioner must keep emergency service collaboration under review and enter into collaboration agreements where it is in the interests of efficiency or effectiveness as set out in the Police and Crime Act 2017.

8.3.2 The Commissioner shall hold the Chief Fire Officer / Chief Executive to account for any collaboration in which the Fire and Rescue Service is involved in.

8.3.3 Any such proposal shall be discussed with the Commissioner and the Chief Financial Officer.

8.4 Regional Working

8.4.1 The Fire and Rescue Service's contribution towards working with other services, regions, agencies or parties will be contained in the annual budget and medium-term financial strategy.

8.4.2 The Director of Corporate Services will be required to provide regular financial and performance monitoring information for regional working. Once a contribution has been made to a regional project, in terms of application of the resource, it will be assumed it will be in line with those of the Lead Party for that activity. The Fire and Rescue Service will have the right to audit all expenditure in relation to all regional projects.

8.5 Consortium Arrangements

8.5.1 A consortium is a long term joint working arrangement with other bodies, operating with a formal legal structure approved by the Commissioner.

8.5.2 Responsibilities of the Chief Fire Officer / Executive:

a) To contact the Commissioner's Chief Executive and Monitoring Officer before entering into any formal consortium agreement and to establish the correct legal framework.

b) To consult the Chief Financial Officer to ensure that correct treatment of taxation and other accounting arrangements.

c) To produce a business case to show the full economic benefits to be obtained through participation in the consortium

d) To produce a Memorandum of Understanding (MoU) setting out the appropriate governance arrangements for the project. This document should be approved by the Commissioner's Chief Executive and Monitoring Officer.

8.5.3 Responsibilities of the Commissioner:

a) To approve the Fire and Rescue Service's participation in the consortium arrangement.

8.6 External Funding

8.6.1 External funding can be a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims of the Commissioner. In some cases external funding is linked to a tight specification and may not be compatible with the Fire and Rescue Plan.

8.6.2 The Commissioner shall actively pursue opportunities for additional funding where this is considered to be in the interests of the Service.

8.6.3 The Chief Fire Officer / Chief Executive shall ensure that the match funding requirements and exit strategies are considered prior to entering into any agreements and that the medium-term financial strategy reflects this.

8.6.4 The Chief Financial Officer shall ensure that all funding notified by external bodies is received and properly accounted for, and that all claims for funds are made by the due date and that any audit requirements specified in the funding agreement are met.

8.6.5 The Chief Fire Officer / Chief Executive, in conjunction with the Commissioner's Chief Executive and Monitoring Officer, shall ensure that key conditions of the funding any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood. They shall all ensure that any conditions placed on the Commissioner are in accordance with approved policies. If there is a conflict, this needs to be taken to the Commissioner for resolution.

8.7 Work for third parties

8.7.1 Legislation enables the fire and rescue service to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is intra vires.

8.7.2 Principal Officers shall maintain a register of all contracts entered into with third parties and ensure (in conjunction with the Chief Financial Officer) that appropriate insurance arrangements are made.

9 Financial Limits

9.1 Review Period

The purpose of this section is to set out the limits approved by the Commissioner, which should be reviewed annually as part of the Financial and Procurement Regulations.

9.2 Budget Virements

	Virement to be approved by			
Limits	Principal Officer	Chief Fire Officer	Chief Financial Officer	Commissioner
Up to £50,000	✓			
£50,000 to £250,000	✓	✓	✓	
Over £250,000	✓	✓	✓	✓

9.2.1 The cumulative value of virements agreed by Chief Fire Officer / Chief Executive in a financial year to a single budget head shall be reported to the Commissioner via the Performance and Resources Board if it exceeds £250,000. Virement is not permitted in relation to financing items such as asset charges or to the estimate heads where a proposal would adversely affect the long-term revenue commitments of the Commissioner.

9.2.2 Commissioner approval is not required when the virement is between an income estimate head and an expenditure estimate head, which are directly related and is approved by the Chief Financial Officer. Commissioner approval is not required for virements between accounting periods, or between cost centres when the account is unchanged.

9.3 Revenue and Capital Contract Overspends

9.3.1 Where it appears that the final cost of a revenue or capital contract will exceed the contract sum by more than both 5% and £12,000 (except by the operation of a fluctuating cost clause), a report shall be made to and approval sought of the Commissioner as soon as possible.

9.4 Revenue Budget Monitoring

9.4.1 Major projects need not be referred back to the Commissioner for further approval unless, when negotiating contract details, amendments to the nature of the scheme are sought or the cost of the scheme exceeds the limits shown below:

Cost of project varies from approved estimate by the lesser of 10% or £250,000

9.5 Capital Programme

9.5.1 Approval for capital expenditure and disposal

Capital expenditure (and any subsequent changes to the capital budget) are considered by the Strategic Board, which in turn makes a recommendation to the Commissioner. Any capital project, property disposal, or property lease renewal with a value in excess of £250,000 shall be subject to the Commissioner's approval. The Chief Financial Officer will require notification before any such commitment is made.

9.5.2 Approval of leases and other credit arrangements

The Chief Fire Officer / Chief Executive shall notify the Chief Financial Officer of all proposed leases, or other credit arrangements before any agreement is made. Any lease or other credit arrangement with a value in excess of the limit shown below shall be subject to the Commissioner's approval:

£10,000 pa in lease payment

9.6 Annual Capital Programme

9.6.1 Schemes exceeding approved estimates in the Capital Programme

Detailed estimates for each scheme in the approved Capital Programme shall be prepared by the responsible officer before tenders are sought or commitments made. Schemes need not be referred back to the Commissioner for further approval unless the cost of the scheme exceeds the limit shown below:

Cost in excess of £250,000 or for a lease if the lease payments exceed £10,000 p.a.

9.7 Leasing

9.7.1 Officers will consult the Chief Financial Officer before entering into any leasing agreement. Where the annual lease payments exceed £10,000, this will be subject to the Commissioner's approval.

9.8 Write-offs

9.8.1 The Chief Financial Officer shall have the authority to write off a debt, deficiencies of stocks or stores, and an item in an inventory or to declare equipment and materials surplus to the fire service's requirements, subject to a limit of £10,000 in any one case. Amounts above this are to be reported to the Commissioner.

9.8.2 The Chief Financial Officer shall issue procedures for the authorisation and recording of the debts to be written off.

