



Essex Fire Authority

Constitution Book

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1. INTRODUCTION

THE CONSTITUTION OF ESSEX FIRE AUTHORITY (THE AUTHORITY)

The Authority was formed on 1st April 1998 by virtue of the Local Government Act 1992. Essex County Fire and Rescue Service are directly responsible to the Essex Fire Authority (EFA).

The Authority considers that a Constitution provides the most effective means by which to enhance its governance arrangements through a framework that augments greater openness and transparency, robust decision making and engagement with the communities of Essex.

This Constitution follows broadly the structure that has been adopted by most local authorities, bringing defined clarity to the role of the Authority whilst identifying the process for how and where Authority decisions are taken.

The Constitution is divided into 13 sections which set out the basic rules governing the Authority's business detailing the procedures, responsibilities and codes of practice adopted.

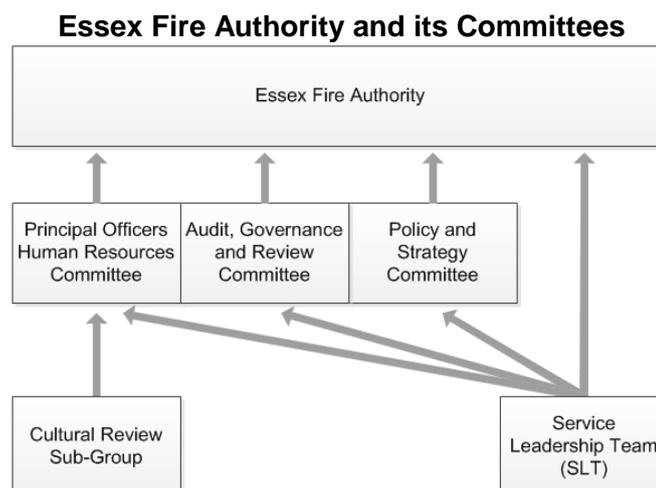
The Constitution is accessible at www.essex-fire.gov.uk.

HOW THE ESSEX FIRE AUTHORITY OPERATES

All Members meet together at least four times a year as the Authority. Meetings are published and open to the public, although the public (and press) may be excluded when exempt or confidential information is to be discussed. The schedule of Authority meetings can be accessed at www.essex-fire.gov.uk.

Each member of the Authority plays a key role, not just as a member of the full Authority, but also as a member of its Committees.

There are a number of committees that are subordinate to the Authority, these are identified within the diagram below which provides an overview of the relationships between the management within the Service and how they are linked to the Authority and its committees.



The Policy and Strategy Committee is responsible for considering the overall strategic aims and objectives of the Fire Authority and making recommendations to the full Authority as appropriate. Further information on this can be found within section 6 below.

The Audit, Governance and Review Committee is responsible for reviewing the Authority's performance, audit, and general governance-related issues, and making recommendations to the full Authority as appropriate. Further information can be found in section 7 below.

The Officers and Members work in partnership to provide leadership of the Service, although the Authority has delegated certain powers and duties of the Authority to the Chief Fire Officer & Chief Executive. This formal delegation process operates under Section 101 of the Local Government Act 1972 (by virtue of the Essex Fire Services (Combination Scheme) Order 1997) and all other powers enabling the Authority.

In addition to the Chief Fire Officer & Chief Executive, the Authority has delegated further responsibilities to other officers within the Service and including the Chief Financial Officer (Section 151 Officer under Local Government Act 1972) and Monitoring Officer. These roles are defined within the Scheme of Delegation to Officers.

The Authority also appoints Lead Members (Member Champions), who lead on subject specific areas on behalf of the Authority and these are reviewed on an annual basis at its Annual General Meeting.

Throughout certain times of the year the Authority receives key reports, for example in February each year the Authority sets its precept and in June approves its annual Financial Statements. In addition, the first meeting of each committee in a new cycle sets its work programme for the forthcoming year.

To obtain further information about the work of the Authority and each committee, all agenda and papers are published in advance of each meeting; these can be accessed through the website; www.essex-fire.gov.uk.

THE PUBLIC

To encourage engagement and openness, this Constitution sets out the rights for members of the public when dealing with the Authority. These are set out in more detail in Section 3.

Members of the public have the right in accordance to any statutory conditions or restrictions to:

1. View or obtain a copy of the constitution;
2. Attend meetings of the Authority and its committees, except where confidential matters or exempt information are being discussed;
3. Inspect agenda, reports, background papers and minutes, except where these concern a confidential or exempt matter;
4. The following information for all Members: name, political group, and other details (this is available from the website; www.essex-fire.gov.uk);
5. Ask questions of the Chairman and Committee Chairman;
6. Participate in the Authority's public consultation;
7. Complain to the Authority under its internal complaints procedure or under the whistle-blowing policy regarding any action by the Authority;

8. Complain to the Local Government Ombudsman if it is thought that the Authority has not followed its procedures as prescribed, however this should only be carried out after using the Authority's own complaints procedure;
9. Complain to the Authority if it is considered that there is adequate evidence which demonstrates that a Member has not followed the Authority's Code of Conduct; and
10. Inspect the Authority's annual accounts.

