



AVON
FIRE AUTHORITY

Review of Avon Fire Authority's governance arrangements

A report by Vale Consulting Solutions

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1. Background and Introduction

The last major review and revision of Avon Fire Authority's governance arrangements was undertaken following a [Statutory Inspection](#) commissioned by the then fire minister in response to allegations of malpractice in 2017. The inspection, which was carried out by Dr Craig Baker, exposed significant governance failings.

To address the failings in question, new governance arrangements were introduced by the Fire Authority which substantially strengthened levels of engagement and control being exercised by Authority members.

Since then, the Authority's governance arrangements have remained substantially unchanged. However, the context within which they are being operated has moved on considerably. Under new political and managerial leadership, Avon Fire and Rescue Service has travelled a significant distance on a journey of change and improvement. This is acknowledged by Fire Authority members and their senior officer colleagues, as is the need for progress to continue if their ambitious plans for the service are to be realised.

Their views in this regard are also shared by His Majesty's Inspector of Fire Services, Wendy Williams, who commented after her most recent inspection that: "Overall, I am very pleased with the progress the service has made. The Challenge now is for the service to keep up this momentum in making further improvements to make the people of Avon safer."

Notwithstanding the good progress outlined above, with the benefit of 6-years' experience, various issues have emerged that suggest potential to improve the existing governance arrangements as a means of accelerating progress and facilitating more efficient and effective delivery of fire and rescue services across Avon.

Against the above backdrop, members decided to commission a comprehensive, independent review of the Authority's governance structures and processes, to assess the extent to which they align with the current organisational context and reflect contemporary best practice.

As a mean of informing the review, the Local Government Association was commissioned to facilitate a workshop at which members and officers jointly explored Avon's current governance arrangements, to identify strengths and potential areas for improvement. Outputs from the workshop were then used to inform production of terms of reference for this governance review.

2. Avon Fire Authority’s existing governance arrangements

Avon Fire Authority comprises 21 members - 20 elected councillors appointed from the constituent local authorities of Bristol (8 members), Bath and Northeast Somerset (3 members), North Somerset (4 members) and South Gloucestershire (5 members), and the Police and Crime Commissioner for Avon and Somerset.

The full Fire Authority is supported by three committees that discharge various governance functions on its behalf:

- Audit, Governance and Ethics Committee
- People and Culture Committee
- Performance Review and Scrutiny Committee

An independently chaired Local Pension Board also sits which has a membership comprised partly of Fire Authority members.

Full membership details of the Fire Authority, Committees and Local Pension Board can be found here: [on the Fire Authority's website](#)

Details of the Functions of Avon Fire Authority and the Terms of Reference for the committees and Local Pension Board can be found in the [Fire Authority Constitution 2022](#).

3. Review Terms of Reference

The Terms of Reference for the review that emerged from the LGA-facilitated governance workshop referred to in the Background and Introduction section above, comprise the following 8 areas of focus:

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| FOCUS AREA 1 | Can existing committee structures be simplified/streamlined to facilitate more efficient and effective governance practice? |
| FOCUS AREA 2 | Can existing committee structures and terms of reference be amended to introduce constructive challenge to political decision-making? |
| FOCUS AREA 3 | Does the Scheme of Delegation provide an appropriate split between the strategic decision-making role of members and the operational decision-making role of officers, including in relation to employee matters (such as sick pay decisions, Ill Health Retirement and pension Internal Dispute Resolution Procedure Cases)? |
| FOCUS AREA 4 | Do existing procurement arrangements strike the right balance between the role of members in approving some procurement |

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| | decisions and providing oversight of others, with the operational decision-making flexibility required by officers? |
| FOCUS AREA 5 | Do reporting arrangements meet legal requirements (e.g. for accounts/audit etc), reflect good practice, and enable members to secure necessary assurance on organisational performance by providing them with information on performance against the Service Plan, HMICFRS Action Plan etc. that is appropriately tailored to their needs, i.e. is a fit-for-purpose 'performance assurance framework' in place? |
| FOCUS AREA 6 | Is the AFA Code of Conduct and its application consistent with the LGA Model Councillor Code of Conduct and associated guidance? |
| FOCUS AREA 7 | Do members and officers know about and understand governance arrangements and their respective roles in relation to them, i.e. are levels of 'governance literacy' appropriate? |
| FOCUS AREA 8 | Do members and officers have the skills necessary to exercise their governance roles effectively? |

