

North Wales Fire and Rescue Authority

Constitution

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Part 1 - Summary and Explanation

North Wales Fire and Rescue Authority was established as part of the reorganisation of local government on 1 April 1996. As one of the three fire and rescue authorities in Wales, North Wales Fire and Rescue Authority's role is:

- to perform all the duties and responsibilities of a Fire Authority in accordance with appropriate legislation and regulations, in particular the Fire and Rescue Service Act 2004, the Fire Precautions Act 1971, the Regulatory Reform (Fire Safety) Order 2005 – which came into force on 1st October 2006 and The North Wales Fire Services (Combination Scheme) Order 1995;
- to agree the annual service plans, the revenue and capital budgets and the contribution for constituent councils;
- to monitor the revenue and capital budgets and deal with any significant variations, including decisions on any supplementary contributions.

The Authority has a statutory obligation to maintain a Fire and Rescue Service capable of dealing effectively with calls for assistance in the case of fire and other emergencies.

THE CONSTITUTION

The Authority has agreed a new 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 communities. Some of these processes are required by the law, while others are a matter for the Authority to choose.

The Constitution is divided into 11 articles that set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Authority to providing clear leadership in relation to the provision of fire and rescue services across North Wales, encouraging public participation and to conducting its affairs in an open and transparent manner.

Articles 2-11 explain the rights of members of the public and how the key parts of the Authority operate. These are:

Article 2 – Members of the Fire Authority

Article 3 – Members of the public and the Authority

Article 4 – The Full Authority

Article 5 – Chairing the Authority

Article 6 – Committees

Article 7 – Officers

Article 8 – Decision Making

Article 9 – Finance, Contract and Legal Matters

Article 10 – Review and Revision of the Constitution

Article 11 – Suspension, Interpretation and Publication of the Constitution

How the Authority Operates

Members of the Fire Authority

The Authority is composed of 28 councillors from the six unitary authorities of North Wales. The number of representatives from each constituent authority is determined on a population basis.

Members of the Authority are appointed for such periods as the constituent authorities may decide and can therefore be replaced at their discretion. Members can resign from the Authority or will cease to be members of the Authority if they cease to be members of the constituent authority for whatever reason. The term of office will also be regulated by the provisions of the Combination Order 1995.

As Members of the Fire Authority, councillors do not represent the individual wards/divisions for which they were elected or even the constituent authorities by whom they were appointed. Instead they have a duty to represent the interests of the community across the whole of North Wales.

The names and contact details of all members of the Fire Authority are available on our website at www.nwales-fireservice.org.uk

Code of Conduct

The Fire Authority, supported by the Monitoring Officer, has a duty to promote and maintain high standards of conduct by Members and has adopted a Code of Conduct to facilitate this.

Full Authority

All Members meet together as the Authority. These meetings are open to the public unless exempt or confidential information is being discussed. Here Members decide the Authority's overall policies and set the budget each year. The Authority delegates to the Executive Panel/Audit Committee to discuss reports in detail and to make recommendations to the full Authority.

A Member is appointed at the Annual Meeting in June each year to act as the Chair of the Authority. He or she presides over the Authority's meetings and is responsible for interpreting the rules of procedure with the power to control and regulate the course of the debate. In undertaking these duties, the Chair must act impartially but the Chair has a vote on decisions and may have a second (or casting) vote where this is necessary.

How Decisions Are Made

The Authority will issue, and keep up to date, a record of what part of the organisation, or which individual, is responsible for particular types of decisions or decisions relating to particular areas or functions.

Overview and Scrutiny

Unlike many Authorities, the Fire Authority does not have a separate Overview and Scrutiny Committee but the work of the Audit and Standards Committees, by their nature involve a high degree of scrutiny of the adequacy and efficiency of the Service and of its policies and procedures.

Where necessary, Member Working Groups can be utilised to support the work of the Authority. These are small working groups of Members that are established as necessary to look at particular issues in more detail and report back to the Authority. The membership and methodology of the Working Groups will be flexible to meet the needs of the particular circumstance.

The Authority's Staff

The Authority has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Chief Fire Officer is the principal professional advisor to the Authority. Some officers have a specific duty to ensure that the Authority acts within the law and uses its resources wisely. There is a scheme of delegation whereby the Chief Fire Officer can take decisions in line with that scheme of delegation. A code of practice governs the relationships between officers and Members of the Authority.

The Public

The public have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Authority's own processes. The Authority welcomes participation by members of the public in its work.

Part 2 – Articles of the Constitution

1. The Constitution

1.1. Powers of the Authority

The Authority will exercise all its powers and duties in accordance with the law and this Constitution.

1.2. The Constitution

This Constitution, with all its appendices, is the Constitution of the North Wales Fire and Rescue Authority ('the Authority').

1.3. Purpose of the Constitution

The purpose of the Constitution is to:

- (i) enable the Authority to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
- (ii) support and encourage the active involvement of members of the public in the process of the Authority's decision-making;
- (iii) provide a framework within which Members can represent the public interest effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create a powerful and effective means of holding decision-makers to public account;
- (vi) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (vii) provide for the effective delivery of fire and rescue services within North Wales.

1.4. Interpretation and Review of the Constitution

Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose that option which it thinks is closest to the purposes stated above.

The Authority will monitor and evaluate the operation of the Constitution as set out in Article 11.

2. Members of the Authority

2.1. Composition and eligibility

The Authority is composed of 28 councillors from the six unitary authorities of North Wales: Anglesey County Council (3); Conwy County Borough Council (5); Denbighshire County Council (4); Flintshire County Council (6); Gwynedd Council (5); Wrexham County Borough Council (5). The number of representatives from each constituent authority is determined on a population basis.

Part 2 – Articles of the Constitution

2.2. Terms of Office of Members

The Constituent Councils appoint Members to the Authority for whatever term those Councils choose. Members come into office on the day they are appointed. They may resign from the Authority at any time by giving written notice to the Clerk. They cease to be Members of the Fire Authority if they cease to be members of the Council by whom they were appointed.

2.3. Roles and functions of all Members

(a) Key roles

All Members will:

- (i) be involved in decision-making and contribute to the good governance of the Authority;
- (ii) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (iii) represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocates of and for their communities;
- (iv) balance different interests identified across North Wales and act in the interests of North Wales as a whole;
- (v) respond to enquiries and representations from members of the public, fairly and impartially;
- (vi) actively encourage community participation and public involvement in decision-making;
- (vii) be available to represent the Authority on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) Rights and duties

(i) Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Members will not make public any information which is confidential or exempt without the consent of the Authority or divulge information given in confidence to anyone other than a Member or officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4. Conduct

Members will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5. Remuneration

Members will be entitled to receive remuneration and allowances in accordance with the Members' Remuneration Scheme set out in Part 6 of this Constitution.

Part 2 – Articles of the Constitution

3. Members of the Public and the Authority

3.1. Rights of the Public

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) **Information.** Members of the public have the right to:

- (i) attend meetings of the Authority and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- (ii) see reports and any records of decisions made by the Authority and its committees;
- (iii) inspect and obtain a copy of the Authority's Code of Conduct and inspect the Register of Members' Interests; and
- (iv) inspect the Authority's accounts and make their views known to the external auditor.

(b) **Complaints.** Members of the public have the right to complain to:

- (i) the Authority itself under its complaints scheme;
- (ii) the Local Government Ombudsman about maladministration, after first using the Authority's own complaints scheme; and
- (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

3.2. Responsibilities

Members of the public must not be violent, abusing or threatening to Members or Officers and must not wilfully harm things owned by the Authority, its Members or Officers.

4. The Full Authority

4.1. Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Combined Improvement and Risk Reduction Plan
- Revenue Budget and Capital Programme
- Treasury Management Strategy
- Asset Management Plan.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the control of its capital expenditure and the setting of virement limits. By the 31st December in every year the Authority is expected to notify its constituent councils of its estimated net expenses for the next financial year. To assist with this the Fire and Rescue Authority, at its December meeting, sets the Service's budget for the following financial year. By the 15th February in every year the Authority is required to notify its constituent authorities of the level of contributions it will be requesting them to contribute to the Combined Fire Service Fund for the following financial year.

Part 2 – Articles of the Constitution

4.2. Functions of the full Authority

Only the Authority will exercise the following functions (unless otherwise resolved):

- (i) adopting and changing the Constitution;
- (ii) approving or adopting the policy framework and the budget;
- (iii) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (iv) appointing representatives to outside bodies unless the appointment has been delegated by the Authority;
- (v) adopting an allowances scheme;
- (vi) confirming the appointment of the Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officers, Treasurer and Monitoring Officer;
- (vii) all other matters which by law must be reserved to the Authority.

4.3. Authority meetings

There are three types of Authority meeting:

- (a) annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings

and they will be conducted in accordance with the Standing Orders for the Conduct of Business in Part 4 of this Constitution.

5. Chairing the Authority

5.1. Election of Chair and Deputy Chair

The Chair and Deputy Chair will be elected by the Authority annually and shall hold office until:

- (i) they resign from office;
- (ii) they are no longer Members of the Authority;
- (iii) they are removed from office by resolution of the Authority; or
- (iv) their successors take office.

5.2. Role and function of the Chair

The Chair of the Authority and in their absence, the deputy chair will have the following responsibilities:

- (i) provide overall political leadership to the Authority;
- (ii) chair meetings of the Authority and to ensure its overall effectiveness;
- (iii) provide effective leadership in the development of the Authority's approved policies and strategies;
- (iv) act as the Authority's principal member spokesperson at local, regional and national level;
- (v) 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;
- (vi) lead in the development of good working relationships between the leaders of political groups represented by the Authority;
- (vii) promote good working relationships between members and officers of the Authority so that Authority business is conducted in the most efficient and effective way;
- (viii) attend and represent the Authority on the National Issues Committee.

Part 2 – Articles of the Constitution

6. Committees

The Authority will appoint the committees described in Part 3 of this Constitution and which shall each have the respective terms of reference and functions described therein. The Authority may appoint such additional committees or change any of the details described in Part 3 of this constitution as the Authority may from time to time decide.

7. Officers

7.1. Management structure

(a) The Authority shall engage such people (referred to as officers) as it considers necessary to carry out its functions. Officers may be authorised either by the Authority or a Committee to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.

(b) Although there is no legal requirement for the Authority to appoint a Head of the Paid Service, the Authority has chosen to do so as a matter of good practice. The Head of the Paid Service will determine the overall departmental structure and deployment of staff.

(c) Head of the Paid Service, Monitoring Officer and Chief Financial Officer.

The Authority will designate the following posts as shown:

POST	DESIGNATION
Chief Fire Officer/Chief Executive	Head of the Paid Service
Section 151 Officer/Treasurer	Treasurer
Clerk	Monitoring Officer

7.2. Functions of the Head of the Paid Service

(a) Discharge of functions by the Authority

The Head of the Paid Service will report to the Authority on the manner in which the discharge of the Authority's functions are co-ordinated.

(b) Restrictions on functions

The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Treasurer if a qualified accountant.

7.3. Functions of the Monitoring Officer

(a) Maintaining and reviewing the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public. He/she will keep the constitution under review in accordance with Article 11 below.

Part 2 – Articles of the Constitution

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of the Paid Service and Treasurer, the Monitoring Officer will report to the Authority if he or she considers that any proposal, decision or omission 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) Ethical Standards

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through:

- (i) provision of training to Members
- (ii) receiving, acting upon and where appropriate investigating complaints of alleged breaches of the Code of Conduct in accordance with the Arrangements for Code of Conduct Investigations and Decision; and
- (iii) provision of advice and support to the Audit and Standards Committee.

(d) Proper officer for access to information

The Monitoring Officer will ensure that decisions of the Authority and its committees and relevant officer reports and background papers are made publicly available as soon as possible.

(e) Providing advice

The Monitoring Officer will provide advice on the scope of the Authority's powers, maladministration, financial propriety, the Codes of Conduct, Standing Orders and the protocols to all Members and will advise and support Members and officers in their respective roles.

(f) Restrictions on posts

The Monitoring Officer cannot be the Treasurer or the Head of the Paid Service.

7.4. Functions of the Treasurer

(a) Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of the Paid Service and the Monitoring Officer, the Treasurer will report to the Authority and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully.

(b) Administration of financial affairs

The Treasurer will have responsibility for the administration of the financial affairs of the Authority.

(c) Providing advice

The Treasurer will provide advice on financial impropriety, probity and budget and policy framework to all and will support and advise councillors and officers in their respective roles.

Part 2 – Articles of the Constitution

7.5. Conduct

(a) Officers will comply with the Protocol on Officer/Member relations set out in Part 5 of this Constitution.

(b) The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, or proposed contract, and the book shall be available during office hours for inspection by any Member of the Authority.

7.6. Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

8. Decision Making

8.1. Responsibility for decision making

The Authority will issue and keep up to date a record of what part of the Authority or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

8.2. Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

8.3. Decision making by the full Authority

Subject to Article 8.5, the Authority meeting will follow the Standing Orders for the Conduct of Business set out in Part 4 of this Constitution when considering any matter.

8.4. Decision making by committees and sub-committees

Subject to Article 8.5, committees, sub-committees, working parties and panels will follow:

- (a) those parts of the Standing Orders for the Conduct of Business set out in Part 4 of this Constitution as apply to them; and
- (b) such other procedures set out in Part 3 of this constitution (Responsibility for Functions) as are specified in respect of that committee, sub-committee or panel

8.5. Urgent Decisions

(1) Where the Monitoring Officer, in consultation with the Chair, determines that any matter is urgent and that it would be impractical to call a meeting of the Authority, full authority to decide the matter is and shall be vested in the Chief Fire Officer/Chief Executive in consultation with the Chair, Clerk and/or Treasurer.

Part 2 – Articles of the Constitution

(2) No decision shall be made or instructions issued under this Article 9.6 which is contrary to an expressed resolution of the Authority or an established practice.

(3) A report of all decisions taken under this Article 9.6 shall be made to the next meeting of the Authority or the relevant committee (as the case may be).

9. Finance, Contracts and Legal Matters

9.1. Financial management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

9.2. Contracts

Every contract made by the Authority will comply with the Contracts Standing Orders set out in Part 4 of this Constitution.

9.3. Legal proceedings

The Chief Fire Officer, after consultation with the Clerk/Monitoring Officer and Treasurer/Section 151 Officer is authorised to commence, defend, or participate in, any legal proceedings in any case, where necessary, and to give effect to decisions of the Authority, or in any case where the Chief Fire Officer after consultation with the Clerk/Monitoring Officer and Treasurer/Section 151 Officer considers it necessary to protect the Authority's interest.

9.4. Authentication of documents

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 Clerk to the Authority or any officer authorised in writing by such officer.

9.5. Common Seal of the Authority

The Common Seal of the Authority will be kept in a safe place in the custody of the Chief Fire Officer. A decision of the Authority, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The affixing of the common seal shall be attested by the proper officer or by a deputy authorised in writing by the proper officer.

9.6. Inspection of lands, premises etc.

Unless specifically authorised to do so by the Authority, no Member of the Authority shall issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority have the power or duty to inspect or enter, but provided that prior arrangement is made with the Chief Fire Officer a Member shall, so far as possible within the law, have the right to inspect lands and premises owned by the Authority.

Part 2 – Articles of the Constitution

9.7. Members' Rights to Inspect Documents

(1) All agenda papers and minutes relating to business at meetings of the Authority shall be open to inspection by any Member except where the business concerns a quasi-judicial matter or personal information subject to the Data Protection Act 1998, or relates to legal proceedings by or against the Authority.

(2) A Member of the Authority shall be entitled to inspect such other documents of the Authority as are reasonably necessary to the exercise of the Member's functions as a member of the Authority. A written request to inspect any such document shall be submitted to the Chief Fire Officer who, after consultation with the Chair and/or the Clerk where appropriate, shall produce the document for inspection, subject to the proviso that under certain circumstances (e.g. issues of confidentiality) inspection by a Member may only be permitted with a clear understanding that the contents should not be passed to any other party and noting that Members of the Authority are bound by the Data Protection Act 1998.

10. Review and Revision of the Constitution

10.1. Duty to monitor and review the constitution

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.

10.2. Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Authority, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (i) observe meetings of the Fire Authority;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this Authority with those in other comparable authorities, or national examples of best practice.

10.3. Changes to the Constitution

Changes to the constitution will only be approved by the full Authority after consideration of a written report by the Monitoring Officer or a committee of the Authority.

11. Suspension, Interpretation and Publication of the Constitution

11.1. Suspension of the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Authority to the extent permitted within those Rules and the law.

Part 2 – Articles of the Constitution

(b) Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules capable of suspension

The following Rules may be suspended in accordance with Article 12.1:

- Standing Orders for the Conduct of Business
- Financial Regulations
- Contracts Standing Orders

11.2. Interpretation

The ruling of the Chair as to the construction or application of this Constitution or as to any proceedings of the Authority shall not be challenged at any meeting of the Authority. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

11.3. Publication

The Monitoring Officer will:

- (a) provide details of the Constitution to each Member of the Authority upon their first appointment.
- (b) ensure that copies are available for inspection at the Authority's Headquarters and on the Authority's website.

Part 3 – Responsibility for Functions

Summary of Committees and Sub-Committees

Introduction

The following details are set out in this part of the Constitution:

- Summary of Committees and sub-committees appointed by the Authority;
- Diagram of the Authority's political management arrangements;
- Detailed terms of reference and procedural protocols for each committee/Sub-committee;
- Scheme of Delegation to the Chief Fire Officer.

The Authority may alter the terms of reference or composition of any committee from time to time or appoint any additional committees as appropriate.

Subject to the provisions of the constitution and any legal requirements, any function of a committee may be delegated to any Committee or Officer (but not to a single Member).

Executive Panel

The Executive Panel consists of the Chair and Deputy Chair and two members from each council (fourteen members in total). It is chaired by the Chair or, in his/her absence, the Deputy Chair. It meets approximately four times a year, between each meeting of the fire and rescue authority, although additional meetings may be held depending on workload. The role of the Panel includes the appointment of senior officers, and any associated disciplinary or pension-related matters. The Panel also monitors the performance of the Service and makes recommendations to the Fire and Rescue Authority on its key policies including the Combined Improvement and Risk Reduction Plan. Its terms of reference are enclosed in this file.

Audit Committee

Following a constitutional review, it was agreed at the December 2008 Authority meeting that an audit committee be appointed with effect from the 2009/10 municipal year. Its terms of reference are enclosed in this file. The Committee's membership consists of all non-executive (panel) members and meets a minimum of twice per year. The Chair and Deputy Chair are appointed from different constituent authorities. The Committee's primary role is to audit and scrutinise governance, financial and resource management and risk management and assurance. The Committee has the facility to set up time-limited task groups to undertake reviews and it has the discretion to co-opt Executive members with relevant expertise onto these groups.

Part 3 – Responsibility for Functions

Standards Committee

This committee is required by the Local Government Act 2000. Its terms of reference are enclosed in this file. The committee consists of 6 members, four of whom are independent.

The Chair and Deputy Chair are drawn from the independent members.

The committee has to meet at least once a year. The frequency of meetings will depend on what other work the committee is required to do - for example in considering complaints or advising the fire authority on issues to do with standards.

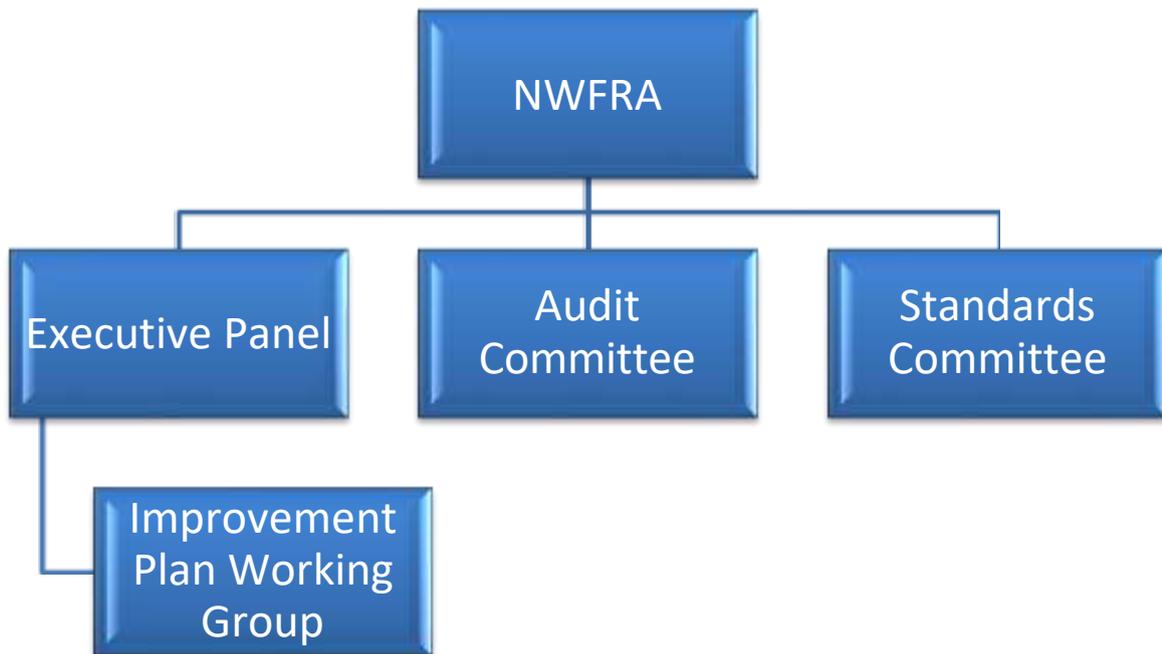
Improvement Plan Working Group

The Working Group consists of two members from each county (borough) council, including the Chair and Deputy Chair. The Working Group deals with the detailed work in connection with the Authority's planning and budget process before it submits its observations to the Executive Panel to enable it to formulate recommendations in relation to the Risk Reduction/Improvement Plan and budget to the Fire and Rescue Authority. The Working Group meets on a regular basis in the run-up to publication of documents.

The Working Group is not a formally constituted committee and therefore meetings are not open to the public. Although the Working Group has no powers, it undertakes detailed work in relation to certain areas of work and submits recommendations to the Executive Panel and/or the full Fire and Rescue Authority for information or approval.

Part 3 – Responsibility for Functions

The Democratic Structure of the Authority's Committees is as follows:



Part 3 – Responsibility for Functions

EXECUTIVE PANEL TERMS OF REFERENCE

1. Membership

1.1 The Executive Panel shall comprise 14 members as follows:

The Chair and Deputy Chair of the Authority and two members invited from the representatives of the six constituent authorities.

2. Terms of Reference

2.1 The Panel shall on an ad hoc basis meet to undertake such functions as delegated to it by the Authority e.g. in the appointment of the Chief Fire Officer and other Senior Fire Officers and deal with any disciplinary matters concerning these and other posts and the postholders. The Panel shall deal with constitutional and other matters which are considered by the Clerk and Chief Fire Officer in consultation with the Chair as suitable for referral to the Panel. Other matters that will arise from time to time which are not urgent but nevertheless require consideration by a small panel of members will be dealt with by the Panel and then submitted for recommendation to a full meeting of the Authority. The approval of the Chair will always be sought before any meeting is called.

2.2 The Standing Orders governing meetings of the Authority shall also apply to meetings of the Executive Panel.

2.3 The Executive Panel shall on behalf of the Authority:

- i act as the panel to hear disciplinary proceedings commenced against the Chief Fire Officer;
- ii deal with certain pension matters for the post of Chief Fire Officer;
- iii act as the Appointments Panel when appointing the Deputy and Assistant Chief Fire Officers;
- iv make recommendations, as the need arises, for the appointment of (a) Clerk to the Authority and (b) Treasurer to the Authority;
- v act as the appeal panel as set out in the authority's procedures on discipline, capability and grievances;
- vi act on behalf of the Authority in the use of discretionary powers under the Firefighters' Pension (Wales) Scheme;
- vii act on behalf of the Authority in the use of discretionary powers under the Local Government Pension Scheme Regulations;
- viii act on behalf of the Authority, and if necessary decide and/or make recommendations on personnel matters after consultation with the Chair;
- ix deal with any policy and/or constitutional matter and any other urgent business at the discretion of the Chief Fire Officer/Clerk/Treasurer, following prior consultation with the Chair.

Part 3 – Responsibility for Functions

2.4 In addition the Panel shall exercise the authority's functions under sections 1 and 2 of the Local Government (Wales) Measure 2009 including:

- (1) A Welsh improvement authority must make arrangements to secure continuous improvement in the exercise of its functions.
- (2) In discharging its duty under subsection (1), an authority must have regard in particular to the need to improve the exercise of its functions in terms of—
 - (a) strategic effectiveness;
 - (b) service quality;
 - (c) service availability;
 - (d) fairness;
 - (e) sustainability;
 - (f) efficiency; and
 - (g) innovation.

Part 3 – Responsibility for Functions

AUDIT COMMITTEE: TERMS OF REFERENCE

The Audit Committee shall be responsible for the following (and shall have delegated authority accordingly):

1. Governance

- (a) To oversee the production of the North Wales Fire and Rescue Authority's Annual Governance Statement and to recommend its adoption to the North Wales Fire and Rescue Authority.
- (b) To maintain an overview of the North Wales Fire and Rescue Authority's constitution, particularly in respect of the contract procedure rules and financial procedure rules.
- (c) To review any issue referred to it by the Chief Fire Officer, S. 151 Officer or Clerk, the North Wales Fire and Rescue Authority or the Executive Panel.

2. Financial, Resources and General Management and Assurance

The Committee shall:

- (a) Approve the Internal Audit Annual Work Programme;
- (b) Consider the Internal Audit reports;
- (c) Consider the Internal Audit Annual Report;
- (d) Appoint an effective and efficient Internal Audit Service; and
- (e) Review the performance of the Internal Audit Service;
- (f) Consider the Wales Audit Office's Annual Management Letter;
- (g) Consider the Annual Financial Statements and provide any comments to the North Wales Fire and Rescue Authority;
- (h) Provide feedback to the Wales Audit Office upon performance of the external audit.

3. Risk Management Panel

The Committee shall:

- (a) Monitor the effective development and operation of corporate risk management and corporate governance in the North Wales Fire and Rescue Authority;
- (b) Monitor the effectiveness of the internal control environment.

Part 3 – Responsibility for Functions

4. Performance

The Committee shall:

- (a) Review the effectiveness of performance management;
- (b) Review the achievement of Strategic Plan objectives;
- (c) Review the achievement of agreed performance indicators; and
- (d) Generally comment upon and make recommendations to the North Wales Fire and Rescue Authority Executive Panel or the Executive Group on the performance of the North Wales Fire and Rescue Authority.

5. Overview and Scrutiny

The Committee may:

- (a) Review the effectiveness of policies and strategies approved by the Executive Panel;
- (b) Review the effectiveness of decisions made by the Executive Panel;
- (c) Review generally the performance of the North Wales Fire and Rescue Authority Service;
- (d) Make such reports or recommendations to the North Wales Fire and Rescue Authority, Executive Panel or Executive Group as it considers appropriate;
- (e) Request the Clerk that a matter be added to any agenda for the North Wales Fire and Rescue Authority, Executive Panel or Executive Group provided that at least 10 clear days notice is given of such a request. All reasonable steps shall be taken to provide a written report on the matter to the meeting, but where this is not possible, an oral report shall be given;
- (f) The right to make a request under paragraph (d) shall be vested in the Chairperson of the Audit Committee or any three Members of that Committee;
- (g) where the Audit Committee considers that a matter requires urgent consideration by either the North Wales Fire and Rescue Authority or the Executive Panel then the Audit Committee shall have power to request a meeting of that Committee in accordance with rule (d) above.

Part 3 – Responsibility for Functions

Terms of reference for Standards Committee of North Wales Fire Authority

- 1 To promote and maintain high standards of conduct by the members of the authority.
- 2 To assist members of the authority to observe the authority's code of conduct.
- 3 To advise the authority on revision of the code of conduct.
- 4 To monitor the operation of the authority's adopted code of conduct.
- 5 To train authority members and advise on conduct matters generally.
- 6 Where statute so permits, to arrange dispensation to speak and/or vote where a member has an interest.
- 7 To receive and implement advice from the local commissioner and or recommendations from any adjudication panel or case tribunal.
- 8 Where statute permits, to receive reports and complaints in relation to members, to conduct or oversee appropriate investigations and to make appropriate recommendations to the authority.
- 9 To oversee the whistleblowing régime.
- 10 To receive local commissioner reports in relation to allegations of maladministration or allegations of breach of code or conduct and make appropriate recommendations.
- 11 To exercise such powers or duties as may be given or imposed on standards committees from time to time by legislation.