2. ESSEX FIRE AUTHORITY CONSTITUTIONAL FRAMEWORK

POWERS OF THE ESSEX FIRE AUTHORITY

The Authority, as a corporate body, 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, and this Constitution. The Authority will also have regard to all relevant guidance, such as the most recently published Fire and Rescue National Framework.

PURPOSE OF THIS CONSTITUTION

The purpose of this Constitution is to:

1. Enable the Authority to provide clear leadership to the communities of Essex in partnership with members of the public, businesses and other organisations;
2. Support and encourage the active involvement of members of the Essex community in the process of the Authority's decision making;
3. Enable decisions to be taken efficiently, effectively and transparently;
4. Create a powerful and effective means of holding decision-makers to public account;
5. Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for the decisions;
6. Provide for the effective, efficient delivery of the fire and rescue services to the Essex community;
7. Help Members represent their constituents more effectively;
8. Promote equality and recognise diversity;
9. Ensure that the people who work for the Authority are treated fairly and that opportunities are provided to enhance their effectiveness;
10. Promote effective communication in all the Authority's activities; and
11. Provide a means of improving the delivery of services which meet the needs of local people.

INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Authority to choose between different courses of action or interpretations, the Authority will always choose an approach which it believes is closest to the purposes stated above.

The Authority will monitor and evaluate the operation of its Constitution as set out within this document.

MEMBERS OF THE ESSEX FIRE AUTHORITY

COMPOSITION

The Essex County Fire and Rescue Services (Combination Scheme) Order 1997. The Order sets down the composition of the Authority. The Order provides that the Authority shall comprise no more than 25 Members.

Members of the Authority are elected Members and are nominated by its three constituent authorities. Twenty Members are nominated by Essex County Council, three by Southend Borough Council and two by Thurrock Borough Council. The Authority does not directly elect its Members.

The Authority encourages its constituent authorities to ensure a balance of continuity and refreshment of membership. Membership commences at the Annual General Meeting of the Authority or when all formalities of membership have been complied with.

Accordingly, the Authority has 25 Members nominated by:

Essex County Council – Conservative - 12, Labour - 2, Liberal Democrat - 2, UKIP - 2, Green - 1, Non-aligned - 1.

Southend Borough Council - Conservative – 1, Labour – 1, Independent - 1.

Thurrock Borough Council – Conservative – 1; Labour - 1.

TOTAL:

Conservative:	14
Labour:	4
Liberal Democrat:	2
UKIP:	2
Green:	1
Non-aligned:	1
Independent	1
	25

MEMBERSHIP

Essex County Council

Councillor B Aspinell (Lib Dem)
Councillor A Bayley (UKIP)
Councillor D Blackwell (Non-Aligned)
Councillor J Chandler (Con)
Councillor M Danvers (Lab)
Councillor A Erskine (Con)
Councillor C Guglielmi (Con)
Councillor A M Hedley (Con)
Councillor I Henderson (Lab)
Councillor P Honeywood (Con)

Councillor M Hoy (Green)
Councillor N Hume (Con)
Councillor J Huntman (UKIP)
Councillor J Knapman (Con)
Councillor M McEwen (Con)
Councillor V Metcalfe (Con)
Councillor A Naylor (Con)
Councillor C Seagers (Con)
Councillor A Turrell (Lib Dem)
Councillor A Wood (Con)

Southend Borough Council

Councillor A E Holland (Con)
Councillor J Ware-Lane (Lab)
Councillor R Woodley (Independent)

Thurrock Council

Councillor C Kent (Lab)
Councillor A Watkins (Con)

CHAIRMAN

Councillor A M Hedley

VICE-CHAIRMAN

Councillor A E Holland

GROUP SPOKESPERSONS

LABOUR GROUP SPOKESPERSON

Councillor C Kent

LIBERAL DEMOCRAT GROUP SPOKESPERSON

Councillor B Aspinell

UKIP GROUP SPOKESPERSON

Councillor A Bayley

TERM OF OFFICE

Members are appointed at the Annual General Meeting of the Authority. All Members serve until at least the fourth date after the local elections in any given year. The constituent authorities will nominate their representative Members annually in readiness for the Authority's Annual General Meeting. The constituent authorities may choose to replace their representative members at any time provided that written notice is given to the Secretary and political proportionality is maintained.

A Member who ceases to be a member of a constituent authority shall also cease to be a Member of the Authority.