4. Review Methodology

The methodology employed to address the above Terms of Reference involved gathering and analysing evidence and information via the following means:

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| Interviews with Avon Fire Authority Members and Statutory Officers, and senior officers from Avon Fire & Rescue Service | <p>A total of 18 semi-structured interviews were conducted:</p> <ul style="list-style-type: none"> • 8 with Fire Authority Members (7 councillors and the Police and Crime Commissioner) • 10 with officers from Avon Fire and Rescue Service <p>As well as providing key evidence and information to support the review, these interviews were central to the process of refining its focus.</p> |
| Detailed documentary review | <p>The following documents were reviewed:</p> <ul style="list-style-type: none"> • The Fire and Rescue Services Act 2004 • The Policing and Crime Act 2017 • The Fire & Rescue National Framework for England • The Avon Fire Authority Constitution 2022 (Including): <ul style="list-style-type: none"> ○ Functions of the Authority ○ Committee Terms of Reference and Delegated powers ○ Scheme of Delegation ○ Financial Regulations ○ Members Code of Contact ○ Member/Officer Relations |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Agenda packs for meetings of the Fire Authority • Agenda packs for meetings of the Audit, Governance and Ethics Committee • Agenda packs for meetings of the People and Culture Committee • Agenda packs for meetings of the Performance Review and Scrutiny Committee • HMICFRS reports on the operational performance of Avon Fire & Rescue Service • The LGA publication: Leading the Fire Sector • The LGA Governance checklist for fire and rescue authorities |
| Review of footage from meetings on the Avon Fire Authority YouTube channel | <ul style="list-style-type: none"> • Review of recordings of Avon Fire Authority meetings 2022-23 • Review of recordings of Audit, Governance & Ethics Committee meetings 2022-23 • Review of recordings of People & Culture Committee meetings 2022-23 • Review of recordings of Performance Review & Scrutiny Committee meetings 2022-23 • Review of recordings of Local Pension Board meetings 2022-23 |
| Tracking Decisions | In order to examine the current balance of decision making responsibility between Fire Authority Members and senior officers, a number of specific decisions associated with personnel matters and procurement processes were tracked through existing governance mechanisms |
| Other evidence and information gathering | Several ‘for clarification’ discussions with officers to address queries that arose during earlier stages of the evidence gathering and analysis process. |

5. Review findings

General observations

Before setting out details of the review findings and recommendations that are specifically relevant to its Terms of Reference, there are a number of general observations that the review team consider to be worthy of note:

- Avon Fire Authority Members should be commended for proactively commissioning an independent review of governance arrangements to ensure their fitness-for-purpose
- Members and officers have been very welcoming and generous with their time in supporting the review process

- Relationships between Avon Fire Authority Members and Avon Fire and Rescue Service Officers are positive, and they share a commitment to ensuring that governance arrangements are as efficient and effective as possible
- There is a strong consensus amongst those who contributed to the review that current governance arrangements are no longer fit-for-purpose and need to change.

Combined Fire Authority decision-making model

The findings and recommendations that follow are set within the context of the decision-making model that the review team believe should operate in Combined Fire Authority governance settings.

Not only is the model consistent with the review team’s view of good governance practice in the fire and rescue sector, it also aligns with the government’s expectations of fire authorities, as articulated in the [Fire and Rescue National Framework for England](#).

In such governance settings, the balance of decision-making and oversight responsibility between members and officers can be illustrated as follows:

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| Political decision-making | Avon Fire Authority | Strategic decisions that are constitutionally reserved to be taken collectively by the full Fire Authority (e.g. establishing the strategic policy framework, setting the budget, making statutory appointments etc). |
| | Fire Authority Committees | Committees have delegated authority to take some prescribed strategic decisions in their areas of policy responsibility and to provide oversight of performance |
| ‘Line of delegation’ | | |
| Professional decision-making | At all managerial tiers | Responsibility for all other decisions is assigned to officers through a scheme of delegation, so that they can lead, and manage operational delivery of the strategic decisions taken by elected members |

In the decision-making tiers above the ‘line of delegation’, officers advise, and elected members decide – either at full Fire Authority or in meetings of relevant committees.

In the professional decision-making tier below the 'line of delegation', officers make decisions with members of the Fire Authority providing independent political oversight and scrutiny of performance and holding their officer colleagues to account for operational delivery.

The above model has been a central consideration in the approach taken by the review team to addressing the following areas of focus, which comprise the Terms of Reference for the review.

