

**June 2018**

# **Merseyside Fire & Rescue Authority**

## **CONSTITUTION**

**Merseyside Fire & Rescue Authority  
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## Contents

PART 1 - SUMMARY AND EXPLANATION .....	11
What's in the Constitution?.....	11
How the Fire & Rescue Authority Operates.....	11
How Decisions are Made.....	12
The Authority's Staff .....	12
Citizens' Rights.....	12
Citizens' Responsibilities .....	14
PART 2 - INTRODUCTION.....	15
Article 1 – Purpose of the Constitution .....	15
Article 2 – Membership of the Authority.....	15
Article 3 – Officers .....	16
Article 4 – Decision Making .....	19
Article 5 - Finance, Contracts and Legal Matters.....	20
Article 6 – Review and Revision of the Constitution .....	21
Article 7 – Suspension, Interpretation and Publication of the Constitution ..	22
PART 3 - RESPONSIBILITY FOR FUNCTIONS .....	24
Article 8 – Roles and Functions of Members .....	24
Article 9 – Roles and Responsibilities of Designated Office Holders .....	25
Article 10 – The Authority .....	30
Article 11 – The Policy and Resources Committee .....	35
Article 12 – The Community Safety and Protection Committee.....	37
Article 13 – The Scrutiny Committee .....	39
Article 14 – Audit Committee .....	41
Article 15 – The Appeals Committee .....	43
Article 16 – The Appointments Committee .....	44
Article 17 – Member Development & Engagement Group.....	45
Article 18 - Local Pension Board (Firefighters' Pension Scheme(s)) .....	46
Article 19 – Scheme of Delegation to Officers .....	47
PART 4 - PROCEDURE RULES .....	57
Article 20 – Procedural Standing Orders .....	57
Section 1: Preliminary .....	57
Standing Order 1: Definitions .....	57
Standing Order 2: Standing Orders .....	59
Section 2: Meetings of the Authority.....	61
Standing Order 3: Ordinary Meetings of the Authority.....	61
Standing Order 4: Extraordinary Meetings of the Authority .....	61
Standing Order 5: Person Presiding at Meetings of the Authority .....	62
Standing Order 6: Quorum of Meetings of the Full Authority.....	63
Standing Order 7: Order of Business at Meetings of the Authority.....	64

Standing Order 8: Notices of Motions to Authority.....	66
Standing Order 9: Motions and Amendments.....	67
Standing Order 10: Questions.....	69
Standing Order 11: Presentation of Petitions, Hearing of Deputations and Occasions When Public May Speak.....	72
Section 3: Committees and Sub-Committees.....	74
Standing Order 12: Appointment of Committees and Sub-Committees .....	74
Standing Order 13: Meetings of Committees and Sub-Committees .....	78
Standing Order 14: Persons Presiding in Committees and Sub-Committees .....	79
Standing Order 15: Quorum of Committees and Sub-Committees.....	80
Standing Order 16: Order of Business on Committees and Sub-Committees .....	80
Standing Order 17: Urgent Business.....	80
Standing Order 18: Reference-up of Decisions .....	81
Section 4: Conduct of All Meetings.....	83
Standing Order 19: Minutes and Records of Proceedings .....	83
Standing Order 20: Rules of Debate .....	83
Standing Order 21: Prevention of Disorderly Conduct.....	86
Standing Order 22: Voting.....	87
Standing Order 23: Attendance at Committees etc. ....	88
Standing Order 24: No Smoking.....	89
Section 5: Summons and Agenda for Meetings .....	89
Standing Order 25: Summons and Agenda for Meetings .....	89
Section 6: Declaration of Interests.....	91
Standing Order 26: Interests of Members in Contracts and Other Matters.	91
Standing Order 27: Interests of Officers in Contracts and Other Matters ...	92
Section 7: Miscellaneous.....	93
Standing Order 28: Seal of the Authority.....	93
Standing Order 29: Attestation of Documents .....	93
Standing Order 30: Papers and Advice .....	93
Standing Order 31: Rescission of Previous Resolutions .....	94
Standing Order 32: Canvassing .....	94
Standing Order 33: Restrictions on Disclosure of Confidential Information	94
Standing Order 34: Delegation to Officers.....	96
Standing Order 35: Financial Regulations.....	96
Standing Order 36: Disciplinary Action .....	96
Article 21 – Contract Standing Orders.....	98
1. Introduction .....	98
2. How the Authority Procures.....	98
3. Exemptions to the Contract Procedures.....	100
4. Advertising of Contracts .....	101
5. Pre-Quotation/Tender Requirements .....	102
6. Procurement Portal .....	102
7. Selection Questionnaire .....	103

8.	The Tendering Process .....	103
9.	Other Procedures .....	105
10.	Invitation and Submission .....	106
11.	Opening of Tenders .....	107
12.	Evaluation of Tenders and Quotations.....	107
13.	Post Tender/Quotation Clarification/Negotiation.....	108
14.	Contract Award – Tenders and Quotations.....	109
15.	Corrupt Practices .....	109
16.	Third Parties .....	109
17.	Assignment.....	110
18.	Sealed Contracts .....	110
19.	Term of Contract.....	110
	Article 22 – Financial Regulations 2018-19 .....	111
	Status of Financial Regulations .....	111
	Financial Regulation A: Financial Management .....	113
	Introduction.....	113
	The Statutory Officers .....	113
	Chief Fire Officer .....	113
	Solicitor to the Authority & Monitoring Officer (Director of Legal, Procurement & Democratic Services) .....	113
	The Treasurer.....	114
	Strategic Management Group .....	115
	Other Financial Accountabilities .....	116
	Virement.....	116
	Treatment of year-end balances.....	116
	Accounting Policies .....	116
	Accounting Records & Returns .....	116
	The Annual Statement of Accounts .....	116
	Financial Regulation B: Financial Planning .....	117
	Introduction.....	117
	Policy Framework.....	117
	Budgeting .....	118
	Budget Format:.....	118
	Budget Preparation: .....	118
	Budget Monitoring and Control:.....	118
	Resource Allocation: .....	119
	Preparation of the Capital Programme: .....	119
	Guidelines: .....	119
	Maintenance of Reserves.....	119
	Financial Regulation C: Risk Management & Control of Resources.....	120
	Introduction.....	120
	Risk Management .....	120
	Internal Control.....	121
	Audit Requirements.....	121
	Preventing Fraud & Corruption.....	122

Assets .....	122
Treasury Management .....	122
Staffing .....	123
Financial Regulation D: Systems & Procedures .....	124
Introduction.....	124
General .....	124
Payments to Employees & Members .....	124
Trading Accounts / Business Units.....	125
Financial Regulation E: External Arrangements .....	126
Partnerships .....	126
External Funding .....	126
Work for Third Parties .....	126
Appendix A: Financial Management.....	127
Financial Management Standards.....	127
Responsibilities of the Treasurer .....	127
Responsibilities of SMG Officers .....	128
Managing Expenditure .....	128
Scheme of Virement.....	128
Responsibilities of the Treasurer .....	129
Responsibilities of SMG Officers .....	129
Treatment of Year-End Balances .....	130
Responsibilities of the Treasurer .....	131
Responsibilities of SMG Officers .....	131
Accounting Policies .....	131
Responsibilities of the Treasurer .....	132
Responsibilities for SMG Officers .....	133
Accounting Records and Returns.....	133
Responsibilities of the Treasurer .....	134
Responsibilities of SMG Officers .....	135
The Annual Statement of Accounts .....	135
Responsibilities of the Treasurer .....	136
Responsibilities of SMG Officers .....	136
Appendix B – Financial Planning.....	137
Performance Plans.....	137
Responsibilities of the Treasurer .....	137
Budgeting .....	138
Format of the Budget.....	138
Responsibilities of the Treasurer .....	138
Responsibilities of SMG Officers .....	139
Revenue budget preparation, monitoring and control.....	139
Responsibilities of the Treasurer .....	140
Responsibilities of SMG Officers .....	141
Budgets and Medium-Term Planning .....	142
Responsibilities of the Treasurer .....	143
Responsibilities of SMG Officers .....	144

Resource Allocation .....	144
Responsibilities of the Treasurer .....	145
Responsibilities of SMG Officers .....	145
Capital Programmes.....	146
Responsibilities of the Treasurer .....	147
Responsibilities of SMG Officers .....	147
Maintenance of Reserves.....	149
Responsibilities of the Treasurer .....	149
Responsibilities of SMG Officers .....	149
Appendix C – Risk Management and Control of Resources.....	150
Risk Management .....	150
Key Controls.....	150
Responsibilities of the Treasurer .....	151
Responsibilities of the Director of Legal, Procurement & Democratic Services.....	152
Responsibilities of SMG Officers .....	152
Internal Controls.....	153
Responsibilities of the Treasurer .....	154
Responsibilities of SMG Officers .....	154
Audit Requirements.....	155
Internal Audit .....	155
Responsibilities of the Treasurer .....	155
Responsibilities of SMG Officers .....	156
External Audit.....	157
Responsibilities of the Treasurer .....	158
Responsibilities of SMG Officers .....	158
Preventing fraud and corruption .....	158
Responsibilities of the Treasurer .....	159
Responsibilities of SMG Officers .....	160
Assets .....	160
Security .....	160
Responsibilities of the Treasurer .....	161
Responsibilities of SMG Officers .....	162
Inventories - Responsibilities of SMG Officers .....	163
Stocks and stores - Responsibilities of SMG Officers .....	164
Intellectual property .....	164
Responsibilities of SMG Officers .....	165
Asset disposal .....	165
Responsibilities of the Treasurer .....	165
Responsibilities of SMG Officers .....	166
Treasury Management .....	166
Responsibilities of SMG Officers – Treasury Management and Banking ..	167
Responsibilities of Treasurer– Investments and Borrowing.....	167
Responsibilities of SMG Officers – Investments and Borrowing.....	168

Responsibilities of SMG Officers – Trust Funds and Funds held for Third Parties .....	168
Responsibilities of the Treasurer– Imprest Accounts .....	168
Responsibilities of SMG Officers – Imprest Accounts .....	169
Staffing .....	170
Responsibilities of the Treasurer .....	171
Responsibilities of SMG Officers .....	171
Appendix D – Financial Systems and Procedures.....	172
General .....	172
Responsibilities of the Treasurer .....	172
Responsibilities of SMG Officers .....	173
Income and expenditure .....	175
Income .....	175
Responsibilities of the Treasurer .....	176
Responsibilities of SMG Officers .....	176
Ordering and paying for work, goods and services .....	179
Responsibilities of the Treasurer .....	181
Responsibilities of SMG Officers .....	183
Payments to employees and members .....	186
Responsibilities of the Treasurer .....	187
Responsibilities of SMG Officers .....	187
Responsibilities of members and employees .....	188
Taxation .....	189
Responsibilities of the Treasurer .....	189
Responsibilities of SMG Officers .....	190
Trading accounts and business units .....	190
Responsibilities of the Treasurer .....	190
Responsibilities of SMG Officers .....	191
Appendix E – External Arrangements .....	192
Partnerships .....	192
General .....	192
Responsibilities of SMG Officers .....	194
External funding .....	195
Responsibilities of the Treasurer .....	197
Responsibilities of SMG Officers .....	197
Work for third parties .....	197
Responsibilities of Treasurer .....	199
Responsibilities of SMG Officers .....	199
 PART 5 - PROCEDURE AND POLICIES .....	 200
 CODE OF CONDUCT FOR MEMBERS .....	 200
Introduction.....	200
Interpretation .....	200
1. General Obligations .....	200

2. Interests .....	201
3. Disclosure and Participation.....	202
4. Pre-determination or Bias.....	202
The Seven Principles of Public Life .....	204
Disclosable Pecuniary Interests .....	205
Procedure for Dealing with Allegations Under the Code of Conduct: .....	206
MEMBERS CODE AND GUIDANCE ON OFFICIAL VISITS BY MEMBERS .....	209
Guidance.....	209
Indemnity given to Members by the Authority.....	212
SCHEME OF MEMBER'S ALLOWANCES.....	215
Schedule 1 – Special Responsibility Allowances.....	220
Schedule 2 – Travelling & Subsistence Allowances .....	221
MEMBER ALLOWANCES 2018/19 .....	223
SUCCESSION PLANNING POLICY – CHAIR AND VICE CHAIR OF THE AUTHORITY .....	225
PROTOCOL ON MEMBER AND OFFICER RELATIONS .....	226
1. Introduction .....	226
2. Operation of this Protocol.....	227
3. Responsibility for the Protocol.....	227
4. Member and Officer Roles .....	227
5. Member/Officer Obligations and Expectations .....	230
6. Behaviour Limitations.....	232
7. Members' Access to Information .....	233
8. Confidentiality.....	234
9. Personal Relationships.....	235
10. Officers and Committees .....	236
11. Correspondence .....	236
12. Staffing Matters .....	237
13. Authority Property .....	237
15. Political Groups .....	238
16. Breaches of the Protocol .....	239
MEMBER'S TRANSPORT GUIDANCE .....	241
Introduction.....	241
Guiding Principles for Members Transport .....	241
Use of Members Own Vehicles .....	242
Use of Public Transport.....	242
Rail.....	242

Bus, Ferry and Other Public Transport.....	243
Use of Taxis .....	243
Use of Hired Vehicle.....	244
Air Travel.....	244
Use of Transport Provided by Service .....	244
Travel Insurance.....	245
SUPPORT SERVICES FOR MEMBERS.....	246
ICT ACCEPTABLE USE POLICY – ICTPOL03 .....	248
Policy Introduction and Background .....	248
Policy Explanation .....	248
Policy Implementation .....	249
E-SAFETY POLICY – ICTPOL01 .....	250
Purpose and Scope.....	250
Standards for E-Safety .....	250
MF&RA Staff .....	250
Lead E-Safety Officer.....	251
ICT Director / Youth Engagement (YE) Manager .....	251
Signing of an Acceptable Use Statement .....	251
Alignment .....	251
Glossary of Terms .....	252
USING SOCIAL MEDIA – SI0699.....	253
Purpose and Scope.....	253
Defining Social Media.....	253
Rules and Guidance for Social Media Use by MFRA Employees .....	253
MFRA Social Media Accounts.....	255
Personal Use of Social Media on MFRA Premises .....	256
Monitoring Use of Social Media Websites .....	256
Roles and Responsibilities .....	257
PROTOCOL ON REPORTING AT MEETINGS.....	259
Introduction.....	259
Reporting.....	259
Before the Meeting .....	259
During the Meeting .....	260
Exclusion from Meetings .....	260
Interpretation of this Protocol.....	260
Publication.....	261
PROCEDURE FOR ATTENDANCE AND RECORDING OF MERSEYSIDE FIRE AND RESCUE AUTHORITY.....	262

Purpose .....	262
Overview .....	262
Prerequisite Information .....	262
Safety, Precaution, Entry, Admittance and Departure .....	262
Access to the Actual Meeting .....	263
Equipment .....	264
Prior to the Meeting .....	264
During the Meeting .....	264
Exclusion .....	265
Exit and Departure .....	265
Further Information .....	265

## **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 Authority, 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 nineteen (19) Members, which includes the Police & Crime Commissioner for Merseyside as a full voting Member and 18 councillors who must be elected to one of the five constituent district councils within Merseyside (Knowsley, Liverpool, Sefton, St Helens and Wirral), plus. There is a further non-voting Independent Member who has been co-opted onto the Authority for standards and scrutiny purposes. 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 agreed to follow an approved Code of Conduct designed to ensure high standards in the way they carry out their duties. The Audit and Scrutiny Committee, assisted by the Appeals Committee where necessary, monitors standards and deals with any complaints.

All Members meet and make decisions 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 8 to 19) 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 are appointed by law, such as the Chief Fire Officer, the Chief Financial Officer and the Monitoring Officer. The Monitoring Officer has 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 or confidential matters.
- To obtain a copy of the 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 Audit & Scrutiny 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 - INTRODUCTION**

### **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 mission to make Merseyside a safer, stronger, community and to ensure safe effective firefighters.

#### **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:

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

#### **1.3 Monitoring**

The Authority and Monitoring Officer 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 nineteen (19) Members, 18 of whom are elected councillors of one of the five constituent District Councils comprised within Merseyside as well as the Police & Crime Commissioner for Merseyside. The constituent Councils appoint elect Members to the Authority in accordance with the provisions of the Local

Government Act 1985. The Police and Crime Commissioner is elected across Merseyside and is a member pursuant to the Policing and Crime Act 2017. The Councillor 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 If Members do not attend meetings of the Committees they are appointed to and for any Authority meetings for more than 6 months, without adequate reason, they may be suspended by law.

