

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

Title of Report / Agenda Item	Review of the PFCC's Constitution
Document Classification	Not Protectively Marked
Date of PFCC's Strategic Board meeting	21 June 2023
Agenda Number	9
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Date paper was written	13 June 2023
Version Number	V0.1
Date of approval at COG (or other named meeting or person authorising)	N/A
Date Approved by Essex Police Finance Department	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 updated Financial and Procurement Regulations attached at Appendix 2, prior to their formal adoption by the Commissioner.
- 3) That Essex Police nominates a new lead officer for the purposes of overseeing the Information Sharing Agreement between Essex Police and the PFCC (Schedule 2 to the Constitution) following the departure of the previous Head of Analysis.

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 2021. It has now been reviewed and updated again 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 2 - 5 of Appendix 1 summarises the key changes and additions made so far to the Constitution. It should be noted that there remain some final amendments to be made prior to its presentation to the Police, Fire and Crime Panel, specifically:

- Proposed amendments to the Terms of Reference for the Commissioner's Strategic Board 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 Commissioner's Performance and Resources Board and Essex Emergency Services Collaboration Strategic Governance Board are due to be presented to their next meetings 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 key 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 and 7 Force Commercial.

8. Legal Implications

The Constitution adopted in 2021 has been reviewed and updated to ensure its continued compliance with the legislative framework governing the Commissioner's activities. Particular account has been taken of the following new or updated legislation and statutory guidance that has come into effect since the last review of the Constitution:

- Police, Crime, Sentencing and Courts Act 2022
- Elections Act 2022
- The Strategic Policing Requirement (updated February 2023)

The updated Constitution also reflects the content of guidance published by the Centre for Governance and Scrutiny in April 2023.

The Force Solicitor has been consulted on the proposed changes to the Constitution. His comments have been reflected and he has confirmed that he has no legal issues with the document attached as Appendix 1 to this report.

9. Staffing Implications

There are no staffing implications arising directly from this report. The Constitution has been updated as appropriate to reflect changes in personnel since the last review.

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 PFCC's Senior Management Team and the Chief Constable have been consulted on the updated Constitution. The PFCC's Data Protection Officer has also consulted with the force's Data Protection Compliance Manager with regard to the Information Sharing Agreement between Essex Police and the PFCC (Schedule 2 to the Constitution).

12. Governance Boards

The updated Constitution has been consulted on with the Chief Constable via the monthly Performance Meeting between the Commissioner and the Chief Constable.

Following consultation with the Strategic Board, the updated Constitution will progress onto the Essex Police, Fire and Crime Panel for its consideration and endorsement.

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 (incorporating Seven Force Procurement Contract Standing Orders)