9.9 Assets

9.9.1 The Chief Fire Officer / Chief Executive shall maintain an asset register for all fixed assets with an individual value in excess of the limits shown below:

Land & Buildings - £10,000
Vehicles – £7,500
Computers - £10,000
Plant & Equipment - £10,000

This covers equipment items which are individually below the de-minimis, but when aggregated exceed the limit, e.g. IT hardware

9.9.2 <u>High value asset disposals</u>

Items above the estimated value shown below shall be disposed of by public auction or sealed bids after advertisement:

Lane & Buildings £500,000
Equipment £25,000
Vehicles £20,000

In cases where it is deemed to be cost effective to action a sale of land or buildings through an estate agent, prior approval of the Chief Fire Officer / Chief Executive or Chief Financial Officer must be obtained.

9.10 Income

9.10.1 The Chief Financial Officer may approve the write-off of bad debts, pension and payroll overpayments up £10,000. Amounts for write-off above this value must be referred to the Commissioner for approval, supported by a written report explaining the reasons for write off.

9.11 Ex Gratia Payments

9.11.1 The Chief Fire Officer / Chief Executive shall have the authority to make, having regard to the particular circumstances of each case, ex gratia payments not exceeding £10,000 in any one case, subject to consultation with the Chief Financial Officer.

9.11.2 Amounts greater than £10,000 must be referred to the Commissioner for approval. The circumstances of the proposed payment must not have the effect of circumventing other fire and rescue service pay and allowance, policies, rates and rules.

9.12 Declaring Land Surplus to Requirements

9.12.1 The Chief Fire Officer / Chief Executive shall have the authority to declare surplus to the Commissioner's requirements, land of a minor nature and a value not exceeding £100,000.

9.13 Contract Standing Orders

9.13.1 The Commissioner is advised in writing of the intention to enter into the contract at least seven days in advance for contracts over £150,000. On receipt of the written notice, the Commissioner may withdraw consent to enter into the contract notified. The Commissioner shall receive a monthly report of other contracts let by the organisation.

9.14 Single Source Justification (also referred to as Single Tender Action)

9.14.1 Requests for Single Source Justification shall be required when estimated expenditure in any procurement is likely to exceed £5,000 and no competitive process has been undertaken. Approval shall be subject to the provision of sufficient evidence being presented to support the application, agreement from the budget holder and sign off in accordance with financial approval levels.

9.14.2 A register detailing Single Source Justifications is maintained by the Category Procurement Manager and shall be reviewed monthly with the Chief Financial Officer.

Schedule 16 – Government Security Classifications

1 Introduction

1.1 HM Government classifies information assets to:

a) ensure they are appropriately protected
b) support Public Sector business and the effective exploitation of information, and
c) meet the requirements of relevant legislation and international / bilateral agreements and obligations.

1.2 The classifications applies to all information that government collects, stores, processes, generates or shares to deliver services and conduct business, including information received from or exchanged with external partners.

1.3 It is not a statutory scheme but operates within the framework of domestic law, including the requirements of the Official Secrets Acts (1911 and 1989), the Freedom of Information Act (2000) and data protection legislation.

1.4 The Government Security Classifications came into force in April 2014 and now contain three different levels:

2 Approach

2.1 In summary the Commissioner's approach to protecting information is:

a) There is no need to mark OFFICIAL information under this scheme. This will cover nearly all information created or handled within the Fire and Rescue Service.
b) The only information that will need to be marked is SECRET and TOP SECRET. This information will be restricted to small number of people within the Service who will have clearance to handle it.
c) OFFICIAL – SENSITIVE can also be used to identify specifically sensitive information (e.g. confidential data, personal information).

d) The Commissioner has chosen not to adopt any further descriptors, as these may not necessarily be recognised outside of government and public sector organisations.
e) Irrespective of the markings on the document, responsibility is placed upon the individual to handle the data contained within a document according to its sensitivity.

2.2 Further guidance can be found in 'Government Security Classifications – May 2018' (published by the Cabinet Office), which contains more specific guidance on the definitions of the security classifications and how they should be stored, used, moved and shared.

Schedule 17 – Decision Report Template

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Please ensure all sections below are completed

Report reference number: *(Please contact* Office of the Police, Fire and Crime Commissioner *for a reference number)* **Government security classification** (e.g. Not protectively marked/Official - Sensitive)**:**
Title of report:
Area of county / stakeholders affected:
Report by: **Chief Officer:** **Date of report:** **Enquiries to:**

1. Executive Summary
(Provide a succinct summary of the contents of the report)

2. Recommendations
(Set out the decision and recommendation which is to be made as a part of the proposal. Include brief details of what is to happen, when and the resource implications)

3. Background to the proposal

(Set out the background, chronological history and relevant contextual information to support the proposal. Highlight whether this proposal is linked to another decision or earlier paper.)

4. Proposal and associated benefits

(Set out clearly what is being proposed. Specify the benefits of the proposal including financial or operational benefits.)

5. Options analysis

(Set out any alternative options considered and rejected in favour of the recommendation(s) made. In some instances (e.g. where the recommendation is made to fulfil a statutory requirement), there may be no viable alternative. However, in most cases, there will be at least one alternative option, this being to do nothing / maintain the status quo).

6. Consultation and engagement

(Include any consultation with staff, representative bodies, other services, other emergency services and external agencies etc)

7. Strategic links

(Demonstrate how the issue is relevant to the strategic priorities of the Commissioner, as set out in the Fire and Rescue Plan, the Integrated Risk Management Plan and / or the Local Business Case for Joint Governance)

8. Operational implications

(Outline any operational fire and rescue implications)

9. Financial implications

(This section should set out the key revenue and capital finance issues arising from the report. Report authors, working with the CFO, will need to demonstrate that the decision is within existing financial and other resources and if not identify the source of any additional resources.)

10. Legal implications

(This section should set out the key legal issues arising from the report and include any legal advice if received)

11. Staffing implications

(This section should set out any staffing or other resource implications. It needs to demonstrate that the decision complies with relevant employment legislation and / or policies.)

12. Equality, Diversity and Inclusion implications

(This section should describe the equality and diversity implications of the proposal and should attach and address any findings from the equality impact assessment if one has been carried out.)

13. Environmental implications

(This section should set out any environmental implications. It needs to demonstrate that the decision complies with relevant environmental legislation and / or policies, and how any environmental risks associated will be mitigated.)