ADDITIONAL FUNCTIONS – LEAD MEMBERS/MEMBER CHAMPIONS

The Authority appoints Lead Members (Member Champions), who lead on subject specific areas on behalf of the Authority and these are reviewed on an annual basis at its Annual General Meeting, Lead Members/Member Champions include:

Safer Communities and Youth
Equal Opportunities
Health and Safety
Risk Management
IT and Data Management
On-call Firefighter
Environmental
Control
Employee Engagement

Councillor J Chandler
Councillor C Kent
Councillor J Ware-Lane
Councillor A Holland
Councillor A Wood
Councillor C Guglielmi
Councillor M McEwen
Councillor Hedley
Councillor A Naylor

RESIGNATION OF A MEMBER

A Member may resign at any time upon giving notice in writing to the Clerk. The Member should also notify their relevant constituent authority.

ESSEX FIRE AUTHORITY MEMBERS' TERMS OF REFERENCE

All Members of the Essex Fire Authority will:

1. Collectively share responsibility for the good governance of the Authority and be the ultimate policy makers;
2. Represent their communities and bring their views into the Authority's decision making processes; i.e. Members are the advocate of and for their communities;
3. Contribute to the good governance of the Authority and actively encourage community participation and public involvement in decision-making;
4. Respond to the public's enquiries and representations, fairly and impartially;
5. Be available to represent the Authority on other bodies;
6. Maintain the highest standards of conduct and ethics and show respect for fellow Members, employees and the community;
7. Forge local partnerships, including Local Strategic Partnerships;
8. Inform the debate at Authority meetings and contribute to the effectiveness of meetings as the focus of visible leadership;
9. Contribute to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery;
10. Develop and maintain knowledge of the Authority and develop effective working relationships with its Officers;
11. Prepare an Annual Report to be published every June; and
12. Be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

RIGHTS AND DUTIES OF MEMBERS

Members have rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law. Members will not make public information which is confidential or exempt without the consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

CONDUCT OF MEMBERS

Members will at all times observe the Members' Code of Conduct from time to time in force and the protocol on Member/Officer relations as approved by the Authority.

The Monitoring Officer is appointed as the proper officer to receive complaints for failure to comply with the Members' Code of Conduct.

The Monitoring Officer shall conduct arrangements for dealing with complaints for failure to comply with the Members' Code of Conduct in accordance with the following procedure:

1. The Monitoring Officer has delegated power, after consultation with the Independent Person, to determine whether the complaint merits formal investigation and to arrange such investigation. The Monitoring Officer should seek resolution of complaints without formal investigation wherever practical and he has the discretion to refer the decision on investigation to the Joint Standards Committee on the discharge of this function.
2. Where the investigation finds no evidence of failure to comply with the Members' Code of Conduct, the Monitoring Officer shall close the matter, providing a copy of the report and findings of the investigation to the complainant, the Member concerned and the Independent Person as well as report the findings to the Joint Standards Committee for information.
3. Where the investigation finds evidence of a failure to comply with the Members' Code of Conduct, the Monitoring Officer in consultation with the Independent Person will seek resolution in appropriate cases, with a summary report submitted to the Joint Standards Committee for information. Where such resolution is not appropriate or not possible, the Monitoring Officer will report the investigation findings to a Sub-Committee of the Joint Standards Committee for hearing.
4. The Authority has delegated to the Sub-Committee such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Members' Code of Conduct, such actions to include;
 - 4.1 Reporting its findings to the Authority for information;
 - 4.2 Recommending to the Authority that the Member be issued with a formal censure or reprimand;
 - 4.3 Recommending the Member's Groups Leader (or in the case of ungrouped Members, recommend to the Authority or to Committees) that the Member concerned be removed from any or all Committees or Sub-Committees;
 - 4.4 Instructing the Monitoring Officer to arrange training for the Member;
 - 4.5 Removal from all outside appointments to which the Member concerned has been appointed or nominated by the Authority;
 - 4.6 Withdrawal of facilities provided to the Member concerned by the Authority, such as a computer, website, email or internet access (this list is indicative only and not exhaustive);
 - 4.7 Exclusion of the Member concerned from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority Committee and Sub-Committee meetings.

APPOINTMENT OF INDEPENDENT MEMBERS

The Localism Act 2011 requires the Authority to appoint one or more Independent Persons who may be consulted by the Monitoring Officer as detailed above or by a Member who is the subject of a complaint.

Independent Persons are not Members of the Authority, independent or otherwise, nor do they sit on the Joint Committee or have any voting rights within the Authority.

The Authority shall have one or more Independent Persons at any one time. In the event of a vacancy, the Authority will advertise to recruit (in conjunction with other Authorities if appropriate) in the local press. The prospective candidates will then be interviewed by the Monitoring Officer and the Monitoring Officer of Essex County Council. The Monitoring Officer will then report back to the full Authority with recommendations as to appointments.

REGISTER OF INTERESTS

The Authority is required to maintain and update a Register of Interests of its Members; this Register shall be maintained by the Monitoring Officer. This Register is to be separated into two sections:

1. Disclosable Pecuniary Interests;
2. 'Code' Interests

Members are required to notify the Monitoring Officer of any interests required for the Register within 28 days of appointment.

