

June 2011

Merseyside Fire & Rescue Authority

CONSTITUTION

**Merseyside Fire & Rescue Authority
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**Constitution of
Merseyside Fire & Rescue Authority**

Introduction

Merseyside Fire and Rescue Authority is the governing body of Merseyside Fire & Rescue Service. It is made up of eighteen Elected Members (Councillors) from the five districts of Liverpool, Sefton, Knowsley, St. Helens and Wirral. It is a public authority in its own right, but its Members are appointed by the district councils not elected directly on to it. The Authority is highly committed to having meaningful democratic control over its activities in order to achieve its vision of making Merseyside a safer, stronger, healthier community. To do this the Service works in partnership with the community and with public, private and voluntary sector organisations. Merseyside Fire & Rescue Service, as led by the Fire & Rescue Authority, seeks to reflect the communities it serves and be part of those communities with its community fire stations open to the public and its employees and volunteers approachable to all. If the Service is to be effective in engaging with the community it is important that it involves all communities in development of its plans and strategies. Consultation and review will accompany this process. The Authority as a body of Elected Members intends to be a fundamental force in driving forward a democratic and inclusive process and this constitution is a reflection of that aim.

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PART 1

SUMMARY AND EXPLANATION

Merseyside Fire and Rescue Authority has agreed a Constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local citizens. Some of these processes are required by the law, while others are matters for the Authority to agree.

This Constitution details how the Authority conducts its business and includes detailed procedures and codes of practice.

What's in the Constitution?

The Constitution sets out the primary purpose of the Constitution, explaining how the key parts of the Authority operate, including the rights of citizens.

How the Fire & Rescue Authority Operates

The Authority is made up of 18 Members, all of whom must be a Councillor elected to one of the five constituent district councils within Merseyside (Knowsley, Liverpool, Sefton, St Helens and Wirral). Members of the Authority have a responsibility to the whole community of Merseyside and are directly accountable to the people of Merseyside for the running of the Fire & Rescue Service. Members also work closely with Officers in developing policies, plans and strategies to give direction to the Service and to ensure that services are delivered in line with the Authority's objectives.

Members have to agree to follow an approved Code of Conduct designed to ensure high standards in the way they carry out their duties. The Standards Committee arranges training and advises Members on the Code of Conduct, and with its sub committees considers complaints concerning Members conduct.

All Members meet together as the Fire and Rescue Authority. Meetings of the Authority are normally open to the public. Members decide the Authority's overall policies and set the budget each year. At the Annual Meeting they establish and make appointments to the various committees, as well as appointing the Chair and Vice Chair of the Authority and its committees.

How Decisions are Made

The Authority has ultimate responsibility for decision making but has delegated many decisions to committees as part of their terms of reference (Articles 5 to 16) and officers as described in the Authority's Scheme of Delegated Powers.

The Authority's Staff

The Authority has people working for it (described as "Officers") to give advice, to implement decisions and to manage and deliver services. Some Officers such as the Monitoring Officer have a specific legal duty to ensure that the Authority acts within the law. A Member Officer Relations Protocol has been approved to govern the relationships between Officers and Members of the Authority.

Citizens' Rights

Citizens have a number of rights in their dealings with the Authority. Some of these are legal rights, whereas other rights depend upon the Authority's own processes. Citizens rights include the following:

The right to attend meetings of the Authority and its committees and sub-committees except where, for example, personal or confidential matters are being discussed.

To inspect agendas and reports, except those which contain for example personal and confidential matters.

To obtain a copy of this constitution.

To see reports and background papers (save for exempt or confidential items) and to see records of decisions made by the Authority and its committees and sub-committees.

To complain to the Authority under the Authority's own complaints processes. To complain to the Ombudsman if they think the Authority has not followed its procedures properly, however, they should only do this after using the Authority's own complaints process.

To complain to the Standards Committee via the Monitoring Officer to the Authority if they have evidence which they think shows that a Member has not followed the Authority's Code of Conduct.

To inspect the Authority's accounts and to make their views known to the external auditor.

Citizens' Responsibilities

The Authority welcomes the participation of citizens.

Citizens are expected to conduct themselves in a reasonable manner and must not be violent, abusive or threatening to Members or Officers or damage Authority owned property. Citizens should behave with due respect for the rights and opinions of others and have respect for the procedural decisions made by the Chair of any meeting.

PART 2

INTRODUCTORY

Article 1 - Purpose of the Constitution

1.1 Discharge of Functions

The Authority will exercise its functions, powers, duties and responsibilities in accordance with this constitution, within the law, fairly, equitably, openly and transparently and, in the best interests of the community of Merseyside as a whole with a view to achieving its vision to make Merseyside a safer, stronger, healthier community.

1.2 Purpose of the Constitution

The purpose of this Constitution is to set out how the Authority works and how it makes decisions. This helps:

- (1) Members to carry out their role as efficient and effective decision makers
- (2) Ensure that the decision making processes are clearly identifiable to citizens
- (3) Provide citizens with information about their rights and right to be involved in the process of decision making
- (4) Provide a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.3 Monitoring

The Authority will monitor and review the content of this Constitution and the way it works every year and make any changes that are considered appropriate.

ARTICLE 2 - MEMBERSHIP OF THE AUTHORITY

2.1 Composition and Eligibility

The Authority comprises 18 Members, each of whom must be an elected councillor of one of the five constituent district councils comprised within Merseyside. The constituent councils appoint Members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following numbers:-

Liverpool	6 Members
Wirral	4 Members
Sefton	4 Members
St. Helens	2 Members
Knowsley	2 Members

- 2.2** Members may be removed from the Authority by their appointing council, subject to their Council complying with the statutory requirements of the Local Government Act 1985 as to the periods of notice they must give.
- 2.3** There are also three Independent Members who are appointed directly by the Authority, but are not Councillors. Their main role is to monitor standards of the Authority and they are Members of the Standards Committee.

ARTICLE 3 - OFFICERS

3.1 Management Structure

- (a) General - The Authority may appoint such staff (Officers) as it considers necessary to carry out its functions.
- (b) Principal Officers - The Authority has designated as Principal Officers:-
 - Chief Executive & Chief Fire Officer (-Statutory Officer)
 - Deputy Chief Executive & Deputy Chief Fire Officer
 - Assistant Chief Fire Officer
 - Assistant Chief Executive & Treasurer (-Statutory Officer)
- (c) In addition the Director of Legal Services/Clerk to the Authority & Monitoring Officer, is a Statutory Officer under Section 5 of the Local Government & Housing Act 1989.

Such posts have the functions described as follows:

3.2 Functions of the (Monitoring Officer / Clerk / Director of Legal Services)

- (a) *Maintaining the Constitution.* The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is available for inspection by Members, staff and the public.
- (b) *Ensuring lawfulness and fairness of decision making.* After consulting with the Assistant Chief Executive & Treasurer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in his/her view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) *Responding to complaints from the Local Government Ombudsman.*
- (d) *Supporting the Standards Committee.* The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) *Receiving Reports.* The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the Tribunal Service.

- (f) *Conducting investigations.* The Monitoring Officer will conduct or arrange for investigations into matters referred by Ethical Standards Officers the Initial Assessment Sub-Committee or the Review of Initial Assessment Sub-Committee of the Standards Committee and report or arrange for reports to be made in respect of them to the Standards Committee. The Monitoring Officer will also undertake, with others, investigations in accordance with the Authority's whistleblowing policy.
- (g) *Proper Officer for access to information.* The Monitoring Officer will ensure that the requirements of the Local Government Act 1972, as amended, will be met in relation to the publication of relevant committee reports, background papers and decisions and that they will be made publicly available (subject to any restrictions on disclosure) as soon as possible.
- (h) Proper Officer for the Data Protection Act 1998, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000
- (i) *Providing Advice.* The Monitoring Officer will provide advice on the scope of the powers of the Authority, its Committees Scrutiny Panels and Sub-Committees and Officers to take decisions and in connection with matters involving maladministration and probity.
- (j) *Restriction of Appointment.* The Monitoring Officer cannot be the Chief Finance Officer.

3.3 Functions of the Chief Finance Officer (Assistant Chief Executive & Treasurer)

- (a) *Ensuring lawfulness and financial prudence of financial decision making.* After consulting with the Monitoring Officer, the Chief Finance Officer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- (b) *Administration of financial affairs.* The Chief Finance Officer has responsibility for the administration of the financial affairs of the Authority.
- (c) *Contributing to corporate management.* The Chief Finance Officer is required to contribute to the corporate management of the Authority, in particular, through the provision of professional financial advice.

- (d) *Providing advice.* The Chief Finance Officer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its Committees, Scrutiny Panels and Sub-Committees, Members and Officers and will support and advise Members and Officers in their respective roles.

3.4 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Authority will provide the Monitoring Officer and the Chief Finance Officer with such Officers, accommodation and other resources as are in the opinion of those Officers sufficient to allow their duties to be performed.

3.5 Conduct

Officers will comply with the Officers Code of Conduct.

3.6 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer employment rules set out in this Constitution.

ARTICLE 4 - DECISION MAKING

4.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its Committees, Scrutiny Panels, Sub-Committees and Officers is in accordance with this constitution and the Scheme of Delegation which together comprise the record of responsibility for decision making.

4.2 Principles of Decision Making

All decisions of the Authority will be made in accordance with the following principles:

- (a) be within the lawful powers of the Authority
- (b) due consultation where appropriate (including the taking of relevant professional advice from Officers)
- (c) respect for human rights
- (d) presumption in favour of openness
- (e) clarity of aims and desired outcomes
- (f) within the letter and spirit of the constitution

4.3 Types of Decisions

Decisions relating to the functions listed in Article 2.2 will be made by the Authority and not delegated.

4.4 Decision Making by the Authority and its Committees, Scrutiny Panels and Sub-Committees

The Authority, Committee, Scrutiny Panel and Sub-Committee meetings will comply with the Authority's procedural standing orders when considering any matter.

4.5 Decisions made by the Authority acting in quasi judicial capacity

The Authority and its Committees, Scrutiny Panels and Sub-Committees, Members or Officers when acting in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

4.6 Decision Making by Officers

Officers have full authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the Officer Delegation Scheme.

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ARTICLE 5 - FINANCE, CONTRACTS AND LEGAL MATTERS

5.1 Financial Management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations.

5.2 Contracts

Contracts made by the Authority will comply with the Authority's Contract Standing Orders.

5.3 Legal Proceedings

The Monitoring Officer, in her/his capacity as solicitor to the Authority, is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the solicitor considers that such action is necessary to protect the Authority's interests. The delegated powers invested in the Monitoring Officer all provided in the Scheme of Delegation.

5.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer in her/his capacity as solicitor to the Authority or by some other person duly authorised by the Authority or the Monitoring Officer unless any enactment otherwise authorises or requires. The procedural rules/standing orders of the Authority in relation to contracts that are set out in Contract Standing Orders, make further provision in relation to formal processes involving the award of contracts.

5.5 Common Seal of the Authority

The common seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, a committee or sub-committee or any authorised Officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Monitoring Officer, appropriate for sealing. The Monitoring Officer, or some other person authorised by him/her shall witness the affixing of the common seal.

ARTICLE 6 - REVIEW AND REVISION OF THE CONSTITUTION

6.1 Duty to Monitor and Review the Constitution

- (a) The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Authority and to make recommendations for ways in which it could be amended in order better to achieve its purposes. In performing this duty the Monitoring Officer may:
 - (i) attend and observe meetings of different parts of the Member and Officer structure;
 - (ii) examine the audit trail relating to decision making;
 - (iii) record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
 - (iv) compare practices in the Authority with those in other comparable Authorities or national examples of best practice.

6.2 Changes to the Constitution

(a) *Approval*

Changes to the Constitution will only be approved by the Authority after consideration of proposals submitted by the Monitoring Officer.

ARTICLE 7 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

7.1 Suspension of the Constitution

(a) *Limit to Suspension*

The articles of this Constitution may not be suspended other than to the extent permitted within these rules and the law.

(b) *Rules Capable of Suspension*

The following rules may be suspended in accordance with Article 7.

- Authority procedure/standing order rules
- Access to information procedure rules
- Budget and policy framework procedure rules
- Officer employment procedure rules
- Financial regulations
- Contract and procurement standing order rules

7.2 Interpretation

(a) Except as otherwise provided and subject to (b) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.

(b) In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

7.3 Publication

(a) The Monitoring Officer will arrange to provide a copy of this Constitution to each Member of the Authority as soon as practicable after that Member has signed the Code of Conduct declaration, following appointment to the Authority.

(b) The Monitoring Officer will arrange for the Constitution to be available for inspection at Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website.

PART 3

RESPONSIBILITY FOR FUNCTIONS

ARTICLE 8 - ROLES AND FUNCTIONS OF MEMBERS

8.1 All Members are expected to:

- (i) act corporately for the good governance of the Authority, balancing the needs of the whole community of Merseyside with their role as a local representative
- (ii) to represent actively, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of Merseyside with a view to the Authority achieving its vision
- (iii) on a regular basis, to attend meetings of the Authority and any Committees, Scrutiny Panels, Sub-Committees, working parties or external bodies to which the Member has been appointed and fully to participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving the Integrated Risk Management Plan in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the Code of Conduct for Members
 - Standing Orders of the Authority
 - the Member/Officer protocol
- (iv) represent the Authority throughout the area of Merseyside
- (v) if appointed by the Authority to an external body; represent the interests of the Authority on that body.
- (vi) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of Fire and Rescue Services in order to fulfil a community leadership and representative function, working as necessary, in partnership with other local organisations in order to effectively promote the safety and well being of the whole community of Merseyside.

The Fire Authority is a legal entity and has responsibilities and duties under a wide area of legislation. When making decisions the Authority must take these duties into account.

ARTICLE 9 - ROLES AND RESPONSIBILITIES OF DESIGNATED OFFICE HOLDERS

9.1 Chair of the Authority:

The role and responsibilities of the Chair of the Authority are:

- (i) to provide overall political leadership to the Authority.
- (ii) to chair meetings of the Authority and to ensure its overall effectiveness.
- (iii) to provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
- (iv) to lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
- (v) to act as the Authority's principal member spokesperson at local, regional and national level.
- (vi) to seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.
- (vii) to lead in the development of good working relationships between the leaders of political groups represented on the Authority.
- (viii) to promote good working relationships between Members and Officers of the Authority so that Authority business is conducted in the most efficient and effective

Vice Chairs of the Authority

The role and responsibilities of the Vice Chairs of the Authority are:

- (i) to support the Chair of the Authority in discharging the roles and responsibilities associated with the office of Chair.
- (ii) to deputise for the Chair in his/her absence

Party Group Leaders:

The role and responsibilities of the Group Leaders of the Authority are:

- (i) to ensure their party contributes effectively, positively and constructively to the Authority's activities.
- (ii) to act as the principal political spokesperson for the political group.
- (iii) to provide leadership to their party group.

Chairs of Committees/Sub Committees and Panels

The roles and responsibilities of all Committee/Sub Committee and Panel Chairs are:

- (i) to chair the committee/panel and ensure its overall effectiveness;
- (ii) to have a working knowledge of the Authority's relevant policies and strategies and to ensure that he/she is sufficiently and effectively briefed by Officers on matters coming before the committee/panel;
- (iii) to co-ordinate and manage the work of the committee/panel;
- (iv) to support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

All Committee Vice Chairs:

The roles and responsibilities of all Committee Vice Chairs are:

- (i) to support the committee/panel Chair in discharging the roles of the Chair;
- (ii) to deputise for the committee/panel Chair during any absence of the Chair.

9.2 Rights and Duties of Members

9.2.1 Members have rights of access to documents, information, land and buildings of the Authority that are necessary for them to properly carry out their legal responsibilities.

9.2.2 A Member of the Authority may, only for the purposes of his/her duty as a Member, inspect any document which has been considered by a Committee, Scrutiny Panel or a Sub-Committee or by the Authority and shall, on request to the Clerk to the Authority, be given a copy of a document if practicable. If a Member requests a report to a Committee/Panel of which they are not a Member this will be provided on a "need to know" basis only after consultation between the Clerk to the Authority and the Chair.

This is providing that a Member does not knowingly ask to see a document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Government Act 2000 and/or related regulations or the Code of Conduct. [Link to Code of Conduct]. At any time the Clerk to the Authority can refuse a request to see any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

9.2.3 All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any Member of the Authority during office hours. All reports and minutes, unless exempt from publication, are also available on www.merseyfire.gov.uk

9.2.4 Subject to any statutory provision in that behalf, no Member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any Officer of the Authority if, in the opinion of that Officer and of the Clerk, the document is of a confidential nature.

9.2.5 Inspection of Lands, Premises etc

Unless specifically authorised to do so by the Authority or a Committee, Scrutiny Panel or Sub-Committee, a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

9.2.6 Members will not make public information, which is confidential or exempt, without the consent of the Authority on the advice of the Clerk or communicate information given in confidence to anyone other than a Member or Officer of the Authority entitled to know it.

9.2.7 Appointment of Relatives of Members

A candidate for any appointment to the Service or Authority who knows that he/she is related to any Member of the Authority shall, when making application, disclose that relationship to the Chief Executive/Chief Fire Officer and Monitoring Officer. A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member of the Authority shall disclose to the Monitoring Officer every relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority. The Monitoring Officer shall report to the Authority any such disclosure made to him/her.

9.2.9 Failure to Attend Meetings

- (a) Subject to the provisions of Section 85 Local Government Act 1972, any Member failing to attend any meeting of the Authority or its Committees for a period of six months ceases to be a Member of the Authority unless within that period the Member's absence is approved by the Authority.
- (b) The Monitoring Officer will monitor absences from meetings and unless approval for any absence is given by the Authority will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

9.4 Conduct

Members will, at all relevant times, observe the Members Code of Conduct and the Member/Officer relations Protocol.

9.5 Allowances

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme.

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ARTICLE 10 - THE AUTHORITY

10.1 Legal Structure/Delegations

The Authority has the legal responsibility for making decisions about matters concerning the functions, powers, duties and responsibilities of the Authority. The Authority has delegated a range of decision making powers about various matters to Committees and Officers as set out in this Constitution but has otherwise reserved powers to itself. The use of any delegated powers and decision making by Committees, Scrutiny Panels and Sub-Committees appointed by the Authority and described in this Constitution shall be subject to:

- (i) Statutory or legal requirements.
- (ii) Standing orders and financial regulations of the Authority.
- (iii) Strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

Delegated powers do not prevent a Committee, Scrutiny Panel or Sub Committee referring matters to the Authority or prevent the Authority from exercising those powers itself unless a decision has already been made and acted upon in line with the approved terms of reference and delegated authority.

10.2 Functions Reserved to the Authority

Only the Authority will exercise the following functions:

- (1) Variations to standing orders and financial regulations;
- (2) The revenue budget and capital plan, levying or issuing of a precept or borrowing on money;
- (3) Adopting a Members' Allowances scheme;
- (4) Appointing the Chair and Vice Chair of the Authority and the Chairs and Vice Chairs of the Committees and Sub-Committees of the Authority (which in the case of the Standards Committee and the initial assessment and the review subcommittees of the Standards Committee, must be an Independent Member);
- (5) Any other matters which by law must be reserved to the Authority itself.

10.3 Terms of Reference

1. Approve new policies or changes in policy relating to the development and delivery of services appropriate to this Authority;
2. To consider and approve matters relating to the preparation and delivery of the Authority's Strategic and Integrated Risk Management Plans, including due consideration of recommendations of the IRMP Scrutiny Panel.
3. Determine the Authority's Precept.
4. Approve the Authority's Budget.
5. Approve the Delegated Powers to Officers.
6. Refer any matter to the appropriate Scrutiny Panel or to the Audit Committee/VFM Scrutiny Panel where it is considered the matter requires further / in depth scrutiny.
7. Have responsibility for the Authority's Risk Management Strategy.
8. Co-ordinate as necessary the response of the Authority to any reports received from the Audit Commission, or any Constituent District Council.
9. Determine issues related to the liaison with and representation upon outside bodies and organisations.
10. Consider recommendations of the Consultation and Negotiation Panel.
11. To consider all matters relating to Merseyside's interest in Europe.
12. To consider and approve response to statutory consultation documents and any consequent implications for the Authority with respect to Governance arrangements, corporate risk management and business continuity.
13. Maintain an overview of the effectiveness of the Constitution.
14. Monitor effectiveness and outcomes relating to Authority policies on Whistle Blowing, anti fraud anti corruption.
15. Consider any matter which requires a decision by a designated committee, but cannot await the next meeting of that designated committee.

Human Resources Activity

16. Consider all issues relating to environmental management and sustainability.
17. Responsible for the examination and approval of staffing models and the organisational structure of departments of the Authority.
18. Consider matters relating to the rates of pay or the Conditions of Service of all employees of the Authority.
19. Responsible for industrial relations and negotiations in relation to Authority employees and for the consideration of all proposals:-
 - (i) to amend existing personnel policies;
 - (ii) to introduce any appropriate personnel management techniques;
 - (iii) Relating to the health and safety of employees.
20. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated

10.4 Authority Meetings

There are three types of Authority meetings:

- (1) The Annual Meeting
- (2) Ordinary meetings
- (3) Extraordinary meetings

In addition there are meetings of Sub Committees and Scrutiny Panels (the latter of which are also Sub Committees of the Authority).

These meetings will be conducted in accordance with the Authority's standing order/procedural rules.

10.5 Chairing the Authority

10.5.1 Electing the Chair and Vice Chair of the Authority

The Chair and Vice Chair of the Authority will be elected by the Members at the Annual Meeting.

10.5.2 Roles and Responsibilities of the Chair and in his absence the Vice Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the standing orders and procedural rules of the Authority as set out in Procedural Standing Orders. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2 of this constitution.

10.6 Quorum

At least 5 (five) voting Members present.

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ARTICLE 11 - THE EXECUTIVE LEADERSHIP BOARD

11.1 Terms of Reference

1. Develop the strategic vision and instigate future plans/targets for the Authority.
2. Develop new strategies for policies or changes in policy relating to the development and delivery of services appropriate to this Board.
3. Assist in Formulation of the Communications / Consultation policies and oversee the Communications / Consultation activities of the Authority;
4. Consider invitations received to attend conferences and seminars;
5. Establish guidelines to assist in the response of the Authority to, and its representation at, such conferences and seminars; and
6. Consider reports detailing the merits of particular conferences and seminars from the Members and/or officers who have attended;
7. Determine applications for early retirement under the provision of such Early Retirement Scheme(s) as may be adopted by the Authority and all matters arising in connection therewith;
8. Consider recommendations of the Consultation and Negotiation Committee; (also under Authority)
9. To contribute towards the overall savings target of the Authority, through the regular scrutiny of expenditure and other budget related issues;
10. To propose, explore and consider options for the generation of additional income from other avenues;
11. To provide an opportunity for Members to gain a thorough knowledge and understanding of financial issues prior to the formal approval of finance related Reports;
12. To consider the value for money implications of Authority decisions;
13. Refer any matter to the Authority or a Committee/Sub Committee/Panel of the Authority.
14. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

11.2 Membership

Membership of ELB shall be confined to the Chair, Vice Chairs and Party Group Leaders of the Authority.

11.3 Meetings

Shall be held in private – this is not a decision making.

11.4 Quorum

One Member of each Political Party.

DRAFT

ARTICLE 12 – THE STRATEGIC ASSETS COMMITTEE

12.1 Terms of Reference

1. Determine new policies or changes in policy relating to the development and delivery of services appropriate to this Committee.
2. Convene any Working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee.
3. Consider and if appropriate, determine any other matters, which may be referred to the Committee by the Authority or the Executive Leadership Board.
4. Consider any matter which requires a decision by the Authority which cannot await its next meeting.
5. Consider all matters related to the management of the Authority's assets including buildings, land, ICT and other assets.
6. Oversee the Authority's procurement strategy including potential for commissioning services.
7. Consider all matters related to the delivery of the North West PFI Project including scrutiny of decisions taken in relation to the project by the project board.
8. Contribute towards the overall savings target of the Authority, through the regular scrutiny of expenditure and other budget related issues.
9. Exercise financial control over expenditure within the approved revenue budgets and capital programme of the Authority.
10. Establish and direct procedures for the implementation, monitoring and amendment of the revenue budget and capital programme.
11. Consider recommendations to incur expenditure on the capital account.
12. Consider recommendations for supplementary estimates within available resources.
13. Consider proposals to exercise virement between lines within the approved budget.
14. Consider policies for the raising and investment of funds.
15. Consider proposals for awards of contracts.
16. Consider proposals involving the increasing or reduction of income including the writing off of monies owed to the Authority.

17. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

12.2 Membership

9 voting Members of the Authority according to political proportionality.

12.3 Quorum

5 voting Members.

DRAFT

ARTICLE 13 – THE COMMUNITY PROTECTION COMMITTEE

13.1 Terms of Reference

1. Determine new policies or changes in policy relating to the development and delivery of services appropriate to this Committee.
2. Consider all matters related to the delivery of services to the diverse communities of Merseyside, and the development, promotion and delivery of a co-ordinated strategy for developing and maintaining safer communities.

To include matters relating to:

Safer and Healthier Communities, Emergency response, Reduction in fires, deaths and injuries, Reduction in Road Traffic Collisions, Community Cohesion, **Health Inequalities** and Youth engagement.

3. Consider all matters relating to involvement with and delivery of Local Area Agreements.
4. Consider and make decisions in relation to the IRMP.
5. Consider all matters related to the Civil Contingencies function of the Authority.
6. Consider the opportunities for and delivery of shared services in partnership with district councils and other agencies.
7. Consider all matters related to the Regional Management Board (RMB) and decisions taken by the RMB.
8. Consider all matters relating to involvement with and delivery of services delivered jointly by the NW Fire and Rescue Services.
9. Consider all matters related to the delivery of the Regional Control project including scrutiny of decisions taken in relation to the project by the project board.
10. Consider all matters relating to Fire Safety Legislation.
11. To consider all matters relating to the development of the City Region/Mersey region agenda.
12. Consider any matters relating to the provision of services to the diverse communities of Merseyside.
13. Convene any Working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee.
14. Consider and if appropriate, determine any other matters, which may be referred to the Committee by the Authority or the Executive Board.

15. Consider any matter which requires a decision by the Authority which cannot await its next meeting.
16. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

13.2 Membership

9 voting Members of the Authority according to political proportionality.

13.3 Quorum

5 voting Members.

DRAFT

ARTICLE 14 - ASSET MANAGEMENT SCRUTINY PANEL

14.1 Terms of Reference

Within a planned forward programme of work to:

1. Undertake general reviews of the Services relevant to this Panel with a cross-cutting planned approach and assist in the development of future policies and strategies.
2. To undertake specific reviews of the organisation and service provision relevant to this Panel and where relevant make decisions to improve service delivery.
3. Scrutinise decisions relevant to this Panel after implementation to examine their effect and outcomes.
4. Scrutinise and monitor the performance of the services relevant to the Panel and make recommendations, as appropriate, to the Strategic Assets Committee and/or the Authority.
5. Refer to the Fire Authority or the Strategic Assets Committee any matter which following scrutiny should be brought to the attention of the Authority or Committee.
6. If requested, offer any views or advice to the Strategic Assets Committee on any matter.
7. In performing its role the Committee may wish to consult and involve the local community and other local public, private and voluntary bodies or organisations/stakeholders.
8. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

14.2 Membership

5 voting Members of the Authority according to political proportionality.

14.3 Quorum

2 voting Members.

ARTICLE 15 - AUDIT COMMITTEE & VALUE FOR MONEY SCRUTINY PANEL

15.1 Terms of Reference

Within a planned forward programme of work to:

1. Scrutinise reports referred from the Authority or any of its Committees in relation to Value for Money issues.
2. Receive reports on complaints and compliments and refer any issues to the relevant Scrutiny Panel for scrutiny of any recommendations to ensure improved outcomes for the community.
3. Scrutinise relevant qualitative and quantitative performance indicators.
4. Refer, to the Fire Authority any matter which following scrutiny should be brought to the attention of the Authority.
5. If requested, offer any views or advice to the Strategic Assets Committee on any matter.
6. Receive reports from the Treasurer and where appropriate, the Monitoring Officer, on the efficiency and effectiveness of internal control processes, including probity and to receive Internal Audit reports in this respect.
7. To ensure that an effective interface is in place with external accreditation bodies.
8. Liaise with the Audit Commission over the appointment of the external auditor.
9. Comment on the scope and depth of external audit work and ensure it gives value for money.
10. Commission work and receive reports from external and internal auditors.
11. To consider in detail the recommendations of the external auditor's annual letter and other relevant audit reports.
12. Agree the annual internal audit programme, to receive reports and monitor against agreed progress.
13. Consider the summary of internal audit activity and the level of assurance it can give to the Authority's corporate governance arrangements.

14. In performing its role the Committee may wish to consult and involve the local community and other local public, private and voluntary bodies or organisations/stakeholders.
15. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

15.2 Membership

5 voting Members of the Authority according to political proportionality.

15.3 Quorum

2 voting Members.

DRAFT

ARTICLE 16 - THE COMMUNITY SAFETY SCRUTINY PANEL

16.1 Terms of Reference

Within a planned forward programme of work to:

1. Undertake general reviews of the Services relevant to this Panel with a cross-cutting planned approach and to assist in the development of future policies and strategies.
2. To undertake specific reviews of the organisation and service provision relevant to this Panel and where relevant make decisions to improve service delivery.
3. Scrutinise decisions relevant to this Panel after implementation to examine their effect and outcomes.
4. Scrutinise and monitor the performance of the services relevant to the Panel and make recommendations, as appropriate, to the Community Protection Committee and/or the Authority.
5. Refer to the Fire Authority or the Community Protection Committee any matter which following scrutiny should be brought to the attention of the Authority or Committee.
6. If requested, offer any views or advice to the Community Protection Committee on any matter.
7. In performing its role the Committee may wish to consult and involve the local community and other local public, private and voluntary bodies or organisations/stakeholders.
8. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

16.2 Electing the Chair and Vice Chair of the Authority

The Chair and Vice Chair of the Authority will be elected by the Memberse at the Annual Meeting.

16.3 Roles and Responsibilities of the Chair and in his absence the Vice Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the standing orders and procedural rules of the Authority as set out in Procedural Standing Orders. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2 of this constitution.