Powers delegated to the Committee

- 12 Delegated powers in relation to any matter within the terms of reference of the committee, except where this involves expenditure for which there is no approved budget.

Part 3 – Responsibility for Functions

Chief Fire Officer's Scheme of Delegation

North Wales Fire and Rescue Authority has resolved to delegate its decision making powers in the areas listed below to the Chief Fire Officer to take any such decisions on the Authority's behalf

1. The Chief Fire Officer may delegate any of his functions to an employee of the North Wales Fire and Rescue Authority; and may arrange for his functions to be discharged by employees of other local authorities (including employees of other fire and rescue authorities).
2. Exercise of incidental powers under section 5 of the Fire and Rescue Services Act 2004, except appointment of elected members to external bodies such as the Council of the Welsh Local Government Association.
3. In accordance with the Combined Improvement and Risk Reduction Plan and any policies approved by the Fire and Rescue Authority, decisions on discharge of the functions of the fire and rescue authority under sections 6 to 12 of the Fire and Rescue Services Act 2004.
4. Making, varying or revoking any arrangements with other persons in accordance with sections 13 to 17 of the Fire and Rescue Services Act 2004.
5. Decisions on charges under section 19 of the Fire and Rescue Services Act 2004, in accordance with the Authority's policy on charging.
6. Decisions on exercise of powers at sea or under the sea under section 20 of the Fire and Rescue Services Act 2004.
7. To the extent not already covered above: decisions on operational deployment of staff, equipment and use of buildings in accordance with the Combined Improvement and Risk Reduction Plan. This delegation does not include the power to close a fire station unless that is explicitly mentioned in the Plan or has been the subject of a resolution by the Fire and Rescue Authority.
8. Agreements etc. in respect of water supply under Part 5 of the Fire and Rescue Services Act 2004.
9. "Exercise of inspection, enforcement, advisory and consultative powers in respect of fire prevention. This delegation includes but is not limited to the Fire and Rescue Authority's functions under the Health and Safety at Work etc Act 1974 and regulations made thereunder, the Building Act 1984, the Housing Act 2004, the Regulatory Reform (Fire Safety) Order 2005, the Licensing Act 2003, the Gambling Act 2005, Safety of Sports Grounds Act 1975 and the Fire Safety and Places of Sport Act 1987.
10. Responsibility to formulate a policy taking into account the legislative changes to the pension scheme, to include the re-employment of staff following retirement.

Part 3 – Responsibility for Functions

11. In accordance with the policies for the time being adopted by the Fire and Rescue Authority, decisions on all personnel issues for employees of the Authority including appointments, discipline, pensions, appeals, authorisations under sections 45 to 46 of the Fire and Rescue Services Act 2004, leave etc.

This delegation does not apply to:

- (1) the appointment of the Chief Fire Officer, Deputy and Assistant Chief Fire Officers;
- (2) disciplinary proceedings commenced against, or pay or pension matters relating to, the Chief Fire Officer;
- (3) acting as appeals panel under the discipline, grievance and capability procedures where that role is conferred on the Fire and Rescue Authority;
- (4) decisions on use of discretionary powers under the Firefighters' Pension (Wales) Scheme or the Local Government Pension Scheme Regulations;
- (5) to the extent not already covered by (1) to (4), any decision where member involvement is required under legislation or any relevant national or local agreements.



NORTH WALES FIRE AUTHORITY

STANDING ORDERS

PART I: DEFINITIONS

STANDING ORDER 1: DEFINITIONS

(1) In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Authority” – the North Wales Fire Authority acting by means which they may lawfully adopt;

“Chief Officer” – the Chief Fire Officer, the Deputy Chief Fire Officer, the three Assistant Chief Fire Officers, the Clerk and the Treasurer to the Authority; (The persons for the time being holding these offices are named in appendix 1)

“Committee” – a committee of the Authority;

“Clerk” – is the Monitoring Officer and Constitutional Adviser to the North Wales Fire Authority

“Deputy Clerk” – is the Deputy Monitoring Officer and Constitutional Adviser to the North Wales Fire Authority

“Employee” – an employee of the Authority or holder of a paid office under the Authority other than the Chair, Deputy Chair or Fire Authority member;

“Leader of a political group” – the leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;

“Meeting” – a meeting of the Authority, a committee or a sub-committee as the case may be;

“Member” – in relation to the Authority, a member of the Authority; in relation to any committee or sub-committee a person appointed as a member of that committee or sub-committee, whether or not entitled to vote;

“Monitoring officer” – the person designated under section 5 of the 1989 Act (designation and reports of monitoring officer) or, if that person is unable to act owing to absence or illness, the person nominated as his/her deputy under subsection (7) of that section;

“Number of members” – in relation to the Authority, the number of persons who may act at the time in question as 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;

“Person presiding” – the person entitled, or appointed, to preside at any meeting;

Part 4 – Rules and Procedures

“Political group” – a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;

“Proper officer” – the Clerk to the Fire Authority except for those matters for which the Chief Fire Officer or the Treasurer is specifically designated as the proper officer;

“Sub-committee” – a sub-committee of a committee;

“The 1972 Act” – the Local Government Act 1972;

“The 1989 Act” – the Local Government and Housing Act 1989;

“The 1994 Act” – the Local Government (Wales) Act 1994;

“The 1995 Combination Scheme” – the North Wales Fire Services (Combination Scheme) Order 1995;

“The 2000 Act” – Local Government Act 2000;

“The 2004 Act” – the Fire and Rescue Services Act 2004;

“The whole number of members” – in relation to the Authority, the total number of persons who may become members of the Authority, as defined in Part III of the 1995 Combination Scheme.

“Without comment” – in relation to the moving, seconding or putting of a motion, 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.

- (2) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular.
- (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.

Part 4 – Rules and Procedures

PART II: MEETINGS OF THE AUTHORITY

STANDING ORDER 2: STANDING ORDERS

- (1) 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) Any motion to vary, 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 the proper officer shall prepare an appropriate report to that meeting.
- (3) This standing order and standing orders 17(2) and 22 are not capable of being suspended.
- (4) Any of the other standing orders may be suspended at the meeting where its suspension is moved provided that either:
 - (a) notice of intention to move such suspension has been included in the agenda for the meeting;
 - or
 - (b) at least one half of the number of the members of the Authority or committee or sub-committee are present, at least two thirds of whom vote for the suspension.
- (5) A printed copy of these standing orders shall be given by the proper officer to each member on appointment.
- (6) 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.

STANDING ORDER 3: ROLE OF THE FIRE AUTHORITY

- (1) To perform all the duties and responsibilities of a Fire Authority in accordance with appropriate legislation and regulations, in particular the Fire and Rescue Services Act 2004, the Fire Precautions Act 1971 and the 1995 Combination Scheme.
- (2) To approve the Combined Improvement and Risk Reduction Plan.
- (3) To approve the revenue and capital budgets and the contributions by the constituent Councils.
- (4) To monitor the revenue and capital budgets and deal with any significant variations, including decisions on any revised contributions.

STANDING ORDER 4: ORDINARY MEETINGS OF THE AUTHORITY

- (1) All annual and ordinary meetings of the Authority shall rotate in North Wales on a schedule to be agreed annually.
- (2) Meetings of the Authority shall take place a minimum of four times per year and the annual meeting shall take place no later than June. These meetings shall normally take place on the third Monday of the month unless otherwise determined by the Chair in consultation with the Clerk and Chief Fire Officer.

Part 4 – Rules and Procedures

STANDING ORDER 5: EXTRAORDINARY MEETINGS OF THE AUTHORITY

(1) The Chair of the Authority may at any time call an extraordinary meeting of the Authority.

(The 1972 Act, Sch. 12. par.3)

(2) If the Chair refuses to call an extraordinary meeting of the Authority after a requisition for that purpose, signed by five members of the Authority, has been presented to him/her, or, if without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her, then, any five members of the Authority, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Authority.

(The 1972 Act, Sch 12, par 3)

(3) Where any person or persons decide to call an extraordinary meeting of the Authority, he/she shall signify to the proper officer that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The proper officer shall thereupon ensure that the notices and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.

(4) Any extraordinary meeting of the Authority which may be called shall be held at such places as the Chair of the Authority may appoint.

STANDING ORDER 6: PERSON PRESIDING AT MEETINGS OF THE AUTHORITY

(1) At a meeting of the Authority the Chair, if present, shall preside.

(2) If the Chair is absent from a meeting of the Authority, then the Deputy Chair of the Authority, if present, shall preside, or

(3) If the Chair and Deputy Chair of the Authority are absent from a meeting of the Authority then:

another member of the Authority chosen by the members of the Authority present shall preside.

(The 1972 Act, Sch 12, par 5)

(4) Any power of the Chair of the Authority in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at the meeting.

(5) If it is necessary to choose a member of the Authority to preside in the absence of the Chair and Deputy Chair, the proper officer shall call on a member of the Authority to move that a member of the Authority to be named by that member shall take the chair.

(6) 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.

STANDING ORDER 7: QUORUM OF MEETINGS OF THE AUTHORITY

(1) No business shall be transacted at a meeting of the Authority unless at least one third of the whole number of members of the Authority are present.

(The 1995 Combination Scheme, Part III)

Part 4 – Rules and Procedures

- 2) If, during any meeting of the Authority, the person presiding, after causing the number of members present to be counted, declares that there is not a quorum present, the meeting shall stand adjourned. If the person presiding then believes that it will be unlikely that a quorum will be present in the next fifteen minutes, the meeting shall end.
- (3) 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 8: ORDER OF BUSINESS AT MEETINGS OF THE AUTHORITY

- (1) Unless the Authority otherwise order in accordance with paragraph (3), the order of business at every meeting of the Authority shall be:
 - (a) in the absence of the Chair and Deputy Chair, to choose a member of the Authority to preside;
 - (b) at the annual meeting, and at any other meeting which is the first after the office of the Chair shall have become vacant, to elect a Chair;
 - (c) to receive any declarations of interest from the members present
 - (ch) at the annual meeting, and at any other meeting which is the first after the office of Deputy Chair shall have become vacant, to appoint a Deputy Chair;
 - (d) at the annual meeting, to approve as a correct record the minutes of the previous annual meeting of the Authority and for the person presiding to sign them;
 - (dd) except where the minutes of all earlier meetings of the Authority have already been signed as a correct record, to approve as a correct record the minutes of the last ordinary or extraordinary meeting of the Authority, and of any earlier ordinary or extraordinary meeting of which the minutes have not been so approved, and for the person presiding to sign them;
 - (e) to receive communications from the person presiding and any necessary disclosure of interest by any member or officer;
 - (f) where the meeting has been called under Standing Order 5, to consider the business specified in the summons;
 - (ff) where a meeting has been summoned to consider:
 - (i) a report from the proper financial officer under section 114 of the Local Government Finance Act 1988;
 - (ii) a report of the monitoring officer under section 5 of the 1989 Act,
 - (iii) to consider the business for which the meeting has been summoned;
 - (g) where the meeting is the last ordinary meeting before 15th February in any year, and where the Authority has not yet resolved to do so, to assess or vary the contributions to be paid into the combined Fire Service fund by the constituent Authorities;

Part 4 – Rules and Procedures

- (ng) to receive petitions from members of the Authority;
 - (h) the asking and answering of questions notice of which has been given under standing order 10;
 - (i) to consider items of business, if any, which were on the agenda of the last meeting of the Authority and which were not disposed of or did not lapse;
 - (j) in the order prescribed under paragraph (2), to receive and consider reports of committees on matters on which a decision by the Authority is required;
 - (l) to receive and consider reports from chief officers of the Authority;
 - (ll) to authorise the sealing of documents so far as the Authority's authority is required by statute or these standing orders;
 - (m) to consider motions of which notice has been submitted by members of the Authority in accordance with standing order 9 in the order in which they are recorded as having been received;
 - (n) to consider other business, if any, specified in the summons for the meeting.
- (2) The items of business under item (i) in the last paragraph 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 by the Chair of the Authority.
- (3) The order of business in paragraph (1) may be varied by
- (a) direction of the person presiding, made with the majority consent of the members present; or
 - (b) a resolution of the Authority, moved, seconded and put without comment.
- (4) If the person presiding decides that an item of business not included in the agenda for the meeting sent with the summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraph (3), be taken at the end of the other items of business.

STANDING ORDER 9: NOTICE OF MOTIONS

- (1) Any member of the Authority may give notice of not more than three motions.
- (2) Notice of every motion to be moved at a meeting of the Authority other than a motion which, under standing order 18, may be moved without notice shall be given in writing, signed by the member or the members of the Authority giving the notice. The notice shall state for which meeting of the Authority the notice is given.
- (3) 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 at least fourteen clear days before the day of the meeting for which the notice is given.
- (4) 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 (9) below, could not be considered at the meeting for which it is given.

Part 4 – Rules and Procedures

- (5) The proper officer shall record the time and date at which every such notice is delivered to him/her. That record shall be open to the inspection of every member of the Authority.
- (6) Every motion shall be relevant to some matter in relation to which the Authority has functions.
- (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) Where notice of a motion has been given for any meeting, and that motion is neither moved (for whatever reason) nor deemed to have been referred to a committee, the notice shall lapse, and the motion shall not be moved without further notice.
- (9) Subject to paragraph (11) below, where a notice of motion has been given for any meeting and that motion is within the terms of reference of any committee of the Authority, the motion shall be deemed to have been referred by that meeting to the next meeting of the committee or committees within whose terms of reference it falls. A memorandum appended to the minutes of that meeting shall record the references that are deemed to have been so made. 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.
- (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 their next meeting and shall either report upon the motion to the next meeting of the Authority, or include their views upon the motion in their next report to the Authority.
- (11) Notwithstanding paragraph (9), a motion may be considered without first being referred to a committee if the Authority so resolve on a motion, of which notice under paragraph (1) above is required, but which shall be moved, seconded, and put without comment.
- (12) If notice is given under this standing order of any motion which, in the opinion of the proper officer, could properly be moved as an amendment to a motion for adoption of a recommendation of a committee which will be before the Authority, it shall not be accepted or placed on the agenda without the consent of the Chair of the Authority. In the event of non-acceptance the proper officer shall so inform the member giving the notice.

STANDING ORDER 10: QUESTIONS

- (1) At the discretion of the Chair of the Authority, a member of the Authority may ask the Chair of a committee any question upon an item of the report of a committee when that item is under consideration by the Authority.
- (2) A member of the Authority may:
 - (a) if three clear days notice in writing has been given to the proper officer, ask a Chair of any committee any question relating to business of the Authority;
 - (b) at the discretion of the Chair, put to him/her or to the Chair of any committee any question relating to an urgent matter, of which such notice has not been given, provided that a copy of such question has been handed to the proper officer before the start of the meeting.
- (3) Every question shall be put and answered without discussion but the questioner may ask one supplementary question arising out of the reply.

Part 4 – Rules and Procedures

- (4) Where a question is addressed to the Chair of the Authority or to the Chair of a committee and the information sought is contained in any of the Authority's publications, it shall be deemed a sufficient reply if the relevant publication is named. The provision of a written reply to any question may be circulated to members of the Authority at the start of the meeting.
- (5) No member is allowed to submit a notice of more than two questions for each meeting.
- (6) No more than 30 minutes may be spent on questions pursuant to paragraph (2) at any one meeting of the Authority. If questions remain unanswered at the expiration of that time, the questions and answers shall be circulated in a written form to members and press and included in due course in the minutes of the meeting.

STANDING ORDER 11: PRESENTATION OF PETITIONS

- (1) At a meeting of the Authority any member of the Authority may present a petition, signed by persons other than members of the Authority, which is relevant to some matter in relation to which the Authority has functions. The member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- (2) A member wishing to present a petition shall give notice of his/her intention to do so to the proper officer before the beginning of the meeting at which he/she wishes to present it.
- (3) The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer 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.
- (4) Petitions shall be presented in the order in which notice of them is received by the proper officer.

PART III: COMMITTEES AND SUB-COMMITTEES

STANDING ORDER 12: APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- (1)
 - (a) There shall be an Executive Panel consisting of 14 voting members, namely the Chair and Deputy Chair of the Authority and two members selected from among the members of each of the six constituent Authorities. These members may be selected by the constituent Authority and the Clerk will be notified.
 - (b) The terms of reference of, and functions to be discharged by, the Panel shall be as resolved by the Authority from time to time.
 - (c) These standing orders shall apply to the Executive Panel as if it were a committee of the Authority except for standing order 14(2).
 - (ch) The Chair, or, in his or her absence, the Deputy Chair, shall preside in meetings of the Panel.
- (2)
 - (a) There shall be an Audit Committee consisting of 14 voting members who are not on the Executive Panel. They will have:
 - (b) The terms of reference of, and functions to be discharged by, the Committee shall be as resolved by the Authority from time to time.
 - (c) These standing orders shall apply to the Audit Committee as if it were a committee of the Authority except for standing order 14(2).
 - (ch) The Audit Committee will appoint the Chair and Deputy Chair for ratification at the following Authority meeting.
- (3)
 - (a) There shall be a Standards Committee consisting of 4 independent members and 2 members of the Authority, appointed by the Authority.
 - (b) The terms of reference of the Standards Committee shall be as resolved by the Authority from time to time.
 - (c) Standing order 17 (minutes) shall apply to the Standards Committee but otherwise the following standing orders of the Authority shall not apply to the Committee: 3, 4, 5, 6, 7, 8, 20, 27 and 28.
 - (ch) The Standards Committee shall regulate itself in accordance with the requirements of legislation and such rules as the Committee itself may set.
- (4)
 - (a) The Authority may at any time resolve to establish any other committee, including its terms of reference and how many voting members it shall have.
 - (b) The Authority may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee.
 - (c) A resolution to make appointments under sub-paragraph (b) shall specify what number of appointments are to be made and what functions in relation to the committee each person so appointed may exercise.

Part 4 – Rules and Procedures

- (ch) The Authority may resolve what limitations shall be placed on the power of any such committee to arrange for the discharge by a sub-committee of any of the committee's functions.
- (d) The Authority may at any time amend resolutions under this paragraph, including resolving that a committee should cease to exist.
- (5) Every committee set up under paragraph (3), 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.
- (6) Subject to section 102(5) of the 1972 Act (councillor not re-elected to cease to be a member of a committee), any other relevant statutory provision and paragraph (7), 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 or sub-committee shall continue as such until the appointment is terminated by the Authority, or in accordance with paragraph (7).
- (7) Whenever:
 - (a) the Authority is required to review the allocation of seats on committees between political groups, or
 - (b) the Authority resolves to carry out such a review, or
 - (c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
 - (ch) 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 his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.
- (8) 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.
- (9) Whenever an appointment of a voting member of a committee or sub-committee falls 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 proper officer shall make or terminate the appointment accordingly.
- (10) Every committee may appoint sub-committees for such purposes as they think fit, provided that no standing sub-committee may be appointed without the approval of the Authority after consideration of a report by the proper officer.
- (11) The Chair and Deputy Chair of the Authority may attend and speak (but may not vote) at a meeting of a committee of which they are not voting members.
- (12) The person appointed to preside at the meetings of a committee, and his/her deputy, may attend and speak at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting member.

Part 4 – Rules and Procedures

- (13) 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.
- (a) during consideration of any motion of which notice has been given which he/she has moved or seconded at a meeting of the Authority and which has been referred to that committee or sub-committee; or
 - (b) with the agreement of the person presiding at the meeting of the committee or sub-committee; or
 - (c) by giving at least two clear days written notice to the proper officer of his/her intention to do so and of the matter on the agenda for the meeting on which he/she wishes to speak.

STANDING ORDER 13: MEETINGS OF COMMITTEES AND SUB-COMMITTEES

- (1) The Authority may fix the date, time and place of ordinary meetings of committees and sub-committees.
- (2) If the Authority does not fix the date, time or place of an ordinary meeting of a sub-committee, the committee which appointed it may do so.
- (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), that committee or sub-committee shall fix those details of the meeting which have not otherwise been fixed:

provided that:
 - (a) 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;
 - (b) for any other meeting of a committee or sub-committee, the Chair of the Authority or the person appointed to preside in that committee or sub-committee, after consultation (so far as practicable) with such persons as appear to him/her 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 paragraph (5).
- (4) The person appointed to preside at meetings of a committee or sub-committee, his/her deputy, or the Chair of the Authority may call a special meeting of the committee or sub-committee at any time.
- (5) If:
 - (a) a requisition for a special meeting of a committee or sub-committee signed by at least one-third of the number of the members of the committee or sub-committee, whichever is greater may forthwith call a special meeting; and
 - (b) either he/she has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition.

Part 4 – Rules and Procedures

- (6) If any person decides to call a special meeting of a committee or sub-committee, he/she shall forthwith give notice that he/she 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.
- (7) Any requisition under paragraph (5) may be presented by being left with the proper officer.

STANDING ORDER 14: PERSONS PRESIDING IN COMMITTEES AND SUB-COMMITTEES

- (1) If the Chair and Deputy Chair are appointed by the Authority as voting members of a committee, the Chair (or, in his or her absence the Deputy) shall preside in meetings of the committee.
- (2) Subject where appropriate to paragraph (1) each committee and sub-committee at their first meeting after the annual meeting of the Authority shall, from among their voting members, appoint a person to preside at their meetings for the ensuing year, and shall, in the same way, appoint a person to preside in the absence of the first person.
- (3) If the persons appointed under the previous paragraph of this standing order are absent, a meeting of a committee or sub-committee shall appoint, from among the voting members present, a person to preside at that meeting.
- (4) Whenever it is necessary for the committee or sub-committee to appoint a person to preside, the proper officer shall call on a voting member of the committee or sub-committee to move that an eligible voting member of the committee or sub-committee to be named by that member shall take the chair.
- (5) If discussion arises, the proper officer shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting.

STANDING ORDER 15: QUORUM OF COMMITTEES AND SUB-COMMITTEES

- (1) No business shall be transacted at any meeting of a committee or sub-committee unless at least one third of the number of members of the committee or sub-committee, as the case may be, are present.
- (2) The provisions of standing order 7 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 IN COMMITTEES AND SUB-COMMITTEES

- (1) At least seven clear days before every meeting of a committee or sub-committee, or as soon as the meeting is called, whichever is later, the proper officer shall send to every voting member and to every other person entitled to receive the papers of the committee or sub-committee a copy of the agenda for the meeting.
- (2) The agenda shall include
 - (a) all items of business which have been, or are deemed to have been, referred to the committee or sub-committee by the Authority or by another committee or sub-committee, as the case may be;

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- (b) all reports submitted to the committee or sub-committee by the Chief Fire Officer, the Clerk to the Authority, the Treasurer to the Authority or any other Chief Officer;
 - (c) any item of business directed to be included by the person appointed to preside at the meetings of the committee;
 - (ch) any other item of business of which the requisite notice has been given to the proper officer by a member of the Authority whether or not he/she is a member of the committee or sub-committee and which is within the terms of reference of the committee or sub-committee; provided that no member (other than the person appointed to preside at meetings of the committee or sub-committee) may give notice of more than one item of business for any one meeting;
 - (d) To receive declarations of interest by Members of the Authority.
- (3) The requisite notice is fourteen clear days notice in writing before the date fixed for the meeting of the committee or sub-committee.
- (4) Any member of the Authority shall have, whether or not he/she is a member of the committee or sub-committee, and any other member of the relevant sub-committee:
- (a) if three clear days' written notice have been given to the proper officer, the right to ask of the Chair of the committee or sub-committee, any question related to the business of that committee or sub-committee;
 - (b) at the discretion of the Chair of the committee or sub-committee, the right to ask him/her any question on an urgent matter, notice of which had not been given, subject to the receipt by the proper officer of a copy of the said question before the meeting.

Paragraphs 3 to 6 of Standing Order 10 shall also be applied to questions asked in accordance with this paragraph.

- (5) Subject to any directions given by the person appointed to preside at the meetings of 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.

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PART IV: CONDUCT OF MEETINGS

STANDING ORDER 17: MINUTES

- (1) Subject to paragraph (2) and (2A) minutes of every meeting of the Authority, of any committee or of any sub-committee shall be submitted to, and signed at, that meeting or at the next suitable meeting of the body concerned.
- (2) Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph (3) (extraordinary meetings) of Schedule 12 to the 1972 Act, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be the next suitable meeting for the purpose of paragraph (1).
- (2A) In relation to the annual meeting of the Authority, the next annual meeting of the Authority shall be the next suitable meeting for the purpose of paragraph (1).
- (3) The person presiding shall propose 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.
- (4) 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.
- (5) All minutes shall be in Welsh and English.

STANDING ORDER 18: MOTIONS AND AMENDMENTS

- (1) The following motions may be moved by a voting member without notice at any meeting at which they would be in order:
 - (a) to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions under standing order 8(3) (change in order of business);
 - (ch) motions extending the time limit for speeches;
 - (d) “that the Authority (or committee or sub-committee) proceed to the next business”;
 - (dd) “that the question be now put”;
 - (e) “that the debate be now adjourned”;
 - (f) “that the Authority (or committee or sub-committee) do now adjourn”;
 - (ff) motions under standing order 2(4)(b) (suspension of standing orders without notice);
 - (g) 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;

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- (ng) motions giving consent of the Authority, committee or sub-committee where it is required under these standing orders;
 - (h) motions to refer a petition which has been presented to the Authority to a committee for consideration;.
 - (i) where a matter has been remitted to a committee or sub-committee, a motion to appoint a special committee or sub-committee to consider the matter;
 - (j) motions under standing order 21 (prevention of disorderly conduct) that a named member be not further heard, or do leave the meeting;
 - (l) motions authorising the sealing of documents;
 - (ll) motions arising from correspondence or other items specified in the summons to the meeting.
- (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 by a voting member without notice.
- (3) An amendment to a motion may be moved by a voting member without notice, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- (4) An amendment 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. In respect of a motion to adopt a report of a committee or sub-committee, an amendment relevant to one or more items in the report which does not comprise the whole of the report does not amount to negating the motion.
- (5) With the consent of the meeting, signified without discussion, a voting member may
- (a) alter a motion of which he/she has given notice, or
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded, if (in either case) the alteration is one which could be made as an amendment thereto.
- (6) With the consent of the seconder (if he/she 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.
- (7) Except under standing order 12(3), no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period:

provided that such a motion may be moved at a meeting of the Authority if

- (a) it is recommended by a committee or sub-committee; or
- (b) notice of such motion has been given by the number that represents the quorum for the Authority.

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- (8) There is no power of rescission of any proper resolution which has been acted upon.
- (9) Where the consent of the Authority, committee or sub-committee is required for anything, that consent may be given either:
 - (a) by the person presiding asking the meeting whether there are objections to the consent being given, and, if no objection is raised, giving that consent; or
 - (b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.
- (10) If any question arises which would be likely to result in the disclosure to members of the public of exempt information of the categories described in Parts 4 to 6 of Schedule 12A to the 1972 Act such questions shall not be the subject of discussion until a motion to exclude the public has been proposed and voted upon.

STANDING ORDER 19: RULES OF DEBATE (GENERAL)

- (1) The rules of debate in this standing order shall apply to all meetings of the Authority, of any committee and or any sub-committee.

Motions and amendments

- (2) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (3) When seconding a motion or amendment, a member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.
- (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 him/her before it is further discussed.
- (5) Only one amendment may be moved and discussed at a time. No further amendment shall be moved:
 - (a) unless notice thereof has been given by the proposer before the amendment immediately prior to it is put to the vote;
 - (b) until the meeting shall have disposed of every amendment previously moved.

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

- (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. Whenever any final amendment is not carried the person presiding shall put to the vote the relevant motion.

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Speeches

- (7) If two or more members offer to speak, the person presiding shall call on one to speak and where appropriate shall call to speak alternatively supporters and opposers for the question under discussion.
- (8) When speaking, a member shall address the person presiding.
- (9) A member may only speak in relation to the question under discussion, or to a personal explanation or a point of order under the provisions of the next paragraph.
- (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 personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.
- (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.
- (12) Whenever the person presiding calls the meeting to order during a debate, a member then speaking shall be silent and if standing shall resume his/her seat, and the Authority or committee or sub-committee shall be silent.

