



Bedfordshire

Fire & Rescue Authority

14 March 2023

Dear Councillors,

EXECUTIVE COMMITTEE - TUESDAY, 14TH MARCH, 2023

I am now able to enclose, for consideration at next Tuesday, 14th March, 2023 meeting of the Executive Committee, the following reports that were unavailable when the agenda was printed. This is an extension of Item 6(b) to show the tracked changes from the previous Terms of Reference documents.


Agenda No Item

6. **Governance Review: Constitutional Updates (Pages 3 - 10)**

Report of the Monitoring Officer
To consider a report

Yours sincerely

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Monitoring Officer

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Functions of the Authority:

The Authority shall exercise the following functions and responsibilities:

1. To approve the Authority's Standing Orders; Scheme of Delegation to Officers; Procurement Policy and Contract Procedure Rules; Financial Regulations; and Terms of Reference for its Standing Committees including confirming their political composition and making appointments to them.
2. To constitute and appoint to the Authority's Committees (the minimum number of Standing Committees shall be two - 1) the Audit and Standards Committee of 7 members and 2) the Executive Committee of 5 members - the membership of which shall be mutually exclusive).
3. To appoint and revoke appointments (and in respect of Lead Member positions, determine the scope of responsibility of each position) of:
 - i) the Lead Member for Prevention and Protection;
 - ii) the Lead Member for Emergency Response and Resilience;
 - iii) the Lead Member for Workforce & Organisational Development;
 - iv) the Lead Member for Assets & Collaboration;
 - v) the Lead Member for Data & Digital Transformation;
 - vi) a representative to the LGA Fire Services Commission;
 - vii) the Chairperson and Vice Chairperson of the Authority, and up to two other Members, to act as its representatives on the LGA General Assembly;
 - viii) a member or officer onto any local authority controlled company or joint committee on which the Authority is required to be represented by a Member or an officer as the case may be; and
 - ix) the Chairperson and Vice Chairperson of the Executive Committee and the Chairperson of the Audit and Standards Committee.
4. To approve:
 - a) a balanced revenue budget and adopt a Medium Term Financial Plan for the Authority;
 - b) the Authority's Precept (Council Tax);
 - c) the Reserves Strategy;

- d) the Authority's level of borrowing;
 - e) the Treasury Management/Investment Strategy including the Prudential Indicators in accordance with the Prudential Code;
 - f) any proposed remuneration for any post in excess of £100,000 per year;
 - g) the appointment or dismissal of the Chief Fire Officer or Chief Executive, Deputy to the Chief Fire Officer, Chief Finance Officer and Monitoring Officer;
 - h) the Authority's Code of Conduct for Members and Member:Officer Protocol on recommendation from the Audit and Standards Committee;
 - i) the Annual Pay Policy Statement and Scheme of Members' Allowances;
 - j) the Protocol on the Use of Authority Resources by Members;
 - k) the Use of the Internet Policy;
 - l) the Comprehensive Equality Policy Statement;
 - m) the Information Security Policy;
 - n) the Code of Conduct for Employees;
 - o) all other matters reserved by law to the Authority.
5. To approve, amend and adopt the Community Risk Management Plan (CRMP) and its associated annual action plan.

Functions of the Executive Committee:

1. To discharge all of the functions and responsibilities of the Authority except in so far as such function and/or responsibility or any other matter:
 - (a) has been expressly reserved as a decision of the Authority or is reserved by law to the Authority, or
 - (b) falls within the terms of reference and delegation of any other Committee, or under the Scheme of Delegation to Officers of the Authority.
2. To nominate member representatives to attend conferences on behalf of the Authority.
3. To determine and oversee programmes specified below, and to determine future priority programmes as and when required:
 - (a) Community Risk Management Plan (CRMP)
 - (b) Strategic Assets and Sustainability
 - (c) Budget
 - (d) Collaboration
4. To determine matters relating to pay and remuneration where required by collective agreements or legislation.
5. To select on behalf of the Authority - the Chief Fire Officer or Chief Executive, and deputy to the Chief Fire Officer or Chief Executive, or equivalent, taking advice from suitable advisers and to make recommendations to the Authority as to the terms of appointment or dismissal.
6. To consider and make recommendations to the Authority in respect of the appointment of a statutory finance officer and a statutory monitoring officer.
7. To act as the Employers' Side of a negotiating and consultation forum for all matters relating to the employment contracts of the Chief Fire Officer and Chief Executive, and where relevant, employees contracted to "Gold Book" terms and conditions in whole or in part.
8. To hear appeals if required to do so in accordance with the Authority's Policies.

