

**Police Fire and Crime Commissioner for Essex  
Essex Police Strategic Board**

<b>Title of Report / Agenda Item</b>	Review of the PFCC's Constitution
<b>Document Classification</b>	Not Protectively Marked
<b>Date of PFCC's Strategic Board meeting</b>	27 September 2021
<b>Agenda Number</b>	
<b>Chief Officer</b>	Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)
<b>Author on behalf of Chief Officer</b>	Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)
<b>Date paper was written</b>	17 September 2021
<b>Version Number</b>	V0.1
<b>Date of approval at COG (or other named meeting or person authorising)</b>	Corporate Management Team (9 September 2021)
<b>Date Approved by Essex Police Finance Department</b>	N/A

## **1. Recommendations**

- 1) That the Strategic Board approves in principle, or amends as necessary, the updated Constitution attached at Appendix 1 prior to its presentation to the Essex Police, Fire and Crime Panel.
- 2) That, as part of the regular review of the Constitution, the Strategic Board approves in principle the proposed changes to the Financial and Procurement Regulations marked up at Appendix 2, prior to their formal adoption by the Commissioner.

## **2. Executive Summary**

The purpose of this report is to invite comments from the Strategic Board on the contents of the Commissioner's updated Constitution (including updated Financial and Procurement Regulations) prior to its presentation to the Police, Fire and Crime Panel and its subsequent adoption by the Commissioner.

## **3. Background**

The Constitution was last updated in 2018/19. It has been reviewed and updated to ensure its continued compliance with legislation and regulations relevant to the Commissioner's activities with regard to policing. The Appendices and supporting Schedules to the Constitution, including the PFCC's Financial and Procurement Regulations, have also been reviewed and refreshed as necessary.

The Version History detailed on pages 3 and 4 of Appendix 1 summarises the key changes and additions made to the Constitution. The proposed changes to the Financial and Procurement Regulations are marked up for ease of reference at Appendix 2.

It should be noted that there remain some final amendments to be made to the Constitution prior to its presentation to the Police, Fire and Crime Panel, which are marked up on the document attached at Appendix 1. Specifically:

- Proposed amendments to the Terms of Reference for the Commissioner's Performance and Resources and Strategic Boards are subject to endorsement elsewhere on this agenda prior to their incorporation within the Constitution, and
- Proposed amendments to the Terms of Reference for the Essex Emergency Services Collaboration Strategic Governance Board are due to be presented to its next meeting for endorsement prior to their incorporation within the Constitution.

#### **4. Options and analysis**

The Commissioner is obliged to have in place a Constitution, which the Monitoring Officer is obliged to maintain up to date. As such, there is no alternative but to submit the Constitution to a regular review.

#### **5. Risks and Mitigations**

The Constitution is a key element of the Commissioner's governance framework. Failure to have in place a robust and fit for purpose Constitution could give rise to insufficiently robust governance arrangements that do not meet legislative requirements and are consequently vulnerable to legal challenge. The Constitution has therefore been reviewed and updated as necessary to ensure its continued compliance with legislation and regulations relevant to the Commissioner.

#### **6. Links to the Police and Crime Plan**

The Constitution is a key document governing the decision-making and activities of the Commissioner in pursuit of the objectives set out in the Police and Crime Plan as well as in other strategic documents such as the Local Business Case for Joint Governance.

#### **7. Financial Implications**

As part of the review of the Constitution, the Commissioner's Financial and Procurement Regulations have been reviewed and updated in consultation with the Chief Financial Officer to the Chief Constable. The proposed changes and additions to the Regulations are marked up at Appendix 2 for ease of reference. A principle change has been to incorporate the Seven Force Contract Standing Orders agreed by the seven forces of the eastern region through the Seven Force Strategic Procurement Governance Board and the Eastern Region Strategic Alliance Summit.

#### **8. Legal Implications**

The Constitution adopted in 2019 has been reviewed and updated to ensure its continued compliance with the legislative framework governing the Commissioner's activities.

#### **9. Staffing Implications**

There are no staffing implications arising directly from this report.

#### **10. Equality and Diversity Implications**

There are no equality and diversity implications arising directly from this report. The provisions of the Constitution ensure the Commissioner's continued compliance with the Public Sector Equality Duty.

## **11. Police Operational Implications**

The Chief Constable has been consulted on both the updated Constitution and the updated Financial and Procurement Regulations. Members of the Commissioner's Performance and Resources Board have been consulted on proposed changes to its Terms of Reference which are subject to endorsement elsewhere on this agenda. The Chief Finance Officer to the Chief Constable has also been specifically consulted on the Financial and Procurement Regulations. At the time of writing, the Joint Audit Committee is due to be consulted on the contents of the Financial and Procurement Regulations at its meeting on 24 September 2021. Any relevant feedback from that meeting will be reported verbally to the Strategic Board to inform its consideration of this item.

The proposed changes to the decision report template attached at Schedule 16 to the Constitution align with the headings of the Strategic Board report template, and will therefore dispense with the requirement to submit an additional covering report when a decision report is submitted to the Strategic Board.

## **12. Governance Boards**

The updated Constitution and Financial and Procurement Regulations have been consulted on with the Chief Constable via the monthly Performance Meeting between the Commissioner and the Chief Constable.

As set out above, members of the Commissioner's Performance and Resources Board have been consulted on proposed changes to its Terms of Reference. The Chief Finance Officer to the Chief Constable has been specifically consulted on the Financial and Procurement Regulations and, at the time of writing, the Joint Audit Committee is due to be consulted on the contents of the Financial and Procurement Regulations at its meeting on 24 September 2021.

As set out above, the Seven Force Contract Standing Orders which form part of the Financial and Procurement Regulations have been approved by all seven forces of the eastern region via the Seven Force Strategic Procurement Governance Board and the Eastern Region Strategic Alliance Summit.

## **13. Future Plans**

The Constitution is scheduled for regular review biennially, or earlier should changes to legislation, regulations and / or statutory guidance pertaining to the activities of the Commissioner warrant this.

## **14. List of background papers and appendices**

Appendix 1 – Updated Constitution

Appendix 2 – Updated Financial and Procurement Regulations (incl. Contract Standing Orders)

---