Ancillary motions

- (13) When a motion is under debate, no other motion shall be moved except the following:
 - (a) to amend the motion;
 - (b) a closure motion under the next paragraph;
 - (c) a motion under standing order 21 (prevention of disorder);
 - (ch) a motion under section 100A(2) or (4) of the 1972 Act (exclusion of the public).
- (14) 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:
 - (a) “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;
 - (b) “that the question be now put”

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if the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed, he/she may refuse to accept the motion; if he/she accepts the motion, he/she shall put to the vote forthwith the motion that the question be now put; if this is carried, he/she shall permit the mover of the original motion (at meetings of the Authority) any right of reply to which he/she is entitled under standing order 20(4) and (at meetings of other committees or sub-committees) a right to reply for not more than three minutes, and shall then put that motion to the vote;

(c) “that the debate be now adjourned”; and

(ch) “that the meeting do now adjourn”;

if the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may refuse to accept either of these motions, and instead put the motion that the question be now put; if he/she is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote, without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Authority, committee or sub-committee, as the case may be.

- (15) (a) in all meetings the Welsh language and the English language shall have the same status and validity;
- (b) all persons shall have the right when speaking in any meeting to speak in either Welsh or English;
- (c) the Clerk to the Authority shall arrange for instantaneous translation from Welsh into English to be provided at all meetings;
- (ch) in the absence of instantaneous translation the business of a meeting may proceed, but the person presiding shall ensure, at the request of any member (including the speaker) that the exact words of any motion, amendment, question, answer or point of order and at least the substance of any speech or comment are translated provided that any inadvertent failure to comply with this rule, or any inadvertent error in translation, shall not invalidate any resolution.

STANDING ORDER 20: RULES OF DEBATE (AUTHORITY MEETINGS)

- (1) While a member is speaking, the other members shall remain silent, unless speaking to a point of order or in personal explanation.
- (2) Except with the consent of the Authority, signified without comment, the mover of a motion shall not speak for more than 10 minutes and no other speaker shall speak for more than 5 minutes. For the purpose of this paragraph a person who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any time permitted under a right of reply.
- (3) A member who has spoken on any motion shall not speak again while it is the subject of debate, except:
- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;

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- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment to which he/she spoke was carried;
 - (ch) in exercise of a right of reply under paragraph (5);
 - (d) on a point of order or by way of personal explanation under standing order 19(10).
- (4) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment. A member exercising a right of reply shall not introduce any new matter.

STANDING ORDER 21: PREVENTION OF DISORDERLY CONDUCT

- (1) If the person presiding is of the opinion that a member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling chair, or by behaving irregularly, improperly or 'offensively, or by wilfully obstructing the business of the meeting, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) he/she may move that the member named be not further heard; this motion shall not require to be seconded, but shall be put and decided without comment; if it is carried, the member shall not speak further at that meeting;
 - (b) he/she may move that the member named shall leave the meeting; this motion shall not require to be seconded, but shall be put and decided without comment; if it is carried, the member named shall forthwith leave the meeting;
 - (c) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.
- (2) If a member of the public interrupts or interferes with proceedings at any meeting, the person presiding shall warn him/her of the action which might be taken under this standing order. If he/she continues the interruption or interference, the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.
- (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 fifteen minutes or such period as shall seem expedient to him/her.
- (4) The powers conferred by this standing order are in addition to any other powers which the person presiding may lawfully exercise.

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STANDING ORDER 22: VOTING

Extracts from the Statutes

Subject to the provision of any enactment all questions coming or arising from a Local Authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.

Subject to those provisions, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(The 1972 Act, Sch 12, par 39)

- (1) Except as provided in this standing order the method of voting at meetings of the Authority, committees, and sub-committees shall be by show of hands.
- (2) If a requisition is made by the appropriate 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 member present gave his/her vote for or against that question or abstained from voting.
- (3) The appropriate number of members is: 1/3 of the membership of the Authority, committee or sub-committee as the case may be.
- (4) Immediately after the vote has been taken on any question, any voting member may require in relation to the vote that the minutes show whether that member cast his/her vote for the question or against the question or whether s/he abstained from voting.
- (5) The voting on an appointment to the chairmanship or deputy chairmanship of the Authority or of a committee (but not necessarily a sub-committee) or to the staff shall be carried out by secret ballot.
- (6) Where there are more than two persons nominated for any position or office to be filled by the Authority or a committee or a sub-committee, and there is not a majority of the votes given 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. Standing Order 1(2) shall not apply to the interpretation of "the person with the least number of votes" in this paragraph. In multiple elections, votes cast for fewer candidates than the number of vacancies shall be invalid.

STANDING ORDER 23: ATTENDANCE

Every member attending a meeting of the Authority, a committee or a sub-committee shall sign his/her name in the attendance book or on the attendance sheet provided for that purpose.

PART V: DECLARATION OF INTERESTS

STANDING ORDER 24: INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- (1) Where any member has a personal interest in a matter that is to be considered in a meeting of the Authority, committee or sub-committee, he or she shall declare that interest at the point in the agenda for the declaration of interests or as soon as the interest becomes apparent. Any such declaration shall be recorded in the minutes of the meeting.
- (2) Where, in accordance with the Fire Authority's code of conduct prescribed under sections 50 and 81 of the 2000 Act, the personal interest mentioned in paragraph (1) is such that a member is required to withdraw from consideration of the matter, the member shall withdraw from the room in which the meeting is being held while the matter is under consideration unless the Standards Committee of the Authority has granted a dispensation under section 81(4) of the 2000 Act or unless one of the exemptions under the code of conduct applies.
- (3) Any person, other than an officer of the Authority, who is appointed to do anything in connection with a committee or sub-committee which enables him or her to speak at meetings of that committee or sub-committee, shall make the same declarations of personal interests, and shall withdraw from the room in which the meeting is being held on the same occasions, as he or she would do if he or she were a member of that committee or sub-committee.

STANDING ORDER 25: INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- (1) In addition to his/her duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the Authority that he/she has a disclosable personal interest in any contract which has been, or is proposed to be, entered into by the Authority, or in some other matter which is to be considered by the Authority or any committee or sub-committee, and which (in either case) is not the contract of employment (if any) under which he/she serves the Authority, he/she shall as soon as practicable give notice in writing to the proper officer of the fact that he/she is interested therein.
- (2) For the purposes of this standing order, a disclosable personal interest is an interest that, if the officer were a member of the Authority, and if the contract or other matter were to be considered at a meeting of the Authority at which he/she were present, he/she would have to disclose in accordance with section 81 of the 2000 Act.
- (3) The proper officer shall record, in a book to be kept for the purpose, particulars of any notice of a personal interest given by an officer of the Authority under section 117 of the 1972 Act or paragraph (1). The book shall, during the ordinary office hours of the Authority, be open for inspection by any member of the Authority.
- (4) Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or paragraph (1), he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (5) Where any officer advises orally a meeting of the Authority, a committee or a sub-committee on a contract, grant, proposed contract or other matter and has declared a personal interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest.

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STANDING ORDER 26: CANVASSING

- (1) Canvassing by an applicant of any member of the Authority directly or indirectly for any appointment under the Authority shall disqualify the applicant for that appointment. The purport of this standing order shall be included in every advertisement inviting application for appointments or in any form of application.
- (2) A member of the Authority shall not solicit for any reason any appointment under the Authority, and shall not give written testimonial of a candidate's ability, experience or character for submission with an application for appointment to a post under the Authority.

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PART VI: MISCELLANEOUS

STANDING ORDER 27: SEAL OF THE AUTHORITY

- (1) The common seal of the Authority shall be kept in a safe place in the custody of the Chief Fire Officer.
- (2) The common seal of the Authority shall be affixed to a document only on the authority of:
 - (a) a resolution of the Authority;
 - (b) a resolution of a committee or sub-committee which the Authority has empowered to authorise the use of the seal;
 - (c) a decision by the Authority, or by a duly authorised committee, sub-committee or officer, to do anything where a document under the common seal is necessary to complete the action.
- (3) The affixing of the common seal shall be attested by the proper officer or by a deputy authorised in writing by the proper officer. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

STANDING ORDER 28: ATTESTATION OF DOCUMENTS

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 Clerk to the Authority or any officer authorised in writing by such officer.

STANDING ORDER 29: ACCESS TO DOCUMENTS, INFORMATION AND LAND

Extracts from the Statutes

Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council shall subject to [the following provision], be open to inspection by any member of the Authority.

Where it appears to the proper officer of the council that a document discloses exempt information of a description for the time being falling within any of the paragraphs 1 to 6, 9, 11, 12 and 14 of Part 1 of Schedule 12A to this Act, [the foregoing provision] does not require the document to be open to inspection.

(The 1972 Act, Section 100F(1) and (2))

- (1) In addition to the rights of members of the Authority under section 100F of the 1972 Act, but subject to paragraph (2) below, the following persons shall be entitled on application to the proper officer to inspect any documents or have access to other information of the following descriptions:
 - (a) any member of the Authority or other member (whether voting or not) of any committee or sub-committee:

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- (i) any document in the possession or under the control of the Authority which relates to any matter in relation to which a committee or sub-committee of which he/she is a member may discharge a function of the Authority or advise the body which appointed them;
 - (ii) any other recorded information, not in the form of a document, in the possession, or under the control, of the Authority which is necessary for the proper discharge of his/her functions as a member of such a committee or sub-committee;
- (b) any member of the Authority:
 - any other document or other recorded information in the possession, or under the control, of the Authority access to which is necessary for the proper discharge of his/her functions as a member of the Authority; provided that:
 - (i) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he/she has a personal interest;
 - (ii) a person may be refused the right to inspect a document within paragraph (a)(i) which it is not necessary for him/her to inspect for the purposes of the proper discharge of his/her functions as a member of the committee or sub-committee in question, if there is good reason why such inspection should be refused;
 - (iii) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the Authority.
- (2) In the case of any document other than a document to which the rights under section 100F of the 1972 Act apply, and in any case of information which is not in the form of a document, if the proper officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Authority or as a member of a committee or sub-committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he/she may refuse the person concerned access to the document or information in question.
- (3) Where a person inspects a document under the rights conferred by section 100F of the 1972 Act or this standing order, and the Authority may lawfully make a copy of that document, he/she shall be entitled, on request, to be given a copy of that document:
 - provided that
 - (a) a reasonable charge shall be made for the copy unless the proper officer otherwise directs;
 - (b) a copy may be refused if the proper officer considers that it is impracticable to make a copy.

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- (4) If any member of the Authority or other member (whether voting or non-voting) of a committee or sub-committee wishes to have access to land or buildings occupied by the Fire and Rescue Service to which members of the public do not have access or to which members of the Authority do not regularly have access, he/she shall make a request to the Chief Fire Officer. Unless the Chief Fire Officer is of the opinion that there is a good reason why such access should be denied, he/she shall give permission but can place conditions on that permission including in particular a condition whereby a specified officer of the Fire and Rescue Service shall accompany the member.
- 5) If any member of the Authority or any other member of a committee or sub-committee is dissatisfied with any determination of a proper officer under section 100F of the 1972 Act or under this standing order, he/she may refer the question to the next meeting of the Authority, which shall, after considering any representations that that person or the proper officer may wish to make, determine whether or not to uphold the proper officer's determination.
- (6) No member of the Authority and no other member (whether voting or non-voting) of a committee or sub-committee shall have any claim by virtue of his/her position:
 - (a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which members of the Authority do not regularly have access except with the permission of the Chief Fire Officer for which the land or buildings are occupied;
 - (b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority;
 - (c) to exercise any other power of the Authority;
 - (ch) to issue any order with respect to any works which are being carried out by, or on behalf of, the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.
- (7) For the purposes of this standing order a person has a personal interest in a matter if, on the assumptions that he/she were a member of the Authority, and that the matter were to be considered by the Authority, he/she would have to declare the interest in accordance with section 81 of the 2000 Act.
- (8) Where any information is given to any person (including a member of the Authority or any other member of a committee or sub-committee) by the Authority or by one of its employees in the course of transacting any business of the authority, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the Authority.

Appendix 1

To be updated.

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Financial Procedure Rules

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Part 4 – Rules and Procedures

SECTION 1 – STATUS

- 1.1 Financial Procedures provide the framework for managing the Authority's financial affairs, and are part of the North Wales Fire Authority's constitution. They apply to every member and officer of the Authority, and anyone acting on its behalf.
- 1.2 The purpose of the Financial Procedures is to ensure that public accountability and high standards of financial integrity are exercised in the control of public funds that pass through the Authority. The Financial Procedures govern the day to day operation of the Authority's financial administration. They are introduced both to protect the interests of the Authority, and all those who are involved with financial administration.
- 1.3 All members and officers 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, properly authorised, provides value for money and achieves best value.
- 1.4 The Treasurer is responsible for maintaining a continuous review of the Financial Procedures, and for submitting any additions or changes necessary to the Authority for approval. The Treasurer is also responsible for reporting, where appropriate, any breaches of Financial Procedures. In the event of dispute as to the meaning of any of the provisions of the Financial Procedures the matter shall be determined by the Treasurer whose decision shall be final.
- 1.5 Where in the Financial Procedures, an officer is designated by reference to his /her job title, the responsibilities shall relate to the post holder. Such an officer may arrange for officers under his/her supervision or management to carry out any of the obligations, duties or activities required to be performed by him/her under the Financial Procedures, or to act in his/her absence, provided that the named post holder shall retain responsibility to the Authority.
- 1.6 The Treasurer is responsible for issuing advice and guidance to underpin the Financial Procedures that Members, officers and others acting on behalf of the Fire and Rescue Authority are required to follow.
- 1.7 Principal Officers are responsible for ensuring that all staff in their service areas are aware of the existence and content of the Authority's Financial Procedures, and guidance documents issued by the Treasurer, and that they comply with them. Failure to comply with the Financial Procedures, or the instructions issued under them, or any arrangements made for the purposes of them, will constitute misconduct.
- 1.8 Other related documents approved by the Authority include the General and Contract Standing Orders, Anti-Fraud and Corruption Strategy, Scheme of Delegations and Codes of Conduct.

Part 4 – Rules and Procedures

SECTION 2 – FINANCIAL MANAGEMENT

- [General](#)
- [Managing Expenditure](#)
- [Treatment of Year End Balances](#)
- [Accounting Policies](#)
- [Accounting Records and Returns](#)
- [Annual Statement of Accounts](#)

GENERAL

Why is this Important?

- 2.1 Financial management covers all financial accountabilities in relation to the running of the Authority, including the budget and policy framework. All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key Controls

- 2.2 The key controls for financial management are:-
- to ensure the promotion of proper financial management throughout the Authority;
 - to have a system in place to review compliance with financial standards.

Responsibilities of the Treasurer

- 2.3 To be responsible, for the purposes of Section 112(2)(b) Local Government and Finance Act 1988 (as amended by the Fire and Rescue Services Act 2004 Sch 1, para 68(3)) and section 114 of the Local Government and Finance Act 1988 for the proper administration of the Authority's financial affairs.
- 2.4 As the Authority's financial adviser, to:-
- report to the Authority on resource availability and resources allocation.
 - advise the Authority of the financial implications of proposals submitted to them.
 - keep the Authority informed with respect to the Authority's finances and financial performance and other committees informed with respect to financial implications of their activities.
 - advise on financial systems and procedures for all service areas of the Authority including advice to the Authority if inadequate systems exist.
 - advise the Authority on the financial aspects of all policy matters.
- 2.5 To set the financial management standards and to monitor compliance with them.
- 2.6 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Authority.

Part 4 – Rules and Procedures

- 2.7 The Treasurer shall, after consultation with the Monitoring Officer, personally make a report to the external auditor and each Member if it appears to him/her that a Member, officer or partnership of which the Authority is represented:
- has made or is about to make a decision which involves or would involve the Authority in unlawful expenditure;
 - has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority;
 - is about to enter an item of account the entry of which is unlawful.
- 2.8 He shall also make such a report if it appears to him /her that the expenditure of the Authority incurred (and proposed to incur) in a financial year is likely to exceed the resources (including borrowings) available to meet that expenditure.

Responsibilities of Principal Officers

- 2.9 To ensure that that the Financial Procedures are followed and brought to the attention of all employees in their service areas.
- 2.10 To be responsible, in consultation with the Treasurer for:
- the financial administration of their service areas in compliance with the Financial Procedures;
 - the monitoring and control of expenditure against their service area capital and revenue budgets.
 - the design and operation of systems of internal control capable of:
 - i. carrying out the activities of the Authority in an effective and efficient manner;
 - ii. ensuring adherence to the Authority Policy Framework and Budget;
 - iii. safeguarding assets;
 - iv. securing, as far as possible the completeness and accuracy of records;
 - v. ensuring value for money and preventing waste.
- 2.11 To provide all information required by the Treasurer for finance purposes on a timely basis, and to allow him/her or an authorised representative access to all information, records, documents and explanations that he/she requires.
- 2.12 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 2.13 To establish and maintain 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.
- 2.14 To allow the Treasurer adequate opportunity to provide written comments for inclusion in any reports having direct or indirect financial implications for decision by the Authority or any of its Committees or for the purpose of exercising delegated powers.

Part 4 – Rules and Procedures

- 2.15 To consult with the Treasurer with respect to any matter within his/her purview which is liable to materially affect the finances of the Authority, before any provisional or other commitment is incurred or before reporting thereon to the Authority or any of its Committees.
- 2.16 To inform the Treasurer when officers intend to meet with representatives of Government Service areas or outside bodies on matters which may involve current or future financial or economic proposals and be given the opportunity of being represented or advised of the proposals as the Treasurer considers necessary.
- 2.17 To take action upon any internal audit reports to ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 2.18 To ensure that all employees who are responsible for financial administration are issued with appropriate instructions.
- 2.19 To ensure that there is a clear separation of duties within the administration of all systems to ensure adequate controls are in place.
- 2.20 To ensure processes are in place to maintain proper records of authorised signatories for all financial systems and to ensure that only these officers sign key documents such as orders, invoices, claims and payroll records.
- 2.21 To immediately notify the Monitoring Officer and the Treasurer in writing whenever any matter arises which involves, or is thought to involve, a breach of security, theft, or irregularities concerning cash, stores or other property of the Authority, or any suspected irregularity in the exercise of the functions of the Authority.
- 2.22 To liaise with the Monitoring Officer and the Treasurer in relation to the investigation of any suspected irregularities within their service area, in line with the Authority's Anti-Fraud and Corruption Strategy.
- 2.23 To ensure that all employees comply with the Financial Procedures and any instructions issued under them or any arrangements made for the purposes of them.
- 2.24 To ensure that any arrangements made under or for the purposes of the Financial Procedures should be in writing and where necessary conveyed in writing to relevant employees.
- 2.25 To promote the financial management standards set by the Treasurer in their service areas, and to monitor adherence to the standards and practices, liaising as necessary with the Treasurer.
- 2.26 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.

Part 4 – Rules and Procedures

MANAGING EXPENDITURE

Virement and in-year changes to the budget

Why is this Important?

2.27 The scheme of virement is intended to enable Principal Officers and their staff to manage budgets with a degree of flexibility within the overall budget and policy framework determined by the full Fire and Rescue Authority, and therefore to optimise the use of resources.

Key Controls

2.28 Key controls for the scheme of virement are:

- the overall revenue budget is approved by the full Fire and Rescue Authority. Principal 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 budget headings:
- virement does not create additional overall budget capacity. Principal Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not support recurring revenue 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. Principal Officers must plan to fund such commitments from within their own budgets;
- the capital programme is drawn up in line with the Corporate Asset management plans and approved by the full Fire and Rescue Authority and contains details of approved expenditure on capital schemes.

2.29 The Medium Term Financial Plan is a resource framework covering a number of years. It is a planning tool reflecting the resource implications of delivering Authority policies as enshrined within the Improvement Plan and other planning documents. It does not represent authority to spend.

Responsibility of Principal Officers

2.30 Virement of sums not exceeding £100,000 provided under specific published budget heads to other purposes.

2.31 To refer to the Fire and Rescue Authority for approval, virements in excess of £100,000 provided under the specific published budget heads. A report will be prepared by the appropriate Principal Officer, in consultation with the Treasurer.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 2.32 To refer to the Fire and Rescue Authority for approval, virements in excess of £100,000 provided under the specific published budget heads. A report will be prepared by the appropriate Principal Officer, in consultation with the Treasurer.
- 2.33 Nothing in these regulations is intended to prevent spending in emergency circumstances as agreed between the Chief Fire Officer and the Treasurer or Monitoring Officer.

TREATMENT OF YEAR END BALANCES

Why is this Important?

- 2.34 It is important to have a set of rules for the proper treatment of year end balances.

Key Controls

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

Responsibilities of the Treasurer

- 2.36 To transfer to reserves and provisions any appropriate under-spending arising from the outturn at financial year ends.
- 2.37 To report to the Fire and Rescue Authority as part of the budget process on the Authority's financial standing.

ACCOUNTING POLICIES

Why is this Important?

- 2.38 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 relevant codes of practice on local authority accounting in the United Kingdom, for each financial year ending 31 March.

Key Controls

- 2.39 The key controls for accounting policies are:
- systems of internal control are in place that ensure that financial transactions are lawful;
 - suitable accounting policies are selected and applied consistently;
 - proper accounting records are maintained;
 - financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 2.40 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 31st March each year, and covers such items as:
- separate accounts for capital and revenue transactions;
 - the basis on which debtors and creditors at year end are included in the accounts;
 - details on substantial provisions and reserves;
 - fixed assets;
 - depreciation;
 - financial instruments;
 - work in progress;
 - stocks and stores;
 - deferred charges;
 - accounting for value added tax;
 - government grants;
 - leasing.

Responsibilities of Principal Officers

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

ACCOUNTING RECORDS AND RETURNS

Why is this Important?

- 2.42 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 arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.
- 2.43 The key controls for accounting records and returns are:
- finance staff and budget managers operate within the required accounting standards and timetables;
 - all the Authority's transactions, material commitments and other essential accounting information are recorded completely, accurately and on a timely basis;
 - procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
 - reconciliation procedures are carried out to ensure transactions are correctly recorded;
 - prime documents are retained in accordance with legislative and other requirements.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 2.44 To determine the accounting procedures and records for the Authority.
- 2.45 To arrange for the compilation of all accounts and accounting records under his or her direction.
- 2.46 To comply with the following principles when allocating accounting duties:
 - 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;
- 2.47 To make proper arrangements for the audit of the Authority's accounts in accordance with the current Accounts and Audit Regulations.
- 2.48 To certify and ensure that all claims for grants and other financial returns required by Government Departments and other bodies are made by the due date.
- 2.49 To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement.
- 2.50 To determine the retention period of financial records where there are no requirements prescribed by statutory or other external regulations.

Responsibilities of Principal Officers

- 2.51 To consult and obtain the approval of the Treasurer before making any changes to accounting records and procedures.
- 2.52 To comply with the following principles when allocating accounting duties:
 - 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;
- 2.53 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 2.54 To ensure that the retention periods of financial records, as determined by the Treasurer, are complied with. Where retention periods are prescribed by statutory or other external regulations, the Principal Officer should ensure that these are complied with.
- 2.55 To ensure that financial records are not disposed of other than in accordance with prescribed statutory requirements and as approved by the Treasurer.
- 2.56 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Treasurer.

Part 4 – Rules and Procedures

ANNUAL STATEMENT OF ACCOUNTS

Why is this Important?

- 2.57 The Authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year.

Key Controls

- 2.58 The key controls for the annual statement of accounts are:
- the Authority is required to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Treasurer;
 - the Authority's statement of accounts must be prepared in accordance with proper practices as set out in the relevant codes of practice on local authority accounting in the United Kingdom and within International Financial Reporting Standards.

Responsibilities of Treasurer

- 2.59 To comply with Statements of Recommended Practice and International Financial Reporting Standards.
- 2.60 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 31st March.
- 2.61 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.
- 2.62 To agree and issue letters of representation as appropriate
- 2.63 To facilitate the External Audit process leading to production of the external auditors report.

Responsibilities of Principal Officers

- 2.64 To comply with accounting guidance provided by the Treasurer, and to supply the Treasurer with information in the format, and by the date, requested.

Part 4 – Rules and Procedures

SECTION 3 – FINANCIAL PLANNING

- [Performance Plans](#)
- [Revenue Budgeting and Monitoring](#)
- [Capital Budgeting and Monitoring](#)
- [Maintenance of Reserves](#)

PERFORMANCE PLANS

Why is this Important?

- 3.1 The Authority has a statutory responsibility to publish various performance plans. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. External audit is required to report on whether the Authority has complied with statutory requirements in respect of performance planning.

Key Controls

- 3.2 The Key Controls for performance plans are:
- to ensure that all relevant plans are produced and that they are consistent
 - to produce plans in accordance with statutory requirements
 - to meet the timetables set
 - to ensure that all performance information is accurate, complete and up to date
 - to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Treasurer

- 3.3 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 3.4 To contribute to the development of corporate and service targets and objectives and performance information.
- 3.5 To ensure that systems are in place to measure activity and collect the accurate financial information required and to provide said financial information to service areas to calculate their respective performance indicators.

Responsibilities of Principal Officers

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

Part 4 – Rules and Procedures

- 3.8 To ensure that adequate systems are in place to measure activity and collect accurate and timely non-financial information for use as performance indicators.
- 3.9 To advise and supply, as appropriate, the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

REVENUE BUDGETING AND MONITORING

Budget Format

Why is this Important?

- 3.10 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

- 3.11 The Key Controls are that the format:
- complies with all legal requirements;
 - complies with proper accounting and professional standards;
 - reflects the accountabilities of service delivery.

Responsibilities of the Treasurer

- 3.12 To ensure that the budget format complies with all legal requirements and proper accounting standards.

Responsibilities of Principal Officers

- 3.13 To operate the budget format set by the Treasurer.

Revenue Budget Preparation and Medium-Term Financial Planning

Why is this Important?

- 3.14 The Fire and Rescue Authority is a large and 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.
- 3.15 The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the Fire and Rescue Authority. Budgets are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent.

Part 4 – Rules and Procedures

- 3.16 In considering the affordability of its plans the Fire and Rescue Authority is required to consider all the resource currently available, and for the future together with an estimate of its requirements for the following year and each of the following two years. The Fire and Rescue Authority is also required to consider known significant changes beyond this timeframe. This requires the development of rolling 3-year forecasts.

Key Controls

- 3.17 The key controls for budgets and medium-term financial planning are:
- Principal Officers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations approved by the Fire and Rescue Authority for their budgets and the level of service to be delivered;
 - a monitoring process is in place to review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Treasurer

- 3.18 To engage in consultation with the Constituent Councils on the Authority's budget proposals, and to report the results of consultation back to the Fire and Rescue Authority by the due date in order that it might set its revenue and capital budgets for the ensuing year and agree the amounts due from each constituent.
- 3.19 To prepare annually a budget report for the following financial year for consideration by the Fire and Rescue Authority. This will take account of the Policy Framework, commitments, and resource constraints and shall include medium term prospects. It will cover all the services of the Authority on both capital and revenue account.
- 3.20 To advise on the medium term implications of spending decisions and prepare medium term plans, rolling forward on an annual basis.
- 3.21 To encourage the best use of resources and value for money by working with Principal 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.
- 3.22 To advise the Fire and Rescue Authority on proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.
- 3.23 To ensure all matters required to be taken into account are reported to the Audit Committee and Fire and Rescue Authority when setting and reviewing prudential indicators.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 3.24 To provide the Treasurer with information to complete the medium term plan.
- 3.25 To prepare, in conjunction with the Treasurer, estimates of income and expenditure.
- 3.26 To prepare budgets consistent with any relevant cash limits, with the Authority's annual budget cycle.
- 3.27 To integrate financial and budget plans into service planning and for them to link in with the Authority's strategic planning framework.
- 3.28 When drawing up draft budget requirements, to have regard to:
- spending/income patterns and pressures revealed through the budget monitoring process;
 - legal requirements;
 - policy requirements as defined by the full Fire and Rescue Authority in the approved policy framework;
 - initiatives already under way;
 - areas where savings/efficiencies can be made.

Resource Allocation

Why is this Important?