ARTICLE 17 - THE IRMP SCRUTINY PANEL

17.1 Terms of Reference

Within a planned forward programme of work to:

1. Undertake general reviews of the Services relevant to this Panel with a cross-cutting planned approach.
2. Assist in development of the IRMP and Corporate Plan.
3. Scrutinise progress against the IRMP and Corporate Plan in particular to deliver improved outcomes.
4. To undertake specific reviews of the organisation and service provision relevant to this Panel and where relevant make decisions to improve service delivery.
5. Refer to the Fire Authority or the Community Safety Committee (as appropriate) any matter which following scrutiny should be brought to the attention of the Authority or Committee.
6. If requested, offer any views or advice to the Community Safety Committee on any matter.
7. In performing its role the Committee may wish to consult and involve the local community and other local public, private and voluntary bodies or organisations/stakeholders.
8. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

ARTICLE 18 - THE STANDARDS COMMITTEE (AND ITS SUB COMMITTEES)

18.1 Terms of Reference

1. To promote and maintain high standards of conduct by the Elected and Co-opted Members of the Authority.
2. To assist Elected and Co-opted Members of the Authority to observe the Authority's Code of Conduct applicable to such persons ("the Code of Conduct").
3. To advise the Authority on the adoption or revision of the Code of Conduct.
4. To monitor the operation of The Code of Conduct.
5. To be responsible for advising, training or arranging to train Elected and Co-opted Members of the Authority on matters relating to The Code of Conduct and the ethical framework.
6. To consider (and where appropriate to adjudicate upon) any matter referred or notified to the Standards Committee by the Monitoring Officer; or Ethical Standards Officer; a Local Commissioner First Tier Tribunal or any other person.
7. To take action prescribed or permitted by law in respect of findings of failure to comply with The Code of Conduct on the part of Elected and Co-opted Members of the Authority.
8. To implement decisions of the First Tier Tribunal that Elected or Co-opted Members of the Authority should be suspended or partially suspended for the period and in the way such tribunal has decided.
9. To consider guidance issued by the Standards Board on matters relating to conduct of Members.
10. To consider recommendations of the First Tier Tribunal relating to the exercise of the Authority's functions, the Authority's Code of Conduct or the Authority's Standards Committee and to authorise the submission of reports to the Standards Board in response to such recommendations.
11. To consider and grant if appropriate applications by Members having prejudicial interests in any matters for dispensation from the requirement to withdraw from the room while a meeting is being held when such matter is being considered.
12. To make recommendations to the Authority as to Members Allowances.
13. Grant exemptions for politically restricted posts.

14. Monitor the effectiveness of the Member/Officer Protocol, the Register of Members' Interests, procedures for complaint assessment, investigation and hearings and all documents associated with the Code of Conduct.
15. Comment upon any review of the Authority's Constitution in particular with regard to ethical governance.
16. In making decisions the Standards Committee and its Sub committees should have full regard to the Authority's public equality duties and its duties under Health & Safety, Environmental and other legislation.

Terms of Reference - Standards (Initial Assessments) Sub Committee

1. To undertake an initial assessment of allegations of breaches of the Authority's Code of Conduct by Elected and Co-opted Members appointed to the Authority.
2. To decide whether the allegation should be:-
 - (a) Referred to the Standards Board (e.g. in serious cases).
 - (b) Referred to the Monitoring Officer for investigation.
 - (c) Referred to the Monitoring Officer of another authority for investigation.
 - (d) The subject of no further action.
3. To consider and/or determine any other matters referred to it by the Standards Committee.

Terms of Reference - Standards (Review Of Initial Assessments) Sub Committee

1. To undertake a review of the decision of the Standards (Initial Assessments) Sub Committee in respect of allegations of breaches of the Authority's Code of Conduct by Elected and Co-opted Members appointed to the Authority following a request for review of that decision.
2. To decide whether the allegations should be:-
 - (a) Referred to the Standards Board (e.g. in serious cases).
 - (b) Referred to the Monitoring Officer for investigations.
 - (c) Referred to the Monitoring Officer of another authority for investigation.
 - (d) The subject of no further action.

3. To consider and/or determine any other matter referred to it by the Standards Committee.

Membership

The Standards Committee comprises 5 Elected Members and three Independent Members. The Committee is chaired by an Independent Member is chaired by an Independent Member (Sub Committees must also be chaired by an Independent Member).

Quorum

2 Elected Members and 2 Independent Members (Sub Committees 2 Elected Members and 1 Independent Member).

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ARTICLE 19 - THE APPEALS COMMITTEE

Terms of Reference

1. To consider and determine appeals of employees to whom the Grey Book applies, against dismissal in respect of the Authority agreed discipline procedure.
2. To consider and determine all requests for reconsideration of cases under the Firefighters' Pension Scheme for the time being in force.
3. To consider grievances appeals as identified in the Authority Agreed Grievance Procedure.
4. Consider whether to assent to applications for licences for manufacture/storage of explosives made to the Health & Safety Executive, and referred to the Authority by the Health & Safety Executive where objections have been received to the application.
5. Consider applications for registration of storage of explosives, licences for storage of explosives, variation of such licences, and relocation of licences and registrations which are referred to the Committee by the Chief Executive and Chief Fire Officer.
6. Consider and, if appropriate, determine any other matters which may be referred to the Committee by the Authority or the Executive Leadership Board.
7. In making decisions to have full regard to the Authorities public equality duties and its duties under Health & Safety & Environmental and other legislated.

19.2 Membership

Chair of the Authority, Vice Chairs and Party Group Leaders.

19.3 Quorum

At least one Member from each political party.

ARTICLE 20 - THE APPOINTMENTS COMMITTEE

20.1 Terms of Reference

1. To consider and determine for appointment to the posts and offices of the Chief Executive & Chief Fire Officer, Deputy Chief Executive & Deputy Chief Fire Officer, Assistant Chief Fire Officer, Assistant Chief Executive & Treasurer, Chief Finance Officer, Monitoring Officer and any other posts referred to the committee for consideration.
2. To make appointments to the above posts on behalf of the Authority.
3. To consider and, if appropriate, determine any other matters which may be referred to the Committee by the Authority or the Management Board

20.2 Membership

The Chairs and Vice Chairs of the Authority, Party Group Leaders.

20.3 Quorum

At least one Member from each political party to include either the Chair of the Authority or at least one of the Vice Chairs of the Authority.

ARTICLE 21 - MEMBER DEVELOPMENT GROUP

21.1 Terms of Reference

1. To promote the continuous development of Members of the Authority in a manner that will increase their capacity still further to meet the Authority's vision and objectives.
2. To consider proposals and options for arrangements in respect of Members training and development and from time to time to make recommendations to the Authority.
3. To monitor from time to time the existing arrangements for Members training and development and identify any relevant issues and report to the Authority.
4. To liaise with the Authority's officers responsible for devising and implementing training and development for employees, with a view to promoting integration and avoiding duplication where appropriate.

21.2 Membership

- 1 Elected Member from each political group.

21.3 Quorum

As this is a working group there is no quorum, however there requires at least one Member.

ARTICLE 22 - CONSULTATION & NEGOTIATION COMMITTEE

Terms Of Reference

22.1 Membership:

4 Elected Members of the Authority

22.2 Function of the Committee

To contribute to good employee relations and effective industrial relations by maintaining an overview of consultation, negotiation and communication matters and help resolve differences in line with the procedures detailed below.

22.3 Regular Industrial Relations Progress Reports*

1. The Committee will receive regular and systematic progress reports so Members can:
 - 1.1 satisfy themselves that all parties are committed to good industrial relations and be informed of issues that may formally involve the CNC in the future.
 - 1.2 be in a more informed position when related issues are raised at the various Authority meetings.

22.4 *For the sake of clarity, these progress reports will not require Members to become involved in detailed discussion or negotiation at this time but rather be able to assess the progress of the relevant consultation/negotiation. This is distinct from their role as a committee when asked to make a decision on a matter that is unable to be resolved at joint secretary level and been referred to the CNC within the Authority's agreed procedures. The Clerk to the Authority will be available for advice if necessary.

22.5 Consultation Procedures

1. The Committee will convene at the request of, and with the agreement of the Employers and Trade Union Local Joint Secretaries as part of the Authority's consultation procedures.
2. The Committee will consider (as part of a consultation process) matters referred to it that do not require collective agreement, (for example those issues described in the European Union Information and Consultation Directive).

3. Consultation will be undertaken through the Committee with a view to resolving differences and reaching agreement between management and representative trade unions that may arise from time to time. To this end, the Committee will give consideration to all issues raised with them and will give reasons when it is unable to recommend any proposals put forward by the relevant trade unions for agreement.
4. The Committee will make recommendations to the Strategic Assets Committee or the Authority as to the issues considered by the Committee.

22.6 Negotiation Procedures

1. The Committee will convene at the request of, and with the agreement of the employers and trade union Local Joint Secretaries as part of the Authority's negotiation procedures.
2. The Committee will consider matters that are the subject of collective negotiation and agreement between the Authority and the relevant trade union, and which have been referred to the Committee by the Local Joint Secretaries.
3. Negotiations will be undertaken through the Committee, with a view to reaching agreement. Where agreement is reached between the parties, then this will be recorded through an appropriate Collective Agreement, and the Strategic Assets Committee (or the authority) will be informed of such agreement. Where agreement is not reached between the parties on an issue considered by the Committee, then the Committee will notify the Strategic Assets Committee (or the Authority) of its recommendations.

22.7 General

1. This Committee will oversee the Authority Communication and Consultation Strategy and receive related reports.
2. The Committee will additionally be convened to consider any other matters as may be referred to it by the Authority to fulfil, (without prejudice to the normal consultation and negotiation procedures), a conciliatory role in the interests of continued good industrial relations.

ARTICLE 23 - SCHEME OF DELEGATION TO OFFICERS

This scheme grants powers to Officers to exercise powers and carry out duties of the Authority under various Statutes, Orders, Regulations and Byelaws and at Common Law.

1. Conditions of Delegations

- 1.1** It is the duty of Officers to whom the exercise of powers is delegated to keep Members of the Authority informed of activity arising within the scope of the delegated powers given to them.
- 1.2** In exercising delegated powers, Officers shall consult with each other as appropriate in the circumstances, and shall have regard to any advice given.
- 1.3** It shall always be open to an Officer to seek authority or guidance from the Authority (particularly Statutory Officers) and to elect not to exercise delegated powers; or to consult with Members on the exercise of delegated powers.
- 1.4** The exercise of delegated powers by an Officer shall be in accordance with :-
 - (a) The policies of the Authority and their decisions from time to time.
 - (b) The Authority's Standing Orders and Financial Regulations.

2. Powers not to be Delegated

- 2.1** This Scheme does not delegate:-
 - (a) Any matter reserved to the Authority.
 - (b) Any matter which may, by law, not be delegated to an Officer.

Powers should not be delegated:

- 2.2** Where to do so would effectively result in the Officer making a decision reviewing their own decision in relation to pension and disciplinary matters.
- 2.3** Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force;

- 2.4 In respect of action constituting the grant of an exemption under Contract Standing Orders, or the award of a Contract the value of which exceeds £250,000.
- 2.5 In respect of action constituting the entering into of sponsorship arrangements, the value of which exceeds £25,000.
- 2.6 In respect of action constituting the appointment or dismissal of the Chief Executive & Chief Fire Officer, the Deputy Chief Executive & Deputy Chief Fire Officer, the Assistant Chief Fire Officer, the Assistant Chief Executive & Treasurer or the Monitoring Officer.
- 2.7 Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the Officer proposing to exercise delegated powers is responsible.
- 2.8 Where to do so would result in expenditure entailing the virement of sums totalling in excess of £50,000 from one budget line approved by the Authority to another budget line.
- 2.9 Where to do so would result in the Authority incurring expenditure on hospitality in excess of £800 on any occasion or in breach of any guidance issued by the Authority.
- 2.10 No Officer other than the Assistant Chief Executive & Treasurer shall have the power to write off debts due to the Authority or equipment or other assets held by the Authority. The Assistant Chief Executive & Treasurer shall have power to write off debts and assets up to the value of £5000 but shall exercise such power only if satisfied that:-
- (a) It would not be cost effective to expend additional resources to recover the amounts owed, or
 - (b) Every reasonable effort has been made to recover the amounts due, and further action is likely to damage the reputation of the Authority, or
 - (c) The debt is legally irrecoverable, and
 - (d) That the Authority has not reserved such a decision to itself.
- 2.11 The term "Officer" means the holder of a post named as having delegated powers or duties under this scheme.

- 3. Delegations to the Chief Executive & Chief Fire Officer**
(and in their absence the Deputy Chief Executive & Deputy Chief Fire Officer) who may further delegate to any member of either the Executive Leadership Team or the Corporate Leadership Team as appropriate.

- 3.1** To make a formal response on behalf of the Local Authority to any White Paper, Green Paper, Government Consultation Paper or Draft European Union Directive without reference first to the Authority, when the timescale does not allow, after consultation with the Chair and Vice Chairs of the Authority and each of the Party Group Leaders.
- 3.2** To control all matters of the day to day administration of the Fire & Rescue Service which shall include taking and implementing decisions that are:-
- (a) Concerned with maintaining the operational effectiveness of the Service,
 - (b) Matters incidental to the discharge of the Authority's functions which fall within a policy decision taken by the Authority.
- 3.3** To make, issue and serve such Notices, Orders, Statements and other documents as may be necessary or appropriate for the above purposes (3.2) or to give effect to, or carry out any decision of him/her under powers delegated to him/her under this scheme.
- 3.4** To submit comments on any town & country planning matter, Building Regulations, Safety of Sports Grounds and other applications or licenses, where the Authority is a consultee, statutory or otherwise.
- 3.5** To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular:-
- 3.5.1.** Authorise the commencement of criminal proceedings (after consultation with the Clerk to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.
 - 3.5.2.** Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.
 - 3.5.3.** Designate persons as Inspectors under Article 26 of the Fire Safety Order and the Health and Safety at Work Act 1974.
 - 3.5.4.** Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order.
- 3.6** To ensure that nationally and locally agreed conditions of service are properly implemented.

- 3.7 After consultation with the Treasurer to authorise the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
- 3.8 To manage all staff, staffing structures and decide on personnel issues in line with agreed Authority policies.
- 3.9 To vary the grading of individual non-uniformed posts up to (but not including) Assistant Chief Fire Officer (including progression within and between grades), having regard to the national Job Evaluation Scheme and in consultation with the relevant trade union(s).
- 3.10 To make and terminate appointments of uniformed and non uniformed staff up to (but not including) those posts to be made/terminated by the Appointments Committee.
- 3.11 To ensure that the Fire Authority's disciplinary policy and procedures, based on the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, are properly applied and enforced.
- 3.12 To hear disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.
- 3.13 To manage and maintain land and properly daily, whether owned or leased.
- 3.14 To deal with any urgent matters, not otherwise delegated, in consultation with the Treasurer, Clerk, Chair and Vice Chairs.
- 3.15 To provide a strategic lead in promoting and maintaining the Service's commitment to Equality and Diversity, Environmental issues and Health and Safety, through the Executive Leadership Team.

4. Delegations to the Clerk to the Authority (Director of Legal Services/Monitoring Officer)

- 4.1 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the Authority and incur expenditure in connection therewith.
- 4.2 To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-
 - (a) Secure the payment of any debt;
 - (b) Recover possession of any land;

- (c) Enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgement or order obtained in any such proceedings after consultation with the Chair of the Authority;
 - (d) Sign or affix the Authority's seal to documents necessary to give effect to property matters dealt with pursuant to these delegated powers.
- 4.3** To enter a defence to any claim brought against the Authority.
- 4.4** To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its committees or Officers in pursuance of delegated powers, except where another Officer has been authorised to take such action or the Clerk has authorised him/her to do so.
- 4.5** To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.
- 4.6** The above powers may be delegated to the Deputy Clerk by the Monitoring Officer/Clerk to the Authority.

5. Delegations to the Authority Treasurer (Assistant Chief Executive & Treasurer)

- 5.1** To undertake all matters of day-to-day financial administration for the Service, in accordance with the Standing Orders and Financial Regulations of the Authority.
- 5.2** In agreement with the Chief Fire Officer, and after consultation with the Chair and Vice Chair, in cases of urgency to approve virement, within revenue and capital budgets not otherwise covered by the Treasurer's delegated authority. Action taken under this delegation must be reported to the next meeting of the Authority.
- 5.3** To approve supplementary revenue votes for items which are of a formal unavoidable or relatively small amount and which are not inconsistent with approved budgetary policy, and which:-
- (a) Result from pay awards or price increases not taken into account in approve budgets;
 - (b) Result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives;

- (c) Relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, owing to delays in delivery or execution, have to be accounted for in the following year. (It is implicit that the original budgetary provision should remain unspent at the end of the year of provision);
- (d) Are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved budgets;
- (e) Do not exceed £10,000 in total for any one purpose and do not entail significant expenditure in subsequent years.

5.4 Virement (i.e. the transfer of sums approved for a specified purpose to another purpose) may be authorised by the Treasurer in accordance with Financial Standing Orders provided:-

- (a) there are no greater consequential revenue effects in later years;
- (b) the proposals are not inconsistent with approved budgetary policy and the overall budget situation;
- (c) that it does not involve the transfer of sums between budget lines where the activities in one of the areas is outside the control of the Authority;
- (d) that it does not involve the transfer of sums to the appointment of staff or other purpose which will commit the Authority to a significant additional level of expenditure in future years or which will initiate new policies or the extension of existing policies.

5.5 Supplementary Capital Budgets

5.5.1. To approve supplementary capital budgets subject to the limitations set out in the Financial Standing Orders

6. Inspectors

6.1 Officers appointed as Inspectors under the Health & Safety At Work Act 1974, shall have the powers of an Inspector specified in the following statutory provisions or any statutory amendments or re-enactments thereof:-

6.1.1. Sections 1, 20, 21, 22, 25 and 39 of the 1974 Act

6.1.2. Any Health and Safety regulations; and

6.1.3. the provisions of the Acts mentioned in Schedule 1 to the 1974 Act, which are specified in the third column of that Schedule and of the Regulations, Orders and other instruments of a legislative character made or having effect under any provision so specified.

6.2 Officers appointed as Inspectors under the Regulatory Reform (Fire Safety) Order 2005 or any statutory amendment or re-enactment thereof, shall have:-

- (a) the powers of an Inspector, specified in Regulation 27 of that Order, and
- (b) powers to issue and serve alteration notices, enforcement notices, prohibition notices and notices relating to switches for luminous tube signs under that Order;
- (c) The power to take any other action relating to the Authority's role as enforcing authority in respect of that Order.

7. Litigation Officer

7.1 The Litigation Officer shall have power to take all action on behalf of the Authority in respect of claims by or against the Authority where the Authority is insured in respect of such claims subject:-

- (a) to the Litigation Officer consulting with the Chief Fire Officer(or the Deputy Chief Fire Officer in his absence) if practicably possible;
- (b) in the case of claims against the Authority to sufficient budgetary provision being available;
- (c) to the terms of any settlement complying with the recommendations of the Solicitor acting for Authority's insurer;
- (d) to the Litigation Officer reporting to the Chief Fire Officer in writing within a reasonable time of the exercise of this power; and
- (e) to the delegated power being limited to settlement of claims by or against the Authority up to a maximum of £200 00.

8. Directors

8.1 Officers appointed to posts at Director level for the time being of the Authority shall have all of the powers set out in paragraph 3 above subject to:-

- 8.1.1. Appropriate delegation by the Chief/Deputy Chief Fire Officer.
- 8.1.2. The restrictions set out in paragraph 1 above, and
- 8.1.3. The matter of the exercise of delegated powers being within the role and area of responsibility of that Director.

- 8.2** Directors shall have the responsibility for ensuring, within their area of responsibility, compliance with and promotion of powers and duty under Health & safety, Equality and Diversity and Environmental Legislation and for guidance from to time in force.

9. All Operational Firefighting Employees

- 9.1** All employees of the Authority who are, for the time being appointed as Operational Firefighters from the role of Firefighter to the role of Chief Fire Officer/Brigade manager, are authorised for the purposes of:-

- (a) S.44 of the Fire & Rescue Services Act 2004 (Powers in the event of an Emergency); and
- (b) S.45 of the 2004 ct (Powers of Entry)
- (c) Any statutory amendment or re-enactment of the above provisions.

10. All Employees

Shall have the responsibility to ensure their own and others' health and safety under the Health & Safety Act 1974 and shall ensure that they are conversant with, understand and are committed to the policies of the Authority in relation to Health & Safety, Equality & Diversity and Environmental matters.

11. Interpretation

- 11.1** In this scheme, the powers of the Chair may, in the absence or unavailability of the Chair be exercised by the Vice Chair.

- 11.2** Any reference in this scheme to any enactment shall be deemed to include a reference to any statute incorporated therewith or any Statutory Instrument, Order in Council Bylaws or other Order made there under and any enactment repealing, amending or extending the provision thereof. Any reference to the Authority shall, where the sense allows, be deemed to include references to a Committee.

ARTICLE 24 - PROCEDURAL STANDING ORDERS

PART 4

PROCEDURE RULES

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PROCEDURAL STANDING ORDERS

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PART 1: PRELIMINARY

STANDING ORDER 1: DEFINITIONS

- 1.1. In these standing orders, unless the context otherwise demands, the following terms have the meaning assigned to them:
- 1.1:1 "Authority" - the Merseyside Fire and Rescue Authority;
 - 1.1:2.1 "Chief Officer" - the Chief Executive & Chief Fire Officer for the time being employed by the Authority;
 - 1.1:2.2 "Chief Finance Officer" – the officer appointed as having the responsibility for the proper administration of the Authority's affairs pursuant to s.151 of the Local Government Housing Act 1989 ("the 1989 Act").
 - 1.1:2.3 "Monitoring Officer" – the officer appointed as Monitoring Officer to the Authority pursuant to s. 5 of the 1989 Act.
 - 1.1:3 "Committee" - a Committee or Sub-Committee of the Authority;
 - 1.1:4 "Employee" - an employee of the Authority or the holder of a paid office under the Authority other than the Chairman and Vice-Chairman;
 - 1.1:5 "Meeting" - a meeting of the Authority, a Committee or a Sub-Committee, as the case may be;
 - 1.1:6 "Member" - in relation to the Authority, a Member appointed as a Member of the Authority and in relation to any committee or Sub-Committee a person appointed as a Member of that Committee or Sub-Committee;
 - 1.1:7 "Independent Member" – a Member appointed by the Authority pursuant to the Standards Committee (England) Regulations 2008;
 - 1.1:8 "Number of Members" - in relation to the Authority, the number of persons who may act at the time in question as voting Members of the Authority, and in relation to a Committee or Sub-Committee, the number of persons who may act at the time in question as voting members of that body;
 - 1.1:9 "Person Presiding" - the person entitled, or appointed, to preside at any Meeting;
 - 1.1:10 "Political Group" - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;

- 1.1:11 "Proper Officer" - for the purposes of all Standing Orders means the Monitoring Officer and for the purposes of Standing Order 29 includes the additional persons specified therein;
 - 1.1:12 "Standing Orders" - means Procedural Standing Orders and Contract Standing Orders unless otherwise stated;
 - 1.1:13 "Sub-Committee" - a Sub Committee of a Committee;
 - 1.1:14 "The 1972 Act" - the Local Government Act 1972;
 - 1.1:15 "The 1985 Act" the Local Government Act 1985;
 - 1.1:16 "The 1989 Act" - the Local Government and Housing Act 1989;
 - 1.1:17 "Without Comment" - in relation to the moving, seconding or putting of a motion, means without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.
- 1.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular and references to the male gender includes reference to the female gender.
- 1.3 Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that standing order bearing that number.

STANDING ORDER 2: STANDING ORDERS

- 2.1 The Authority shall approve Procedural Standing Orders and Contract Standing Orders at its annual Meeting.
- 2.2 No arrangements shall be made whereby a Committee, Sub-Committee or officer may exercise any power of the Authority to vary, revoke or add to these Standing Orders.
- 2.3 Except where it is in accordance with a recommendation of a Committee, any motion to amend, revoke or add to these Standing Orders, when moved and seconded, shall stand adjourned without further discussion to the next ordinary meeting of the Authority, and shall stand referred to such Committee as the Authority shall direct for report to that Meeting.
- 2.4 This Standing Order and Procedural Standing Order 18.1 (Minutes), are not capable of being suspended.

- 2.5 Any of Procedural Standing Orders 4, (Meetings) 7.3 (Order of Business), 8.1 (Notice of Motion), 12.5, 12.6 and 12.7 (Requisition of Meeting), 15 (Order of Business) and 17.1 and 17.2 (Referring up) may be suspended by the Authority but only if:
- 2.5:1 notice of the intention to move such suspension has been included in the agenda for the meeting; and
 - 2.5:2 no Member of the Authority present at the meeting at which such a motion is made objects to such suspension.
- 2.6 Any of the other Standing Orders may be suspended by the Authority provided that either:
- 2.6:1 Notice of intention to move such suspension has been included in the agenda for the Meeting; or
 - 2.6:2 At least one half of the Number of Members of the Authority are present.
- 2.7 A suspension under paragraphs 2.5 or 2.6 shall have the effect that the Standing Order suspended is not in force during the period of suspension. A suspension under paragraph 2.5 shall last for the period specified in the resolution to suspend the Standing Order, which shall not extend beyond the next Annual Meeting of the Authority. If no period is specified the suspension shall last only for the Meeting at which it is adopted.
- 2.8 A printed copy of these Standing Orders shall be given to each Member following the Annual Meeting of the Authority, as part of the Constitution of the Authority.
- 2.9 The ruling of the Person Presiding at any Meeting as to the construction or application of any of these Standing Orders shall not be challenged at that Meeting.
- 2.10 Any of the Authority's Contract Standing Orders may be waived or suspended by the Authority or a Committee of the Authority acting with delegated powers provided that such a waiver or suspension shall not release the Authority from its obligation to comply with all statutory and regulatory requirements relating to procurement.

PART 2: MEETINGS OF THE AUTHORITY

STANDING ORDER 3: ORDINARY MEETINGS OF THE AUTHORITY

- 3.1 The Annual Meeting of the Authority shall be held on such date in June to be determined by the Authority which ensures the participation of any new Members who may be appointed by constituent councils in that year and shall take place at Fire Service HQ, Bridle Road, Liverpool at 1.00 p.m. (or such other place and time as determined by the Authority or a Committee of the Authority).
- 3.2 Other ordinary meetings of the Authority for the transaction of general business shall be held at Fire Service HQ, Bridle Road, Liverpool (or at such other place and at such time as determined by the Authority or a Committee of the Authority).
- 3.3 Where it is appropriate to change the date time or place of a Meeting, the Meeting shall take place on such date, place or time as determined by the Member Liaison & Support Manager in consultation with the Chair of the Authority and Opposition Spokespersons.

STANDING ORDER 4: EXTRAORDINARY MEETINGS OF THE AUTHORITY

- 4.1 The Chair of the Authority may at any time call an extraordinary meeting of the Authority.
- 4.2 If the office of Chair is vacant, or if the Chair is unable to act for any reason either of the Vice-Chairs of the Authority may at any time call an extraordinary meeting of the Authority.
- 4.3 Three Members of the Authority may call an extraordinary meeting of the Authority if a request for such a meeting signed by such Members of the Authority has been presented to the Chair of the Authority and either he has refused to call a meeting or, without her/him so refusing, no extraordinary meeting has been called within seven days of the presentation of the request.
- 4.4 Any request under paragraph 4.3. may be presented to the Chair by being left for him/her with the Proper Officer.
- 4.5 Where any person or persons decides to call an extraordinary meeting of the Authority she/he shall inform the Monitoring Officer that she/he has done so, the business to be transacted and the date and time for which the meeting is called. The Monitoring Officer shall thereupon ensure that the notice and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.
- 4.6 Any extraordinary meeting of the Authority which may be called shall be held at Fire Service HQ, Bridle Road, Liverpool or such other place as the Monitoring Officer in consultation with the Chair of the Authority may appoint.

- 4.7 No extraordinary meeting shall be called unless it is proposed to transact at the Meeting business which, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.
- 4.8 Where in relation to any meeting of the Authority the next such meeting is an extraordinary meeting, the next following meeting of the Authority shall be treated as a suitable meeting for the purposes of (signing of minutes).

STANDING ORDER 5: PERSON PRESIDING AT MEETINGS OF THE AUTHORITY

- 5.1 The Person Presiding at the commencement of the Annual Meeting to consider the election of a Chair of the Authority shall be:-
- 5.1:1 The Chair of the Authority for the previous municipal year of the Authority; or
 - 5.1:2 If she/he is absent or unable to act the Vice Chair of the Authority for the previous municipal year of the Authority; or
 - 5.1:3 If she/he is absent or unable to act such Member as is appointed by the Authority.
- 5.2 Thereafter the Person Presiding at meetings of the Authority shall be:
- 5.2:1 The Chair of the Authority; or
 - 5.2:2 In the absence of the Chair of the Authority, the Vice Chair of the Authority; or
 - 5.2:3 In the absence of the Vice Chair of the Authority and the Chair of the Authority a Member of the Authority appointed by the Authority.
- 5.3 If it is necessary to choose a member of the Authority to preside in the absence of the Chair and Vice Chair, the Proper Officer shall call on a Member of the Authority to move that a Member of the Authority be named by that Member shall take the chair.
- 5.4 If discussion arises on that motion, the Proper Officer shall exercise the powers of the Person Presiding to regulate that discussions, and to maintain order at the meeting.
- 5.5 The motion, and any amendments, shall be put to the Meeting in accordance with standing order 22. 5 (voting on appointments).

STANDING ORDER 6: QUORUM OF MEETINGS OF THE AUTHORITY

- 6.1 No business shall be transacted at any meeting of the Full Authority unless at least five voting Members are present. (Standing Order 14 deals with the Quorum of Committee, Sub Committee and Panel meetings.)
- 6.2 If, during any meeting of the Authority, the Person Presiding, after causing the number of Members present to be counted, declares that there is not a quorum present, the Meeting shall stand adjourned for fifteen minutes.
- 6.3 If, after fifteen minutes, the Person Presiding after again causing the number of Members present to be counted, declares that there is still no quorum present, the Meeting shall end.
- 6.4 Notwithstanding any provision in these Standing Orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Authority, whether ordinary or extraordinary.