The Register is available for public inspection at Essex County Fire and Rescue Service Headquarters, Kelvedon Park.

ALLOWANCES

Members will be entitled to receive allowances in accordance with the published Members' Allowances Scheme.

The Monitoring Officer, in consultation with the Chairman of the Joint Standards Committee and the Chairman of the Authority, with the advice of the Director of Human Resources and Organisational Development, are authorised to set the initial allowances and expenses of the Independent Persons and any Reserve Independent Persons and this function subsequently delegated to the Joint Standards Committee.

3. CITIZENS AND THE ESSEX FIRE AUTHORITY

RIGHTS OF MEMBERS OF THE PUBLIC

The Authority encourages public engagement. Openness, transparency, effective decision making and accountability are core principles adopted by the Authority. In general members of the public have the following rights;

Information

Members of the public have the right to:

1. Attend all meetings of the Authority and its committees, except where there may be confidential or exempt information to be disclosed, and the meeting is, therefore, held in private (note the published agenda will make this clear);
2. See all agendas, reports and any relevant background papers of matters discussed in public; and
3. Inspect the Authority's account and make their views known to the external auditor (the Authority publishes a notice of its accounts asking for views to be made)

Participation

Members of the public have the right to;

1. Attend meetings of the Authority;
2. The Authority publishes annually (late May or June) its annual schedule of meetings. Occasionally special meetings are called; and
3. Notices of all meetings are published. The notice of meetings (and corresponding papers) can be found on the Essex County Fire and Rescue Service web pages www.essex-fire.gov.uk

Complaints

The Authority welcomes comments and observations from members of the public however, members of the public have the right to complain formally to:

1. The Authority under its complaints procedure or whistle-blowing policy;
2. The Local Government Ombudsman after using the Authority's own complaints scheme; and
3. The Authority's Monitoring Officer about an alleged breach of the Members' Code of Conduct.

CONDUCT – RESPONSIBILITIES OF THE PUBLIC

Members of the public are expected to conduct themselves in a manner that is respectful, dignified and non-confrontational, when dealing with Members or Officers of the Authority. Equally, they are expected to show respect for things owned by the Authority. Failure to do so may require members of the public to be excluded from a meeting or any property owned by the Authority. The Authority asks that people remain polite and patient and, if necessary, use the complaints procedure if feeling upset or aggrieved. Any aggressive, intimidating, or discriminating behaviour will not be tolerated by the Authority.

DIVERSITY AND EQUALITY OF OPPORTUNITY

In all its dealings with members of the public, the Authority will endeavour to provide the highest level of services and aim to distribute those services fairly across the community except where they need to (or by law must) be targeted to meet special needs, regardless of age, gender, marital status, disability, ethnic and national origin, religious beliefs or sexual orientation.

4. MEETINGS OF THE ESSEX FIRE AUTHORITY

There are three types of Essex Fire Authority meetings:

1. The Annual General Meeting (AGM), which meets in late May or June in each year;
2. Ordinary meetings (at least four per year); and
3. Extraordinary meetings (as may be necessary).

At the AGM the Chairman and Vice-Chairman are elected and the composition of committees is agreed.

4.1. ESSEX FIRE AUTHORITY TERMS OF REFERENCE

1. To adopt, and change if necessary, the Authority's Constitution;
2. To approve the Authority's Strategic Plan and Integrated Risk Management Plan;
3. To approve the setting of Precept;
4. To approve the Annual Statement of Accounts;
5. To approve the Annual Budget and Medium Term Financial Plan, including Capital Programme;
6. To approve the Annual Governance Statement;
7. To appoint, on an annual basis, the Chairman and Vice Chairman of the Authority and agree the composition of the committee structure of the Authority;
8. To agree and/or amend the functions of its committees;
9. To complete the business of the Annual General Meeting;
10. To adopt and amend the Members' Allowance Scheme as necessary;
11. To designate the Monitoring Officer and S.151 Officer;
12. To confirm the appointment of the Chief Fire Officer & Chief Executive and other Senior Officers;
13. To appoint members of the Policy and Strategy Committee;
14. To appoint members of the Audit, Governance and Review Committee;
15. To receive the minutes of meetings of committees and any sub-committees;
16. To receive annual reports from each of its committees
17. To receive an annual corporate governance and risk management review
18. To address any such other matters specifically requiring the approval of the Essex Fire Authority; and
19. To address all other matters which by law must be reserved to the Essex Fire Authority.

SUBSTITUTE ARRANGEMENTS

A substitute to attend a meeting of the full Authority must be appointed from among the members of that Member's constituent authority. The rules on substitution to the Authority and its Committees are set out at Paragraph 18 of the Authority's Standing Orders.

QUORUM

At least one-third of the total membership (9), to include a representative from each of the three constituent Councils.

REPORTING ARRANGEMENTS TO CONSTITUENT AUTHORITIES

Following each meeting of the Authority, a summary report of agreed agenda items will be submitted to the constituent authorities for information and use as they wish.