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

Key Controls

- 3.30 The key controls for resource allocation are:
- resources are acquired in accordance with the law and using an approved authorisation process;
 - resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
 - resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Treasurer

- 3.31 To advise on resources and the affordability of borrowing.
- 3.32 To ensure resources are acquired in accordance with the law and only used for the purpose intended, at the same time as ensuring minimal levels of waste and inefficiency.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 3.33 To work within cash limits and to utilise resources allocated, and furthermore to allocate resources, in the most efficient, effective and economic way.
- 3.34 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

Revenue Budget Monitoring and Control

Why is this Important?

- 3.35 Proper budget management ensures that, once the budget has been approved by the Fire and Rescue Authority, resources 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.
- 3.36 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 area is required to manage its own expenditure within the cash limited budget allocated to it.
- 3.37 Principal Officers are expected to exercise their discretion in managing their Departments responsibly and prudently.
- 3.38 For the purposes of budgetary control by managers, a budget will normally be the planned expenditure for a service area. However, budgetary control may take place at a more detailed level if this is required.

Key Controls

- 3.39 The key controls for managing and controlling the revenue budget are:
- there is a nominated budget manager for each budget heading;
 - budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
 - budget managers follow an approved certification process for all expenditure;
 - income and expenditure are properly recorded and accounted for;
 - performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget;

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 3.40 To establish an appropriate framework of budgetary management and control that ensures that:
- budget management is exercised within annual cash limits;
 - all Principal Officers are furnished with periodical updates as he/she has which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
 - in consultation with Principal Officers, reports are submitted, as determined by the Treasurer to the Fire Authority, monitoring expenditure and comparing anticipated outturn with estimates;
 - each department has a single named manager, determined by the relevant Principal Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision making processes that commits expenditure;
 - significant variances from approved budgets are investigated and reported by budget managers regularly.
- 3.41 To submit reports to the Fire and Rescue Authority, in consultation with the relevant Principal Officer, where a Principal Officer is unable to balance expenditure and resources within existing approved budgets under his or her control and to recommend appropriate action.
- 3.42 To establish procedures for the monitoring of prudential indicators.

Responsibilities of Principal Officers

- 3.43 To be responsible for supervising the expenditure of their respective service areas and for drawing the attention of the Treasurer to any contemplated expenditure not provided for in the estimates or which, if incurred, would exceed the amount allocated for the purpose in the estimates or not be in line with the Budget or the Policy Framework.
- 3.44 To maintain budgetary control within their service areas, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.
- 3.45 To ensure that budgetary provision is identified for all expenditure incurred.
- 3.46 To ensure that officers responsible for committing expenditure comply with relevant guidance and financial regulations.

Part 4 – Rules and Procedures

CAPITAL BUDGETING AND MONITORING

Why is this Important?

- 3.47 Capital expenditure (including use of capital grants) involves acquiring or enhancing fixed assets with a long term value to the Authority, such as land, buildings, infrastructure 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.
- 3.48 The financing capacity of the authority is restricted by the affordability prudence and sustainability of the Capital Programme. This means that capital expenditure should form part of the Mediums Term Financial Plan and should be carefully prioritised.

Key Controls

- 3.49 The key controls for capital programmes are:
- specific approval by the Fire and Rescue Authority for the programme of capital expenditure;
 - accountability for each proposal is accepted by a named project manager;
 - progress and expenditure should be monitored and compared to the approved budget by the relevant Principal Officer and any major anomalies notified to the Treasurer.

Responsibilities of the Treasurer

- 3.50 To determine the definition of 'capital' having regard to Government regulations and accounting requirements.
- 3.51 To advise the Fire and Rescue Authority on the affordability, prudence and sustainability of the Capital Programme by the preparation of prudential indicators as required by the prudential code for capital finance in Local Authorities.
- 3.52 To ensure all matters required to be taken into account are reported to the Fire and Rescue Authority when setting and revising prudential indicators.
- 3.53 To establish procedures for the monitoring of prudential indicators.
- 3.54 To prepare a report on the Capital Programme on the service area proposals, taking into account the Prudential Code of Borrowing, Policy Framework, commitments, resource constraints and Capital Receipts. This report shall compare the estimates with the finance available and propose the level of annual expenditure of each service area. The report will identify those schemes where expenditure may only be incurred after further work has been undertaken.
- 3.55 To report annually to the Fire and Rescue Authority the capital outturn and any funding required to be carried forward into the next financial year.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 3.56 To comply with guidance concerning capital projects and controls issued by the Treasurer.
- 3.57 To consider the revenue implications of Capital Projects over the whole life of projects and notify the Treasurer when planning to undertake such schemes which do commit the authority to additional Revenue expenditure.
- 3.58 To submit a prioritised list of bids as part of the Medium Term capital budgeting process representing the schemes required to deliver Service and Corporate strategy.
- 3.59 To ensure that adequate records are maintained for all capital contracts and the preparation of grant claims.
- 3.60 To report to the Fire and Rescue Authority as soon as it becomes apparent that the total cost of a scheme including variations will or is likely to exceed 10% (ten per cent) above the capital budget available as defined within the approved Capital Programme. This report should cover the reasons for increased cost, an analysis of options considered to reduce cost to budget and the funding options considered to meet any budget shortfall.
- 3.61 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.

MAINTENANCE OF RESERVES and PROVISIONS

Why is this important?

- 3.62 Reserves can be provided as a working balance, a contingency for unexpected events or emergencies.
- 3.63 A provision is set aside to meet known future liabilities.

Key Controls

- 3.64 To maintain reserves and provisions in accordance with the relevant codes of practice on local authority accounting in the United Kingdom and agreed accounting policies.
- 3.65 For each reserve and provision established, the purpose, usage and basis of transactions should be clearly identified.

Responsibilities of the Treasurer

- 3.66 To advise the full Fire and Rescue Authority on prudent levels of reserves and provisions for the Authority.
- 3.67 To recommend deployment of reserves and provisions to the Fire and Rescue Authority.

Part 4 – Rules and Procedures

SECTION 4 - RISK MANAGEMENT AND CONTROL OF RESOURCES

[Risk Management](#)

[Internal Controls](#)

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RISK MANAGEMENT

Why is this Important?

- 4.1 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 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.

Key Controls

- 4.2 The key controls for risk management are:
- procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Authority;
 - 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;
 - managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
 - managers apply a standard approach to risk identification and recording;
 - provision is made for losses that might result from the risks that remain;
 - procedures are in place to investigate claims within required timescales;
 - acceptable levels of risk are determined and insured against where appropriate;
 - the Authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

Part 4 – Rules and Procedures

Responsibilities of the Principal Officers

- 4.3 To develop risk management controls in conjunction with Principal Officers.
- 4.4 To ensure that arrangements are in place for measuring the effectiveness of the risk management process, and that all findings from monitoring arrangements are fed back into the risk management cycle.
- 4.5 To report to the Fire and Rescue Authority on the Corporate Risk Register.
- 4.6 To affect insurance cover, and to arrange for the negotiation of claims in consultation with the Treasurer and other Principal Officers, where necessary.
- 4.7 To hold in safe custody all insurance policies of the Authority, arrange for payment of premiums by the due date.
- 4.8 To make arrangements to ensure that insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and internal funding arrangements must be retained for six years. All employees will adhere to the requirements of the Treasurer as to the retention of any documents of the nature referred to in this rule.
- 4.9 To take responsibility for risk management, having regard to advice from the Treasurer, and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 4.10 To ensure that there are regular reviews of risk within their service areas.
- 4.11 To ensure that risk management is brought to the attention of relevant staff in their service areas.
- 4.12 To notify the Duty Principal Officer immediately in writing of any loss, liability or damage, or any event likely to lead to a claim by or against the Authority, and inform the Police, where necessary.
- 4.13 To submit insurance claims to the relevant department in a timely manner.
- 4.14 To arrange for the identification of all appropriate employees of the Authority who should be included in a suitable fidelity guarantee insurance, and shall make arrangements for such inclusion.
- 4.15 To notify the Deputy Chief Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 4.16 To notify the Deputy Chief Officer promptly of any significant acquisitions or disposals of assets or any alteration to the scope or level of services provided, particularly where the risk of accident, injury, loss or damage is likely to increase.
- 4.17 To provide the Deputy Chief Officer with any information that he/she needs and in the timescale that he or she sets, to enable him or her to manage the Authority's insurances effectively.
- 4.18 To ensure that officers, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice cover under the Fire and Rescue Authority's insurance policy and the assessment of liability in respect of any insurance claim.

Part 4 – Rules and Procedures

INTERNAL CONTROLS

Why is this Important?

- 4.19 The Authority is a large, complex organisation which requires internal controls to manage and monitor progress towards strategic objectives.
- 4.20 The Authority has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 4.21 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.
- 4.22 The system of internal controls is established in order to provide measurable achievement of:
- efficient and effective operations;
 - reliable financial information and reporting;
 - compliance with laws and regulations;
 - risk management.

Key Controls

- 4.23 The key controls are:
- 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;
 - 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;
 - financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
 - 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, and CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom, and with any other statutory obligations and regulations;
 - an effective Audit Committee which meets on a regular basis to consider internal control and auditing matters.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 4.24 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.
- 4.25 To maintain an effective and current Internal Audit service.

Responsibilities of Principal Officers

- 4.26 To establish sound arrangements, consistent with guidance given by the Treasurer, for planning, appraising, authorising, and controlling their operations, in order to achieve:
- economy;
 - efficiency;
 - effectiveness;
 - the proper use of resources;
 - the achievement of objectives;
 - the management of risks.
- 4.27 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. Principal Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication.

INTERNAL AND EXTERNAL AUDIT

Internal Audit

Why is this Important?

- 4.28 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, more specifically, require that a 'relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems'. This is equally applicable to Fire and Rescue Authorities.
- 4.29 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.

Part 4 – Rules and Procedures

Key Controls

- 4.30 The key controls for internal audit are:
- that it is independent in its planning and operation;
 - the Internal Auditor has direct access to the Audit Committee, all levels of management and directly to elected members;
 - 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;
 - Internal Audit reports to an Audit Committee.

Responsibilities of the Treasurer

- 4.31 To maintain a continuous and independent internal audit of the Authority's accounting, financial and other operations of the Authority.
- 4.32 To ensure that all employees carrying out auditing duties comply with the current CIPFA Code of Practice for Internal Auditors in Local Government in the UK.
- 4.33 To make arrangements for there to be undertaken a cyclical review of all financial systems throughout the Authority and to determine the appropriate level of audit coverage.
- 4.34 To ensure that internal auditors have the authority to:
- access authority premises at reasonable times, subject to the Treasurer being satisfied as to any risk to health and safety;
 - access all assets, records, documents, correspondence and control systems;
 - receive any information and explanation considered necessary concerning any matter under consideration;
 - require any employee of the Authority to account for cash, stores or any other authority asset under his or her control;
 - access records belonging to third parties, such as contractors, when required;
 - review, appraise and report on the adequacy and application of financial and other controls, and on the
 - protection of the Authority's property and assets against loss due to fraud or wasteful practices.
- 4.35 To approve in consultation with the Audit Committee the strategic and annual audit plans prepared by the Internal Auditor, which take account of the characteristics and relative risks of the activities involved.
- 4.36 To ensure that the Internal Auditor has the right to report independently to the Fire and Rescue Authority or the Audit Committee in his/her own name.
- 4.37 To ensure that the Internal Auditor provides an annual opinion on the Fire and Rescue Authority's internal control environment as part of his/her annual report.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 4.38 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.
- 4.39 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 4.40 To consider and respond promptly to recommendations in audit reports.
- 4.41 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 4.42 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 Treasurer prior to implementation.

External Audit

Why is this important?

- 4.43 Under Section 11 of the Public Audit (Wales) Act 2013, the Wales Audit Office is responsible for appointing external auditors to each local authority in Wales. The external auditor has rights of access to all documents and information which in his/her opinion are necessary to carry out his/her statutory functions.
- 4.44 The basic duties of the external auditor are defined in the Public Audit (Wales) Act 2013 and the Local Government Act 1999. In particular, Section 10 of the 2004 Act requires the Wales Audit Office to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice sets out the auditor's objectives to review and report upon the audited body's:
 - arrangements to secure economy efficiency and effectiveness in its use of resources
 - financial statements
 - compliance with statutory requirements in respect of the preparation and publication of its Improvement Plan.

Key Controls

- 4.45 The Authority's accounts are scrutinised by the 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.
- 4.46 External auditors are appointed by Wales Audit Office, normally for a minimum period of five years. The Wales Audit Office has prepared a code of audit and inspection practice, which external auditors follow when carrying out their audits.
- 4.47 The external auditor attends Fire and Rescue Authority meetings as they deem necessary.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 4.48 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.
- 4.49 To ensure there is effective liaison between external and internal audit.
- 4.50 To work with the external auditor and advise the full Fire and Rescue Authority, Audit Committee and Principal Officers on their responsibilities in relation to external audit.

Responsibilities of Principal Officers

- 4.51 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.
- 4.52 To ensure that all records and systems are up to date and available for inspection.
- 4.53 To ensure that all employees have proper regard to the guidance issued by the Treasurer in connection with any external audits, and any reports of the external auditor.

PREVENTING FRAUD AND CORRUPTION

Why is it this Important?

- 4.54 The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.
- 4.55 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.
- 4.56 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

- 4.57 The key controls regarding the prevention of financial irregularities are that:
- the Authority has an effective Anti-fraud and Corruption strategy and maintains a culture that will not tolerate fraud or corruption;
 - all members and staff act with integrity and lead by example;
 - senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt;
 - high standards of conduct are promoted;
 - the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;
 - whistle blowing procedures are in place and operate effectively;
 - relevant legislation is adhered to;
 - matters relating to fraud and corruption are reported to the Treasurer.

Part 4 – Rules and Procedures

Responsibilities of the Treasurer

- 4.58 To develop and maintain an Anti-fraud and Corruption strategy.
- 4.59 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.
- 4.60 To take such steps as he/she considers necessary by way of investigation, in liaison with Principal Officers where appropriate, and in line with the Authority's Anti-Fraud and Corruption Strategy. Where sufficient evidence exists to believe that a criminal offence may have been committed, the matter will be referred in conjunction with the Monitoring Officer to the police.

Responsibilities of Principal Officers

- 4.61 To review existing controls in the light of changes affecting the Authority and to establish and maintain new controls where appropriate.
- 4.62 To immediately notify the Treasurer and Monitoring Officer whenever any matter arises which involves, or is thought to involve, a breach of security, theft, or irregularities concerning cash, stores or other property of the Authority, or any suspected irregularity in the exercise of the functions of the Authority.
- 4.63 To liaise with the Treasurer and the Monitoring Officer in relation to the investigation of any suspected irregularities within their service area, in line with the Authority's Anti-Fraud and Corruption Strategy.
- 4.64 To instigate the Authority's disciplinary and suspension procedures where the outcome of an investigation indicates improper behaviour by a member of staff.
- 4.65 To ensure that employees comply with Fire and Rescue Authority guidance regarding the acceptance of hospitality, gifts and other benefits.

SECURITY OF ASSETS

Why is this Important?

- 4.66 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.
- 4.67 Obsolete, non-repairable or unnecessary assets should be disposed of in accordance with the regulations of the Authority.

Part 4 – Rules and Procedures

- 4.68 Intellectual property is a generic term that includes inventions and writing. If these are created by an employee or consultant during the course of employment, then, as a general rule, they belong to the employer. Various acts of Parliament cover different types of intellectual property. Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development.

Key Controls

- 4.69 The key controls for the security of resources such as land, buildings, vehicles, plant, machinery, furniture equipment, software and information are:
- resources are used only for the purposes of the Authority and are properly accounted for;
 - resources are available for use when required;
 - resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits;
 - 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.
 - assets for disposal are identified and 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 and humanitarian issues.
 - procedures should protect staff involved in the disposal of assets from accusations of personal gain;
 - 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, Freedom of Information Act and software copyright legislation;
 - 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 information security and internet security policies;

Security of Assets – Land and Buildings

Responsibilities of the Treasurer

- 4.70 To receive information required for accounting and costing in order to calculate capital charges and depreciation for all properties, and to maintain the correct accounting records.
- 4.71 To ensure that assets are valued in accordance with the relevant codes of practice on local authority accounting in the United Kingdom.
- 4.72 To advise on the financial implications of any purchase, sale or holding of property on the Authority's behalf.

Responsibilities of the Principal Officers

- 4.73 To ensure the safe custody of all title deeds under arrangements agreed with the Treasurer.
- 4.74 To make arrangements to ensure the proper security of all the Authority's buildings.
- 4.75 To ensure there are procedures in place to review the condition of physical assets used in delivery of services e.g. undertake regular impairment review.

Security of Assets - Vehicles, Furniture and Equipment

Responsibilities of the Treasurer

Part 4 – Rules and Procedures

- 4.76 To ensure appropriate accounting entries are made to include all material assets and to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Responsibilities of Principal Officers

- 4.77 To ensure the proper security and safe custody of all vehicles, equipment and furniture, belonging to or under the control of the Authority, and shall make contingency plans for the continuity of service in the event of disaster or system failure.
- 4.78 To maintain inventories of furniture, equipment, vehicles and plant, including items leased by the Authority.
- 4.79 To ensure that the Authority's property shall not be removed from its ordinary location otherwise than in accordance with the ordinary course of the Authority's business except in accordance with specific directions issued by the Principal Officer concerned or used otherwise than for the Authority's purposes. A record should be kept of all authorised removals.
- 4.80 To ensure that no Authority asset is subject to personal use by an employee without proper authorisation by the relevant Principal Officer.
- 4.81 To make arrangements to ensure that any disposal of any vehicle, furniture, fittings, equipment, plant and machinery is in accordance with the Authority's procedure for disposals.
- 4.82 Before disposal to check if the asset is subject to leasing arrangements. If the asset is leased, disposal must be in accordance with the terms of the lease.
- 4.83 To ensure that income received for the disposal of an asset is properly banked and coded.
- 4.84 If an item is lost, stolen or disposed of, this must be recorded against the entry in the inventory.
- 4.85 To notify the Treasurer of the purchase or disposal of any material asset, to enable the asset register to be updated.

Security of Assets - Stocks and Stores

Responsibilities of the Treasurer

- 4.86 To issue guidance on the maintenance of stock and stores.
- 4.87 To assist the Authority to put in place appropriate internal control arrangements regarding the write off of stock and stores.
- 4.88 To ensure that appropriate accounting entries are made in relation to stock balances and write offs.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 4.89 To make arrangements for the recording of and the care and safe custody of the stocks and stores.
- 4.90 To make arrangements to ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check, at least annually. To make arrangements for discrepancies to be investigated and pursued to a satisfactory conclusion.
- 4.91 To advise the Treasurer immediately of any significant discrepancy in stocks.
- 4.92 To submit requests for the write off of stock and stores over £10,000 to the Deputy Chief Fire Officer for approval.
- 4.93 To ensure the appropriate control arrangements for the delegation of write off of stock and stores under £10,000 to the Financial Services Manager.
- 4.94 To provide the Treasurer with such information as he/she requires in relation to stores for accounting and costing purposes.

Security of Assets - Cash

Responsibilities of the Treasurer

- 4.95 To issue guidance to service areas on cash handling.
- 4.96 To agree, in consultation with the appropriate Principal Officer, the maximum limits for cash holdings.

Responsibilities of Principal Officers

- 4.97 To agree with the Treasurer, the maximum limits for cash holdings and to ensure that these limits shall not be exceeded without their permission.
- 4.98 To ensure that cash holdings are kept to a minimum, and do not exceed the insurance limit for that safe/cashbox.
- 4.99 To ensure that cash handling is carried out in line with the Authority's guidance.
- 4.100 To notify the Treasurer and the Monitoring Officer of cash lost or stolen immediately.
- 4.101 To ensure that a schedule is kept of the officers who hold keys to safes and similar receptacles.
- 4.102 To ensure that the keys to safes and similar receptacles are held securely at all times.

Part 4 – Rules and Procedures

Security of Assets - Information and Communication Technology

Responsibilities of the Head of Information and Communication Technology (ICT)

- 4.103 To ensure the maintenance of a central inventory of technology.
- 4.104 The development and integrity of the Authority's voice and data network infrastructure.
- 4.105 To approve all additions and alterations to the Authority's voice and data network.
- 4.106 To issue detailed guidance to all employees who are responsible for and/or use computer equipment on their responsibilities within the Authority's IT Security Policy.

Responsibilities of Principal Officers

- 4.107 To ensure that all equipment connected to the Authority's voice and data network infrastructure meets the standards identified by the ICT Department. Any requirement to add or make alterations to this network must be managed by the ICT Department with approval from the Head of ICT.
- 4.108 To ensure that that the provisions of the Authority's IT Security Policy and other ICT policies are applied to all employees of the Authority, as appropriate to their use of information technology.
- 4.109 To make arrangements to implement and monitor the procedures contained in the Authority's IT Security Policy. All employees must be familiar with, and comply with, the principals of the Data Protection Legislation, the Copyright, Designs and Patents Act 1988, the Computer Misuse Act 1990, and any other legislation or Authority policy which may apply to all employees at any time.
- 4.110 To agree, in advance, with the Head of ICT, a requirement to use specialist IT goods and services that might not meet the standards identified by the Head of ICT, but are necessary to perform particular business activities. The Principal Officer will be responsible for ensuring that such acquisitions do not compromise their corporate, financial and legal obligations, as defined by the Authority.
- 4.111 To ensure that all employees are aware that misuse of technology and associated systems can seriously affect the business interest of the authority. Such misuse or any breach of security policy will result in disciplinary action being taken.
- 4.112 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.

Security of Assets - Intellectual Property

Responsibilities of the Treasurer

- 4.113 To develop and disseminate good practice.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 4.114 To ensure that controls are in place to ensure that employees do not carry out private work during periods when they are working for the Authority and that employees are aware of an employer's rights with regard to intellectual property.
- 4.115 To make officers aware that, if, at any time during their employment, an officer makes or discovers or participates in the making or discovery of any intellectual property relating to or capable of being used by the Authority, the officer must provide full details of the intellectual property to the relevant Principal Officer or relevant Principal Officer.

TREASURY MANAGEMENT

Why is this Important?

- 4.116 Many millions of pounds pass through the Authority's bank accounts each year. It is vital that the Authority's money is managed in a secure and controlled way. Surplus funds are invested by the Authority with external organisations, and it is essential that risk is spread evenly, and that investments are placed with reputable organisations.
- 4.117 Compliance with the CIPFA Treasury Management Code of Practice and the Authority's Treasury Management policy statement and strategy. This provides 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.

Responsibilities of the Treasurer

- 4.118 To prepare a Treasury Management Policy and Annual Report for consideration by the Fire and Rescue Authority.
- 4.119 To maintain prudential indicators in accordance with the Prudential Code of Capital Finance for Local Authorities.
- 4.120 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 in Local Government, which has been adopted by the Authority.
- 4.121 To set an investment strategy in accordance with WG investment guidance.
- 4.122 To ensure that all investments of money under its control shall be made in the name of the Authority or in the name of nominees approved by the Fire and Rescue Authority within their respective responsibilities.
- 4.123 To ensure that all borrowings shall be effected in the name of the Authority or the designated provider of financial services.
- 4.124 To be the Authority's Registrar of loan instruments and to maintain records of all borrowings of money by the Authority.
- 4.125 To report to Members in accordance with the Treasury Management practices of the Authority.
- 4.126 To arrange, where funds are held on behalf of third parties, for their secure administration, and to maintain records of all transactions.

Part 4 – Rules and Procedures

4.127 To provide suitable training to Members.

SECTION 5 - FINANCIAL SYSTEMS AND PROCEDURES

- [General](#)
- [Income](#)
- [Banking](#)
- [Ordering and Payment for Goods, Works and Services](#)
- [Imprest Accounts](#)
- [Payment to Employees and Members](#)
- [Taxation](#)

GENERAL

Why are Financial Systems and Procedures Important?

5.1 Service Areas have many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. It is important that systems and procedures are sound and well administered to ensure financial stewardship and control to enable effective decision making. All financial systems and procedures should contain controls to ensure that transactions are properly processed and errors detected promptly.

Key Controls

5.2 The key controls for systems and procedures are:

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

Responsibilities of the Treasurer

5.3 To make arrangements for the proper administration of the Authority's financial affairs, including to:

- issue advice, guidance and procedures for officers and others acting on the Authority's behalf;
- determine the accounting systems, form of accounts and supporting financial records;
- establish arrangements for audit of the Authority's financial affairs;
- to determine the accounting procedures, records and controls for any new financial systems to be introduced;
- approve in advance any changes to be made to existing financial systems.

Responsibilities of Principal Officers

5.4 To ensure that accounting records are properly maintained and held securely.

Part 4 – Rules and Procedures

- 5.5 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Treasurer.
- 5.6 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.
- 5.7 To incorporate appropriate controls to ensure that, where relevant:
- all input is genuine, complete, accurate, timely and not previously processed;
 - all processing is carried out in an accurate, complete and timely manner;
 - output from the system is complete, accurate and timely;
 - data is backed up on a regular basis.
- 5.8 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.
- 5.9 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.
- 5.10 To ensure that systems are documented and staff adequately trained.
- 5.11 To establish a scheme of departmental authorisations identifying officers to act upon his or her behalf in respect of placing orders, payments and income collection, including variations, and showing the limits of their authority.
- 5.12 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.
- 5.13 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.
- 5.14 To ensure that the Fire and Rescue Authority's information security standards and internet security policy are complied with.
- 5.15 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 5.16 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- only software legally acquired and installed by the Authority is used on its computers;
 - staff are aware of legislative provisions;
 - in developing systems, due regard is given to the issue of intellectual property rights.

Part 4 – Rules and Procedures

INCOME

Why is this Important?

- 5.17 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 cash flow and also avoids the time and cost of administering debts.

Key Controls

- 5.18 The key controls for income are:
- all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
 - all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
 - all money received by an officer on behalf of the Authority is properly recorded and promptly banked;
 - the responsibility for cash collection should be separated from that for identifying the amount due, and that for reconciling the amount due to the amount received;
 - effective action is taken to pursue non-payment within defined timescales;
 - formal approval for debt write-off is obtained;
 - appropriate write-off action is taken within defined timescales;
 - appropriate and timely accounting adjustments are made following write-off action;
 - all appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Treasurer;
 - money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.
 - recovery on debts below £50 will be deemed uneconomical to recover and will be written off at source.

Responsibilities of the Treasurer

- 5.19 To decide on arrangements for the collection of all income due to the Authority, and to approve the procedures, systems and documentation for its collection.
- 5.20 To ensure that all electronic monies are properly received, assigned and reconciled.
- 5.21 To use such debt recovery procedures as he/she considers necessary to collect any income due to the Authority which has not been paid within specified time limits
- 5.22 To submit to the Fire and Rescue Authority for approval all debts exceeding £1,000 for write-off, each year by the 30th June following the end of the financial year, identifying all amounts written off and stating the reasons for the write-off.
- 5.23 To ensure that appropriate accounting adjustments are made following any write-off action.
- 5.24 To ensure that any sum due to the Authority shall only be discharged by payment or write off.

Part 4 – Rules and Procedures

Responsibilities of Principal Officers

- 5.25 To ensure that all statutory and non-statutory charges are reviewed at least once a year.
- 5.26 To ensure that new charges are promptly implemented following written approval by the Deputy Chief Fire Officer.
- 5.27 To ensure that where possible, income is received in advance of the service being provided.
- 5.28 To ensure that all income due, is promptly collected, correctly receipted, reconciled, accounted for and promptly banked.
- 5.29 To ensure that income collected and deposited is reconciled to the ledger on a regular basis.
- 5.30 To ensure that there is clear separation of duties within income procedures to ensure that adequate controls are in place.
- 5.31 To ensure that all income is correctly coded to the appropriate financial code.
- 5.32 To maintain such particulars in connection with work done, goods supplied or services rendered and of all other amounts due, to record correctly all sums due to the Authority and to ensure the prompt rendering of accounts for the recovery of income due.
- 5.33 To designate employees to receive monies due and to make arrangements to ensure that appropriate records are maintained.
- 5.34 To ensure that all employees use official receipts for all income received on behalf of the Authority and ensure that all chargeable VAT is accounted for.
- 5.35 To ensure that all official receipt books and other such items are ordered and supplied to departments by the Treasurer or arrangements approved by him/her.
- 5.36 To ensure that all financial stationery is securely held and accounted for at all times.
- 5.37 To ensure that upon opening of incoming mail, all income is immediately recorded by the employee concerned either by way of receipt, remittance record or by another means, approved by the Treasurer.
- 5.38 To ensure that keys entrusted to employees are held securely at all times and are kept under their personal control. To ensure that employees understand their responsibilities as key holders, and of insurance requirements.
- 5.39 To ensure that income held by the Authority is not used to cash personal cheques or make personal loans or other payments.
- 5.40 To establish proper accountability wherever money is being handled. To ensure that every transfer of the Authority's money from one employee to another is evidenced in the records of the service area concerned. This may be by way of an official receipt being issued by the receiving employee, or if not, a record shall be maintained detailing the amount transferred, the date and the signature of both employees.
- 5.41 To ensure that when income is due to the Authority and the payment is not to be made at the time, all amounts due are claimed on official invoices or by arrangements approved by the Treasurer. Instructions for the cancellation or reduction of invoices for income

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must be authorised by the appropriate Principal Officer or such member of staff specifically designated by him/her for that purpose.