STANDING ORDER 7: ORDER OF BUSINESS AT MEETING OF THE AUTHORITY

- 7.1 Unless the Authority otherwise orders in accordance with Standing Order 7.3, the order of business at every meeting of the Authority shall be:-
 - 7.1:1 In the absence of the Chair and Vice Chair, to choose a Member of the Authority to preside;
 - 7.1:2 at the Annual Meeting, and at any other Meeting which is the first after the office of Chair shall have become vacant, to elect a Chair;
 - 7.1:3 at the Annual Meeting, and at any other Meeting which is the first after the office of Vice Chair shall have become vacant, to appoint a Vice Chair;
 - 7.1:4 to approve as a correct record the minutes of the last meeting of the Authority, and of any earlier Meeting of which the minutes have not been so approved, and for the Person Presiding to sign them; unless the minutes of all earlier meetings of the Authority have already been signed as a correct record, or in accordance with Standing Order 18, any unsigned minutes are to stand over until the next suitable Meeting;
 - 7.1:5 to consider declarations of interests by Members;
 - 7.1:6 to receive communications from the Person Presiding;

- 7.1:7 where the meeting has been requisitioned by Members under Standing Order 4.3, to consider the business specified in the Summons;
 - 7.1:8 where a Meeting has been summoned to consider:
 - 7.1:8.1 the promotion or opposition of a bill under section 239 of the 1972 Act;
 - 7.1:8.2 a report from the Chief Financial Officer under section 114 of the Local Government Finance Act 1988;
 - 7.1:8.3 a report of the Monitoring Officer under section 5 of the 1989 Act,

to consider the business for which the meeting has been summoned;
 - 7.1:9 To receive petitions for Members of the Authority;
 - 7.1:10 The asking and answering of questions under Standing Order 9;
 - 7.1:11 To consider items of business, if any, which were on the agenda of Committees in the order prescribed under paragraph 7.2;
 - 7.1:12 To receive and consider reports, minutes and recommendations of Committees in the order prescribed under paragraph 7.2;
 - 7.1:12 To consider motions of which notice has been submitted by Members of the Authority in accordance with Standing Order 8 in the order in which they are recorded as having been resolved;
 - 7.1:13 To consider other business, if any, specified in the summons for the meeting.
- 7.2 The items of business under paragraph 7.1. shall be considered in the order in which they are listed in the agenda for the Meeting, and that order shall be in accordance with arrangements determined from time to time by the Authority.
- 7.3 The order of business in paragraph 7.1 may be varied by direction of the Person Presiding, made with the unanimous consent of the Members present, but not so as to alter the order of items set out in paragraphs 7.1:1 to 7.1:7.
- 7.4 If the Persons Presiding decides that an item of business which has not been included in the agenda for the Meeting sent with the summons, may be taken for reasons of urgency, that item shall subject to any direction or resolution under paragraph 7.3 be taken at the end of the other items of business:

7.5 For the purposes of this Standing Order 7.1:2 and 7.1:3 a vacancy in the office of Chair and Vice Chair shall be deemed to have occurred where the holder of such office:

7.5:1 Has ceased to be a Member of the Authority by reason of termination of appointment;

7.5:2 Has ceased to be a Member of the Authority by reason of ceasing to be a member of the constituent Council at the time of notice to the Authority;

7.5:3 In any other case on the date of the declaration or receipt of the notice or resignation.

STANDING ORDER 8: NOTICES OF MOTIONS TO AUTHORITY

8.1 Any Member of the Authority may give notice of motion for consideration at any Meeting of the Authority.

8.2 Every motion shall be relevant to some matter in relation to which the Authority has a function.

8.3 Notice of every motion to be moved at a meeting of the Authority other than a motion which, (under Standing Order 19), may be moved without notice, shall be given in writing, and signed by the Member or the Members giving notice. The notice shall state for which Meeting of the Authority the notice is given

8.4 Unless the Person Presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the Proper Officer [by hand, fax or e-mail] at least 6 (six) clear working days before the meeting for which the notice is given.

8.5 The Proper Officer shall not accept any notice of motion which, by reason of any enactment or any provision in these standing orders (other than paragraph 8.8 below), could not be considered at the meeting for which it is given.

8.6 The Proper Officer shall record the time and date at which every such notice is delivered to her/him. That record shall be open to the inspection of every Member of the Authority.

8.7 A motion shall only be moved by a Member by whom notice has been given, or by a Member authorised by such a Member.

8.8 Where notice of a motion has been given for any meeting, and that motion is neither moved (nor deemed to have been referred to a Committee), the notice shall lapse, and the motion shall not be moved without further notice.

- 8.9 Subject to Standing Order 8.10 below, where a notice of motion has been given for any meeting of the Authority, and that motion is within the terms of reference of any Committee of the Authority, the motion shall be deemed to have been transferred by that meeting to the next meeting for the Committee or Committees within whose terms of reference it falls. If any question arises as to the Committee to which the motion is to be referred, it shall be determined by the Chair of the Authority.
- 8.10 Where a motion has been referred, or is deemed to have been referred, to a meeting of a Committee, that committee shall consider it at its next meeting and shall either report upon the motion to the next meeting of the Authority, or include its views upon the motion in its next report to the Authority.
- 8.11 No motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the same Authority Municipal Year or which is to the same effect as one which has been rejected within that period.

STANDING ORDERS 9: QUESTIONS

- 9.1 Every question shall be relevant to some matter in relation to which the Authority has functions.
- 9.2 Subject to Standing Order 9.1 if a Member of the Authority wishes to ask a question at a meeting of the Authority of :
- 9.2:1 The Chair of the Authority; or
- 9.2:2 The person appointed or chosen to preside in any committee,
- She/he shall give notice in writing to the Proper Officer of the question at least seven working days before the meeting at which the question is to be asked.
- 9.3 A list of the questions of which notice has been given shall be circulated to Members of the Authority at, or before, the meeting at which they are to be asked.
- 9.4 If the Person Presiding at a meeting of the Authority considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Authority although due notice of the questions has not been given, and if she/he is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, she/he may permit the question to be asked.
- 9.5 Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer it. If the Person Presiding permits, the Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion.

- 9.6 An answer to a question may be given by the person to whom it is addressed or by a person on her/his behalf, and may take the form of:
- 9.6:1 An oral answer;
 - 9.6:2 Reference to information contained in some publication;
 - 9.6:3 Written answer, which shall be circulated to Members of the Authority at the latest with the Summons for the next meeting of the Authority.
- 9.7 No question shall be asked more than 10 minutes after the Authority has entered on the item of business under which questions are asked.
- 9.8 If notice of a question has been given, and that question is not for any reason asked orally, and unless the Member who has notice of it withdraws the question or the Member to whom it is addressed refuses to answer, the question shall be given a written answer in the same way as under paragraph 9.6.3.

STANDING ORDER 10: PRESENTATION OF PETITIONS, HEARING OF DEPUTATIONS AND OCCASIONS WHEN PUBLIC MAY SPEAK

- 10.1 At a meeting of the Authority any Member of the Authority or local government elector for the area of the Authority may present a petition which is relevant to some matter in relation to which the Authority has functions but excluding matters of conditions of service of employees.
- 10.2 At least seven days before the meeting at which the petition is to be presented, the person wishing to present it shall give notice of her/his intention to do so to the Proper Officer and shall show the petition to her/him. Where the person proposing to present the petition is not a Member of the Authority the notice of intention to present a petition shall not be accepted unless the Proper Officer has satisfied herself/himself that the petition is proper to be presented.
- 10.3 The presentation of a petition shall be limited to not more than 5 minutes and shall be confined to reading out or summarising the subject of the petition indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- 10.4 Any person likely to be affected by a matter in relation to which the Authority has functions, (other than employees in relation to matters of conditions of service) may ask that a deputation should be received by a meeting of the Authority. Such a request shall be made to the Proper Officer at least seven days before the meeting to which it relates. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them).

- 10.5 On being called by the Person Presiding, the person or persons speaking for the deputation may make, during a period not exceeding five minutes, such remarks as she/he or they think fit, providing that the remarks shall relate to the matter indicated.
- 10.6 The Members of the Authority may, during a further period not exceeding five minutes for each deputation, ask questions of the members of the deputation. Such questions shall be asked and answered without discussion.
- 10.7 Petitions shall be presented, and deputations received in the order in which notice of them is received by the Proper Officer, without making any distinction between petitions and deputations.
- 10.8 Subject to the provisions of Standing Order 10.1 to 10.7, no members of the public shall be entitled to speak or address a meeting without the permission of the Person Presiding.

PART 3: COMMITTEES AND SUB-COMMITTEES

STANDING ORDER 11: APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- 11.1 Subject to the provisions of the 1972 Act, and other relevant enactments, at its annual meeting, the Authority:
- 11.1:1 Shall resolve which Committees shall be appointed, the terms of reference of each of those Committees, the number of voting Members appointed to each Committee; and whether the Committees are to have delegated powers;
 - 11.1:2 May resolve that non-voting Members, assessors and advisers shall also be appointed to any such Committee, so far as the law permits.
 - 11.1:3 If it resolves to make appointments under Standing Order 11.1:2, shall specify the numbers of appointments to be made and what functions in relation to the Committee each person so appointed may discharge;
 - 11.1:4 May determine an annual timetable for ordinary meetings of Committees.
- 11.2 The Authority may at any time amend resolutions under the previous paragraph.
- 11.3 Every Committee set up under this Standing Order, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Authority or Committee, as the case may be, resolve otherwise.

- 11.4 The Authority may at any time appoint two named alternate Members from within its full Membership as persons – either of whom - are entitled to attend Committees with full voting rights in the absence of the original Member for whom they are named as alternates, subject to the following:
- 11.4:1 An alternate for an original Member who is Chair or Deputy Chair of a Committee or a Sub – Committee shall not automatically be entitled to act in that capacity but may do so in accordance with provisions of Procedural Standing Order 13.4:3.
 - 11.4:2 The agenda for any Meeting shall only be supplied to an alternate Member at the time of initial circulation if prior notice of proposed absence has been received by the Proper Officer from the original Member;
 - 11.4:3 Attendance as an alternate at a Meeting shall be classed as an approved duty;
 - 11.4:4 if as a consequence of the application of this Standing Order a Member is appointed as an alternate Member for more than one original Member on the same Committee or Sub – Committee, she/he shall not be entitled to choose for which absent original Member to act but shall in every case act as alternate for the Member whose surname has alphabetical priority;
 - 11.4:5 Decisions relating to the nomination of alternate Members or variations thereto may be taken by the Authority at any meeting
 - 11.4:6 No alternate may be appointed in respect of the independent Members appointed to the Authority Standards Committee from time to time
- 11.5 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue as such until the appointment is terminated upon:-
- 11.5:1 Receipt of written notification of their resignation from the Authority;
 - 11.5:2 Notification from their nominating Council that she/he is to be replaced or has been disqualified or has retired as a district Councillor;
 - 11.5:3 Failure to be successfully re-elected as a Councillor;
 - 11.5:4 Termination pursuant to Standing Order 11.16.
 - 11.5:5 Termination pursuant to S.52 (1) of the Local Government Act 2000 (failure to provide undertaking or comply with any other legislative provision.

- 11.6 Whenever:-
- 11.6:1 The Authority is required to review the allocation of seats on Committees between Political Groups; or
- 11.6:2 The Authority resolves to carry out such a review; or
- 11.6:3 a Committee is required to review the allocation of seats on a Sub-Committee between Political Groups or;
- 11.6:4 a Committee resolves to carry out such a review;
- the Proper Officer shall submit a report to the Authority or Committee (as the case may be), showing what allocation of seats would, in her/his opinion, best meet the requirements for proportionality.
- 11.7 In the light of such a report, the Authority or Committee, as the case may be, shall determine the allocation of seats to Political Groups.
- 11.8 A Political Group shall be treated as constituted when the Proper Officer has received a notice in writing signed by two or more Members or the Authority stating:-
- 11.8:1 That the Members who have signed it wish to be treated as a Political Group;
- 11.8:2 The name of the Group; and
- 11.8:3 The name of one Member of the Group who has signed the notice and who is to act as its Leader
- 11.9 The notice referred to in Standing Order 11.8 may specify the name of one other Member of the Group who has signed the notice and who is authorised to act in the place of the Leader.
- 11.10 The Leader may be changed by a further notice in writing to the Proper Officer signed by a majority (i.e. more than 50%) of the Members of the Group.
- 11.11 The name of the Group may be changed by a further notice in writing to the Proper Officer signed by the Leader of the Group or a majority (i.e. more than 50%) of the Members of the Group
- 11.12 A Member of the Authority is to be treated as a Member of a Political Group if she/he has signed a notice in accordance with paragraph 11.8 or if she/he has delivered to the Proper Officer a written notice signed by her/him and by the Leader (or representative) of the Group of a majority (i.e. more than 50%) of Members of the Group stating that she/he wishes to join the Groups.

- 11.13 A person is to be treated as having ceased to be a Member of a Political Group when:
- 11.13:1 She/he has ceased to be a Member of the Authority;
 - 11.13:2 She/he has notified the Proper Officer in writing that she/he no longer wishes to be treated as a Member of the Group;
 - 11.13:3 She/he joins another Political Group;
 - 11.13:4 The Proper Officer receives a notice in writing signed by a majority of Members of the Group stating that they no longer wish her/him to be treated as a Member of it.
- 11.14 No person shall be treated as a Member of more than one Political Group at any given time.
- 11.15 The Proper Officer shall keep and maintain a record of the current membership of each Group.
- 11.16 Whenever an appointment of a voting Member of a Committee or Sub-Committee fails to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Authority or the Committee, as the case may be, at a meeting after those wishes are expressed, shall make or terminate the appointment accordingly.
- 11.17 In order to facilitate appointment of voting Members of Committees, Group Leaders shall submit nominations for membership of committees (in accordance with the allocation of seats) to the Proper Officer as soon as possible:-
- 11.17:1 At the Annual Meeting or as soon as possible; and
 - 11.17:2 Following variations to membership nominations during the remainder of the Municipal Year and in any event at least one week prior to the next meeting of the Committee concerned
- 11.18 Subject to any resolutions by the Authority under this Standing Order:
- 11.18.1 every Committee may appoint Sub - Committees for such purposes as it thinks fit, and may make arrangements for a Sub - Committee to discharge any of the functions of the Authority which the Committee may discharge;
 - 11.18.2 Where a matter has been delegated to a Committee, the Committee may further delegate the matter to a Sub-Committee unless the Authority otherwise directs.

STANDING ORDER 12: MEETINGS OF COMMITTEES AND SUB - COMMITTEES

- 12.1 The Authority may fix the date, time and place of ordinary meetings of Committees and Sub – Committees.
- 12.2 If the Authority does not fix the date, or time, or place of an ordinary meeting of a Sub – Committee, then the Committee which appointed it to may do so
- 12.3 If the date, time, or place of an ordinary meeting of a Committee or Sub – Committee, has not been fixed by the Authority or the appointing Committee (as the case may be,) then that Committee or Sub – Committee shall fix those details of the meeting which have not otherwise been fixed provided that:
- 12.3:1 For the first ordinary meeting of any Committee or Sub – Committee, the Chair of the Authority or, if a person has been appointed to preside in a Committee, that person may fix any details which have not otherwise been fixed;
- 12.3:2 for any other meeting of a Committee Or Sub – Committee, the Chair of the Authority or the Person Presiding in that Committee or Sub – Committee, after consultation (so far as practicable) with such persons as appear to her/him to be representative of the political groups to which have been allocated seats on the Committee or Sub – Committee, may cancel or change any of the details of place, date or time already fixed for a meeting of the Committee or Sub – Committee, other than one called under Standing Order 12.5.
- 12.4 The Person Presiding at meetings of a Committee or Sub – Committee, her/his deputy, or the Chair of the Authority may call a special meeting of the Committee or Sub – Committee at any time.
- 12.5 If:-
- 12.5:1 a request for a special meeting of a Committee or Sub – Committee, signed by at least two of the voting Members of a Committee or Sub – Committee, has been presented to the person appointed to preside at their meetings; and
- 12.5:2 either she/he has refused to call a meeting or, without her/him so refusing, no special meeting has been called within seven days of the presentation of the requisition.

Then any two Members of the Committee or Sub Committee, whichever is the greater, may forthwith request a special meeting of the Committee or Sub Committee.

- 12.6 If any person decides to request a special meeting of a Committee or Sub – Committee, she/he shall forthwith give notice that she/he has done so to the Proper Officer, specifying the business proposed to be transacted. The Proper Officer shall forthwith give notice to all Members of the Committee or Sub – Committee and all persons entitled to receive their papers.
- 12.7 Any requisition under paragraph 12.5 may be presented by leaving it with the Proper Officer.

STANDING ORDER 13: PERSONS PRESIDING IN COMMITTEES AND SUB – COMMITTEES

- 13.1 The Authority may appoint, from among the voting Members, a person to preside at the meeting of a Committee or Sub – Committee appointed by it, and or a person to preside in the absence of the first person.
- 13.2 If any appointment possible under the previous paragraph is not made, a Committee may appoint, from among the voting members, a person to preside at the meetings of any Sub – Committee appointed by it, or a person to preside in the absence of the first person, as the case may be.
- 13.3 If any appointment possible under the previous paragraph is not made, a Committee or Sub – Committee at its first meeting after the annual meeting of the Authority shall, from among their voting Members, appoint a person to preside at their Meetings, and may, in the same way, appoint a person to preside in the absence of the first person.
- 13.4 The Person Presiding at meeting of Committees and Sub – Committees of the Authority shall be:-
- 13.4:1 The person appointed as Chair of that Committee as the case may be
 - 13.4:2 If she/he is absent or unable to act as Chair, the Deputy Chair of that Committee or Sub Committee (if a Deputy Chair has been appointed);or
 - 13.4:3 If both the Chair and Deputy Chair are absent or unable to act a Member of the Committee or Sub – Committee as the case may be chosen by the voting Members of that Committee or Sub – Committee.
- 13.5 If it is necessary for the Committee or Sub – Committee to appoint a person to preside, the Proper Officer shall call on a Member or the Committee or Sub – Committee to move that a voting member of the Committee or Sub – Committee shall take the chair.
- 13.6 If discussion arises, the Proper Officer shall exercise the powers of the Person Presiding to regulate the discussion, and to maintain order at the meeting.

- 13.7 The motion, and any amendments, shall be put to the meeting in accordance with Standing Order 22.5 (voting on appointment).

STANDING ORDER 14: QUORUM OF COMMITTEES AND SUB - COMMITTEES

- 14.1 No business shall be transacted any either the Strategic Assets Committee or the Community Protection Committee unless at least 5 voting Members are present.
- 14.2 No business shall be transacted at any meeting of a Scrutiny Panel or Appeals Committee or Appointments Committees unless at least 3 voting Members are present.
- 14.2 (a) Subject to paragraph 14.2 (b) no business shall be transacted at any meeting of the Standards Committee unless at least three Members (including at least one independent Member) of that Committee are present for its duration.
- 14.2 (b) Where at least one independent Member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the Authority by virtue of its Code of Conduct, the requirement in paragraph 14.2 (a) for the quorum to include at least one independent member shall not apply for the duration of that meeting alone.
- 14.2 (c) No decision of the Standards Committee at its respective sub committees shall be taken in respect of an initial assessment of an allegation against a Member or a review of the initial assessment unless at least one Elected Member appointed to the Authority is present when such matters are considered.
- 14.3 The provisions of standing order 6 shall apply to a meeting of a Committee or Sub – Committee at which a quorum is not present as they would apply if it were a meeting of the Authority.

STANDING ORDER 15: ORDER OF BUSINESS ON COMMITTEES AND SUB – COMMITTEES

15. Subject to any directions given by the person appointed to preside at the meeting or the Committee or Sub – Committee, the items of business shall be arranged in such order as the Proper Officer thinks will best ensure the effective despatch of business.

STANDING ORDER 16: URGENT BUSINESS

- 16.1 The Authority may make arrangements for the discharge, in urgent circumstances, of functions of the Authority, by appointing:

- 16.1:1 a committee of not fewer than three voting Members of the Authority; and/or
- 16.1:2 A Senior Officer or Officers of the Authority in consultation with the Chair of the Authority and such other Members as the Chair may consider necessary.

to discharge those functions.

STANDING ORDER 17: REFERENCE-UP OF DECISIONS

- 17.1 This standing order applies where arrangements have been made for the discharge of a function of the Authority by a Committee or Sub Committee, and the operation of such arrangements is referred to in it as “the use of delegated powers”.
- 17.2 Subject to Standing Order 17.3 where a question on the use of delegated powers is put to the vote at a meeting of a Committee or Sub – Committee and a majority of the voting Members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this Standing Order should be applied, the decision the subject of delegated powers shall be of no effect, but shall be treated as a recommendation to the Authority (or the Committee which appointed the Sub – Committee, as the case may be).
- 17.3 Paragraphs 17.2 shall not apply to any question which arises on an item of business:
 - 17.3:1 Where the Committee (or Sub Committee) has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than Members of the Authority and those appointed by the Authority to discharge a function in connection with the Committee (or Sub – Committee;) or
 - 17.3:2 Which concerns the appointment, discipline or dismissal of a member of staff of the Authority.
 - 17.3:3 Considered by the Standards Committee

PART 4: CONDUCT OF ALL MEETINGS

STANDING ORDER 18: MINUTES AND RECORD OF PROCEEDINGS

- 18.1 Minutes of every Meeting shall be submitted to, and signed at, that meeting or at the next following meeting of the body concerned;

Provided that, in the case of the minutes of the meeting of the Authority, if the next following meeting of the Authority has been summoned to consider one of the matters mentioned in Standing Order 7.1:7 (business to be transacted at specifically summoned meetings of the Authority), the Minutes shall be signed instead, at the next suitable meeting of the Authority which shall be the ordinary meeting which next follows the meeting at which such business is to be transacted.

- 18.2 The Person Presiding shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 18.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised, then as soon as it is disposed of, the Person Presiding shall sign the minutes.
- 18.4 No record (including tape and television recording) of the whole or any part of the proceedings of a Meeting may be taken without the express permission of the Meeting concerned.

STANDING ORDER 19: MOTIONS AND AMENDMENTS

- 19.1 The following motions may be moved without notice at any Meeting at which they would be in order:-
- 19.1:1 to elect a Chair of the Authority, to appoint a Vice – Chair of the Authority, or to appoint a person to preside at the meeting at which the motion is made;
 - 19.1:2 motions relating to the accuracy of the minutes
 - 19.1:3 motions under standing Order 7.3 (change in order of business);
 - 19.1:4 “that the Authority (or Committee or Sub – Committee) proceed to the next business”;
 - 19.1:5 “that the question be now put”;
 - 19.1:6 “that the debate be now adjourned”;
 - 19.1:7 “that the Authority (or Committee or Sub – Committee) do now adjourn”;
 - 19.1:8 Motions under Standing Order 2.5:2 (suspension of Standing Orders without notice);
 - 19.1:9 Motions in accordance with section 100A (2) or (4) of the 1972 Act to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;

- 19.1:10 Motions giving consent of the Authority, committee or sub-committee where it is required under these Standing Orders;
 - 19.1.11 Motions to refer a petition which has been presented to the Authority to a Committee for consideration;
 - 19.1:12 Where a matter has been submitted to a Committee or Sub-Committee, a motion to appoint a Special Committee or Sub-Committee to consider the matter.
- 19.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or Officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.
- 19.3 Subject to PSO 19.3.1 and PSO 19.3.2, an amendment to a motion may be moved without notice, but shall be relevant to the motion.
- 19.3.1 Notice of a motion consisting of a proposal for the setting of a budget and the associated calculations shall be provided in full to the Chief Finance Officer, the Monitoring Officer and all Members at least [10] working days prior to the date of the Authority meeting scheduled to consider the setting of a budget for the forthcoming financial year.
 - 19.3.2 Notice of any amendment proposed to a motion specified in PSO 19.3.1 (a budget resolution) shall be provided in full to the Chief Finance Officer, the Monitoring Officer and all Members at least five [5] working days prior to the date of the Authority meeting scheduled to consider the setting of a budget for the forthcoming financial year.
 - 19.3.3 An amendment to a budget resolution will not be considered by the Authority where the notice requirements set out in PSO 19.3.2 (above) have not been met.
 - 19.3.4 For the purposes of PSO 19.3, notice is given on the date that it is received by the Chief Finance Officer and Monitoring Officer.
- 19.4 An amendment to a motion shall be either to refer the matter to a Committee, a Sub-Committee or an Officer for consideration (or reconsideration), to leave out words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the Meeting.
- 19.5 With the consent of the Meeting signified without discussion, a Member may:
- 19.5:1 Alter a motion of which he has given notice; or
 - 19.5:2 With the further consent of the seconder, alter a motion which has been moved or seconded,

If (in either case) the alteration is one which could be made as an amendment thereto.

- 19.6 With the consent of the seconder (if she/he is still present) and of the Meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.
- 19.7. Where the consent of the Authority, Committee or Sub Committee is required for anything, that consent may be given either;-
- 19.7.1. by the Person Presiding asking the Meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
- 19.7.2. If objection is raised, or if the Person Presiding so chooses, by a motion moved, seconded and put to the meeting.

STANDING ORDER 20: RULES OF DEBATE

- 20.1. The rules of debate in this Standing Order shall apply to all Meetings.

Motions and amendments

- 20.2. A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 20.3. When proposing or seconding a motion or amendment, a member may reserve her/his speech until a later period of the debate by declaring his intention to do so.
- 20.4. When any motion of which notice has not been given, or any amendment has been moved and seconded, the Person Presiding may require that it shall be put into writing and handed to her/him before it is further discussed.
- 20.5. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of:-

Provided that the Person Presiding may permit two or more amendments to be discussed (but not voted upon) together if she/he thinks that this will facilitate the proper conduct of business.

- 20.6. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Speeches

- 20.7. If two or more Members offer to speak, the Person Presiding shall call on one to speak.
- 20.8. When speaking, a Member shall address the Person Presiding.
- 20.9. A Member shall direct her/his speech to the question under discussion, or to a personal explanation or a point of order under the provisions of the next paragraph.
- 20.10. A Member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order, and the way in which the Member raising it considers that it has been broken. A member raising a point of order must specify which statutory provision or Standing Order she/he alleges has been breached. A personal explanation shall be confined to some material part of a former speech by her/him in the current debate which may appear to have been misunderstood.
- 20.11. The ruling of the Person Presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Ancillary motions

- 20.12. When a motion is under debate, no other motion shall be moved except the following:
- 20.12.1. to amend the motion;
 - 20.12.2. a closure motion under Standing Order 20.13;
 - 20.12.3. a motion under Standing Order 21 (prevention of disorder);
 - 20.12.4. a motion under Section 100A(2) or (4) of the 1972 Act (exclusion of the public).
- 20.13. The following closure motions shall be permitted during discussion of another motion ('the original motion'). They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the Person Presiding shall proceed as follows:
- 20.13.1. "that the meeting proceed to the next business" the Person Presiding shall permit the mover of the original motion to reply, and shall then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion shall lapse;

- 20.13.2 “that the question be now put” if the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, she/he shall put to the vote forthwith the motion, that the question now be put; if this is carried, she/he shall permit the mover of the original motion a right to reply for not more than three minutes’ and shall then put that motion to the vote;
- 20.13.3. “that the debate now be adjourned”; or “that the meeting do now adjourn.” If the Person Presiding is of the opinion that the matter before the Meeting has been sufficiently discussed, she/he may refuse to accept either of these motions, and instead put the motion that the question be now put; if she/he is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, she/he shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply or stand over as uncompleted business until the next meeting of the Authority, Committee or Sub Committee, as the case may be.

STANDING ORDER 21: PREVENTION OF DISORDERLY CONDUCT

- 21.1. If the Person Presiding is of the opinion that a Member had misconducted, or is misconducting, herself/himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Authority, she/he may notify the Meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- 21. 1. 1. she/he may direct the Member to refrain from speaking during all, or part, of the remainder of the Meeting:
 - 21. 1. 2. she/he may direct the Member to withdraw from all, or part, of the remainder of the Meeting;
 - 21. 1. 3. she/he may order the Member to be removed from the Meeting:
 - 21. 1. 4. she/he may adjourn the Meeting for 15 minutes or such period as shall seem expedient to him.
- 21.2. If a Member of the public interrupts proceedings at any Meeting, the Person Presiding shall warn her/him. If she/he continues the interruption, the Person Presiding shall order her/him to leave the room where the meeting is being held. If she/he does not leave, the Person Presiding shall order her/him to be removed. If a member of the public persistently creates a disturbance, the Person Presiding may adjourn the meeting for 15 minutes or such period as shall seem expedient to her/him.

- 21.3. In the event of general disturbance in any part of the room where any Meeting is being held which is open to the public, the Person Presiding shall order that part to be cleared and may adjourn the Meeting for 15 minutes or such period as shall seem expedient to her/him.
- 21.4. The powers conferred by this Standing Order are in addition to any other powers which the Person Presiding may lawfully exercise (e.g. for the Person Presiding to take preventative action before the Meeting commences or to order the removal of a Member persistently disregarding the authority of the Chair).

STANDING ORDER 22: VOTING

- 22.1. Except where a requisition is made under the next paragraph, the method of voting at Meetings shall be by show of hands.
- 22.2. If a requisition is made by a specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each voting Member present gave her/his vote for or against that question or abstained from voting.
- 22.3. The specified number of Members is:
- 22.3.1. Four of the Members entitled to vote at a meeting; or
- 22.3.2. Where the Authority is divided into Political Groups, in the case of a meeting of the Authority, the number of members of the second largest Political Group; or
- 22.3.3 in the case of a meeting of a Committee or Sub Committee, the number of seats on that body allocated to the second largest Political Group among the Members of the Authority;
- whichever is the less.
- 22.4. Where immediately after a vote is taken at a Meeting any Member of that body so requires, there shall be recorded in the Minutes of the proceedings of that Meeting whether that person cast her/his vote for the question or against the question or whether she/he abstained from voting.
- 22.5. Where a vote is required on a motion to appoint or elect a Member of the Authority to a position to be filled by the Authority and there are two or more Members nominated for that position, the names of all those nominated shall be put to the Meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

- 22.6. In the event of an equality of votes the Person Presiding at the meeting shall be entitled to exercise a second casting vote.

STANDING ORDER 23: ATTENDANCE AT COMMITTEES ETC.

- 23.1. The names of every Member attending a Meeting shall be recorded by the Proper Officer.
- 23.2. No Member of an Appeals Committee shall be present at any meeting of that Committee when consideration is given to an appeal against a decision of another Committee or Sub Committee in which such Member took part.
- 23.3. No Member of the Authority shall attend a Committee or Sub Committee Meeting held to consider disciplinary, investigatory or grievance cases, appeals or grading appeals unless she/he is appointed by the Authority as a voting member of that Meeting.
- 23.4. Where a meeting of a sub committee of the Standards Committee is convened to consider a review of an initial assessment under S.57B(2) of the Local Government Act 2000 (the Act) no Member who took part in the consideration of the initial assessment under S.57A(2) of the Act shall attend the sub committee convened to consider the review of that initial assessment.
- 23.5. Subject to Standing Order 23.2 and 23.3 the Chair and Vice-Chairs of the Authority may attend and speak and move and second motions (but may not vote) at a Meeting of which they are not voting Members.
- 23.6. Subject to Standing Order 23.2 and 23.3 the person appointed to preside at the meeting of a Committee, and her/his deputy, may attend and speak and move or second motions at a meeting of any Sub Committee appointed by that Committee, but may not vote unless appointed as a voting Member.
- 23.7. Subject to paragraph 23.2 and 23.3 above a Member of the Authority who is not otherwise entitled to attend and speak at a Committee or Sub Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub Committee:-
- 23.7.1. During the consideration of any motion of which notice has been given which he has moved or seconded at a meeting of the Authority and which has been referred to that Committee or Sub Committee; or
 - 23.7.2. with the agreement of the Person Presiding at the meeting of the Committee or Sub Committee; or
 - 23.7.3. During the consideration of any matter which affects his constituent Council differently from other Councils represented within the Authority.

