



ESSEX FIRE AUTHORITY

Book of Constitution and Governance

Approved by Essex Fire Authority on 12 April 2017
This version published with effect from 15 June 2017

CONTENTS

1.	Introduction	4
	The Formation of Essex Fire Authority	4
	How the Essex Fire Authority operates	5
	The Public	6
2.	Essex Fire Authority Constitutional and Governance Framework	7
	Address for Service	7
	Powers of the Essex Fire Authority	7
	Purpose of this Book of Constitution and Governance	7
	Interpretation and Review of the Book of Constitution and Governance	8
	Members of the Essex Fire Authority	8
	Composition	8
	Membership	9
	Chairman	9
	Vice-Chairman	9
	Group Spokespersons	9
	Term of Office	9
	Additional Functions – Lead Members	10
	Resignation of a Member	10
	Essex Fire Authority Members’ Terms of Reference	10
	Rights and Duties of Members	11
	Conduct of Members	11
	Appointment of Independent Members	12
	Register of Interests	13
	Allowances	13
3.	Members of the Public and Essex Fire Authority	13
	Rights of Members of the Public	13
	Conduct – Responsibilities of the Public	15
	Diversity and Equality of Opportunity	15
4.	Meetings of the Essex Fire Authority	15
	Essex Fire Authority Terms of Reference	15
	Substitute Arrangements	16
	Quorum	17
	Reporting arrangements to Constituent Authorities	17
	Disclosable Pecuniary Interests	17
5.	Chairman and Members of Essex Fire Authority	19
6.	Policy and Strategy Committee	19
	Membership	19
	Chairman	19
	Vice-chairman	19

	Quorum	19
	Terms of Reference	19
7.	Audit, Governance and Review Committee	20
	Membership	20
	Chairman	20
	Vice-chairman	20
	Quorum	20
	Terms of Reference	21
8.	Joint Standards Committee	22
	Essex Fire Authority Representatives	22
	Terms of Reference	22
	Independent Persons	22
	Composition	23
	Quorum	23
	Procedure	23
	Frequency of Meetings	23
9.	Principal Officers Human Resources Committee	24
	Membership	24
	Quorum	24
	Terms of Reference	24
10.	Cultural Review Sub-Group	26
	Membership	26
	Quorum	26
	Terms of Reference	27
11.	Officer Employment and Disciplinary Procedure Rules	28
	Recruitment and Retention	29
	Disciplinary Action	31
	Dismissals	31
12.	Members' and Officers' Indemnity	32
13.	Culture within the Authority and its Fire and Rescue Service	32

Executive Summary

Essex Fire Authority has agreed this Book of Constitution and Governance, which sets out how the Authority operates, how reports and recommendations to the Authority from Officers are scrutinised prior to decisions being made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

Some of these processes are required by law, while others are a matter for the Authority to choose.

The Authority seeks to promote public involvement in the arena of its IRMP development by allowing full and frank public consultation, access to relevant information to facilitate greater comprehension of how the Authority discharges its obligations in law, and makes decisions and spends public money.

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

The Constitution contained within this Book follows broadly the structure that has been adopted by many combined fire authorities, bringing defined clarity to the role of the Authority whilst identifying the process for how and where Authority decisions are taken.

References herein to any enactment shall be deemed to include any statutory provision, which may from time to time replace, amend or extend the provisions of any enactment and any orders, directions, regulations, code or bylaws made thereunder and any ministerial circulars or advice or note relating thereto.

1. INTRODUCTION

THE FORMATION OF ESSEX FIRE AUTHORITY (THE AUTHORITY)

The Essex Fire Services (Combination Scheme) Order 1997 (the 'Order').

The Order made a scheme which led to the combining of the areas of the councils of the boroughs of Southend-on-Sea and Thurrock (which would otherwise have become individual fire authorities on 1st April 1998 by virtue of the Local Government Act 1992) and the Essex County Council into a combined fire area.