### **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 Fire Officer (Statutory Officer)  
Deputy Chief Fire Officer
- (c) In addition the Solicitor to the Authority & Monitoring Officer, is a Statutory Officer under Section 5 of the Local Government & Housing Act 1989 and the Treasurer is a Statutory Officer under Section 151 of the Local Government Act 1972 (also known as the Chief Finance Officer).

#### **3.2 Functions of the Chief Fire Officer (CFO)**

The Chief Fire Officer is the Head of Paid Service in law under s. 4 of the Local Government & Housing Act 1989 and is responsible for:-

- (a) Ensuring that the staffing needs of the organisation are adequate to perform the Authority's statutory functions.
- (b) Ensuring that the discharge of the Authority's functions is efficiently and effectively co-ordinated.
- (c) Arranging for and ensuring the proper appointment and management of the Authority's staff.
- (d) Arranging for and ensuring the effective organisation of the Authority's staff in an appropriate structure with relevant departments.

### 3.3 **Functions of the (Monitoring Officer / Solicitor / Monitoring Officer, Procurement & Democratic Services)**

The Monitoring Officer is required by s. 5 of the Local Government & Housing Act 1989 and is responsible for:-

- (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 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 Audit Committee in its Standards functions.* The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee.
- (e) *Conducting investigations.* The Monitoring Officer will conduct or arrange for investigations into matters referred by the Audit Committee and report or arrange for reports to be made in respect of them to this Committee or the Appeals Committee as

appropriate. The Monitoring Officer will also undertake, with others, investigations in accordance with the Authority's Whistleblowing (Confidential Reporting) Policy.

- (f) *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.
- (g) *Data Protection Officer for the General Data Protection Regulation 2018, the Freedom of Information Act 2000 and the Regulation of Investigatory Powers Act 2000.*
- (h) *Providing Advice.* The Monitoring Officer will provide advice on the scope of the powers of the Authority, its Committees and Sub-Committees to take decisions and in connection with matters involving maladministration and probity.
- (i) *Restriction of Appointment.* The Monitoring Officer cannot be the Chief Finance Officer.

#### **3.4 Functions of the Treasurer**

The Treasurer is required by Section 6 of the Local Government and Housing Act 1989 and Section 151 of the Local Government Act 1972 and is responsible for:-

- (a) *Ensuring lawfulness and financial prudence of financial decision making.* After consulting with the Monitoring Officer, the Treasurer 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 Treasurer has responsibility for the administration of the financial affairs of the Authority.

- (c) *Contribution to corporate management.* The Treasurer is required to contribute to the corporate management of the Authority, in particular, through the provision of professional financial advice.
- (d) *Providing advice.* The Treasurer will provide advice on the scope and powers of the Authority to take decisions about the financial impropriety, probity and budget and policy framework issues to the Authority, its Committees and Sub-Committees, Members and Officers and will support and advise Members and Officers in their respective roles.

### **3.5 Duty to Provide Sufficient Resources to the Monitoring Officer and the Treasurer**

The Authority will provide the Monitoring Officer and the Treasurer with such Officers, accommodation and other resources as are in the opinion of those Officers required in their respective roles as required by law.

### **3.6 Conduct**

Officers will comply with the Employee Code of Conduct.

### **3.7 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, Sub-Committees and Officers is in accordance with this Constitution which comprises 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).
- (d) Respect for human rights.
- (c) 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 3.2 to 3.4 will be made by the Authority and not delegated.

#### **4.4 Decision Making by the Authority and its Committees, and Sub-Committees**

The Authority, Committee 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 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 Scheme of Delegation.

### **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 Monitoring Officer considers that such action is necessary to protect the Authority's interests. The delegated powers invested in the Monitoring Officer are 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 a Solicitor to the Authority or by some 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 her/him 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 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 her/him 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 this 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 Standing Orders

## 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:

- (a) 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.
- (b) 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 mission, aims and objectives.
- (c) On a regular basis, to attend meetings of the Authority and any Committees, Sub-Committees, working parties or external bodies to which the Member has been appointed and fully 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. This includes 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
- (d) Attend at Member training events/learning lunches regularly and support the Authority's Member Development Strategy.
- (e) Represent the Authority throughout the area of Merseyside.
- (f) If appointed by the Authority to an external body; represent the interests of the Authority on that body.
- (g) 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 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:

- (a) To provide overall political leadership to the Authority.
- (b) To chair meetings of the Authority and to ensure its overall effectiveness.
- (c) To have a working knowledge of the Authority's Procedural Standing Orders, relevant policies and strategies and to ensure that he/she is sufficiently and effectively briefed by Officers on matters coming before the Authority's committees/sub-committees.
- (d) To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
- (e) To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
- (f) To act as the Authority's principal Member spokesperson at local, regional and national level.
- (g) 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.
- (h) To lead in the development of good working relationships between the leaders of political groups represented on the Authority.
- (i) To promote good working relationships between Members and Officers of the Authority so that Authority business is conducted in the most efficient and effective way possible.

### **9.2 Vice Chair of the Authority**

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

- (a) To support the Chair of the Authority in discharging the roles and responsibilities associated with the office of Chair,
- (b) To deputise for the Chair in his/her absence.

### **9.3 Party Group Leaders/Spokespersons:**

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

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

### **9.4 Chairs of Committees and Sub Committees**

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

- (a) To chair the Committee/Sub Committee and ensure its overall effectiveness.
- (b) To have a working knowledge of the Authority's Procedural Standing Orders and relevant policies and strategies and to ensure that he/she is sufficiently and effectively briefed by Officers on matters coming before the Committee/Sub Committee.
- (c) To co-ordinate and manage the work of the committee/Sub Committee.
- (d) To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

### **9.5 Rights and Duties of Members**

Members have rights of access to documents, information, land and buildings of the Authority that are necessary for them to properly carry out their duties in relation to their membership of a Committee or Sub Committee.

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, or a Sub-Committee or by the Authority and shall, on request to the Monitoring Officer, be given a copy of a document if practicable. If a Member requests a report to a Committee of which

they are not a Member this will be provided on a “need to know” basis only after consultation between the Monitoring Officer 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 or the Localism Act 2011 and/or related Regulations or the Code of Conduct. At any time the Monitoring Officer 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.

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 <http://www.merseyfire.gov.uk/>

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 the Monitoring Officer, the document is of a confidential nature.

#### **9.6 Inspection of Lands, Premises etc.**

Unless specifically authorised to do so by the Authority or a Committee, 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 enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

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

#### **9.7 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 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.

#### **9.8 Failure to Attend Meetings**

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 that Member's absence is approved by the Authority.

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.

#### **9.9 Conduct**

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

#### **9.10 Allowances**

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

## **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 and Sub-Committees appointed by the Authority and described in this Constitution shall be subject to:

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

Delegated powers do not prevent a Committee 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.

The exercise of certain delegated powers existing in the Authority's Scheme of Delegation or otherwise granted to Officers of the Authority must be recorded and published under the provisions of the Openness of Local Government Bodies Regulations 2014.

### **10.2 Functions Reserved to the Authority**

Only the Authority will exercise the following functions:

- (a) Variations to standing orders and financial regulations.
- (b) The revenue budget and capital plan, levying or issuing of a precept or borrowing on money.
- (c) Adopting a Members' Allowances scheme.
- (d) Appointing the Chair and Vice Chair of the Authority and the Chairs of the Committees and Sub Committees of the Authority.

- (e) Any other matters which by law must be reserved to the Authority itself.

### 10.3 Terms of Reference for the Fire and Rescue Authority

- (a) Approve new policies or changes in policy relating to the development and delivery of Services appropriate to this Authority.
- (b) 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 Audit Sub Committee and the Scrutiny and Performance Committee.
- (c) Determine the Authority's Precept.
- (d) Approve the Authority's Budget.
- (e) Approve Delegated Powers to Officers.
- (f) Refer any matter to the Scrutiny Committee or to establish a Task and Finish Group/Efficiency Review where it is considered the matter requires further / in depth scrutiny.
- (g) Have responsibility for the Authority's Risk Management Strategy.
- (h) Co-ordinate as necessary the response of the Authority to any reports received from Auditors, or any Constituent District Council.
- (i) Determine issues related to the liaison with and representation upon outside bodies and organisations.
- (j) To consider all matters relating to Merseyside's interest in Europe.
- (k) 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.
- (l) Maintain an overview of the effectiveness of the Constitution.
- (m) Monitor effectiveness and outcomes relating to Authority policies on Whistle Blowing, anti-fraud and anti-corruption.

- (n) Consider any matter which requires a decision by a designated committee or sub-committee, but cannot await the next meeting of that designated committee.

#### **10.4 Human Resources Activity**

- (a) Responsible for the examination and necessary approval of staffing models and the organisational structure of departments of the Authority subject to the duties and powers delegated to and held by the Chief Fire Officer and within his role as Head of Paid Service.
- (b) 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.
- (c) In making decisions to have full regard to the Authority's Public Equality Duties and its duties under Health & Safety & Environmental and other legislation.

#### **10.5 Equality and Diversity Activity**

To receive and approve officer's reports relating to Equality and Diversity and relating to monitoring and progress against objectives.

#### **10.6 Authority Meetings**

There are three types of Authority meetings:

- The Annual Meeting
- Ordinary meetings
- Extraordinary meetings

In addition there are meetings of Committees and Sub-Committees. These meetings will be conducted in accordance with the Authority's standing orders/procedural rules.

## 10.7 **Chairing the Authority**

(a) Electing the Chair and Vice Chair of the Authority

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

(b) Roles and Responsibilities of the Chair and in his/her 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 of this Constitution. In addition, the Chair will discharge the roles and responsibilities set out in Article 2 of this Constitution.

## 10.8 **Quorum**

There must be at least eight (8) voting Members present at any full Authority meeting.

## **Article 11 – The Policy and Resources Committee**

### **11.1 Terms of Reference**

- (a) Under delegated powers, determine new policies or changes in policy relating to the development and delivery of Services appropriate to this Committee.
- (b) Oversee the Authority Communication and Consultation Strategy and receive related reports.
- (c) Convene any Working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee.
- (d) Consider and if appropriate, determine under delegated powers any other matters, which may be referred to the Committee by the Authority, the Audit or Scrutiny Committee.
- (e) Consider and determine under delegated powers any matter which requires a decision by the Authority which cannot await its next meeting.
- (f) Consider all matters related to the management of the Authority's assets including buildings, land, ICT and other assets.
- (g) Oversee the Authority's procurement strategy including potential for commissioning Services.
- (h) Consider all matters related to the maintenance of the North West PFI Project.
- (i) Contribute towards the overall savings target of the Authority, through the regular scrutiny of expenditure and other budget related issues.
- (j) Exercise financial control over expenditure within the approved revenue budgets and capital programme of the Authority.
- (k) Establish and direct procedures for the implementation, monitoring and amendment of the revenue budget and capital programme.
- (l) Consider recommendations to incur expenditure on the capital account.

- (m) Consider recommendations for supplementary estimates within available resources.
- (n) Consider proposals to exercise virement between lines within the approved budget.
- (o) Consider policies for the raising and investment of funds.
- (p) Consider proposals for awards of contracts.
- (q) Consider proposals involving the increasing or reduction of income including the writing off of monies owed to the Authority.
- (r) In making decisions to have full regard to the Authority's public equality duties and its duties under Health & Safety & Environmental and other legislation.
- (s) To refer any reports required by Members to the Audit and Scrutiny Committee where appropriate.

#### **11.2 Membership**

Nine (9) voting Members of the Authority according to political proportionality.

#### **11.3 Quorum**

Six (6) voting Members.

## **Article 12 – The Community Safety and Protection Committee**

### **12.1 Terms of Reference**

- (a) Under delegated powers, determine new policies or changes in policy relating to the development and delivery of Services appropriate to this Committee.
- (b) 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:

Operational Preparedness, Operational Response and Community Risk Management

- (c) Consider and make decisions in relation to the IRMP.
- (d) Consider and determine where appropriate all matters related to the Civil Contingencies function of the Authority.
- (e) Consider the opportunities for and delivery of shared Services and/or collaboration with other agencies.
- (f) Consider all matters referred by the North West Fire and Rescue Forum.
- (g) Consider all matters relating to involvement with and delivery of Services delivered jointly by the NW Fire and Rescue Services.
- (h) Consider and where appropriate determine all matters relating to Fire Safety Legislation.
- (i) To consider all matters relating to the development of the City Region/Mersey region agenda.
- (j) Consider any matters relating to the provision of Services to the diverse communities of Merseyside.
- (k) Convene any Working Parties or Task Groups as may be appropriate to assist in fulfilling the duties of the Committee.

- (l) Consider and if appropriate, determine under delegated powers any other matters, which may be referred to the Committee by the Authority, or the Audit and Scrutiny Committee.
- (m) Consider and determine under delegated powers any matter which requires a decision by the Authority which cannot await its next meeting.
- (n) In making decisions to have full regard to the Authority's public equality duties and its duties under Health & Safety & Environmental and other legislation.
- (o) To refer any reports required by Members to the Audit and Scrutiny Committee where appropriate.
- (p) To consider and approve any reports relating to the IRMP and Service Plan including monitoring of progress against action.

## 12.2 **Membership**

Nine (9) voting Members of the Authority according to political proportionality.

## 12.3 **Quorum**

Six (6) voting Members.

## **Article 13 – The Scrutiny Committee**

- (a) To review and/or scrutinise the objectives of the Authority's Integrated Risk Management Plan (IRMP) and performance against these objectives.
- (b) To carry out joint member/officer pre and post-implementation scrutiny of any major project, scheme, or key decision taken by the Authority or its standing committees.
- (c) To make recommendations to the Policy & Resources Committee and/or the Community Safety & Protection Committee and/or Authority arising from the outcome of the scrutiny process and how any improvements can be made.
- (d) To agree and action a scrutiny forward work programme throughout the year and from meeting to meeting that includes matters relating to the performance of the Authority against the IRMP or any such issues referred to by the full Fire Authority and report back.
- (e) To participate in, determine and undertake a programme of efficiency reviews with a view to effecting continuous improvements in the way Services are delivered, having regard to a combination of economy, efficiency and effectiveness.
- (f) To appoint relevant member(s) and officers to individual efficiency reviews.
- (g) To consider reports on the outcome of reviews and the relevant recommendations and to monitor their implementation on a regular basis.
- (h) To appoint Scrutiny Panels to undertake detailed work, involving relevant Scrutiny Members, key reference holders and relevant officers.
- (i) To receive reports and information from officers, members, organisations and individuals as required by the Committee to further its work, and to interview members, officers, staff and comparable organisations as appropriate.
- (j) Question and gather evidence from any person (with their consent).

- (k) In making decisions to have full regard to the Authority's public equality duties under Health & Safety & Environmental and other legislation.

**Membership**

**Nine (9) voting members and one independent members**

**Quorum: 6 voting members**

## **Article 14 – Audit Committee**

### **14.1 Terms of Reference**

#### **Audit Activity**

- (a) To consider the internal auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements.
- (b) To consider and approve summaries of specific internal audit reports as requested.
- (c) To consider reports dealing with the management and performance of the providers of internal audit Services.
- (d) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (e) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (f) To consider specific reports as agreed with the external auditor.
- (g) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (h) To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
- (i) To commission work from internal and external audit.
- (j) To approve the Treasury Management (Year End) Report.

#### **Regulatory Framework**

- (a) To maintain an overview of the Authority's constitution in respect of contract procedure rules, financial regulations and codes of employee conduct and behaviour.

- (b) To review any issue referred to the sub Committee by the Chief Fire Officer, Deputy Chief Fire Officer or Treasurer or member of Authority's Strategic Management Group.
- (c) To monitor the effective development and operation of risk management and corporate governance in the Authority.
- (d) To monitor Authority policies on Whistleblowing and the anti-fraud and anti-corruption strategy and the Authority's complaints process.
- (e) To consider the Authority's arrangements for corporate governance agreeing necessary actions to ensure compliance with best practice.
- (f) To approve the Authority's Annual Governance Statement.
- (g) To consider the Authority's compliance with its own and other published standards and controls.

### **Accounts**

- (a) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- (b) To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.
- (c) Approve the audited Statement of Accounts and approve publication of the same (NB this can also be approved by the Policy and Resources Committee if necessary).

### **14.2 Members' Code of Conduct**

To determine allegations made under the Member Code of Conduct Procedure and refer sanctions proposed and any complaint allegation requiring further investigation to the Authority's Appeals Committee.

### **14.3 Membership**

5 voting members.

#### **14.4 Quorum**

Three voting members.