- 5.42 To refer the write of debts up to £1,000 to the Deputy Chief Fire Officer for approval. Principal Officers wishing to write off debts over £1,000 must submit a schedule of such debts in the approved manner to the Treasurer for authorisation by the Fire and Rescue Authority.
- 5.43 To make every reasonable effort to recover a debt (over £50) before write off is considered.
- 5.44 To ensure that credit notes to replace a debt are only raised to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 5.45 To ensure that proper procedures are followed for checking and authorisation for write off.
- 5.46 To seek to achieve payment by direct debit or standing orders in situations where regular payments are due to the Authority.
- 5.47 To notify the Treasurer of outstanding income (reserved debtors) relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Treasurer.

BANKING

Why is this Important?

- 5.48 Many millions of pounds pass through the Authority's bank accounts each year. It is vital that proper procedures are in place to ensure that the Authority's banking arrangements are secure and controlled.

Key Controls

- 5.49 All banking arrangements are operated in accordance with approved procedures.

Responsibilities of the Treasurer

- 5.50 To make or approve all arrangements with the Authority's bankers.
- 5.51 To open and operate bank accounts as are considered necessary.
- 5.52 To ensure that all bank accounts operated by or on behalf of the Authority shall bear an official title and in no circumstances shall an account be opened in the name of an individual.
- 5.53 To approve the use of any direct debit/standing order on the Authority's accounts.
- 5.54 To arrange the reconciliation of the main bank account with the Authority's cash accounts.
- 5.55 To ensure that all cheques, excluding those drawn on authorised imprest accounts, are ordered only on his/her authority.
- 5.56 To make proper arrangements for the safe custody of cheques

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- 5.57 To ensure that cheques on the Authority's main bank accounts shall bear the facsimile signature of the Treasurer or be signed by him or another officer authorised by him for that purpose.
- 5.58 Personal cheques of Fire and Rescue Authority Members or employees are not to be cashed.
- 5.59 To ensure that proper procedures are followed for receiving income by electronic means, including the internet.

Responsibilities of Principal Officers

- 5.60 To ensure that all income collected is promptly banked.
- 5.61 To ensure that, in accordance with the relevant Accounts and Audit Regulations, each employee who banks money, enters on the paying in slip, a reference to the related debt (such as the receipt number or the number or the name of the debtor) and indicate its place of origin on the reverse of each cheque.
- 5.62 To ensure that all income received on behalf of the Authority is properly safeguarded from the time it is received until the time that it is banked (e.g. kept in a safe or locked receptacle).
- 5.63 To ensure that in the transport of money by any employee for banking, or other purpose, that employee and his or her supervisor have due regard for the safety of employees (including the employee transporting such money), and for the proper security of cash. The Principal Officer shall ensure arrangements are made which incorporate the necessary safeguards.
- 5.64 To ensure that any subsidiary bank accounts do not become overdrawn.
- 5.65 To ensure that payments made through the Fire and Rescue Authority's bank account are properly authorised, correctly calculated, valid and in accordance with Fire and Rescue Authority's procurement and payment procedures.

ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

Why is this Important?

- 5.66 Public money should be spent with demonstrable probity and in accordance with the Authority's policies. Local 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.

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Key Controls

- 5.67 The key controls for ordering and paying for work, goods and services are:
- all orders shall be in a form approved by the Treasurer;
 - official orders will be raised for all work, goods or services to be supplied to the Authority, except for supplies of utilities, periodic payments, petty cash purchases or other exceptions specified by the Treasurer;
 - all goods, works and services are ordered only by appropriate persons and are correctly recorded;
 - 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;
 - goods, works and services received are checked to ensure they are in accordance with the order;
 - payments are not made unless goods, works or services have been received by the Authority to the authorised price, quantity and quality standards, subject to tolerance levels set by the Treasurer;
 - all payments are made to the correct person/supplier, for the authorised amount and are properly recorded, regardless of the payment method;
 - all officers and members are required 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;
 - all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with guidance issued by the Treasurer;
 - all expenditure is accurately recorded against the right budget, any exceptions are corrected and VAT is recorded against the correct VAT code; and
 - the use of 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 - Procurement

- 5.68 To produce Contract Standing Orders and provide departments with guidance relating to contracting and tendering arrangements.

Responsibilities of Principal Officers - Procurement

- 5.69 To ensure that all employees comply with the Authority's Contract Standing Orders.
- 5.70 To ensure that the departments 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.
- 5.71 To make arrangements to ensure that every employee declares 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 the Code of Conduct. Any employee declaring such an interest or having such an interest will not participate in (or act so as to influence or appear to influence) any decisions relating to the matter in which they have such an interest. All Fire and Rescue Authority Members involved in contractual or purchasing decisions on behalf of the Authority will declare any interests and act in accordance with the Members' Code of Conduct.
- 5.72 To ensure that officers within their departments will not make any personal or private use of the benefits of any Authority contracts. For the avoidance of doubt, nothing in this

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paragraph will preclude an employee from taking advantage of Fire and Rescue Authority wide schemes.

Responsibilities of the Treasurer - Ordering

- 5.73 To approve the format of official orders and arrangements for placing orders.
- 5.74 To approve the processes in place for placing emergency orders.
- 5.75 To approve all exceptions to the use of official orders.
- 5.76 To approve any arrangements for the use of debit, credit and procurement cards.

Responsibilities of Principal Officers – Ordering

- 5.77 To ensure that official orders are raised through the approved purchase system for all works, goods and services supplied to the Authority except for periodical payments (e.g. utility payments), and for petty cash purchases, or such other exceptions as the Treasurer may approve.
- 5.78 To determine purchase order approval levels within each department.
- 5.79 To ensure approved processes are used for raising urgently required orders where the normal procedure is not appropriate.
- 5.80 To ensure that employees do not use official orders to obtain goods or services for their private use.
- 5.81 To ensure that debit, credit and procurement cards are only used under arrangements approved by the Treasurer.
- 5.82 To make arrangements 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.
- 5.83 After due consideration, to arrange for nominations for officers for the roles of requisitioner and approver, ensuring there is adequate division of responsibility in place.
- 5.84 To maintain an up to date list of requisitioners, approvers/substitutes within their departments. No officer shall process or approve an order, or purport to do so, unless he/she is duly authorised for that purpose.
- 5.85 To ensure that all order used are authorised by a nominated 'approver' with a financial approval limit greater than or equal to the value of the requisition.
- 5.86 Where a purchase order is forwarded for approval to any other officer (e.g. in the case of absence of the usual approver), this officer must also be a nominated approver with a financial approval limit greater than or equal to the value of the order.
- 5.87 To ensure that, prior to approving an order for purchase, the approving officer checks that:-
 - all relevant details have been entered and are correct;
 - there is adequate provision in the budget;
 - the items are appropriate for the purpose intended;

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Responsibilities of Principal Officers - Goods Received

- 5.88 To make arrangements to ensure that goods, services and works are checked on receipt to verify that they are in accordance with the order. This check shall, where possible, be carried out by a different officer from the officer who approved the order. The officer carrying out the check shall make appropriate entries in inventories or stores records.
- 5.89 To ensure that goods (or services) received details are entered promptly onto the purchase system by the requisitioner or approver.

Responsibilities of the Treasurer - Payment

- 5.90 To make payments on behalf of the Authority with the exception of disbursements from petty cash imprests and from subsidiary bank accounts which have been authorised by the Treasurer. The normal method of payment of money due from the Authority shall be by cheque, BACS, CHAPS or other instrument drawn on the Authority's bank account. The use of direct debit/standing order requires the prior agreement of the Treasurer.
- 5.91 To make safe and efficient arrangements for all payments. All cheques shall be despatched under the authority of the Treasurer direct to the recipient and not returned to the originating service. In the exceptional circumstances when cheques do need to be returned to a service area for despatch with associated documents, this must be approved in advance by the Financial Service Manager.
- 5.92 To ensure that payments made to a sub-contractors in the construction industry, are made in accordance with the Construction Industry Scheme, and the Authority's procedures.
- 5.93 To make payments to contractors on an approved certificate, which must include details of the value of work, retention money, amounts previously certified and amounts now certified. These payments are to be made to contractors using authenticated receipts raised by departments.
- 5.94 To provide advice on making payments by the most economical means.
- 5.95 To set tolerance levels for cost and quantity variations.
- 5.96 To agree any exceptions to payment through the approved purchasing system.
- 5.97 To periodically check that no order payments and supplier invoices have been certified for payment by an authorised signatory.

Responsibilities of Principal Officers - Payment

- 5.98 To make arrangements for the submission of accounts for payment in accordance with arrangements made by the Treasurer.

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- 5.99 To ensure that payment is made only against a valid invoice or other approved claim for payment, not on statements of account. In exceptional circumstances, payment may be made against a photocopy or faxed invoice but only when the original invoice has been lost and the Financial Services Manager is satisfied that the invoice has not previously been paid.
- 5.100 To approve all arrangements for supplier invoices. These relate to payments which do not have an associated order, such as utility payments.
- 5.101 To notify the Treasurer at 1st April, or as required, of all outstanding expenditure relating to the previous financial year, and to comply with any instruction issued in connection with the year-end accounting arrangements (accruals).
- 5.102 To ensure that the approved purchasing system is used for all payments; and that any exceptions have been agreed previously by the Treasurer.
- 5.103 To ensure that there is a segregation of duties between the officers requisitioning, approving and inputting invoices for payment.
- 5.104 To ensure that invoices are input to the system without delay, in the manner specified by the Treasurer.
- 5.105 To ensure that invoices that do not meet the set tolerance levels are promptly dealt with. Where there is no match to an order and/or a delivery note, to ensure that further approval as required is given by a nominated approver/substitute.
- 5.106 To ensure that invoices are not processed until the inputting officer is satisfied that delivery details have been entered.
- 5.107 To ensure that all invoices input for payment are filed and stored securely in the manner prescribed by the Treasurer.
- 5.108 To ensure that all no order payments are completed on a form approved by the Treasurer. These must not be used in place of any invoice, demand, fee note or other written request for payment received from a creditor, and all relevant supporting documentation must be attached to support the payment.
- 5.109 To ensure that no order payments are completed by a designated officer and then passed to an authorised signatory for certification.
- 5.110 To ensure that before no order payments are authorised, the authorising officer undertakes the following checks:-
- the payment is properly the liability of the Authority;
 - the work, goods or services to which the account relates have been received, carried out, examined and approved as to the quality and quantity (where appropriate);
 - the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - the expenditure has been properly coded to the relevant service area;
 - expenditure is within budget;

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- where a payment includes VAT, in accordance with HM Revenue and Customs Regulations:-
- the invoice is a tax invoice with the relevant Company VAT number;
- for construction industry payments, an authenticated receipt will be obtained, or;
- for payments made in advance of services/goods being received, a tax receipt will be obtained.

5.111 To ensure that payment in advance of the receipt of goods or services is only made where it is essential in order to secure the particular supply required or where a beneficial discount would otherwise be lost. .

5.112 To ensure that duly certified no order payments and direct payment invoices are passed without delay to the Treasurer.

5.113 To ensure that authorising officers promptly reject any invoices containing an error or discrepancy, or which do not relate to the cost centre shown.

IMPREST ACCOUNTS

Why is this Important?

5.114 Imprest Accounts are used for minor items of expenditure. It is important that such accounts are properly managed, and that all expenditure is valid and correctly incurred.

Key Controls

5.115 The key controls for the operation of Imprest Accounts are:-

- all Imprest Accounts should be operated in accordance with guidance issued by the Treasurer;
- regular reconciliations between the imprest sum advanced and imprest records are undertaken.

Responsibilities of the Treasurer

5.116 Where he/she considers it appropriate to open an account with the Authority's bankers for use by the imprest holder.

5.117 To determine the imprest level.

5.118 To periodically review the arrangements for the safe custody and control of Imprest accounts.

5.119 To reimburse imprest holders as often as necessary to restore the imprests and to keep a record of such advances.

5.120 To provide guidance on how imprest accounts are to be operated and how records are to be kept of payments and reimbursements.

5.121 Responsibilities of Principal Officers

5.122 To ensure that all imprest accounts are maintained in accordance with the Authority's procedures.

5.123 To maintain a list of officers in their service areas who are authorised to hold imprest accounts.

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- 5.124 To notify the Treasurer when an imprest holder leaves the service area and to ensure that the imprest advanced is accounted for to the Treasurer, unless responsibility for the imprest is transferred to a different officer, in which case the Treasurer should be notified of the new account holder.
- 5.125 To agree with the Treasurer the procedure for reimbursing expenditure imprest accounts.
- 5.126 To ensure that officers:
- do not, under any circumstances, allow personal cheques to be cashed, or personal loans to be made, from monies held in an imprest account;
 - obtain and retain a receipt to substantiate each payment from the imprest, which should be attached to a voucher and authorised. Particular care shall be taken by the employee to obtain a VAT invoice when this tax is charged;
 - restrict the amount of each separate payment to such limit as may be prescribed from time to time by the Treasurer;
 - maintain records and operate the account in accordance with the Treasurer instructions;
 - maintain the safe custody of imprest cash by keeping it securely locked away preferably in a safe; guidance on this matter can be obtained from the Treasurer;
 - produce, upon demand, to the Treasurer or his/her representative cash and/or vouchers to the total of the imprest;
 - record transactions promptly;
 - when requested, give to the Treasurer a certificate as to the state of his/her imprest advance;
 - where an imprest is operated through a bank account, ensure that the account remains in credit, and that the procedures set out under banking arrangements in the Financial Procedures are followed. It shall be a standing instruction to the Authority's bankers that the amount of any overdrawn balance on an imprest holder's account shall be reported forthwith to the Treasurer;
 - do not make salaries or wages payments to employees from an imprest account; No payment must be made to sub-contractors for building work unless authorised by the Treasurer;
 - reconcile and balance the account to the total of the sum advanced, at least monthly, with a copy of the reconciliation sheet signed and retained by the imprest holder. Periodic checks shall be made by a senior officer to ensure that this is being properly carried out;
 - on leaving the employment of the Authority, or otherwise ceasing to be entitled to hold an imprest advance, account to the relevant Principal Officer for the amount advanced.

PAYMENTS TO EMPLOYEES AND MEMBERS

Why is this Important?

- 5.127 Staff costs are the largest item of expenditure for most local 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 approved by full Fire and Rescue Authority.

Key Controls

- 5.128 The key controls for payments to officers and Members are:

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- proper authorisation procedures are in place, and that there is adherence to corporate timetables in relation to starters, leavers, variations and enhancements, and that payments are made based on timesheets or claims where appropriate;
- names on the payroll are checked at regular intervals to verify accuracy and completeness;
- frequent reconciliation of payroll expenditure against approved budgets;
- all appropriate payroll documents are retained and stored for the defined period, in accordance with guidance issued by the Treasurer;
- all expenditure, including VAT, is accurately recorded against the right department;
- HM Revenue and Customs Regulations are complied with.

Responsibilities of the Treasurer

- 5.129 To arrange, control and make accurate and timely payment of all staff and Members:
- salaries and wages;
 - pensions;
 - tax and national insurance;
 - car mileage, travel, subsistence and other incidental allowances/ expenses.
- 5.130 To approve the form of all timesheets, overtime forms, car mileage and travel and subsistence claims, and any other payroll related records.
- 5.131 To maintain an up to date list of all officers authorised to approve timesheets, overtime forms, car mileage and travel and subsistence claims, and all other payroll related records.
- 5.132 To check periodically that all officer claims for salaries, wages, overtime, travel, subsistence and other allowances/expenses are correctly certified by an authorised signatory before payment is made.
- 5.133 To maintain all necessary personal records concerning pay, pension, national insurance contributions and income tax and make all relevant payments on behalf of both employees and the Authority to the appropriate Government agencies.
- 5.134 To issue guidance on the retention of payroll records. All payroll records relating to Income Tax and National Insurance are to be retained for six years plus the current year, to satisfy the requirements of the Taxes Management Act. Records relating to pensions should be retained for six years following the cessation of any liability.

Responsibilities of the Deputy Chief Fire Officer

- 5.135 To approve payments of Members' allowances, travel, and subsistence upon receiving the prescribed form, duly completed and authorised. All claims will be examined and checked for reasonableness with respect to the amounts claimed. A record of authorised signatories shall be retained and kept up to date.

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Responsibilities of Principal Officers

- 5.136 To furnish the Treasurer with all documents that are required to arrange payment by the due date and any documentation required for pension, income tax and national insurance purposes.
- 5.137 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.
- 5.138 To ensure that time sheets, overtime forms or other payroll related records are in a form prescribed or approved by the Treasurer. All such records shall be appropriately certified in manuscript, by an authorised signatory.
- 5.139 To maintain all necessary records relating to the appointment, termination and all other personnel matters.
- 5.140 To make arrangements to ensure that the appropriate officer, is notified promptly, and in the approved format, of all matters affecting the remuneration of staff within their department, and in particular:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
 - absences from duty for sickness or other reasons apart from approved leave;
 - changes in remuneration, other than normal increments and pay awards and agreements of general application; and
 - information necessary to maintain records of service for pension, income tax, national insurance and the like.
- 5.141 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees;
 - payments are only made where there is a valid entitlement;
 - conditions and contracts of employment are correctly applied;
 - employees' details listed on the payroll are checked at regular intervals to verify accuracy and completeness;
 - the same person does not both complete and authorise a timesheet, overtime form or other claim for payment;
 - persons involved in the different processes of completing and authorising a timesheet, overtime form or other claim for payment are clearly identifiable on the relevant document;
 - adequate supporting records are maintained to back up summary timesheet entries, completed by an individual on behalf of a group of employees. The supporting records must show the start and finish times of each employee each day, and should be signed by the employee concerned;
 - no employee may certify or authorise a payment or other benefit to himself/herself or any document which would lead to a payment or other benefit to himself/herself.
- 5.142 To ensure that the department maintains and reviews periodically a list of officers approved to authorise timesheets, overtime forms and other payroll related records together with specimen signatures, and to ensure that only authorised officers authorise payments.
- 5.143 To review the establishment list issued by the Human Resources Manager on a regular basis and confirms the accuracy of the report.
- 5.144 To ensure that payroll transactions are processed only through the payroll system. "Cash in hand" and other non PAYE payments are not permitted. Principal Officers shall give careful consideration to the employment status of individuals employed on a self-

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employed, consultant or subcontract basis. The HM Revenue and Customs applies a tight definition for employee status, and in cases of doubt, advice shall be sought from the Treasurer.

- 5.145 To ensure that all claims for the payment of car mileage, travel and subsistence, and incidental expenses are submitted promptly by officers in the approved format each month.
- 5.146 To arrange for the correct certification of claims for car mileage, travel and subsistence, and incidental expenses. Certification by the Principal Officer or an officer authorised by him/her shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred in connection with the Authority's business, the most cost effective route and means of transport was used and that the allowances claimed are properly payable by the Authority. The names of officers authorised by Principal Officers to approve such records shall be retained in each service area and this shall be amended on the occasion of any change. The accuracy of the information contained in a claim shall be the responsibility of the employee concerned. Due consideration should be given to tax implications and that the Treasurer is informed where appropriate.
- 5.147 To ensure that claims for travel, subsistence and other allowances are paid through the payroll system to ensure the correct treatment for Tax and National Insurance purposes.
- 5.148 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.
- 5.149 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with guidance issued by the Treasurer.

Responsibilities of Members

- 5.150 To submit claims for travel or subsistence allowances on the prescribed form duly completed. All claims shall be submitted promptly, every month. The accuracy of the information contained in a claim shall be the responsibility of the Member or co-opted Member concerned.

TAXATION

Why is this Important?

- 5.151 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 can be severe. It is, therefore, important for all officers to be aware of their role.

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Key Controls

5.152 The key controls for taxation are:

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

Responsibilities of the Treasurer

5.153 To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).

5.154 To complete VAT returns and to supply other information as specified by HM Revenue and Customs.

5.155 To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.

5.156 To advise Principal Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

Responsibilities of Principal Officers

5.157 To ensure that where VAT is accounted for in respect of a payment, in accordance with HM Revenue and Customs regulations, the following conditions are satisfied:-

- the payment relates to a supply of goods or services to the Fire and Rescue Authority or to some other body covered by the Fire and Rescue Authority's VAT registration;
- unless otherwise authorised, a VAT invoice (or receipt) is held in respect of the payment;
- where a payment is made to a contractor in the construction industry on the authority of an architect's certificate, an authenticated receipt is obtained as soon as possible;
- the VAT identified on the VAT invoice is identified and coded correctly;
- that VAT invoices are processed expeditiously and are not unduly delayed.

5.158 To ensure that VAT is accounted for, in the correct tax period, on all supplies of goods and services made by the Fire and Rescue Authority that are subject to VAT.

5.159 To ensure that a VAT invoice (or receipt) is issued upon request by any person to whom taxable supplies of goods or services have been made by the Fire and Rescue Authority, showing the VAT charged.

5.160 To ensure that all VAT invoices are raised and processed expeditiously.

5.161 To ensure that documents identifying VAT transactions, including proof of payment and banking records, are retained for the period specified by HM Revenue and Customs.

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

5.163 To ensure that all persons employed by the Authority are added to the Authority's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

5.164 To follow the guidance on taxation issued by the Treasurer.

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5.165 To ensure that arrangements are in place for all relevant staff to be informed about the correct VAT treatment of all transactions and of changes to this as notified by the Treasurer.

SECTION 6 - EXTERNAL ARRANGEMENTS

- [Partnerships](#)
- [External Funding](#)
- [Work for Third Parties](#)
- [Unofficial Funds](#)

PARTNERSHIPS

Why is this Important?

6.1 Partnerships 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 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.

General

6.2 The main reasons for entering into a partnership are to share risk, to access new resources, to provide new and better ways of delivering services.

6.3 A partner is defined as either:

- an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project, or
- a body whose nature or status give it a right or obligation to support the project.

6.4 Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- to acknowledge that the best interest of the partnership is more important than the best interest of each participating group;
- to acknowledge that the partnerships require a level of flexibility which may require non compliance with the Authority's Financial and Contract Standing Orders. Where this arises it should be formally approved by the Treasurer;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- to be open about any conflict of interests that might arise;
- to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

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Key Controls

- 6.5 The key controls for the Authority's partners are:
- to be aware of their responsibilities under the Authority's Financial Regulations and Contract Standing Orders and to consider the appropriateness of each control to the partnership and any external funding guidance received;
 - to ensure that processes are put in place which ensure that the partnership is effective in carrying out its duties in the required timely manner.
 - to ensure that risk management processes are in place to identify and assess and mitigate all known risks without affecting the ability of the partnership to effectively function;
 - to ensure that project appraisal processes and a strategic business case is in place to assess the viability of the project in terms of resources, staffing and expertise;
 - to ensure that there is a sound legal vehicle in place prior to any project commencing;
 - to ensure that there are robust arrangements for decision making and that budgets agreed by partners are lawful;
 - to ensure clear accountability where the partnership uses grant income as a source of funding;
 - to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
 - 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

- 6.6 To advise on the use of effective and waiving of ineffective controls within the partnership in order to ensure that resources are not wasted.
- 6.7 To advise, as appropriate, on the key elements of funding a project, including:
- a scheme appraisal for financial viability in both the current and future years;
 - risk appraisal and management;
 - resourcing, including taxation issues;
 - audit, security and control requirements;
 - carry-forward arrangements.
- 6.8 To ensure that the accounting arrangements are satisfactory.
- 6.9 To consider and approve any reasonably required variation to Financial Procedures provided a satisfactory level of control over the interests of the Authority, its Officers and members is maintained.

Responsibilities of Principal Officers

- 6.10 To consult with the Treasurer, as necessary, on a scheme's appraisal for financial viability in both the current and future years.
- 6.11 To ensure that risk management processes are in place to identify, assess and mitigate all known risks without affecting the ability of the partnership to effectively function.

Part 4 – Rules and Procedures

- 6.12 To ensure that such agreements and arrangements do not impact adversely upon the services provided either by the Authority or the partnership.
- 6.13 To ensure that all agreements and arrangements are properly documented.

EXTERNAL FUNDING

Why is this Important?

- 6.14 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 authorities. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies 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

- 6.15 The key controls for external funding are:
- 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;
 - to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Fire and Rescue Authority;
 - to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future capital and revenue budgets reflect these requirements.

Responsibilities of the Treasurer

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

Responsibilities of Principal Officers

- 6.19 To ensure that all checks are carried out to make certain that funding instructions associated in a bid for external funding are taken into account.
- 6.20 To maintain adequate supporting documentation to enable claims for funding to be maximised.
- 6.21 To ensure that all claims for funds are made by the due date.
- 6.22 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- 6.23 To ensure that full consideration has been given to exit arrangements relating to time limited grant funding.

WORK FOR THIRD PARTIES

Part 4 – Rules and Procedures

Why is this Important?

- 6.24 Current legislation enables the Authority to provide a range of services to other bodies. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is within the Authority's legal powers.

Key Controls

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

Responsibilities of Treasurer

- 6.26 To issue guidance with regard to the financial aspects of third party contracts.

Responsibilities of Principal Officers

- 6.27 To ensure that appropriate insurance arrangements are made.
- 6.28 To ensure that the Authority is not put at risk from any bad debts.
- 6.29 To ensure that, wherever practicable, payment is received in advance of the delivery of the service.
- 6.30 To ensure that the department/unit has the appropriate expertise to undertake the contract.
- 6.31 To ensure that such contracts do not impact adversely upon the services provided for the Authority.
- 6.32 To ensure that all contracts are properly documented.
- 6.33 To provide appropriate information to the Treasurer to enable a note to be entered into the statement of accounts.

TRADING ACCOUNTS AND BUSINESS UNITS

Why is this Important?

- 7.1 Under Best Value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations in the Statement of Accounts.

Responsibilities of the Treasurer

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

Responsibilities of Principal Officers

Part 4 – Rules and Procedures

- 7.3 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.

Unofficial Funds

Why is it so Important?

- 7.4 Unofficial funds are those funds that are associated with the Authority, are usually operated by officers of the Authority but do not form part of the accounting records or banking arrangements of the Authority. Examples include Station Welfare Funds. This regulation identifies the responsibilities of staff administering the accounts.

Key Controls

- 7.5 The Authority will not, as a general rule, supervise the financial administration nor audit unofficial funds, and accepts no liability whatsoever for any loss, however caused. Those operating such funds therefore have an overall responsibility to ensure that proper financial stewardship is observed. This includes ensuring that:
- a treasurer and an independent auditor are formally appointed
 - proper rules are operated to secure adequate standard;
 - adequate records and procedures are maintained;
 - regular reports on fund transactions and balances are received and checked against bank statements;
 - annual statements of income and expenditure and fund balances are prepared and audited.
- 7.6 Those operating or intending to operate such funds are also required to:
- notify the Finance Manager of details of the fund as soon as this is set up;
 - provide an independent annual audit certificate for the fund to the Finance Manager within three months of the end of the financial year, showing at least opening and closing balances and total income and expenditure;
 - be aware that the Head of Audit and Procurement reserves the right to inspect the accounts and records of such funds as necessary.