DISCLOSABLE PECUNIARY INTERESTS (DPI) AND DISPENSATION

Members are required to withdraw from a meeting room, including from the public gallery, during the whole of any consideration of any item of business to which they have a Disclosable Pecuniary Interest unless permitted to remain as a result of a grant of dispensation.

The Authority's Monitoring Officer or the Joint Standards Committee may, in the circumstances set out below, grant a dispensation which permits a Member to:

- (i) Remain in the room,
- (ii) Speak,
- (iii) Vote or make a decision

on a matter, notwithstanding that the Member has an interest in it. Any such dispensation must specify the period for which it has effect, which may not exceed four years.

A dispensation may be granted by the Monitoring Officer or the Joint Standards Committee if the person with the authority to grant the dispensation:

- (i) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (ii) Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (iii) Considers that granting the dispensation is in the interests of persons living in the Authority's area,
- (iv) Considers that without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive, or
- (v) Considers that it is otherwise appropriate to grant a dispensation.

5. CHAIRMAN AND MEMBERS OF THE ESSEX FIRE AUTHORITY

The Chairman and Vice-Chairman of the Authority will be elected from amongst the Members at the Annual General Meeting of the Authority. The Chairman and all Members of the Authority will have the following roles and functions:

Ceremonial role

1. To promote the interests and reputation of the Authority and act as an ambassador, and
2. To participate in civic, community and ceremonial functions as appropriate and support and foster community identity and pride in the Service.

Responsibilities as the Chairman of the Authority

1. To uphold and promote the purposes of the Constitution;
2. To preside impartially over meetings of the full Authority so that its business can be carried out fairly and efficiently and with regard to the rights of Members and the interests of the community;

3. To ensure that the Authority meeting is a forum for the debate of matters of concern to the local community;
4. To promote public involvement in the Authority's activities;
5. To uphold the principles of good governance; and
6. To provide political leadership to the Authority.

6. POLICY AND STRATEGY COMMITTEE

MEMBERSHIP

10 Members.

<i>Conservative (6)</i>	<i>Labour (2)</i>	<i>Liberal Democrat (1)</i>	<i>UKIP (1)</i>
Councillor Chandler	Councillor Kent	Councillor Aspinell	Councillor Bayley
Councillor Erskine	Councillor Danvers		
Councillor Guglielmi			
Councillor Hedley			
Councillor Holland			
Councillor Naylor			

CHAIRMAN

The Chairman of the Authority – Councillor A M Hedley.

VICE-CHAIRMAN

The Vice Chairman of the Authority - Councillor A E Holland.

QUORUM

Five Members.

MEETING FREQUENCY

The Committee will meet a minimum of four times annually.

SUBSTITUTIONS

The rules on substitution are set out at Paragraph 18 of the Authority's Standing Orders.

TERMS OF REFERENCE

1. To consider the overall strategic aims and objectives of the Authority and make recommendations to the full Authority as appropriate;
2. To monitor the development of the Authority's policies and procedures to ensure Fairness and Equality;
3. To consider and determine all financial matters appertaining to the Authority with the exception of:
 - (i) Approval of the annual budget and related issues and approval of Financial Regulations;

(ii) The functions carried out by the Audit Sub Committee of the Audit, Governance & Review Committee; and

(i) Any other matter which by law must be decided by the full Authority.

4. To set and determine the risk management policy and strategy for the Authority;
5. To determine action needed on behalf of the Authority in relation to industrial action that may be taken by the representative bodies; and
6. To consider any other matter not already falling within the remit of the Authority's other groups and panels as appropriate.

7. AUDIT, GOVERNANCE AND REVIEW COMMITTEE

MEMBERSHIP

15 Members

<i>Conservative (8)</i>	<i>Labour (2)</i>	<i>Liberal Democrat (1)</i>	<i>UKIP (1)</i>	<i>Green (1) Independent (1) Non-aligned (1)</i>
Councillor Honeywood	Councillor Henderson	Councillor Turrell	Councillor Huntman	Councillor Hoy
Councillor Hume	Councillor Ware-Lane			Councillor Blackwell
Councillor Knapman				Councillor Woodley
Councillor McEwen				
Councillor Metcalfe				
Councillor Seagers				
Councillor Watkins				
Councillor Wood				

CHAIRMAN

Councillor J Knapman.

VICE-CHAIRMAN

Councillor A Turrell.

QUORUM

The quorum shall be one third of the Committee's membership.

MEETING FREQUENCY

The Committee will meet a minimum of four times annually.

SUBSTITUTIONS

The rules on substitution are set out at Paragraph 18 of the Authority's Standing Orders.