REVIEW FOCUS AREA 1:

Can existing committee structures be simplified/streamlined to facilitate more efficient and effective governance practice?

Background

At the LGA workshop it was clear that members and officers are committed to forging and maintaining a professional partnership based on openness, honesty, mutual respect, and high levels of trust. However, they also agreed that it should be a partnership with room for constructive challenge in both directions, as a means of improving the quality of decision-making, practicing accountability, and driving performance improvement.

It was agreed that, in line with the 'form follows function' principle, any new committee structure should be aligned to the primary governance responsibilities of the Fire Authority:

1. To determine the strategic policy agenda for Avon Fire and Rescue Service
2. To set a budget to fund delivery of the policy agenda
3. To undertake performance oversight and scrutiny to ensure that the policy agenda is being delivered efficiently, effectively and in accordance with statutory requirements.

Members and officers both raised concerns about the sheer quantity of business and associated documentation that is being dealt with by the current 3 committees. Not only does this generate a significant workload for officers in preparing the documentation in question, it also makes it all-but-impossible for members to read and digest the material, such that it can fully inform their contributions during committee meetings.

Furthermore, it was stated that many of the papers considered by committees are presented on a 'for information' or 'to note' basis – raising questions about the need for such (often lengthy) reports to be on committee agendas at all, not least because they take up valuable time which could be invested in dealing with issues on which members are required to make decisions or take other forms of action.

On the above basis, Members decided that the governance review should examine whether existing committee arrangements could be improved.

Review findings:

Through undertaking semi-structured interviews, and reviewing meeting papers and video footage from committee meetings, the review team found that:

- There is significant overlap and duplication in the business being conducted by different committees, e.g. personnel issues being reported to People and Culture Committee, as well as the Performance Review and Scrutiny Committee. This is reflected in the committees' Terms of Reference which do not establish clear lines of demarcation between the respective governance roles of different committees
- The language in Terms of Reference is somewhat vague, which leaves stated aspects of committees functions open to wide interpretation
- The review team identified a significant number of reports (some very lengthy and detailed in nature) being presented to committees on a 'for Information' or 'to note' basis. Whilst it is important for members to maintain an awareness of issues, the approach being taken invites a passive response from members in relation to a huge amount of information, rather than supporting them to proactively engage in their governance role, focusing on substantive issues
- There are a range of issues being dealt with by Committees that would normally be addressed elsewhere in other Authorities e.g. shortlisting of candidates for senior roles. As a consequence, member and officer time is often being used inefficiently
- There appears to be limited time invested in members and officers working collaboratively 'upstream' in developing strategic policy, or downstream in carrying out deep-dive scrutiny exercises to examine important performance issues. Such work is best undertaken in 'task-and-finish' settings but there is limited time currently available for this because of the commitment required of members and officers to service the demands of 'routine' committee business
- There are currently no independent members co-opted to the Audit, Governance and Ethics Committee. This committee fulfils the role of Avon Fire Authority's statutory Audit Committee. As such, it has a key role in providing an independent focus on the adequacy of the Fire Authority's governance, risk and control arrangements. In the view of CIPFA, independent members fulfil an essential role in ensuring that audit committees have the necessary expertise to carry out their role effectively, and recommends that every audit committee should include at least two co-opted independent members ([see CIPFA Position Statement on audit committees](#))
- Meetings of the Local Pension Board (LPB) are currently held in public. There is no requirement for this to be the case. Bearing in mind the non-decision-making, advisory role of the Board in supporting the Fire Authority to fulfil its obligations regarding administration of former employees' pensions, there is no material 'public interest' argument in favour of operating the Board with the same levels of transparency as the Fire Authority and its sub-committees. The Authority could therefore reduce the administrative burden associated

with supporting the LPB, by removing the requirement for its meetings to be held in public.

The above findings are addressed by [Recommendation 1](#) and [Recommendation 2](#).

REVIEW FOCUS AREA 2:

Can existing committee structures and terms of reference be amended to introduce constructive challenge to political decision-making?

Background

During the LGA workshop, members recognised the need for political decision-making to be exposed to constructive challenge – a concept enshrined in good governance practice by the [Nolan principle focused on Accountability](#), which states that:

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Members also acknowledged that this was not something for which constitutional arrangements automatically allow in Combined Fire Authority (CFA) governance settings, as the ‘default’ position is for all members to share collective decision-making responsibility.