14. Risks and mitigations

(This section should describe the key risks relating to the proposal, and what would be undertaken to mitigate those risks. Also specify the potential consequences of not proceeding)

15. Governance Boards

(This section should describe the meetings that this proposal has been discussed at prior to the decision being presented to the Commissioner for decision)

16. Links to future plans

(If this proposal is part of a longer-term plan it should be described here)

17. Background papers and appendices

(Please list sources of information e.g. documents that are not readily available to the public and that were used in the writing of the report. If key to the understanding of this decision add as an appendix to this report.).

Decision Process

Step 1A - Chief Fire Officer Comments
(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

……

……

……

Sign: . . . . . .

Date:……

Step 1B – Consultation with representative bodies
(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

……

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner's") Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer	Sign: ……
	Print: ……
	Date: . . . . .
Chief Finance Officer	Sign: ……
	Print: ……
	Date: . . . . .

Step 3 - Publication

Is the report for publication? YES/NO

If 'NO', please give reasons for non-publication *(Where relevant, cite the security classification of the document(s). State 'none' if applicable)*

……

……

If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

Step 4 - Redaction

If the report is for publication, is redaction required:

1 Of Decision Sheet YES/NO

2 **Of Appendix YES/NO**

If 'YES', please provide details of required redaction:

……

……....

Date redaction carried out: ……

If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign: …….....

Print: …….

Date signed: ……

Step 5 - Decision by the Police, Fire and Crime Commissioner or Deputy Police, Fire and Crime Commissioner

I agree the recommendations to this report:

Sign: ……..... (PFCC / DPFCC)

Print: …….

Date signed: ……

I do not agree the recommendations to this report because:

……

…….....

Sign: ……..... (PFCC / DPFCC)

Print: …….

Date signed: ……

Agenda Item 13
EPFCP/15/22

Report title: Police, Fire and Crime Commissioner (PFCC) Decisions	
Report to: Essex Police, Fire and Crime Panel	
Report author: Police, Fire and Crime Commissioner for Essex	
Date: 23 June 2022	**For:** Noting
Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer) (01245) 291613 pippa.brent-isherwood@essex.police.uk	
County Divisions affected: All Essex	

1. Purpose of Report

1.1 The purpose of this report is to provide the Panel with information about financial and strategic decisions made by the PFCC.

2. Recommendations

2.1 The Panel is invited to note the contents of the report, identifying any areas that require further clarification or comment.

3. Context / Summary

3.1 This report contains information about decisions made since 9 March 2022 up to and including 9 June 2022.

4. Appendices

Appendix A: PFCP Meeting 23 June 2022: PFCC Decisions Detailed
Appendix B: PFCP Meeting 23 June 2022: PFCCFRA Decisions Detailed

Ref	Decision On	Value	Outline	Date approved
118-21	Emergency Services Network Programme Detailed Investment Business Case Stage 2	£17.5k capital £434.8k one-off revenue £62.7k recurring revenue	To seek the agreement of the PFCC to proceed with the programme of work required to deliver the programme for full implementation of ESN services, including provision of ESN Control Room functions in financial year 2022/23. The Programme fully anticipates returning on an annual basis for further funding approval required to support the remainder of the programme in line with the development of the National Programme Business Case.	8 April 2022
006-22	Athena Section 22A Collaboration Agreement	N/A	The purpose of this paper is to summarise areas of change to the Athena collaboration agreement and to request that the PFCC agrees and signs the updated Section 22A Collaboration Agreement.	22 March 2022
011-22	PFCC Annual Conference	£18,250	The PFCC Annual Conference is a large partner event which is the cornerstone of the PFCC's engagement programme. This decision report seeks approval for the allocation of up to £18,250 to stage the conference within the 2022-2023 financial year.	20 April 2022
012-22	Essex Rural Crime Strategy	£7,300	To seek approval for the allocation of £7,300 to help develop the 2022-26 Essex Rural Crime Strategy.	4 May 2022
015-22	7F Cleaning Services	£4,284,480 over four years	This report outlines the procurement process and recommended contract award for the provision of cleaning services to Essex Police.	8 April 2022
016-22	Keep It Calm Course	£4,000	To seek approval for the allocation of £4,000 to RISE Mutual to develop and deliver the Keep it Calm (KIC) Anger Management course for individuals identified as qualifying for an out of court disposal for a first offence related to violence.	4 May 2022
023-22	IT Technical Infrastructure Refresh – Business Case	£1,518.8k capital £32.8k recurring revenue	To seek approval of the Stage 2 Technical Infrastructure Refresh Business Case	3 May 2022

Ref	Decision On	Value	Outline	Date approved
029-22	Community Safety Treatment Requirement (CSTR) Extension 2022	£60,000	To approve the allocation of £60,000 to St Andrew's Healthcare as a contribution to extending the current Essex Community Safety Treatment Requirements (CSTR) programme for a further year until the end of March 2023.	4 May 2022
030-22	Phase 1 of the Essex Violence and Vulnerability Joint Budget 2022-23	£245,000	To approve the allocation of £245,000 from the 2022-23 Essex 'Violence and Vulnerability Joint Budget' to the organisations detailed in section 4.1 for delivery against the objectives set out in the Essex V&V Work Programme.	31 March 2022
031-22	Home Office Violence Reduction Unit (VRU) Fund	£2,042,762	To seek approval to receive £2,042,762 from the 2022-23 Home Office Violence Reduction Unit (VRU) Fund to use to deliver the work programme for the Essex Violence and Vulnerability Partnership for 2022-23.	4 May 2022
033-22	Violence and Vulnerability Programme Manager Contract	N/A	To seek approval to establish the current fixed-term Violence and Vulnerability Programme Manager role as a permanent position.	31/03/2022
035-22	Sale of a former police house	£*	This decision report recommends that the PFCC disposes of a vacant, surplus to operational requirements former police house.	18 March 2022
036-22	Stop Hate UK Hate Crime Service 2022	£22,500	To seek approval for the allocation of up to £22,500 funding to Stop Hate UK for the delivery of an Essex hate crime information and support service for 2022.	4 May 2022
038-22	Chelmsford Refurbishment Overspend	£1,504,464	To approve the increase in capital budget allocation for the Chelmsford Refurbishment Capital Programme from £5,481,000 to £6,986,464, an increase of £1,505,464.	29 March 2022