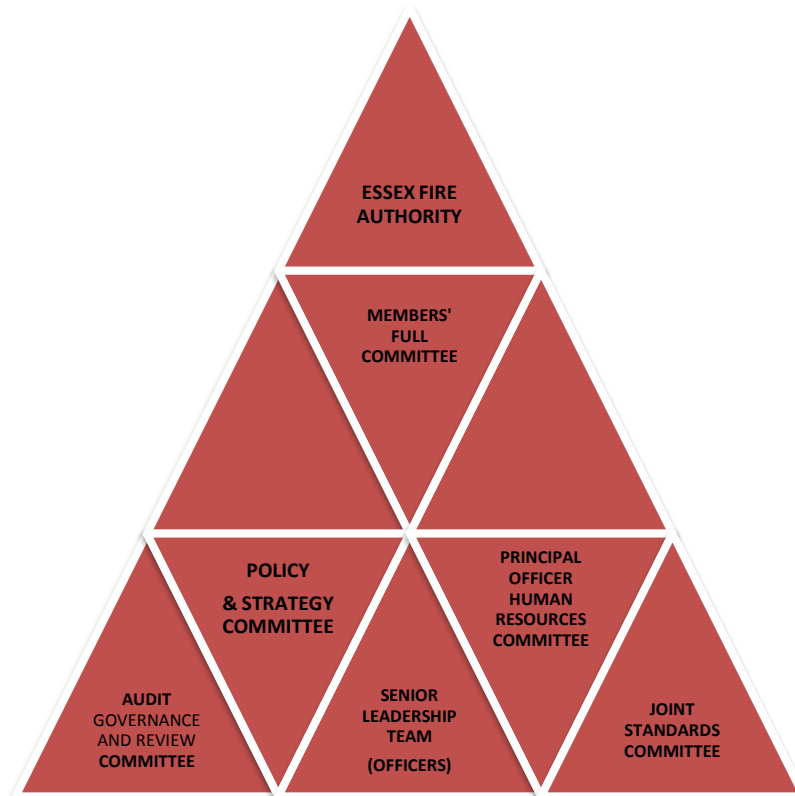
The scheme established a fire authority for the combined area, to be known as the Essex Fire Authority, and provided a Constitution for the appointment and terms of office of its Members, and for meetings of the Authority. The scheme established a fire brigade for the combined area, to be known as the Essex County Fire and Rescue Service (or by such other name as the Authority determines) and appointed its first Chief Fire Officer. The scheme established a combined fire service fund and provided for the administration of the Authority's finances. The scheme also provided for the transfer of staff, and certain property, rights and liabilities, directly from the Essex County Council (the fire authority for the same area as the combined area prior to 1st April 1998) to the new combined authority.

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 found 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 Officers within the Service and how they are aligned to the Authority and its committees.



The Policy and Strategy Committee is responsible for considering the overall strategic aims and objectives of the 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 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, 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 found at; 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.

2. ESSEX FIRE AUTHORITY CONSTITUTIONAL AND GOVERNANCE FRAMEWORK

ADDRESS FOR SERVICE

The Authority's principal address (and address for service) is:

**The Office of the Clerk
Essex Fire Authority
Kelvedon Park
Rivenhall
Witham
Essex CM8 3HB**

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 Book of Constitution and Governance. The Authority will also have regard to all relevant guidance from Government departments, such as the most recently published Fire and Rescue National Framework.

PURPOSE OF THIS BOOK OF CONSTITUTION AND GOVERNANCE

The purpose of this Book of Constitution and Governance is to:

1. Enable the Authority to provide clear leadership to the communities it serves 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 communities it serves;
7. Promote equality and recognise diversity;
8. Ensure that the people who work for the Authority are treated fairly and with respect and that opportunities are provided to enhance their effectiveness;
9. Promote effective communication in all the Authority's activities; and

10. Provide a means of improving the delivery of services that meet the needs of local people.

INTERPRETATION AND REVIEW OF THE CONSTITUTION

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

The Authority will monitor and evaluate the operation of its Book of Constitution and Governance as set out herein.

MEMBERS OF THE ESSEX FIRE AUTHORITY

COMPOSITION

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 Group - 15, Labour Group - 1, Liberal Democrat Group - 2, Non-aligned Group - 2.

Southend Borough Council - Conservative Group – 2, Labour Group – 1.

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

TOTAL:

Conservative:	18
Labour:	3
Liberal Democrat:	2
Non-aligned:	2
	25

MEMBERSHIP

Essex County Council

Councillor B Aspinell (Lib Dem)
Councillor J Beavis (Con)
Councillor D Blackwell (NAG)
Councillor J Chandler (Con)
Councillor A Erskine (Con)
Councillor M Garnett (Con)
Councillor M Hardware (Con)
Councillor A M Hedley (Con)
Councillor I Henderson (Lab)
Councillor P Honeywood (Con)

Councillor J Lumley (Con)
Councillor B Massey (Con)
Councillor M McEwen (Con)
Councillor J Moran (Con)
Councillor R Pratt (Con)
Councillor W Schmitt (Con)
Councillor A Sheldon (Con)
Councillor K Smith (NAG)
Councillor A Turrell (Lib Dem)
Councillor A Wood (Con)

Southend Borough Council

Councillor F Evans (Con)
Councillor A E Holland (Con)
Councillor J Ware-Lane (Lab)

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

NON-ALIGNED GROUP SPOKESPERSON

Councillor D Blackwell

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 Clerk and political proportionality is maintained.