STANDING ORDER 24: NO SMOKING

24. Smoking shall not be permitted at any meeting of the Authority its Committees or Sub Committees.

PART 5 SUMMONS AND AGENDA FOR MEETINGS

STANDING ORDER 25: SUMMONS AND AGENDA FOR MEETINGS

- 25.1. At least five clear days before every Meeting, the Proper Officer shall send to every voting Member and to every other person entitled to receive the papers of the Authority; Committee or Sub Committee a copy of the agenda for the Meeting.
- 25.2. The Summons shall:-
- 25.2.1. specify the date time and place of the Meeting;
 - 25.2.2. specify the business to be transacted at the Meeting;
 - 25.2.3. be signed by the Proper Officer; and
 - 25.2.4. be left at or sent by post to the usual place of residence of the Member or to such other address as the Member may specify provided that want of service of a summons on any Member of the Authority, Committee or Sub Committee shall not affect the validity of the meeting.
- 25.3. The agenda shall include:
- 25.3.1. In the case of Committees and Sub Committees all items of business which have been (or are deemed to have been) referred to the Committee by the Authority or by another Committee or Sub Committee as the case may be;
 - 25.3.2. all reports submitted to the meeting by the Chief Officer (or such officers as have delegated authority by the Chief Officer);
 - 25.3.3. any item of business directed to be included by the person appointed to preside at the Meeting in question;
 - 25.3.4. any other item of business of which at least 5 clear days written notice before the date fixed for the Meeting has been given to the Proper Officer by a member of the Authority or, in the case of a meeting of a Committee or Sub Committee, by a Member of that Committee or Sub Committee (whether voting or not).

- 25.4. The prints of reports or other documents for the consideration of a Meeting shall be marked "Not for Publication" only if the Proper Officer (having regard to the provision of the Local Government Act 1972 (as amended)) agrees with the Chief Officer (or their authorised deputy) that this shall be done. Such reports or documents shall be furnished prior to the Meeting only to members of that meeting.

PART 6: DECLARATION OF INTERESTS

STANDING ORDER 26: INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- 26.1. A Member with a personal interest in a matter as defined in the Members Code of Conduct who attends a meeting of the Authority, its Committees or Sub - Committees at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of the meeting or of that consideration, or when the interest becomes apparent.
- 26.2. A Member with a prejudicial interest in any matter:
- 26.2.1. shall withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless she/he has obtained a dispensation from the Standards Committee; and
- 26.2.2. shall not seek improperly to influence a decision about the matter.
- 26.3. Where:-
- 26.3.1. the Authority is considering any question as to the financial calculations set out in paragraph 26.4; and
- 26.3.2. a Member has 2 or more months arrears of Council Tax and/or Community Charge, she/he shall declare that the provisions of S.106 of the Local Government Finance Act 1992 apply to her/him and shall not vote on such question.
- 26.4. The financial calculations referred to in paragraph 26.3 are:-
- 26.4.1. the calculation of the Budget requirement of the Authority;
- 26.4.2. the calculation of the basic amount of tax;
- 26.4.3. the calculation of tax for different valuation bands;
- 26.4.4. the calculation of the amount payable by each constituent Council;
- 26.4.5. substitute calculations; and

- 26.4.6. any other calculations required by Chapter III, IV or V of Part I of the Local Government Finance Act 1992.

STANDING ORDER 27: INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- 27.1. In addition to her/his duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the Authority that she/he has a disclosable interest in any contract which has been, or is proposed to be, entered into by the Authority, or in some other matter which is to be considered by the Authority or any Committee or Sub Committee, and which (in either case) is not:
- 27.1.1. the contract of employment (if any) under which she/he serves the Authority: or
 - 27.1.2. the tenancy of a dwelling provided by the Authority.
- he shall as soon as practicable give notice in writing to the Proper Officer of such interest.
- 27.2. For the purpose of this Standing Order a disclosable interest is an interest such that if the officer were a member of the Authority, and if the contract or other matter were to be considered at a meeting of the Authority at which she/he were present, she/he would have to disclose such interest under the Code of Conduct for Members.
- 27.3. The Proper Officer shall record in a register to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer of the Authority under Section 117 of the 1972 Act or paragraph 27.1. The register shall, during the ordinary office hours of the Authority, be open for inspection by any Member of the Authority.
- 27.4. Where an officer submits a report to a Meeting on a matter in which she/he has declared an interest under Section 117 of the 1972 Act or Standing Order 27.1, she/he shall state that such declaration has been made, and give brief details of it, in a separate paragraph within the report.
- 27.5. Where any officer orally advises a Meeting on a contract, grant, proposed contract or other matter and has declared an interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph 27.1, she/he shall remind the Meeting orally of that interest.

PART 7: MISCELLANEOUS

STANDING ORDER 28: SEAL OF THE AUTHORITY

- 28.1. The common seal of the Authority shall be kept in a safe place in the custody of the Proper Officer.

28.2. The common seal of the Authority shall be affixed to a document only on the authority of:

28.2:1 a resolution of the Authority; or Committee or Sub-Committee acting with delegated powers;

28.2:2 A decision by the Authority or duly authorised Committee, Sub-Committee or officer to do anything where a document under the common seal is appropriate to complete the transaction;

STANDING ORDER 29: ATTESTATION OF DOCUMENTS

29. In addition to any other person who may be authorised by resolution of the Authority for the purpose, the Proper Officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Monitoring Officer, Deputy Monitoring Officer or the Chief Officer of the Authority concerned with the matter to which the document relates or any officer authorised in writing by the Chief Officer.

STANDING ORDER 30: PAPERS AND ADVICE

30.1 A copy of every paper which is circulated to Members for consideration at a Meeting shall be sent prior to submission as part of the agenda for such Meeting to the Chief Executive & Chief Fire Officer, the Deputy Chief Executive & Deputy Chief Fire Officer, the Assistant Chief Fire Officer, the Monitoring Officer and the Assistant Chief Executive & Treasurer.

30.2 Before it concludes its consideration of any question, every Meeting shall, at her/his request, afford an Officer who is entitled to receive papers under this Standing Order (or another officer nominated by her/him) an opportunity to advise on that question, either in writing or orally.

30.3 Where the Authority considers a matter which has not previously been the subject of consideration by a Committee or Sub-Committee and of a report by that body to the Authority, the Person Presiding at the Meeting at which the matter is considered shall ensure that the question is not put to the vote before any Officer whose responsibilities relate to the matter under consideration and who asks for such an opportunity has had an opportunity to advise the Authority on the matter.

STANDING ORDER 31: RESCISSION OF PREVIOUS RESOLUTIONS

31. No resolution of the Authority shall be varied or rescinded within the same Municipal Year of the Authority except on the recommendation of the Committee concerned.

STANDING ORDER 32: CANVASSING

- 32.1. Canvassing of any Member of the Authority, a person appointed to discharge any function in relation to a Committee or Sub-Committee or officer of the Authority shall disqualify the candidate concerned in such canvassing for the appointment.
- 32.2. A Member of the Authority shall not solicit for any reason any appointment under the Authority but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority.

STANDING ORDER 33: RESTRICTIONS ON DISCLOSURE OF CONFIDENTIAL INFORMATION

- 33.1 No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked by the Proper Officer to the effect that it contains "confidential information" as defined in the Local Government Act 1972 and that disclosure to the public would break an obligation of confidence in relation to that information unless and until the document has been made available to the public or the press by or on behalf of the Authority or a Committee or Sub-Committee or such disclosure is otherwise permitted by law.
- 33.2. No Member shall disclose to any person other than a Member of the Authority any matter arising during the proceedings of the Authority or of any Committee or Sub-Committee or any other matter coming in his knowledge by virtue of his office as a Member where such disclosure would prejudice the interest of the Authority unless such disclosure is required by law.
- 33.3 No Member shall, without the consent of the Chair of the Committee, (unless required by law) disclose to any person any decision or proceedings of a Committee or Sub-Committee except:-
 - 33.3:1 When a report on the matter has been circulated to the Authority by the Committee; or
 - 33.3:2 When the decision has become public knowledge; or
 - 33.3:3 When the matter comes within the delegated powers of the Committee or Sub-Committee and a final decision thereon has been reached.

STANDING ORDER 34: DELEGATION TO OFFICERS

34. The Authority shall at its Annual Meeting and on any other occasion it considers appropriate determine which of the powers of the Authority are to be delegated to Officers.

STANDING ORDER 35: FINANCIAL REGULATIONS

- 35.1 The Authority shall at its Annual Meeting and on any other occasion it considers appropriate, prescribe Financial Regulations relating to financial controls and procedures to be observed by Officers.
- 35.2 No decision shall be taken by a Committee or the Authority which would lead to new or increased financial commitments without first considering, where relevant, a report on the matter which complies with the Code of Practice on a Prudential Approach to Local Authority commitments. Such a report shall be required in respect of proposals which:-
- (i) would lead to new or increased financial commitments; and
 - (ii) have insufficient specific revenue budget provision or entail increasing real costs in future years.

STANDING ORDER 36: DISCIPLINARY ACTION

- 36.1 No disciplinary action in respect of the Chief Executive & Chief Fire Officer, Deputy Chief Executive & Deputy Chief Fire Officer, Assistant Chief Fire Officer, Monitoring Officer or the Assistant Chief Executive & Treasurer (“the Relevant Officer”) (except action described in Standing Order 36.2) may be taken by the Authority, or by a committee, a sub committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a Designated Independent Person.
- 36.2 The action mentioned in Standing Order 36.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 36.3 If it appears to the Authority that an allegation of misconduct by the Relevant Officer as the case may be requires to be investigated, the Authority must appoint a person (‘the Designated Independent Person’).
- 36.4 The Designated Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.
- 36.5 The Designated Person:
- (a) may direct:-
 - (i) that the Authority terminate any suspension of the Relevant Officer.

- (ii) that any such suspension must continue after the expiry of the period referred to in paragraph 36.2.
 - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
 - (iv) that no steps (whether by the Authority or any committee , sub committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub paragraph (d).
- (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect.
 - (c) may require any member of staff of the Authority to answer questions concerning the conduct of the Relevant officer.
 - (d) must make a report to the Authority:-
 - (i) stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
 - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
 - (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant officer.

36.6 In paragraph 36 'disciplinary action' and 'designated independent person' have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

ARTICLE 25 – CONTRACT STANDING ORDERS

**CONTRACT
STANDING ORDERS
2010/11**

DRAFT

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CONTRACT STANDING ORDERS FOR MERSEYSIDE FIRE & RESCUE AUTHORITY

1 INTRODUCTION

- 1.1 These Contract Standing orders aim to explain in simple terms the procedures for obtaining written quotations and competitive tenders from suppliers for the provision of Authority works, goods and services.
- 1.2 The Authority's Constitution incorporates Financial Regulations and Financial Procedure Rules that provide a framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf.
- 1.3 The Contract Standing Orders should be read in conjunction with both the Financial Regulations and the Scheme of Delegation which is also found in the Constitution.

2 HOW THE AUTHORITY BUYS

- 2.1 The appropriate procedure to be followed is based upon the total estimated value of the contract (please note that the total value of the contract means the value of the contract over the total number of years it will remain in force – not just the initial purchase cost) :

FOR ALL GOODS, SERVICES AND WORKS

- **Under £4,000:** Works, good and services (with the exception of public utility services ie gas, electric, and periodical payments) maybe procured using an official order. Officers are responsible for ensuring that value for money is achieved.
- **Between £4,000 and £19,999:** At least two written quotations must be sought, and one obtained.

FOR GOODS & SERVICES

- **Between £20,000 and £74,999:** For goods and services, procurement involvement is required, and the Request for Quotation procedure must be followed.
- **Between £75,000 and £156,441:** For goods and services, procurement involvement is required, and a Tendering procedure must be followed.
- **Over £156,442:** For goods and services, EU Procurement Regulations must be complied with.

FOR WORKS

- **Between £20,000 and £499,999:** For works, procurement involvement is required and a Request for Quotation procedure must be followed.
- **Between £500,000 and £3927,259:** For works, procurement involvement is required, and a Tendering procedure must be followed.
- **Over £3,927,260** For works, EU Procurement Regulations must be complied with.

2.2 The Request for Quotation procedure will utilise an Approved Supplier list or market intelligence to seek competitive bids for goods, services and works. The Tendering procedure will necessitate an advertisement to be placed in local and trade press, to invite expressions of interest from interested parties before the submission of competitive bids for goods, services and works.

2.3 No Request for Quotation or Tendering procedure needs to be obtained in respect of:

- Contracts for the purchase of goods in respect of which tenders have been obtained from a purchasing consortium or other recognised Government agency (such as FireBuy).
- Contracts for the supply of goods which CLG have specified as the type of goods which should be used for a particular purpose and only one supplier of such goods exists.
- Contracts for the supply of goods or services the price of which is fixed by a trade organisation or government department and no reasonably suitable alternative is available.

COMPLIANCE WITH CONTRACT STANDING ORDERS

Every contract made by the Authority or on its behalf shall comply with the EU Treaty and all relevant EU and domestic legislation, these Contract Standing Orders, Financial Regulations and the Scheme of Delegation. In particular the Authority shall comply with the fundamental principle of equality of treatment of contractors.

It shall be a condition of any contract between the Authority and anyone who is not an Officer of the Authority, but who is authorised to carry out any of the Authority's contracts functions, that they comply with these Contract Standing Orders and the Financial Regulations of the Authority as if they were an Officer of the Authority.

Every contract must be authorised, and signed by the Director of Law or their nominated Deputy, as outlined in the Scheme of Delegation.

3 EXEMPTIONS TO THE CONTRACT PROCEDURES

3.1 The Budget Holder must obtain approval to apply **ANY** exemption to the contract procedures outlined above, with a report identifying the reasons justifying the exemption.

3.2 Exemptions to the contract procedures are permitted where it can be proven that it is inefficient or uneconomic to comply with the above requirements. Examples are detailed below:

- The goods, works or services are of a specialised nature carried out by only one firm with no reasonably satisfactory alternatives available.
- There is no genuine competition for the goods, works or services being procured.
- The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm; are sold at a fixed price and no reasonably satisfactory alternative is available.
- The goods, works or services constitute an extension of an existing contract which is allowed within the contract terms, or the goods/materials, works or services consist of repairs to, or the supply of parts for, existing proprietary plant or equipment.
- Tenders are invited on behalf of any consortium or collaboration, of which MFRS is a member, in accordance with any method adopted by that body. Where however, an MFRS officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the MFRS Financial Regulations and Financial Procedure Rules or any overriding National or European Union legislation.
- The goods, works or services are of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product.

No exemptions will be granted which would result in a breach of European or domestic law.

3.3 For procurement projects under £156,442 for Goods and Services and £3,927,260 for Works, the Director of Procurement and an Executive Director must approve any exemption, prior to any commitment being given by the Authority to any supplier. The Chief Fire Officer will keep a register of exemptions granted detailing the nature and value of the contract, the circumstances justifying the exemption and the name of the contractor awarded the contract.

4 ADVERTISING OF CONTRACTS

- 4.1 All contracts with a total value that exceeds EU procurement thresholds must be awarded in accordance with EU Procurement Rules relating to public authorities. Thresholds from 01.01.10 are as follows:

Supplies	Services	Works
£156,442	£156,442	£3,927,260

Works to be procured above these limits must be advertised in the OJEU (Official Journal of the European Union), with the exception of some services. Please see <http://www.ojec.com> for more detailed information.

5 PRE QUOTATION/TENDER REQUIREMENTS

- 5.1 Enquiries of contractors may be made before tender or quotations are invited in order to:

- (a) Establish whether the goods, works or services that the Authority wished to purchase are available, and within what price range.
- (b) Establish whether particular contractors wish to be invited to submit a quotation or tender, should the procurement progress.

In making enquiries:

- (a) No information shall be disclosed to one contractor which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote.
- (b) No contractor shall be led to believe that the information they offer will necessarily lead them to be invited to tender or quote, or awarded a contract.
- (c) A written record, including notes or any meetings held, the responses and the names of all individuals present shall be kept on the contract file.

- 5.2 Before obtaining quotations or tenders for a contract estimated at a value of £20,000 or more, a detailed output specification must be prepared by the project manager/budget holder. The specification is a description of the services, supplies or works that the Authority wants and what the supplier/contractor is expected to quote/tender against and provide.

It will incorporate performance targets or criteria for acceptance of the services, supplies or works and be included in the request for quotation/invitation to tender documentation. It must be agreed with the

supplier awarded the contract and form the major part of the formal contract agreed between the Authority and the supplier.

6 APPROVED AND PREFERRED SUPPLIER LISTS

GOODS AND SERVICES

- 6.1 If a company wishes to apply to be placed on an Authority Approved List a letter of introduction detailing the type of Goods or Services being offered to the Authority is required. Upon receipt of the correspondence, enquiries are made with the relevant budget holders and if so deemed necessary an Approved/Preferred proforma is issued to the Supplier for completion. If further evidence is required a Request for Information proforma will be issued for the provision of further financial and technical information. MFRS officers will then use this information to conduct an assessment of the company's capacity to undertake work on behalf of the Authority.
- 6.2 The list shall be updated (with company's added or deleted as appropriate) as required and the full list reviewed every 3 years by the Director of Procurement. At the review each company whose name appears on the list shall be asked whether they wish to remain so, in which case retention on the list will follow consideration by the Director of Procurement of a performance report on tenders submitted and work performed by the applicant in the previous 12 months.

WORKS

- 6.3 The Authority will utilise the Constructionline Approved Contractors database as a pre-qualification criteria for Works projects. From this the Procurement department will maintain a Preferred Supplier List and will monitor supplier performance on a regular basis in conjunction with the Estates department.

7 HOW THE REQUEST FOR QUOTATION PROCESS WORKS

- 7.1 The request for quotation procedure can be used for all contracts other than:
- (a) a contract for the engagement of counsel
 - (b) a contract which constitutes a call off under a framework agreement (but not the framework agreement itself)

with an estimated value of between £20,000 and £75,000 for goods and services and £20,000 and £500,000 for works. A shortlist of suppliers is drawn up, using the Authority's Approved list or appropriate market intelligence. These suppliers are then asked to complete a priced submission for evaluation.

7.2 Three responses must be received to ensure that a Best Value evaluation can take place. In the event that three responses are not received, an application for an exemption of contract procedures must be completed and approved before contract award.

8 HOW THE TENDERING PROCESS WORKS

8.1 All tendering requirements must be advertised to ensure that the process is competitive and secures good value for money. There are two main methods of tendering through advertisement:-

- Open Competitive Tendering - This is a one-stage process, where all interested providers responding to an advertisement may submit a tender. The advertisement will state where interested parties may obtain tender documents and the last date that tenders must be received. Whilst this method ensures absolute fairness, because no firm is excluded from the process, there is a significant risk that the number of responses received will be either insufficient or excessive. It may also be difficult to accommodate an adequate financial and technical appraisal within the time constraints of the tendering process.
- Restricted Tendering (utilising a pre Qualification Questionnaire or Construction line) - This is a two-stage process in which potential contractors expressing an interest in bidding for a specific contract are evaluated first. A shortlist is then drawn up from the evaluation exercise for the sole purpose of inviting bids. The advertisement must set out details of the proposed contract and how potential contractors can obtain the necessary documentation to be able to express an interest in being shortlisted.

8.2 Three responses must be received to ensure that a Best Value evaluation can take place. In the event that three responses are not received, an application for an exemption of contract procedures must be completed and approved before contract award.

9 NEGOTIATION

9.1 Negotiation of Quotations/Tenders must only take place when the Request for Quotation/Invitation to Tender documents state that a negotiated procedure will be used, and that the Authority reserves the right to enter into post tender negotiations on any aspect of the Quotation/Tender.

9.2 Any discussion with a contractor to discuss their submission, should:

- Be undertaken only by the Director of Procurement or their deputy in the presence of at least one officer from another department, not involved in the procurement project (the independent observer).

- All negotiation must be conducted in a manner which provides and maintains the highest levels of probity.
- A written record of all discussions and negotiation is maintained by the Director of Procurement, and verified by the independent observer.
- At the conclusion of negotiations each contractor who has provided a quotation must be invited to submit a best and final quotation/tender.

10 INVITATION AND SUBMISSION

10.1 Instructions must be issued to those companies invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. These documents will usually contain the following information:

- Letter of invitation and instructions about the process;
- Form of tender;
- Specification and/or schedule of rates;
- Contract conditions or conditions of purchase;
- Any relevant supporting information (maps etc);
- A pre-addressed return envelope;
- Where bids are to be evaluated on the basis of Quality and Price, the tender documentation must also specify the criteria for evaluation.

Note: *Procurement are responsible for making arrangements to receipt, store and open tender documents.*

10.2 Both tenders and quotations **MUST** be returned by the date and time specified. Late tenders and quotations must be opened and witnessed after the contract has been awarded and returned to the tenderer/supplier. This is to ensure a fair process. All tender documents are opened at the same time, in the presence of a representative from the budget holders department, Finance and Procurement at an appropriate level commensurate with the importance of the quote/tender.

Quotations and Tenders must be submitted in the pre-addressed return envelope provided. On receipt, these envelopes will be date stamped, grouped in order of receipt and retained unopened until the deadline. Save for bearing the words 'Tender' or 'Quotation', as appropriate, and the title of the works, goods or services being supplied, the return envelopes should not bear any distinguishing marks intended to indicate the identity of the sender. Firms must be informed that their bids will only be considered if these rules are followed. An example is included below:

TENDER/QUOTATION FOR: Supply and maintenance of photocopiers

CLOSING DATE: 16.00 hours on Monday 01 November, 2006

10.3 It is important that firms are given sufficient time to adequately research and compile their bids. This includes enough time to seek accurate estimates from their subcontractors. The Authority's minimum time for the return of priced tenders is 14 days from date of issue, although best practice suggests that at least 21 days should be allowed.

10.4 The specified time to submit tenders/quotations may be extended in exceptional circumstances provided that all suppliers involved in the process are notified of the revised date and time and no potential supplier is disadvantaged by the deadline extension.

10.5 Sealed bids will be held securely in the Procurement department until the specified date and time for opening.

11 OPENING OF TENDERS

11.1 On the date of the designated deadline for submission of tenders or quotations, the Procurement department will co-ordinate the collection of envelopes ready for opening. Checks will be made to ensure no envelopes are held at reception or in 'alternative' mailboxes so no valid quote or tender is omitted in error.

11.2 All tenders must be opened in the presence of representatives from the budget holders department, Finance and Procurement. An officer from Procurement will facilitate the tender opening procedure and a written record indicating the name of the supplier and the value of the tender must be completed and signed by the officers opening the submitted bids

12 EVALUATION OF TENDERS AND QUOTATIONS

12.1 An evaluation must be made of tenders submitted, comparing the tender sum against the estimate for the works, goods or services prepared in advance of the firms being invited to tender/quote. Where errors or discrepancies are found that may affect the tender sum, the tenderer may be notified and afforded an opportunity to confirm the submitted sum without amendment, amend their bid to correct an arithmetical error, or withdraw their bid. A written record of any revisions or withdrawals must be maintained.

12.2 The Authority evaluate and award contracts to the Supplier it considers offers the best value for money having regard to both price and quality factors. This is sometimes referred to as the 'most economically advantageous tender' (MEAT) and provides for the contract to be awarded to the company best able to meet the Authority's specification.

12.3 To ensure fairness the quality criteria (or award criteria) and evaluation method must be clearly defined in the tender documentation. Award criteria will vary depending on the type of contract. Some examples of criteria included are:

- Technical suitability
- Financial viability and stability
- Quality systems
- Customer care and after sales service
- Experience and past performance
- Aesthetic and functional characteristics
- Delivery date and other management factors
- Commitment to Equality & Diversity and Sustainability

Where the lowest tenders are for £75,000 or more the Responsible Officer shall obtain the following information in respect of the lowest 2 tenders:

- The Authority's internal financial appraisal of the lowest 2 tenders
- An independent financial appraisal supplied by a business information service

13 POST TENDER/QUOTATION CLARIFICATION/NEGOTIATION

13.1 After the receipt of tenders, officers may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and a written record made of the reason for contact and the decision made.

13.2 Any negotiation with a contractor to discuss the pricing submitted should:

- Be undertaken only by the Director of Procurement or their Deputy in the presence of at least one officer who isn't involved in the project (the Independent Observer). All negotiations must be conducted in a manner which provides equal opportunity for all contractors who have provided quotes and which maintains the highest levels of probity.
- At the conclusion of negotiations each contractor must be invited to submit a best and final price.

14 CONTRACT AWARD - TENDERS AND QUOTATIONS

14.1 The successful contractor should be notified promptly following acceptance of the tender, and the contract must be issued for signature by the Supplier. On receipt, the Authority will sign the contract to form the legally binding agreement. Authorised signatories are the Director of Law and their nominated Deputy.

All unsuccessful tenderers should also be notified promptly in writing.

14.2 All submissions and supporting documentation should be retained for seven years by the Procurement department, before being destroyed.

15 CORRUPT PRACTICES

15.1 In every written contract a clause must be inserted to ensure that the Authority is entitled to terminate the contract and recover from the contractor the amount of any loss resulting from such termination, if the contractor has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing anything related to the contract or any other contract with the Authority or for favouring or not favouring any person in relation to such contract, or similar acts have been done by any person employed by the contractor or acting on their behalf, or the contractor or any person employed by them or acting on their behalf has committed any offence under the Prevention of Corruption Acts 1889 – 1916, or any amendment of them or shall have given any fee or reward, the receipt of which is an offence under the local Government Act 1972.

16 THIRD PARTIES

16.1 In cases where a third party, such as a local authority or private architect or consultant, is employed to act for the Authority in the carrying out of works or purchase of supplies, it shall be a term of their appointment that they shall:

- Observe or otherwise secure the observance of the procedures prescribed within these Standing Orders.
- Produce on demand, all records maintained by them in relation to the contract; and
- On completion of a contract, transmit all such records to the Chief Fire Officers or the Treasurer.

17 ASSIGNMENT

17.1 In every written contract for the execution of work or the supply of goods or services the contractor shall be prohibited from transferring or assigning or novating directly or indirectly to any person or persons whatever, any portion of his contract without the written permission of the Authority. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited.

18 SEALED CONTRACTS

18.1 All contracts and orders shall be in writing and made in the name of the Authority.

18.2 All contracts which relate to the purchase of land, or have potential long term liabilities and would benefit from the added legal protection afforded by the process of sealing shall be made by affixing the Common Seal. This shall only be attested by the Clerk to the Authority or their nominated Deputy, as outlined in the Scheme of Delegation.

19 TERM OF CONTRACT

19.1 The term of a contract may be extended with the approval of the budget holder if there is provision within the contract terms and conditions to extend and the agreement of the Treasurer has been received with regards to budgetary provision. If the contract has already been extended to the full extent within the provisions of the existing contract, it cannot be extended further.

19.2 If there is no provision within the contract terms and conditions for the contract to be extended the approval of the Clerk to the Authority, and the Treasurer must be sought to any proposed extension of the term of the contract, and a record kept of the reasons.

19.3 The contract term cannot be extended where this would result in the value of the contract exceeding the European procurement threshold.

20 EU PROCUREMENT RULES

20.1 Where the estimated total value of a contract exceeds the figures below the procurement must be conducted in accordance with the appropriate EU Procurement Rules and the appropriate UK guidelines. The application of the EU Procurement Rules and the appropriate UK guidelines cannot be waived by the Authority.

Supplies	Services	Works
£156,442	£156,442	£3,927,260

Use of the Negotiated, Accelerated and Urgency procedures under the EU Procurement Rules must be documented and agreed with the Director of Procurement before any procedure commences.

20.2 OPEN PROCEDURE

20.2.1 The Procurement department will publicise the Authority's intention to seek offers in relation to the contract by send a notice to OJEU.

20.2.2 Any supplier can express an interest in the opportunity by responding to the notice, and submitting a tender.

20.3 RESTRICTED PROCEDURE

- 20.3.1 The restricted procedure is whereby tenders are selected from a restricted group using the following procedures.
- 20.3.2 The Procurement department will publicise the Authority's intention to seek officers in relation to the contract by advertising in the OJEU a notice inviting requests to be selected to tender.

20.4 NEGOTIATED PROCEDURE

- 20.4.1 The negotiated procedure may be used in limited circumstances and only where the competitive dialogue procedure is inappropriate.
- 20.4.2 The Procurement department will publicise the Authority's intention to seek bids in relation to the contract by advertising in the OJEU a notice inviting requests to be selected to negotiate
- 20.4.3 In certain limited circumstances the negotiated procedure may be used without prior publication of a contract notice. In those circumstances, an exemption will be required.

20.5 COMPETITIVE DIALOGUE PROCEDURE

- 20.5.1 The competitive dialogue procedure is to be used where the Authority wishes to award a particularly complex contract and the open or restricted procedure will not allow the award of that contract.
- 20.5.2 A particularly complex contract mean a contract where it is not possible to define the technical means capable of satisfying the Authority's needs or objectives or to objectively specify the legal or financial make up or a project or both.
- 20.5.3 The Procurement department will publicise the Authority's intention to seek officers in relation to the contract by advertising in the OJEU a notice inviting requests to be selected to participate.
- 20.5.4 Invitations must be sent simultaneously to each economic operator selected to participate in the dialogue.
- 20.5.5 The Authority may provide for the competitive dialogue procedure to take place in successive stages by applying the award criteria in the contract notice. The Procurement department will ensure that the number of contractors invited to participate in the final stage is sufficient to ensure genuine competition.

- 20.5.6 The Authority may continue competitive dialogue until one more solutions have been identified.
- 20.5.7 When each dialogue has been concluded, each participant must submit a final tender containing all elements required and necessary for performance of the project.

