

Desktop review of Bedfordshire FRS governance arrangements

My background

I am a Monitoring Officer (MO) with over 15 years' experience in local government and the police and fire sectors. I am the current MO for Cambridgeshire Fire and Rescue Authority (CFRA), a role I have held since 2014.

I am a barrister with over 20 years' experience and I specialise in public law and employment law. As well as my part time MO role with CFRA, I practice from Fenners Chambers as a barrister.

I also support local authorities with interim complex projects and assignments and I am currently supporting Cherwell District Council as its Interim MO to assist with the de-coupling of its partnership with Oxfordshire County Council.

I regularly deliver governance and employment training to councils and other public sector bodies.

Scope of review

As part of the LGA/ CfGS Leadership and Governance Review for BFRS, I have been asked to undertake a desk top review of the governance arrangements between the Service and the Fire Authority. In particular, I have been asked to consider the following:

- i. Whether all relevant governance documents are fit for the future and reflect the needs of a modern Fire & Rescue Authority;
- ii. To assess the extent to which the Authority's constitutional framework and published governance arrangements met contemporary standards of good governance;
- iii. Make any recommendations

My review will be part of the 'diagnostic phase' and will inform the discovery sessions with officers and members.

I have not been asked to assess the Authority's compliance with its own framework, or issues in Member-officer relations or compliance with broader standards or guidance. The extent to which the relationships between officers and members is productive and effective is a matter for the next phase of the review.

Methodology

I have undertaken a desk top review of all documentation provided to me and have accessed a range of publicly available documentation on BFRS' website.

The documents I have reviewed are listed in Appendix 1 to this report.

Observations and recommendations

Members' Handbook and constitutional documents

1. BFRA's Handbook contains an extensive suite of documents that make up its governance framework. It is a comprehensive and impressive suite of documents, which sets out the rationale for why a Fire Authority exists, the legislative functions of a Fire Authority, the decision making framework and delegations, the various financial regulations and codes of conduct and protocols dealing with relationships and complaints.
2. The Handbook is comprehensive and brings in one place BFRA's governance framework. It meets modern requirements and provides a solid foundation for a properly governed Authority. The Handbook is an exemplar of transparency and openness.
3. In Standing Orders, it seems that a tied vote for Chairman would have to be followed by drawing of lots. Whilst this is acceptable practice, it is not the most democratic of ways to make such an important decision. The Authority could consider having odd numbers of members on its committees or introduce alternative arrangements, such as a revolving Chairman.
4. The Code of Conduct has not been reviewed since 2019 – there is a case for the Authority to consider adopting the LGA Model Code.

Recommendation: consider reviewing Standing orders and the Code of Conduct

Member support

5. As a combined authority, drawing its Members from three local authorities, BFRA's meeting attendance levels are healthy. It is important that members on the Authority reflect, as far as is possible, a good mix of skills, background and knowledge that is relevant to fire authority business activity and that the diversity make up of the Authority reflects as far as possible, the communities of Bedfordshire.
6. It is not clear what training and development programme and budget exists. Some work that other authorities are beginning to look at is a methodical approach to skills development, and a a competencies-based Continuous Professional Development (CPD) framework engenders more interest in and support for training and development than training courses that don't seem to be as purposefully framed. This is something that BFRS could consider for its members. This does not mean adding cost; development can include mentoring, liaison with other FRS and tapping into a range of member skills programmes available through the LGA and other bodies. A tiered approach to development could be considered, depending on the nature of role undertaken by members and could include 'bite size' sessions by the Service on key areas of business, as part of an induction programme for new members.

Recommendation: consider developing a members CPD programme, with a costed budget

7. The members of the Authority should have strong independent officer support, through the MO function. It is not clear what support exists for the MO. It is welcome to see the recruitment of a Business Support Manager to verse the Democratic Services function, although it is not clear

where the MO function sits within this structure or whether it sits outside it. The MO function and support available to the role should be clarified in the governance documents.