### **Article 15 – The Appeals Committee**

#### **15.1 Terms of Reference**

- (a) 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.
- (b) Consider those applications for registration to store 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 Fire Officer.
- (c) Consider and, if appropriate, determine any other matters which may be referred to the Committee by the Authority, or any committee/sub-committee.
- (d) In making decisions to have full regard to the Authority's public equality duties and its duties under Health & Safety & Environmental and other legislation.

#### **15.2 Membership**

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

#### **15.3 Quorum**

At least one (1) Member from the controlling political party and at least one (1) Member from another political party represented on the Authority and to include either the Chair of the Authority or the Vice Chair of the Authority.

## **Article 16 – The Appointments Committee**

### **16.1 Terms of Reference**

- (a) To consider and determine for appointment to the posts and offices of the Chief Fire Officer, Deputy Chief Fire Officer, Treasurer, Monitoring Officer and any other posts referred to the committee for consideration.
- (b) To make appointments to the above posts on behalf of the Authority.
- (c) To consider and, if appropriate, determine any other matters which may be referred to the Committee by the Authority.

### **16.2 Membership**

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

### **16.3 Quorum**

At least one (1) Member from the controlling political party and at least one (1) Member from another political party represented on the Authority and to include either the Chair of the Authority or at least one (1) of the Vice Chairs of the Authority.

## **Article 17 – Member Development & Engagement Group**

### **17.1 Terms of Reference**

- (a) 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 mission and aims.
- (b) 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.
- (c) To monitor from time to time the existing arrangements for Members training and development and identify any relevant issues and report to the Authority.
- (d) 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.
- (e) To encourage feedback from Members who attend conferences, training and events to consider the value and appropriateness of attendance at such events and report findings to the Authority.

### **17.2 Membership**

Four (4) elected Members with at least one (1) from each political group.

### **17.3 Quorum**

As this is a working group there is no quorum, however at least one (1) Member should be in attendance.

## **Article 18 - Local Pension Board (Firefighters' Pension Scheme(s))**

18.1 The Authority has established a Local Pension Board (LPB) to assist the Authority in its role as 'Scheme Manager' for the Firefighters' Pension Scheme(s), as required by the Pension Scheme (Amendment) (Governance) Regulations 2015 Regulation 4A. The (LPB) is responsible for assisting the Scheme Manager (or nominated officer) in securing compliance with:

- Scheme regulations
- Other governance and administration legislation
- Any requirements of The Pensions Regulator
- Additional matters, if specified by scheme regulations

18.2 The 2015 Firefighters' Pension Scheme regulations require the LPB to assist the Scheme Manager in ensuring the effective and efficient governance and administration of the scheme. This is, potentially, a wide ranging role and allows, for instance, the LPB to look at the systems underpinning the administration of the scheme or how decisions are taken. However, the LPB is not a decision making body. The LPB has an equal number of employer representatives and member representatives (3 of each).

The minutes of the LPB are sent to the Authority meeting for noting.

## **Article 19 – 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 Common Law.

The Openness of Local Government Bodies Regulations 2014 require the approval of certain delegated powers to Officers to be recorded and published. Such delegations concern the exercise of powers which affect the rights of individuals the granting of a permission or licence or the award of a contract or incurring of expenditure which, in either case, materially affects the Authority's financial position.

The Monitoring Officer and/or Treasurer to the Authority or their designated Deputy shall advise the Authority of circumstances as and when this will be necessary.

### **19.1 Conditions of Delegations**

- (a) 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.
- (b) In exercising delegated powers, Officers shall consult with each other as appropriate in the circumstances, and shall have regard to any advice given.
- (c) 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.
- (d) The exercise of delegated powers by an Officer shall be in accordance with:-
  - (i) the policies of the Authority and its decisions from time to time;
  - (ii) the Authority's Standing Orders and Financial Regulations.

### **19.2 Powers Not to be Delegated**

- (a) Any matter reserved to the Authority.

- (b) Any matter which may, by law, not be delegated to an Officer.
- (c) Any decision relating to the functions listed in Article 3.2 to 3.4.
- (d) Where to do so would effectively result in the Officer making a decision reviewing their own decision in relation to pension, disciplinary or any other matters.
- (e) Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force.
- (f) 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.
- (g) In respect of action constituting the entering into of sponsorship arrangements, the value of which exceeds £25,000.
- (h) In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Deputy Chief Fire Officer, the Treasurer/Chief Finance Officer or the Monitoring Officer.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) No Officer other than the Treasurer/Chief Finance Officer shall have the power to write off debts due to the Authority or equipment or other assets held by the Authority. The Treasurer/Chief Finance Officer shall have power to write off debts and assets up to the value of £5000 but shall exercise such power only if satisfied that:-
  - (i) it would not be cost effective to expend additional resources to recover the amounts owed, or

- (ii) every reasonable effort has been made to recover the amounts due, and further action is likely to damage the reputation of the Authority, or
- (iii) the debt is legally irrecoverable, and
- (iv) that the Authority has not reserved such a decision to itself.
- (m) the term "Officer" means the holder of a post named as having delegated powers or duties under this scheme.

### 19.3 Delegations to the Chief Fire Officer

(and in their absence the Deputy Chief Fire Officer) who may further delegate to any member of the Strategic Management Group or a Head of Service as appropriate.

- (a) To make a formal response on behalf of the 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.
- (b) To control all matters of the day to day administration of the Fire & Rescue Service which shall include taking and implementing decisions that are:-
  - (i) concerned with maintaining the operational effectiveness of the Service;
  - (ii) matters incidental to the discharge of the Authority's functions which fall within a policy decision taken by the Authority.
- (c) To make, issue and serve such Notices, Orders, Statements and other documents as may be necessary or appropriate for the above purposes or to give effect to, or carry out any decision of him/her under powers delegated to him/her under this scheme.
- (d) 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.

- (e) 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:-
  - (i) authorise the commencement of criminal proceedings (after consultation with the Monitoring Officer) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake;
  - (ii) take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005 and/or other Enforcement legislation in force from time to time;
  - (iii) designate persons as Inspectors under Article 26 of the Fire Safety Order and the Health and Safety at Work Act 1974;
  - (iv) authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order;
- (f) To ensure that nationally and locally agreed conditions of service are properly implemented.
- (g) 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.
- (h) To manage all staff, staffing structures and decide on personnel issues in line with agreed Authority policies.
- (i) To vary the grading of individual non-uniformed posts up to (but not including) Treasurer (including progression within and between grades), having regard to the national Job Evaluation Scheme and in consultation with the relevant trade union(s).
- (j) 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.
- (k) 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.

- (l) 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.
- (m) To manage and maintain land and property daily, whether owned or leased.
- (n) To deal with any urgent matters, not otherwise delegated, in consultation with the Treasurer, Monitoring Officer, Chair and Vice Chairs.
- (o) To provide a strategic lead in promoting and maintaining the Authority and Service's commitment to Equality and Diversity, Environmental issues and Health and Safety, through the Strategic Management Group.

#### **19.4 Delegations to the Monitoring Officer (Monitoring Officer)**

- (a) 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.
- (b) To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-
  - (i) secure the payment of any debt;
  - (ii) recover possession of any land;
  - (iii) 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;
  - (iv) sign or affix the Authority's seal to documents necessary to give effect to property or other matters dealt with pursuant to these delegated powers.
- (c) To enter a defence to any claim brought against the Authority.

- (d) 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 to :-
  - (i) sufficient budgetary provision being available and a report to the Treasurer following the exercise of such power;
  - (ii) the terms of any settlement complying with the recommendations of the Solicitor acting for Authority's insurer;
  - (iii) the delegated power being limited to settlement of claims by or against the Authority up to a maximum of £200,000.
- (e) To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or it's committees or Officers in pursuance of delegated powers, except where another Officer has been authorised to take such action or the Monitoring Officer has authorised him/her to do so.
- (f) 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.
- (g) The above powers may be delegated to the Senior Solicitor by the Monitoring Officer.
- (h) To ensure compliance on behalf of the Authority with the Public Services (Social Value) Act 2012.

#### **19.5 Delegations to the Authority Treasurer**

- (a) 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.
- (b) 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.

- (c) 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:-
- (i) result from pay awards or price increases not taken into account in approved budgets;
  - (ii) result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives;
  - (iii) 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);
  - (iv) are urgently necessary to maintain existing Services and cannot reasonably be met from appropriate approved budgets;
  - (v) do not exceed £10,000 in total for any one purpose and do not entail significant expenditure in subsequent years.
- (d) Virement (ie 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:-
- (i) there are no greater consequential revenue effects in later years;
  - (ii) the proposals are not inconsistent with approved budgetary policy and the overall budget situation;
  - (iii) 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;
  - (iv) 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.

## 19.6 **Supplementary Capital Budgets**

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

## 19.7 **Inspectors**

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:-

- (a) Sections 1, 20, 21, 22, 25 and 39 of the 1974 Act.
- (b) Any Health and Safety regulations.
- (c) 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.

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.
- (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.

## 19.8 **Directors / Heads of Service**

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

- (a) Appropriate delegation by the Chief or Deputy Chief Fire Officer/Treasurer.

- (b) The restrictions set out in paragraph 1 above, and
- (c) The matter of the exercise of delegated powers being within the role and area of responsibility of that Director/Head of Service.

Directors/Heads of Service 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.

#### **19.9 All Operational Firefighting Employees**

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, 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 Act (Powers of Entry).
- (c) Any statutory amendment or re-enactment of the above provisions.

#### **19.10 All Employees**

Shall have the responsibility to ensure their own and others' health and safety under the Health & Safety at Work 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, Environmental and any other matters subject to policies and/or Service Instructions.

#### **19.11 Interpretation**

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

Any relevance 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 thereunder 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.



## **PART 4 - PROCEDURE RULES**

### **Article 20 – Procedural Standing Orders**

#### **Section 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 "Annual Meeting" – the Annual General Meeting of the Fire and Rescue Authority.
- 1.1:2.1 "Chief Officer" - the 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 Act 1972.
- 1.1:2.3 "Monitoring Officer" – the officer appointed as Monitoring Officer to the Authority pursuant to s. 5 of the Local Government and Housing Act 1989.
- 1.1:4 "Independent Person" – an independent member of the Audit and Scrutiny Committee without voting rights.
- 1.1:5 "Employee" - an employee of the Authority or the holder of a paid office under the Authority other than the Chair and Vice-Chairs.
- 1.1:6 "Meeting" - a meeting of the Authority, a Committee or a Sub-Committee, (as the case may be).
- 1.1:7 "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.
- 1.1:8(a) "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.

- 1.1.8(b) "Opposition Spokesperson" - the Leader of the main Opposition group or groups.
- 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 "The 2000 Act" -the Local Government Act 2000.
- 1.1.18 "The Localism Act" – the Localism Act 2011.
- 1.1:19 "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 and these standing orders shall be incorporated into the Authority's Constitution.
- 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 2 and Procedural Standing Order 19.1 (Minutes) are not capable of being suspended.
- 2.5 Any of Procedural Standing Orders 3 - 7, (Meetings) 8.1 (Notice of Motion), 13.4, 13.5 and 13.6 (Requisition of Meeting), 16 (Order of Business) and 18.1 and 18.2 (Referring up) may be suspended by the Authority but only if:
  - 2.5:1 notice of the intention to move a motion for 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.

## **Section 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 Merseyside Fire and Rescue Authority HQ, Bridle Road, Bootle, Liverpool, L30 4YD 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 Merseyside Fire and Rescue Authority HQ, Bridle Road, Bootle, Liverpool, L30 4YD (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 Monitoring officer 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 the Vice-Chair 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 she/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 Merseyside Fire and Rescue Authority HQ, Bridle Road, Bootle, Liverpool, L30 4YD 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 discussion, 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 Full Authority**

- 6.1 No business shall be transacted at any meeting of the Full Authority unless at least eight voting Members are present (Standing Order 15 deals with the Quorum of Committee and Sub-Committee meetings.)
- 6.2 If, during any meeting of the Authority or its Committees or Sub Committees, 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 Meetings 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 19, any unsigned minutes are to stand over until the next suitable Meetings. Minutes of previous meetings which have been held during the chairmanship of the previous year, before the newly elected chair takes over presiding the meeting.
  - 7.1:5 To consider declarations of interests by Members.
  - 7.1:6 To receive communications or announcements from the Person Presiding; should this be moved up – eg Chair’s announcement usually prior to business on Agenda.
  - 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](#).
  - 7.1:8.4 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 10.
- 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.
- 7.1:13 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.
- 7.1:14 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 9), 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 Order 9: Motions and Amendments**

- 9.1 The following motions may be moved without notice at any Meeting, and considered in sequential order:-
- 9.1:1 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.
- 9.1:2 Motions relating to the accuracy of the minutes.
- 9.1:3 Motions under Standing Order 7.3 (change in order of business).
- 9.1:4 “that the Authority (or Committee or Sub-Committee) proceed to the next business”.
- 9.1:5 “that the question be now put”.
- 9.1:6 “that the debate be now adjourned”.

- 9.1:7 “that the Authority (or Committee or Sub-Committee) do now adjourn”.
- 9.1:8 Motions under Standing Order 2.5:2 (suspension of Standing Orders without notice).
- 9.1:9 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.
- 9.1:10 Motions giving consent of the Authority, committee or sub-committee, where it is required under these Standing Orders.
- 9.1:11 Motions to refer a petition which has been presented to the Authority to a Committee for consideration.
- 9.1:12 Where a matter has been submitted to a Committee, or Sub-Committee, a motion to appoint a Special Committee, or Sub-Committee, to consider that matter.
- 9.2 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.
- 9.3 Subject to PSO 9.3.1 and PSO 9.3.2, an amendment to a motion may be moved without notice, but shall be relevant to the motion.
  - 9.3.1 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 ten (10) working days prior to the date of the Authority meeting scheduled to consider the setting of a budget for the forthcoming financial year.
  - 9.3.2 Notice of any amendment proposed to a motion specified in PSO 9.3.1 (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.

- 9.3.3 An amendment to a budget resolution will not be considered by the Authority where the notice requirements set out in PSO 9.3.2 (above) have not been met.
- 9.3.4 For the purposes of PSO 9.3, notice is given on the date that it is received by the Chief Finance Officer and Monitoring Officer.
- 9.4 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.
- 9.5 With the consent of the Meeting signified without discussion, a Member may:
- 9.5:1 Alter a motion of which she/he has given notice; or
- 9.5:2 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.
- 9.6 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.
- 9.7 Where consent of the Authority, Committee, or Sub-Committee is required for anything, it may be given either:
- 9.7:1 By the Person Presiding at the Meeting asking whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
- 9.7:2 If objection is raised, or if the Person Presiding so chooses, by a motion moved, seconded and put to the meeting.

### **Standing Order 10: Questions**

- 10.1 Every question shall be relevant to some matter in relation to which the Authority has functions.

10.2 Subject to Standing Order 10.1 if a Member of the Authority wishes to ask a question during a meeting of the Authority of:

10.2:1 The Chair of the Authority; or

10.2:2 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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:

10.6:1 An oral answer.

10.6:2 Reference to information contained in some publication.

10.6:3 Written answer, which shall be circulated to Members of the Authority at the latest with the Summons for the next meeting of the Authority.

10.7 No question shall be asked more than 10 minutes after the Authority has entered on the item of business under which questions are asked.

10.8 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 10.6.3.

## **Standing Order 11: Presentation of Petitions, Hearing of Deputations and Occasions When Public May Speak**

- 11.1 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.
- 11.2 At least seven working 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.
- 11.3 A proper petition shall contain the names and postal addresses of a minimum of 5 names.
- 11.4 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.
- 11.5 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 working 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 be more than two and less 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).
- 11.6 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.
- 11.7 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.

- 11.8 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.
- 11.9 Subject to the provisions of Standing Order 11.1 to 11.7, no members of the public shall be entitled to speak or address a meeting without the permission of the Person Presiding.

### **Section 3: Committees and Sub-Committees**

#### **Standing Order 12: Appointment of Committees and Sub-Committees**

- 12.1 Subject to the provisions of the 1972 Act, and other relevant enactments, at its annual meeting, the Authority:
- 12.1:1 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.
  - 12.1:2 May resolve that non-voting Members, assessors and advisers shall also be appointed to any such Committee, so far as the law permits.
  - 12.1:3 If it resolves to make appointments under Standing Order 12.1:2, shall specify the numbers of appointments to be made and what functions in relation to the Committee each person so appointed may discharge.
  - 12.1:4 May determine an annual timetable for ordinary meetings of Committees.
- 12.2 The Authority may at any time amend resolutions under the previous paragraph.
- 12.3 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.
- 12.4 The Authority may at any time appoint alternate Members from within its full Membership as persons 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:
- 12.4:1 An alternate for an original Member who is 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 14.
  - 12.4:2 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.