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ARTICLE 26 – FINANCIAL REGULATIONS

MERSEYSIDE FIRE & RESCUE AUTHORITY

FINANCIAL REGULATIONS

2011-2012

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Financial Regulations

For Merseyside Fire & Rescue Authority

Status of Financial Regulations

- 1.1 Financial Regulations provide the framework for managing the Authority's financial affairs. They apply to every member and officer of the Authority and anyone acting on its behalf.
- 1.2 The Regulations identify the financial responsibilities of the Authority, the Chief Executive & Chief Fire Officer, the Monitoring Officer, the Assistant Chief Executive & Treasurer and other members of the Corporate Leadership Team (CLT). CLT includes both the Executive Team & Director Team. CLT officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers references to the CLT officer in the Regulations should be read as referring to them.
- 1.3 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.4 The Assistant Chief Executive & Treasurer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Authority for approval. The Assistant Chief Executive & Treasurer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Authority.
- 1.5 The Authority's detailed financial procedures, setting out how the Regulations will be implemented, are contained in the appendices to the Financial Regulations.
- 1.6 CLT officers and budget managers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.

- 1.7 The Assistant Chief Executive & Treasurer is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the Authority are required to follow. S/He is also responsible for ensuring that adequate training is available to allow CLT officers and managers to comply with their duties.

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Financial Regulations

FINANCIAL REGULATION A: FINANCIAL MANAGEMENT

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

The Authority

- A.2 The Authority is responsible for adopting the members' code of conduct and for approving the policy framework and budget within which the Authority operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its Standing Orders. The Authority is also responsible for monitoring compliance with the agreed policy and related decisions.
- A.3 The Authority is responsible for approving procedures for the delegation of powers to committees and officers and recording and reporting decisions taken. These delegations and details of who has responsibility for which decisions are set out in the scheme of delegation and powers and duties of committees contained with the Authority's Procedural Standing Orders.
- A.4 The Authority does not operate with a Cabinet or Executive structure and does not have a Scrutiny Committee. Indeed, the Authority only comprises 18 elected Members. However, the Authority has constituted a Management Board, to which details of all proposed reports to committees or the Authority are submitted for consideration, and determination as to whether the proposals should be referred on to a committee. Management Board agendas are sent to all members, and all members are invited to attend the meetings. This process accordingly provides an opportunity for scrutiny and review of proposals. Also, where certain decisions are delegated to committees, and where a question as to the use of delegated powers is put to the vote at such committees, and a majority of members present so request, the decision the subject of delegated powers shall be of no effect, but shall be treated as a recommendation to the Authority. The Authority will then have an opportunity to determine the matter. This provides a further opportunity for scrutiny and review.

- A.5 Officers are also required to report on a regular basis to the Management Board as to the exercise of delegated powers in respect of award of contracts over a certain value. This gives an opportunity for members scrutiny of officers decisions.

Standards Committee

- A.6 The Standards Committee is established by the Authority (which includes 3 independent members appointed following public advert), and is responsible for promoting and maintaining high standards of conduct amongst members. In particular, it is responsible for advising the Authority on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

THE STATUTORY OFFICERS

Chief Executive & Chief Fire Officer

- A.7. The Chief Executive & Chief Fire Officer is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Authority and its committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive & Chief Fire Officer is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Authority's decisions (see below).

Solicitor to the Authority & Monitoring Officer (Director of Legal Services)

- A.8. The Director of Legal Services is the Solicitor to the Authority and the Monitoring Officer and is responsible for promoting and maintaining high standards of member conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Authority, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.9. The Monitoring Officer must ensure that Authority decisions and the reasons for them are made public. He or she must also ensure that members are aware of decisions made by the Authority, its committees and of those made by officers who have delegated responsibility.
- A.10 The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.

- A.11 The Monitoring Officer is responsible for advising the Authority about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.12 The Monitoring Officer (together with the Assistant Chief Executive & Treasurer) is responsible for advising the Authority about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring interdepartmental transfers above virement limits
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

The Assistant Chief Executive & Treasurer

- A.13 The Assistant Chief Executive & Treasurer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 73 and 105(1) of the Local Government Act 1985
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 1996 and 2003.
- A.14 The Assistant Chief Executive & Treasurer is responsible for:
- the proper administration of the Authority's financial affairs
 - setting and monitoring compliance with financial management standards
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - providing financial information
 - preparing the revenue budget and capital programme
 - treasury management.

A.15 Section 114 of the Local Government Finance Act 1988 requires the Assistant Chief Executive & Treasurer to report to the Authority and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts.

1. See "A Statement on the Role of the Director of Resources in Local Government" (CIPFA, 1999)

Section 114 of the 1988 Act also requires:

- the Assistant Chief Executive & Treasurer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- the Authority to provide the Assistant Chief Executive & Treasurer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

Corporate Leadership Team

A.16 Officers on the CLT are responsible for:

- ensuring that Authority members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Assistant Chief Executive & Treasurer

A.17 It is the responsibility of CLT officers to consult with the Assistant Chief Executive & Treasurer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

- A.18 The Authority is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.19 CLT officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Assistant Chief Executive & Treasurer. They must notify the Assistant Chief Executive & Treasurer of all proposed virements.

Treatment of year- end balances

- A.20 The Authority is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

Accounting Policies

- A.21 The Assistant Chief Executive & Treasurer is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting Records & Returns

- A.22 The Assistant Chief Executive & Treasurer is responsible for determining the accounting procedures and records for the Authority.

The Annual Statement of Accounts

- A.23 The Assistant Chief Executive & Treasurer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Authority is responsible for approving the annual statement of accounts.

FINANCIAL REGULATION B: FINANCIAL PLANNING

Introduction

- B.1 The Authority is responsible for agreeing the policy framework and budget. In terms of financial planning, the key elements are:
- the corporate plan/IRMP (Integrated Risk Management Plan)
 - the budget
 - the capital programme and related Asset Management Plans

Policy Framework

- B.2 The Authority is responsible for approving the policy framework and budget. The policy framework comprises the following plans and strategies:
- corporate financial plan
 - best value performance plan
 - capital programme
 - treasury management policy statement
 - Integrated risk management plan (IRMP)
 - Service Plan
- B.3 The Authority is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the Authority by the Monitoring Officer.
- B.4 The Authority is responsible for setting the level at which officers may reallocate budget funds from one service to another. CLT officers are responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Authority.

Preparation of the Corporate Plan/Integrated Risk Management Plan

- B.5 The Chief Executive & Chief Fire Officer is responsible for proposing the IRMP to the Authority for approval.

BUDGETING

Budget Format

- B.7 The general format of the budget will be approved by the Authority and on the advice of the Assistant Chief Executive & Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget Preparation

- B.8 The Assistant Chief Executive & Treasurer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a five-yearly basis is maintained for consideration by the Authority. The Authority may amend the budget before approving it.
- B.9 The Assistant Chief Executive & Treasurer is responsible for issuing guidance on the general content of the budget in consultation with the Chief Executive & Chief Fire Officer as soon as possible following approval by the Authority.
- B.10 It is the responsibility of CLT officers to ensure that budget estimates reflecting agreed service plans are submitted and that these estimates are prepared in line with guidance issued.

Budget Monitoring & Control

- B.11 The Assistant Chief Executive & Treasurer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Authority on the overall position on a regular basis.
- B.12 It is the responsibility of CLT officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Assistant Chief Executive & Treasurer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Assistant Chief Executive & Treasurer to any problems.

Resource Allocation

- B.13 The Assistant Chief Executive & Treasurer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Authority's policy framework.

Preparation Of The Capital Programme

B.14 The Assistant Chief Executive & Treasurer is responsible for ensuring that a 5 year capital programme is prepared on an annual basis for consideration by the Authority.

Guidelines

B.15 Guidelines on budget preparation are issued to members and CLT officers by the Assistant Chief Executive & Treasurer. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- the corporate plan (IRMP)
- available resources
- spending pressures
- best value and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

Maintenance Of Reserves

B.16 It is the responsibility of the Assistant Chief Executive & Treasurer to advise the Authority on prudent levels of reserves for the Authority.

FINANCIAL REGULATION C: RISK MANAGEMENT & CONTROL OF RESOURCES

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2 The Authority is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Authority on the advice of the Director of Legal Services (in consultation with the Chief Executive & Chief Fire Officer and the Assistant Chief Executive & Treasurer) is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The Authority is responsible for approving the Authority's Business Continuity Management policy statement and strategy and for reviewing the effectiveness of Business Continuity. The Authority on the advice of the Assistant Chief Executive & Treasurer (in consultation with the Deputy Chief Executive & Chief Fire Officer and the Director of Legal Services) is responsible for ensuring that proper Business Continuity plans exist where appropriate.
- C.4 The Assistant Chief Executive & Treasurer , in consultation with the Director of Legal Services, is responsible for preparing the Authority's risk management policy statement, for promoting it throughout the Authority and for advising the executive on proper insurance cover where appropriate.
- C.5 The Authority has approved a risk register.
- C.6 The Authority has approved Organisation and Departmental Business Continuity Plans.
- C.7 CLT members are responsible for maintaining the risk register and Business Continuity plans in their own areas of responsibility and ensuring adequate risk management and business continuity fallback arrangements are in place for all projects.

Internal Control

- C.8 Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.9 The Assistant Chief Executive & Treasurer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.10 It is the responsibility of CLT officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit Requirements

- C.11 The Accounts and Audit Regulations 2003 issued by the Secretary of State require every local authority to maintain an adequate and effective internal audit.
- C.12 The Audit Commission is responsible for appointing external auditors to each local Authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.13 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

Preventing Fraud & Corruption

- C.14 The Director of Legal Services (in consultation with the Assistant Chief Executive & Treasurer) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

C.15 CLT officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

C.16 The Authority has adopted CIPFA's *Code of Practice for Treasury Management in Public Services*.

C.17 The Authority will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
- Suitable Treasury Management Practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

C.18 The Authority will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its TMPs.

C.19 The Authority delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Executive Leadership Team, and for the execution and administration of treasury management decisions to the Assistant Chief Executive & Treasurer, who will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

C.20 The Authority nominates the Strategic Assets Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

Staffing

C.21 The Authority is responsible for determining how officer support for executive and non-executive roles within the Authority will be organised.

C.22 The Chief Executive & Chief Fire Officer is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

C.23 CLT officers are responsible for controlling total staff numbers by:

- advising the Authority on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.

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FINANCIAL REGULATION D: SYSTEMS & PROCEDURES

Introduction

D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

D.2 The Assistant Chief Executive & Treasurer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by CLT officers to the existing financial systems or the establishment of new systems must be approved by the Assistant Chief Executive & Treasurer. However, CLT officers are responsible for the proper operation of financial processes in their own departments.

D.3 Any changes to agreed procedures by CLT officers to meet their own specific service needs should be agreed with the Assistant Chief Executive & Treasurer .

D.4 CLT officers should ensure that their staff receive relevant financial training that has been approved by the Assistant Chief Executive & Treasurer .

D.5 CLT officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. CLT officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income & Expenditure

D.6 It is the responsibility of CLT officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the CLT officer's behalf in respect of payments, income collection and placing orders, together with the limits of their Authority. The Authority is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments To Employees & Members

- D.7 The Assistant Chief Executive & Treasurer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members. He or she is also responsible for the payment of pensions to retired firefighters.

Taxation

- D.8 The Assistant Chief Executive & Treasurer is responsible for advising CLT officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.
- D.9 The Assistant Chief Executive & Treasurer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

- D.10 It is the responsibility of the Assistant Chief Executive & Treasurer to advise on the establishment and operation of trading accounts and business units.

FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

Introduction

- E.1 The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

- E.2 The Authority is responsible for approving delegations and has approved a Partnership Strategy for partnerships. The Authority is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3 The Authority can delegate functions – including those relating to partnerships – to officers. These are set out in the Authority scheme of delegation. Where functions are delegated, the responsible officer remains accountable for them to the Authority.
- E.4 The Chief Executive & Chief Fire Officer represents the Authority on partnership and external bodies, in accordance with the scheme of delegation and the Partnership Strategy.
- E.5 The Monitoring Officer and Assistant Chief Executive & Treasurer are responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.
- E.6 The Assistant Chief Executive & Treasurer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7 CLT officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- E.8 The Authority has approved a central register of all partnership agreements and a monitoring and review procedure..

External Funding

- E.9 The Assistant Chief Executive & Treasurer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

Work For Third Parties

- E.10 The Authority is responsible for approving the contractual arrangements for any work for third parties or external bodies.

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Appendices

Financial Procedures

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APPENDIX A

Financial Management

FINANCIAL MANAGEMENT STANDARDS

Why is this important?

- 1.01 All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key controls

- 1.02 The key controls and control objectives for financial management standards are:
- (a) their promotion throughout the Authority
 - (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Authority.

Responsibilities of the Assistant Chief Executive & Treasurer

- 1.03 To ensure the proper administration of the financial affairs of the Authority.
- 1.04 To set the financial management standards and to monitor compliance with them.
- 1.05 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Authority.
- 1.06. To advise on the key strategic controls necessary to secure sound financial management.
- 1.07 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of CLT Officers

- 1.08 To promote the financial management standards set by the Assistant Chief Executive & Treasurer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Assistant Chief Executive & Treasurer .
- 1.09 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

MANAGING EXPENDITURE

Scheme of virement

Why is this important?

- 1.10 The scheme of virement is intended to enable the CLT officers and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Authority, and therefore to optimise the use of resources.

Key controls

- 1.11 Key controls for the scheme of virement are:
- (a) it is administered by the Assistant Chief Executive & Treasurer within guidelines set by the Authority. Any variation from this scheme requires the approval of the Authority.
 - (b) the overall budget is approved by the Authority. CLT Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis.

- (c) virement does not create additional overall budget liability. CLT Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. CLT Officers must plan to fund such commitments from within their own budgets.

Responsibilities of the Assistant Chief Executive & Treasurer

- 1.12 To prepare jointly with the CLT Officer a report to the Authority where virements in excess of £50,000 are proposed.
- 1.13 To report all virements below this level to the Authority through financial monitoring reports.

Responsibilities of CLT Officers

- 1.14 CLT Officers may exercise virement on budgets under their control for amounts up to £50,000 on any one budget head during the year, following notification to the Assistant Chief Executive & Treasurer under arrangements agreed by the Authority and subject to the conditions in paragraphs 1.15 to 1.17 below.
- 1.15 Amounts greater than £50,000 require the approval of the Authority, following a joint report by the Assistant Chief Executive & Treasurer and the CLT Officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.
- 1.16 The prior approval of the Authority is required for any virement, of whatever amount, where it is proposed to change Authority policy
- 1.17 Virement that is likely to impact on the level of service activity of another CLT Officer should be implemented only after agreement with the relevant CLT Officer.
- 1.18. No virement relating to a specific financial year should be made after 31 March in that year.
- 1.19. Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
 - (a) the amount is used in accordance with the purposes for which it has been established

- (b) the Authority has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Authority.

Treatment Of Year-End Balances

Why is this important?

- 1.20 The Authority's scheme of virement sets out the Authority's treatment of year-end balances. It is administered by the Assistant Chief Executive & Treasurer within guidelines set by the Authority. Any variation from the scheme of virement (as set out above) requires the approval of the Authority.
- 1.21 The rules below cover arrangements for the transfer of resources between accounting years, ie a carry-forward. For the purposes of this scheme, a budget heading is a line in the estimates report, (*or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA in its Service Expenditure Analysis*).

Key controls

- 1.22 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the Assistant Chief Executive & Treasurer

- 1.23 To administer the scheme of carry-forward within the guidelines approved by the Authority.
- 1.24 To report all overspendings and underspendings on service estimates carried forward to the executive and to the Authority.

Responsibilities of CLT Officers

- 1.25 Any overspending on service estimates in total on budgets must be carried forward to the following year, and will constitute the first call on service estimates in the following year. The Assistant Chief Executive & Treasurer will report the extent of overspendings carried forward to the Authority.
- 1.26 Net underspendings on service estimates under the control of the CLT Officer may be carried forward, subject to:
 - (a) reporting to the Authority the source of underspending or additional income and the proposed application of those resources.

- (b) the approval of the Authority where the underspending exceeds 5% of the individual budget heading or £50,000, whichever is less.
- (c) the consideration of the overall financial position of the Authority and service priorities.

1.27 All internal business unit surpluses shall be retained for the benefit of the Authority and their application shall require the approval of the Authority.

ACCOUNTING POLICIES

Why is this important?

1.28 The Assistant Chief Executive & Treasurer is responsible for the preparation of the Authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC), for each financial year ending 31st March.

Key Controls

1.29 The key controls for accounting policies are:

- (a) systems of internal control are in place that ensure that financial transactions are lawful
- (b) suitable accounting policies are selected and applied consistently
- (c) proper accounting records are maintained
- (d) financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income.

Responsibilities of the Assistant Chief Executive & Treasurer

1.30 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

- (a) separate accounts for capital and revenue transactions
- (b) the basis on which debtors and creditors at year end are included in the accounts
- (c) details on substantial provisions and reserves
- (d) fixed assets
- (e) depreciation

- (f) capital charges
- (g) work in progress
- (h) stocks and stores
- (i) deferred charges
- (j) accounting for value added tax
- (k) government grants
- (l) leasing
- (m) pensions.

Responsibilities of CLT Officers

- 1.31 To adhere to the accounting policies and guidelines approved by the Assistant Chief Executive & Treasurer .

ACCOUNTING RECORDS AND RETURNS

Why is this important?

- 1.32 Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.

Key Controls

- 1.33 The key controls for accounting records and returns are:
- (a) all members, finance staff and budget managers operate within the required accounting standards and timetables
 - (b) all the Authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Assistant Chief Executive & Treasurer

- 1.34 To determine the accounting procedures and records for the Authority. Where these are maintained outside the finance department, the Assistant Chief Executive & Treasurer should consult the CLT Officer concerned.
- 1.35 To arrange for the compilation of all accounts and accounting records under his or her direction.
- 1.36 To comply, as far as practicable, with the following principles when allocating accounting duties:
 - (a) separating the duties of providing information about sums due to or from the Authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
 - (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

Where such arrangements are not practical alternative controls must be agreed with the Assistant Chief Executive & Treasurer

- 1.37 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2003.
- 1.38 To ensure that all claims for funds including grants are made by the due date.
- 1.39 To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Authority to approve the statement of accounts before 30th June.
- 1.40 To administer the Authority's arrangements for under- and overspendings to be carried forward to the following financial year.
- 1.41 To ensure the proper retention of financial documents in accordance with all legal requirements and as set out in the Authority's document retention schedule.

Responsibilities of CLT Officers

- 1.42 To consult and obtain the approval of the Assistant Chief Executive & Treasurer before making any changes to accounting records and procedures.

- 1.43 To comply with the principles outlined above when allocating accounting duties.
- 1.44 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.45 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Assistant Chief Executive & Treasurer .

THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- 1.46 The Authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Authority is responsible for approving the statutory annual statement of accounts.

Key controls

- 1.47 The key controls for the annual statement of accounts are:
 - the Authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Assistant Chief Executive & Treasurer
 - the Authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (the SORP) (CIPFA/LASAAC).

Responsibilities of the Assistant Chief Executive & Treasurer

- 1.48 To select suitable accounting policies and to apply them consistently.
- 1.49 To make judgements and estimates that are reasonable and prudent.
- 1.50 To comply with the SORP.

- 1.51 To sign and date the statement of accounts, stating that it presents fairly the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31 March 20xx.
- 1.52 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of CLT Officers

- 1.53 To comply with accounting guidance provided by the Assistant Chief Executive & Treasurer and to supply the Assistant Chief Executive & Treasurer with information when required.

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Financial Planning

PERFORMANCE PLANS

Why is this important?

2.01 The Authority has a statutory responsibility to publish various performance plans, including integrated risk management plans, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement.

Key Controls

2.02 The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent
- (b) to produce plans in accordance with statutory requirements
- (c) to meet the timetables set
- (d) to ensure that all performance information is accurate, complete and up to date
- (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Assistant Chief Executive & Treasurer

2.03 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

2.04 To contribute to the development of corporate and service targets and objectives and performance information.

2.05 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

2.06 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of CLT Officers

- 2.07 To contribute to the development of performance plans in line with statutory requirements.
- 2.08 To contribute to the development of corporate and service targets and objectives and performance information.

BUDGETING

Format of the budget

Why is this important?

- 2.09 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key controls

- 2.10 The key controls for the budget format are:
- (a) the format complies with all legal requirements
 - (b) the format complies with CIPFA's *Best Value Accounting – Code of Practice*
 - (c) the format reflects the accountabilities of service delivery.

Responsibilities of the Assistant Chief Executive & Treasurer s

- 2.11 To advise the Authority on the format of the budget that is approved.

Responsibilities of CLT Officers

- 2.12 To comply with accounting guidance provided by the Assistant Chief Executive & Treasurer .

Revenue budget preparation, monitoring and control

Why is this important?

- 2.13 Budget management ensures that once the budget has been approved by the Authority, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.14 By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- 2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the CLT Officer's scheme of delegation.

Key controls

- 2.16 The key controls for managing and controlling the revenue budget are:
- (a) budget managers should be responsible only for income and expenditure that they can influence
 - (b) there is a nominated budget manager for each cost centre heading
 - (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
 - (d) budget managers follow an approved certification process for all expenditure
 - (e) income and expenditure are properly recorded and accounted for
 - (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget, eg by budgetary virement

Responsibilities of the Assistant Chief Executive & Treasurer

- 2.17 To establish an appropriate framework of budgetary management and control that ensures that:
- (a) budget management is exercised within annual cash limits unless the Authority agrees otherwise;
 - (b) each CLT Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
 - (c) expenditure is committed only against an approved budget head;
 - (d) all officers responsible for committing expenditure comply with relevant guidance, Contract Standing Orders and the Financial Regulations;
 - (e) each cost centre has a single named manager, determined by the relevant CLT Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure;
 - (f) significant variances from approved budgets are investigated and reported by budget managers regularly.
- 2.18 To administer the Authority's scheme of virement.
- 2.19 To submit reports to to the Authority, in consultation with the relevant CLT Officer, where a CLT Officer is unable to balance expenditure and resources within existing approved budgets under his or her control.
- 2.20 To prepare and submit reports on the Authority's projected income and expenditure compared with the budget on a regular basis.

Responsibilities of CLT Officers

- 2.21 To maintain budgetary control within their departments, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the CLT Officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

- 2.23 To ensure that spending remains within the Service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25 To prepare and submit to the Authority reports on projected expenditure compared with its budget, in consultation with the Assistant Chief Executive & Treasurer .
- 2.26 To ensure prior approval by the Authority for new proposals* of whatever amount, that:
- (a) create financial commitments in future years
 - (b) change existing policies, initiate new policies or cease existing policies
 - (c) materially extend or reduce the Authority's services.

** A report on new proposals should explain the full financial implications, following consultation with the Assistant Chief Executive & Treasurer . Unless the Authority has agreed otherwise, CLT Officers must plan to contain the financial implications of such proposals within their cash limit.*

- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant CLT Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or CLT Officer's level of service activity.

Budgets And Medium-Term Planning

Why is this important?

- 2.29 The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Authority's plans and policies.
- 2.30 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Authority. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an Authority to budget for a deficit.

2.31 Medium-term planning (the Authority has adopted a five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

Key controls

2.32 The key controls for budgets and medium-term planning are:

- (a) specific budget approval for all expenditure
- (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Authority for their budgets and the level of service to be delivered
- (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Assistant Chief Executive & Treasurer

2.33 To prepare and submit reports on budget prospects for the executive, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Authority, and after consultation with CLT Officers.

2.35 To prepare and submit reports to the Authority on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.

2.36 To advise on the medium-term implications of spending decisions.

2.37 To encourage the best use of resources and value for money by working with CLT Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

2.38 To advise the Authority on proposals in accordance with his or her responsibilities under section 73 of the Local Government Act 1985.

Responsibilities of CLT Officers

- 2.39 To prepare estimates of income and expenditure, in consultation with the Assistant Chief Executive & Treasurer, to be submitted to the Authority.
- 2.40 To prepare budgets that are consistent with any relevant cash limits, with the Authority's annual budget cycle and with guidelines issued by the Authority. The format should be prescribed by the Assistant Chief Executive & Treasurer in accordance with the Authority's general directions.
- 2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42 In consultation with the Assistant Chief Executive & Treasurer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee.
- 2.43 When drawing up draft budget requirements, to have regard to:
- (a) spending patterns and pressures revealed through the budget monitoring process
 - (b) legal requirements
 - (c) policy requirements as defined by the Authority in the approved policy framework
 - (d) initiatives already under way.

Resource allocation

Why is this important?

- 2.44 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key controls

2.45 The key controls for resource allocation are:

- (a) resources are acquired in accordance with the law and using an approved authorisation process
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- (c) resources are securely held for use when required
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Assistant Chief Executive & Treasurer

2.46 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

2.47 To assist in the allocation of resources to budget managers.

Responsibilities of CLT Officers

2.48 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.49 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Capital programmes

Why is this important?

- 2.50 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 2.51 The Government places strict controls on the financing capacity of the Authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

- 2.52 The key controls for capital programmes are:
- (a) specific approval by the Authority for the programme of capital expenditure
 - (b) expenditure on capital schemes is subject to the approval of the Assistant Chief Executive & Treasurer
 - (c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each major (greater than £100,000) capital project, for approval by the Authority
 - (d) approval by the Authority where capital schemes are to be financed from the revenue budget
 - (e) proposals for improvements and alterations to buildings must be approved by the appropriate CLT Officer
 - (f) schedules for individual schemes within the overall budget approved by the Authority must be submitted to the Authority for approval (for example, minor works), or under other arrangements approved by the Authority
 - (g) the development and implementation of asset management plans
 - (h) accountability for each proposal is accepted by a named manager
 - (i) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Assistant Chief Executive & Treasurer

- 2.53 To prepare capital estimates jointly with CLT Officers and to report them to the Authority for approval. The Authority will make recommendations on the capital estimates and on any associated financing requirements to the Authority. Authority approval is required where a CLT Officer proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- 2.54 To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates.
- 2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Assistant Chief Executive & Treasurer, having regard to Government regulations and accounting requirements.
- 2.56 To provide advice to allow responsible officers to obtain authorisation from the Authority for individual schemes where the estimated expenditure exceeds the capital programme provision.

Responsibilities of CLT Officers

- 2.57 To comply with guidance concerning capital schemes and controls issued by the Assistant Chief Executive & Treasurer.
- 2.58 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Executive Director of Resources.
- 2.59 To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Assistant Chief Executive & Treasurer.
- 2.60 To ensure that adequate records are maintained for all capital contracts.
- 2.61 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Assistant Chief Executive & Treasurer, where required.
- 2.62 To prepare and submit reports, jointly with the Assistant Chief Executive & Treasurer, to the Authority, of any variation in contract costs greater than the approved limits. CLT Officers may meet cost increases of up to 10% by virement from savings elsewhere within their capital programme.

- 2.63 To prepare and submit reports, jointly with the Assistant Chief Executive & Treasurer , to the Authority, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 2.64 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Assistant Chief Executive & Treasurer and, if applicable, approval of the scheme through the capital programme.
- 2.65 To consult with the Assistant Chief Executive & Treasurer and to seek Authority approval where the CLT Officer proposes to bid for additional supported borrowing approvals or grant from Government departments to support expenditure that has not been included in the current year's capital programme.

MAINTENANCE OF RESERVES

Why is this important?

- 2.66 The Authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key Controls

- 2.67 To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC) and agreed accounting policies.
- 2.68 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.69 Authorisation and expenditure from reserves by the appropriate CLT Officer in consultation with the Assistant Chief Executive & Treasurer .

Responsibilities of the Assistant Chief Executive & Treasurer

- 2.70 To advise the Authority on prudent levels of reserves for the Authority, and to take account of the advice of the external auditor in this matter.

Responsibilities of CLT Officers

- 2.71 To ensure that resources are used only for the purposes for which they were intended

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Risk Management and Control of Resources

RISK MANAGEMENT

Why is this important?

- 3.01 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.02 It is the overall responsibility of the Authority to approve the risk management and business continuity strategy, and to promote a culture of risk and business continuity management awareness throughout the Authority.

Key controls

- 3.03 The key controls for risk management are:
- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Authority.
 - (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
 - (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
 - (d) provision is made for losses that might result from the risks that remain.

- (e) procedures are in place to investigate claims within required timescales
- (f) acceptable levels of risk are determined and insured against where appropriate
- (g) the Authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.
- (h) procedures are in place to identify, assess, prevent or contain known business continuity issues , and these procedures are operating effectively throughout the Authority
- (i) a monitoring process is in place to review regularly the effectiveness of business continuity strategies and the operation of these controls. The business continuity management process should be conducted on a continuing basis
- (j) managers know that they are responsible for managing relevant business continuity plans and are provided with relevant information on business continuity management initiatives
- (k) acceptable levels of contingency are determined and insured against where appropriate

Responsibilities of the Assistant Chief Executive & Treasurer

- 3.04 To assist in the preparation of and promote the Authority's risk and business continuity management policy statement.
- 3.05 To develop risk and business continuity management controls in conjunction with other CLT Officers.
- 3.06 To consult with the Director of Legal Services on appropriate levels of insurance.

Responsibilities of the Director of Legal Services

- 3.07 To include all appropriate employees of the Authority in a suitable fidelity guarantee insurance.
- 3.08 To (in consultation with the Assistant Chief Executive & Treasurer) effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

Responsibilities of CLT Officers

- 3.09 To notify the Assistant Chief Executive & Treasurer and the Director of Legal Services immediately of any loss, liability or damage that may lead to a claim against the Authority, together with any information or explanation required by those officers or the Authority's insurers.
- 3.10 To take responsibility for risk management, having regard to advice from the Director of Legal Services, Assistant Chief Executive & Treasurer and other specialist officers (eg crime prevention, fire prevention, health and safety).
- 3.11 To ensure that there are regular reviews of risk within their departments.
- 3.12 To notify the Assistant Chief Executive & Treasurer and Director of Legal Services promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.13 To consult the Assistant Chief Executive & Treasurer and the Director of Legal Services on the terms of any indemnity that the Authority is requested to give.
- 3.14 To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

INTERNAL CONTROLS

Why is this important?

- 3.15 The Authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.16 The Authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

- 3.17 The Authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.18 The system of internal controls is established in order to provide measurable achievement of:
- (a) efficient and effective operations
 - (b) reliable financial information and reporting
 - (c) compliance with laws and regulations
 - (d) risk management.

Key controls

- 3.19 The key controls and control objectives for internal control systems are:
- (a) key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
 - (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
 - (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
 - (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline *Guidance for Internal Auditors*, CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom* and with any other statutory obligations and regulations.