Recommendation: clarify the MO function and support and identify the reporting lines

Member roles and responsibilities

8. As well as meetings of the full Fire Authority, there are two members-only committees; the Executive Committee and Audit and Standards Committee.
9. The Executive's decision making powers appear quite limited and it is not clear when these were last reviewed.
10. The leadership portfolios provide good breadth, but it isn't clear from the documentation whether they exercise any functions, or what activities these portfolios make possible.
11. The portfolio holder responsibilities set out in the Executive's terms of Reference are:
 - To act as a sounding board for senior officers and provide support to deal with any problems at a strategic level;
 - To review, in conjunction with senior officers, the effectiveness of service within their portfolio;
 - To report to the FRA on significant issues arising within his/her portfolio.
12. The Executive members therefore do not have executive-level decision making powers and it is not clear from agendas I have reviewed how these portfolio responsibilities are exercised or whether there is any feedback to the Fire Authority on work done by the portfolio holders.
13. The Audit and Standards Committee is made up of members who are not on the Executive Committee. Its terms of reference are clear. The functions of the Audit and Standards does not act as a 'check and balance' against the decisions of the Executive Committee, and whilst this is not strictly necessary, it may be a good idea to periodically review the committee structure, terms of reference and whether the decision making framework serves the Authority and Service in the most effective way possible.
14. The Authority does not have an Overview and Scrutiny Committee, nor is it legally obliged to have one. The Authority has previously had member-led 'Challenge Groups' which no longer exist. It is not clear what mechanisms are now available, or offered, to Members seeking a 'deep dive' into a theme or area of enquiry with a view to improvement. There may be no need for standing bodies such as the Challenge Groups but, equally, some constitutional provision for 'task and finish' enquiries, projects or discussions that extend beyond specific meetings could encourage Members to initiate such exercises to the benefit of the Authority and its communities and these would be seen as a 'check and balance' providing member-level assurance to the decisions of the Chief Fire Officer's decision making. This level of interaction can not only bring clear reassurance but can strengthen the relationship between officers and members.

Recommendation: review the decision making committees, the terms of reference of each committee, the Executive portfolio functions to ensure they are optimal for the Fire Authority and Service

Website

15. BFRS website is accessible in many respects, however some improvements would help the user experience, particularly if BFRS are keen on greater public engagement.
16. The website's Decisions Register is difficult to use and doesn't easily yield information. For example, when searching for published decisions of the Fire Authority or any other committee, while these are searchable via a drop-down menu from which to select a committee, and allows for a date range to be inserted, however the search does not yield any published results. This is illustrated in the link below:

<https://bedsfireresauth.moderngov.co.uk/mgDelegatedDecisions.aspx?XXR=0&&DR=01%2f01%2f2022-08%2f08%2f2022&ACT=Find&RP=0&K=0&V=0&DM=134C&HD=0&DS=2&Next=true&NOW=08082022174207&META=mgdelegateddecisions>
17. The website's main Search facility is much more effective when searching the meetings calendar.
18. The Authority could ask Civica for User Experience (UX) advice on how to replace these two very different search capabilities with one that is easy to use and also easy simply to add search parameters to.
19. EY performance reports on its own conduct as an auditor are presented to the public as BFRS documents in the Library. It is not clear why this is in the public domain.
20. The Authority's Minutes and Agenda are presented in landscape format. It is generally accepted that lines of text that extend beyond 50-75 characters are hard to read and that many people are put off by them. Using portrait layout would increase the public accessibility of the Authority's papers, discussions and decisions.
21. Members' details are published, however there is no narrative setting out which member sits on which committee or if they hold a particular portfolio.
22. The website could be a far more effective communications tool by having key news stories readily accessible. The 'what new' search term simply gives a link to the most recent meeting - it could contain newsworthy stories.

Recommendation: review the website/ mod.gov pages to improve user experience

Conclusions

- **BFRS' core governance documents are clear, accessible and relevant to the governance arrangements of a Fire and Rescue Authority.**

- **The Handbook brings together the core documents and is an example of best practice.**
- **The decision making processes are clear, however whether they effective and correctly focused could be reviewed, in line with the recommendations in this report.**
- **Member roles and responsibilities could be reviewed, and now is timely with a new Chief Fire Officer in post. Investment in members' ongoing professional development should be considered.**
- **The website could be more accessible and engaging for members of the public.**

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Cambridgeshire Fire and Rescue Authority

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Appendix 1

Community Risk Management Plan.

Fire Authority Handbook

Code of Conduct

Previous reviews of FRA effectiveness

Meetings calendar, committee reports and agendas

Members details