12.4:3 Attendance as an alternate at a Meeting shall be classed as an approved duty.

12.4:4 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.

12.4:5 Decisions relating to the nomination of alternate Members or variations thereto may be taken by the Authority at any meeting.

12.5 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:-

12.5:1 Receipt of written notification of their resignation from the Authority.

12.5:2 Notification from their nominating Council that she/he is to be replaced or has been disqualified or has retired as a district Councillor.

12.5:3 Failure to be successfully re-elected as a Councillor.

12.5:4 Termination pursuant to Standing Order 12.16.

12.5:5 Termination pursuant to S.52 (1) of the Local Government Act 2000 (failure to provide undertaking or comply with any other legislative provision).

12.6 Whenever:-

12.6:1 The Authority is required to review the allocation of seats on Committees between Political Groups; or

12.6:2 The Authority resolves to carry out such a review; or

12.6:3 A Committee is required to review the allocation of seats on a Sub-Committee between Political Groups; or

12.6:4 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.

12.7 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.

12.8 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:-

12.8:1 That the Members who have signed it wish to be treated as a Political Group.

12.8:2 The name of the Group; and

12.8:3 The name of one Member of the Group who has signed the notice and who is to act as its Leader.

12.9 The notice referred to in Standing Order 12.8 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.

12.10 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.

12.11 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.

12.12 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 12.8 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.

12.13 A person is to be treated as having ceased to be a Member of a Political Group when:

12.13:1 She/he has ceased to be a Member of the Authority.

- 12.13:2 She/he has notified the Proper Officer in writing that she/he no longer wishes to be treated as a Member of the Group.
  - 12.13:3 She/he joins another Political Group.
  - 12.13:4 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.
- 12.14 No person shall be treated as a Member of more than one Political Group at any given time.
- 12.15 The Proper Officer shall keep and maintain a record of the current membership of each Group.
- 12.16 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.
- 12.17 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:-
- 12.17:1 At the Annual Meeting; and
  - 12.17:2 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.
- 12.18 Subject to any resolutions by the Authority under this Standing Order:
- 12.18:1 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.
  - 12.18:2 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 13: Meetings of Committees and Sub-Committees**

- 13.1 The Authority may fix the date, time and place of ordinary meetings of Committees and Sub-Committees.
- 13.2 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.
- 13.3 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:
- 13.3:1 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.
- 13.3:2 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 13.5.
- 13.4 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.

If:-

- 13.4.1 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
- 13.4.2 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.

- 13.5 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.
- 13.6 Any requisition under paragraph 13.5 may be presented by leaving it with the Proper Officer.

**Standing Order 14: Persons Presiding in Committees and Sub-Committees**

- 14.1 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.
- 14.2 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 be).
- 14.3 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.
- 14.4 The Person Presiding at meetings of Committees and Sub-Committees of the Authority shall be:-
- 14.4:1 The person appointed as Chair of that Committee.
- 14.4:2 If she/he is absent or unable to act as Chair a Member of the Committee or Sub-Committee (as the case may be) chosen by the voting Members of that Committee or Sub-Committee.
- 14.5 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.

- 14.6 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.
- 14.7 The motion, and any amendments, shall be put to the meeting in accordance with Standing Order 22.5 (voting on appointment).

#### **Standing Order 15: Quorum of Committees and Sub-Committees**

- 15.1 No business shall be transacted by either the Policy and Resources Committee or the Community, Safety and Protection Committee unless at least 5 voting Members are present.
- 15.2 No business shall be transacted at any meeting of any sub-committee or the Appeals Committee or the Appointments Committees unless at least 2 voting Members are present.
- 15.3 The provisions of Standing Order 6.2 to 6.4 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 16: Order of Business on Committees and Sub-Committees**

- 16.1 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 17: Urgent Business**

- 17.1 The Authority may make arrangements for the discharge, in urgent circumstances, of functions of the Authority, by appointing a committee of not fewer than three voting Members of the Authority; or
- 17.2 In certain circumstances where this is not possible with the timescales required the Chief Fire Officer of the Authority in consultation with the Chair of the Authority and such other Members as the Chair may consider necessary may discharge these functions.
- 17.3 Any matter approved in the circumstances described in 17.1 – 17.2

shall be reported to the next full Authority meeting giving reasons for the urgency and this shall be recorded in the Minutes.

- 17.4 No matter shall be considered at a meeting of the Authority or a Committee or Sub-Committee of the Authority, if it is not specified in the Agenda, unless the Chair (or in the case of a Committee or Sub-Committee, the person presiding) rule that in his / her opinion the item should be considered as a matter of urgency **and specifies the reasons why it is urgent**. The ruling including the reasons for urgency, must be recorded in the minutes of the meeting.

### **Standing Order 18: Reference-up of Decisions**

- 18.1 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”.
- 18.2 Subject to Standing Order 18.3 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 which is 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)).
- 18.3 Paragraph 18.2 shall not apply to any question which arises on an item of business:
- 18.3:1 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
- 18.3:2 Which concerns the appointment, discipline or dismissal of a member of staff of the Authority.



## **Section 4: Conduct of All Meetings**

(and see standing order 8 and 9)

### **Standing Order 19: Minutes and Records of Proceedings**

19.1 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.

19.2 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).

19.3 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.

19.4 Recordings (tape and video as well as written recording) of Meetings of the Authority, its Committees and sub Committees may take place by any citizen subject to:

- (a) The provisions of Standing Order 21 (Prevention of Disorderly Conduct).
- (b) Compliance with the provisions of Schedule 12A of the Local Government Act 1972 (discussion of confidential items).
- (c) Adherence to the Protocol on Reporting at Meetings (page 233).

### **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 her/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 has 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 her/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.
- 22.3:4 Should the number of political members of the second largest group not exceed 1 member, then the number shall be 2.
- 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 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.
- 23.5 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.
- 23.6 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:-
- 23.6:1 During the consideration of any motion of which notice has been given which she/he has moved or seconded at a meeting of the Authority and which has been referred to that Committee or Sub Committee; or
- 23.6:2 With the agreement of the Person Presiding at the meeting of the Committee or Sub Committee; or
- 23.6:3 During the consideration of any matter which affects his/her constituent Council differently from other Councils represented within the Authority.

## **Standing Order 24: No Smoking**

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

## **Section 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.

## **Section 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 Should 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 Proper Officer; 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 month's 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 mentioned in the officer Code of Conduct and any associated guidance 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.

she/he shall as soon as practicable give notice in writing to the Proper Officer of such interest.

27.2 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.

27.3 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.

27.4 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.

## **Section 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 Monitoring Officer to do anything where a document under the common seal is appropriate to complete the transaction.

### **Standing Order 29: Attestation of Documents**

- 29.1 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, Senior Solicitor 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 Fire Officer, the Deputy Chief Fire Officer, the Monitoring Officer and the 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, subject to the provisions of 1972 Act Schedule 12 A.
- 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**

- 31.1 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**

- 34.1 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 Fire Officer, Deputy Chief Fire Officer, Monitoring Officer or the 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 decision by the full Authority following consideration of recommendation of an independent panel.
- 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 Any allegation of misconduct must comply in full with the Statutory Officers' Disciplinary Procedure as currently in force.



## **Article 21 – Contract Standing Orders**

### **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 Procures**

- 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 £9,999:**

Works, Goods and Services (with the exception of public utility Services i.e. gas, electric, and periodical payments) maybe procured using an official order. Officers are responsible for ensuring that value for money is achieved.

- **Between £10,000 and £49,999:**

At least two identifiable quotations must be sought and obtained i.e. either written or electronic.

#### **For Goods and Services**

- **Between £50,000 and £164,175:** Procurement involvement is required, and a Tendering procedure must be followed.

- **Over £164,176 (€200,000):** EU Procurement Regulations must be complied with.

#### **For Works**

- **Between £50,000 and £4,104,393:** Procurement involvement is required, and a Tendering procedure must be followed.
- **Over £4,104,394 (€5,000,000):** EU Procurement Regulations must be complied with.

2.2 The Tendering procedure will necessitate a notice seeking expressions of interest for organisations to be published on the e-tendering system ([www.supply4nwfire.org.uk](http://www.supply4nwfire.org.uk)) and via the e-tendering system on Contracts Finder before the submission of competitive bids for Goods, Services and Works.

2.3 No Tendering procedure need 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 The Consortium) where the Authority has been identified in any previous procurement exercise undertaken by the consortium or agency.
- 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.
- There is no genuine competition for the goods, works or Services being procured. Examples of this would include a requirement to utilise the Services of suppliers such as United Utilities, Criminal Records Bureau, OFCOM and EdExcel.
- A contract for the engagement of counsel.
- Subscriptions or fees to Government Departments, Professional bodies, Officer or Service Authorities.

#### **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 Monitoring Officer, or their nominated Deputy, as outlined in the Scheme of Delegation.

### **3. Exemptions to the Contract Procedures**

The Budget Holder must obtain approval to apply ANY exemption to the contract procedures outlined above by submitting an Exemption form (see Procurement webpage for link) to the Head of Procurement to consider the request and subject to their approval will forward the request to the Monitoring Officer, for further approval and finally to a Principal Officer for final confirmation of approval.

#### **3.1 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 unique and provided by only one organisation with no reasonably satisfactory alternatives available.
- 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 and/or where the initial contract value or specification is not fundamentally changed or increased.
- That new Works or Services are required which are a repetition of Works or Services carried out under an original contract.

- That Goods are required as a partial replacement for, or addition to, existing Goods or installations and obtaining them from another source would result in issues with compatibility or disproportionate technical difficulties in operation or maintenance.
- Tenders are invited on behalf of any consortium or collaboration, of which MFRA is an identified member, in accordance with any method adopted by that body. Where however, an MFRA officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the MFRA 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 UK law.

- 3.2 For procurement projects under £164,175 for Goods and Services and £4,104,393 for Works, the Head of Procurement or their nominated deputy, Monitoring Officer and Principal Officer must approve any Exemption, prior to any commitment being given by the Authority to any Organisation. The Head of Procurement 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 01.01.16 are as follows:

<b>Supplies</b>	<b>Services</b>	<b>Works</b>
£164,176	£164,176	£4,104,394

Supplies, Services and Works whose total Contract value exceeds these threshold must be advertised in the OJEU (Official Journal of the European Union) in addition to the procurement portal and Contracts

Finder. Further information can be obtained from the Head of Procurement as required.

## **5. Pre-Quotation/Tender Requirements**

5.1 Contractors maybe contacted informally without obligation to the Authority before tender or quotations are invited in order to:

- a) Establish whether the Goods, Works or Services that the Authority wish to purchase are available, and within what price range.
- b) Assess market conditions 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 procurement estimated at a value of £50,000 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 wishes to procure and the Organisation is expected to quote/tender against and provide.

It will incorporate key performance indicators or criteria for acceptance of the Services, Supplies or Works and be included in the 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. Procurement Portal**

- 6.1 If an organisation wishes to be considered as a potential supplier to the Authority it can register on the North West Authorities e-tendering portal ([www.supply4nwfire.org.uk](http://www.supply4nwfire.org.uk)) at no cost to the organisation.
- 6.2 All procurements where the value exceeds £50,000 should also be advertised on Contracts Finder. Organisations will be required to register on Contracts Finder to receive notifications of Contracts to be procured.
- 6.3 If the organisation is asked to submit a quotation or tender, they may be required to provide sufficient information for MFRA officers to conduct an assessment on their capacity, capability and financial standing to undertake the work on behalf of the Authority.

## 7. **Selection Questionnaire**

- 7.1 Selection Questionnaires will be issued where the value of the Contract breaches the EU threshold. It is mandatory for a potential supplier to complete Part 1 and Part 2 of the standard Selection Questionnaire, or the ESPD template, for all procurements above EU thresholds.
- 7.2 The questions included in Part 3 of the standard Selection Questionnaire should be adopted across all relevant procurement procedures over the threshold. You do not have to use all the questions - only those relevant and proportionate to the contract.
- 7.3 The questions should be used in line with the relevant procurement procedure, and used:
  - as part of the tender pack to test that a potential supplier meets minimum levels of suitability when using the open procedure;
  - to pre-qualify suppliers to be invited to tender when using the restricted procedure;
  - to submit an initial tender under the competitive procedure with negotiation;
  - or to participate in a competitive dialogue, innovation partnership procedure or Dynamic Purchasing System (DPS).
- 7.4 The Authority may utilise the Constructionline Approved Contractors database as a pre-qualification criteria for Works projects where appropriate.

## 8. **The Tendering Process**

- 8.1 All tendering requirements (£50,000 or more) must be advertised to ensure that the process is transparent, competitive and secures good

value for money. A Contract Notice must be placed on the Supply4NWFire portal ([www.supply4nwfire.org.uk](http://www.supply4nwfire.org.uk)) and on Contracts Finder for all procurements above this value. In addition, any procurements which have an estimated value exceeding the EU Procurement threshold must be advertised in the Official Journal of the European Union (OJEU).

The two primary methods of tendering are:

- i **Open Procedure** - This is a one-stage process, where all interested providers responding to a Contract Notice may submit a tender. The Notice will state how interested parties may obtain tender documents and the last date that tenders must be received. Whilst this method ensures absolute fairness, because no contractor is excluded from the process, there may be 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 so contingencies should be considered.
  - ii **Restricted Procedure** - This is a two-stage process in which potential contractors expressing an interest in bidding for a specific contract are evaluated first.
- 8.2 Three (3) 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. Other Procedures

The following procedures are also available for above EU threshold procurements, where applicability criteria is met.

The Authority may utilise a Competitive Dialogue procedure or Competitive Procedure with Negotiation when:

- The needs of the Authority can't be met without adaptation of readily available solutions
- The procurement requirement includes design or innovative solutions
- The contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, complexity of the legal and financial make up or associated risks
- The technical specification can't be established by the Authority with reference to a standard common technical specification, technical reference or European Technical Assessment
- The outcome of an Open or Restricted procedure has elicited only irregular or unacceptable tenders

9.1 **Competitive Dialogue Procedure** – Utilising this procedure a selection is made of those who respond to the Contract Notice. The Authority will then enter into a dialogue with potential bidders to develop one or more suitable solutions for its requirements and on which chosen bidders will be invited to tender.

9.2 **Competitive Procedure with Negotiation** – Utilising this procedure a selection is made of those who respond to the Contract Notice, and only they are invited to submit an initial tender for the contract. The Authority may then open negotiations with the tenderers to seek improved offers.

9.3 **Innovation Partnership Procedure** - Utilising this procedure a selection is made of those who respond to the Contract Notice. The Authority will then use a negotiated approach to invite suppliers to submit ideas to develop innovative Works, Supplies or Services aimed at meeting a need for which there is no suitable existing 'product' on the market. Under this procedure the Authority is allowed to award partnerships to more than one supplier.

9.4 **Negotiated Procedure without prior publication** – This procedure can only be used in very specific circumstances (eg. Where for technical or artistic reasons or because of the protection of exclusive

rights, the contract can only be carried out by a particular supplier). In this instance the Authority would approach one or more suppliers to negotiate the terms of the contract.

- 9.5 Approval must be sought and received from the Head of Procurement and Monitoring Officer, Procurement & Democratic Services before commencing any procedure outlined in Section 8 of these Contract Standing Orders.

## 10. Invitation and Submission

- 10.1 Instructions must be issued to those Organisations invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. Tenders will be carried out electronically via the supply4nwfire Procurement Portal.

Invitation to tender 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 terms and conditions.
- Any relevant supporting information (drawings, maps etc).
- Where bids are to be evaluated on the basis of Quality and Price, the tender documentation must also specify the criteria for evaluation and the evaluation matrix.

- 10.2 Completed tenders **MUST** be submitted on the portal by the date and time specified. Late tenders will not be accepted.

- 10.3 It is important that Organisations 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 for below EU threshold procurements is fourteen (14) days from date of issue, although best practice suggests that at least twenty one (21) days should be allowed. All procurements which exceed the EU thresholds must use the timescales outlined in the Regulations.

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

## 11. **Opening of Tenders**

11.1 Electronic Tenders must be delivered to the designated e-tendering system by bidders prior to the stated closing date and time set out in the Invitation to Tender. All electronic tender submissions are retained in a virtual 'locked box' until the designated opening time. The system will hold each submission unopened and with no reference to the contents of the response until 'box' is opened. An activity log within the system provides a full audit trail logging any activity, recording the name of the person accessing the box, date, time and any activity undertaken.