This vulnerability in the CFA governance model was highlighted in the government’s White Paper, [Reforming our fire and rescue service](#) – and formed a strand of the case it made for proposing that governance responsibility for all fire and rescue services should rest with a single, directly-elected individual, held to account by an independent body established for that purpose.

On the above basis, Avon fire authority members decided that the governance review should examine this issue.

Review Findings:

Through examining committee Terms of Reference, the review team found that:

- There are currently no constitutional provisions for decisions made by fire authority members to be exposed to constructive challenge

This review finding is addressed by [Recommendation 1](#).

REVIEW FOCUS AREA 3:

Does the Scheme of Delegation provide an appropriate split between the strategic decision-making role of members and the operational decision-making role of

officers, including in relation to employee matters (such as sick pay decisions, Ill Health Retirement and pension Internal Dispute Resolution Procedure Cases)?

Background

During the LGA workshop, members and officers explored the Combined Fire Authority decision-making model outlined at the beginning of this section. In doing so, they agreed the importance of establishing constitutional separation between the strategic decision-making role of members and the operational decision-making role of their officer colleagues. Doing so provides officers with the flexibility to use their professional experience and expertise to deliver on strategic decisions made by members, with members then scrutinising and holding officers to account for operational delivery.

The operational independence that such arrangements provide are important from the perspective of efficiency and effectiveness and also reflect the government's expectations, as articulated in section 4 of the [National Framework](#) document. Furthermore, in line with recommendations made by His Majesty's Chief Inspector of Fire and Rescue Services, the government's 2022 [fire reform White Paper](#) included a proposal to place operational independence of Chief Fire Officers on a statutory footing.

It was clear from discussions at the LGA workshop that Avon Fire Authority members recognise the importance of operational independence. However, examples were offered which suggested that current constitutional arrangements do not provide sufficiently clear lines of demarcation between the respective decision-making roles of members and officers.

On the above basis, Avon Fire Authority members agreed that the Scheme of Delegation and its application through existing committee structures should be examined as part of this review.

Findings:

Through undertaking semi-structured interviews, and reviewing the Scheme of Delegation, committee terms of reference, meeting papers and video footage from committee meetings, the review team found that:

- There is evidence of an unusually high number of decisions being reserved to the Fire Authority or its sub-committees
- Reserved matters include employee-related decisions which would normally be delegated to the Chief Fire Officer, operating in a role akin to the Head of Paid service found in other public sector organisations. For example, appointment decisions for Assistant Chief Fire Officer roles are reserved to Authority members

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- We also found that a range of pension matters, such as Stage 1 determinations regarding Internal Dispute Resolution Procedures, were not delegated to the CFO
 - Current requirements for decisions that could reasonably be considered as operational to be taken by fire authority members in formal committee settings is generating delays in decision-making. Furthermore, it is directly engaging members in decisions for which they should be holding officers to account, and compromising their oversight role as a result
 - We did not find any clear constitutional commitment to providing the Chief Fire Officer with operational independence through the Scheme of Delegation

The above review findings are addressed by [Recommendation 3](#) and [Recommendation 4](#).

REVIEW FOCUS AREA 4:

Do existing procurement arrangements strike the right balance between the role of members in approving some procurement decisions and providing oversight of others, with the operational decision-making flexibility required by officers?

Background

During the LGA workshop, procurement was identified as a particular area of activity where current governance requirements are raising questions about the respective roles of members and officers, as well as causing potentially unnecessary delays in contract placement decisions. Councillors talked about being invited to make decisions on awarding contracts at the “eleventh hour” once all other aspects of the procurement process had been dealt with independently by officers. Officers, on the other hand, expressed concern at delays in decisions to award contracts because of the need to convene fire authority meetings to secure the decisions in question.

Members and officers were keen to explore how procurement decision-making arrangements could be reconfigured to provide greater operational flexibility for officers, whilst ensuring appropriate engagement and oversight by councillors. On that basis, members decided that this governance review should examine the issue.