TERMS OF REFERENCE

1. To review Service performance against objectives and performance indicators as set out in the Authority's published annual plan;
2. To ensure that processes are in place which deliver effective planning and performance management arrangements and review resulting options/recommendations;
3. To oversee the Authority's performance in delivering its Integrated Risk Management Plan;
4. To advise the Authority on the efficacy of its budget strategy;
5. Review and recommend the setting and revision of the Authority's prudential indicators for capital financing;
6. To monitor expenditure against the Authority's agreed revenue and capital budgets;
7. To review the external auditor's management letter and any reports from the external auditor and make recommendations to the Authority as necessary;
8. To ensure that processes are in place which deliver effective controls and audit functions, including the agreement of the internal audit programme and action plan;
9. To review processes in place to deliver effective corporate governance and risk management arrangements;
10. To ensure that processes which deliver value for money are developed and maintained;
11. To receive an annual report on the level and outcome of complaints received by the Service;
12. To review any such matters which may from time to time, be referred from the full Authority or the Policy and Strategy Committee;
13. Make reports to the full Authority and/or Policy and Strategy Committee on those matters falling within its terms of reference;
14. Provide the Authority with an annual backward looking report in respect of performance and outturn; and
15. To advise the Authority on any issues of ethical governance falling outside the remit of the Joint Standards Committee.

The Audit, Governance and Review Committee shall not self-refer work. Business for this Committee will be referred either from the Policy and Strategy Committee, full Fire Authority or should constitute part of an Authority agreed business schedule.

The Audit, Governance and Review Committee may recommend to either the full Fire Authority or Policy and Strategy Committee that it undertakes specific, non-planned items of work.

8. JOINT STANDARDS COMMITTEE WITH ESSEX COUNTY COUNCIL

ESSEX FIRE AUTHORITY REPRESENTATIVES

Essex County Council -
Southend Borough Council -
Thurrock Council -

Councillor A Erskine
Councillor R Woodley
Councillor A Watkins

TERMS OF REFERENCE

1. To advise Essex County Council and the Authority on a local Code of Conduct for Members and to promote, develop and maintain high standards of conduct by member and co-opted member of Essex County Council and the Authority.
2. To grant dispensations under Section 33 of the Localism Act 2011 to Councillors and Co-opted Members
3. To appoint a Standards (Hearings) Sub-Committee to:
 - i. Conduct hearings into allegations of misconduct against Members and determine which sanction should be applied;
 - ii. Determine any other matters relating to the investigation of determination of allegations of misconduct referring to it by Monitoring Officer; and
 - iii. Grant dispensations under Section 33 of the Localism Act 2011 to Councillors and co-opted Members in matters of urgency.

INDEPENDENT PERSONS

At least one independent person must be appointed who:

1. **Must** be consulted by the Authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of that complaint, or on any finding of breach and on any decision on action as a result of that finding);
2. **May** be consulted by the Authority in respect of a standards complaint at any other stage; and
3. **May** be consulted by a Member or Co-opted Member against whom a complaint has been made although it would not normally be appropriate for an Independent Person who has been consulted by a member against whom a complaint has been made to then also advise the Hearing Sub-Committee on that complaint. For this reason, and to cover any periods of absence, two independent persons shall be appointed.

COMPOSITION

There shall be 12 Members (9 to be appointed by Essex County Council and 3 to be appointed by the Authority). Only 1 Member of Essex County Council's Executive may be appointed to the Committee and/or Sub-Committee.

QUORUM

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

PROCEDURE

1. The Monitoring Officer shall provide Members of the Committee and/or Sub-Committee with the full text of the received complaint and all supporting documentation.
2. Paperwork, agenda and reports shall be dispatched at least three, and whenever possible five, full working days before the date of a meeting of the Committee and/or Sub-Committee.

FREQUENCY OF MEETINGS

The Sub-Committee shall meet as and when required.

9. PRINCIPAL OFFICER HUMAN RESOURCES COMMITTEE

MEMBERSHIP

A minimum of three Members drawn from a pool of 10 Members (set out below), to include the Chairman and Vice-Chairman of the Fire Authority and the leaders of the political groups, subject to the law on political proportionality.

<i>Conservative (6)</i>	<i>Labour (2)</i>	<i>Liberal Democrat (1)</i>	<i>UKIP (1)</i>
Councillor Erskine	Councillor Kent	Councillor Aspinell	Councillor Bayley
Councillor Guglielmi	Councillor Henderson		
Councillor Hedley			
Councillor Holland			
Councillor McEwen			
Councillor Wood			

QUORUM

A minimum of three Members drawn from the membership of the Committee.

MEETING FREQUENCY

The Committee will meet as and when required.