Ref	Decision On	Value	Outline	Date approved
043-22	Police Education Qualification Framework (PEQF) – Contract Addendum	Additional forecast income of £333,973 over the lifetime of the contract	This report seeks the Police, Fire and Crime Commissioner's (PFCC's) approval of an addendum to the contract relating to the Police Education Qualification Framework (PEQF), to enable Essex Police to benefit from preferential subcontractor fees that have been negotiated since the original contract was signed.	4 May 2022
045-22	Variation to the provision of a grant for County Lines Intensification Activity ('Surge Fund')	£*	This decision report seeks to inform the Commissioner of the proposal to increase the maximum grant for County Lines Intensification Activity to support additional operational activity, the details of which are sensitive.	3 May 2022
046-22	Exploited in our County	£7,500	To agree a £15,000 budget for the Exploited into Essex conference, £7,500 of which will be met by Essex Police. The £7,500 contribution from the PFCC budget is allocated in the Communication and Engagement budget.	20 April 2022
047-22	BLS Stay Compliant Data Protection Support	£5,260	This report seeks to gain agreement for contracting BLS Stay Compliant to provide up to 12 hours of specialist support for our Data Protection Officer covering data protection legislation, best practice, implementation, and advice.	20 April 2022
048-22	Short Term Communications Support	£40,000	This report seeks to gain agreement for the provision of short-term communication support to backfill a member of staff being on a short-term secondment to the Essex County Fire and Rescue Service.	21 April 2022
050-22	PFCC core funding allocations 2022-23	£1,219,920	To approve the allocation of core annual grants totalling £1,219,920 from the PFCC's 2022-23 Community Safety Fund to a range of community safety partners to support them to deliver their core activity, which will support the priorities within the Police and Crime Plan	9 May 2022

Ref	Decision On	Value	Outline	Date approved
051-22	Southend on Sea Precept Leaflet	£4,852	The PFCC agrees to pay Southend on Sea City Council's late invoice for the £4,852 costs it incurred for printing and distributing the 2020-21 and 2021-22 precept leaflets.	20 April 2022
052-22	Covert Radio Frequency (RF) Tracking and Vehicle Installations	£*	Approval of capital funding to invest in new SMART RF tracker capability, the details of which are operationally sensitive.	4 May 2022
053-22	One-Month Extension to the Police Services Agreement for Policing Services provided at Stansted Airport by Essex Police	£483,184 (charge made by Essex Police)	To ensure contractual coverage continues until the new PSA is in place, a one-month extension to the current PSA for the provision of policing services at Stansted Airport is approved.	3 May 2022
057-22	Memorandum of Understanding – College of Policing Online Assessment Process including National Sift	Fixed rate per candidate	This report seeks the PFCC's approval to enter into a Memorandum of Understanding (MoU) with the College of Policing relating to the provision of the design and delivery of the online recruitment and assessment process for police constables during 2022/23.	20 April 2022
058-22	Tendring Mental Health Hub Funding 2022/23	£25,000	To approve the allocation of an annual grant from the PFCC's Community Safety Fund, and to endorse the signing of the partnership Memorandum of Understanding (MoU) supporting the partnership arrangements for the Tendring Mental Health Hub.	4 May 2022
060-22	National Collaboration Agreement in relation to the Modern Slavery and Immigration Crime Programme 2021-22	N/A	The report recommends that the Police, Fire and Crime Commissioner for Essex enters into the National Collaboration Agreement in relation to the Modern Slavery and Immigration Crime Programme 2021-22.	9 May 2022

*Denotes decision report which is pending publication due to commercially sensitive information or not published in full due to otherwise sensitive information. Commercial decisions will be published upon completion of the contract.

For detailed information on each decision, go to the PFCC website at http://www.essex.pfcc.police.uk/decision-making/ Decisions can be sorted by reference number and date on the PFCC website.

Please note: This report contains PFCC decisions made after 9 March 2022, up to and including 9 June 2022 (ahead of submission for the PFCP meeting of 23 June 2022).

Ref	Decision On	Value	Outline	Date approved
045-21	Disciplinary Policy Update	N/A	To seek approval of the updated Disciplinary Policy following full review and consultation with representative bodies on its content.	25 March 2022
069-21	Sale of Surplus Property	£*	Relates to the sale of PFCCFRA estate	22 March 2022
076-21	Sale of Surplus Property	£*	Relates to the sale of PFCCFRA estate	20 April 2022
077-21	Control Project – Use of Capital Receipts Reserve	£1.846m capital	To approve the allocation of capital receipts totalling £1.846m to fund the Control Project.	25 March 2022
002-22	On-Call Conversion Project – Funding for the Transitional Arrangements	£565,015	Approval for funding for financial year 2022/23, to support our transitional movements from day crewed stations to an on-call duty system. To support the availability of the stations during these transitional periods, we are recommending additional supporting resources are put in place for a duration of 12 months.	11 May 2022
003-22	Collaborative PPE Framework	£*	To request approval of the purchase of firefighting PPE, the details of which are commercially sensitive.	18 March 2022
005-22	Shoeburyness Fire Station – Redevelopment Re-Tender Award	£*	To agree and seal the construction contract and associated lease of temporary accommodation to allow the redevelopment of Shoeburyness Fire Station, the details of which are commercially sensitive	18 March 2022
006-22	Operational Training Strategy 2022 - 2025	Additional project costs of £753k, to be funded from reserves	To seek approval for the Operational Training Strategy 2022-2025.	17 March 2022
010-22	Annual Plan 2022/23	N/A	To request approval of the Annual Plan 2022/23 by the Police, Fire and Crime Commissioner.	18 March 2022

Ref	Decision On	Value	Outline	Date approved
011-22	Digital and Data Programme – Network Project	£*	To gain agreement from the PFCC to award to the winning bidder a contract for the delivery of a new service-wide Software-Defined Wide Area Network (SD-WAN) overlay and firewall functionality with co-managed services as part of the ECFRS Digital and Data Programme Network Project. The details are commercially sensitive.	20 April 2022
012-22	Pay Policy Statement 2022/23	N/A	This statement sets out the Authority's position in relation to its approach to pay in accordance with the requirements of the Localism Act 2011 section 38.	20 March 2022
013-22	Essex Data Declaration	N/A	To seek approval from the Police, Fire and Crime Commissioner Fire and Rescue Authority to sign up to the Essex Data Declaration, following full review by and consultation with the Essex Chief Executives Association (ECEA).	20 April 2022
014-22	Medium Term Financial Strategy 2022-23	N/A	To approve the Medium-Term Financial Strategy (MTFS) 2022-23. This sets out the Authority's budget expectations over the next three years and what savings are required to support delivery of the priorities in the Fire and Rescue Plan.	1 April 2022
015-22	Reserves Strategy 2022-23	N/A	To approve the Reserves Strategy 2022-23 for approval and publication. This sets out the Authority's level of reserves and what it intends to use them for to support delivery of the priorities in the Fire and Rescue Plan.	1 April 2022
016-22	Capital Strategy and MRP Policy 2022-23	N/A	This report is seeking approval of the Capital Strategy and Minimum Revenue Provision (MRP) Policy 2022-23.	1 April 2022
017-22	Treasury Management Strategy 2022-23	N/A	To approve the Treasury Management Strategy 2022-23	1 April 2022
019-22	Sale of Surplus Property	£*	Relates to the sale of PFCCFRA estate	20 April 2022
021-22	Microsoft Enterprise Agreement – Year 3	£300,801	To approve payment for the renewal of Microsoft licenses for the financial year 2022/23 at a cost of £300,801.	27 May 2022