9. To determine policies, codes or guidance relating to grievance, disciplinary, conduct, capability, dismissals and appeals relating to Chief Fire Officer /Chief Executive and all other Principal Officers or Directors.

10. To constitute any subcommittee as it deems appropriate for functions within its terms of reference.

11 . To establish time limited Task and Finish Groups to conduct investigations or reviews on matters within the remit of that Committee (provided that no more than one such Task and Finish Group shall be established for such purposes concurrently) and to receive any reports, findings and proposals submitted to it as a result.

Functions of the Audit and Standards Committee:

(Amendments from current Terms of Reference shown underlined or struck through)

Terms of Reference

Audit Activity

1. To consider reports and opinion from the Authority's Internal Auditors, and a summary of internal audit activity (actual and proposed) and the level of assurance they can give over the Authority's corporate governance arrangements.
2. To consider summaries of specific internal audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of internal audit services.
4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
6. To consider specific reports as agreed with the external auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To commission work from internal and external audit.

Regulatory Framework

1. To maintain an overview of the Authority's constitution in respect of contract procedure rules, financial regulations and, subject to the terms of reference on standards below, codes of conduct and behaviour.
2. To review any issue referred to it by the Chief Fire Officer.
3. To monitor the Authority's policies on Whistleblowing, the Anti-fraud and Corruption Strategy and the Authority's Complaints and Compliments Process, and employee Grievance, Bullying and Harassment, and Discipline policies.
4. **To oversee the production of, and approve, the Authority's Annual Governance Statement on Internal Control and to approve the Fire Authority's Statement of Accounts.**
5. **To oversee the production of, and approve the Authority's Annual Statement of Assurance fulfilling the requirements as set out in the Fire and Rescue National Framework for England.**
6. To consider the Authority's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

7. To monitor the effective development and operation of corporate risk management including the annual review of the Authority's Strategic Risk Register.

Accounts

1. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Standards

1. **To discharge the Authority's duty under the Localism Act 2011 of ensuring that its Members (and any co-opted Members) maintain high standards of conduct.**
2. To advise the Authority on the operation of its Code of Conduct and on any changes to the Code (including its register of interests) **and Member:Officer Protocol** that may be **it deems to be** necessary or desirable.
3. **To monitor the operation of the Authority's arrangements for dealing with standards allegations against Members under the Localism Act 2011 and to make any changes that may be it deems to be necessary or desirable.**
4. To receive regular reports on any standards allegations against Members.
5. ~~The Monitoring Officer be authorised to take action on the advice of the Committee Chairman where it is necessary to appoint a Panel of Members to advise whether to investigate a complaint, or an Adjudication Committee to adjudicate upon a complaint following a finding of breach of the Code by a Member, or any other action in relation to the preparation for, or the hearing of, a matter by the Adjudication Committee.~~

Governance

1. To receive reports referred to it from the Authority's local pension board
2. To monitor compliance with, and the effectiveness of, any pension Internal Dispute Resolution Procedure for the Authority

Performance Review Responsibilities

1. To assess the performance of the Authority and the Service against any agreed organisational targets and to report on areas of strong

/ weak performance making recommendations where necessary to the Authority.

2. To establish time limited Task and Finish Groups to:

a) conduct investigations or reviews on matters within the remit of that Committee (provided that no more than one such Task and Finish Group shall be established for such purposes concurrently) and to receive any reports, findings and proposals submitted to it as a result.

(b) receive matters referred via the 'call in' procedure under Standing Order 6b

Review of Terms of Reference

The Terms of Reference are reviewed by the Committee on an annual basis at the first Committee meeting held after the annual meeting.

*Revised Terms of Reference and quorum arrangements agreed by the then CFA on
7 September 2011*

Committee named changed from Audit Committee to Audit and Standards Committee with revised Terms of Reference agreed by the then CFA on 28 June 2012

Updated for change of Authority name – December 2012

Revised to separate membership from that of Corporate Services Policy and Challenge Group by FRA on 4 June 2013

Amendment to the Terms of Reference to include Item 5 under the Regulatory Framework agreed by the FRA on 11 December 2013

Reporting Statement included – FRA Meeting 21 July 2016

Eighth point under Regulatory Framework (to consider the Authority's compliance with its own and other published standards and controls) be removed as its intention is covered elsewhere in the terms of reference – Recommended by Audit and Standards Committee 8 December 2016 and agreed by FRA 9 February 2017.

Audit recommendations on review period of Terms of Reference added and delegated responsibilities highlighted in bold – Audit and Standards Committee on 6 July 2018