11.2 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. 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 Organisation 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 £100,000 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 an Organisation to discuss the pricing or any other allowable aspect of the bid submitted should:

- Be undertaken only by the Head of Procurement or their nominated 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 award of a contract the value of which exceeds £250,000 must be approved by the Authority (or committee with the relevant powers).
- 14.2 The successful Organisation should be notified promptly following acceptance of the tender, and the contract must be issued for signature by the Organisation. On receipt, the Authority will sign the Contract to form the legally binding agreement. Authorised signatories are the Monitoring Officer, and their nominated deputy.
- 14.3 All unsuccessful tenderers should also be notified promptly in writing. All submissions and supporting documentation should be retained for seven years by Procurement, 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 another 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 Bribery Act (2010) 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 Officer 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 Monitoring Officer or nominated Deputy.

## 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 by the submission of an Exemption to Contracts Procedures ( Section 3 ) for the approval of the Head of Procurement, Monitoring Officer, , and a Principal Officer.
- 19.3 The Contract Term cannot be extended where this would result in the value of the contract exceeding the European Procurement threshold, would make a fundamental change to the Contract award previously made or extending the Contract Period not previously identified in the Contract Notice.

## **Article 22 – Financial Regulations 2018-19**

### **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 Fire Officer, the Deputy Chief Fire Officer, the Monitoring Officer, the Treasurer and other members of the Strategic Management Group (SMG). SMG includes both the Executive Team & Director Team. SMG 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 officer's references to the SMG 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 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 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 SMG 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 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. She/he is also responsible for ensuring that adequate training is available to allow SMG officers and managers to comply with their duties.

## **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 Statutory Officers**

#### **Chief Fire Officer**

A.2 The 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 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, Procurement & Democratic Services)**

A.3 The Director of Legal, Procurement & Democratic Services is the Solicitor to the Authority and the Monitoring Officer and is responsible for promoting and maintaining high standards of member conduct. 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 decisions are operating effectively.

A.4 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.5 The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.6 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.7 The Monitoring Officer (together with the 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:
- (i) initiating a new policy
  - (ii) committing expenditure in future years to above the budget level
  - (iii) incurring interdepartmental transfers above virement limits
  - (iv) 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 Treasurer**

- A.8 The 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:
- (i) Section 73 and 105<sup>1</sup> of the Local Government Act 1985
  - (ii) The Local Government Finance Act 1988
  - (iii) The Local Government and Housing Act 1989
  - (iv) The Accounts and Audit Regulations 2015.

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<sup>1</sup> See "A Statement on the Role of the Director of Resources in Local Government" (CIPFA, 1999)

A.9 The Treasurer is responsible for:

- (i) the proper administration of the Authority's financial affairs
- (ii) setting and monitoring compliance with financial management standards
- (iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- (iv) providing financial information
- (v) preparing the revenue budget and capital programme
- (vi) treasury management

A.10 Section 114 of the Local Government Finance Act 1988 requires the Treasurer to report to the Authority and external auditor if the Authority or one of its officers:

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

Section 114 of the 1988 Act also requires:

- (i) the 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.
- (ii) the Authority to provide the Treasurer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

### **Strategic Management Group**

A.11 Officers on the SMG 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 Treasurer

A.12 It is the responsibility of SMG officers to consult with the 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.13 The Authority is responsible for agreeing procedures for virement of expenditure between budget headings.

A.14 SMG officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Treasurer. They must notify the Treasurer of all proposed virements.

### **Treatment of year-end balances**

A.15 The Authority is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

### **Accounting Policies**

A.16 The Treasurer is responsible for selecting accounting policies and ensuring they are applied consistently.

### **Accounting Records & Returns**

A.17 The Treasurer is responsible for determining the accounting procedures and records for the Authority.

### **The Annual Statement of Accounts**

A.18 The 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:

- (i) the corporate plan/IRMP (Integrated Risk Management Plan)
- (ii) the budget
- (iii) 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:

- (i) corporate financial plan
- (ii) capital programme
- (iii) Treasury management policy statement

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. SMG 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.

## **Budgeting**

### **Budget Format:**

B.5 The general format of the budget will be approved by the Authority and on the advice of the Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

### **Budget Preparation:**

B.6 The 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.7 The Treasurer is responsible for issuing guidance on the general content of the budget in consultation with the Chief Fire Officer as soon as possible following approval by the Authority.

B.8 It is the responsibility of SMG 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 and Control:**

B.9 The 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.10 It is the responsibility of SMG officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the 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 Treasurer to any problems.

### **Resource Allocation:**

B.11 The 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.12 The Treasurer is responsible for ensuring that a 5 year capital programme is prepared on an annual basis for consideration by the Authority.

### **Guidelines:**

B.13 Guidelines on budget preparation are issued to members and SMG officers by the Treasurer. The guidelines will take account of:

- (i) legal requirements
- (ii) medium-term planning prospects
- (iii) the corporate plan (IRMP)
- (iv) available resources
- (v) spending pressures
- (vi) best value and other relevant government guidelines
- (vii) other internal policy documents
- (viii) cross-cutting issues (where relevant)

### **Maintenance of Reserves**

B.14 It is the responsibility of the 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, Procurement & Democratic Services (in consultation with the Chief Fire Officer and the 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 Treasurer (in consultation with the Chief Fire Officer and the Director of Legal, Procurement & Democratic Services) is responsible for ensuring that proper Business Continuity plans exist where appropriate.

C.4 The Treasurer, in consultation with the Director of Legal, Procurement & Democratic 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 an annually approved risk register.

C.6 The Authority has approved Organisation and Departmental Business Continuity Plans.

C.7 SMG 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 fall-back 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 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 SMG 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 2015 issued by the Secretary of State require every local authority to maintain an adequate and effective internal audit.

C.12 The Local Government Association (Public Sector Audit Appointments Limited) will be responsible for overseeing the Audit Commission's current external audit contracts with audit firms from 1 April 2015 until December 2017 or up to 2020. 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, Procurement & Democratic Services (in consultation with the Treasurer) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

## **Assets**

C.15 SMG 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:

(i) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities

(ii) 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 SMG, and for the execution and administration of treasury management decisions to the 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 Policy and Resources Committee together with the Audit & Scrutiny Sub 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 Fire Officer is responsible for providing overall management to staff. He or she may vary the grading of individual non-uniformed posts up to (but not including) Treasurer (including progression within and between grades), having regard to the national Job Evaluation Scheme and in consultation with the relevant trade union(s).

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

- (i) advising the Authority on the budget necessary in any given year to cover estimated staffing levels
- (ii) 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
- (iii) the proper use of appointment procedures.

## **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 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 SMG officers to the existing financial systems or the establishment of new systems must be approved by the Treasurer. However, SMG officers are responsible for the proper operation of financial processes in their own departments.

D.3 Any changes to agreed procedures by SMG officers to meet their own specific service needs should be agreed with the Treasurer.

D.4 SMG officers should ensure that their staff receive relevant financial training that has been approved by the Treasurer.

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

### **Payments to Employees & Members**

D.6 The 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.7 The Treasurer is responsible for advising SMG 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.8 The 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.9 It is the responsibility of the Treasurer to advise on the establishment and operation of trading accounts and business units.

## **Financial Regulation E: External Arrangements**

### **Partnerships**

- E.1 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.2 The Chief Fire Officer represents the Authority on partnership and external bodies, in accordance with the Scheme of Delegation and the Partnership Strategy.
- E.3 The Monitoring Officer and 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.4 The 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.5 SMG officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- E.6 The Authority has approved a central register of all partnership agreements and a monitoring and review procedure.

### **External Funding**

- E.7 The 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.8 The Authority is responsible for approving the contractual arrangements for any work for third parties or external bodies.

## **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 that 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 Treasurer**

1.03 To ensure 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 SMG Officers**

- 1.08 To promote the financial management standards set by the Treasurer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the 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 SMG 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 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. SMG 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. SMG 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. SMG Officers must plan to fund such commitments from within their own budgets.

### **Responsibilities of the Treasurer**

- 1.12 To prepare jointly with the SMG 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 SMG Officers**

- 1.14 SMG Officers may exercise virement on budgets under their control for amounts up to £50,000 on any one budget head during the financial year, following notification to the 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 Treasurer and the SMG Officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.
- The prior approval of the Authority is required for any virement, of whatever amount, where it is proposed to change Authority policy.

- Virement that is likely to impact on the level of service activity of another SMG Officer should be implemented only after agreement with the relevant SMG Officer.
- 1.16 No virement relating to a specific financial year should be made after 31 March in that year.
- 1.17 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 it important?

- 1.18 The Authority's scheme of virement sets out the Authority's treatment of year-end balances. It is administered by the Treasurer within guidelines set by the Authority. Any variation from the scheme of virement (as set out above) requires the approval of the Authority.
- 1.19 The rules below cover arrangements for the transfer of resources between accounting years, i.e. 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

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

## **Responsibilities of the Treasurer**

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

## **Responsibilities of SMG Officers**

- 1.23 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 Treasurer will report the extent of overspendings carried forward to the Authority.
- 1.24 Net underspending on service estimates under the control of the SMG 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
- 1.25 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?

- 1.26 The 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 31<sup>st</sup> March.

## Key Controls

1.27 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 Treasurer

1.28 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 for SMG Officers**

- 1.29 To adhere to the accounting policies and guidelines approved by the Treasurer.

## **Accounting Records and Returns**

Why is this important?

- 1.30 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

- 1.31 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 Treasurer**

- 1.32 To determine the accounting procedures and records for the Authority. Where these are maintained outside the finance department, the Treasurer should consult the SMG Officer concerned.
- 1.33 To arrange for the compilation of all accounts and accounting records under his or her direction.
- 1.34 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 Treasurer.
- 1.35 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2015.
- 1.36 To ensure that all claims for funds including grants are made by the due date.
- 1.37 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 30<sup>th</sup> June.
- 1.38 To administer the Authority's arrangements for under and overspendings to be carried forward to the following financial year.
- 1.39 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 SMG Officers**

- 1.40 To consult and obtain the approval of the Treasurer before making any changes to accounting records and procedures.
- 1.41 To comply with the principles outlined above when allocating accounting duties.
- 1.42 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.43 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Treasurer.

## **The Annual Statement of Accounts**

Why is this important?

- 1.44 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

- 1.45 The key controls for the annual statement of accounts are:
  - (i) 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 Treasurer.
  - (ii) 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 Treasurer**

- 1.46 To select suitable accounting policies and to apply them consistently.
- 1.47 To make judgements and estimates that are reasonable and prudent.
- 1.48 To comply with the SORP.
- 1.49 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.
- 1.50 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

## **Responsibilities of SMG Officers**

- 1.51 To comply with accounting guidance provided by the Treasurer and to supply the Treasurer with information when required.

## **Appendix B – 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 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 SMG 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 Treasurer**

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

## **Responsibilities of SMG Officers**

2.12 To comply with accounting guidance provided by the 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 SMG 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, e.g. by budgetary virement

### **Responsibilities of the 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 SMG 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 SMG 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 the Authority, in consultation with the relevant SMG Officer, where a SMG 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 SMG 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 SMG 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 Treasurer.

- 2.26 To ensure prior approval by the Authority for new proposals<sup>2</sup> 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.
- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant SMG Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or SMG 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.

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<sup>2</sup> A report on the new proposals should explain the full financial implications, following consultation with the Treasurer, unless the Authority has agreed otherwise, SMG Officers must plan to contain the financial implications within their cash limit.

## 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 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 SMG 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 SMG 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 SMG Officers**

- 2.39 To prepare estimates of income and expenditure, in consultation with the 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 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 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 or sub 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 it 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 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 SMG 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 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 SMG 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 Treasurer**

- 2.53 To prepare capital estimates jointly with SMG Officers and to report them to the Authority for approval. The Authority recommends on the capital estimates and on any associated financing requirements to the Authority. Authority approval is required where an SMG Officer proposes to bid for exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- or
- 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 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 estimated expenditure exceeds the capital programme provision.
- the

### **Responsibilities of SMG Officers**

- 2.57 To comply with guidance concerning capital schemes and controls issued by the Treasurer.
- 2.58 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Treasurer.

- 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 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 Treasurer, where required.
- 2.62 To prepare and submit reports, jointly with the Treasurer, to the Authority, of any variation in contract costs greater than the approved limits. SMG 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 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 Treasurer and, if applicable, approval of the scheme through the capital programme
- 2.65 To consult with the Treasurer and to seek Authority approval where the SMG 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 SMG Officer in consultation with the Treasurer.

## **Responsibilities of the 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 SMG Officers**

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

## **Appendix C – 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 or 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 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 SMG Officers.
- 3.06 To consult with the Director of Legal, Procurement & Democratic Services on appropriate levels of insurance.

## **Responsibilities of the Director of Legal, Procurement & Democratic Services**

- 3.07 To include all appropriate employees of the Authority in a suitable fidelity guarantee insurance.
- 3.08 To (in consultation with the 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 SMG Officers**

- 3.09 To notify the Treasurer and the Director of Legal, Procurement & Democratic 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, Procurement & Democratic Services, Treasurer and other specialist officers (e.g. 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 Treasurer and Director of Legal, Procurement & Democratic Services promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.13 To consult the Treasurer and the Director of Legal, Procurement & Democratic 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 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 SMG 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 Treasurer. SMG 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 2015, 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 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 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 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 SMG 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 Treasurer and Director of Legal, Procurement & Democratic Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the SMG Officer should take all necessary steps to prevent further

or loss and to secure records and documentation against removal 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. Local Government Association (Public Sector Audit Appointments Limited) will be responsible for overseeing the Commission's current external audit contracts with audit firms from 1 April 2015 until December 2017 or up to 2020. 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 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.

- 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 normally for a minimum period of five years.

## **Responsibilities of the 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 SMG Officers on their responsibilities in relation to external audit.

## **Responsibilities of SMG 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 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 (e.g. 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;
- (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 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 Fire Officer, the Director of Legal, Procurement & Democratic Services and the Authority as appropriate.

## **Responsibilities of SMG Officers**

- 3.52 To ensure that all suspected irregularities are reported to the 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 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 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:

- (a) safeguarded
- (b) used efficiently and effectively
- (c) adequately maintained.

3.59 To receive the information required for accounting, costing and financial records from each SMG 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 SMG Officers**

- 3.61. The appropriate SMG Officer shall maintain a property database in a form approved by the 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 SMG Officer in consultation with the Treasurer and Director of Legal, Procurement & Democratic 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 SMG Officer and the 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 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 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 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, consultation with the Treasurer, SMG agrees otherwise.
- 3.74 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the 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 - Responsibilities of SMG Officers**

- 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 SMG Officer concerned has given permission otherwise.

## **Stocks and stores - Responsibilities of SMG Officers**

- 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 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 Treasurer). Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the 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 Head of Procurement.

### **Responsibilities of SMG 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 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 SMG 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 Department 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 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 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 Treasurer. All cheques drawn on behalf of the Authority shall be signed by the 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 Treasurer on behalf of the Authority.

### **Responsibilities of SMG Officers – Treasury Management and Banking**

- 3.101 To follow the instructions on banking issued by the Treasurer.

### **Responsibilities of 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 SMG 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 SMG 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 Treasurer.

## **Responsibilities of SMG 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 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 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 Treasurer– Imprest Accounts**

- 3.110 To make available where appropriate cash or bank imprest accounts to meet minor expenditure for small value purchase (other than for the payment of personal expenses) on behalf of the Authority and to prescribe rules for operating these accounts. Minor items of expenditure for small value purchases only (excluding personal expenses) 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 (see also paragraph 3.112 (i)).

## Responsibilities of SMG Officers – Imprest Accounts

3.113 To ensure that employees operating a sub imprest account:

- (a) obtain and retain vouchers to support each payment from the imprest account (i.e. the petty cash float). 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 Treasurer cash and all vouchers to the total value of the sub imprest amount (i.e. the value of the approved float at the specified sub imprest);
- (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. Purchases for such amounts should be processed via the agreed Purchase Order Process in compliance with Contract Standing Orders;
- (g) ensure all reimbursement requests are presented promptly;
- (h) reconcile and balance the account at least monthly; evidence of each reconciliation must be recorded in the approved cashbook, signed and retained by the sub imprest holder;
- (i) ensure reimbursement claims are submitted to Finance whenever 75% of the float has been issued
- (j) ensure reimbursement cheques are cashed promptly;
- (k) provide the Treasurer with a certificate of the value of the account held at 31 March each year;

- (l) ensure that the petty cash 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.

## 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 Treasurer**

- 3.116 To ensure that budget provision exists for all existing and new employees.
- 3.117 To act as an advisor to SMG Officers on areas such as National Insurance and pension contributions, as appropriate.

