

EAST SUSSEX FIRE AUTHORITY

Date 11 June 2020

Title of Report Review of the Constitution of the Fire Authority

By Abraham Ghebre-Ghiorghis, Monitoring Officer

Lead Officer Mark O'Brien, Deputy Chief Fire Officer & Director of Service Planning & Assurance

Background Papers The Constitution of the East Sussex Fire Authority

Appendices Appendix 1: Section A – incorporating tracked changes
Appendix 2: (new) Section E – incorporating tracked changes
Appendix 3: Section A – Index – incorporating tracked changes

Implications

CORPORATE RISK		LEGAL	✓
ENVIRONMENTAL		POLICY	
FINANCIAL		POLITICAL	
HEALTH & SAFETY		OTHER (please specify)	
HUMAN RESOURCES		CORE BRIEF	
EQUALITY IMPACT ASSESSMENT			

PURPOSE OF REPORT To report on the first stage of a review of the Fire Authority's constitutional arrangements and to propose some minor amendments to the Constitution of the Authority

EXECUTIVE SUMMARY A project to review and update the Authority's constitutional arrangements has been initiated. This report seeks approval for a series of minor amendments to the Authority's Constitution as part of stage 1 of the review. It is proposed that additional amendments to the Constitution be put to the Authority in due course, as part of stage 2 of the review.

RECOMMENDATION The Fire Authority is asked to:

- 1) approve with immediate effect the changes to the East Sussex Fire Authority's Constitution outlined in paragraph 2.1(I to V inclusive) and in Appendices 1 to 3 inclusive;

- 2) authorise the Authority's Chief Fire Officer to take all steps necessary or incidental to the implementation of the changes agreed by the Authority, and to amend and re-publish the constitutional documents to reflect those amendments; and
 - 3) note the intention to bring a further Report to the Authority proposing additional updates to the Constitution.
-

1 INTRODUCTION

- 1.1 The East Sussex Fire Authority must ensure that its business is conducted in accordance with the law and that public money is properly accounted for and used economically, efficiently and effectively. However while all fire authorities are required to make effective arrangements for the governance of their affairs, including for the delegation of their powers, combined fire authorities differ from local authorities in that they are not required by law to publish a written Constitution.
- 1.2 It has been noted that the arrangements which different fire authorities have put in place for the lawful exercise of their functions differ. Some fire authorities have made arrangements which in their complexity and/or their structure resemble those of their constituent authorities. Others have adopted lighter-touch arrangements, and/or have chosen not to describe their arrangements as 'a Constitution'. While some authorities publish all of their arrangements in full, other fire authorities publish only parts of the rules and procedures they have put in place to regulate the discharge of their functions.
- 1.3 The ambition of the East Sussex Fire Authority is to ensure that the arrangements it puts in place to carry out its functions are as detailed and as comprehensive as they need to be, while being as clear and accessible as possible. To this end, the Authority is committed to reviewing its arrangements regularly to make sure that they are up to date and that they accurately reflect custom and practice as well as any specific legal requirements. The Authority also has a clear commitment to publishing its Constitution in full as a means of promoting accountability and engagement.
- 1.4 The Authority's constitutional arrangements have developed over time. A need to review the Authority's Constitution has been identified and an officer project group has been set up to initiate that review process. This report seeks to apprise members of the outcome of the first stage of the review, and to propose some changes which aim to update existing arrangements largely by re-ordering them and adding explanatory text. It is proposed that Stage 2 of this review involve Members, who will be invited to consider whether more substantive changes might be made to further update and streamline arrangements going forward.
- 1.5 For the avoidance of doubt: the Fire Authority alone has responsibility for approving substantial changes to the Constitution, and/or for making changes to its arrangements, including its standing orders, the Scheme of Delegations to Officers and/or the Code of Conduct for Members (Section B page 3).

2 2020-2021: A REVIEW IN TWO STAGES

2.1 The first stage of the review has involved considering the Fire Authority's constitutional arrangements against those at selected other fire authorities as well as those at its two constituent authorities. This Stage 1 was a light touch review which aimed to identify in the first instance any simple changes which might be recommended in order to simplify user access to the Constitution and to encourage engagement with the Fire Authority's decision-making.

As a result of this first stage, some key proposals have been identified. Those are as follows:

- I. Improving access to the Authority's Constitution via the public facing website by dint of some relatively minor changes to the landing pages and to how access is obtained.
- II. Including in the first section of the Constitution some additional explanatory text about the Constitution's purpose and context. It is considered that this would assist in clarifying that the Authority has chosen to publish its arrangements in order to ensure as much transparency as possible, and that it updates its arrangements with a view to streamlining and modernising as/when appropriate. Some draft text has been inserted into Part A where indicated in [Appendix 1](#) (attached). It will be noted that the text includes embedded links to different parts of other relevant sections: an approach which will be adopted throughout the Constitution, as and when updates are made.
- III. It is considered that additional information about the role of the members who make up the Authority would be appropriate. That ambition informs other proposed amends to Part A ([Appendix 1](#)), while the proposed text also fleshes out the distinction between the operational and governance functions of the organisation so as to provide greater clarity.
- IV. It is further considered that the Constitution as a whole would benefit from some structural changes to improve the logic of a set of arrangements which have effectively grown organically over time. The objective here was to identify ways of re-structuring the doc which do not involve amending the text substantively at this stage. The proposal is for a new Section E, an extract from which is at [Appendix 2](#), which would form part of a revised structure as indicated in the proposed Index at [Appendix 3](#). The proposal would separate out parts (for instance Section C Parts A & B) which do not have an obvious relationship and instead to re-organise the whole in a way which has a clear logic.
- V. It is further proposed that minor amends which are not considered to be substantial may be made at this stage in order to give effect to the above changes or to otherwise update the Constitution.

2.2 As indicated above, the initial review of the Constitution has been officer-led. The Authority is asked to note at this stage the proposal for a second stage which involves a working group of Members inputting into a more root and branch review of the Authority's arrangements. While the working group will wish to consider which parts of the Constitution to place in scope, it will be asked to consider discrete areas which

are considered likely to benefit from being updated, such as the rules which govern the meetings of the Authority and those which regulate the conduct of its members.

3 Review - Stage 1: Recommendations

3.1 The Authority is asked to consider approving the recommendations of in this Report.