*Denotes decision report which is pending publication due to commercially sensitive information or not published in full due to otherwise sensitive information. Commercial decisions will be published upon completion of the contract.

For detailed information on each decision, go to the PFCC website at http://www.essex.pfcc.police.uk/finance-reporting/decision-making-fire-rescue/
Decisions can be sorted by reference number and date on the PFCC website.

Please note: This report contains PFCCFRA decisions made after 9 March 2022, up to and including 9 June 2022 (ahead of submission for the PFCP meeting of 23 June 2022).

Agenda Item 15

Reference number: EPFCP/16/22

Report title: Essex Police, Fire and Crime Panel Annual Report 2021/22	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Secretary to the Panel	
Date: 23 June 2022	**For:** Noting and Consideration
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

This report provides an overview of the Essex Police, Fire and Crime Panel's (the Panel) activities during the 2021/22 municipal year.

2. Recommendation

1. That the Panel receive and note the Essex Police, Fire and Crime Panel Annual Report for 2021/22.
2. That the Panel review the Forward Work Plan and identify any other business it would like to consider.

3. Background

3.1 In July 2012 a shadow Panel was formed, with the Essex Police and Crime Panel subsequently being established in 2013 in compliance with the Police Reform and Social Responsibility Act 2011 and following the Police, Crime and Fire Commissioner for Essex (Fire and Rescue Authority) Order 2017, the Panel became known as the Police, Fire and Crime Panel.

3.2 The Panel maintains a 'check and balance' on the performance of the Essex Police, Fire and Crime Commissioner (PFCC) in regard to his strategic actions and decisions. The Panel plays a vital role in holding the PFCC to account and support him in the effective exercise of his duties.

3.3 The key functions of the Panel are to:

a) review the draft Police and Crime Plan and the Fire and Rescue Plan and any proposed changes to them;
b) review the Annual Report and the Fire and Rescue Statement;
c) review of the proposed senior appointments of;

   i) the Deputy PFCC,
   ii) the PFCC's Chief Executive,
   iii) the PFCC's Chief Finance Officers;
   iv) the Chief Constable; and

v) the Chief Fire Officer.

d) suspend the PFCC in specific circumstances;
e) appoint an acting PFCC in specific circumstances;
f) review the precept which the PFCC is proposing to issue for both the Police and the Fire and Rescue Service, for each financial year with the power to veto the precept;
g) deal with certain complaints against the PFCC or Deputy PFCC.

3.4 The Panel comprises fifteen elected members of local authorities across Essex plus two independent co-opted members. The two co-opted independent members were appointed by the Panel at its meeting on the 4 June 2020, from the 1 August 2020 for a term of four years until 2024.

At its Annual meeting in June 2021, the Panel agreed to co-opt an additional three members in order to better achieve political balance. The proposal was submitted to the Home Office in August 2021 and in December 2021 approval to co-opt was received from the Home Office. This increased the Panel membership to the maximum of 20.

The membership of the Panel for 2021/22 following the additional co-options was as below from December 2021:

Membership	**Representing**
Councillor A Baggott	Basildon Borough Council
Councillor F Ricci	Braintree District Council
Councillor K Barber	Brentwood Borough Council
Councillor G Isaacs	Castle Point Borough Council
Councillor J Lager	Chelmsford City Council
Councillor B Oxford	Colchester Borough Council
Councillor P Stalker	Epping Forest District Council
Councillor R Playle	Essex County Council
Councillor M Garnett	Harlow District Council
Councillor M Heard	Maldon District Council
Councillor A Williams	Rochford District Council
Councillor I Shead	Southend Borough Council
Councillor L McWilliams	Tendring District Council
Councillor G Collins	Thurrock Council
Councillor M Sutton	Uttlesford District Council
John Gili-Ross	Independent Member
Sheila Murphy	Independent Member
Councillor J Deakin	Co-opted Member for Balanced Appointment
Councillor A McGurran	Co-opted Member for Balanced Appointment
Councillor L Scordis	Co-opted Member for Balanced Appointment

At the Panel’s Annual Meeting in June 2021 John Gili-Ross was appointed as the first Independent Co-opted Chairman of the Essex Police Fire & Crime Panel.

Cllr Godfrey Isaacs was appointed as Vice Chairman of the Essex Police Fire & Crime Panel at its Annual meeting.

John Gili-Ross is also Chair of the National Police Fire and Crime Panel

A change in Panel membership also took place in December 2021 with the appointment of Councillor M Sutton to represent Uttlesford District Council to replace Councillor C Day.

3.5 Officer support to the Panel is provided by the host authority, Essex County Council, on behalf of all the Essex Local Authorities. The costs incurred in supporting the Police, Fire and Crime Panel are funded from a Home Office grant made available for this purpose.

4. Panel Activities in 2021/22

4.1 During 2021/22, the Essex Police, Fire and Crime Panel held five formal Panel meetings. Details of the formal meetings and the agendas and papers for these meetings are available online at: https://cmis.essex.gov.uk/essexcmis5/Committees/tabid/161/ctl/ViewCMIS_CommitteeDetails/mid/679/id/127/Default.aspx

4.2 The Work Programme for 2021/22 clearly reflected the Panel's statutory functions and responsibilities, and the Commissioners' priorities (as defined in his Police and Crime Plan).

4.3 The Panel received a regular report from the Commissioner on the financial and strategic decisions he had taken and updates on any ongoing issues at each meeting. The Panel also received an update from the Chair of the National Association of Police, Fire and Crime Panels as a standing item and continued the practice of allowing members of the public to ask of the Chairman, questions relevant to the business of the Panel.