### **Responsibilities of SMG 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 Deputy Chief Fire Officer and the Treasurer are immediately informed if the staffing budget is likely to be materially over - or underspent.

## **Appendix D – 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 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 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 SMG 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 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 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 SMG 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 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 SMG 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 Treasurer or, as he or she directs, to the Authority's bank account, and properly recorded. The responsibility for cash collection should be separated from that:
  - (i) for identifying the amount due;
  - (ii) 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 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 SMG 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 2015.
- 4.25 To obtain the approval of the Authority in consultation with the relevant SMG 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 SMG Officers**

- 4.27 To establish a charging policy purely on a cost recovery basis 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 supply the Treasurer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the 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:
- (a) Where possible, arrangements should be made to secure prepayment for goods \ services provided, particularly for pre-planned events such as Commercial Training Courses.
  - (b) Where that is not possible, within 35 days of goods \services being provided a properly completed Sales Invoice Request Form (SIRF) must be sent to the Finance Department.
  - (c) After validating the SIRF a Sales Invoice will be generated and sent to the Customer by the Finance Department.
  - (d) All customers will be allocated payment terms of up to a maximum 30 days. This term may be reduced where appropriate to secure pre-payment in line with FR 4.35 (a) or where mutually agreed.

Consequently all sales invoices are required to be paid within 30 days of the invoice date (or lesser date where appropriate).

(e) 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.

(f) If the invoice remains unpaid 7 days after the first reminder letter was issued a second reminder letter will be issued.

(g) 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).

(h) Any action taken by Litigation will be recorded as appropriate against the customer invoice number.

SMG Officers must ensure any officers raising SIRF requests assist the Treasurer in collecting debts that they have originated by providing any further information requested by the debtor, liaising directly with the customer where necessary and actively pursuing the matter on the Authority's behalf.

4.36 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.

4.37 To recommend to the Treasurer all debts to be written off and to keep a record of all sums written off up to the approved limit. raised, no bona fide debt may be cancelled, except by full or by its formal writing off. A credit note to replace a debt be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

Once payment can only error in

4.38 To obtain the approval of the Treasurer when writing off debts in excess of the approved limit, and the approval of the Authority where required.

4.39 To notify the 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 Treasurer and not later than 30th April.

## Ordering and paying for work, goods and services

Why is this important?

- 4.40 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

- 4.41 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.
- 4.42 Official orders must be in a form approved by the 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 Treasurer. **Telephone orders should not be placed in advance of the official order.** All suppliers must be provided with a unique Financial System (FMIS) generated official purchase order number other than the exceptions specified above.
- 4.43 Each order must conform to the guidelines set by the Head of Procurement (in consultation with the Treasurer and Director of Legal, Procurement & Democratic Services). Standard terms and conditions must not be varied without the prior approval of the Head of Procurement.
- 4.44 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 Treasurer. The use of direct debit shall require the prior agreement of the Treasurer.

4.45 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

#### Key controls

4.46 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 Treasurer**

- 4.47 To ensure that all the Authority's financial systems and procedures are sound and properly administered.
- 4.48 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.49 To approve the form of official orders and associated terms and conditions.
- 4.50 To make payments from the Authority's funds on the SMG Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- 4.51 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.
- 4.52 To make payments to contractors on the certificate of the appropriate SMG Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.53 To provide advice and encouragement on making payments by the most economical means.
- 4.54 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.
- 4.55 The Treasurer has, in consultation with the Director of Legal, Procurement & Democratic Services, delegated authority to agree advance payments where a risk assessment and benefits analysis has been undertaken and shall notify senior officers in

writing of the excepted items of supplies and services for which payment in advance of receipt may be made.

## Responsibilities of SMG 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 authorise requisitions and/or purchase 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 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 Treasurer.
- 4.64 To encourage suppliers of goods and services to receive payment by BACS, the preferred payment method for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the 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 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 Head 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 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 Treasurer of outstanding expenditure relating to the previous financial year as soon as possible after 31<sup>st</sup> March in line with the timetable determined by the Treasurer and, in any case, not later than 30<sup>th</sup> April.
- 4.70 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the 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 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:

- (i) starters
- (ii) leavers
- (iii) variations
- (iv) 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 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 SMG 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 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 Treasurer.
- 4.82 To ensure that adequate and effective systems and procedures are operated, so that:
  - (a) payments are only authorised to bona fide employees
  - (b) payments are only made where there is a valid entitlement

- (c) conditions and contracts of employment are correctly applied
  - (d) 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 People and Organisational Development, 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. SMG 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 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 Treasurer is informed where appropriate.
- 4.86 To ensure that the 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 personal 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.

## **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 Treasurer**

- 4.93 To complete all HM Revenue & Customs returns regarding PAYE.
- 4.94 To complete a monthly return of VAT inputs and outputs to HM Revenue & Customs.

- 4.95 To provide details to HM Revenue & Customs 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 SMG 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 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 CIPFA Service Reporting Code of Practice (SeRCOP), 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 specific information on the trading operation and its financial performance.

### **Responsibilities of the Treasurer**

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

## **Responsibilities of SMG Officers**

- 4.103 To consult with the 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 “proper” accounting practices 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.

## **Appendix E – 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 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 SMG 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 Treasurer and the Chief Fire Officer.
- 5.13 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Treasurer.

- 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 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) Any re-alignment of the budget to reflect the receipt of external funds will in essence be treated in the same manner as a budget virement adjustment and the virement process outlined in Financial Regulations 1.10 to 1.18 must be followed.
  - (d) 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 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 SMG 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 Treasurer;
  - (b) to ensure that contracts are drawn up using guidance provided by the 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 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 SMG 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 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 Treasurer to enable a note to be entered into the Statement of Accounts.

## **PART 5 - PROCEDURE AND POLICIES**

### **CODE OF CONDUCT FOR MEMBERS**

#### **Introduction**

This code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the “Nolan Principals - the seven principles of public life” which are set out on page 174.

#### **Interpretation**

In this Code:-

“Meeting” means any meeting of:

- (a) The Authority.
- (b) Any of the Authority’s committees, sub-committees, joint committees or other committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member and an appointed member.

#### **1. General Obligations**

- 1. When acting in your role as a member of the authority:
  - 1.2 **DO** treat others with respect.
  - 1.3 **DO NOT** conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of members.

- 1.4 **DO NOT** 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:
- (a) You have the consent of a person authorised to give it.
  - (b) You are required by law to do so.
  - (c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (d) The disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the authority; and
    - (iii) you have consulted the Monitoring Officer prior to its release.
- 1.5 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
- 1.6. When using or authorising the use by others of the resources of the authority-
- 1.7 **DO** act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT policy and the policies (attached to the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
- 1.8 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 1.9 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## 2. **Interests**

- 2.1 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

2.2 You are required to register “pecuniary and other interests” (subject to these not being sensitive). The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 provide for the interests that must be disclosed and these are laid out in Appendix 3 of this Code) Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.

2.3. You should register any gifts and hospitality whether you have accepted these or otherwise. In any event **DO NOT** accept any gifts in excess of £50.00 (fifty pounds).

### 3. **Disclosure and Participation**

3.1. At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.

3.2 Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

3.3. **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

### 4. **Pre-determination or Bias**

4.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

- 4.2 When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 4.3 Where the decision referred to in Clause 7 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:
- (a) Housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease.
  - (b) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends.
  - (c) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay.
  - (d) An allowance, payment or indemnity given to members.
  - (e) Any ceremonial honour given to members.
  - (f) Setting council tax or a precept under the Local Government Finance Act 1992

## **The Seven Principles of Public Life**

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **Disclosable Pecuniary Interests**

### **You must declare:**

#### **1. Employment, Office, Trade, Profession or Vocation**

Any employment, office, trade, profession or vocation carried on for profit or gain.

#### **2. Sponsorship**

Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the previous 12 months in respect of any expenses incurred by a Member in carrying out duties as a member, or towards the Member's election expenses. This includes any payment or financial benefit from a Trade Union.

#### **3. Contracts**

Any contract made between the Authority and:

- (a) The Member.
- (b) Their spouse or civil partner.
- (c) A person living with the Members as husband or wife.
- (d) Someone with whom the Members is living as if they were civil partners and the Members is aware that the other person has an interest.
- (e) A body in which the Member or any other person listed above has a beneficial interest under which Goods or Services are to be provided or works executed and which has not been fully discharged.

#### **4. Land**

Any beneficial interest in land which is within the Authority's area.

#### **5. Licences**

Any licence (alone or jointly with others) to occupy land in the Authority's area for a month or longer.

## 6. **Corporate Tenancies**

Any tenancy where, to the Member's knowledge, the landlord is the Authority and the tenant is a body in which the Members or one of persons mentioned above has a beneficial interest.

## 7. **Securities**

Any beneficial interest in securities of a body where the Member knows that the body has a place of business or land in the Authority's area and the total nominal value of the securities is more than £25,000 (or one hundredth of the issued share capital).

### **Procedure for Dealing with Allegations Under the Code of Conduct:**

#### **Stage 1**

1. When a complaint is received (using the existing complaint form) based on the new adopted Code of Conduct:
  - (a) Complaints should be directed to the Monitoring Officer.
  - (b) The Monitoring Officer must acknowledge the complaint within 2 working days of receipt.
2. An Independent Person (IP) must be involved in the complaint investigation as required by the Localism Act 2011 section 28(7). This will be arranged by the Monitoring Officer.

#### **Stage 2**

3. Standards matters shall be within the terms of reference of the Audit sub Committee and if a complaint is received it will firstly be considered by this sub committee
4. The Monitoring Officer or Deputy shall consider the complaint with the IP and provide a report for the Audit & Scrutiny Sub Committee which details:
  - (a) Details of the complaint.
  - (b) Considerations of the complaint and whether a full investigation and hearing may be required.
  - (c) Observations of the IP.

- (d) Recommendations to the sub-committee as to next steps.
  - (e) The Audit & Scrutiny Sub Committee will be presented with this report and the IP will attend the meeting along with the report author, to give any views arising in respect of the complaint.
5. The report will not be open to inspection by the public under the provisions of the Local Government Act 1972 Schedule 12A.
  6. The Audit & Scrutiny Sub Committee will determine:
    - (a) If the complaint is upheld.
    - (b) If the complaint requires further investigation.
    - (c) If the complaint not upheld.

**If the complaint is upheld:**

7. The Monitoring Officer or Deputy will provide a report for the Appeals Committee recommending the Sanction proposed by the Audit & Scrutiny Sub Committee. Sanctions available are mainly for admonishment of a Member, training and/or development or where pecuniary or other interests have not been declared this could constitute a criminal offence.

**If the complaint is not upheld:**

8. The Audit & Scrutiny Sub Committee must give its reasons for not upholding a complaint and can recommend any further/other action it considers might be helpful (for example that the Authority/CLG produces guidance)
9. The Monitoring Officer or Deputy will then writes to both the complainant and the Member concerned with reasons/other recommendations.
10. The complainant may appeal to the Appeals Committee by completing an appeal form and sending this to the Monitoring Officer who will then arrange for a report to be drafted to the Appeals Committee.

**If the complaint requires further investigation:**

11. The Monitoring Officer/Deputy will make arrangements for an investigation to be undertaken within 28 days from the date of the Audit & Scrutiny Sub Committee meeting. The investigation must involve the IP and must also provide information from the Member complained of along with the reasons provided from the Audit & Scrutiny Sub Committee.
12. A meeting of the Appeals Committee will be convened within the next 14 working days to hear the complaint. The complainant, the Members concerned and the IP will be invited to give their views.
13. The meeting will be held in private and the complainant and the member must be given the opportunity to present their case
14. The Appeals Committee will make its decision giving full reasons, as to whether the Member has or has not complied with the Code of Conduct. The outcome will then be provided in writing within the next 7 working days, to both the complainant and Member concerned.
15. If the complaint is upheld, the Appeals Committee will decide on the appropriate sanction. The decision of the Appeals Committee will be final.

### **Stage 3: Appeals**

#### **If an appeal is received under Stage 2 (above):**

16. An extraordinary meeting of the Appeals Committee will be convened within the next 14 working days to hear the appeal. The complainant, the Members concerned and the IP will be invited to give their views.
17. The meeting will be held in private and the complainant and the member must be given the opportunity to present their case
18. The Appeals Committee will make its decision giving full reasons, as to whether the Member has or has not complied with the Code of Conduct. The outcome will then be provided in writing within the next 7 working days, to both the complainant and Member concerned.
19. If the appeal is upheld, the Appeals Committee will then decide on the appropriate sanction
20. The decision of the Appeals Committee will be final.

# **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 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 Principal Officers**

2.1 Principal Officers proposing an official visit by Elected Members on behalf of the Authority shall inform the Monitoring Officer of the proposal in order that the Monitoring Officer 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 Principal Officer shall then submit a report to the appropriate committee, detailing 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 paid by the Authority directly, in order to maximise discounts available; and to avoid the need for individuals 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 on 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 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) Other Hotel or in-room amenities.

#### **4. Reporting Back**

- 4.1 A report shall be prepared by the relevant Senior 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**

- 5.1 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 Democratic Services.

#### **6. Monitoring of Expenditure**

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

## **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 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 Members 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 Fire Officer and all employees of the Authority, all Members, the Solicitor to the Authority, 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 negligent and accidental act or omission, including any breach of trust, or duty of care or fiduciary, or any other duty committed by them:

- (a) Whilst acting within the scope of their employment or authority.
- (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 wilful act or default of any such person, in which case the indemnity will continue to apply).
- (b) Liability in respect of losses certified by the District Auditor as caused by wilful 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 money spent 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.

- (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 MEMBER'S ALLOWANCES**

1. This Scheme is made on the 11<sup>th</sup> day of June 2015, 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 1<sup>st</sup> day of April 2005, as subsequently amended on 1<sup>st</sup> November 2008, 15<sup>th</sup> June 2009, 11<sup>th</sup> June 2013 and 26<sup>th</sup> June 2014. 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, 2014, shall be £8,070.
  - 3.3 Where a Member's term of office begins or ends at any time other than at the beginning or end of a year, their entitlement shall be to a proportion of the Basic Allowance that represents the number of days within that year, to which they are appointed as a Member of the Authority.
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 2014, of a sum specified in the corresponding part of column 2 of Schedule 1.
  - 4.2 Should a Member be appointed to, or removed from a role carrying a Special Responsibility Allowance, at any point other than at the beginning or end of the year, their entitlement shall be to a proportion of the Special Responsibility Allowance, that represents the number of days within the year, to which they are appointed in that role.
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 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 a travelling and subsistence allowance is payable) are:
- (a) The attendance at a meeting of, the Authority, any sub – committee of the Authority, any other body to which the Authority makes appointments or nominations, or any committee or sub-committee of any 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 Monitoring Officer, 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 Monitoring Officer, 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 Monitoring Officer acting under delegated powers on behalf of the Authority.)

## **6. Independent Persons Allowance**

- 6.1 The Authority shall pay an Independent Person Allowance, in respect of attendance at conferences and meetings, to any individual who is not a Member of the Authority, but who is appointed as a co-opted member of a Committee (or Sub-Committee) of the Authority.
- 6.2 Subject to paragraphs 6.3, 7, 8, 9, and 12, the Independent Person's Allowance, payable in respect of each year commencing on 1<sup>st</sup> April 2014, shall be to a sum of £50 for each day of attendance at meetings or events.

## **7. Suspension of Allowances**

- 7.1 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 Independent Person's Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended.

## **8. Repayment of Allowances**

- 8.1 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**

- 9.1 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**

- 10.1 A person may, by notice in writing given to the Monitoring Officer, 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 Independent Person'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 The Authority has the right to refuse payment where the allowance is not claimed within the period specified in paragraph 11.1.

## 12. **Annual Adjustment of Allowances**

- 12.1 The allowances specified in paragraphs 3 (Basic Allowance), 4 (Special Responsibility Allowance), 5 (Travelling and Subsistence Allowance) and 6 (Independent Person's Allowance), shall be increased annually with effect from the 1<sup>st</sup> 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 1<sup>st</sup> April of the year for which an allowance under this scheme is payable, unless The Authority resolves otherwise.

13. **Date from which Amendments to the Scheme are to Apply**

- 13.1 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.

## **Schedule 1 – Special Responsibility Allowances**

<u>Column 1</u> (Special Responsibility)	<u>Column 2</u> (Amount of Special Responsibility Allowance)
Chairman	£16,140
Vice Chairman (incl. Chair Of Committee)	£12,105
A Political Group Leader (excl. Chairperson)	£4,035
Opposition Spokesperson	£2,018
Committee Chair (excl. Authority Chair/ Vices & Leaders/Opposition Spokesperson)	£6,053
Sub-Committee Chair	£4,035
Additional Responsibility (except the Chairman, a Vice Chairman, Leader/Opposition Spokesperson, Chair of a Committee or Sub-Committee)	£2,018

Only one additional Responsibility Allowance payable regardless of how many additional responsibility roles held.