Members who accept an appointment to serve on the Authority do so on the understanding that their role and undertaking as a Member of the Authority, must be pervasive to the interests of the Authority's entire jurisdiction within the County of Essex.

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, 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 include:

Safer Communities and Youth Champion	Councillor J Chandler
Equal Opportunities Champion	Councillor C Kent
Health and Safety Champion	Councillor W Schmitt
Risk Management Champion	Councillor A Holland
IT and Data Management Champion	Councillor A Wood
Retained Duty System Champion	Councillor A Erskine
Environmental Champion	Councillor M McEwen
Control Champion	Councillor A Hedley
Employee Engagement Champion	Councillor J Beavis

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. Carry out their role as a Member of the Authority, in the best interests of the Authority entire jurisdictional undertaking.
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 County-wide 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 their own continued professional development (CPD) and undergo appropriate development for any role undertaken on behalf of the Authority; in particular, to make every effort to attend and engage with those training and development events set out in the Authority's Formal Annual Training and Development Programme; and to provide their personal annual CPD report to the Clerk for annual audit purposes not less than 21 days prior to the Authority's AGM.

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/she 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 Group 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 three sections:

1. Disclosable Pecuniary Interests;
2. Other Registrable Interests; and
3. Registrable non-pecuniary 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 the Authority's principal address.

ALLOWANCES

Members will be entitled to receive, but not obliged to accept, 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 Treasurer 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. MEMBERS OF THE PUBLIC 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;

In General

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

1. View or obtain a copy of the Book of Constitution and Governance;

2. Attend meetings of the Authority and its committees, except where confidential matters or exempt information are being discussed; and at such meetings have rights to film, record, tweet and blog.
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 Chair;
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;
10. Inspect the Authority's annual accounts; and
11. Inspect the Authority's enforcement activity in regards to its duties under the Regulatory Reform (Fire Safety) Order 2005; in particular to the issuance of statutory enforcement notices and prosecutions
12. Write to and receive a response from the Chief Fire Officer and Chief Executive in respect to any matter relating to the Essex County Fire and Rescue Service, within 21 days.

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 directed towards Authority employees, Members or its Officers, that causes alarm or distress, 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.

Save for extraordinary matters that might arise from time to time, the business of the AGM will be limited to ceremonial matters only; therefore allowing for the induction of Members to take place.

ESSEX FIRE AUTHORITY TERMS OF REFERENCE

1. To adopt, and change if necessary, the Authority's Book of Constitution and Governance;
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 Principal Officers;
13. To appoint members of the Policy and Strategy Committee;
14. To appoint members of the Audit Review and Governance Committee;
15. To receive the minutes of meetings of committees and any sub-committees;
16. To receive annual reports from each of its committees in respect to how they have delivered against their respective terms of reference and delegations;
17. To receive an annual corporate governance and risk management review;
18. To approve the formal annual training programme for Members;
19. To receive an annual report from the Clerk in respect to Members' Continued Professional Development returns;
20. To address any such other matters specifically requiring the approval of the Essex Fire Authority; and
21. 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 21 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 Localism Act 2011 states that a Dispensation may be granted in the following circumstances:

1. That so many Members of the decision making body have DPis in a matter that it would impede the transaction of business. In practice this means that the decision making body would be inquorate as a result;
2. That, without dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
3. That the Authority considers that the dispensation is in the interests of persons living in the Authority's area; or
4. That the Authority considers that it is otherwise appropriate to grant a dispensation.

The Monitoring Officer is authorised to grant dispensations in relation to ground (1) and dispensations on all other grounds can be granted by the Joint Standards Committee after consultation with the Independent Person(s).

5. CHAIR AND MEMBERS OF THE ESSEX FIRE AUTHORITY

The Chair and Vice-Chair of the Authority will be elected from amongst the Members at the Annual General Meeting of the Authority. The Chair 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.
3. To wear the Chain of Office.

Responsibilities as the Chair of the Authority

1. To uphold and promote the purposes of the Book of Constitution and Governance;
2. To preside impartially over meetings of the Members' Full Committee so that the Authority's 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 those communities it serves ;
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 and its Fire and Rescue Service.