NORTH WALES FIRE AND RESCUE AUTHORITY CONTRACT PROCEDURE RULES

Introduction

The purpose of these Contract Procedure Rules is to provide a methodology for the procurement of goods, works and services for the Authority and to ensure that the relevant procedures are efficient and transparent and provide a system of openness and accountability. The highest standards of probity are required of all officers and Members involved in the procurement, award and management of the Authority's Contracts.

Any queries in respect of these Contract Procedure Rules shall be referred to the Monitoring Officer.

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GENERAL

1. Interpretation

1.1 In these Contract Procedure Rules, the following terms have the following meanings:

Approved List	a list drawn up for and maintained by services for use under CPR 15
Business Case	the process for weighing up the expected benefits with the cost and risks of a proposed project.
Call Off	a Contract let using a Framework Agreement where the terms allow for a Contract to be awarded without the need for mini competition.
Code of Conduct	the Codes regulating the conduct of Officers and Members as set out in the Authority's constitution
Community Benefits	social or economic or environmental requirements which benefit the community within the Authority area
Contract	an agreement for the supply of goods or services or concessions or the execution of works
Contract File	a record of all matters relating to the Contract and procurement process
Contractor	a supplier of goods or services or concessions or works for the Authority
Contracts Register	a Register of Contracts currently operating within the Authority
Corporate Purchasing Agreement	a Contract or Framework Agreement which has been endorsed and approved for use by the ACO, Finance and Resources and its use shall be mandatory. This includes joint procurement arrangements and membership of official planning consortiums
Authority	North Wales Fire and Rescue Authority
E-Sourcing	electronic systems for the facilitation and conducting of procurement exercises
EU	European Union
EU Contract	a Contract covered by the Public Contracts

Regulations 2015

Framework Agreement	an agreement which allows a Responsible Officer to Call Off or undertake a mini competition to provide goods, services or works in accordance with the terms of the agreement. The Framework Agreement usually constitutes a non-binding offer with no obligations to Call Off from the Contractor. If the Authority Calls Off from the Contractor a binding Contract comes into being.
Chief Fire Officer (CFO)	overall responsibility for each area of North Wales Fire and Rescue Service
Assistant Chief Officer (ACO)	responsible for specific areas within the North Wales Fire and Rescue Service
Invitation to Tender	Invitation to Tender documents in the form required by these Contract Procedure Rules
Member(s)	a Member of the Authority
Monitoring Officer	the Officer designated by the Authority as its statutory Monitoring Officer from time to time
Month	a calendar month
Most Economically Advantageous Tender	the tender which is the most advantageous to the Authority based on a combination of price and quality criterion
OJEU	Official Journal of the European Union
OJEU Threshold	the values that are determined by the European Union every two years
Quotation	a quotation of price and any other relevant matter made without the formal issue of an Invitation to Tender
Relevant ACO	the ACO whose directorate or department is responsible for the procurement exercise in question
Responsible Officer	any permanent or temporary staff member or consultant or any other person properly authorised by the Authority to carry out any of the Authority's Contracts functions
Section 151 Officer	the officer designated by the Authority to undertake its duties under section 151 of the Local

Government Act 1972

Sub-OJEU	the values below the threshold that are determined by the European Union every two years
Tender	a Contractor's formal proposal submitted in response to an Invitation to Tender
Tenderer	a Contractor who is invited to submit a Tender for the provision of works, services, goods or concessions to the Authority
Value for Money	the optimum combination of whole life costs, quality and benefits to meet the Authority's requirement. Such term equates to the EU procurement requirement of "most economically advantageous offer"
Working Day	any day other than a Saturday or a Sunday or a day which is a bank or a public holiday throughout Wales

- 1.2 Unless the context otherwise requires, words in the singular shall include the plural and in the plural include the singular.
- 1.3 Unless the context otherwise requires, a reference to one gender shall include a reference to the other gender.
- 1.4 Any reference to actions within these Contract Procedure Rules can also be undertaken by Responsible Officers with the appropriate delegated authority to carry out such tasks.
- 1.5 Under these Contract Procedure Rules, periods expressed as a certain number of days from a particular event run from the day following that on which the event takes place. If the last day of the period falls on a Saturday, Sunday or a bank or public holiday it will end on the next working day.
- 1.6 Periods will include public holidays and weekends unless these are expressly excluded or the periods are expressed as a certain number of working days.

2. Compliance with Contract Procedure Rules and Legislation

- 2.1 These Contract Procedure Rules apply to all Contracts entered into by or on behalf of the Authority.

- 2.2 The ACO (Finance and Resources), Monitoring Officer or Section 151 Officer shall advise on the implementation and interpretation of the Authority's Contract Procedure Rules.
- 2.3 Every Contract entered into by the Authority or on its behalf shall be entered into pursuant to, or in connection with, the Authority's functions and shall comply with:
 - 2.3.1 all relevant statutory provisions;
 - 2.3.2 the relevant EU law and the EU public procurement rules (including the EC treaty, the general principles of EU law and the EU public procurement directives implemented by the UK regulations);
 - 2.3.3 the Authority's constitution including these Contract Procedure Rules and the Authority's Financial Regulations.
 - 2.3.4 schemes of delegation;
 - 2.3.5 the Authority's strategic objectives and policies;
 - 2.3.6 the relevant data protection legislation.
- 2.4 Should there be a conflict between the provisions of the Authority's Contract Procedure Rules and any provision of an EU directive or any domestic legislation, the directive or legislation shall prevail.
- 2.5 All Responsible Officers must comply with the Authority's Contract Procedure Rules and Financial Regulations. Other officers must not enter into Contracts on behalf of the Authority.
- 2.6 Any failure by a Responsible Officer to comply with any of the provisions of these Contract Procedure Rules or the Authority's Financial Regulations or associated guidance adopted by the Authority or any UK or European legal requirements may result in disciplinary action.
- 2.7 Any failure to comply with these Contract Procedure Rules by Responsible Officers shall be reported immediately to the ACO (Finance and Resources).
- 2.8 Any failure to comply with these Contract Procedure Rules by Members shall be reported immediately to the Monitoring Officer.
- 3. Duties of Responsible Officers and Members**
 - 3.1 The highest standards of probity are required of all Responsible Officers and members involved in the procurement, award and management of Authority Contracts.

- 3.2 Responsible Officers shall always:
- 3.2.1 seek value for money;
 - 3.2.2 show no undue favour to any Contractor or Tenderer, nor discriminate against any Contractor or Tenderer;
 - 3.2.3 ensure that all procurement is in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);
 - 3.2.4 do nothing that contravenes EU or domestic law;
 - 3.2.5 ensure that adequate Contract files are kept for Contracts upon which they are engaged.
- 3.3 Members and officers must comply with the Authority's policy and processes in relation to gifts and hospitality. As a general rule, offers of gifts or hospitality must not be accepted without the written authorisation of the CFO or Relevant ACO. This includes offers from Contractors, Tenderers or any firm or organisation with whom the Authority has had, is having or may have any dealings of any kind.
- 3.4 Members shall comply with the members' code of conduct.
- 3.5 Responsible Officers shall comply with the officers' code of conduct.
- 3.6 Members and officers should seek advice from the Monitoring Officer in respect of any matter arising out of these Contract Procedure Rules whenever there is any doubt as to the correct procedure.
- 4. Declaration of Interests**
- 4.1 No Member, officer or agent of the Authority shall improperly use their position to obtain any personal or private benefit from any Contract entered into by the Authority.
- 4.2 The following shall declare any interests which may affect the Contract process:
- 4.2.1 all Responsible Officers who play any role in the procurement process, including those designated under a scheme of delegation in CPR 5.3;
 - 4.2.2 Members involved in the procurement process; or
 - 4.2.3 external consultants.
- 4.3 The CFO or responsible ACO shall ensure that members, officers, consultants or anyone else who is not an officer of the Authority appointed or agreed by them make declarations on their appointment and on any change in circumstances (and annually in the case of officers), and shall either certify them as acceptable or take any necessary action in respect of potential

conflicts of interest. Responsible Officers shall keep completed consultants' declarations on the Contract file.

- 4.4 All members and Responsible Officers must complete a declaration of interest form, which must be appropriately approved in compliance with the Authority's declaration of interests policy. The Authority shall maintain a register of declarations indicating the names and grades of those declaring and the nature of their declaration.

5. Scheme of Delegation

- 5.1 The Authority shall maintain a scheme of delegation setting out the delegated limits for Chief Officers and Responsible Officers. Responsible Officers must operate within delegated limits when entering into a Contract on behalf of the Authority.
- 5.2 Each ACO shall compile and maintain a scheme of delegation specific to their service, detailing the names and grades of Responsible Officers approved for the purposes of obtaining quotations, tendering, entering into contracts and placing orders on behalf of the authority and the maximum contract or order value allocated to each Responsible Officer for these purposes.
- 5.3 Each ACO must provide the ACO (Finance and Resources) with their scheme of delegation before the start of each financial year and on making any amendment.
- 5.4 The ACO (Finance and Resources) shall keep a register of all schemes of delegation and shall ensure the appropriate scheme of delegation is replicated within the purchase-to-pay solution (for ordering, receipting and payments).

6. Electronic Procurement Solutions

- 6.1 All purchase to pay processes including requisitioning, ordering, receipting and invoice payments shall be conducted via the corporate purchase-to-pay solution.

7. Corporate Purchasing Agreements and Dynamic Purchasing Agreements

- 7.1 The use of the following Corporate Purchasing Agreements as endorsed by the ACO (Finance and Resources) shall be mandatory, unless a justification not to use them has been made in writing and been approved by the ACO (Finance and Resources):

- 7.1.1 Corporate purchasing agreements resulting from the National Procurement Service or any other approved official purchasing consortiums;

- 7.1.2 Any other Framework Agreements and any subsequent call off arrangements; and

- 7.1.3 Joint procurement arrangements.

7.2 Any membership of an official purchasing consortium which requires upfront Authority commitment shall be approved by the ACO Finance and Resources prior to the involvement by or on behalf of the Authority.

8. Use of Consultants

8.1 The engagement of consultants must be approved, in the first instance, by the Relevant ACO and such approval shall be recorded on the corporate Contracts Register.

8.2 When calculating the estimated value of the Contract, due consideration must be given to any follow on work that may result from the original Contract. Where it is proposed that consultants are engaged by the Authority, the Relevant ACO shall ensure that:

8.2.1 there is a clear identification of need. In particular, the availability of in-house resources must be considered before seeking to engage external consultants;

8.2.2 a budget has been agreed;

8.2.3 a project brief has been prepared;

8.2.4 Contracts are in accordance with these Contract Procedure Rules, unless CPR 14 applies;

8.2.5 comprehensive criteria against which proposals will be evaluated are set;

8.2.6 the selection decision is clearly documented;

8.2.7 a formal agreement or detailed letter of engagement is prepared and signed;

8.2.8 fee payments and progress are monitored;

8.2.9 a detailed Contract file is maintained;

8.2.10 performance is reviewed and adequate management monitoring and reporting is in place, including implementation of any recommendations made by consultants;

8.2.11 there is a clear requirement for knowledge and skills transfer from the consultant to in-house staff;

8.2.12 declare any interests which may affect the Contract process.

8.3 Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the Relevant ACO for the periods specified in the respective agreement. The excess for any one claim shall be

no more than £20,000 except with the approval of the ACO (Finance and Resources).

- 8.4 For the engagement of technical external staff such as architects, surveyors, engineers and lawyers, the Relevant ACO shall annually review the level of use of such external staff.
- 8.5 Where consultants or technical external staff such as architects, surveyors, engineers or lawyers are appointed to be responsible for supervision of a Contract on behalf of the Authority, it shall be a condition of appointment that they shall comply with these Contract Procedure Rules and the Authority's Financial Procedure Rules in relation to that Contract as if they were an officer of the Authority and that on completion of the Contract they shall submit all relevant records to the Relevant ACO.

PROCUREMENT PLANNING

9. Purchasing Need and Procurement Planning Approval

- 9.1 The Relevant ACO shall, having established and identified a purchasing need, nominate a Responsible Officer to fully assess the purchasing need.
- 9.2 Before undertaking a procurement exercise the Responsible Officer shall ensure that the authority's business planning process is followed. This includes the appropriate scoping of goods/service requirements, ensuring that there is approved budget for such expenditure and the route to market is compliant with these procedure rules.

10. Determining the Contract Value

- 10.1 Before conducting any procurement exercise the Responsible Officer will estimate and record the total expected cost of a proposed Contract, including any Contract extensions, incidental or ancillary costs net of recoverable VAT over the full duration of the Contract. For construction Contracts the estimate must be produced by a suitably qualified officer.
- 10.2 Where a service or supply Contract does not stipulate a total price, the value shall be estimated as follows:
 - 10.2.1 fixed term service Contracts of up to 48 months: total consideration payable over the term;
 - 10.2.2 service Contracts or Contracts for the hire of goods for an indefinite or uncertain period or for a fixed term of more than 48 months; consideration payable in respect of each month multiplied by 48.
- 10.3 The value of regular or renewable service or supply Contracts shall be estimated either:

- 10.3.1 by aggregating the value of similar Contracts for the same categories of services or supplies awarded by the Authority over the previous financial year or 12 months, adjusted where possible for anticipated changes in quantity or value over the next 12 months; or
 - 10.3.2 by taking the estimated aggregate value during the 12 months following the first supply or service performed, or during the term of the Contract where this is greater than 12 months.
- 10.4 A Contract cannot be artificially divided, nor a valuation method selected with the intention of avoiding any clauses within these Contract Procedure Rules. Contracts shall be packaged to ensure best service delivery, competition and value for money.
- 10.5 Where a purchasing requirement is subdivided into several smaller Contracts, the estimated value of each shall be aggregated to estimate the total Contract value. However it will not be necessary to aggregate the following:
- 10.5.1 any works Contract that has an estimated value of less than the small lots provision in the table of values; or
 - 10.5.2 any service Contract that has an estimated value of less than the small lots provision in the table of values, provided that the aggregate value of all those smaller Contracts is less than 20% of the total Contract value.

11. Pre-Tender Enquiries

- 11.1 Enquiries of Contractors may be made before tenders are invited in order to:
- 11.1.1 establish whether goods, works or services that the Authority wishes to purchase are available and within what price range;
 - 11.1.2 prepare the Invitation to Tender, price estimates and Contracts;
 - 11.1.3 establish whether particular Contractors wish to be invited to tender or quote.
- 11.2 In making enquiries:
- 11.2.1 no information shall be disclosed to one Contractor which is not then disclosed to all those of which enquiries are made, or who are subsequently invited to submit a tender or quotation;
 - 11.2.2 no Contractor shall be led to believe that the information they offer will necessarily lead to them being invited to submit a tender or quotation, or being awarded the Contract;
 - 11.2.3 a written record, including notes of any meetings held, the responses and the names of all individuals present shall be kept by the Responsible Officer on the Contract file.

12. Sustainable Procurement and Safeguarding

- 12.1 The Authority has a duty under the Wellbeing of Future Generations (Wales) Act 2015 to act in accordance with the sustainability principle and to ensure this guides decision making. The Authority must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 12.2 For all Contracts over £100,000 for goods and services the Authority shall consider whether to take account of social, economic and environmental issues when setting the tender evaluation criteria.
- 12.3 For all Contracts exceeding £2,000,000 the Authority must demonstrate compliance with the Welsh Government's Community Benefits In Procurement requirements. For relevant Contracts, Contractors will be required to complete the Community Benefits Toolkit as part of their Contractual requirements.

EXEMPTIONS

13. Exempt Contracts

- 13.1 An Exempt Contract is one to which these Contract Procedure Rules do not apply.
- 13.2 The following Contracts are exempt from the requirements of these Contract Procedure Rules:
 - 13.2.1 employment Contracts;
 - 13.2.2 agreements relating solely to disposal or acquisition of an interest in land with the exception of Development Agreements (see CPR 52);
 - 13.2.3 internal purchases or service provision;
 - 13.2.4 Contracts for the engagement of counsel; and
 - 13.2.5 Contracts for the engagement of an expert witness.

14. Exemption from Contract Procedure Rules

- 14.2 For Contracts other than those specified under CPR 13, a Responsible Officer may seek an exemption from applying these Contract Procedure Rules in exceptional circumstances.
- 14.3 A Contract shall only be negotiated with a single Contractor where the Authority having considered all the circumstances decides that such a course is desirable in the public interest. Such a decision shall be made only after consideration by the ACO (Finance and Resources) in conjunction with the Monitoring Officer where appropriate. Circumstances may include:

- 14.3.1 where the works, goods or services can only be provided by a particular Contractor for reasons that are technical or connected with the protection of exclusive rights;
 - 14.3.2 urgency brought about by events unforeseeable by the Authority and in accordance with the strict conditions stated in the Public Contracts Regulations 2015;
 - 14.3.3 goods are required as a partial replacement or addition to existing goods or installations and obtaining them from another Contractor would result in incompatibility or disproportionate technical difficulties in operation or maintenance;
- 14.4 No exemptions may be granted which would result in a breach of European or domestic law.
- 14.5 A register of approved exemptions will be maintained.

APPROVED LISTS

15. Authority's Approved Lists

- 15.1 Approved lists may be established for certain types of goods, works and service Contracts. Generally these will be for low value high frequency purchases.
- 15.2 The approval from the ACO (Finance and Resources) must be sought prior to set up or adoption of an Approved List.
- 15.3 Authority Approved Lists shall:
 - 15.3.1 indicate whether the Contractors listed are approved for all Contracts or for only some of the specified categories, values or amounts;
 - 15.3.2 be publicly advertised and reviewed in full at least every four years. As a minimum, a public advertisement must be published on the National Procurement Service website (Sell2Wales);
 - 15.3.3 be open to receive new expressions of interest from any Contractor;
 - 15.3.4 be an Approved List prepared by another public body providing that it has been composed in a proper manner by that body and that the Responsible Officer is satisfied that the procedure used does not conflict with the Authority's policies and procedures.
- 15.4 The financial standing of Contractors may be subject to financial assessment. Where the CFO or ACOs choose not to adhere to the financial assessment limits advised by the ACO (Finance and Resources), a documented risk assessment must be undertaken to support the decision.

- 15.5 A Contractor shall not be placed on an Authority Approved List or invited to tender if:
- 15.5.1 it is bankrupt or is being wound up or is having its affairs administered by a court or has entered into an arrangement with creditors or has suspended its business activities or is subject to court proceedings regarding any of these matters;
 - 15.5.2 it, or any of its directors, have been convicted of an offence concerning professional conduct or have been guilty of grave professional misconduct;
 - 15.5.3 it has not fulfilled obligations relating to the payment of taxes or other statutory contributions;
 - 15.5.4 it has fundamentally misrepresented information supplied to the Authority.
- 15.6 Where an Approved List is in place, the consideration of other Contractors shall only be permitted where the Contractors are to be subject to a separate pre-qualification questionnaire exercise as part of a specific procurement exercise.
- 15.7 Responsible Officers must ensure a process of continual checking and verification is in place with respect to Contractors who are on an Approved Lists or Framework Agreements or have a Contract in place. Issues which shall be subject to verification shall include financial standing (see CPR 15.6), level of insurance cover (including any policy exclusions), accreditations, level of prosecutions and any other relevant information which may be subject to change or renewal.

16. Removal of a Contractor from an Approved List

- 16.1 The Relevant ACO may, in consultation with the ACO (Finance and Resources), immediately suspend a Contractor from an Approved List, Framework Agreement, dynamic purchasing agreement or (in exceptional circumstances) Contract, whenever there are substantiated concerns regarding the Contractor's financial standing or technical capability or compliance with health and safety requirements.
- 16.2 Investigations of the Contractor must take place immediately. If the suspicions are confirmed, the Contractor must be removed from the Approved List, Framework Agreement or dynamic purchasing agreement. If the suspicions are dispelled, the Relevant ACO must immediately reinstate the Contractor.
- 16.3 A Contractor may be removed from an Approved List, Framework Agreement if the Relevant ACO considers that the Contractor or its staff have breached standards of conduct that are relevant to the nature of the work performed by the Contractor. Action may be taken under this paragraph even if there are no doubts about the financial standing or technical capability of the Contractor.
- 16.4 In the event that a Contractor is removed from an Approved List, Framework

Agreement the ACO (Finance and Resources) will be notified of the decision.

16.5 A Contractor which has been removed from an Approved List or Framework Agreement shall have the right to appeal the decision within 7 working days of receipt of the letter informing them of their removal.

16.6 Any appeal shall be heard by the Monitoring Officer and Section 151 Officer.

PROCUREMENT APPROACHES

17. Requirements for All Contracts

17.1 The Authority is actively involved in collaborative agreements and arrangements across the public sector. These include joint procurement agreements to secure economies of scale and the use of public sector procurement frameworks.

17.2 Such arrangements known as Corporate Purchasing Agreement must be considered in the first instance. If in place an order shall be placed under the Corporate Purchasing Agreement accordingly.

17.3 When considering the value of a contract, please refer to section 10, on page 10-11.

17.4 A purchase order must be sent via the purchase-to-pay solution following award of the Contract.

18. Contracts Valued at less than £10,000 (Goods, Works and Services)

18.1 The need to obtain written quotations shall be at the Relevant ACO's discretion although this does not alleviate the Relevant ACO of their responsibility to demonstrate that value for money has been obtained.

19. Contracts Valued between £10,000 and £40,000 (Goods, Works and Services)

19.1 Where a Corporate Purchasing Agreement is not available, the Responsible Officer shall obtain a minimum of three quotations.

20. Contracts Valued between £40,000 and OJEU Threshold (Goods, Works and Services)

20.1 Where a Corporate Purchasing Agreement is not available, the Responsible Officer must follow the tender requirements.

21. Contracts Valued over OJEU Threshold (Goods, Works and Services)

21.1 Where a Corporate Purchasing Agreement is not available, the Responsible Officer shall invite tenders with appropriate advertisements in the OJEU.

22. Request for Quotes and Invitation to Tender Documentation

- 22.1 The Invitation to Tender and all other procurement documentation (including requests for quotation, pre-qualification questionnaires and Contract award letters) used shall be in compliance with the corporate standard documentation.
- 22.2 Every set of procurement documents shall state the nature and purpose of the Contract for which tenders are invited, specify the last date and time when tenders will be received and state that the Authority reserves the right not to accept any tender or to accept a tender other than the lowest where payment is to be made by the Authority or the highest where payment is to be received by the Authority.
- 22.3 The Invitation to Tender must include an indication of the method of selection of the successful tender i.e. price basis, quality basis or a combination of price and quality (most economically advantageous tender).
- 22.4 Instructions must be given to Tenderers regarding submission of documents which state that tenders must be received by the time and date indicated on the Invitation to tender. Receipts will be issued for hand delivered tenders.
- 22.5 All Tenderers shall be required to submit a signed statement to the effect that their tender price has not been communicated to others apart from that disclosed in confidence to insurers and that they have not adjusted the amount of any tender or quotation in accordance with any agreement or arrangement between the proposed Tenderer and any other person.

23. Tender Specifications

- 23.1 The Responsible Officer shall ensure the Invitation to Tender specifies the quality, performance, safety and other characteristics required of the works or goods or services or supplies. Specifications may include requirements relating to methods of construction, design and costing, tests, testing methods, inspection and acceptance, quality assurance, packaging, marking and labelling.
- 23.2 Technical specifications shall be defined by reference to relevant European specifications or, where they do not exist, in the following order: to British technical specifications, British standards implementing international standards, other British standards and technical approvals or any other standards. Where an appropriate standard is current at the date of tender, all works, goods, services and supplies shall be at least of equal quality.
- 23.3 Specifications shall not refer to goods of a particular make or source unless:
 - 23.3.1 it is justified by the purchasing requirement; or
 - 23.3.2 the purchasing requirement cannot otherwise be described precisely and intelligibly, provided references are accompanied by the words 'or equivalent'.

24. Tender Bid Clarifications

- 24.1 At all times during the procurement process the Authority shall ensure that all Tenderers and Contractors are treated equally and in a non-discriminatory and transparent manner.
- 24.2 Tenderers must be provided with an opportunity to ask questions of the Authority in relation to the procurement exercise and Contract requirement. Where a Tenderer seeks clarification from the Authority prior to tender submission, the Responsible Officer shall ensure that the clarification question and response are brought to the attention of all Tenderers.
- 24.3 Following receipt of tenders, the Responsible Officer may seek clarification from Tenderers where appropriate in consultation with the ACO (Finance and Resources).

25. Tender Submissions

- 25.1 The principles governing the submission of tenders should apply to both electronic and written (paper) submission. and in compliance with the instructions to Tenderers issued as part of the Invitation to Tender.
- 25.2 The tender should be submitted in a plain sealed envelope which shall be duly marked "Tender for the..... " according to the subject to which it relates, and the tender conditions shall clearly indicate the last day and time for receipt of tenders. The date and time received shall be recorded on all envelopes and arrange for the safe custody of all submitted tenders, which shall remain unopened until the time appointed for their opening.
- 25.3 If a tender is opened in error, no attempt shall be made to ascertain any contents of the tender or its origin and the matter shall be reported to the Relevant ACO. The envelope shall be resealed immediately and signed by the officer concerned.
- 25.4 No Responsible Officer or member shall communicate with any Tenderer once the Invitation to Tender has been posted to, or collected by the Tenderer. No information relating to that procurement process shall be disclosed to anyone not involved directly in arranging the Contract, except where it is necessary:
 - 25.4.1 for an officer or Tenderer to carry out an inspection of works, in which case all Tenderers shall be offered an equal opportunity to carry out an inspection; or
 - 25.4.2 to inform Tenderers of a change in the procurement arrangements, including the supply of additional or changed information, in which case all Tenderers shall be sent the same information at the same time; or
 - 25.4.3 in response to a request for clarification.

26. Tender Opening

- 26.1 All tenders shall be opened at the same time and place after the closing time for receipt of tenders as stated in the Invitation to Tender or as early as reasonably practical thereafter.
- 26.2 The Authority shall have arrangements in place to record the following details of each tender:
- 26.2.1 the last date and time for the receipt of tenders;
 - 26.2.2 the time and date the tender was received;
 - 26.2.3 the name of each Tenderer and where practicable the value of each tender;
 - 26.2.4 the date the tenders were opened;
 - 26.2.5 Contract title;
- and the record shall be signed by all designated persons present at the tender opening.

27. Late Tenders Received

- 27.1 Any tender received after the specified time shall be endorsed with the time and date of receipt.
- 27.2 If all other tenders have been opened, the late tender shall not be considered for evaluation and shall be opened only to ascertain the name of the Tenderer. No other details of the tender shall be disclosed. The Responsible Officer shall arrange for the tender to be returned to the Tenderer immediately. A notification letter explaining why the tender has not been considered shall be sent to the Tenderer.
- 27.3 The late tender may be considered, providing that the other tender have not been opened and that the Monitoring Officer or relevant ACO is satisfied:
- 27.3.1 that there is evidence that the late tender was posted or submitted in time for delivery by the due date in the normal course of postal service or internet service; or
 - 27.3.2 that exceptional circumstances surrounds the submission of the late tender.
- 27.4 Any decision is to be recorded on the tender opening document and a copy of the decision should be included in the register.

28. Tender Evaluation

- 28.1 All tenders for goods, services or works shall be evaluated and awarded on the basis of most economically advantageous tender, which shall include a combination of price and quality criteria, unless an exemption to this

requirement has been approved by the ACO (Finance and Resources).

- 28.2 Any scoring or weighting attributable to any criteria or sub-criteria must be clearly stated in the Invitation to tender. The criteria shall be strictly observed and remain unchanged at all times throughout the evaluation process. It must be noted that prior disclosure of and adherence to award criteria and weightings is a fundamental requirement of the core principle of transparency. The core procurement principles of transparency, equal treatment and non-discrimination apply to all procurements.