4.4 In June 2021, the Panel considered the Commissioner's proposed re-appointment of the Deputy Police, Fire and Crime Commissioner. The Panel was satisfied that the DPFCC had demonstrated that they met the professional competence to carry out the role effectively and subsequently confirmed the re-appointment.

4.5 The Panel was invited by the Commissioner to establish a Working Group to feed into the establishment of their new Police and Crime Plan for 2021-24. A Working Group was set up with eleven members of the Panel. A series of three informal meetings of the Group were held with the purpose of understanding the process of development and consider early versions of the Police and Crime Plan and priorities, with an opportunity for the Group to feed into the direction and approach at an early stage. The final version of the Police and Crime Plan was then considered and endorsed by the full Panel at its meeting in October 2021.

4.6 Under the Police Reform and Social Responsibility Act 2011, the Panel has a statutory duty to hold a public meeting to consider the contents of the Commissioner's Annual Report and respond formally to it. At its October 2021 meeting the Panel considered and endorsed the Annual Report of the Police, Fire and Crime Commissioner. Also at the October meeting, the Panel considered and agreed the Fire and Rescue Service Annual Report and Statement of Assurance.

4.7 In October 2021, the Panel considered the Commissioner's proposed appointment for the Chief Fire Officer. The Panel questioned the candidate regarding their professional competence and subsequently confirmed the appointment.

4.8 The Panel received its annual report on Complaints at its meeting in December 2021, reporting that four complaints against the PFCC had been received during the period 1 October 2020 to 30 September 2021. One complaint was taken through the Panel's complaints process for resolution by the Sub-Committee. The Sub-Committee did not uphold the complaint. A second complaint related to delays in the handling of a review by the Commissioner of the outcome of professional complaint against the police. This complaint was discontinued following a period for local settlement. The other two complaints have since been taken through the panel's complaints procedure for resolution by the Sub-Committee. The Sub-Committee did not uphold either complaint but made recommendations for informal resolution in relation to some matters that were accepted by the Commissioner.

4.9 In October the Panel received a Quarter 2 update report on Essex Police's progress in delivering the priorities set out in the Police and Crime Plan (as extended for 2020/21), based on data and other information to the end of September 2021. The Panel asked a number of questions relating to issues arising from the report and related to progress against the priorities. The Panel made a number of suggestions for consideration by the Commissioner and the report was then noted.

4.10 In February 2022, the Panel considered the Commissioner's proposed designation of the Police, Fire and Crime Commissioner's Chief Finance (Section 151) Officer. The Panel questioned the candidate regarding their professional competence to take on the role and subsequently confirmed the designation.

4.11 In line with its statutory responsibility, the Panel formally considered the Commissioner's precept proposal at its meeting on 3 February 2022 and the Panel endorsed the Commissioner's proposals to set the Band D Fire and Rescue element of the Council Tax for 2022-23 at an increase of £1.44 per year (1.95%); and set the Band D Police element of the Council Tax for 2022-23 at an increase of £9.99 per year (4.79%). In carrying out this responsibility, a Working Group of five members of the Panel was established which met three times in October 2021, November 2021 and January 2022. The purpose of the Working Group was to gain a more in depth understanding of the key issues and assumptions in setting the budget and reviewing the budget updates and the Medium Term Financial Strategies for both Essex Police and the Essex Fire and Rescue.

4.12 In March 2022 the Panel received a Quarter 2 update report on the Essex County Fire and Rescue Service's (ECFRS's) progress in delivering the priorities set out in the Fire and Rescue Plan 2019 – 2024 and the Integrated Risk Management Plan 2020-2024, based on data and other information for the period July 2021 to September 2021. The Panel sought clarification on a number of issues raised in the report including; false alarms, malicious calls, attendance times and availability and recruitment and diversity in the workforce. The Panel noted the report.

4.13 In October the Panel agreed to add an item to its Forward Work Plan to receive a report in relation to the Commissioner's responsibilities for complaint handling and in particular the backlog of complaint reviews. In March 2022 the Panel received a

report on the commissioner's activities relating to complaint handling during 2021. The Panel sought clarification on a number of issues and noted the report.

4.14 The Panel has taken the opportunity to examine decisions which the Commissioner has made during the year. This has involved the inclusion of an item on each Panel agenda to list decisions which have been published by the Commissioner. The Panel has taken the opportunity to satisfy itself that the Commissioner's actions/decisions are contributing to the effective achievement of his Plan.

4.15 The Ethics and Integrity Sub-Committee met twice in 2021/22, to consider items including, diversity in Police recruitment, Police recruitment and vetting and a confidential matter within its remit.

4.16 Informal Panel pre-meetings were held throughout the year with a focus primarily on scoping the key lines of enquiry and areas of interest for the upcoming Panel meeting, briefing members on the subject matter to assist in their preparation, and highlighting any key points to bring to the attention of the PFCC's Office prior to the meeting.

4.17 The Panel was provided with two tailored induction and training sessions during the year, one in September 2021 following the changes in membership at the Annual meeting and another in January 2022 following the appointment of the three additional co-opted members and a change in membership. These provided an opportunity to understand the framework within which the panels operate, their core functions and working arrangements and to discuss best practice. The sessions were open to new and returning members to attend to develop their skills and knowledge to undertake the functions of the Panel.

4.18 Panel members and the support officers have also attended national and regional conferences and network meetings. These have provided an opportunity to share best practice with other Panels and to increase knowledge and understanding of key issues and developments.

4.19 The Chairman, Vice-Chairman and the support officers attended the National Conference for Police (Fire) and Crime Panels. The conference included a key-note address from Dr Rick Muir, Director of Police Foundation on the Strategic Review of Policing and a number of breakout sessions on issues of good practice and panel development.

4.20 The Chairman and PFCC held 1:1 monthly meetings during the year with the OPFCC CEO and the Panel's Support Officer in attendance. These sessions being used to discuss local and national PFCP/PFCC developments that may influence the work or engagement of the Essex Panel.

4.21 The Panel responds to relevant consultations issued by the Home Office, LGA or other relevant bodies. During the year the following EPFCP consultation responses were submitted:

- PCC Review Part 2 Sept 2021 – Home Office
- Giving Police & Crime Commissioners General Power of Competence October 2021 – Home Office

- The Policing Protocol Order 2011 Consultation – Home Office via the LGA May 2022

4.22 The Panel has monitored the Host Authority's expenditure against the Home Office grant awarded to support the Panel's activities. The Panel received a half year monitoring report at its meeting on the 9 December 2021 and will receive the Essex Police, Fire and Crime Panel Budget Outturn Report 2021/22 at its annual meeting in June 2022.