## Schedule 2 – Travelling & Subsistence Allowances

### 1. Travel Allowance

<b>Column 1</b> (type of travel)	<b>Column 2</b> (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	22.6p per mile
Travel by motor vehicle	56.4p 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. Subsistence Allowance

<b>Column 1</b> (absence period)	<b>Column 2</b> (rates of allowance)
2.1 Where the Authority does not pay for overnight accommodation direct and:	
Absence overnight in UK from usual place of residence (other than in London)	£148.00
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, Southall, Tower Hamlets, Wandsworth and Westminster)	£180.00
Absence overnight outside the U.K.	£180.00

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 £56.82 in London and £44.77 elsewhere, is payable. Where the absence does not involve an absence overnight:-

(a) **Breakfast Allowance**

Absence of more than 4 hours Before 11am £9.01

(b) **Lunch Allowance**

Absence of more than 4 hours, Including the period of 12noon and 2pm £13.55

(c) **Tea Allowance**

Absence of more than 4 hours Including 3pm to 6pm £5.64

Or;

(d) **Evening Meal Allowance**

Absence of more than 4 hours ending after 7pm £16.92

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 2018/19

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

<b>Basic Allowance</b>	<b>Annual</b>	<b>New Monthly</b>
Members	£ 8,070	£ 672.50
Co-Optee/Independent Person	<b>Daily Attendance Rate</b> £50 payable via Invoice	

<b>Special Responsibility Allowance</b> (payable to certain Members in addition to Basic)	<b>Annual</b>	<b>New Monthly</b>
Chair	£16,140	£ 1,345.00
Vice Chair (incl. Chair of Committee)	£12,105	£ 1,008.75
Opposition Spokespersons	£ 2,018	£ 168.17
Committee Chair for Committees of 7 Members or more (excl. Authority Chair/Vices & Leaders)	£ 6,053	£ 504.42
Committee Chair for Committees of 6 Members or less	£ 4,035	£ 336.25
Additional Responsibility (unless in receipt of any other special responsibility)	£ 2,018	£ 168.17

### Members Travel & Subsistence Allowances 2018/19

<b>Travel</b>	<b>New Allowance</b>
Motor Cycle (pence per mile)	£ 22.60
Motor Vehicle (pence per mile)	£ 56.40
<b>Overnight Subsistence</b>	
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.***

# **SUCCESSION PLANNING POLICY – CHAIR AND VICE CHAIR OF THE AUTHORITY**

## **1. Policy**

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

Chair and Vice Chair of the Authority

## **2. Implementation**

- 2.1 At each Annual Meeting of the Authority, the Monitoring Officer 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 Persons, which will be completed in ample time to enable newly appointed independent Persons to take up their appointments.
- 2.4. The Monitoring Officer shall seek to retain a list of external candidates, who may be willing to take up an appointment as an Independent Person in the event that any serving Independent Person suddenly become unable to continue as an Independent Person for any reason.

# 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 Elected Members and 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 also supports 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 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 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 Audit and Scrutiny Sub 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:
- (a) 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.
  - (b) Performing the Authority's regulatory functions.
  - (c) Monitoring and reviewing functions, the Authority's performance in implementing its plans and strategies and in delivering its Services.
  - (d) Participation in partnership working.
  - (e) Representing the Authority on national, regional and local bodies and organisations.
  - (f) 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 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 of a Committee or as a Lead 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:
- (a) Chair – Chair of the Authority who is responsible for promoting and developing the Authority.
  - (b) Vice Chair – who deputises for the Chair in their absence.
  - (c) Committee Chairs - who Chair and co-ordinate Committee meetings and work together to ensure effective scrutiny.

- (d) Opposition Spokesperson – who leads the main opposition Group and represents it at meetings of the Authority and its Committees.
- (e) Minority Party Group Leaders – who lead the other opposition Groups and represent them at meetings of the Authority and its Committees.
- (f) 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:

- (a) Respect the impartiality of officers and not undermine their role in carrying out their duties.
- (b) 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.
- (c) 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 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 and Rescue Authority. Where an Officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:

- (a) Interfere with or obstruct the Officer in exercising those responsibilities.
- (b) 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:

- (a) To be committed to the Authority as a whole and not to any political group or individual.
- (b) To work in partnership with Members in an impartial and professional manner.
- (c) To understand and support the respective roles of Members and the associated workloads and pressures.
- (d) 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.
- (e) To respond to enquiries and complaints in accordance with the Fire and Rescue Authority's standards.
- (f) To provide professional advice, which is not influenced by political views or preferences, and which does not compromise the political neutrality of Officers.
- (g) 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.

- (h) To be aware of and sensitive to the internal and external political environment.
- (i) To act with honesty, respect, dignity and courtesy at all times.
- (j) To provide support and learning and development opportunities for Members to help them in performing their various roles.
- (k) To act with integrity and appropriate confidentiality.
- (l) Not to raise issues of a personal nature outside agreed procedures.
- (m) Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- (n) To comply at all times with the Officer Code of Conduct and such other policies or procedures approved by the Fire and Rescue Authority to support the role of Councillors with any policy or procedure agreed by the Fire Authority.
- (o) 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:

- (a) To act within the policies, practices, processes and conventions established by the Fire and Rescue Authority.
- (b) To work constructively in partnership with Officers, acknowledging their separate and distinct roles and responsibilities.
- (c) To understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines.
- (d) 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.

- (e) To treat them fairly and with respect, dignity and courtesy.
- (f) To act with integrity, to give support and to recognise appropriate confidentiality.
- (g) To recognise that Officers work to the instructions of their senior Officers and not to individual Members.
- (h) 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 Councillor and Officer and the potential vulnerability of officers, particularly at junior levels.
- (i) Not to request them to exercise discretion which involves acting outside the Fire Authority's policies and procedures.
- (j) 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.
- (k) Not to use their position or relationship with Officers to advance their personal interest or those of others, or to influence decisions improperly.
- (l) 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) 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.

- (b) 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.
- (c) 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:

- (a) The circumstances in which Members have a legal right to access the information.
  - (b) The limits to those legal rights.
  - (c) 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 Fire Officer, who may take legal advice. If the Member disagrees with the decision of the 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 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 Team. Complaints about the legality or financial probity of the activities of the Chief Fire Officer should be made to the Monitoring Officer and the Chief Finance Officer. Otherwise complaints about the 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 and Committees**

- 10.1 Reports to the Authority, its Committees and Sub-Committees are produced 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 Team) and a Contact Officer.
- 10.2 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 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 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 a specific purpose, 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:

(a) Officers cannot become involved in political debate. This includes public meetings at which Members are not present.

(b) 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.

(c) 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 particular 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 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 of 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 Fire Officer or a senior manager to attend a meeting of the group to advise on a particular matter relating to the Authority. The Chief Fire Officer or senior manager may arrange for the attendance of a 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 Line Manager. Where the Officer concerned is a Line Manager, the matter should be made with the Chief Fire Officer. Where the employee concerned is the Chief 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 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 Audit & Scrutiny Sub Committee if appropriate.
- 16.3 Breaches of the Protocol by a Member may result in a Complaint to the Audit & Scrutiny Sub Committee and in the case of officers may lead to Disciplinary Action.



# **MEMBER'S 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.

## **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 Authority vehicles, driven by 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 Authority premises. However there will be certain instances where transport of Members by Authority 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.

The Democratic Services Team will provide a journey planning service to Members for all journeys outside the county area. Members are requested to advise the Team 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**

All Members of Merseyside Fire & Rescue Authority, who may be required to use their own transport for attending meetings and events on Authority business, should ensure that they have business use included on their motor vehicle insurance policy.

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 the Democratic Services Manager. Receipts or other evidence of expenditure, 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**

**\*Members are requested to consider factors which may impact on the cost of any travel, before any booking is made, to ensure that the most efficient journey, which represents value for money, can be planned. There is provision for Members to use first class travel. However given the requirement for the Authority to be open and transparent, the cost of any first class travel should be justifiable.**

### **Rail**

\*When wishing to travel via rail on Authority Business, Members can either contact the Democratic Services Manager to request the booking be made, providing as much detail and notice prior to the date of travel as possible, to enable the most efficient journey to be planned and a value for money ticket to be secured.

There is provision for Members to use first class rail travel, if justification can be provided.

Wherever possible, fixed return tickets should be booked if they are substantially more cost effective than an open return.

Members can make their own rail travel booking for attending events on Authority business within the County, by way of the Merseyrail network, and submit claims for reimbursement to the Democratic Services Manager on the standard allowances claim form, with the corresponding receipts/confirmation of booking attached.

In respect of travel by rail outside the county, Democratic Services 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 are requested to travel standard class wherever possible, and claim the actual amount of the ordinary fare or any saver fare where available. Members may travel and claim first class, if justification can be provided. Claims should be made on the standard claims form and submitted with supporting receipts/confirmation of booking to the Democratic Services Manager.

### **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 should be provided.

### **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 the Democratic Services Manager. 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 Standard Air 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 the Democratic Services Manager, 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 re-imbusement.

### **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 it is for a visit which will involve a number of Members, (for example, Station Visits, 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 the Democratic Services Manager who will act on behalf of the Solicitor to the Authority in liaising with the 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 license 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.

### **Travel Insurance**

Members are requested to ensure that the Democratic Services Manager is notified 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:
  - (a) Group officers, including administrative officers and facilities.
  - (b) ICT facilities.
  - (c) Development and training.
  - (d) The Members' research facility in Democratic Services.
  - (e) Allowances and expenses.
  - (f) 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 Democratic Services Manager, 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 ICT facilities must abide by the Authority's ICT Acceptable Use Policy. A copy of the policy is included in this document. Further, Members attention is drawn to the E-mail; Internet Access and Usage; and Using Social Media service instructions contained within the related document section of the policy.
- 1.9 Members must not use any facilities for their own private purposes, unless they are 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 this document.
- 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.

# ICT ACCEPTABLE USE POLICY – ICTPOL03

## Policy Introduction and Background

Provide brief background information to introduce the reader to the context of the policy and the reasons for its creation.

MF&RS is dependent on Information and Communication Technology (ICT) to deliver its services. The appropriate and secure use of ICT is vital to protect the interests of MF&RS and the service it provides to the citizens of Merseyside.

The ICT AUP is in place to ensure:

- The use of ICT complies with legal requirements.
- The maximum benefit is obtained from MF&RS investment in ICT facilities.
- Risks arising from improper use of information, identity or equipment are minimised.
- Individual users can have confidence that they can only be held accountable for their own actions, and not unknowingly those of others.
- Children and young people using technology are helped to be kept safe.

## Policy Explanation

Provide details about the policy, what the Fire and Rescue Service is committed to do and why, including any legislative requirements.

ICT facilities are provided to users primarily for MF&RS business purposes to support the service it provides. In addition, occasional and limited personal use of the ICT facilities by users is permitted. ICT facilities encompass, but are not restricted to:

- *Network Infrastructure*; including (but not limited to) the physical infrastructure whether cable or wireless, together with network servers, firewall, connections, switches and routers.
- *Network Services*; including (but not limited to) internet access, web services, broadband, email, wireless, network file store, network user accounts, printing and telephony.
- *Hardware Assets*; MF&RS owned or leased computing hardware, both fixed and portable, including (but not limited to) desktops, laptops,

tablets, PDAs, mobile devices, mobilising devices, servers, printers, scanners, disc drives, monitors, keyboards and other peripherals.

- *Software*; including (but not limited to) applications and information systems and software tools.

The ICT facilities will vary per user group depending on their business requirement.

## **Policy Implementation**

The Service Instructions used to underpin this Policy are:

ICT users should familiarise themselves with these Service Instructions:

SI0433	Airwave Radio terminals and associated equipment – Secure handling and storage
SI0587	Communication Equipment Rooms
SI0699	Using Social Media (owned by Corporate Communications function)
SI0700	Acceptable E-Safety Use (owned by Community Risk Management function)
SI0703	Internet Access and Usage
SI0704	ICT Incident Reporting Process
SI0705	ICT Mobile Phones
SI0706	ICT Service Request
SI0707	Office Moves involving ICT Assets
SI0729	LLAR Acceptance Use of ICT Equipment
SI0730	E-Mail
SI0740	AVLS Fault Reporting
SI0774	Monitoring of ICT Equipment
SI0851	Acceptable use of iPads
SI0787	Airwave Protocols
STRPOL09	Associated Policy – Information Governance and Security

# **E-SAFETY POLICY – ICTPOL01**

## **Purpose and Scope**

The purpose of this policy is to help keep Children and Young people safe when using technology.

This policy is for staff that come into contact with Children and Young People (CYP) and will educate them on how to identify and mitigate risk, and respond effectively to any incidents arising regarding E-Safety.

This policy is also for CYP who participate in Merseyside Fire and Rescue Authority (MF&RA) activities and use MF&RA ICT equipment. This policy provides clarity for CYP and aims to develop safe and responsible users of ICT and help safeguard them when in MF&RA surroundings and as far as possible outside the organisation.

## **Standards for E-Safety**

- CYP can quickly and confidently engage and experiment with new and emerging technologies.
- CYP respect their technological environment.
- CYP children feel safe online and are clearly aware of how to stay safe
- CYP are encouraged to learn for themselves about how to stay safe on-line.
- There is a reporting and escalation of E-Safety Incidents procedure and all E-Safety incidents are recorded.
- There is clear and rigorous understanding of how to deal with e-safety incidents including cyber-bullying and internet grooming.
- To ensure as far as possible that CYP are protected when using ICT away from MF&RA premises.

## **MF&RA Staff**

- Will play a key role in raising awareness of E-Safety for children and young people, parents, carers and all adults working with young people, so that children are able to keep themselves as safe as possible when using the Internet and other digital technologies.
- Receive training and awareness sessions relating to E-Safety.
- Offer Parents and Carers where possible, signposting to help them to understand how to protect their children in the home.
- Take the actions necessary when a risk to a child is discovered.

- Follow associated policies and service instructions including 'The Taking and Publishing of Photographs, Video and Audio' and 'Acceptable E-Safety Use'.

### **Lead E-Safety Officer**

MF&RA Youth Engagement (YE) Manager will have the further responsibility of being the escalation point for reporting E-Safety Incidents. When the YE Manager is unavailable E-Safety incidents should be escalated to a Designated Safeguarding Officer. This information can be found by contacting Merseyside Fire and Rescue Control. (Also refer to the Safeguarding Policy CSFPOL09).

### **ICT Director / Youth Engagement (YE) Manager**

It is the overall responsibility of the above to ensure that the organisation's policies and service instructions include aspects of E-Safety (as part of the wider remit of Safeguarding) across MF&RA.

### **Signing of an Acceptable Use Statement**

Every member of staff, child or young person will receive a copy of the acceptable use instruction and rules which they must sign an acceptable Use Statement. (Please refer to the Service Instruction SI0700 Acceptable E-Safety Use).

By signing this statement every member of staff and child or young person understands and accepts the rules.

If the Acceptable Use Statement is not signed the member of staff or the child or young person cannot participate in any activity using online or multimedia technology.

Acceptable use instructions are fundamental to risk management.

### **Alignment**

This policy aligns with the outcomes of the Every Child Matters Agenda to safeguard and promote the welfare of children through the successful implementation of robust strategies and policies. We want young people to be able to fully exploit the benefits offered by ICT while doing so in a safe manner.

All professionals have a duty to safeguard and promote the well-being of all children under:

Children Act 2004 s11  
The Education Act 2002 s175 (s157)  
Working together to Safeguard Children 2010

### **Glossary of Terms**

CYP..... Children and Young People  
MF&RS..... Merseyside Fire and Rescue Service  
ICT..... Information, Communication and Technology  
PSHE..... Personal, Social, Health and Economic  
YE..... Youth Engagement

## **USING SOCIAL MEDIA – SI0699**

### **Purpose and Scope**

This Service Instruction (SI) is intended to assist Merseyside Fire & Rescue Authority (MFRA) employees in adopting appropriate conduct when using social media.

The use of social media is evolving and MFRA as an organisation are aiming to join this media platform in order to promote MFRA's corporate aims and work undertaken with the community and other local authority partners.

The SI will outline the expectations MFRA require from employees with regard to social media use and the actions taken in consequence of breaching this SI.

### **Defining Social Media**

Social media is the name commonly given to Interactive Communication Technology websites; primarily those which enable users to interact and communicate by sharing content such as opinion, media (video, images and audio), knowledge and interests.