29. Errors in Tenders

- 29.1 As a general rule no adjustment or qualification to any tender shall be permitted. However, errors identified during the examination of tenders may be addressed. Invitations to tender must state the method to be used for dealing with errors in tenders.
- 29.2 Responsible Officers may invite Tenderers to amend their tender to correct genuine arithmetical error(s). In this case, no other adjustment revision or qualification is permitted.
- 29.3 Where examination of tenders reveals other errors not stated in CPR 34.2 or omissions which would affect the tender figure, the Tenderer shall be given details of such errors and an opportunity of confirming or withdrawing its tender.
- 29.4 Where a standard form Contract is used, the Responsible Officer shall deal with errors in accordance with the rules applicable to that form of Contract.
- 29.5 The Responsible Officer shall ensure that the forms of tender are scrutinised in order to identify any errors or other discrepancy affecting the validity of the tender. Where tender values are compiled from a detailed bill of quantities the Responsible Officer shall also scrutinise the priced bill of quantities supporting the lowest tender received and any others he considers appropriate.
- 29.6** If a Tenderer withdraws or a corrected tender is no longer the highest ranking, the tender from the next highest ranking Tenderer in competitive order will be examined in more detail. **30. Negotiations**

- 30.1 Where procurement is conducted pursuant to the Public Contracts Regulations 2015 through either the open or restricted procedures, no negotiations are permitted following tender submission. The Responsible Officer may seek clarification from Tenderers where appropriate. Negotiations on price are never permissible.
- 30.2 At all times during the procurement (whether subject to the Public Contracts Regulations 2015 or not), the Authority shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 30.3 The Responsible Officer shall keep a written record of all negotiations, including notes of all meetings and the names of all individuals present and signed as such by all participants. At least two officers should be present when

conducting negotiations; these procedures also apply where it is proposed to extend an existing Contract by negotiation.

- 30.4 Where negotiation results in a fundamental change to the specification or Contract terms, the Contract must not be awarded but re-tendered.

31. Contract Award

- 31.1 The Authority shall only award a Contract where it represents best value for money. Tenders duly invited and submitted in accordance with the provisions of these Contract Procedure Rules may be awarded in accordance with the Authority's scheme of delegation.

- 31.2 In respect of Contracts where the lowest price is predetermined to be the appropriate criteria for award, a tender or quotation other than the lowest if payment is to be made by the Authority or the highest if payment is to be received by the Authority shall not be accepted until the ACO (Finance and Resources), has considered a written report from the Relevant ACO.

32. Joint Procurements

- 32.1 The use of any Framework Agreements or Joint Contracts resulting from a procurement exercise involving other public bodies as the lead authority shall be approved by the ACO (Finance and Resources) prior to their use. All such requests shall be made in writing to the ACO (Finance and Resources) and, once approved; the Responsible Officer shall ensure that the Framework Agreement or Joint Contract shall be inputted onto the Corporate Contract Register.

- 32.2 The Responsible Officer will ensure that the Contract Procedure Rules or equivalent of the lead authority or organisation will be acceptable to the Authority and are to be followed throughout the procurement exercise and the duration of the Contract.

- 32.3 Any joint procurement arrangement with any other public sector organisation that results in the Authority being committed to Contractual obligations on behalf of those other organisations (not including Framework Agreements) shall be approved by the ACO (Finance and Resources) prior to commitment stage.

33. Standstill Period

- 33.1 'Standstill' letters issued as part of the process for procurements over the OJEU Threshold under the Public Contracts Regulations 2015 or optionally as part of any Sub OJEU procurement process must not be issued prior to confirmation of Contract award.
- 33.2 There must be a mandatory standstill period between communicating the award decision to all Tenderers and conclusion of the Contract with respect to procurements above the OJEU Threshold. This standstill period shall be 10 calendar days if sent electronically or 15 calendar days for notices sent by other methods. Where the last day of the standstill period is not a working day, the standstill period is extended to midnight at the end of the next working day.
- 33.3 With respect to Contract awards involving mini competitions undertaken within a Framework Agreement or Contract awards with respect to Sub OJEU procurements a standstill period of 10 calendar days is recommended.

34. Notification of Tender Award and De-briefing Requests

- 34.1 The notification letters which are sent to any Tenderer who was successful or unsuccessful at either prequalification or Contract award stage shall be sent promptly once the decision has been made. The unsuccessful Tenderer shall be informed of the reasons for being unsuccessful and shall also be informed of the characteristics and relative advantages of the successful Contractor as well as the name of Contractor awarded the Contract.

35. Post-Contract Award Requirements

- 35.1 Following approval for Contract award and having received no legal challenges during the 'standstill' period, the Responsible Officer shall ensure all Contracts are in writing as per CPR 42 and that a purchase order is entered on to the purchase-to-pay solution (where available), once the Contract has been signed.
- 35.2 The Responsible Officer shall record all Contracts awarded by their service on the corporate Contracts register along with the E-Sourcing solution (where available).
- 35.3 The Responsible Officer shall send a Contract award notice to the OJEU within 30 days of the award with respect to an above OJEU Threshold Contract. The Responsible Officer shall publish a Contract award note to be published on the National Procurement Service (Sell2Wales) website for Sub OJEU Contracts.

36. Letters of Intent

- 36.1 Letters of intent must only be used in exceptional circumstances after prior approval in writing has been obtained from the Monitoring Officer and shall only be used as follows:
- 36.1.1 where the Contractor is required to provide services, goods or works prior to formal written acceptance by the Authority; or
 - 36.1.2 where all the Contractual terms and conditions have been agreed and there would be an unacceptable delay in waiting for the Contractual documentation to be completed.
- 36.2 In all cases, where appropriate, Contract award letters should be used rather than a letter of intent.

37. Non-Concluded Terms and Conditions of Contract

- 37.1 The Authority must always ensure that terms and conditions are fully agreed by including them in the Invitation to Tender and requiring Tenderers to accept them as part of the procurement process.
- 37.2 Where the terms and conditions of Contract are not fully agreed, no Contractor shall be allowed to commence delivery of goods, works or services until all terms and conditions have been agreed and signature or written agreement of both parties obtained.
- 37.3 Responsible Officers must in no circumstances contemplate entering into a Contract on the Contractor's own standard terms and conditions, or negotiate terms which are significantly different to those included or referred to during the procurement process without the prior approval of the Monitoring Officer and subject to CPR 31.

FORM OF CONTRACT

38. Contracts in Writing

- 38.1 The following Contracts shall be in writing and executed under seal:
- 38.1.1 if the Authority wishes to enforce the Contract for more than six years after its end;
 - 38.1.2 where the price paid or received under the Contract is a nominal price or there is no consideration and does not reflect the value of the works, goods or services;
 - 38.1.3 where there is any doubt about the authority of the person signing for the other Contracting party;
 - 38.1.4 where it is required by law; or

- 38.1.5 where the total value of the Contract exceeds £1m.
- 38.2 The seal must not be affixed without the authority of the Executive Panel or a Member or CFO or ACO acting under delegated powers. All Contracts under seal will also require an official purchase order to be created on the purchase-to-pay solution (where available).
- 38.3 All Contracts above £40,000 in value shall be in writing and in a form of Contract approved by the Monitoring Officer and be signed by the Relevant ACO or their nominated representative. All Contracts require an official purchase order to be created on the purchase-to-pay system.
- 38.4 All Contracts below £50,000 in value shall be in the form of an official purchase order which refers to the Authority's relevant general terms of conditions or such other terms and conditions included in request for quotation. All such Contracts shall be created on the purchase-to-pay solution (where available) and can be approved or signed by the CFO or Relevant ACO or their nominated representative.
- 38.5 Emergency Contracts awarded under CPR 14.3.3 or 14.3.11 need not be in writing before commencement but must be confirmed in writing as soon as possible.
- 38.6 All original Contracts in writing should be retained by the Responsible Officer.
- 38.7 Where there is an appropriate national standard form of Contract, that standard form shall be used, subject to any amendments as may be agreed with the Monitoring Officer in consultation with Relevant ACO. Responsible Officers must ensure that any standard form Contract used in any procurement is still in force, up to date and reflects current legislation.
- 38.9 Commencement of any Contract shall not take place until the written documentation is finalised, except in cases of emergency, in which case the written documentation shall be finalised as soon as practicable.

39. Bonds, Securities, Liquidated and Other Damages

- 39.1 The Responsible Officer shall undertake a risk assessment to determine whether a performance bond or performance guarantee is required.
- 39.2 All Contracts shall include a provision for liquidated damages to be paid by the Contractor where applicable in case the terms of the Contract are not duly performed, save where the Monitoring Officer approves another type of remedy.

40. Parent Company Guarantee

40.1 The Responsible Officer shall seek a parent company guarantee when a Contractor is a subsidiary of a parent company and:

40.1.1 The award is based on evaluation of the parent company; or

40.1.2 There is some concern over the stability of the Contractor.

OPERATION OF CONTRACT

41. Contract Management

41.1 All Contracts must have a named Contract manager for the duration of the Contract. Contract managers must comply with these Contract Procedure Rules and where appropriate a project management framework.

41.2 All Contracts which are strategically critical or high risk or high value or high profile as determined by the Relevant ACO, are to be subject to a formal Contract review with the Contractor.

42. Contract Performance

42.1 All Contractors shall be subjected to regular Contract performance reviews through feedback received from external and internal stakeholders. Where appropriate, a performance review shall be undertaken at the end of each completed Contract or job. This shall include a requirement to record good and poor performance including complaints, issues and defects arising under a Contract and to monitor the aggregation of Contractor defaults including performance issues.

42.2 Incidents of poor performance shall first be raised with the Contractor in writing or at a meeting where notes are made and sent to the Contractor before the annual report is despatched. In cases of particularly poor performance or persistent poor performance, the Responsible Officer shall consider whether to recommend suspension or exclusion from the Authority's Framework Agreement or Dynamic Purchasing Agreement or to terminate early the Contract as per CPR 47.

43. Termination of Contract

43.1 Legal advice should be sought prior to the early termination of any Contract.

43.4 Any Contracts that are terminated early must be recorded against the Contract entry on the corporate Contracts register.

44. Contract Variations and Contract Extensions

- 44.1 Any Contract may be varied or extended in accordance with its terms and conditions and providing that the Contract has not expired.
- 44.2 Where the terms do not expressly provide for variation or extension then variations or extensions may be made with the agreement of the other Contracting parties and approval from the Relevant ACO.

No variation or extension may be made if the proposed variation would:

- (a) mean the works, services or goods to be added to or deleted from the original Contract are substantially different in scope: or
 - (b) be in breach of UK or EU legislation.
- 44.3 The value of a variation or extension shall be calculated by taking the aggregate value of all variations or extensions made to the Contract. No variation which adds to the cost of the Contract shall be made until funding has been identified by the Relevant ACO.
- 44.4 CPR 44.2 shall not apply in cases of emergency, the variation or extension may be approved by the Relevant ACO providing that the same is reported as soon as practicable.
- 44.5 All Contract variations shall be entered in the register of Contracts and an amendment shall be made to the original purchase order via the purchase-to-pay solution (where available).

45. Contract Payments

- 45.1 The relevant officer shall maintain Contract documents, ensure the Contracts register is updated and raise a purchase order on the purchase-to-pay solution.
- 45.2 Payments to Contractors on account of Contracts shall be made only on a certificate issued by the Relevant ACO, or private consultant whenever engaged by the Authority, or by an officer nominated by the Relevant ACO as appropriate. The names of officers authorised to approve such records shall be sent to the Section 151 Officer.
- 45.3 The final certificate of any Contract should not be issued until the Responsible Officer has produced a detailed statement of account and all relevant documents.
- 45.4 The ACO (Finance and Resources) may use discretion to offset any sums due from a Contractor to the Authority against any sums due from the Authority to the Contractor, provided that a standard form Contract is in place, any action taken is in accordance with that standard form.

45.5 Claims from Contractors in respect of matters not clearly within the terms of any existing Contract shall be referred to the Monitoring Officer before a settlement is reached.

45.6 The Responsible Officer shall consider applying liquidated damages in accordance with the conditions of the Contract where the requirements of the Contract are not duly performed.

46. Assignments and Novation

46.1 Assignment of any Contract to another Contractor can only be done with the prior approval of the Relevant ACO providing this has been included as a Contract condition and is permissible under EU legislation.

47. Nominating Products or Contractors or Suppliers

47.1 The core procurement principles of transparency, non-discrimination and equal treatment are undermined by the nomination of products and suppliers.

47.2 Responsible Officers must seek to specify goods and services by reference to objective, non-product specific descriptions. Equivalent goods or services are nearly always capable of being specified. If this is not possible for genuine technical reasons, and a particular type of product or service or method of production or delivery has to be stated, then the words "or equivalent" must always be added.

47.3 The Authority may provide potential main or principal Contractors with a list of Authority-approved suppliers or sub-Contractors provided that it is made clear that they are free to sub-Contract to whoever they wish, subject to the Authority's right to consent. The Authority's consent shall not be unreasonably withheld. Any sub-Contractors must meet the Authority's reasonable requirements in relation to technical standards, financial standing and insurance levels.

47.4 These Contract Procedure Rules apply to the nomination of a sub-Contractor or supplier for carrying out works or services or supplying goods. Sub-Contractors or suppliers shall send with the tender an undertaking to work for the main Contractor and indemnify them for the sub-Contracted works, services or goods.

SPECIFIC CONTRACTS

48. Land Contracts

48.1 All land transactions must comply with Section 120 - 123 of the Local Government Act 1972.

48.2 The appointment of a developer under a Development Agreement may be subject to the Public Contracts Regulations 2015 and CPRs 18, 19, 20 and 21 of these Contract Procedure Rules.

- 48.3 Advice must be sought from the Monitoring Officer in respect of any land transactions which involve Development Agreements.

OTHER

49. Retention of Contract Files

- 49.1 Where funding has been received from an external organisation, the Responsible Officer must ensure that the Contract and Contract file are retained for the length of time specified by that funding body.
- 49.2 In all other cases, the Contract file prepared for all Contracts over £40,000 must be kept for six years from the end of the Contract term unless the Contract was executed under seal, in which case the Contract must be kept for twelve years from the end of the Contract term.
- 49.3 Documents relating to unsuccessful Tenderers may be micro-filed or electronically scanned or stored by some other suitable method after 12 months from award of the Contract, provided there is no dispute about the award.

50. Review and Amendment of the Contract Procedure Rules

- 50.1 The Monitoring Officer may make any minor or consequential changes to these Contract Procedure Rules.
- 50.2 The ACO (Finance and Resources) in conjunction with the Monitoring Officer shall continually review these Contract Procedure Rules and shall undertake a formal review every three years.

Part 4 – Rules and Procedures

ACCESS TO INFORMATION

Scope

These rules apply to all meetings of the Authority, its Standing Committees and all other committees.

Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

Notices of Meeting

The Authority will give at least five clear working days notice of any meeting by posting details on the Authority's web site.

Access to Agenda and Reports before the Meeting

The Authority will make copies of the agenda and reports open to the public and available on the Authority's website at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Clerk/Monitoring Officer will make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

Access to Minutes after the Meeting

The Authority will make available copies of the following for six years after a meeting:

- i. the minutes of the meeting or record of decisions taken by the Authority, its Committees and all other committees excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- ii. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- iii. the agenda for the meeting; and
- iv. reports relating to items when the meeting was open to the public.

Summary of Public's Rights

These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents as required by Sections 100A - H and schedule 12A of the Local Government Act 1972. Copies will be available to the public at Fire Service HQ, St Asaph and the information can also be accessed on the Authority's website.

Part 4 – Rules and Procedures

Exclusion of Access by the Public to Meetings

Confidential information - requirement to exclude the public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Meaning of confidential information

Confidential information means information given to the Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of exempt information

The categories of exempt information and the conditions relating thereto are set out below:

Namely, information falling within the scope of paragraphs 12 to 18 of Part of Schedule 12A to the Local Government Act 1972, subject to qualifications and interpretation set out in parts 5 and 6 of the Schedule, a summary of which is set out below:

Category of Exempt Information	Qualification
12. Information relating to a particular individual	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including the Authority holding that information)	Information falling within paragraph 14 is not exempt information virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none">• the Companies Act 1985• the Friendly Societies Act 1974• the Friendly Societies Act 1992• the industrial and Provident Societies Acts 1965 to 1978• the Building Societies Act 1986;• the Charities Act 1993 Public interest test applies (see below)

Part 4 – Rules and Procedures

Category of Exempt Information	Qualification
15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority or a Minister of the Crown and the employees of, or office holders under, the Authority	Public interest test applies (see below)
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	No public interest test
17. Information that reveals that the Authority proposes:	<ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment Public interest test applies (see below)
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Public interest test applies (see below)
<i>(In relation to a meeting of a Standards Committee, or a sub-committee, which is convened to consider a matter referred under the Provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i> 18A – Information which is subject to any obligations of confidentiality 18B – Information which relates to in any way to matters concerning national security 18C – The deliberations of a standards committee or a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it	Public interest test applies (see below)

Public Interest Test

Information which:

- 1) falls within any of paragraphs 12 to 15, 17 and 18 above;
- 2) is not prevented from being exempt by virtue of the qualifications above;

is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 4 – Rules and Procedures

Exclusion of Access by the Public to Reports

If the Clerk/Monitoring Officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with the Authority Procedure Rules the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Additional Rights of Access for Members

Rights of access

All members will be entitled to inspect any document which is in the possession or under the control of the Authority or its committees if any and contains material relating to any business transacted at a meeting of the Authority or its Committees.

Limitation on rights

A member will not be entitled to any part of a document where it would disclose exempt information falling within paragraphs 12 -18 of Part 4 of Schedule 12A of the Local Government Act 1972.

Nature of rights

These rights of a member are additional to any other right he/she may have.

Part 4 – Rules and Procedures

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

(a) Declarations

The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer of the Authority; or of the partner of such persons.

(b) Seeking support for appointment.

(i) The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

(ii) No Member will seek support for any person for any appointment with the Authority.

2. Appointments to be advertised

Where the Authority proposes to employ any officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Authority will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of certain officers

The full Authority shall approve the appointment of the Chief Fire Officer/Chief Executive, Deputy Chief Fire Officer, Assistant Chief Fire Officers, Treasurer and Monitoring Officer following the recommendation of such an appointment by a committee, before an offer of appointment is made to him/her.

4. Other appointments

(a) Officers

Appointment of officers other than those mentioned in paragraph 3 above is the responsibility of the Chief Fire Officer or his/her nominee, and may not be made by Members of the Authority.

Part 4 – Rules and Procedures

5. Disciplinary action

Members of the Authority will not be involved in the disciplinary action against any officer other than the Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

6. Dismissal

(a) Members of the Authority will not be involved in the dismissal of any officer other than the Chief Fire Officer, Treasurer and Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Authority's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

(b) No notice of dismissal shall be given to the Chief Fire Officer unless the dismissal is first approved by a meeting of full Authority.

MEMBERS' CODE OF CONDUCT

PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

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"relevant authority" ("*awdurdod perthnasol*") means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

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(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

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(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

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(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

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(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

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to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

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(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

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

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

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(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests 14.—

(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

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(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

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(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests 15.—

(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

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Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

NORTH WALES FIRE AND RESCUE AUTHORITY

PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

Member/Employee Protocol

This protocol codifies existing good practice in member/employee relations in North Wales Fire and Rescue Authority. It is not intended as a prescriptive checklist.

1. Introduction

- 1.1 An effective working relationship between members and employees is crucial to the successful operation of the Authority's business.
- 1.2 **Members** are appointed by their respective county (borough) council and serve until their appointment is terminated, they resign or they cease to be a member of their council.
- 1.3 **Employees** are employed to advise the Authority and to implement its decisions. Employee advice must be full and impartial and should include all relevant options. It must not seek to second-guess the decisions of members, for example by excluding presumed unpalatable options, and must be clear and professional at all times. Members should respect employees' political neutrality at all times. But members are entitled to reject employee advice and to give effect to their lawful policies even if these are clearly at variance with the views of employees. Members are entitled to seek advice and to call for a report to a committee on any matter within its terms of reference.
- 1.4 **Relations between members and employees** – For the effective conduct of Authority business there must be mutual respect in all meetings and contact between members and employees. The basic tenets of common courtesy apply in both formal and informal settings. Members should be aware that employees are constrained in the response they may make to public comment from members, and should not abuse employees in public or through the press, nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces members' proper right and duty to criticise the reports actions and work of a department or section of the Authority, where they believe such criticism is merited. If members believe they have reason to criticise the work of an individual employee, the proper approach should be through the senior manager of the section or the Chief Fire Officer. Equally, where employees feel they have good cause to criticise a member, an approach by the Chief Fire Officer to the Chair is a sensible first step.

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1.5 It is widely accepted that there will be informal contact between party political groups and employees at a senior level, often of a sensitive nature. This protocol is designed to provide a framework for contact between members and employees, both formal and informal, and to ensure that members and employees are as clear as they can be as to their roles and responsibilities in relation to each other.

2. Specific Issues

2.1 **Appointments** – Every appointment to paid local authority employment must be on merit.

2.2 **Political impartiality** – Senior employees cannot be local authority councillors or AMs/MPs, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”. Such employees are nevertheless able to engage in such activity to “such extent as is necessary for the proper performance of their duties”. (Section 1-3 Local Government and Housing Act 1989 and Local Government Employees (Political Restrictions) Regulations 1990).

2.3 **Employees are employed by the Authority**, not by committees or individual councillors, and are subject to the Authority’s employment procedures. Employees cannot be required to advise any political group of the Authority, either as to the work of the group or as to the work of the Authority, nor can they be required to attend any meetings of any political groups. This is without prejudice to any arrangements to the contrary which may be made with any employee and which includes safeguards to preserve the political neutrality of the employee in relation to the affairs of the Authority.

2.4 **Authorship of reports** – Committee reports should be written by the relevant Principal Officer or another employee authorised by him or her. The report is the employee’s and may not be amended by a member. Nor can an individual member instruct an employee not to present a report if the employee considers it proper to do so. If the report is not regarded as appropriate, the remedy is for the committee to reject its recommendations or refer it back.

2.5 **Decision making and political groups** – Members and employees must understand that Authority decisions can only be made by the Authority, a committee or sub-committee or the Chief Fire Officer acting under delegated authority. Members and employees should not act on group decisions. Representations by interested parties on any matter for Authority decision should be made to the appropriate

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committee, and not exclusively to a political group, at which employee advice on the points raised is unavailable.

- 2.6 **Proper communication between members and employees** –Principal Officers must recognise that it is their duty to keep members fully informed about developments of significance in relation to Authority activities. Principal Officers must also report promptly to the relevant committee any significant failure to implement a decision of that committee.

Regular contact between members and senior employees is necessary to ensure the efficient working of the Authority. In this context, it is the responsibility of Principal Officers to identify the senior employees who should have regular contact with members, and this will depend upon the nature of the service they provide and the nature of the member contact envisaged. But members should always bring major concerns about issues directly to the attention of the Principal Officer concerned. Principal Officers may issue instructions to their staff to ensure that this is the case.

Serious problems can arise if members by-pass appropriate lines of communication to Principal Officers and their senior colleagues and, for example, deal with more junior members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving members of the formal, informed and accountable advice they have a right to expect from Principal Officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager.

- 2.7 **Courtesy and complaints** – Contact between members and employees should always be courteous both in public and in private. If an individual member has a complaint about a junior employee, it should be raised with the appropriate Principal Officer.

If the complaint concerns a senior employee it should be raised with the Chief Fire Officer. A complaint about the Chief Fire Officer should be raised with the Clerk to the Authority. A complaint may be dealt with as part of routine liaison, supervision or review, or be referred for formal action in accordance with Authority procedures and any statutory provisions governing disciplinary action. This does not however preclude a member from making public, at a meeting or in another appropriate way, a concern about the manner in which the Service has acted. Nor does it prevent members at formal meetings being critical of employee advice or action or of the quality of reports before them.

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2.8 **Social contact** between senior employees and members is beneficial in a public setting and a work-related context. However, a professional relationship must be maintained at all times and employees must be careful not to socialise with members of one political group to the exclusion of others. Social contact between a member and a more junior employee may also be appropriate providing this occurs openly and does not result in breaches of confidence or of management instructions, or the reasonable suspicion of them. Employees must always take care in such situations to avoid casting doubt on their impartiality.

2.9 **Canvassing and visits** – Members should be aware that it can be a disciplinary offence for members of staff to seek to circumvent agreed staff consultative procedures by lobbying Members on matters which directly concern them as employees. Members should also remember that informal contacts with staff should not be used to promote their own personal interests.

Members will frequently come into contact with junior employees when visiting Service premises. Such visits are encouraged as they increase member understanding of Service functions, provide reassurance to service users of the involvement of their elected representatives in monitoring services, and will often also be welcomed by staff. However, such visits should be arranged via the Members Liaison Employee and relevant Principal Officers should normally be advised in advance of member visits to front-line services.

2.10 **Close personal relationships** between members and employees with whom they have, or are likely to have, contact in the course of their duties as a councillor are to be avoided. This includes close friendships between members and Principal Officers, and applies in particular to sexual relationships. If such a relationship arises, the member or employee should disclose this to the Chief Fire Officer who will consult with the Chair on the appropriate course of action. Both members and employees should also avoid establishing business or contractual relationships with each other, or entering into loans or other financial obligations.

2.11 **Assistance to all members** - Employees have a duty to offer the same assistance and facilities to all members irrespective of political party or home authority; employees should ensure that they treat all members in the same manner. This particularly applies to briefings, at which employees provide oral advice and information to members outside the formal processes of the Authority. They may be requested by the relevant members or offered by the Principal Officer, and are confidential in the sense that employees should not disclose matters discussed at such briefings. Individual members may also request

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briefings from Principal Officers from time to time on general issues affecting the work of the Authority. It is the duty of employees to comply with reasonable requests of this kind.

- 2.12 **Correspondence and confidentiality** – Frequently, members and employees correspond, and where not obviously confidential, such correspondence may, subject to the rules below, be copied by either the sender or the recipient to others. Correspondence should be courteous. Wide circulation of it should not be employed as a means of administering a public rebuke to an Authority employee or member. Members should, wherever possible, keep departmental or section heads informed by copying their correspondence, e-mails, etc. or approaching them directly for replies to general queries.

If a member asks for information about or relating to another member or asks for comment upon another member's conduct then the member requesting the information must be told in writing that any reply will be shared with the member to whom the information relates. If the member making the request does not agree to this they will not be given the information.

- 2.13 **Access to Information** – Members have legal rights of access to documents in the possession or under the control of the Authority and employees should implement requests for information from members who need that information for the fulfilment of their duties as a member.

- a) Normally, employees will accept that members do not ask for information without good reason and will not question the member's "need to know". But in the words of relevant legal judgements, a member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the member exercise the right for some improper motive, e.g. to assist someone in litigation with the Authority, its staff, suppliers or service users.
- b) In rare cases, therefore the Chief Fire Officer may apply the "need to know" test. The member will need to show why the information is necessary to fulfil Authority duties. Where an employee considers that a member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the employee shall state reasons for doing so.
- c) A member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The

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member will normally be able to retain material for a reasonable time, and to copy individual documents, but may not make use of such information for an improper purpose or one unrelated to the member's duties as a councillor.

- 2.14 **Press and public relations** – contact with the media on issues related to the Authority, or to Authority business, including the issue of press release, will be handled through the Corporate Communications Team.

Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chair and Chief Fire Officer will be responsible for such action.

3. Legal Rights of Members

Nothing in this code shall derogate in any way from any right of a member enshrined in law and such legal rights override any conflicting provisions in this code.

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LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR

INTRODUCTION

1. The NWFRA Standard and the Protocol for Member-Officer Relations are important in promoting good co-operation between members and between members and officers, thereby allowing the Authority to fulfil its duties effectively and professionally. It is therefore important that any allegations against a member that they have breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.
2. It is important that poor behaviour is quickly addressed and matters are handled whilst recollections are fresh. This procedure will therefore only apply to incidents or behaviour occurring in the 12 months prior to a complaint being made in writing to the Monitoring Officer.

STAGE 1 OF THE PROCEDURE

3. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Clerk/Monitoring Officer. Officers wishing to make a complaint should first consult with their Line Manager. Following receipt of the complaint the Monitoring Officer will act as follows:-
 4. The Clerk/Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either to the Deputy Clerk/Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.
- N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.
5. This procedure is only suitable for allegations made by officers or members of NWFRA that a member has breached the NWFRA Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:

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- made by members of the public;
 - which in the opinion of the Clerk/Monitoring Officer allege a serious breach of the code of conduct; or
 - alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure.
6. If the complaint is suitable for this procedure then the Deputy Clerk/Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Clerk/Monitoring Officer will give advice about what (if anything) can be done.
7. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

STAGE 2 OF THE PROCEDURE

8. At Stage 2 a meeting will be held between:
- the complainant
 - the member against whom the complaint is made
 - the Chief Fire Officer
 - the Deputy Clerk/Monitoring Officer.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases.