Findings:

By examining a number of procurement exercises, reviewing meeting papers and undertaking semi-structured interviews, the review team found that:

- Current arrangements for procurement exercises requiring fire authority approval by virtue of contract values of £500k and above are inefficient and ineffective:

- In most cases, members have no involvement in the procurement process until a final contract placement decision is required. This practice essentially presents them with faits accomplis and no meaningful opportunity to shape high-value procurement decisions. Furthermore, there is a significant challenge in bringing members up-to-speed at such a late stage, to the extent that they are content to make the decisions in question
- In some cases, we found evidence of members becoming directly involved in operational aspects of procurement processes due to having a professional background in the area of business for which goods and/or services were being procured. By taking this approach, members become immersed in operational matters for which they have a governance role in holding officers to account, and compromise themselves in that regard as a result
- The approach being taken causes unnecessary delays to final contract placement decisions, as a result of members needing to take them. This can generate additional cost and delay the commencement of contracts for important goods and services.
- Current requirements for signing contracts in hard-copy and physically sealing documents are not in keeping with modern business practice
- There was little evidence of members routinely undertaking scrutiny of post-award contract performance, to ensure that high-value contracts are providing value-for-money.

The above findings are addressed by [Recommendation 6](#) and [Recommendation 7](#).

REVIEW FOCUS AREA 5:

Do reporting arrangements meet legal requirements (e.g. for accounts/audit etc), reflect good practice, and enable members to secure necessary assurance on organisational performance by providing them with information on performance against the Service Plan, HMICFRS Action Plan etc. that is appropriately tailored to their needs, i.e. is a fit-for-purpose 'performance assurance framework' in place?

Background

Performance reporting arrangements were an area of focus during the LGA workshop. Questions arose regarding statutory 'external' reporting requirements on financial and governance matters, as well as the requirement imposed by government through the National Framework document for fire authorities to publish Annual Statements of Assurance.

In particular, those taking part in the workshop felt that there may be opportunities to better integrate processes for meeting the various reporting requirements in question. There was also a view that some of the methodologies being used collate evidence and compile reporting documents could be streamlined and improved.

On the issue of internal performance reporting arrangements, attendees felt that greater clarity was required over what performance information should be reported to different committees, as well as the frequency of reporting being consistent with good practice.

Members therefore decided that performance reporting arrangements should be considered during the governance review.

Findings:

By reviewing committee terms of reference and meeting papers, Annual Governance Statements, Annual Statements of Assurance, and Annual Audit Letters, in addition to gathering evidence during semi-structured interviews, review team members found that:

- Statutory reporting arrangements appear to meet necessary requirements
- Existing practices associated with the preparation of Annual Governance Statements and Statements of Assurance are bureaucratic and the end products are not readily accessible and easy to understand for elected members or external stakeholders
- Whilst substantial quantities of performance-related information are being reported to the various committees and full Fire Authority, there is significant overlap and duplication in what is presented. The terms of reference of the Committees and Fire Authority are contributing to this by not establishing clear lines of demarcation between the performance oversight roles of the different bodies
- There are examples of the same information being reported to separate committees and the full Fire Authority in slightly different formats e.g. procurement information and people related information.
- A significant amount of the performance reporting was presented to members on a 'for information' or 'to note' basis, which invites a passive role for members, rather than one focused on active engagement and scrutiny
- The various performance reporting papers varied significantly in length, detail and quality - again making it difficult for members to actively engage and constructively challenge
- There are no single performance reports that provide members with a comprehensive, strategic-level overview of performance in all key areas, i.e. financial performance, human resource performance, service delivery performance, performance on delivering projects and programmes of strategic importance, and corporate risk management activity.

The above findings are addressed by [Recommendation 9](#) and [Recommendation 10](#).

REVIEW FOCUS AREA 6:

Is the AFA Code of Conduct and its application consistent with the LGA Model Councillor Code of Conduct and associated guidance?

Background

It was agreed at the LGA workshop that the Avon Fire Authority Code of Conduct should be aligned with the LGA Model Councillor Code of Conduct to ensure it reflects contemporary good practice.

On that basis, members decided that the issue should be examined as an element of the governance review.

Findings:

By reviewing the *Members' Code of Conduct and dealing with complaints* section of the Avon Fire Authority Constitution, and comparing it with the [Local Government Association Model Councillor Code of Conduct 2020](#), review team members were able to confirm that the current Code of Conduct does not fully reflect the LGA Model Code.

The above finding is addressed by [Recommendation 8](#).

REVIEW FOCUS AREA 7:

Do members and officers know about and understand governance arrangements and their respective roles in relation to them, i.e. are levels of 'governance literacy' appropriate?

REVIEW FOCUS AREA 8:

Do members and officers have the skills necessary to exercise their governance roles effectively?