TERMS OF REFERENCE

1. Independent Cultural Review of Essex County Fire and Rescue Service

1.1 To act upon the advice of the Chairman of the external Expert Advisory Panel with regard to appointment of the following:

- Appropriate experts in their field on an ad-hoc basis as and when required
- Logistical support as required to support the work of the Panel

1.2 To act upon the advice of the Chairman of the external Expert Advisory Panel for the discharge of executive powers to address two specific recommendations within the Independent Cultural Review, namely:

1.3

- Recommendation 11 – ‘An external organisational development expert on the panel, with support from all trade unions and staff representatives needs to lead a review of the organisation’s hierarchical structure to remove the management layers, redesign roles away from rank and improve spans of control from the current 1.7FTE per manager.’
- Recommendation 19 – ‘To address the perceived inconsistency and unfairness, all disciplinary action should be overseen by a sub-group of the Expert Advisory Panel (subject to statutory constraints) over the next 24 months. Any intimidation against individuals, and/or inappropriate use of equipment or property, needs to be considered by the Expert Advisory Panel taking advice from representatives of Essex Police. The sub-group will have a specific role in ensuring elected members are aware of matters without cutting across the existing process. This approach will take effect in respect of all new cases.’

2. Discipline

- 2.1 For conduct of a Principal Officer (ie the Chief Officer or any Deputy Chief Officer), to apply the disciplinary procedure and appeal procedure which is consistent with the terms of employment of all Principal Officers and the Officer Employment and Disciplinary Procedure Rules set out in a technical appendix to the Constitution. If the outcome of any such procedure is the proposed dismissal of a Principal Officer, then the Committee will recommend dismissal to the Essex Fire Authority.
- 2.2 To hear appeals against dismissal and to recommend an outcome to any such appeal to the Essex Fire Authority for a decision.

3. Other dismissal process including mutual termination of employment

- 3.1 For the Principal Officer group, to apply other dismissal processes, including redundancy and business efficiency retirements and the appeal procedure which is consistent with the terms of employment of all Principal Officers. If the outcome of any such procedure is the proposed dismissal of a Principal Officer, then the Committee will recommend dismissal to the Essex Fire Authority.
- 3.2 To recommend to the Essex Fire Authority a severance package for a Principal Officer.
- 3.3 To hear appeals against dismissal and to recommend an outcome to any such appeal to the Essex Fire Authority for a decision.

4. Grievance

- 4.1 To manage the grievance procedure and appeals process regarding issues raised by a member of the Principal Officer group which is consistent with the terms of employment of all Principal Officers.
- 4.2 Should a grievance be made against a decision taken by the Chief Fire Officer, the grievance will be heard by a panel of three members of the Principal Officer Human Resources Committee with an appeal to an alternative panel of the Principal Officer Human Resources Committee.
- 4.3 Should a grievance be made against a decision taken by the Deputy Chief Fire Officer the grievance will be heard by the Chief Fire Officer with the appeal to be heard by a panel of three members of the Principal Officers Human Resources Committee.

5. Pay and remuneration

- 5.1 To review and determine the pay and remuneration of Principal Officers on an annual basis.
- 5.2 To hear appeals against Job Evaluation outcomes.

6. Selection and appointments

- 6.1 To determine the selection process of Principal Officers, undertake the selection process and make a recommendation regarding appointment to the Essex Fire Authority.

7. Terms and conditions of employment

- 7.1 To determine the conditions of service for Principal Officers

7.2 To review the terms and conditions of employment and recommend to the Essex Fire Authority the dismissal and re-engagement of Principal Officers under revised terms and conditions of employment as appropriate. To hear appeals against dismissal and to recommend an outcome to any such appeal to the Essex Fire Authority for a decision.

8. Appraisal

8.1 To appraise the Chief Fire Officer under the Authority's procedure.

8.2 To monitor the setting of objectives for the Principal Officer Group.

8.3 To review the outcome of the Appraisal process for the Principal Officer Group.

9. Whistleblowing

9.1 A complaint by or against a Principal Officer under the Whistleblowing Policy will be dealt with in accordance with the principles of the Authority's Whistleblowing Policy, with the Committee ensuring appropriate arrangements are made to investigate the complaint.

10. Other employment issues

10.1 To consider reports related to Human Resource issues which are appropriate to the remit of the committee and determine referral to the Essex Fire Authority in accordance with the Constitution.

10. Cultural Review Sub-Group MEMBERSHIP

Five Members drawn from the membership of the Principal Officers Human Resources Committee

<i>Conservative (2)</i>	<i>Labour (1)</i>	<i>Liberal Democrat (1)</i>	<i>UKIP (1)</i>
Councillor Guglielmi	Councillor Kent	Councillor Aspinell	Councillor Bayley
Councillor Holland			

QUORUM

Two Members

MEETING FREQUENCY

The Committee will meet as and when required.

TERMS OF REFERENCE

1. To provide the governance, oversight and scrutiny to the delivery of the work programme required to improve the culture within Essex County Fire and Rescue Service
2. In consultation with the Finance and Director and Treasurer, to negotiate contractual terms with the core members of the external Expert Advisory Panel appointed as an outcome from the Independent Cultural Review, together with any appropriate expert advisors and logistical support
3. To report and make recommendations to the Principal Officers Human Resources Committee as appropriate.