9. The purpose of this meeting will be to try and resolve the matter by conciliation.

STAGE 3 OF THE PROCEDURE

10. The third Stage is a hearing before the Standards Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.
11. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a

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colleague present. The Authority will not meet the costs of representation.

12. If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
13. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.

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14. The Committee can come to one of three conclusions, namely :-
- a) That there is no basis to the complaint.
 - b) That there is a basis to the complaint but that no further action is required.
 - c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Authority regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS

15. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.
16. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
17. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

MEMBERS AND EMPLOYEES' GIFTS AND HOSPITALITY

This document is intended as a guide to assist Members and Employees in determining the correct course of action with regard to acceptance and declaration of gifts and hospitality offered to you in your capacity as a Member or employee of the Fire Authority (or which might impact upon that role).

The document sets out the required approach in dealing with gifts etc, depending on their nature and value. A decision in respect of the gifts and hospitality rests with you, although guidance can be obtained from the Clerk/Monitoring Officer.

This document applies to all Members of the Authority. It applies to employees on local authority terms and conditions (i.e. not fire fighters).

Acceptance of gifts or hospitality could bring you or the Authority into disrepute if it creates the impression that:

- someone may be seeking, or have already received, special treatment; or
- someone may be seeking to influence decisions; or
- people who should be working in the public interest are using their roles for self-enrichment.

In deciding whether to accept any gifts or hospitality, regardless of the value, you should consider whether a member of the public, knowing the facts, would reasonably think that you might have been influenced by the gift/hospitality received or that the gift/hospitality is otherwise inappropriate.

The Authority has decided that any gifts or hospitality worth more than £25 should be recorded. All cash gifts must be declined.

Gifts

There is no need to declare a gift worth less than £25.

Where you accept any gift in your capacity as a Member/Employee of the Fire Authority (or which is likely to impact upon your role) worth more than £25 you must record the details in the Register of Gifts and Hospitality. The Register is kept in the Finance Managers' Office at Service Headquarters.

The more valuable a gift, the greater the degree of caution required. As a general guide, you should think carefully before accepting any gift which you know or believe to be worth more than £25. If you accept such a gift, you must inform the Finance Manager in order for it to be recorded in the Register of Gifts and Hospitality.

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You should also record in the register any gifts that you have declined.

Hospitality

In general attendance in an official capacity at a function organised by a public authority or local non-profit-making organisation is acceptable. Offers of hospitality from individuals or profit making organisations should be treated with care. An offer should be declined if you believe that it could have been made to exert influence, or to improve the standing of an individual or organisation, in relation to current or future dealings with the Authority.

If you accept an offer of hospitality and subsequently discover that the reason behind it was to exert undue influence, then you should, as soon as is practically possible, write to Monitoring Officer, giving details. For your own protection, you should advise the Monitoring Officer of any situation where you are concerned over the underlying intention behind the offer of hospitality, even where such an offer has been refused.

The table below sets out examples of hospitality and the recommended course of action.

Procedure for Recording Gift/Hospitality Received

If you receive a gift or a form of hospitality, you should email all the details to the Deputy Finance Manager at the Headquarters.

Example of Hospitality	Action
Light refreshments prior to site meetings; presentations etc.	No need to record
Lunch/evening meal provided as part of an event by another public authority	No need to record
Reception or meal sponsored by private sector organisation as part of wider public sector/professional conference	No need to record
Lunch provided as part of a private sector sponsored conference or promotional event	Record in Register
Evening meals and overnight accommodation as part of a private sector sponsored conference or promotional event	Caution advised: If possible, decline the offer

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Lunch/evening meal provided by a voluntary body at a meeting or AGM	No need to record
Lunch/evening meal provided by a voluntary body, at a meeting for the specific purpose of fund raising/lobbying	Caution is advised; consideration should be given to the underlying motives. If accepted, it should be recorded in the Register.

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SOCIAL MEDIA PROTOCOL

This protocol applies to

- Members and co-opted members of the North Wales Fire and Rescue Authority (the Authority);
- Officers; and
- members of the press and public wishing to broadcast or transmit images, sound or messages from any meetings of the Authority or its committees.

Openness and Transparency

The Authority recognises that members of the public have the right to attend and, where not able to attend, to know and understand what has transpired at meetings of the Authority or its committees (hereinafter called meetings).

The Authority wishes to support the use of social media at meetings. Therefore members, the press and public are able to use social media from any meeting that is open to the public provided that a fair and accurate account is given of the meeting.

The protocol applies to the use of social media, such as Twitter or Facebook, to comment from meetings on what is happening or has happened at that meeting.

Issues for Members of the Fire and Rescue Authority

For Members and co-opted members ("Members") this protocol forms an addendum to the Authority's Code of Conduct and failure to adhere to the protocol may be taken into account when considering whether a breach of the Code of Conduct has taken place.

Courtesy, Respect and Impartiality

Members must make decisions on the basis of all relevant evidence, which includes:

- comments made by the public exercising rights to speak at meetings;
- presentations by officers; and
- comments made during debate by fellow Members of the Authority.

Using social media in meetings can be a distraction which can lead to Members missing vital evidence and can also give the impression that members are not listening or paying attention. It is therefore the responsibility of Members to make sure that they take on board all relevant matters during a meeting, even if they are using social media and that they do not appear discourteous by failing to pay attention, which could be seen as failing to treat others with respect.

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Fair, Accurate and Responsible Reporting

It is incumbent upon Members using social media to give a fair and accurate account of what transpires. Whilst people are free to make comment (see below for further advice about defamation and Code of Conduct issues) it is important that if they report what is taking place during the debate, they also report the outcome.

If Members fail to abide by this protocol, they might find that they are in breach of the Code of Conduct for failing to treat others with respect.

Example

During a debate it is possible that a Member might vehemently disagree with a motion that is moved and might thus transmit a note that is scornful of the proposal. However, if the motion were to be voted down in favour of another then if the fact that a different resolution was reached but was not also transmitted, that would create the wrong impression of the meeting.

Defamation and Code of Conduct Issues

Comments made by Members during debate may attract the defence of qualified privilege in respect of subsequent accusations of defamation. However, comments made in social media are unlikely to benefit from this defence.

Likewise, comments made during debate are less likely to be treated as a breach of the Code of Conduct. However, comments made in social media about other people which fail to treat them with respect could be a breach of the Authority's code of conduct.

Members are also under an obligation not to reveal confidential information. Therefore, the use of social media will not be permitted whilst a meeting is in closed session. Likewise, the outcome of items considered after the exclusion of the press and public is considered to be exempt information until such time as the minute is published.

Members of the Authority are also reminded that they must not reveal any confidential or exempt information that is given to them by the Authority and that they must comply with the Data Protection Act.

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Issues for Officers

For officers the protocol is an addendum to their code of conduct and the social media guidance issued previously to all staff. Failure to comply with these protocols could form the basis for disciplinary proceedings.

Officers attend meetings in order to advise Members. They shall not use social media whilst at meetings unless they are doing so specifically on behalf of the Authority.

Issues for Members of the Press and Public

For members of the press and public the protocol is intended to lay down the procedures that the Authority will follow should they wish use social media in meetings. It is important that the use of social media does not interfere with how the meeting is conducted, and any failure to abide by these requirements that leads to disruption of the meeting could result in members of the press and public being asked to stop and/or to leave the meeting at the discretion of the chairman.

The Authority would not seek to control what the press or public say, but would ask that they give a fair and accurate account of the content of debate and the outcome.

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PROCEDURE FOR THE CONSIDERATION AND INVESTIGATION OF COMPLAINTS MADE IN RESPECT OF ANY MEMBER OF NORTH WALES FIRE AND RESCUE AUTHORITY

SECTION 1 - BACKGROUND TO THESE PROCEDURES

- 1.1 These procedures are intended to assist the Standards Committee in dealing efficiently, fairly and effectively with complaints received in respect of any member of North Wales Fire and Rescue Authority. It is hoped that these procedures will assist the Standards Committee in ensuring that it employs a consistent and fair process when considering and investigating all complaints. These procedures also ensure that there is a clear process in place which ensures that Complainants and Councillors alike are kept fully informed of how the whole process will be approached by the Standards Committee.
- 1.2 The basic procedure in dealing with complaints is outlined in the various sections of this document. It is envisaged however that these basic principles will be developed over time and will be adapted by the Standards Committee as considered appropriate in order to improve their effectiveness. Such adaptations must naturally give due consideration to the Committee's terms of reference and the extent of its role and duties.

SECTION 2 - ORIGIN OF THE COMPLAINT

- 2.1 The Standards Committee can consider complaints only if they have been referred to it by the Ombudsman.
- 2.2 All complaints alleging misconduct on the part of a Councillor should be made initially in writing to the Ombudsman at The Commission for Local Administration in Wales, 1 Ffordd yr Hen Gae, Pencoed, Bridgend, CF35 5LJ. While Complaints may also be submitted to the Clerk and Monitoring Officer at North Wales Fire and Rescue Authority, County Hall, Mold, Flintshire, CH7 6NB, he will refer them to the Ombudsman.
- 2.3 The complaint must fully identify the Councillor(s) involved and give as much detail as possible as regards alleged failures to adhere to the Members' code of conduct (the current model code of conduct is in the Conduct of Members (Model Code of Conduct)(Wales) Order 2001 No.2289 as amended). The Clerk and Monitoring Officer may assist the Complainant in this respect, if assistance is requested by the Complainant.

SECTION 3 - THE INVESTIGATION

- 3.1 In cases where the Ombudsman has not already conducted a full investigation, the Clerk and Monitoring Officer will send a copy of the complaint along with any accompanying documents in support lodged by the Complainant, and ask the Councillor to submit a written response to the Clerk and Monitoring Officer within 14 working days. The Councillor should be informed that a copy of his/her response to the complaint along with any enclosures will be sent to the Complainant.

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- 3.2 The Councillor should be informed that they will be required to attend a full hearing of the matter before the Standards Committee and that he/she will be required to attend. It should be pointed out that the hearing may be heard in the Councillor's absence should he/she fail to attend. The Councillor(s) will also be informed of the names of those on the Standards Committee who will hear the matter, and instructed that the matter should not in any circumstances be discussed with those persons prior to the hearing. Where any objection is made by the Councillor to a member of the Standards Committee which will hear the complaint, he/she must submit the reasons for that objection in writing to the Clerk and Monitoring Officer when returning the response to the complaint. The objection will be referred to the Chair of the Standards Committee who will decide whether or not to uphold the objection. The Councillor must be advised in writing accordingly.
- 3.3 Both parties should be notified of the hearing date, time and venue as soon as possible, or at least informed that the matter must be dispensed with within 6 months.
- 3.4 If at any time, prior to the actual hearing, the Complainant wishes to retract the complaint, he/she may do so in writing to the Clerk and Monitoring Officer, who in turn will inform the Councillor affected along with Standards Committee members as soon as possible.
- 3.5 The Clerk and Monitoring Officer will, as soon as practicable following receipt of the response to the complaint, convene a meeting of the Standards Committee members in order to consider the complaint. The Complainant and the Councillor will be informed of the date and time of the hearing, and will be invited to attend. They will also be invited to bring a companion with them but informed that the Committee will not allow any accompanying legal representative to make any representations or submissions.

SECTION 4 - ORDER OF PROCEEDINGS AT A HEARING

- 4.1 Prior to the hearing of the complaint taking place, the following matters must be addressed. All parties to the hearing must receive, at least 5 working days in advance of the hearing, a copy of the Order of Proceedings and all relevant documentation so that they have sufficient time to prepare.
- 4.2 Neither the Complainant nor the Councillor involved may canvass, directly or indirectly, any member of the Standards Committee during the course of the investigation and preparation of the hearing.
- 4.3 If a complaint is made against a member of the Standards Committee, that member will not be involved in any aspect of the investigation, hearing and subsequent decision.
- 4.4 If a Councillor fails to attend a hearing or refuses to attend, the Standards Committee is entitled to proceed in his/her absence should they so decide.

Part 5 – Codes and Protocols

- 4.5 At the hearing, the following procedure will be adopted, unless there is a justifiable reason not to do so. Only the Standards Committee, Clerk and Monitoring Officer, Complainant, the Councillor(s) who is/are the subject of the complaint and friend will be entitled to be present at the hearing. The Clerk and Monitoring Officer will make a detailed note of all the evidence heard:-
- 4.5.1 The Chair will introduce all persons present and outline the Order of Hearing. He will then invite the Complainant to address the Standards Committee.
 - 4.5.2 The Complainant will open his/her case and address the Standards Committee on all aspects that he/she wishes to raise. He/she may refer to any of the evidence that has been distributed to all parties prior to the hearing.
 - 4.5.3 The Councillor will then be given an opportunity to ask questions of the Complainant via the Chair of the Standards Committee.
 - 4.5.4 Members of the Committee will be given an opportunity to ask questions of the Complainant.
 - 4.5.5 The Councillor will then be given the opportunity to put forward his/her case and address the Standards Committee on aspects that he/she wishes to raise. He/she may refer to any of the evidence distributed to all parties before the hearing.
 - 4.5.6 The Complainant may then ask questions of the Councillor, via the Chair.
 - 4.5.7 Members of the Committee may then ask questions of the Councillor.
 - 4.5.8 The Complainant sums up his/her case
 - 4.5.9 The Councillor sums up his/her case
 - 4.5.10 The Chair will ask the Complainant, the Councillor and friend to leave. The Committee will then retire in private, along with the Clerk and Monitoring Officer, in order to assess the evidence heard and to make its decision. The reasons for reaching a decision should be carefully recorded.
- 4.6 The Clerk and Monitoring Officer will inform the Councillor and Complainant in writing of the Standards Committee's decision as soon as possible. The letter will note that there is no appeal to the Standards Committee's decision.

PROCEDURE WHERE AN INVESTIGATION HAS ALREADY BEEN CONDUCTED BY THE OMBUDSMAN

- 5.1 Where the Ombudsman’s investigation has already identified the facts of the case, including a breach of the code of conduct, the procedure in Section 4 will be followed subject to the following amendments:
- 5.1.1 The complainant’s case will be taken to have been proven to the extent that it has been accepted by the Ombudsman. Accordingly it may not be necessary for the complainant to present evidence of a breach, or to present evidence at all.
 - 5.1.2 Likewise, the councillor who is the subject of the complaint will not be given the opportunity to present evidence about whether or not a breach of the code had occurred if the Ombudsman's investigation has already reached a conclusion on that matter. The councillor's evidence would instead focus on what action (if any) should be taken by the Committee in light of the breach and any statement of mitigation that the councillor wishes to make.

NORTH WALES FIRE AND RESCUE AUTHORITY

SCHEDULE OF MEMBERS' REMUNERATION 2021/22

Following the approval of the Local Government (Wales) Measure 2011, the Independent Remuneration Panel for Wales (IRPW) has had its powers extended for its national framework to include payments to Members of the Welsh Fire and Rescue Authorities. The North Wales Fire and Rescue Authority's Schedule of Members' remuneration is set in accordance with the determinations of the IRPW.

1 This Schedule shall have effect from 1 April 2021.

2 In this Schedule:

- "the Authority" and "FRA" means the North Wales Fire and Rescue Authority;
- "Member" means a Member of the North Wales Fire and Rescue Authority;
- "Independent/co-opted member" means a person, other than a Member of the Authority, appointed to serve on the Authority's Standards Committee (in accordance with Standards Committees (Wales) Regulations 2001) made under Section 53, Local Government Act 2000;
- "Executive Group" comprises the Chief Fire Officer, Assistant Chief Fire Officers and Assistant Chief Officers
- "Regulations" means the Independent Remuneration Panel for Wales (IRPW) Regulations for the remuneration of members and co-opted members of relevant authorities;
- "Year" means the 12 months ending 31 March.

3 Basic Salary

3.1 A Basic Salary shall be paid to each elected Member of the Authority.

3.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as determined by the Independent Remuneration Panel for Wales.

3.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Basic Salary will be pro-rata.

3.4 No more than one Basic Salary is payable to a Member of the Authority.

3.5 A Member of the Authority in receipt of a Level 1 or 2 Senior Salary in a constituent council cannot receive a basic salary from any national park authority or fire and rescue authority for which they have also been nominated.

4 Senior Salaries

4.1 Members occupying specific posts shall be paid a Senior Salary.

4.2 In accordance with the Regulations, the rates of Senior Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales.

- 4.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 4.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 4.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 4.6 A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 4.7 A Member of the Authority in receipt of a Level 1 or 2 Senior Salary in a constituent council cannot receive a senior salary from any national park authority or fire and rescue authority for which they have also been nominated.
- 4.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Salary will be pro-rata.

5 Renunciation

- 5.1 A Member may renounce part or all of their Basic and/or Senior Salary. Renouncement must be made in writing to the Clerk to the Fire and Rescue Authority and must specify the date of renouncement. A notice of renouncement may be revoked at any time by giving further written notice to the Clerk. Any revocation cannot be backdated from the date of the further notice.

6 Suspension of a Member

- 6.1 Where a Member of the Authority is 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 (Conduct of Members), or regulations made under the Act, the part of the Basic Salary payable to them in respect of that period for which they are suspended will be withheld by the Authority (Section 155 (1) of the Measure).
- 6.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the Member may retain the Basic Salary.

7 Repayment of salaries, allowances or fees

- 7.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:
- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
 - (b) ceases to be a Member of the Authority or Co-opted Member; or
 - (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,

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

- 7.2 Basic and senior salaries will be paid by monthly instalments; fees, care allowance and travel and subsistence expenses are paid in arrears. All payments are subject to Income Tax and National Insurance contributions, where applicable.

8 Member Remuneration

- 8.1 An FRA basic salary is payable to each named Member as shown in Appendix 1.

9 FRA Chair, Deputy Chair and Audit Committee Chair Remuneration

- 9.1 The named Members holding the offices of Chair, Deputy Chair and Audit Committee Chair shall receive the senior salaries shown in Appendix 1.

10 Independent Persons/Co-opted Members' Fee

- 10.1 Independent/co-opted members as named of the Standards Committee will be paid a fee as set out in Appendix 1.
- 10.2 Payments for co-opted members are capped at the equivalent of payment for 4 full days per year each. A half day meeting is defined as up to 4 hours. A full day meeting is defined as over 4 hours.
- 10.3 Reasonable time for pre-meeting preparation is eligible to be included in claims made by co-opted members, the extent of which will be determined by the Clerk/Monitoring Officer in advance of the meeting.
- 10.4 Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
- 10.5 The Clerk/Monitoring Officer will determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

- 10.6 Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
- 10.7 The fee will be paid in arrears subsequent to the date that meeting is held. Fees are subject to Income Tax and National Insurance contributions, where applicable.

11 Care Allowance

- 11.1 Reimbursement of costs of care shall be paid to a Member or Co-opted Member, who has caring responsibility for dependent children or adults, or a personal care requirement, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.
- 11.2 Reimbursement of costs of care applies in respect of children who are aged 15 or under and other persons for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more than one dependant the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.
- 11.3 Eligible Members may claim reimbursement of costs of care for actual and receipted costs up to a maximum amount not exceeding that determined by the Independent Remuneration Panel for Wales as set out in Appendix 1. All claims for reimbursement of costs of care should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

12 Travel and Subsistence

- 12.1 Payment of travel and subsistence shall be made in respect of the official duties undertaken by a Member or Independent/co-opted member, as set out in Appendix 3, as amended from time to time by the Authority.
- 12.2 The amounts claimable by Members or Independent/co-opted members for travel and subsistence shall be in accordance with the scales determined by the IRPW as set out in Appendix 2. In order to claim subsistence, Members must be away from home for five hours or more in line with the HMRC rules.
- 12.3 A subsistence rate of £28 over a 24-hour period is available, including breakfast when not provided as part of overnight accommodation. This is a reimbursement of actual costs for official duties with itemised receipts to be provided. Claims must be reasonable and within time limits set out in Appendix 2. Where meals are provided, subsistence claims will not be payable.

- 12.4 Proper VAT receipts for expenses, including parking fee tickets, are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to the claim form. Failure to supply a receipt may result in non-payment of a claim and/or inability to reimburse the VAT element.
- 12.5 The Authority will reimburse actual costs of standard class rail fares or the cheapest alternative.
- 12.6 When travelling by train, Members should in the first instance contact the Member Liaison Officer who will obtain the ticket at the most economical price, including utilising wherever possible discount cards of various types. If Members have to purchase their own rail tickets, they should produce their receipt or ticket when claiming reimbursement and should utilise wherever possible discount cards of various types.
- 12.7 Travel by public transport is encouraged for long distance journeys, but may be undertaken by private car where this is expedient. The Authority will pay Members the appropriate car mileage rate shown in Appendix 2 not exceeding an amount equivalent to the standard class rail fare unless the use of a car for the entire journey has been approved by a member of the Executive Group.
- 12.8 Taxi fares may be claimed where travel is URGENT or where no suitable public transport is available. Receipts should be produced.

13 Payment / Time Limit for Claims

- 13.1 The payment of Basic and Senior Salaries is incorporated into the monthly payroll system and paid automatically on the 18th of each month or the nearest banking day by bank credit transfer without any action required by Members.
- 13.2 These payments are augmented by travelling and subsistence allowances together with care allowances (where appropriate) claimed for the previous month. Claims should be submitted on the appropriate form to the Member Liaison Officer by the 1st of each month.
- 13.3 Claims must be submitted within three months of the end of the relevant month. The Treasurer may, having consulted the Chair of the Authority, accept a late claim for good cause and make the related payments.

14 Dual Claims

- 14.1 Where a Member of the Authority is also able to claim allowances as a Member of another Authority, that Member may not receive any allowance, including care allowance, travel or subsistence expenses, from more than one Authority for the same duties.
- 14.2 Members who perform other Local Authority duties on the same day must ensure that travelling and travelling time together with care allowances (where appropriate) are apportioned reasonably between the paying authorities.

15 Part-Year Entitlement

- 15.1 The provisions of this paragraph shall have effect to regulate the entitlements to the basic salary or senior salary as appropriate of a Member where, in the course of a year:
- (a) This Schedule is amended; or
 - (b) That person becomes or ceases to be a Member or an independent/co-opted member; or
 - (c) A Member becomes or ceases to be Chair or Deputy Chair.
- 15.2 Where paragraph 15.1 applies the entitlement to allowances will be adjusted on a daily basis in accordance with the Regulations.

16 Administration

- 16.1 The Treasurer to the Authority shall maintain, on behalf of the Authority, a record of all payments made under this Schedule which shall specify in relation to each payment the name of the recipient and the amount and nature of the payment.
- 16.2 This record shall be available at all reasonable times for inspection by local government electors in the constituent authorities at no charge. Copies will be provided on request on payment of a reasonable fee decided by the Treasurer.
- 16.3 Arrangements will be made annually to publish payments made in the previous financial year to Members for Basic and Senior Salaries paid, the daily fees paid to independent/co-opted members and Care Allowances and Travel and Subsistence expenses.

17 Further Declarations

- 17.1 Records are kept of Members' attendance at Fire and Rescue Headquarters.

18 Pensions

- 18.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

19 Compliance

- 19.1 In accordance with the Regulations, the Authority must comply with the requirements of Independent Remuneration Panel for Wales in respect of the monitoring and publication of payments made to Members and Co-opted Members.

Members and Co-opted Members are reminded that expense claims are subject to both internal and external audit.

For further information please contact the Members Liaison Officer at Fire and Rescue Headquarters, St Asaph Business Park, LL17 0JJ. Phone: 01745 535250.

Entitlement to Basic Salary

A Basic Salary of **£2,026 per year** will be paid to FRA ordinary members as of 1 April 2020.

Entitlement to Senior Salary

A Senior Salary, inclusive of Basic Salary, will be paid to the following office holders:

Chair of the Fire and Rescue Authority –	£10,818 per year
Deputy Chair of the Fire and Rescue Authority	£ 5,765 per year
Chair of the Audit Committee – Bryan Apsley	£ 5,765 per year

The maximum limit of Senior Salaries set for the Authority has not been exceeded.

Entitlement to Co-opted Member Fee

The following fees for Independent/co-opted members of the Standards Committee are payable:

Chair -	£268 4 hours and over (£134 up to 4 hours)
Other Members –	£210 4 hours and over (£105 up to 4 hours)

Subject to an overall maximum payment of the equivalent of 4 days fees in a year.

Reimbursements of Costs of Care

All members are able to claim up to £403 per month when receipts are produced.

Travelling and Subsistence Allowance

1. Motor Car

	Per mile
Mileage allowance - up to 10,000 miles	45p
Mileage allowance - over 10,000 miles	25p
Passenger allowance (a passenger must have been carried to claim this)	5p
Motor Cycle – mileage allowance	24p
Bicycle - mileage allowance	20p

Additional expenses can be claimed for the actual cost of parking

2. Public Transport

Members are entitled to claim:

a) Train

- Lowest reasonably available standard class fare
- Reservation and left luggage expenses
- Costs of getting to and from the station
- Special first-class fare where the cost is reasonable value by comparison to standard class rail fare

b) Bus/Coach

- The appropriate fare
- Reservations and left luggage expenses

3. Taxi

Members are entitled to claim the fare and reasonable gratuity where the need to travel is URGENT or where no bus service is readily available.

4. Subsistence

Up to a maximum of £28 over a 24-hour period can be claimed; time limits are set out below:

a) Breakfast (where no overnight stay is required)

Payable in respect of absence from home for at least 5 hours, before 11.00am.

b) Lunch

Payable in respect of absence from home for at least 5 hours, including the whole of the period 12 noon to 2.00pm.

c) Evening Meal

Payable in respect of absence from home for at least 5 hours, ending after 7.00 pm.

The above is subject to reasonable claims being made and receipts being attached to claim forms.

d) Overnight

Claims can be made where overnight absences from the usual place of residence exceed 24 hours. All overnight bookings must be made by the Members Liaison Officer. The following maximum amounts are for bed and breakfast:

Visits to London	£200
Elsewhere	£ 95
Staying with relatives/friends	£ 30

5. HOW AND WHEN TO CLAIM

Claims for travelling and subsistence allowances should be submitted to the Member Liaison Officer and must relate to approved duties undertaken (see Schedule 1 for details). Claims will be paid directly to Members' bank accounts on a monthly basis.

Claims must be made on the Members' Allowances claim forms, copies of which are available from the Member Liaison Officer.

Claim forms should be completed for each calendar month in which expenses have been incurred and forwarded to the Member Liaison Officer **no later than the 1st of the following month to ensure payment that month**. Claims must be submitted within three months of the end of the relevant month. The Treasurer may, having consulted the Chair, accept a late claim for good cause and make the related payments.

The full address for completed claim forms is:

**Member Liaison Officer
North Wales Fire and Rescue Service
Fire and Rescue Service Headquarters
Ffordd Salesbury
St Asaph Business Park
ST ASAPH
Denbighshire
LL17 0JJ**

OFFICIAL BUSINESS

For the purposes of the Authority's Schedule of Remuneration, the following shall be regarded as official business:

- Meetings of the Authority.
- Meetings of Committees, Panels and Working Groups of the Authority.
- Any other meeting convened by the Authority (or by the Chair of Deputy Chair in cases of urgency) to which Members are invited.
- Meetings between the Chair and/or the Deputy Chair of the Authority and the Chairs and/or Deputy Chairs of the Authority's Committees and/or officers of the Authority or the Service or other fire authorities or services to discuss Authority business, including the purpose of opening tenders.
- Attendance at NWFRS events, at which Members' attendance is specifically requested.
- Attendance at meetings of the Welsh Local Government Association/Local Government Association (including plenary meetings and Policy Groups) by the appointed Members.
- Meetings organised by the Authority with Ministers and/or Government officials on Authority business.
- Attendance at the Welsh Local Government Association/Local Government Association Annual Fire Conference by the Chair or Deputy Chair or any other Member specifically authorised by the Authority.
- Attendance at any other meetings, groups, seminars, conferences, courses or visits on Authority matters, subject to the prior approval of the Authority (or the Chair or Deputy Chair in the case of urgency) for attendance at external or individual events.
- Meetings of bodies (other than those specified above) to which the Authority has resolved to make appointments or nominations.
- Carrying out any other duty previously approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the Authority's functions.
- Pre-arranged meetings arranged through the Member Liaison Officer by Members to fire stations, in the County or County Borough of which they are a Member.