4.23 On 9 June 2022 the Panel held a feedback and reflection session, reviewing its work over the past year. Outcomes from that session included:

- Consideration to be given to wider Panel activities, such as visits, to give a greater understanding and insight to particular aspects of the Police and Fire Service provision, to support the work of the Panel.
- Consideration to be given to establishing Working Groups to focus on specific issues agreed by the Panel.
- To arrange induction training and guidance for new Panel Members.
- To ensure that any requests by the Panel for further information or action are monitored.

5.0 Essex Police, Fire and Crime Panel 2022/3

5.1 The schedule of Panel meetings for 2022/23 are set out below:-

- 21 July 2022
- 29 September 2022
- 8 December 2022
- February 2023 – to be agreed

5.2 The work programme for 2022/23 is set out below:

Provisional Date	Topic Title	Lead Contact	Purpose and Target Outcomes
21 July 2022	• ECFRS End of Year Performance Report	OPFCC	Statutory Duty to review the Fire and Rescue Plan and monitor performance
29 September 2022	• ECFRS Annual Report and Statement of Assurance • PFCC Annual Report • Budget Scene-Setting	OPFCC OPFCC OPFCC	Statutory Duty to review the Annual Report and Statement of Assurance Statutory Duty to review the Annual Report Invitation to the Panel to feed into the Budget-Setting Process

8 December 2022	• Police and Crime Plan Performance Measures – Quarter 2 • Fire and Rescue Plan Quarterly Performance Update • Budget Update	OPFCC OPFCC OPFCC	Statutory Duty to review the Police and Crime Plan and monitor performance Statutory Duty to review the Fire and Rescue Plan and monitor performance
February 2023	• Proposed Fire Precept • Proposed Police Precept	OPFCC OPFCC	Statutory Duty to review the proposed precepts
TBC	• A review of the Panel's Complaints Procedure • A review of the issues relating to E-Scooters	TBC	As agreed at the Panel's meeting on 9 December 2021 As agreed at the Panel's meeting on 22 March 2022

The Panel may wish to review its activities in 2021/22 and make recommendations on the work programme for 2022/23. In practical terms, the programme should incorporate all of those responsibilities which the Panel is obliged to fulfil (e.g. consideration of the Commissioner's Annual Report, precept proposal, scrutiny of decision making/action etc.).

Agenda Item 16
Reference number: EPFCP/17/22

Report title: Essex PFCP Grant Claim and Outturn Forecast Report - 2021/22	
Report to: Essex Police, Fire and Crime Panel	
Report author: Emma Tombs, Democratic Services Manager	
Date: 23 June 2022	**For:** Noting
Enquiries to: Sophie Campion, Senior Democratic Services Officer - sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Introduction

1.1 Essex County Council is the accountable body for the grant provided by the Home Office to support and administer the Essex Police, Fire and Crime Panel.

1.2 This report updates the Panel on the outturn position against the grant to be filed with the Home Office prior to the deadline of 31 July 2022. The return has been signed off by the accountable body's accountant and reflects the actual and forecast expenditure incurred in the administration of the Panel.

2. Supporting information

2.1 The maximum grant payable by the Home Office for 2021/22 is £68,940. The Home Office require expenditure to be recorded under two elements; administration and expenses.

2.2 The table below sets out the expenditure incurred against these two elements at the mid year and final accounting points.

	Mid-year payment claimed (if applicable)	Spend forecast from mid-year to 31st March 2022	Total spend in FY 2021/22
Administration costs	**29042.02**	**28324.69**	**57366.71**
Members expenses	**4949.86**	**6249.60**	**11199.46**
Translation costs (if applicable)	**n/a**	**n/a**	**n/a**
Total	**33991.88**	**34574.29**	**68566.17**

TOTAL EXPENDITURE:	£68,566.17
TOTAL GRANT PROVIDED:	£68,940.00
VARIANCE: total Grant provided **minus** total resource expenditure	£373.83

3. Recommendation

3.1 The Panel is invited to note the content of the report, identifying any areas that require further clarification or comment.

Agenda Item 17

Reference number: EPFCP/18/22

Report title: Report of the Ethics and Integrity Sub-Committee	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Senior Democratic Services Officer	
Date: 23 June 2022	**For:** Noting
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of report and background

The Ethics and Integrity Sub-Committee is required in its Terms of Reference to report back to the next available ordinary meeting of the Essex Police, Fire and Crime Panel. The Sub-Committee met on 22 March 2022 and the minutes of that meeting are attached as Appendix A for the Panel to note.

2. Recommendation

That the Panel note the minutes of the Ethics and Integrity Sub-Committee.

Minutes of the meeting of the Essex Police, Fire and Crime Panel: Ethics and Integrity Sub-Committee, held in the Council Chamber at County Hall on Tuesday, 22 March 2022

Present	**Representing**
John Gili-Ross (Chairman)	Independent Member
Cllr Lynda McWilliams	Tendring District Council
Cllr Ian Shead	Southend Borough Council

Also present

Gemma Bint	Democratic Services Officer
Pippa Brent-Isherwood	Chief Executive and Monitoring Officer, Office of the Police, Fire and Crime Commissioner for Essex
Sophie Campion	Senior Democratic Services Officer
Roger Hirst	Essex Police, Fire and Crime Commissioner
Gemma Smith	Head of Vetting, Essex Police
Emma Tombs	Democratic Services Manager

1 Membership, Apologies, Substitutions and Declarations of Interest

1. The membership of the Sub-Committee was noted.
2. An apology had been received from Councillor Godfrey Isaacs, Vice-Chairman of the Panel, CastlePoint Borough Council.
3. Councillor Lynda McWilliams declared a Code Interest as her son was currently a serving police officer. Councillor McWilliams participated fully in the meeting.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 21 September 2021 were approved as a correct record and signed by the Chairman.

3 Process of Recruitment and Vetting for Police Officers

The Sub-Committee received report EISC/01/22 from Roger Hirst, Police, Fire and Crime Commissioner. At its meeting in October 2021, the Essex Police, Fire and Crime Panel had requested a report on the process of recruitment / vetting for police officers in Essex following the murder of Sarah Everard by Wayne Couzens, who was then a serving officer with the Metropolitan Police Service. This report responded to that request by setting out the Essex Police position in relation to a letter from the National Police Chiefs' Council (NPCC) dated 8 October 2021 which detailed several key requirements for Police Professional Standards Departments and Vetting Units across the country.