Responsibilities of the Assistant Chief Executive & Treasurer

- 3.20 To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Responsibilities of CLT Officers

- 3.21 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 3.22 To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Assistant Chief Executive & Treasurer . CLT Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 3.23 To ensure staff have a clear understanding of the consequences of lack of control.

AUDIT REQUIREMENTS

Internal audit

Why is this important?

- 3.24 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2003, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”.
- 3.25 Accordingly, internal audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key controls

3.26 The key controls for internal audit are:

- (a) that it is independent in its planning and operation;
- (b) the internal audit service has direct access to the Chief Executive & Chief Fire Officer, all levels of management and directly to elected members;
- (c) the internal auditors comply with the Auditing Practices Board's guideline *Guidance for Internal Auditors*, as interpreted by CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom*.

Responsibilities of the Assistant Chief Executive & Treasurer

3.27 To ensure that internal auditors have the authority to:

- (a) access Authority premises at reasonable times;
- (b) access all assets, records, documents, correspondence and control systems;
- (c) receive any information and explanation considered necessary concerning any matter under consideration;
- (d) require any employee of the Authority to account for cash, stores or any other Authority asset under his or her control;
- (e) access records belonging to third parties, such as contractors, when required;
- (f) directly access the Chief Executive & Chief Fire Officer, the Authority and its members.

3.28 To submit for approval the strategic and annual audit plans, which take account of the characteristics and relative risks of the activities involved.

3.29 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of CLT Officers

- 3.30 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.31 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.32 To consider and respond promptly to recommendations in audit reports.
- 3.33 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.34 To notify the Assistant Chief Executive & Treasurer and Director of Legal Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the CLT Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.35 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the head of internal audit prior to implementation.

External audit

Why is this important?

- 3.36 The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.37 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:
 - (a) the financial aspects of the audited body's corporate governance arrangements;
 - (b) the audited body's financial statements.

aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information

- 3.38 The Authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

Key controls

- 3.39 External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Assistant Chief Executive & Treasurer

- 3.40 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 3.41. To ensure there is effective liaison between external and internal audit.
- 3.42. To work with the external auditor and advise the Authority and CLT Officers on their responsibilities in relation to external audit.

Responsibilities of CLT Officers

- 3.43. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.44. To ensure that all records and systems are up to date and available for inspection.

Preventing fraud and corruption

Why is it this important?

- 3.45. The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.
- 3.46. The Authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

3.47. The Authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

Key controls

3.48. The key controls regarding the prevention of financial irregularities are that:

- (a) the Authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption;
- (b) all members and staff act with integrity and lead by example;
- (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt;
- (d) high standards of conduct are promoted amongst members by the Standards Committee;
- (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;
- (f) whistle blowing procedures are in place and operate effectively;
- (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Assistant Chief Executive & Treasurer

3.49. To assist the Director of Legal Services to develop and maintain an anti-fraud and anti-corruption policy.

3.50. To maintain adequate and effective internal control arrangements.

3.51. To ensure that all suspected irregularities are reported to the Head of Internal Audit, the Chief Executive & Chief Fire Officer, the Director of Legal Services and the Authority as appropriate.

Responsibilities of CLT Officers

- 3.52 To ensure that all suspected irregularities are reported to the Assistant Chief Executive & Treasurer and the Director of Legal Services.
- 3.53. To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.54. To ensure that where financial impropriety is discovered, the Assistant Chief Executive & Treasurer is informed, and, in consultation with the Head of Internal Audit, where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 3.55. To ensure that the register of interests is kept up to date.

ASSETS

Security

Why is this important?

- 3.56. The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

- 3.57. The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
 - (a) resources are used only for the purposes of the Authority and are properly accounted for;
 - (b) resources are available for use when required;
 - (c) resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits;

- (d) an asset register is maintained for the Authority, assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset;
- (e) all staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation;
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and internet security policies.

Responsibilities of the Assistant Chief Executive & Treasurer

- 3.58. To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £5,000. The function of the asset register is to provide the Authority with information about fixed assets so that they are:
- safeguarded
 - used efficiently and effectively
 - adequately maintained.
- 3.59. To receive the information required for accounting, costing and financial records from each CLT Officer.
- 3.60 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC)*.

Responsibilities of CLT Officers

- 3.61. The appropriate CLT Officer shall maintain a property database in a form approved by the Assistant Chief Executive & Treasurer for all properties, plant and machinery and moveable assets currently owned or used by the Authority. Any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- 3.62 To ensure that lessees and other prospective occupiers of Authority land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the CLT Officer in consultation with the Assistant Chief Executive & Treasurer and Director of Legal Services, has been established as appropriate.

- 3.63. To ensure the proper security of all buildings and other assets under their control.
- 3.64. Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the CLT Officer and the Assistant Chief Executive & Treasurer.
- 3.65. To pass title deeds to the Director of Legal Services who is responsible for custody of all title deeds.
- 3.66. To ensure that no Authority asset is subject to personal use by an employee without proper authority.
- 3.67. To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.
- 3.68. To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the Assistant Chief Executive & Treasurer .
- 3.69. To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 3.70. To consult the Assistant Chief Executive & Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.71. To ensure cash holdings on premises are kept to a minimum.
- 3.72. To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Assistant Chief Executive & Treasurer as soon as possible.
- 3.73. To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Assistant Chief Executive & Treasurer s, the Corporate Leadership Team agrees otherwise.
- 3.74. To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Assistant Chief Executive & Treasurer .
- 3.75. To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.

Inventories

- 3.76 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery valued at £500 or more.
- 3.77. To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.
- 3.78. To make sure that property is only used in the course of the Authority's business, unless the CLT Officer concerned has given permission otherwise.

Stocks and stores

- 3.79. To make arrangements for the care and custody of stocks and stores in the department.
- 3.80. To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.81. To investigate and seek approval to remove from the Authority's records (ie write off) discrepancies as necessary from the Assistant Chief Executive & Treasurer , or to obtain Authority approval if they are in excess of £5,000.
- 3.82. To authorise or write off disposal of redundant stocks and equipment (following approval by the Assistant Chief Executive & Treasurer). Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Assistant Chief Executive & Treasurer , the officer decides otherwise in a particular case.
- 3.83. To seek the approval of the Authority to the write-off of redundant stocks and equipment in excess of £5000.

Intellectual property

Why is this important?

- 3.84. Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various Acts of Parliament cover different types of intellectual property.
- 3.85. Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key controls

- 3.86. In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Authority's approved intellectual property procedures. Guidance may be sought from the Director of Procurement.

Responsibilities of CLT Officers

- 3.87 To ensure that controls are in place to ensure that staff do not carry out private work in Authority time and that staff are aware of an employer's rights with regard to intellectual property.
- 3.88 To develop and disseminate good practice through the Authority's intellectual property procedures.

Asset disposal

Why is this important?

- 3.89. It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.

Key controls

- 3.90. Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 3.91. Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Assistant Chief Executive & Treasurer

- 3.92. To issue guidelines representing best practice for disposal of assets.
- 3.93. To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Responsibilities of CLT Officers

- 3.94. To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.
- 3.95. To ensure that income received for the disposal of an asset passed to the Finance Directorate to be properly banked and coded.

TREASURY MANAGEMENT

Why is this important?

- 3.96. Many millions of pounds pass through the Authority's books each year. This led to the establishment of codes of practice. These aim to provide assurances that the Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the **security** of the Authority's capital sum.

Key controls

- 3.97. That the Authority's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the Authority's treasury policy statement.

Responsibilities of Assistant Chief Executive & Treasurer– Treasury Management and Banking

- 3.98. To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the Authority's treasury management policy statement and strategy.
- 3.99. To report, as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in the Authority's TMPs.
- 3.100. To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Assistant Chief Executive & Treasurer . All arrangements for the opening of bank accounts in the name of the Authority and for the ordering and issue of cheques shall be made by the Assistant Chief Executive & Treasurer . All cheques drawn on behalf of the Authority shall be signed by the Assistant Chief Executive & Treasurer or by such officers as may be nominated by him for that purpose. Any indemnity required by the Authority's bankers regarding the signature of cheques by a computer or mechanical means, or where the services of a security firm are used for the deposit or receipt of cash at the bank shall be given by the Assistant Chief Executive & Treasurer on behalf of the Authority

Responsibilities of CLT Officers – Treasury Management and Banking

- 3.101. To follow the instructions on banking issued by the Assistant Chief Executive & Treasurer .

Responsibilities of Assistant Chief Executive & Treasurer– Investments and Borrowing

- 3.102. To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the Authority.
- 3.103. To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority's ownership are held in the custody of the appropriate CLT Officer.
- 3.104. To effect all borrowings in the name of the Authority.

- 3.105. To act as the Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

Responsibilities of CLT Officers – Investments and Borrowing

- 3.106. To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Authority, following consultation with the Assistant Chief Executive & Treasurer .

Responsibilities of CLT Officers – Trust Funds and Funds held for Third Parties

- 3.107. To arrange for all trust funds to be held, wherever possible, in the name of the Authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Assistant Chief Executive & Treasurer , unless the deed otherwise provides.
- 3.108. To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Assistant Chief Executive & Treasurer , and to maintain written records of all transactions.
- 3.109. To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Responsibilities of the Assistant Chief Executive & Treasurer– Imprest Accounts

- 3.110. To provide employees of the Authority with cash or bank imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount of £20 per transaction.
- 3.111. To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- 3.112. To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of CLT Officers – Imprest Accounts

3.113. To ensure that employees operating an imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
- (b) make adequate arrangements for the safe custody of the account and control of the cash held at the sub imprest;
- (c) produce upon demand by the Assistant Chief Executive & Treasurer cash and all vouchers to the total value of the imprest amount;
- (d) record transactions promptly;
- (e) ensure all reimbursement requests are properly scrutinised and authorised;
- (f) ensure that individual or cumulative claims for amounts over £20 are not be paid from petty cash but are submitted for reimbursement via a personal expense claim;
- (g) ensure amounts owed to individual claimants are not artificially seperated so they fall below the £20 threshold for patty cash payments;
- (h) ensure all reimbursement requests are presented promptly;
- (i) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
- (j) ensure reimbursement claims are forwarded to Finance at least on a monthly basis;
- (k) ensure reimbursement cheques are cashed promptly;
- (l) provide the Assistant Chief Executive & Treasurer with a certificate of the value of the account held at 31 March each year;

- (m) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made on leaving the Authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Assistant Chief Executive & Treasurer for the amount advanced to him or her.

DRAFT

Staffing

Why is this important?

3.114. In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key controls

3.115. The key controls for staffing are:

- (a) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched;
- (b) procedures are in place for forecasting staffing requirements and cost;
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the Authority;
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Assistant Chief Executive & Treasurer

3.116. To ensure that budget provision exists for all existing and new employees.

3.117. To act as an advisor to CLT Officers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of CLT Officers

3.118. To produce an annual staffing budget.

3.119. To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).

3.120. To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

3.121. To ensure that the staffing budget is not exceeded without due Authority and that it is managed to enable the agreed level of service to be provided.

3.122. To ensure that the ACFO and the Assistant Chief Executive & Treasurer are immediately informed if the staffing budget is likely to be materially over - or underspent.

DRAFT

Financial Systems and Procedures

GENERAL

Why is this important?

- 4.01. Departments have many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.02. The Assistant Chief Executive & Treasurer has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key controls

The key controls for systems and procedures are:

- (a) basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated;
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;
- (c) early warning is provided of deviations from target, plans and budgets that require management attention;
- (d) operating systems and procedures are secure.

Responsibilities of the Assistant Chief Executive & Treasurer

- 4.03. To make arrangements for the proper administration of the Authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the Authority's behalf;

- (b) determine the accounting systems, form of accounts and supporting financial records;
- (c) establish arrangements for audit of the Authority's financial affairs;
- (d) approve any new financial systems to be introduced;
- (e) approve any changes to be made to existing financial systems.

Responsibilities of CLT Officers

- 4.04. To ensure that accounting records are properly maintained and held securely.
- 4.05. To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Assistant Chief Executive & Treasurer.
- 4.06. To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.07. To incorporate appropriate controls to ensure that, where relevant:
 - (a) all input is genuine, complete, accurate, timely and not previously processed;
 - (b) all processing is carried out in an accurate, complete and timely manner;
 - (c) output from the system is complete, accurate and timely.
- 4.08. To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.09. To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 4.10. To ensure that systems are documented and staff trained in operations.
- 4.11. To consult with the Assistant Chief Executive & Treasurer before changing any existing system or introducing new systems.

- 4.12. To establish a scheme of delegation identifying officers authorised to act upon the CLT Officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 4.13. To supply lists of authorised officers, with specimen signatures and delegated limits, to the Assistant Chief Executive & Treasurer , together with any subsequent variations.
- 4.14. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.15. To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.16. To ensure that relevant standards and guidelines for computer systems issued by the CLT Officer are observed.
- 4.17. To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.18. To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
 - (a) only software legally acquired and installed by the Authority is used on its computers;
 - (b) staff are aware of legislative provisions;
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.

INCOME AND EXPENDITURE

Income

Why is this important?

- 4.19. Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cashflow and also avoids the time and cost of administering debts.

Key controls

4.20. The key controls for income are:

- (a) all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
- (c) all money received by an employee on behalf of the Authority is paid without delay to the Assistant Chief Executive & Treasurer, as he or she directs, to the Authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due;
 - for reconciling the amount due to the amount received.
- (d) effective action is taken to pursue non-payment within defined timescales;
- (e) formal approval for debt write-off is obtained;
- (f) appropriate write-off action is taken within defined timescales;
- (g) appropriate accounting adjustments are made following write-off action;
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule;
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Assistant Chief Executive & Treasurer

4.21. To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.

- 4.22. To order and supply to departments all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- 4.23. To agree the write-off of bad debts up to an approved limit in each case and to refer larger sums to the Authority.
- 4.24. To approve all debts to be written off in consultation with the relevant CLT Officer and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2003.
- 4.25. To obtain the approval of the Authority in consultation with the relevant CLT Officer for writing off debts in excess of the approved limit of £5000 net.
- 4.26. To ensure that appropriate accounting adjustments are made following write-off action.

Responsibilities of CLT Officers

- 4.27. To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 4.28. To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.29. To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.30. To issue official receipts or to maintain other documentation for income collection.
- 4.31. To ensure that when post is opened that money received by post is properly identified and recorded.
- 4.32. To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.33. To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 4.34. To ensure that income is paid fully and promptly into the appropriate Authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

4.35. To ensure income is not used to cash personal cheques or other payments.

4.36. To supply the Assistant Chief Executive & Treasurer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Assistant Chief Executive & Treasurer to record correctly the sums due to the Authority and to ensure accounts are sent out promptly. The current approved process is outlined below:

- Where possible, arrangements should be made to secure pre-payment for goods \ services provided.
- Where that is not possible, within 21 days of goods \ services being provided a properly completed Sales Invoice Request Form (SIRF) must be sent to the Finance Department.
- After validating the SIRF a Sales Invoice will be generated and sent to the Customer by the Finance Department.
- All customers will be allocated payment terms of 30 days and consequently all sales invoices are required to be paid within 30 days of the invoice date.
- Any outstanding undisputed invoices will have a first written reminder sent out no more than 3 working days after the payment due date for the customer's invoice.
- If the invoice remains unpaid 7 days after the the first reminder letter was issued a second reminder letter will be issued.
- If the invoice remains unpaid it will then be referred to the Litigation Department (usually 7 days after the second reminder letter was sent out).
- Any action taken by Litigation will be recorded as appropriate against the customer invoice number.

CLT Officers must ensure any officers raising SIRF requests assist the Assistant Chief Executive & Treasurer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Authority's behalf.

4.37. To keep a record of every transfer of money between employees of the Authority. The receiving officer must sign for the transfer and the transferor must retain a copy. Levels of cash held on the premises must be minimised.

- 4.38. To recommend to the Assistant Chief Executive & Treasurer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 4.39. To obtain the approval of the Assistant Chief Executive & Treasurer when writing off debts in excess of the approved limit, and the approval of the Authority where required.
- 4.40. To notify the Assistant Chief Executive & Treasurer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Assistant Chief Executive & Treasurer and not later than 30th April.

Ordering and paying for work, goods and services

Why is this important?

- 4.41. Public money should be spent with demonstrable probity and in accordance with the Authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's Contract Standing Orders.

General

- 4.42. Every officer and member of the Authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate codes of conduct.
- 4.43. Official orders must be in a form approved by the Assistant Chief Executive & Treasurer . Official orders must be issued for all work, goods or services to be supplied to the Authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Assistant Chief Executive & Treasurer . **Telephone orders should not be placed in advance of the official order**. All suppliers must be provided with an unique Financial System (FMIS) generated official purchase order number other than the exceptions specified above.

- 4.44. Each order must conform to the guidelines set by the Director of Procurement (in consultation with the Assistant Chief Executive & Treasurer and Director of Legal). Standard terms and conditions must not be varied without the prior approval of the Director of Procurement.
- 4.45. The normal and preferred method of payment from the Authority shall be by automated electronic payments (BACS) drawn on the Authority's bank account or National Giro account by the Assistant Chief Executive & Treasurer. The use of direct debit shall require the prior agreement of the Assistant Chief Executive & Treasurer .
- 4.46. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

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Key controls

4.47. The key controls for ordering and paying for work, goods and services are:

- (a) all goods and services are ordered only by appropriate persons and are correctly recorded;
- (b) All suppliers must be provided with a unique pre-numbered Financial System (FMIS) generated official purchase order number other than the exceptions specified in 4.43;
- (c) all goods and services shall be ordered in accordance with the Authority's Contract Standing Orders unless they are purchased from sources within the Authority;
- (d) goods and services received are checked to ensure they are in accordance with the order. Goods should not ordinarily be received by the person who placed the order but where possible, received and checked by a different officer from the person who authorised the order;
- (e) payments are not made unless goods have been received by the Authority and formally receipted in the Financial System (FMIS) to the correct price, quantity and quality standards;
- (f) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
- (g) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule;
- (h) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected;
- (i) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Assistant Chief Executive & Treasurer

- 4.48. To ensure that all the Authority's financial systems and procedures are sound and properly administered.
- 4.49. To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.50. To approve the form of official orders and associated terms and conditions.
- 4.51. To make payments from the Authority's funds on the CLT Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 4.52. To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.53. To make payments to contractors on the certificate of the appropriate CLT Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.54. To provide advice and encouragement on making payments by the most economical means.
- 4.55. To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of CLT Officers

- 4.56. To ensure that unique Financial System (FMIS) generated pre-numbered official orders are used for all goods and services, other than the exceptions specified in 4.43.
- 4.57. To ensure that orders are only used for goods and services provided to the department or directorate. Individuals must not use official orders to obtain goods or services for their private use.

- 4.58. To ensure that only those staff authorised by him or her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their Authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Authority's approach to procurement. Value for money should always be achieved.
- 4.59. To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- 4.60. To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
- (a) receipt of goods or services;
 - (b) that the invoice has not previously been paid;
 - (c) that expenditure has been properly incurred and is within budget provision;
 - (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
 - (e) correct accounting treatment of tax;
 - (f) that the invoice is correctly coded;
 - (g) that discounts have been taken where available;
 - (h) that appropriate entries will be made in accounting records.
- 4.61. To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. Whenever possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- 4.62. To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Assistant Chief Executive & Treasurer .

- 4.63 To ensure that payments are not normally made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Electronically submitted invoices can be accepted if submitted in a form agreed by the Assistant Chief Executive & Treasurers.
- 4.64. To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Assistant Chief Executive & Treasurer .
- 4.65. To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Assistant Chief Executive & Treasurer , which are in line with best value principles and contained in the Authority's Contract Standing Orders.
- 4.66. To utilise the skills of the Director of Procurement in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with the Contract Standing Orders and will cover:
- (a) authorised officers and the extent of their Authority;
 - (b) advertisement for tenders;
 - (c) procedure for creating, maintaining and revising a standard list of contractors;
 - (d) selection of tenderers;
 - (e) compliance with UK and EU legislation and regulations;
 - (f) procedures for the submission, receipt, opening and recording of tenders;
 - (g) the circumstances where financial or technical evaluation is necessary;
 - (h) procedures for negotiation;
 - (i) acceptance of tenders;
 - (j) the form of contract documentation;
 - (k) cancellation clauses in the event of corruption or bribery;
 - (l) contract records.

- 4.67. To ensure that employees are aware of the national code of conduct for local government employees .
- 4.68. To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Assistant Chief Executive & Treasurer. This is because of the potential impact on the Authority's borrowing powers, to protect the Authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 4.69. To notify the Assistant Chief Executive & Treasurer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Assistant Chief Executive & Treasurer and, in any case, not later than 30th April.
- 4.70. With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Assistant Chief Executive & Treasurer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of sub contractors' tax status.
- 4.71. To notify the Assistant Chief Executive & Treasurer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.72. To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

Payments to employees and members

Why is this important?

- 4.73. Staff costs are the largest item of expenditure for Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are authorised in accordance with the scheme adopted by the Authority.

Key controls

4.74. The key controls for payments to employees and members are:

(a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:

- starters
- leavers
- variations
- enhancements

and that payments are made on the basis of time records or claims

(b) frequent reconciliation of payroll expenditure against approved budget and bank account;

(c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule;

(d) that Inland Revenue regulations are complied with.

Responsibilities of the Assistant Chief Executive & Treasurer

4.75. To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.

4.76. To record and make arrangements for the accurate and timely payment of tax, superannuation (pension) and other deductions.

4.77. To make arrangements for payment of all travel and subsistence claims or financial loss allowance.

4.78. To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

4.79. To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

Responsibilities of CLT Officers

- 4.80 To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 4.81. To notify the Assistant Chief Executive & Treasurer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Assistant Chief Executive & Treasurer .
- 4.82. To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees
 - payments are only made where there is a valid entitlement
 - conditions and contracts of employment are correctly applied
 - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.83. To send an up-to-date list of the names of officers authorised to sign records to the Director of Human Resources, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.
- 4.84. To ensure that payroll transactions are processed only through the payroll system. CLT Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Assistant Chief Executive & Treasurer .
- 4.85. To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Assistant Chief Executive & Treasurer is informed where appropriate.
- 4.86. To ensure that the Assistant Chief Executive & Treasurer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system and Inland Revenue regulations.
- 4.87. To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

- 4.88. To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of members and employees

- 4.89 To submit expense claims for travel and subsistence allowances, including mileage claims under the Essential \ Casual Car User Scheme on a monthly basis.
- 4.90 To submit all scale rate claims via payroll so that appropriate deductions can be made in respect of Income Tax and National Insurance contributions in compliance with rules set by HM Revenue & Customs.

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Taxation

Why is this important?

4.91. Like all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

4.92. The key controls for taxation are:

- (a) budget managers are provided with relevant information and kept up to date on tax issues;
- (b) budget managers are instructed on required record keeping;
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- (d) records are maintained in accordance with instructions;
- (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Assistant Chief Executive & Treasurer

4.93. To complete all Inland Revenue returns regarding PAYE.

4.94. To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

4.95. To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.

4.96. To maintain up-to-date guidance for Authority employees on taxation issues in the accounting manual and the tax manual.

Responsibilities of CLT Officers

4.97. To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.

4.98. To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

- 4.99. To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 4.100 To follow the guidance on taxation issued by the Assistant Chief Executive & Treasurer in the Authority's accounting manual and VAT manual.

Trading accounts and business units

Why is this important?

- 4.101 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations in the BVPP. The Authority currently only accounts for the Building Cleaning section (former DSO) on this basis.

Responsibilities of the Assistant Chief Executive & Treasurer

- 4.102 To advise on the establishment and operation of trading accounts and business units.

Responsibilities of CLT Officers

- 4.103. To consult with the Assistant Chief Executive & Treasurer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- 4.104. To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- 4.105. To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
- 4.106 To ensure that each business unit prepares an annual business plan.

External Arrangements

PARTNERSHIPS

Why is this important?

- 5.01. Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 5.02. Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- 5.03. The main reasons for entering into a partnership are:
- (a) the desire to find new ways to share risk
 - (b) the ability to access new resources
 - (c) to provide new and better ways of delivering services
 - (d) to forge new relationships.
- 5.04. A partner is defined as either:
- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project;
- or
- (b) a body whose nature or status give it a right or obligation to support the project.
- 5.05. Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others;
 - (b) acting as a project funder or part funder;
 - (c) being the beneficiary group of the activity undertaken in a project.

5.06. Partners have common responsibilities:

- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- (c) be open about any conflict of interests that might arise;
- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- (f) to act wherever possible as ambassadors for the project.

Key controls

5.07. The key controls for Authority partners are:

- (a) if appropriate, to be aware of their responsibilities under the Authority's Financial Regulations and Contract Standing Orders;
- (b) to ensure that risk management processes are in place to identify and assess all known risks;
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Assistant Chief Executive & Treasurer

5.08. To advise on effective controls that will ensure that resources are not wasted.

- 5.09. To advise on the key elements of funding a project. They include:
- (a) a scheme appraisal for financial viability in both the current and future years;
 - (b) risk appraisal and management;
 - (c) resourcing, including taxation issues;
 - (d) audit, security and control requirements;
 - (e) carry-forward arrangements.
- 5.10. To ensure that the accounting arrangements are satisfactory.

Responsibilities of CLT Officers

- 5.11. To ensure all requests/proposals for Partnerships are referred to Partnership Advice Group to determine relationship/proposal.
- 5.12. To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Assistant Chief Executive & Treasurer and the Deputy Chief Executive & Chief Fire Officer.
- 5.13. To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Assistant Chief Executive & Treasurer s.
- 5.14. To ensure that such agreements and arrangements :-
- (a) link with the aims and objectives of the Authority; and
 - (b) do not impact adversely upon the services provided by the Authority.
- 5.15. To ensure that all agreements and arrangements are properly documented.
- 5.16. Partnerships to be regularly reviewed, monitored and evidenced on the project file and register by Project Managers.
- 5.17. To provide appropriate information to the Assistant Chief Executive & Treasurer to enable a note to be entered into the Authority's statement of accounts concerning material items.

A standard formal approach should be taken to measuring partnership outcomes.

EXTERNAL FUNDING

Why is this important?

- 5.18. External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the Authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Authority's overall plan.

Key controls

- 5.19. The key controls for external funding are:
- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
 - (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Authority;
 - (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Assistant Chief Executive & Treasurer

- 5.20. To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.
- 5.21. To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 5.22. To ensure that audit requirements are met.

Responsibilities of CLT Officers

- 5.23. To ensure that all claims for funds are made by the due date.

- 5.24. To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

WORK FOR THIRD PARTIES

Why is this important?

- 5.25 Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

- 5.26. The key controls for working with third parties are:
- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Assistant Chief Executive & Treasurer;
 - (b) to ensure that contracts are drawn up using guidance provided by the Assistant Chief Executive & Treasurer and that the formal approvals process is adhered to;
 - (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Assistant Chief Executive & Treasurer

- 5.27. To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of CLT Officers

- 5.28. To ensure that the approval of the Authority is obtained before any negotiations are concluded to work for third parties.
- 5.29. To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Assistant Chief Executive & Treasurer .
- 5.30. To ensure that appropriate insurance arrangements are made.
- 5.31. To ensure that the Authority is not put at risk from any bad debts.
- 5.32. To ensure that no contract is subsidised by the Authority.

- 5.33. To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 5.34. To ensure that the department/unit has the appropriate expertise to undertake the contract.
- 5.35. To ensure that such contracts do not impact adversely upon the services provided for the Authority.
- 5.36. To ensure that all contracts are properly documented.
- 5.37. To provide appropriate information to the Assistant Chief Executive & Treasurer to enable a note to be entered into the Statement of Accounts.

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Merseyside Fire & Rescue Authority

MEMBERS POLICY

&

GUIDANCE DOCUMENTS

2011/12

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“THE GENERAL PRINCIPLES GOVERNING THE CONDUCT OF MEMBERS”

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority’s statutory officers, and its other employees.

Duties to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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MERSEYSIDE FIRE & RESCUE AUTHORITY

CODE OF CONDUCT

FOR MEMBERS

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THE CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a Member of an Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
“meeting” means any meeting of—
 - (a) the Authority;
 - (b) the Executive of the Authority;
 - (c) any of the Authority’s or its Executive’s committees, sub-committees, Scrutiny Panels joint committees, joint sub-committees, or area committees;“Member” includes a co-opted Member and an appointed Member.
- (5) In relation to a parish council, references to an Authority’s monitoring officer and an Authority’s Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your Authority,


and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your Authority:
 - (a) on another relevant Authority, you must, when acting for that other Authority, comply with that other Authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not:

- 
- (a) do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006).
 - (b) bully any person.
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her Authority's Code of Conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.
 - (3) In relation to Police Authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a Police Officer.
- 4.** You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
- 6.** You:
- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your Authority:
 - (i) act in accordance with your Authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (a) your Authority's Chief Finance Officer; or
 - (b) your Authority's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 Interests

Personal interests

8. (1) You have a personal interest in any business of your Authority where either:
- (a) it relates to or is likely to affect:
 - (i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by your Authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which you are a Member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant Authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

- (vi) any person or body who has a place of business or land in your Authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your Authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your Authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- (i) (in the case of Authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your Authority's area.

(2) In sub-paragraph (1)(b), a relevant person is:

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

- (2) You do not have a prejudicial interest in any business of the authority where that business:
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of;
 - (c) any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (d) relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your Authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your Authority's Standards Committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your Authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your Authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' interests

- 13.** (1) Subject to paragraph 14, you must, within 28 days of:
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), register in your Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your Authority's Monitoring Officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your Authority's Monitoring Officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your Authority's Monitoring Officer asking that the information be included in your Authority's Register Of Members' Interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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**MEMBERS CODE AND
GUIDANCE
ON THE GIVING AND
RECEIPT OF
GIFTS AND HOSPITALITY**

MEMBERS CODE AND GUIDANCE ON THE GIVING AND RECEIPT OF GIFTS AND HOSPITALITY

1. General

1.1. In this code "Benefit" means gifts; hospitality; loans and any other favour.

1.2. Receipt of Benefits

In the private sector, corporate hospitality and promotions are accepted as part of the normal conduct of business. However, within Local Government a greater burden of responsibility rests with Members (and employees) not only to ensure the propriety of all dealings, but also to be able to demonstrate it publicly.

1.3. Each Member is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

1.4. Members should always consider the Code of Conduct in relation to Gifts & Hospitality and the Solicitor to the Authority is always available for advice.