11. TECHNICAL APPENDIX: OFFICER DISCIPLINARY PROCEDURE RULES

1 In the following paragraphs –

- (a) **“the 1989 Act”** means the Local Government and Housing Act 1989;
- (b) **“the 2011 Act”** means the Localism Act 2011;
- (c) **“the 2015 Regulations”** means The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015;
- (d) **“appointor”** means, in relation to the appointment of a person as an officer of the authority, the authority or where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- (e) **“Chief Finance Officer”** means the officer having responsibility for the purposes of
 - (i) Section 151 of the Local Government Act 1972 (financial administration), or
 - (ii) Section 6 of the 1989 Act,for the administration of the authority’s financial affairs.
- (f) **“Deputy Chief Officer”** means the Deputy Chief Officer and any post designated as Assistant Chief Officer or Director.
- (g) **“disciplinary action”**, in relation to a member of staff of an authority, means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract;
- (h) **“dismissor”** means, in relation to the dismissal of an officer of the authority, the authority or where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
- (i) **“Head of the Authority’s Paid Service”** means the officer designated under section 4(1) of the 1989 Act (designation and reports of Head of the Authority’s Paid Service);
- (j) **“independent person”** means a person appointed under section 28(7) of the 2011 Act;
- (k) **“local government elector”** means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (l) **“Monitoring Officer”** means the officer designated under Section 5(1) of the 1989 Act (designation and reports of the Monitoring Officer);

- (m) **“the Panel”** means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (n) **“relevant independent person”** means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate;
- (o) **“relevant meeting”** means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer;
- (p) **“relevant officer”** means the Chief Finance Officer, Head of the Authority's Paid Service or Monitoring Officer, as the case may be.

2 Recruitment and Appointment

2.1 Recruitment of the Head of the Authority's Paid Service and Chief Officer

- 2.1.1 Where the Authority proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Authority –
 - i. will draw up a statement specifying:
 - a. the duties of the Officer concerned;
 - b. any qualifications or qualities to be sought in the person to be appointed
 - ii. shall 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; and
 - iii. shall make arrangements for a copy of the statement mentioned in (i) above to be sent to any person on request.

- 2.1.2 Where a post has been advertised as in 2.1.1 above, the Authority shall –
 - i. interview all qualified applicants for the post; or
 - ii. select a shortlist of such qualified applicants and interview those included on the shortlist.

- 2.1.3 Where no qualified person has applied the Authority shall make further arrangements for advertisement.

2.2 Appointment of the Head of the Authority's Paid Service

- 2.2.1 The full Fire Authority will approve the appointment of the Head of the Authority's Paid Service following recommendation of such an appointment by the Principal Officers Human Resources Committee.

2.2.2 Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the Head of the Authority's Paid Service, the Authority must approve that appointment before an offer of appointment is made to that person.

2.3 Appointment of Deputy Chief Officers

The full Fire Authority will determine the appointment of a Deputy Chief Officer upon recommendation of such an appointment by the Principal Officers Human Resources Committee.

2.4 Appointments of Officers below Deputy Chief Officer

Appointment of Officers below Deputy Chief Officer is the responsibility of the Head of the Authority's Paid Service or his/her nominee.

2.5 Appointment to the Panel

2.5.1 The Authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

2.5.2 Subject to 2.5.1 above, the authority must appoint to the Panel such relevant independent person who have accepted an invitation issued in accordance with 2.5.1 as follows –

- i. a relevant independent person who has been appointed by the Authority and who is a local government elector;
- ii. any other relevant independent person who has been appointed by the Authority;
- iii. a relevant independent person who has been appointed by another authority or authorities.

2.5.3 The Authority is not required to appoint more than two relevant independent persons in accordance with paragraph 2.6.1 above but may do so.

2.5.4 The Authority must appoint any Panel at least 20 working days before the relevant meeting.

2.5.5 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

3 Disciplinary Action

3.1 Suspension of Statutory Officers

The relevant officers may be suspended whilst an investigation takes place into an alleged misconduct occasioning the action and any such suspension must be on full pay.

3.2 Officers below Deputy Chief Officer

Members will not be involved in disciplinary action against any officer below a Deputy Chief Officer, except where such involvement is necessary for any investigation or inquiry into the alleged misconduct. The authority's disciplinary capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

4 Dismissals

4.1 Dismissal of the Head of the Authority's Paid Service, Monitoring Officer and Chief Finance Officer

4.1.1 The power to approve the dismissal of a relevant officer shall be exercised by the Authority itself.

4.1.2 Before taking the vote at the relevant meeting on whether or not to approve such a dismissal, the Authority must take into account, in particular –

- i. any advice, views or recommendations of the Panel;
- ii. the conclusions of any investigations into the proposed dismissal; and
- iii. any representations from the relevant officer.

4.1.3 Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the dismissal of a relevant officer, the authority must approve that dismissal before notice of dismissal is given to that person.

4.2 Dismissal of Officers below Deputy Chief Officer

Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Authority's disciplinary capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.