Typically, social media contributes to the building of 'networks' or online communities while encouraging participation and engagement. The term encompasses many variations of online media. Examples include blogs, micro-blogs (Twitter), podcasts, 'wikis' (such as Wikipedia), message boards, social book marking websites (Reddit), social networking websites (Facebook, MySpace) and media content sharing websites (such as Flickr, YouTube).

The paramount feature of all of these platforms is that of a central focus on User Generated Content, whether it is a photograph stream on Flickr or a Poll on Facebook, they also facilitate conversations and online interactions between groups of people.

### **Rules and Guidance for Social Media Use by MFRA Employees**

Before using any social media site staff should be aware that Merseyside Fire and Rescue Authority (MFRA) carry out a range of monitoring procedures to ensure ICT systems are operating efficiently and effectively. This includes the monitoring of information entering, leaving or stored on ICT systems. Such monitoring is not, in general, person specific but personal data may be accessed as part of this procedure. Users should refer to **SI 0744 Monitoring of ICT Equipment** for further details.

When publishing content (posting, uploading, sharing) on social media it is important to be aware that you have no legal right to privacy and will be held accountable for the content published. Be mindful that it can remain published for many years.

Do not allow any other persons to access your social media identities. You will be bound by your social media account and therefore accountable for whatever content is published through it.

Never divulge your user-id or password to anyone else. Under no circumstances should passwords be written down and left in an un-secure or non-private area.

You must ensure that you read and comply with any social media's terms and conditions.

Do not upload, post, forward (including links) any abusive, obscene, discriminatory, harassing, derogatory or defamatory content.

Abuse or harassment of any employee will not be tolerated. Never use social media to intimidate, bully or in any way attack or abuse colleagues or members of the community. Any MFRA employee who feels they have been harassed, bullied or offended by content posted on social media by a colleague should contact their line manager or Professional Standards to report the incident.

Ensure that you clearly identify yourself in any social media use, write in the first person and ensure that there is a clear statement that the views you express are not any reflection on the views held by MFRA when identifying yourself as an MFRA employee, or discussing the organisation.

Do not discuss or reference other colleagues, partners or contractors without their explicit approval.

Do not upload post or forward any content belonging to a third party unless the third parties have given their consent. Prior to posting or uploading a link to a third party website ensure their terms and conditions permit such actions and ensure that it is clear to the user that they will move to a third parties website.

Never disclose any commercially sensitive, private or confidential information that is linked in any way to MFRA or MFRA employees.

Be open and honest when using social media whilst remaining aware of the impact your use might make on people's perceptions on MFRA as an organisation and respect others privacy when discussing topics.

Do not post, forward, forward or post a link to chain mail, junk mail or gossip

Never publish anything you are not comfortable with, always discuss it with your line manager if in any doubt.

Avoid publishing your contact details where they can be accessed and used widely by people you did not intend on viewing them and never publish anyone else's contact details.

If you notice any content posted on social media websites about MFRA either complementary or critical please report to your line manager.

Enquiries or requests for information from social media, including requests from bloggers, should be immediately forwarded to the Corporate Communications Team ([corporatecommunications@merseyfire.gov.uk](mailto:corporatecommunications@merseyfire.gov.uk)) for a response. Employees must not respond directly to such enquiries without express permission from the Corporate Communications.

### **MFRA Social Media Accounts**

Only Corporate Communications are permitted to post material on a social media website in the name of and on behalf of MFRA. This is to ensure all content posted online is consistent with the corporate aims, core and personal values. Also, that it complements, and does not conflict, with information already being communicated across traditional media platforms.

If an employee requires the use of MFRA's social media accounts in order to promote or highlight work undertaken for the community or as part of any other partnership with outside organisation a request must be made to Corporate Communication. The request will be reviewed accordingly.

Any station or department that requires information to be disseminated via the social media platforms must contact Corporate Communications who will advise appropriately.

## **Personal Use of Social Media on MFRA Premises**

MFRA permit incidental use of social media websites subject to the use being minimal and being conducted substantially out of workhours (lunch break is defined as out of work hours). This extends to personal mobile devices.

Any social media use must not interfere with MFRA work or office commitments.

Any social media use must comply with this SI and any other relevant policy or service instruction including but not limited to Equality and Diversity Policy, Bullying and Harassment Policy, Data Protection Policy and Disciplinary Procedure.

Activity on social media websites during office hours should complement and or support your role within MFRA and should be used in moderation.

The permitted use of social media is a discretionary privilege, not a right and this privilege should not be abused or overused. MFRA retains the right to withdraw this privilege at any time.

## **Monitoring Use of Social Media Websites**

All use of social media websites, irrelevant whether it has been accessed for work related purposes may be monitored if breaches of this service instruction are evident. Action may also be taken in accordance with the Disciplinary Procedure.

MFRA reserve the right to restrict or prevent access to specific social media websites if it has been deemed the personal use is excessive. Monitoring will only be exercised to the extent the law permits and is justifiable for business purposes.

Any misuse of social media can constitute a criminal offence or in certain circumstances may give rise to criminal (or even civil) liability against yourself and/or MFRA. This may affect MFRA's reputation and damage the relationship with the community.

Certain actions on social media websites whether in a professional or personal capacity can amount to gross misconduct including but not limited to the uploading, posting, forwarding or posting a link to any material that is explicit (ie., pornographic), invades the privacy of others, false or defamatory statements about any individual or organisation, material which is offensive,

obscene, abusive, criminal discriminatory, breaches any Court Order or rule of law, breaches copyright or other intellectual property rights, derogatory or which may cause embarrassment or risk the reputation of MFRA, MFRA employees, partners or the community.

Any misuse of social media by any employees of MFRA should be reported to your line manager.

Any evidence of misuse of the social media found may result in an investigation being undertaken in accordance with MFRA's Disciplinary Procedure and details of the monitoring records may be disclosed to the investigation officers and any other relevant persons. Any such information may also be provided to the police in connections with any criminal investigation.

Any breach will be addressed under the Disciplinary Procedure and action taken accordingly. Please note if warranted discipline may result in a summarily dismissal.

## **Roles and Responsibilities**

User:

You must ensure that you read and comply with this instruction.

Line Management:

The monthly Infrastructure Usage report distributed by the ICT Service Delivery Manager to Level 6 Budget Holders should be reviewed for unauthorised, inappropriate or excessive use; serious or repeated breach of this Instruction, or any other form of use potentially damaging to the Authority; and arrange for it to be investigated by requesting individuals usage reports via the ICT Service Delivery Manager.

ICT Service Delivery Manager:

It is the responsibility of the ICT Service Delivery Manager to:-

Provide individual usage reports to Line Management when requested and inform Professional Standards when individual usage reports are requested.



# PROTOCOL ON REPORTING AT MEETINGS

## Introduction

Merseyside Fire and Rescue Authority is committed to openness and transparency in how it conducts its business. This Protocol sets out its approach to certain types of reporting at its decision-making meetings. It outlines some basic principles and practical points aimed at balancing the requirements of those wishing to report the meeting and those attending and taking part.

Appended to this Protocol is a more in depth procedure which should be read in advance and adhered to by anyone wishing to attend Merseyside Fire and Rescue Authority Meetings, Committee's and Sub-Committee's. ([Appendix A Procedure for Attendance and Recording of Meetings of Merseyside Fire and Rescue Authority](#)).

## Reporting

The Local Government Act 1972 provides that individuals may carry out reporting at meetings of local government bodies. This Protocol is primarily concerned with reporting that involves filming, photographing, and/or audio-recording of meetings.

## Before the Meeting

There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact Democratic Services (see contacts below) to ensure that suitable arrangements can be made to accommodate you.

There will be a designated area in the meeting room for you to observe the meeting and to allow you to film, photograph and/or audio-record it. Wherever possible you will have access to a seat (although this may depend on how much space is available).

The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to being filmed, photographed and/or audio-recorded by you.

You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

## **During the Meeting**

The Chair will announce at the beginning of the meeting that the meeting is being filmed, photographed and/or audio-recorded. He or she will then ask attendees whether they agree to be filmed, photographed and/or audio-recorded to allow them to register a personal objection. If anyone has a personal objection then the Chair can temporarily suspend filming, photographing and/or audio-recording to allow attendees to have their say.

Note: this does not apply to Members and officers.

If the Chair considers that the filming, photographing and/or audio-recording is disrupting the meeting he/she can instruct you to stop doing so. Therefore, it is worth noting that your equipment should not be noisy or otherwise distracting (e.g. flash and spotlights can be problematic).

You will not normally be allowed to give a live commentary on proceedings as this is highly likely to be disruptive.

If you refuse to stop filming, photographing and/or audio-recording when requested to do so, the Chair may ask you to leave the meeting. If you refuse to do so then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. There are provisions in the Authority's Constitution that allow this.

When the meeting is officially closed by the Chair you must stop filming, photographing and/or audio-recording.

## **Exclusion from Meetings**

The majority of the Authority's decision-making take place in meetings open to the public and press. You may only be excluded from a meeting when issues are being considered that involve confidential or exempt information (as defined in Section 100 of the Local Government Act 1972).

Even if you are excluded you will know the nature of the business to be dealt with while you are excluded from the meeting and the decision will be made known after the meeting.

No filming, photographing and/or audio-recording is permitted during any exclusion. All equipment for filming, photographing and/or audio-recording must be removed from the meeting room.

## **Interpretation of this Protocol**

Any decision taken by the Chair on the interpretation of this protocol before, or at the meeting in question is final.

## **Publication**

This Protocol will be published on the website with Meetings Agendas, and Meeting agendas will carry a statement relating to this Protocol.

## **Contact Details**

Democratic Services Manager  
Merseyside Fire and Rescue Authority HQ  
Bridle Road, Bootle, Liverpool, Merseyside, L30 4YD  
0151 296 4112

[DemocraticServices@merseyfire.gov.uk](mailto:DemocraticServices@merseyfire.gov.uk)

APPENDIX A

# PROCEDURE FOR ATTENDANCE AND RECORDING OF MERSEYSIDE FIRE AND RESCUE AUTHORITY

## Purpose

To inform all visitors attending Merseyside Fire and Rescue Authority Headquarters with the intention to observe and/or record the proceedings of meetings, of the procedure to be followed during your attendance, for the purpose of clarity, safety and security. *(This procedure is in addition to, and should be read in conjunction with [MFRA Meeting Reporting Protocol](#)).*

## Overview

Merseyside Fire and Rescue Authority is committed to openness and transparency in how it conducts its business. Anyone wishing to attend public meetings of this Authority are welcome, however the number of people who attend each meeting may vary making it difficult to predict how many people will turn up on the day. Therefore the following arrangements are in place to ensure that there is reasonable provision for your purpose of visit.

## Prerequisite Information

The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014 and amended the Local Government Act 1972 regarding the governance of Authority, Committee and sub-Committee meetings, and the recording of certain officer decisions. Whilst already open to members of the press and public to attend, the Openness of Local Government Bodies Regulations 2014 provides for any person to be permitted to report on the meeting, including the filming, photography, or making of audio recordings of proceedings of meetings. This does not include live commentary.

## Safety, Precaution, Entry, Admittance and Departure

Most meetings of Merseyside Fire and Rescue Authority, including Committees and Sub-Committees, are held at their Headquarters, Bridle Road, Bootle, Liverpool, Merseyside, L30 4YD and usually commence at 1pm (unless otherwise published). It is recommended that you check the location and start time of the meeting before starting your journey, to ensure you arrive at the appropriate time.

All meetings and agendas are published on our website ([http://www.merseyfire.gov.uk/aspix/pages/fire\\_auth/authorityContent.aspx](http://www.merseyfire.gov.uk/aspix/pages/fire_auth/authorityContent.aspx)). Invitation letters are posted in the noticeboard outside the venue for the meeting five days prior to the date of the meeting or you can contact Democratic Services by ringing 0151 296 4112.

It would be helpful if you could contact Democratic Services to advise of your intention to attend the meeting to assist in the allocation of appropriate space within the meeting room. Should you have any special requirements which may impact upon your visit, please contact Reception tel.0151 296 4000, and advise ahead of your planned visit, to enable details to be taken and the appropriate officer notified to consider any reasonable adjustments or additional assistance which may be required.

If the number of visitors exceed that which is deemed safe for the size and capacity of the meeting room, you will be refused access on safety grounds.

All external visitors wishing to attend meetings of the Authority, are requested to arrive no earlier than thirty minutes prior to the opening of the meeting (eg meeting start 1.00 pm – do not arrive earlier than 12.30 pm). Arrival before this time may result in you being refused admittance to the building until such time that your entry can be facilitated. This is due to the security requirements for the building.

For your own safety, security and protection, and for that of others working and visiting the premises, all external visitors (including employees who do not work in the building) are required to identify yourself to reception upon arrival, and departure. You will be required to provide your name, the purpose of your visit, who you are visiting, and provide the details of any vehicle which you wish to leave on the premises until your departure.

If you have equipment with you, you should inform reception and confirm for what purpose you intend to use such equipment during your visit. Examination of any equipment you bring, may be required.

When you sign into the building you will be allocated a coded visitor pass which you are required to visibly wear at all times, and must hand back to reception when you sign out of the building.

Once entry to the building has been granted and compliance with reception/security requirements have been met, Reception will inform Democratic Services of your presence and arrangements to escort you to the designated waiting area, will be made. You **must** wait to be escorted to the designated area. Staff will be preparing for the meeting or escorting other visitors therefore this may take a few minutes wait until such time a member of staff is available to do so, we therefore request your patience.

### **Access to the Actual Meeting**

ALL persons attending to observe meetings of the Authority, who are not Merseyside Fire and Rescue Authority Members or Officers directly advising Members in the meeting, **MUST** remain in the designated waiting area until

such time that it is announced that you may enter the Authority Meeting Room.

Access to the Meeting room will be given fifteen minutes prior to the start of the meeting, to allow reasonable time to set up any equipment.

In the event of a fire or requirement to evacuate the building – all visitors must be accounted for therefore you must ensure you are with the person/s you are here to visit.

In the event of an evacuation you will be instructed where to go by Fire Marshalls and Officers, and procedures should be announced at the opening of business.

### **Equipment**

The Authority does not accept responsibility for the loss or damage to any equipment or items it does not own, therefore any personal items and belongings you bring with you are your responsibility which you bring at your own risk.

You may be required to have your equipment / belongings checked before admittance to the building.

You are requested to ensure that your equipment is not noisy or invasive, which could cause distraction to the proceedings.

### **Prior to the Meeting**

Members and Officers attending meetings or training events prior to any meeting of the Authority, are required to arrive on time, ensure that all business starts at the agreed time and concludes **at least** fifteen minutes prior to the published start time of the Authority/Committee/Sub Committee, to enable the room to be cleared and ensure sufficient time for visitors to be permitted entry and set up of equipment, is provided.

### **During the Meeting**

The Chair presiding over the meeting will request anyone present with the intention of recording the proceedings, to make themselves known to the Chair.

The Chair will advise those present, if the meeting is being recorded, and ask if any visitors have objection to being filmed. **In the event that someone requests not to be filmed you must not film them.** The Chair has the right to request stoppage of recordings, or to stop the proceedings of the meeting (in line with procedural standing orders contained within the constitution) should he/she feel there is unsuitable distraction or disturbance to the meeting.

## **Exclusion**

All reports considered by the Authority are open and published to the Public unless there is confidential information contained within the report which under the Local Government Act 1972, is deemed Exempt. In such instances the Agenda will state by what section of the Local Government Act the item is Exempt under and during the preliminary matters on the Agenda, the Chair will announce if there are any exempt items on the Agenda which the Press and Public will be required to leave the meeting.

If there are Exempt items the Chair will announce at the time of reaching that item, for the Press and Public to leave.

All external visitors must take their equipment and belongings and make their way back to the waiting area. Equipment is to be packed away in the waiting area and you must wait for a member of staff to escort you back to reception. This may mean waiting a short while for other visitors to finish packing away their equipment and a member of staff escort several visitors together to reception.

## **Exit and Departure**

You will be required to sign out at reception and ensure that you hand your visitor pass back to reception, and they have confirmed your departure. You must vacate the building and car park (if using the car park) immediately.

## **Further Information**

For further information or questions on any aspects of this document, please contact the Democratic Services Team:

Kelly Kellaway – 0151 296 4113 – [kellykellaway@merseyfire.gov.uk](mailto:kellykellaway@merseyfire.gov.uk)

Gemma Sung – 0151 296 4230 – [gemmasung@merseyfire.gov.uk](mailto:gemmasung@merseyfire.gov.uk)