2. Procedure

2.1. When an offer of a Benefit is made to a Member the Member should consider whether or not to accept the Benefit by applying the guidance set out in paragraph 3 below. **(If in doubt the offer should be refused, or the advice of the Solicitor to the Authority sought before the Benefit is accepted)**

2.2. A Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Solicitor to the Authority of the existence and nature of that gift or hospitality received by the Member.

2.3. The Solicitor to the Authority will then record the details of the gift or hospitality in a register.

2.4. The Register will be open for inspection during normal office hours by:-

- (a) the Chief Executive & Chief Fire Officer;
- (b) the Solicitor to the Authority
- (c) the Assistant Chief Executive & Treasurer
- (d) the External Auditor

- (e) all Members of the Authority
- (f) all members of the Public

3. Guidance on Receipt of Benefits

3.1. When considering whether or not to accept the offer of a Benefit the Member should take into account the following criteria:-

- (a) the nature of the Benefit;
- (b) the value of the Benefit;
- (c) the motivation of the offer or in offering the Benefit;
- (d) the timing of the offer of the Benefit.

Benefits which should be refused

3.2. An offer of any of the following Benefits should always be refused:-

- (a) Gifts of cash;
- (b) Benefits of a personal nature from organisations which have dealings with the Authority (e.g. providing work to Members private property; holidays);
- (c) Benefits of a value which a reasonable member of the public would think may influence the Member or affect the propriety of any dealings by the Authority;
- (d) Benefits which a reasonable member of the public would regard as an inducement for the business of the Authority;
- (e) Benefits offered at sensitive times (e.g. during a tendering process);
- (f) Loans (preferential or otherwise) from persons or organisations which have or could have dealing with the Authority (other than Banks, Building Societies or other major financial lending institutions).

3.3. Benefits which may be accepted

The following Benefits may be accepted:-

- (a) Promotional calendars, diaries, pens or other gifts relating to the Member's work for the Authority which are low in value;

- (b) working lunches or other meals if:-
 - (i) Modest in value;
 - (ii) Provided to allow the parties to continue to discuss relevant Authority business;
 - (iii) Those Members who receive the Benefit are properly involved in the business under consideration.
- (c) goodwill gestures or gifts of a value which a reasonable member of the public would consider that acceptance would not influence the Member concerned or the propriety of any dealings by the Authority;
- (d) offers to attend purely social or sporting functions if:-
 - (i) They are part of the life of the Community; or
 - (ii) The Authority should be seen to be represented at such functions;
- (e) hospitality offered as part of attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal;
- (f) invitations to trade fairs or similar events where this is a general invitation to customers and others.

Giving of Hospitality

4. Procedure

4.1. A Member proposing to provide hospitality should:-

- (a) ensure that prior Authority approval has been obtained;
- (b) ensure that the hospitality provided complies with the guidance set out in paragraph 5 below;
- (c) keep receipts for all expenditure on hospitality;
- (d) submit claims for reimbursement of any expenditure on hospitality with copies of such receipts; certification that the expenditure complies with these guidelines; the numbers of persons involved and the authority to incur the expenditure.

5. Guidance on provision of Hospitality

5.1. Hospitality should only be provided if:-

- (a) it is provided to allow the parties to continue to discuss relevant Authority business; or
- (b) it is provided as part of arrangements for the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the Authority or persons representative of or connected with Local Government or other public services whether inside or outside the U.K.

5.2. Any hospitality must be provided on a modest scale.

5.3. So far as practicable hospitality should be preferably provided at the Authority's premises.

5.4. If it is necessary to provide hospitality outside the Authority's premises, this must be on a modest scale appropriate to the occasion.

If a full meal is appropriate, the cost must not normally exceed £25 per head including drinks (subject to increase from 2002 in line with inflation).

5.5. The number of recipients of hospitality must be restricted and in any event must not extend beyond those directly involved with the business under consideration or the relevant official courtesy visits.

**MEMBERS CODE AND
GUIDANCE
ON OFFICIAL VISITS
BY MEMBERS**

MEMBERS CODE AND GUIDANCE
ON OFFICIAL VISITS BY MEMBERS

"GUIDANCE"

1. Proposal by Members

1.1. Members proposing an official visit on behalf of the Authority, should submit the following details to the Solicitor to the Authority:-

- (a) the location of the visit;
- (b) the purpose of the visit;
- (c) the duration of the visit;
- (d) the number of Members and Officers proposing to make the visit;
- (e) the proposed method of travel to the location and itinerary of the visit;
- (f) the estimated cost of the visit
- (g) the estimated benefit to the Authority in making the visit.

1.2. The Solicitor to the Authority after consultation with the appropriate Chief Executive & Chief Fire Officer, shall then report the proposal to the appropriate committee setting out the above details and the estimated cost of attendance in respect of travel and accommodation or travelling and subsistence allowances in order that the Authority may make a decision on the matter.

2. Proposal by Chief Officers

2.1. Chief Officers proposing an official visit by Elected Members on behalf of the Authority shall inform the Solicitor to the Authority of the proposal in order that the Solicitor to the Authority can provide an assessment, in consultation with the Treasurer, of the cost to the Authority of travel and accommodation or travelling and subsistence allowances and an indication as to whether sufficient budgetary provision is available.

2.2. The relevant Chief Officer shall then submit a report to the appropriate committee setting out the matters set out in paragraph 1 above including details of estimated costs.

3. Expenses of Visit

3.1. The Authority may agree to pay expenses as follows:

- (a) in the case of visits within the U.K., subsistence and travel allowances equivalent to the maximum rates specified by the Secretary of State for performance of approved Duties;
- (b) In the case of visits outside the UK, subsistence and travel allowances at the maximum rates specified by the Secretary of State for performance of approved duties or such reasonably higher amount as reflects the higher cost of meals or accommodation abroad.
- (c) expenses incurred in the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the U.K.
- (d) other expenses reasonably incurred by or on behalf of Members during the visit (such as reciprocating hospitality on a modest scale) where proof of such expenditure is provided.

3.2. Where possible accommodation, meals and methods of travel should be booked and payable by the Authority direct in order to maximise discounts available and to avoid the need for individuals having to pay expenses from their own funds or requiring cash allowances.

3.3. Expenditure incurred in the reception and entertainment by way of official courtesy should comply with the Authority's Guidance in giving hospitality.

In summary this means that:-

- (a) prior approval of the Authority to incur expenditure on such hospitality is required.
- (b) The hospitality provided must be of a modest scale appropriate to the occasion.
- (c) If a full meal is appropriate, the cost must not exceed the existing levels of Members allowances.
- (d) The number of recipients of hospitality must be restricted and must not extend beyond those directly involved in the relevant official courtesy visit.

3.4. Expenses will not be paid by the Authority in the respect of personal expenditure incurred by Members or Officers including the following:-

- (a) purchase of alcoholic drinks (except a moderate amount taken as part of a meal which qualifies for subsistence payment)
- (b) renting of videos

4. Reporting Back

A report shall be prepared by the relevant Chief Officer or a Member who attended the visit, and submitted to the next meeting of the appropriate Committee detailing the results of the visit.

5. Checking Entitlement to Expenses

Members who consider that they are entitled to claim travel and subsistence allowances in relation to a visit should in cases of doubt check and confirm entitlement with Committee Services.

6. Monitoring of Expenditure

The Solicitor to the Authority shall be responsible for monitoring expenses and allowances payable as a result of such visits.

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INDEMNITY

GIVEN TO

MEMBERS

INDEMNITY GIVEN TO MEMBERS

BY THE AUTHORITY

1. The Authority has determined to indemnify its Members against certain claims costs and damages against Members in the circumstances and as set out below.
2. **Indemnity**
 - 2.1. In this Indemnity:-
 - (a) "Act of Default" means any neglect, act, error, or omission including any breach of Trust or duty of care or fiduciary or any other duty committed by an employee or Member.
 - (b) "Solicitor to the Authority" means the person appointed to the Authority under S.34 of the Local Government Act 1985 and S.5. of the Local Government and Housing Act 1989.
 - (c) "Code of Conduct" means the Code of Conduct applying to the Authority for the time being in force.
 - (d) "Part 3 Proceedings" means any investigations, report, reference, adjudication or other proceeding pursuant to Part 3 of the Local Government Act 2000.
 - (e) "Treasurer" means the person appointed as Chief Finance Officer to the Authority under S.73 and 105(1) of the Local Government Act 1985 and S.6 of the Local Government and Housing Act 1989.
 - (f) "Officers and Members" means the Chief Executive and Chief Fire Officer and all employees of the Authority, all Members, the Solicitor to the Authority and the Treasurer of the Authority and its former Chief Fire Officers, employees, Councillors, Solicitors and Treasurers.
 - 2.2. The Authority will, subject to the exceptions set out in paragraph 2.3 Indemnify its Officers and Members against claims made against them (including, all damages and costs awarded) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its officers and members under any policy of insurance taken out by the Authority or any motor vehicle insurance policy taken out by the officer or member) occasioned by neglect, act, error or omission including any breach of trust, or duty of care of fiduciary or any other duty committed by them:-

- (a) whilst acting within the scope of their employment or authority;
or
- (b) where they and the Authority honestly believed that they were acting within the scope of their employment or authority (even though they were not in fact acting within the scope of their employment or authority)
- (c) whilst acting for other persons or other bodies of whatsoever nature within the scope of their employment or authority.

2.3. This indemnity shall not extend to loss or damage directly or indirectly caused by or arising from:

- (a) Fraud, dishonesty, deliberate wrongdoing or a criminal offence on the part of Officers and Members whilst acting on the Authority's business (except where the criminal offence is an offence under the provisions of the Health and Safety at Work Act etc 1974 or relevant statutory provisions within the meaning of the Act, or where it is alleged that the criminal offence arose due to the wrongful but not willful act or default of any such person in which case the indemnity will continue to apply); and
- (b) Liability in respect of losses certified by the District Auditor as caused by willful misconduct.

Notwithstanding paragraph 2.3 (a) above (subject to paragraph 3), an indemnity will be provided in relation to :-

- (i) the defence of any criminal proceedings brought against the Officer or Member, and
- (ii) any civil liability arising as a consequence of any action or failure to act, which also constitutes a criminal offence.

2.4. If any part of this indemnity is declared by any judicial or other competent authority to be void, illegal or otherwise unenforceable, then such part shall be severed from the remainder of this indemnity which will continue to be valid and enforceable to the fullest extent permitted by law.

3. The Member shall reimburse the Authority for any sums expended by the Authority in relation to :-
 - (a) Defence of criminal proceedings if the Member in question is convicted of a criminal offence and that conviction is not overturned following any appeal; and
 - (b) Part 3 Proceedings against a Member if :-
 - (i) a finding is made in those proceedings that the Member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal; and
 - (ii) the Member admits that they have failed to comply with the Code of Conduct
4. Wherever possible all outside bodies upon which Members are presently appointed and any outside bodies upon which Members may in the future be appointed are required to purchase and maintain henceforth insurance to cover the Member of any financial liability which might by virtue of any rule of law or otherwise attach to such Member in respect of any negligent default, breach of duty or breach of trust of which such Member may be guilty.

**SCHEME OF
MEMBERS' ALLOWANCES**

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SCHEME OF MEMBERS ALLOWANCES

MERSEYSIDE FIRE & RESCUE AUTHORITY

1. This Scheme is made on the 15th day of June 2009, in accordance with the Local Authorities (Members Allowances) England Regulations 2003 for the payment of Members Allowances.
2. This Scheme amends the previous Scheme made by the Authority with effect from the 1st day of April, 2005, as subsequently amended on 1st November 2008. This Scheme shall continue until subsequently varied or revoked by the Authority.
3. Basic Allowance
 3. 1. The Authority shall pay a Basic Allowance to each Member of the Authority who is a Councillor for each year.
 3. 2. Subject to paragraphs 3.3, 7, 8, and 12 the Basic Allowance payable in respect of each year commencing on 1st April, 2009, shall be £7,970.
 3. 3. Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a Member and Councillor subsists bears to the number of days in that year.
4. Special Responsibility Allowance
 4. 1. Subject to paragraphs 4.2, 7, 8, and 12 the Authority shall pay to a Member of the Authority who is a Councillor and who has the Special Responsibility specified in column one of Schedule 1 to this scheme a Special Responsibility Allowance in respect of each year commencing on the 1st April, 2009 of a sum specified in the corresponding part of column 2 of Schedule 1.
 4. 2. Where a Member does not have throughout a year a Special Responsibility, his/her entitlement shall be to payment of such part of the respective Special Responsibility Allowance as bears to the whole the same proportion as the number of days in the period during which he/she has such Special Responsibility bears to the number of days in that year.

5. Travelling and Subsistence Allowance

5. 1. Subject to paragraphs 8, 9, and 12 the Authority shall pay to each Member of the Authority who is a Councillor an allowance in respect of travelling and subsistence undertaken in connection with or relating to the duties specified in paragraph 5. 2. in respect of the matters specified in column 1 of the Second Schedule at the rates specified in the corresponding part of column 2 of the second Schedule.
5. 2. The duties referred to in paragraph 5.1. (for which travelling and subsistence allowance is payable) are:-
- (a) The attendance at a meeting of the Authority or of any sub – committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a committee or sub-committee of the Authority or a joint committee of the Authority and one or more Local Authority within the meaning of section 270 (1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:-
 - (i) Where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
 - (c) The attendance at a meeting of any association of authorities of which the Authority is a member.
 - (d) The attendance at any conference or meeting approved by the Authority (or the Clerk, acting under delegated powers on behalf of the Authority).whether inside or outside of the United Kingdom for the purpose of discussing any matter which relates to the interests or the functions of the Authority or to any function of Local Authorities in which the Authority has any interest.

- (e) The attendance at seminars and presentations arranged by the Chief Fire Officer, the Clerk, or the Authority which relate to the interests or the functions of the Authority or to any function of local authorities in which the Authority has an interest.
- (f) Making official and courtesy visits, whether inside or outside the United Kingdom on behalf of the Authority as approved by the Authority, or a Committee of the Authority (or the Clerk acting under delegated powers on behalf of the Authority.)

6. Co-optee's Allowances

- 6. 1. The Authority shall pay a Co-optee's Allowance in respect of attendance at conferences and meetings, to each person who is not a member of the Authority but who is a member of a Committee (or sub-committee) of the Authority (for example the independent member(s) appointed to the Authority's Standards Committee).
- 6. 2. Subject to paragraphs 6.3., 7, 8, 9, and 12 the Co-optee's Allowance payable in respect of each year commencing on 1st April, 2009 shall be £615.
- 6. 3. Where the appointment of a member specified in paragraph 6.1. begins or ends otherwise than at the beginning or end of the year, their entitlement shall be to payment of such part of the Co-optee's Allowance as bears to the whole the same proportion as the number of days during which their term of office as a member subsists bears to the number of days in that year.

Suspension of Allowances

- 7. Where a member of the Authority (or of a Committee of the Authority as the case may be) is suspended from their responsibilities or duties as a member of the Authority in accordance with part III of the Local Government Act 2000 or regulations made under that part, then the Authority may withhold:-
 - (a) the part of the Basic Allowance payable to that Member in respect of the period for which they are suspended or partially suspended; and/or
 - (b) the part of the Special Responsibility Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended; and/or
 - (c) any Travelling and Subsistence Allowance payable to the Member in respect of the responsibilities or duties from which they are suspended or partially suspended; and/or

- (d) any Co-optee's Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended.

Repayment of Allowances

- 8. Where payment of any allowance has already been made in respect of any period during which the Member concerned is:-
 - (a) suspended or partially suspended from their responsibilities or duties as a member of the Authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part; or
 - (b) Ceases to be a member of the Authority; or
 - (c) is in any other way not entitled to receive the allowance in respect of that period.

The Authority may require that such part of the allowance as relates to any such period be repaid to the Authority.

9. No Duplication of Payment

Where a Member of the Authority is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duty.

10. Elections to Forgo Allowances

A person may, by notice in writing given to the Clerk to the Authority elect to forgo their entitlement or any part of their entitlement to allowances.

11. Claims and Payments

11.1 Claims for Travelling and Subsistence Allowances, and Co-optee's Allowances must be made by the person to whom they are payable within 6 months of the date from which entitlement to such allowances arises.

11.2 Nothing in paragraph 11.1 shall prevent the Authority from making a payment where the allowance is not claimed within the period specified in paragraph 11.1.

12. Annual Adjustment of Allowances

The allowances specified in paragraphs 3 (Basic Allowance) 4 (Special Responsibility Allowance) 5 (Travelling and Subsistence Allowance) and 6 (Co-optee's Allowance) shall be increased annually with effect from the 1st day of April in each year by the same proportion as the increase in salary of firefighting staff in the Service in the year prior to 1st April of the year for which an allowance under this scheme is payable.

13. Date from which Amendments to the Scheme are to apply

Where an amendment is to be made to this scheme by the Authority which affects an allowance payable for the year in which the amendment is made, entitlement to such allowance as amended shall apply with effect from the date of approval of the amendment by the Authority.

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SCHEDULE 1

Special Responsibility Allowances

<u>Column 1</u>	<u>Column 2</u>
(Special Responsibility)	(Amount of Special Responsibility Allowance)
• Chairman	£15,940
• Vice Chairman	£11,955
• Leader of a political group (except the Chairman)	£7,970
• Deputy Leader of a political group (except where a Special Responsibility Allowance is also payable to the same person for performing the responsibility of chair of an Authority committee)	£3,985
• Chair of an Authority Committee	£3,985
• Chair of an Authority Panel	£3,985
• Member of NW Fire & Rescue Management Board	£1,337
• Vice Chair of North West Board	£747
• Co-optees Allowance	£615
• Additional Responsibility	£1,993

SCHEDULE 2

Travelling & Subsistence Allowances

<u>Column 1</u>	<u>Column 2</u>
1. <u>Travel Allowance</u>	(rates of allowance)
Travel by public transport	A sum equal to the costs of the ordinary fare, or in the case of travel by rail the cost of first class travel
Travel by motor cycle	22.3p per mile
Travel by motor vehicle	55.7p per mile
Travel by taxi	A sum equal to the actual fare and any reasonable gratuity paid
Travel by air	A sum equal to the cost of the ordinary fare, or where travelling on a flight scheduled to take at least 5 hours a sum equal to the cost of club class

2. <u>Subsistence Allowance</u>	
<u>Column 1</u>	<u>Column 2</u>
<u>(absence period)</u>	<u>(Rates of Allowance)</u>
2. 1. <u>Where the Authority does not pay for overnight accommodation direct and:-</u>	
<ul style="list-style-type: none">Absence overnight in U.K. from usual place of residence (other than in London) £146	

- Absence overnight from usual place of residence in London (i.e. the city of London, Boroughs of London, Greenwich, and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwall, Tower Hamlets, Wandsworth and Westminster) £178
- Absence overnight outside the U.K. £178

2. 2. Subject to paragraph 2.3. where the Authority pays for overnight accommodation direct and there is absence from the usual place of residence, a subsistence allowance of £50 in London and £40 elsewhere, is payable. Where the absence does not involve an absence overnight:-

Breakfast Allowance

- (a) Absence of more than 4 hours before 11 a.m. £8.90

Lunch Allowance

- (b) Absence of more than 4 hours, including the period 12 noon and 2 p.m. £13.38

Tea Allowance

- (c) Absence of more than 4 hours including 3pm to 6pm, or

Evening meal Allowance

- (d) Absence of more than 4 hours ending after 7 p.m. £16.71

2. 3. Where meal(s) are provided free of charge to the member their entitlement to an allowance will not apply in respect of the meal period for which such meal or meals are provided without charge to the member.

Member Allowances 2011/12

- ◆ Original source : CFO/117/05
- ◆ Revised 'Scheme of Members Allowances' 01/11/08
- ◆ Increased each 1st April in line with Firefighters Pay Award of previous July
- ◆ Increase applied 01/04/10 = 1.25%

	£	
Basic Allowance	Annual	New Monthly
Members	£8,070	672.50
Independents	£623	51.92

	£	
Special Responsibility Allowance	Annual	New Monthly
Payable to certain Members in addition to Basic.		
Chair	£16,140	1345.00
Vice Chair	£12,105	1008.75
Opposition Spokespersons (x2)	£8,070	672.50
Committee Chair	£4,035	336.25
Group Deputy	£4,035	336.25
Additional Responsibility	£2,018	168.17
NW Region Member	£1,354	112.83
NW Region Vice Chair	£756	63.00

Members Travel & Subsistence Allowances 2010/11

Travel	New Allowance
Motor Cycle p. per mile	22.6
Motor Vehicle p. per mile	56.4

Overnight Subsistence:	£
Overnight stay London & approved conferences	180.00
Overnight stay outside London	148.00

If accommodation is paid directly by the Authority the allowance is reduced to:

	£
London & approved conferences	56.82
Outside London	44.77

Day Subsistence:	£
Breakfast	9.01
Lunch	13.55
Tea	5.64
Evening Meal	16.92
Full day subsistence	39.49

Where any meal is provided free of charge, the corresponding allowance will not be payable.

MERSEYSIDE FIRE & RESCUE AUTHORITY
SUCCESSION PLANNING POLICY
CHAIRMAN & VICE-CHAIRMAN OF THE AUTHORITY

MERSEYSIDE FIRE & RESCUE AUTHORITY

SUCCESSION PLANNING POLICY

CHAIRMAN AND VICE CHAIRMAN OF THE AUTHORITY

1. Policy

The Authority recognises that it must plan for succession for positions of:-

- (a) Chair and Vice Chair of the Authority, and
- (b) Independent Members appointed to the Standards Committee.

2. Implementation

- 2.1 At each annual meeting of the Authority, the Solicitor to the Authority shall request an indication from all Members as to whether there are any Members who would wish to put themselves forward for consideration as either a future Chair or Vice Chair.
- 2.2 If there are Members who are prepared to undertake either of these roles, then arrangements will be made to enable prospective Chairs and Vice Chairs to shadow the existing Chair and Vice Chair over a period of time.
- 2.3 The Solicitor to the Authority shall arrange for an external selection process for selection and appointment of Independent Members, which will be completed in ample time to enable newly appointed independent Members to take up their appointments of independent Members.
- 2.4 The Solicitor to the Authority shall seek to retain a list of external candidates, who may be willing to take up an appointment as an Independent Member in the event that any serving Independent Members suddenly become unable to continue as an Independent Members suddenly become unable to continue as an Independent Member for any reason.

MERSEYSIDE FIRE & RESCUE AUTHORITY

**PROTOCOL FOR MEMBER & STAFF
RELATIONSHIPS**

DRAFT

Protocol on Member and Officer Relations

“Every Local Authority should have its own written statement or protocol governing relations between Members and Officers” (Third report of the committee on standards in public life, the Nolan Committee)

1. Introduction

- 1.1 The relationship between the Elected Members and the officers of the Fire Authority is one of its main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between Elected Members and Officers. This protocol is prepared to meet those requirements but against a background of a good working partnership which benefits everyone who serves or is employed in the Authority. It will provide a safe guide to help ensure that current good practice continues.
- 1.2 The Fire Authority recognises that a strong, constructive and trusting relationship between Members and Officers is essential to the effective and efficient working of the organisation. Members and Officers should work in partnership in developing the policies of the Authority and in ensuring the delivery of services to the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral.
- 1.3 This protocol takes into account the respective and different roles of Members and Officers and does not seek to change or influence these roles. The intention is to build on the good relationship which already exists.
- 1.4 It is accepted that from time to time issues do arise which need to be addressed from both sides. This protocol will be used as appropriate to help in addressing any such matters.
- 1.5 It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an administration and opposition dimension which involves both Members and Officers operating in a politically sensitive climate. Officers have an obligation to serve the Authority as a corporate body.
- 1.6 This protocol forms a key part of the Authority’s approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports also the wider aims of protecting and enhancing the integrity and reputation of public services and the higher standards of personal conduct.

2. Operation of this protocol

- 2.1 This protocol will be applied to having regard to the requirements of the Members’ Code of Conduct and the Officers’ Code of Conduct, as set out in the Authority’s Constitution, and relevant Authority policies, procedures and processes. Members and Officers must at all times observe this protocol.

2.2 Where there is a conflict or discrepancy between this protocol and those codes and policies referred to in 2.1 above, then those codes and policies shall have precedence. Account will also be taken of any conventions in the case of conflict or discrepancy.

2.3 This protocol does not affect or interfere with any rights of or protection which a person may have in law.

3. Responsibility for the protocol

3.1 The Chief Executive & Chief Fire Officer is responsible for the operation of this protocol and will ensure that it is reviewed from time to time.

3.2 He or she will rule on the interpretation and / or the application of the protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Executive & Chief Fire Officer then the Monitoring Officer shall be the appropriate Officer under this paragraph.

3.3 The Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and Officer representatives and the Standards Committee where appropriate.

4. Member and Officer Roles

4.1 This protocol recognises that Members are elected and Officers are appointed to serve the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral and that their roles are distinct.

4.2 The Members are accountable to the electorate who determine the people they wish to represent them on various unitary authorities. These five Authorities then nominate Elected Members to sit on the Fire Authority.

4.3 Officers are accountable to the people of Knowsley, Liverpool, Sefton, St. Helens and Wirral through the full Fire Authority.

4.4 Councillors are mainly responsible for:

- The political direction and leadership of the Authority. The determination of policies, plans and strategies and deciding matters to give effect to or implement those policies, plans and strategies, particularly in service delivery terms.
- Performing the Authority's regulatory functions.
- Monitoring and reviewing functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
- Participation in partnership working.

- Representing the Authority on national, regional and local bodies and organisations.
 - Representing the views of their communities and individual constituents in respect of the work of the Fire Authority.
- 4.5 Members should not involve themselves in the day to day management of the Authority's services as the responsibility rests with the Chief Executive & Chief Fire Officer and Senior Managers and there are clearly defined lines of accountability to Members.
- 4.6 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chair or a committee panel or as lead or champion Member for a specific area of the Service. The holding of these Offices will involve a different relationship with certain Officers in areas where the Member has a particular role and responsibility. Also, the relationships will be more complex and expectations will be different from other Members.
- 4.7 The roles of certain Members and Officers can be summarised as follows:-
- Chair – Chair of the Authority who is responsible for promoting and developing the Authority.
- Vice Chair – who deputises for the Chair in their absence.
- Committee Chairs - who Chair and co ordinate Committee meetings and work together to ensure effective scrutiny. The Chair of the Standards Committee is independent but is responsible for chairing that Committee and co coordinating its work.
- Deputy Chairs of Committees – who deputise for Chairs in their absence and assist in coordination of work.
- Opposition Spokesperson – who leads the main opposition Group and represents it at meetings of the Authority and its Committees.
- Minority Party Group Leaders – who lead the other opposition Groups and represent them at meetings of the Authority and its Committees.
- Group Whips – who are responsible for the organisation and administration within Party Groups and for liaison with Officers about Members' attendance at meetings and representation on outside bodies.

4.8 It is important that Members of the Authority:

- Respect the impartiality of officers and not undermine their role in carrying out their duties.
- Do not ask Officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
- Do not ask Officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.

4.9 This protocol recognises the role of opposition groups in the Fire Authority acting individually or jointly, and that relationships will be again different and complex. Members in opposition have the same rights and obligations in their relationships with Officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then the requirement of 4.6 above will apply.

4.10 It is however envisaged that all Members will work co operatively to ensure that the Fire Authority meets its statutory obligations and provides an effective and efficient Fire and Rescue Service to the people of Merseyside.

4.11 The primary role of officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.

4.12 In performing this role, Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Member's view on an issue, the Officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.

4.13 The Chief Executive & Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer) have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Fire Authority. Where an Officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:-

- Interfere with or obstruct the Officer in exercising those responsibilities.
- Victimise any Officer who is discharging or has discharged his or her responsibilities of the statutory office.

5. Member/Officer Obligations and Expectations

5.1 Members will require and expect Officers:-

- To be committed to the Authority as a whole and not to any political group or individual.

- To work in partnership with Members in an impartial and professional manner.
- To understand and support the respective roles of Members and the associated workloads and pressures.
- To implement decisions of the Fire Authority and its subordinate committees which are lawful, have been properly approved in accordance with the law and the Authority's Constitution and formally recorded.
- To respond to enquiries and complaints in accordance with the Fire Authority's standards.
- To provide professional advice, which is not influenced by political views or preferences, and which does not comprise the political neutrality of Officers.
- To provide information as agreed on matters that can reasonably be considered appropriate and relevant to their needs, taking into account the Members' individual responsibilities and position and the requirements on Members' access to documents and information, subject to specific exclusions, e.g. personal interests and confidentiality.
- To be aware of and sensitive to the internal and external political environment.
- To act with honesty, respect, dignity and courtesy at all times.
- To provide support and learning and development opportunities for Members to help them in performing their various roles.
- To act with integrity and appropriate confidentiality.
- Not to raise issues of a personal nature outside agreed procedures.
- Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- To comply at all times with the Officer Code of Conduct and such other policies or procedures approved by the Fire Authority to support the role of Councillors with any policy or procedure agreed by the Fire Authority.
- Not to support Members in any role other than that of a Fire Authority Member and not to undertake any actions which are not compatible with this Protocol.

5.2 Officers can expect Councillors:-

- To act within the policies, practices, processes and conventions established by the Fire Authority.
- To work constructively in partnership with Officers, acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines.
- To give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision and issues based on advice.
- To treat them fairly and with respect, dignity and courtesy.
- To act with integrity, to give support and to recognise appropriate confidentiality.
- To recognise that Officers work to the instructions of their senior Officers and not to individual Members.
- Not to subject them to intimidation, harassment or put them under pressure. Councillors will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between with Councillor and Officer and the potential vulnerability of officers, particularly at junior levels.
- Not to request them to exercise discretion which involves acting outside the Fire Authority's policies and procedures.
- Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Fire Authority, or in their role as Member of the Fire Authority without proper and lawful authority.
- Not to use their position or relationship with Officers to advance their personal interest or those of others, or to influence decisions improperly.
- To comply at all times with the Members Code of Conduct, the law, the Constitution and such other Policies, Procedures, Protocols and Conventions agreed by the Fire Authority.

6. Behaviour Limitations

6.1 The different roles of Members and Officers require particular limitations upon behaviour. Both Members and Officers need to ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.

- A close personal relationship between a Member and an Officer can confuse their separate roles and influence the proper discharge of the Authority's functions, not least in creating a perception that a Councillor or Officer may be securing advantageous treatment.
- The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an Officer, both in relation to personal matters and party political issues.
- Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Councillor or group above the others.