Background

During the LGA workshop, attendees agreed that it was important for fire authority members and officers to have a good knowledge and understanding of governance arrangements in the organisation and their respective roles in relation to them. As an extension of this, it was also agreed that effective governance relies on councillors and officers having the different but complementary skills sets required to exercise the roles in question effectively.

It was therefore decided that this should form an area of focus during the governance review.

Findings:

By gathering evidence during semi-structured interviews with members and officers, the review team found that:

- Members and officers agree that, as the primary document setting out details of governance arrangements, the current Avon Fire Authority Constitution is lengthy, complex and difficult to navigate and understand
- Knowledge and understanding of governance arrangements and the respective roles of members and officers in relation to them is variable
- There is variation in the level and range of skills possessed by members which are required to enable them to perform their governance roles effectively
- There is variation in level and range of skills possessed by officers which are required to enable them to perform their governance roles effectively – both in terms of their own governance responsibilities and the support they provide to members
- Whilst induction training and some ongoing development is provided to members, there is currently no structured approach taken to ensure that they have the knowledge, understanding and skills required to exercise their governance roles effectively
- Although some training is provided to officers on drafting reports for fire authority members, there is currently no structured approach to ensure that they have the knowledge, understanding and skills required to exercise their governance roles effectively.

The above findings are addressed by [Recommendation 5](#), [Recommendation 11](#), and [Recommendation 12](#).

6. Recommendations

RECOMMENDATION 1:

The current Fire Authority structure should be changed, with the number of Committees being reduced from three to two:

- 1. A Policy and Resources Committee (PRC) - focusing on ‘upstream’ policy development and resource allocation**
- 2. An Audit, Governance and Oversight Committee (AGOC) – operating as the Authority’s Audit Committee and also focusing on ‘downstream’ performance oversight and scrutiny, including by providing constructive challenge to decisions made by the PRC.**

Commentary

The separation of duties and membership between the two committees will enable

AGOC to provide independent political challenge and act as a critical friend to the decision-making PRC.

AGOC will have a focus on ensuring the Service is delivering the fire authority's strategic policy agenda efficiently, effectively and in accordance with statutory requirements.

The Member and Officer capacity released by streamlining the committee structure should be used to facilitate more informal member/officer working in task-and-finish group settings. The task-and-finish approach can be used to enable members to undertake 'deep dives' into specific areas of policy development, resource allocation, and performance scrutiny etc. The detailed work of the Task and Finish groups should always be brought back to formal committees for consideration and agreement.

Member Champions can also be appointed to areas of particular importance to the Authority. They would have no executive decision-making power but would provide political support and visible leadership for high-priority policy areas such as equality, diversity and inclusion, health, safety and wellbeing, or collaboration.

The informal briefings for members that currently take place should continue – particularly as less 'for information' and 'to note' material will be formally presented at Committee meetings.

RECOMMENDATION 2:

In line with guidance issued by the Chartered Institute of Public Finance and Accounting (CIPFA), the Authority should appoint two independent persons onto its Audit, Governance and Oversight Committee, as non-voting expert advisors.

Commentary

In view of the part-time nature of the Independent Person's role and the limited pool of suitable qualified individuals, options for jointly engaging independent Persons in collaboration with other fire authorities or local authorities should be explored.

Furthermore, bearing in mind the 'single service' nature of Avon Fire Authority's responsibilities (in contrast with local authorities that are responsible for delivering a complex range of services), consideration should be given to whether a single independent person would provide suitable and proportionate support to Audit, Governance and Oversight Committee.

RECOMMENDATION 3:

The current Fire Authority Scheme of Delegation should be updated to rebalance member-led strategic decision-making and officer-led operational

decision-making.

Commentary

The list of matters reserved to the full Fire Authority should be streamlined to those that are legally required to be reserved for decision-making at that level. The remaining constitutional responsibilities for decision-making and performance oversight etc should then be assigned to the PRC and the AGOC. Care should be taken to avoid any duplication or overlap of functionality.

All operational decision making should be delegated to the Chief Fire Officer (CFO) to ensure the operational independence of the position is established and maintained. Delegation of powers to the CFO should include those normally associated with the head of paid service role, such as the reengagement of staff below Area Manager level, decisions on the appointment of Assistant Chief Fire Officers, and performance and discipline matters for SLB members etc.

RECOMMENDATION 4:

A Member/Officer Protocol (replacing the current Member/Officer Relations section of the Constitution) should be jointly developed by members and officers, to underpin new working arrangements, reinforce the separation between strategic and operational decision making, and address scenarios where tensions might emerge between the respective roles of Members and officers.