The Commissioner introduced the report explaining that it set out the investment that had been made in Professional Standards and vetting as part of the Force Growth Plan. A significant contribution had been made to reduce the backlog in

vetting. Various workstreams had been undertaken, some collaboratively with the seven regions across the East of England to achieve a more standardised approach.

The Commissioner clarified that the liability for the vetting process sat with the Chief Constable by statute and the Commissioner was there to support him and provide constructive scrutiny.

The report described the extensive programme of work put in place under the leadership of Gemma Smith, Head of Vetting to ensure that vetting renewals were completed in a timely manner. In terms of addressing the principal responsibilities as defined by the NPCC authorised professional practice for vetting guidance, the report set this out and provided assurance that the service was almost entirely compliant. The areas where further work was needed to be fully implemented were highlighted in the report. Overall the Commissioner considered the vetting within Essex Police to be in a good position and that they were building on that with further improvements going forward.

In response to questions from Members the following points were made:

- The DBS checks were carried out by a separate dedicated team.
- Vetting was carried out in order of priority so as not to disadvantage anyone.
- In this country there were low crime rates compared with high levels of personal liberties, through policing by consent. There was a need to be reflective of society in recruitment, but also to ensure that following that recruitment there were no barriers to progression through other processes such as vetting and promotion to ensure there was no disproportionality.
- A really comprehensive vetting process was in place whether or not it was within the seven force region. The advantage within the seven force region was access to all of the records and history for a transferee due to having a shared system. Nationally, if someone transferred in and their prior vetting was over 12months ago a full re-vet would be undertaken. Under 12months would be at the force's discretion. Corruption and integrity would have to be looked at particularly where there was a live investigation.
- Copies of deed-poll records and previous names were required and across the 13 systems used it was a comprehensive process. Vetting required a minimum of 5 years clearance.
- There were processes in place for Police Standards and misconduct hearings and there had been a range of outcomes from officers going through those processes. An improvement that was being worked on was to have written warnings accessible. Every misconduct hearing which resulted in a sanction which was not a dismissal, the outcome would be reviewed as to whether or not the officer should still hold that level of vetting. Conditions could be put within the vetting clearance or they could be reviewed more regularly. Re-postings to other departments could be made where appropriate.

- It was confirmed that there were no plans to outsource this service. Although it would be theoretically possible to have a national structure, it was considered to be beneficial to have a service that responded to and was flexible to local circumstances and given the collaboration on some systems and processes, particularly through the seven force, it was considered to be working well. There were a number of potential issues identified with a national process, including due to accessing different IT systems, with effective governance and scrutiny and with differing processes between forces for managing risks. There was a national Contractor Vetting Scheme for certain sizes of contract, however they did not perform all of the checks themselves, rather they referred to local forces for certain information. In terms of national group triaging, that could be looked at, however triaging was already done through the recruitment eligibility process which filtered out candidates that were not suitable based on disclosures. Cost evaluation depending on whether vetting was done early on in the process or later in the process had been undertaken and in Essex this was done at the end of the process which was more cost effective as fewer candidates failed, having passed through the other parts of the recruitment process.
- The procedure with regard to data protection and the storage and retention of information was explained and it was confirmed that the database was solely for vetting applications and separate to other intelligence systems which have different retention processes.
- A question was raised regarding confidence in the police and what checks were in place to monitor behaviours beyond the vetting and recruitment process. The Commissioner advised that some really constructive work had taken place within the Fire and Rescue Service around behaviours, following previously identified cultural issues. However work within the Police service had not been commissioned in the same way. The Commissioner agreed to consider the issue of how behaviours are monitored within the Police Service beyond the vetting and recruitment process with the Chief Constable.

The Chairman put a public question to the Commissioner which had been raised by a member of the public at the previous meeting of the Panel which related to recruitment:

> “Essex Police recruitment pages online make no mention about the force needing operational staff 24/7/365, which means rest day or annual leave cancellations on occasion. (E.g. Local Policing Teams, Force Control Room, OSG, proposed High-Harm Teams).
> I totally support encouraging a diverse range of people to join up though ensuring rigorous training and an understanding of what comes with doing said job before starting any application is surely essential?”
>
> **Response** – The Commissioner advised that the recruitment website states that the job involved shift work and involved weekend work. In relation to the Force Control Room and Resolution Centre it was stated that it ran 24 hours a day, 365 days a year. The Force required attendance by prospective new officers at a mandatory briefing before attending an

assessment centre at which it was made clear regarding the shift work pattern across 365 days and that on occasions it would be necessary to extend duty beyond the shifts and the impact on work life balance. There were also 26 recruitment ambassadors who gave a realistic preview on working within the Service. All new candidates for the Force Control Room were also given a briefing which included information on shifts. It was recognised that further information such as early sight of a shift pattern would be helpful and the wider review of the website would include that. Once new recruits had completed 12months service, there was a review to get feedback on how they were adapting to see how they were coping with the transition. That informed the process going forward.

Members of the Sub-Committee noted that it was positive that these expectations were set out during the process.

RESOLVED:

That members of the Sub-Committee noted the report and that an item on how behaviours are monitored within the Police Service be brought to a future meeting of the Sub-Committee.

5 Date of Next Meeting

The date and time of the next meeting was to be arranged for September/October 2022.

6 Urgent Business

There was no urgent business. The meeting closed at 2.00pm

Chairman

Agenda item 19
Reference number: EPFCP/19/22

Report title: Dates of Future Meetings	
Report to: Essex Police, Fire and Crime Panel	
Report author: Sophie Campion, Senior Democratic Services Officer	
Date: 23 June 2022	**For:** Noting
Enquiries to: Sophie Campion, Senior Democratic Services Officer sophie.campion2@essex.gov.uk	
County Divisions affected: All Essex	

1. PURPOSE OF THE ITEM

To inform Members of the proposed schedule of meeting dates for 2022-23.

2. MEETING DATES

Thursday 21 July 2022 – 2:00pm
Thursday 29 September 2022 – 2:00pm
Thursday 8 December 2022 – 2:00pm
Thursday 7 February 2023 – 10:00am
Thursday 20 February 2023 – 2:00pm (Reserve date)