7. Members' Access to Information

7.1. Information requested by Members should be supplied to them unless there are good reasons for withholding it in accordance with this Protocol, and those reasons are given in writing and copied to the Monitoring Officer. Information requested should be supplied accurately and quickly. In a few instances, the need to meet legal constraints, and to protect the Authority's and the public interest, may lead to contention. The following paragraphs set out some guidance on how to resolve those issues.

They describe:-

- the circumstances in which Members have a legal right to access the information.
 - the limits to those legal rights.
 - the process that will determine a dispute.
- 7.2. Under the "need to know" principle, Members are entitled to the information that they reasonably require to enable them to discharge their functions as Members. They are not entitled to go on fishing expeditions through Authority files. They are not entitled to access information for some other purposes, such as to help somebody to attack the Authority. Their rights will therefore depend on their individual roles, and on which Committee they serve on. Statute law gives Members rights of access to certain Authority documents.

7. 3. Members do not have a general right to require Officers to carry out research or administrative work to provide information, apart from officers whose job is to provide such support to Members. Unless they have authority to do so by virtue of their specific role they cannot require resources to be re-allocated for work of this kind, however, all Officers will assist wherever they can.
7. 4. Members are entitled to publicly accessible information, and personal information about themselves, like any other member of the public (for example under the Data Protection Act or in due course the Freedom of Information Act). Members may be authorised by a member of the public to access personal information on their behalf, but the authority must be clear and explicit.
7. 5. An Officer may require a Member to undertake that the information will be treated as confidential before supplying it, and may refuse to supply it if the undertaking is not given. Reasons for confidentiality should be given in writing and subject to the Right of Appeal to the Monitoring Officer.
7. 6. Information provided by Officers should be prompt and accurate.
7. 7. Any Member who is dissatisfied with the decision to withhold information should complain to the relevant Director. If a Member is still dissatisfied, they should raise the matter with the Chief Executive & Chief Fire Officer, who may take legal advice. If the Member disagrees with the decision of the Chief Executive & Chief Fire Officer they can place the matter before the Authority, or the relevant Committee, or raise it with the District Auditor.
8. Confidentiality
8. 1. Members and Officers must keep confidential information and papers confidential. This means not sharing them with anyone.
8. 2. Authority and Committee papers marked "exempt" are "confidential" and are to be treated as confidential. Other information may be confidential because it is against the Authority's or the public interest to disclose it or because of the circumstances in which it was obtained.
8. 3. Information about someone's private or business affairs will normally be confidential, as will their correspondence with the Authority.
8. 4. Officers should make it clear to Members if they are providing them with confidential information. If a Member is uncertain about whether or not information might be confidential, he or she should seek guidance from the Monitoring Officer, and in the meantime treat it as confidential.

8. 5. If a Member receives confidential information but thinks that it should be released on a "whistle-blowing" basis in the public interest, he or she must check with the Chief Executive & Chief Fire Officer, Monitoring Officer or Chief Finance Officer or the appropriate external Regulatory Authority before deciding to release it.

9. Personal Relationships

9. 1. The relationship between Members and Officers must be based on mutual respect and confidence.

9. 2. Close personal relationships between Officers and Members can arise, for example, where a Member's relative works for the Authority. This needs special care. The Member should declare the relationship to his or her Group Leader or Whip. The Officer should declare a relationship to his or her line manager, who should make it known to the Clerk and Monitoring Officer. These disclosures should be recorded in writing. They may be made on a completely confidential basis, that is to say on the very clear understanding that no one else will be told without both parties' consent. If there is a special reason why the Group Leader, Whip or Line Manager should not be told then the advice of the Monitoring Officer should be taken. The Officer and the Member must strive to avoid giving any impression of favouritism. The relationship may give the Member a declarable personal interest, and possibly a prejudicial interest preventing him or her from relevant Authority activity. The Officer may be unable to carry out certain activities that would otherwise be part of his or her job. Both need to bear these constraints in mind when they seek changes in their areas of responsibility. In an extreme case the relationship may make it impossible for them to perform those responsibilities properly.

9. 3. Officers and Members should likewise strive to avoid developing antagonistic or combative relationships with each other. They should show respect to one another at all times. Offensive behaviour by an Officer to a Member is likely to be a disciplinary offence. Offensive behaviour by a Member to an Officer is likely to be a breach of the Code of Conduct.

9. 4. A Member who is criticised by another Member can answer back. It would not be appropriate for an Officer to do so. Members should avoid public criticism of individual Officers, as it is unfair and oppressive. Members should not attempt to pressurise individual Officers to give them preferential treatment, or to compromise their professional integrity.

9. 5. Officers' performance is monitored by their line managers and the performance of each service is monitored by the Authority.

9. 6. Complaints about the performance of individual Officers should be made to their line managers. Complaints about Directors should be made to the appropriate line manager on the Executive Leadership Team. Complaints about the legality or financial probity of the activities of the Chief Executive & Chief Fire Officer should be made to the Monitoring Officer and the Chief Finance Officer. Otherwise complaints about the Chief Executive & Chief Fire Officer should be placed before the Authority or taken to the appropriate external regulator such as the District Auditor.

9. 7. If a Member has a personal, private or business interest in a matter being dealt with by an Officer, he or she should strive to ensure that no suspicion of preferential treatment can arise. The objective should be as much transparency as possible, but subject to this it may be better for the Member to arrange for someone else to deal direct with the Officer. The Member should write to the relevant Officers placing it on record that he or she does not expect preferential treatment. A Member should not badger or pressurise the Officer, or use ease of access to his or her personal advantage.

10. Officers, the Board and Committees

10. 1. Reports to the Authority, its Committees and Management Board are made by officers. Initially the reports will have been drafted by Officers, and they will bear the name of the Reporting Officer (usually a member of the Executive Leadership Team) and a Contact Officer.

10. 2. The agenda for the Executive Leadership Board is agreed by the Chief Fire Officer and the Chairman (or Vice Chairman). The agenda for a Committee is agreed by the Chair on the advice of the relevant Officers. If, exceptionally, an Officer needs to report to an Authority body outside these principles but in discharge of his or her professional or legal duty, the Officer must consult the Chief Executive & Chief Fire Officer and the Chair of the body in question first.

11. Correspondence

11. 1. Only the Chair (or Vice Chair) can write official letters (that is to say a letter intended or appearing to be written on behalf of the Authority as a body, as opposed to on behalf of an individual Member) although generally Officers will handle correspondence of all kinds. Chairs of Committees may write letters concerning the conduct of their meetings, but not otherwise. Members writing official letters on behalf of the Authority must use a style which distinguishes this from the letters written in their personal or political capacities. Other Members' letters are written in personal or political capacities.

11. 2. A Member can ask an Officer to keep their correspondence private. If the Officer cannot do this (because they are under an obligation to someone else, or because the Authority ought to respond to the issue raised in a different way) they must make this clear straight away. Otherwise, the Officer must observe confidentiality.

- 11.3. Unless correspondence is private, Officers may copy letters of general interest to the relevant Member or Committee Chair. They should always state that they are doing this on the letter itself. Officers should never copy Members' correspondence to other Members secretly.
- 11.4. Officers should be aware that Members may circulate their letters to the public unless requested not to do so.
- 11.5. This all applies to e-mails.
- 11.6. If an Officer needs to reproduce and communicate an oral conversation with a Member in written form, he or she will copy the correspondence to the Member concerned as a matter of courtesy.
- 11.7. Officers should respond to correspondence from Members within 5 working days.

12. Staffing Matters

- 12.1. Members may be formally involved in staff recruitment, disciplinary and grievances issues as a member of a panel.
- 12.2. That apart, Members should not become personally involved in such matters.
- 12.3. Officers should not raise individual personal issues with members concerning their jobs.
- 12.4. If a Member receives a "whistleblowing" disclosure from an employee he or she should pass it on in accordance with the whistleblowing code (Appendix 5). Members should contact the Monitoring Officer should they require guidance.

13. Authority Property

- 13.1. Individual Members do not have a general right to visit Authority premises or land that are not open to the public. However, Members are encouraged to visit Fire Stations and other Fire Authority premises.
- 13.2. Members may have a "need to know" what is happening on Authority premises in the same way as they have access to other information. This will entitle them to visit premises for specific such as scrutiny.
- 13.3. If Members do visit premises, they should normally make themselves known to the person in charge.

14. Attendance at Meetings

14.1. Members may wish Officers to attend public meetings to provide them with support. This is subject to the principles set out below:-

- Officers cannot become involved in political debate. This includes public meetings at which Members are not present.
- Officers will be able to explain particular proposals and issues but technical officers are not expected to deal with issues outside their area of knowledge.
- Officers will not normally attend such meetings after the publication of notification of election.

14.2. Officers may be invited to public meetings by local people or Organisations. If so, they should consider whether any Members, should be notified.

15. Political Groups

15.1 It is in the interests of the Authority to support to some degree the effective operation of all its political groups and not one particularly group. The operation of Political Groups may, however, pose particular issues for Officers in terms of their impartiality.

15.2 A political group may request the Chief Executive & Chief Fire Officer or a senior manager to prepare a written report on a matter or matters relating to the Authority for consideration by the Group.

15.3 An Officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications or the matter or any option. Such reports will not include any recommendations.

15.4 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.

15.5 A political group may request the Chief Executive & Chief Fire Officer or a senior manager to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Executive & Chief Fire Officer or senior manager may arrange for the attendance of the representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

15.6 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any option.

15.7 All Officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.

16. Breaches of the Protocol

16.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Brigade Manager. Where the Officer concerned is a Brigade Manager, the matter should be made with the Chief Executive & Chief Fire Officer. Where the employee concerned is the Chief Executive Fire Officer, the matter should be raised with the Monitoring Officer.

16.2 On the Members side, where the relationship between Councillors and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Councillors. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate, in certain circumstances. In the event of a Grievance or Complaint being upheld, the matter will be referred to the Chief Executive & Chief Fire Officer who, having advised the Chair of the Authority and the other appropriate party spokespersons, will decide on the course of action to be taken, following consultation with the Standards Committee if appropriate.

16.3 Breaches of the Protocol by a Member may result in a Complaint to the Standards Committee and in the case of officers may lead to Disciplinary Action.

MEMBERS TRANSPORT GUIDANCE

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MERSEYSIDE FIRE AND RESCUE AUTHORITY

MEMBERS TRANSPORT GUIDANCE

Introduction

In order to attend meetings of the Authority, its Committees and other approved duties which are for the purpose of or in connection with the discharge of the functions of the Authority, the elected Members of the Authority are entitled to claim travelling allowances in accordance with the Local Government Act 1972 and the Local Authorities (Members Allowances) England Regulations 2003 (as amended). The Members Allowance Scheme of the Authority provides for travel allowances payable at specified rates to any Councillor who carries out any approved duty as defined in the Scheme.

This document sets out the guidance of the Authority with regard to the various options available to elected Members for travelling to perform their duties. It also sets out the allowances that they are eligible to claim in respect of any travel expenses that they do incur.

Policy

Guiding Principles for Members Transport

Members are asked to attend meetings and other duties wherever possible by use of their own vehicles, public transport or where no public service is reasonably available, by taxi. Where a taxi is not available the use of a hired vehicle may be authorised by the Solicitor to the Authority. It is accepted that such modes of transport represent the most convenient and best value options for both Members individually and the Authority in general.

The “last resort” option would be for Service vehicles, driven by Service personnel to transport Members to their duties. However this is clearly a costly and inefficient use of resources and it would also inevitably, on occasion, prove logistically impractical, particularly as Members are not permanently based at any particular Service premises. However there will be certain instances where transport of Members by Service vehicle is appropriate and this guidance indicates such circumstances and the procedure which should be followed in the event that a request for such use is contemplated.

Strategy & Member Development will provide a journey planning service to Members for all journeys outside the county area. Members are requested to advise the Unit of the date and location of the event they are attending as soon as they become aware of it. An assessment will then be made of the most efficient and effective mode of transport, given the specific circumstances of the journey and according to the balance between the criteria of time saved, the alternative available modes of public or private transport, the cost of such alternatives, the practicality, convenience and ease of travel for the individual and the implications for the Authority of otherwise providing transport directly.

In the event that the Authority directly meets the cost of providing transport, Members are not entitled to claim an expense.

In certain situations, as detailed below, Members are requested, where possible, to provide receipts or other evidence of expenditure for costs actually incurred in the course of travel.

Use of Members Own Vehicles

If Members on approved duties use their own private motor vehicle, they are entitled to claim back the following mileage allowances:

Motor Cycle	22.6 pence per mile
Motor Vehicle	56.4 pence per mile

Members may claim the amount of actual expenditure for car parking and of tolls for tunnels or bridges. If absent overnight on an approved duty, reimbursement of the actual cost of garaging a motor vehicle may be made to Members.

All of the above claims can be made by completing the standard yellow claim form for allowances that are available from Strategy & Member Development. Receipts or other evidence of expenditure, if possible, are requested where claims are made for car parking or garaging fees. They will not be required for payment of Mersey Tunnel or other toll fees.

Use of Public Transport **Rail**

Members, if they so wish, are entitled to use first class rail travel, where it is available or otherwise they may use second class, ordinary or any saver fare that is available.

Claims for reimbursement of transport within the county by way of the Merseyrail network should be made to Strategy & Member Development on the standard allowances claim form.

In respect of travel by rail outside the county, Strategy & Member Development will make arrangements in advance, specifying the time and date of travel and the nature of the tickets they require. It should be remembered that, in particular with rail travel, discounted and saver tickets are available when tickets are reserved sufficiently in advance. Alternatively, if appropriate, Members may meet the costs of travel themselves and reclaim the expenditure later, providing receipts or other evidence of expenditure wherever possible.

Bus, Ferry and other Public Transport

Members may claim first class travel where available or otherwise the actual amount of the ordinary fare or any saver fare where available. Claims should be made on the standard claims form.

Use of Taxis

The Solicitor to the Authority is delegated to determine if a specific journey by taxi is acceptable by undertaking an assessment of the balance between time saved, alternative available modes of public or private transport, the cost of such alternatives, the practicality, convenience and ease of travel for the individual and the implications for the Authority of otherwise providing transport directly.

After considering the above issues and having determined that there are clear circumstances - such as there being a case of urgency or where no public transport service is reasonably or directly available – where the use of a taxi is acceptable, the Solicitor to the Authority will authorise such use. Members should claim on the standard form the actual fare incurred and any reasonable gratuity paid. Receipts or other evidence of expenditure, where possible, should be provided. Members should use the direct taxi booking arrangements notified to Members, via CabFind (tel: 0870 1700 777).

Use of Hired Vehicle

Where there is an entitlement, as detailed above, to reclaim taxi fare and where such a vehicle is not available or where the likely cost of the fare is excessive, a Member is entitled to be repaid the cost of hiring a motor vehicle other than a taxi. However, if such an event is likely to occur, Members are requested in the first instance to contact Strategy & Member Development. They will ascertain first of all the possibility of a Service vehicle being provided or if not, they will arrange for the Service to make appropriate efforts to hire a suitable vehicle for the use of the Member. In the event that this is not possible and the Member hires the motor vehicle directly, they should provide appropriate receipts or other evidence of expenditure when submitting a claim for reimbursement.

Air Travel

Members are entitled to claim the railway fare between destinations or where travelling on a flight scheduled to take at least five hours, a sum equal to the cost of club class.

In most cases the Authority, via Strategy & Member Development, will directly meet the costs of air travel but in the event that Members do pay their own fare, they should provide receipts or other evidence of the fare, along with their claim for reimbursement.

Use of Transport provided by Service

Members will be assisted with directly provided transport for certain particular events. There are two broad categories for the provision of Service transport:-

- (i) where for a visit which will involve a number of Members, (for example a Members Strategy Day or a visit to the Fire Service College or Westminster) the Authority directly arranges transportation, usually in the form of a car, minibus or coach, in order to minimise overall transport costs; and
- (ii) where there is a direct request from a Member for the use of a Service vehicle and/or the provision of a Service driver.

In the latter category, the Member should initially make their request to Strategy & Member Development who will act on behalf of the Solicitor to the Authority in liaising with the Chief Executive & Chief Fire Officer to ascertain if the request is feasible both in terms of the availability of a vehicle and/or driver and of the existence, in the specific circumstances, of any potentially more economic and practical alternatives such as the use of a taxi.

Members in possession of a full, valid driving licence, are insured to drive Service vehicles and are eligible to make a request to do so. In the event that Members are authorised to self-drive a Service vehicle and that it is necessary for them to purchase petrol, oil or any other necessary commodity or accessory which is essential to ensure they complete their journey, they may claim reimbursement of the actual costs incurred. Receipts or other evidence of expenditure should be produced wherever possible.

Travel Insurance

Members are requested to ensure that Strategy & Member Development are aware in advance of all occasions when they will be either travelling outside the UK or travelling by air as such trips will require specific notification to the insurers of the Authority.

SUPPORT SERVICES FOR MEMBERS

1. The Authority provides support services for Members:-

- Group officers, including administrative officers and facilities;
- ICT facilities;
- Development and training;
- The Members' research facility in Strategy & Member Development Department;
- Allowances and expenses;
- Official transport.

1.2 There are three constraints on the use of these facilities: legal limits, cost factors, and the importance of providing equivalent facilities to all political groups.

1.3 Members must not abuse these facilities. This protocol sets out the general principles.

1.4 None of these rules affect the activities of Members using other resources, for example using support provided by their political parties. Political lobbying and campaigning is an essential part of the government at all levels. The different level of resources available to the different political parties and groups is not a matter for the Authority.

1.5 Authority resources must never be used for party political publicity. "Publicity" has a very wide legal definition - any communication to any section of the public is covered.

1.6 Leaving aside publicity, the Code of Conduct says "a Member..... must when using or authorising the use by others of the resources of the Authority..... ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed."

1.7 Resources are limited, so explicit limits are placed on copying, posting etc. These can be waived in exceptional circumstances by the Director of Strategy & Member Development or Member Liaison Officer, or the Clerk, but the situation must be truly exceptional. Members should not divide up work into parcels, or trade entitlements to find ways around the limits.

1.8 Members using IT facilities must abide by the Authority's email and intranet code. A copy of the policy is included in the document entitled Members Policy & Guidance Documents.

- 1.9 Members must not use any facilities for their own private purposes, unless they are just using spare capacity at no cost to the Authority and in accordance with any instructions given by the Authority.
- 1.10 Official cars and taxis are made available to Members and Officers solely for use on official duties. Guidance is included in the document entitled Members Policy and Guidance Documents.
- 1.11 Members' allowances, and subsistence and travel expenses, are paid in accordance with the Scheme and the legislation. Members may only claim expenses that they have actually incurred, and that they needed to incur for Authority activities. This should comply with the legal code.

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INTERNET, INTRANET AND EMAIL USAGE

The existing Standard Operating Procedure ADM 0069 has now been extended to cover software downloading and the reporting of Internet usage. ADM 0069 is now incorporated within this suite of procedures.

Policy

This policy covers access to the Internet, the use of e-mail facilities through computer equipment hardware and software (systems), owned or licensed by MF&RA and the use of any telephone system owned or rented by the Authority. Use of the Internet is a complex technical issue and this policy cannot cover all eventualities. However, it is the individual's responsibility to use the facility responsibly and use judgement and common sense about what is acceptable. Breaches of policy will be treated very seriously. Anyone who has access to the facility of e-mail and the internet, i.e. 'authorised users', and telephone users are required to read and comply with this policy. The policy contains rules that form part of your terms and conditions of employment and are of crucial importance therefore it is vital that you read this policy carefully. The policy applies equally to authorised users who are employees of MF&RA, employees of contractors, volunteer workers and Elected Members.

If an individual's access to the Authority's computer system (including Internet and email access) is at any time to be considered no longer necessary these access rights will be withdrawn. MF&RA's e-mail, telephone and Internet systems and any documentation or correspondence produced using these systems are the property of MF&RA and the Authority has the right to monitor use of its systems for business purposes. Unauthorised access or misuse of these systems are strictly forbidden, will constitute an offence under The Computer Misuse Act 1990 and will also be dealt with under the Authority's disciplinary policy and/or regulations. Excessive usage of the Internet or attempts to access blocked websites could also be the subject of a disciplinary investigation.

If there is anything you do not understand it is your responsibility to contact the **ICT Team** (the point of contact for the ICT Team is the ICT Service Delivery Manager based at Bridle Road) for an explanation.

Procedure

Any unauthorised access to any part of the Authority's computer systems (including Internet and email) is strictly forbidden and will be dealt with under disciplinary policy and/or regulations.

E-Mail

You should ensure you are aware of and comply with the rules below that cover the use of email within MF&RA.

When can I use my e-mail facility?

The Authority's e-mail system is primarily for business use, however, reasonable personal use (in terms of time and frequency) is permitted, provided that this does not interfere with your job performance or the operation of the Authority's business or the system. You are not permitted to use MF&RA IT facilities to access personal email accounts such as Hotmail.

Can anyone else read my e-mails?

All e-mail is stored, and e-mail (including personal e-mail) sent and received by you may be inspected, examined or monitored by MF&RA or its agents, without notice if there is any suspicion of improper use. Whilst limited personal use of the e-mail system is permitted, **you have no expectation of privacy in respect of personal or business use.** MF&RA reserves the right to retrieve the contents of messages in order to delete messages that are in breach of the current e-mail policy, find lost messages or to retrieve messages lost due to computer failure or any other reason, to retrieve messages during periods of staff absence and to assist in the investigation of wrongful acts, or to comply with any legal obligation. **Authorised users will be informed that their email use is being monitored or investigated, or that their emails are being accessed, unless doing so would prejudice any investigation.** Sending personal e-mails should not adversely impact upon the employee's performance of their job and supervisors/managers are expected to be alert to potential abuses of this privilege and breaches of the policy. The Authority will only monitor the contents of email in order to assist in establishing facts where a disciplinary offence is suspected or for the prevention or detection of crime. If monitoring reveals unauthorised, inappropriate or excessive use, any serious or repeated breach of this policy or any other form of use potentially damaging to the Authority, this may lead to disciplinary action including dismissal and in the case of potential crime may also lead to the reference of such matters to the police.

Are there any restrictions to the type of information I can send via e-mail?

MF&RA will not tolerate offensive e-mails. You have a responsibility to draft all e-mails carefully taking into account possible repercussions in relation to discrimination, harassment, MF&RA representation and defamation issues. For example, you must not send or forward jokes or other material that refer to race, pornographic material, sex or disability. Even if they seem harmless to you, you must remember that they could cause offence, embarrassment or even distress to others. Distribution of such material may lead to disciplinary action being taken against you.

Such messages could also result in liability not only for you but also for MF&RA as anything done by any staff member in the course of employment is also treated as having been done by the Authority. You must also be aware that the same laws apply to e-mail as to any other written document, therefore, you should not make any inaccurate or defamatory statements or infringe copyright. Damaging or confidential e-mails may have to be disclosed in litigation or in investigations by other authorities. Under the Data Protection Act 1998 any e-mail may be disclosed to any individual named within it. E-mails containing personal data should be treated with the same care as any other document containing personal data and the Data Protection Policy and guidelines should be adhered to at all times. Use of the Authority's email

systems in connection with any outside business activity, whether for profit or not, is not permitted. You should at all times ensure the security of the data you hold on your computer. Change your password frequently and lock your computer when you are not at your desk. This will also prevent e-mails being sent in your name without your permission. Do not let others use your password; this is a personal responsibility for every user. **Unauthorised use of any other person's password to gain access to MF&RA's computer system (including Internet and email) is strictly forbidden.**

I am working at home and need to send a work related e-mail; can I use my own personal email account (such as hotmail) to do this?

It is undesirable to use any personal e-mail account you may have at home to send e-mails on behalf of MF&RA, regarding fire service matters. The e-mail you send will not contain the standard MF&RA footer, may not identify clearly who has sent it and will not give a good impression professionally, as it will not be in the standard MF&RA format. In addition we cannot ensure that any e-mail sent or received will be virus checked. If it is necessary for emails to be sent from a home account, the sender should ensure that a follow-up confirmation e-mail is sent from a work account as soon as possible. Anyone working from home and dialled into the MF&RA network must use their work account.

What if an offensive e-mail is sent to me from someone outside MF&RA?

Employees accept the risk that inbound e-mail may contain offensive material that is beyond the control of MF&RA. If you do receive an offensive in-bound e-mail then please ensure you report it to your line manager straight away. **If you continue to get such e-mails please advise the ICT Team.** If you keep offensive emails on your computer you could be subject to disciplinary action, even if you were not the originator of the email.

I regularly get attachments from people outside MF&RA; can I open these straight away?

We have an automatic virus check on the system that deals with attachments on internal and external e-mail. **However, if there is any doubt as to the source of an e-mail, or it looks suspicious DO NOT OPEN IT, inform a member of the telent ICT Helpdesk (the ICT Help Desk can be contacted by telephone on 0151 296 6420 or by e-mail to Help Desk) immediately.**

Internet Use

MF&RA encourages authorised staff to access the Internet when direct work-related benefits can result.

Can I use the Internet for personal use?

MF&RA's Internet access is primarily for business use, however, reasonable personal use is permitted provided that this does not interfere with your job performance or the operation of fire service business or the system. Personal use should be limited to lunchtimes and before or after working hours (unless expressly agreed by the line manager), subject to limitations regarding the type of information that may be accessed. Line managers are, as far as possible, expected to supervise and manage the personal use of the Internet by their staff.

Note - It is important that staff in the Mobilising and Communications Centre MACC do not download from the Internet, as this would place the mobilising system at risk.

What represents excessive use of Internet Resources?

The following activities are prohibited because of the drain they create on Merseyside Fire & Rescue Service's Internet access capacity:

- Downloading any file over 10 MB from the Internet for personal use
- Viewing video media via the Internet
- Listening to audio media via the Internet
- Any type of continuous media streaming

Is there a record of all the sites I access?

MF&RA will not monitor **all** Internet usage but reserve the right to do so at any time as is necessary to investigate suspected breaches of the policy. Whilst limited personal use of the Internet is permitted, you have no expectation of privacy in respect of personal or business use. The ICT Service Delivery Manager will arrange for monthly reports of internet usage to be reported to CLT members for their Departments and, if requested, will provide more detailed information on an individual's internet or e-mail usage. In addition, MF&RA will monitor the types of sites being accessed and the extent and frequency of use of the Internet by a random sample of workstations each year. This is to ensure that the system is not being abused and to protect the Authority from potential damage or disrepute. If monitoring by managers or random sampling reveals unauthorised, inappropriate or excessive use, any serious or repeated breach of this policy, or any other form of use potentially damaging to the Authority, this may lead to disciplinary action including dismissal.

Are there any sites I cannot enter?

Access to sites containing offensive material including, but not limited to, sexually explicit content is **strictly prohibited** and is a violation of the Authority's policy which will be dealt with through the disciplinary procedure. We also reserve the right to block access to certain Internet sites when we consider it necessary, including but not limited to, sex sites or chat rooms. **If any employee accesses sites containing offensive material in error you must inform the ICT Team immediately and keep a note of the date and time that the access occurred.**

I would like to buy something over the Internet, can I do this?

Purchasing on-line is not deemed Fire Service business unless it is performed by the relevant departments, such as Finance and Purchasing. To that end, special access to secure sites for secure business transactions is limited to such departments. Personal purchases over the Internet are also deemed non-business functions and are permitted only with the relevant line manager's permission. However, such purchasing is at the users own risk.

A site I have entered has asked "do I want to download the information", can I do this?

N.B. Due to the business critical nature of the FIRES mobilising system, staff in MACC **are not permitted** to download any material from the Internet at this time. Staff will be advised if this changes in the future. You have a responsibility to ensure that copyright and licensing laws are not breached when downloading information from the Internet. For example if you were downloading a document in an application programme that is not loaded on your computer, you may be prompted to install the application. **If this situation occurs please contact the IT Helpdesk for advice.** Software must not be downloaded without first checking with the IT Helpdesk regarding the potential copyright and licensing implications.

Can I download any material from the Internet?

Downloading offensive, obscene or indecent material is strictly prohibited. Downloading certain pornographic images may constitute the committing of a criminal offence. No inappropriate software should be stored on any of MF&RA's systems, local or network disk drives or hard drives. You should not download or use material from the Internet that may be in violation of software license, copyright, trademark or patent laws. You should not download, install or use any unauthorised software or data from the Internet, including but not limited to, applications, screen savers, sound files, video clips, or graphics files. **If you are in doubt about the material you wish to view or download, you should speak to the ICT Team for clarification.** If a user has a valid and approved reason for a piece of software available on the Internet, they will inform the ICT Help Desk using the standard Software Request Form. The Software Acquisition, Delivery and Installation Procedure must then be followed.

Do I need to worry about viruses whilst using the Internet?

The greatest risk from viruses lies in downloaded programs and executable files. Spreading of viruses is subject to prosecution under The Computer Misuse Act 1990. All software for use in MF&RA should be obtained from legal sources via the ICT Team. Any unauthorised downloading of programs onto MF&RA network systems will result in disciplinary action being taken.

Will anyone outside MF&RA be allowed to see any records on Internet activity?

MF&RA will keep records of which workstations have been checked (including the user's name) and this information will be kept for 3 years. MF&RA will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individual Internet activities.

Telephone Use

Paying for Personal Calls

Limited personal use of the telephone system (including mobile phones) is permitted but personal calls must be paid for. Payments can be made to the Finance department at Service Headquarters. Cheques should be made payable to Merseyside Fire and Rescue Authority.

Monitoring of Telephone Use

MF&RA will continue to monitor telephone calls in the Mobilising and Communications Centre (MACC). This has the benefit of assisting MF&RA and the Police in any investigations of hoax calls and criminal activity such as arson.

Review

This policy is subject to review and change as deemed necessary to provide assurances that practices properly reflect the policy and that it is feasible and effective.

Links to Disciplinary Policy

Where breaches of this policy are found to have occurred, normal disciplinary procedures apply, the level of which will depend on the seriousness of the breach.

Policy Ownership

Responsibility for issue and ownership of this policy lies with the ICT Team, Corporate Research Team and People & Organisational Development.

Third Party Use

Requests for e-mail facilities from third parties (e.g. representative bodies) must be made in writing will be considered by the ICT Team. Where the facility is provided, all use will be subject to the provisions of this policy. *MF&RA's IT Services are managed by an external ICT Support Contractor and as a result the Contractor's staff will have access to records relating to all computer usage. The ICT Support Contractor adhere to Data Protection legislation and will only process personal data when instructed to do so by MF&RA. The ultimate responsibility for issuing such instructions in relation to personal data rests with MF&RA's nominated Data Controller). For practical purposes this responsibility will be delegated to other officers by the nominated Data Controller. The ICT Manager is one such officer.

Further Information

For further information or questions on any aspects of this document, please contact the Strategy & Member Development department:

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