RECOMMENDATION 5:

The Fire Authority Constitution should be rewritten to reflect the proposed changes and published in a format that reflects contemporary good practice.

Commentary

Sections of the new constitution should be separated into individual documents and held in a single online 'Constitution' repository. Structuring and presenting the new Constitution in this way will make it more accessible and user friendly.

RECOMMENDATION 6:

The current requirement for members to make contract award decisions should cease. In its place a new process should be developed requiring members to provide prior approval for significant procurement exercises, i.e. those with a contract value of £1m and above. Furthermore, the practice of Members becoming involved in operational aspects of procurement (by being members of Procurement Boards, for example) should also cease.

Commentary

The new process will enable members to scrutinise a proposed significant procurement exercise at the business case stage. It will involve members examining and constructively challenging the business need, the appropriateness of the proposed procurement pathway, the availability of expertise and capacity to support the procurement process, as well as the level of anticipated spend. For procurement exercises considered to be complex and/or high-risk, it will also involve examining arrangements for reporting progress to members, at specific stages (or 'gateways') in procurement projects.

The PRC will be responsible for approving the procurement forward plan and any business cases. The AGOC will subsequently be responsible for scrutinising the realisation of the benefits/outcomes identified in the original business cases for procurement exercises, to ensure contracts are delivering value for money.

Where prior approval is in place - either through the procurement forward plan or a business case – the signing and awarding of contracts will be delegated to officers, providing the tender process has been delivered within the agreed financial limits and other parameters. Where this is not the case, member approval through PRC for additional spend etc will be required.

RECOMMENDATION 7:

Current practices in relation to signing and sealing of contracts should be modernised. The requirement to seal contracts should be limited to those for which it is legally necessary or where contracts are of particular strategic importance to the Authority. The introduction of suitable electronic processes for signing and sealing contracts should be adopted in due course.

RECOMMENDATION 8:

The current Member's Code of Conduct should be updated to fully reflect the LGA Model Councillor Code of Conduct and associated Guidance.

RECOMMENDATION 9:

A new Performance Assurance Framework should be developed and introduced to enable members and officers to exercise their performance oversight roles in a more integrated and effective way.

Commentary

The Framework should combine and replace the various performance reporting mechanisms currently in place. We recommend that the framework be developed around the 4 performance 'quadrants' of:

- i. **Corporate Health:** Financial performance (e.g. details of actual revenue and capital spend against agreed profiles) and Human Resource performance (e.g. information on workforce planning, establishment numbers, training, sickness, staff satisfaction, and Whistleblowing)
- ii. **Service delivery performance,** e.g. performance against key measures focused on Prevention, Protection and Response services
- iii. **Priority project and programme delivery performance,** e.g. culture change programmes, construction projects, HMICFRS action plans etc
- iv. **Corporate risk management performance,** i.e information on key business risks and actions being taken to mitigate them.

A quarterly strategic report for scrutiny at the AGOC will become the primary mechanism by which the Authority exercises its performance oversight role.

The Framework will need to be embedded at fire authority level as well as at all managerial levels in the service to ensure that it is effective for the Authority.

RECOMMENDATION 10:

The current preparation and presentation of Annual Governance Statements and Statements of Assurance should be reviewed and revised to improve efficiency and ensure the documents are accessible and easily understood by members and external stakeholders.

RECOMMENDATION 11:

The Authority’s training and development programme should be revised to ensure that it provides members with the knowledge, understanding and skills they need to exercise their governance roles effectively.

RECOMMENDATION 12:

A strand of training and development should be introduced to ensure that officers have the knowledge, understanding and skills necessary to exercise their governance roles effectively – both in terms of their own governance responsibilities and the professional support they provide to Fire Authority members.

7. Next Steps

The following sequential steps will be taken to facilitate Avon Fire Authority’s formal response to this governance review report:

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| STEP 1: 29 March 2023 | Briefing on draft report to all Avon Fire Authority Members by governance |
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| | review team members |
| STEP 2: 31 March 2023 | Final report submitted for consideration by a Constitutional Working Group (CWG) established for that purpose. The CWG will explore and constructively challenge the report, before agreeing recommendations for how the Fire Authority should respond to it. |
| STEP 3: 25 APRIL 2023 | Report from the Constitutional Working Group to Full Fire Authority, recommending how the Authority should respond to the governance review report. |