6. POLICY AND STRATEGY COMMITTEE

MEMBERSHIP

10 Members

<i>Conservative (7)</i>	<i>Labour (1)</i>	<i>Liberal Democrat (1)</i>	<i>Non-aligned (1)</i>
Councillor Chandler	Councillor Kent	Councillor Aspinell	Councillor Blackwell
Councillor Erskine			
Councillor Hedley			
Councillor Holland			
Councillor McEwen			
Councillor Sheldon			
Councillor Wood			

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 21 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. Any other matter which by law must be decided by the Full Authority
- iii. To set and determine the risk management policy and strategy for the Authority;
- iv. To determine action needed on behalf of the Authority in relation to industrial action that may be taken by the representative bodies;
- v. To consider any other matter not already falling within the remit of the Authority's other groups and panels as appropriate;
- vi. To provide an annual report to the Full Authority in respect to how it has delivered against these terms of reference and discharged its delegations

7. AUDIT, GOVERNANCE AND REVIEW COMMITTEE

MEMBERSHIP

15 Members

<i>Conservative (11)</i>	<i>Labour (2)</i>	<i>Liberal Democrat (1)</i>	<i>Non-aligned (1)</i>
Councillor J Beavis	Councillor Henderson	Councillor Turrell	Councillor K Smith
Councillor F Evans	Councillor Ware-Lane		
Councillor M Garnett			
Councillor M Hardware			
Councillor P Honeywood			
Councillor J Lumley			
Councillor B Massey			
Councillor J Moran			
Councillor R Pratt			
Councillor W Schmitt			
Councillor A Watkins			

CHAIRMAN

Councillor A Turrell

VICE-CHAIRMAN

Councillor A Watkins

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. To provide an annual report to the full Authority in respect to how it has delivered against these terms of reference and discharged its delegations.
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 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 -	Councillor J Moran
Southend Borough Council -	Councillor F Evans
Thurrock Council -	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

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 (7)</i>	<i>Labour (1)</i>	<i>Liberal Democrat (1)</i>	<i>Non-aligned (1)</i>
Councillor Chandler	Councillor Kent	Councillor Aspinell	Councillor Blackwell
Councillor Garnett			
Councillor Hedley			
Councillor Holland			
Councillor Lumley			
Councillor McEwen			
Councillor Wood			

CHAIRMAN

Meetings will usually be chaired by Councillor A Holland.

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. Discipline

- 1.1 For conduct of a Principal 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 this Book of Constitution and Governance. 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.
- 1.2 To hear appeals against dismissal and to recommend an outcome to any such appeal to the Essex Fire Authority for a decision.

2. Other dismissal process including mutual termination of employment

- 2.1 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.
- 2.2 To recommend to the Essex Fire Authority a severance package for a Principal Officer.
- 2.3 To hear appeals against dismissal and to recommend an outcome to any such appeal to the Essex Fire Authority for a decision.

3. Grievance

- 3.1 To manage the grievance procedure and appeals process regarding issues raised by a Principal Officer that is consistent with the terms of employment of all Principal Officers.
- 3.2 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.
- 3.3 Should a grievance be made against a decision taken by the Deputy Chief Fire Officer and Deputy Chief Executive the grievance will be heard by the Chief Fire Officer and Chief Executive with the appeal to be heard by a panel of three members of the Principal Officers Human Resources Committee.

4. Pay and remuneration

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

5. Selection and appointments

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

6. Terms and conditions of employment

- 6.1 To determine the conditions of service for Principal Officers

6.2 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.

7. Appraisal

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

7.2 To monitor the setting of objectives for Principal Officers.

7.3 To review the outcome of the Appraisal process for Principal Officers.

8. Whistleblowing

8.1 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.

9. Other employment issues

9.1 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 this Book of Constitution and Governance.

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>Non-aligned (1)</i>
Councillor Holland	Councillor Kent	Councillor Aspinell	Councillor Blackwell
Vacancy			

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.

In consultation with the Treasurer, to negotiate contractual terms with the core members of the external Expert Advisory Panel together with any appropriate expert advisors and logistical support.

2. To report and make recommendations to the Principal Officers Human Resources Committee as appropriate.

11. 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;

“Monitoring Officer” means the officer designated under Section 5(1) of the 1989 Act (designation and reports of the Monitoring Officer);

(l) **“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;

(m) **“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;

(n) **“relevant meeting”** means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer;

(o) **“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.

2.3 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 Officer 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.

12. Members' and Officers' Indemnity

The Authority shall indemnify each Member and Officer of the Authority against any claim, liability, loss and/or damage in relation to any action of, failure or omission to act by them in relation to any action of, failure or omission to act by them which is:

- a. authorised by the Authority
- b. forms part of, or arises from, any powers conferred, or duties placed upon them, as a consequence of any function being exercised by them (whether or not when exercising that function they do so in their capacity as a Member or Officer of the Authority)
- c. at the request of, or with the approval of the Authority, or
- d. for the purpose of the Authority.

13. Culture within the Authority and its Fire and Rescue Service

All Members, Officers and employees are encouraged and expected to:

Ensure behaviour exemplifies high standards of professional conduct.

Ensure their working relationships are characterised by integrity, transparency, mutual respect and trust.

Work continuously to build a working environment where openness, support, courteousness, and respect is standard.

Challenge those who seek to undermine the progress and success of the Authority in its work to create an acceptable and tolerant culture.