



# **Tyne and Wear Fire and Rescue Authority**

## **Standing Orders**



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#### **A. Membership**

- A1. The Authority shall consist of 17 members, 16 of which shall be appointed by the Metropolitan District Councils within the County of Tyne and Wear in accordance with Schedule 10 of the Local Government Act 1985 and in each case from amongst the members of the Council concerned, together with the person who is for the time being the Police and Crime Commissioner for Northumbria.
- A2. Members appointed by a Constituent Council shall be appointed and continue in office in accordance with Sections 31-32 of the Local Government Act 1985 (as amended).
- A3. Where a vacancy occurs from amongst members appointed by a Constituent Council the provisions of Section 32 of the Local Government Act 1985, (as amended) shall apply.

#### **Chair and Vice Chair**

- A4. The Chair and Vice Chair shall be elected annually by the Authority from among its members and shall unless they resign, cease to be a member of the Authority or become disqualified, act until their successors become entitled to act as Chair or Vice Chair.
- A5. On a vacancy occurring in the office of Chair or Vice Chair, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority.
- A6. The election of the Chair shall be the first business transacted at the Annual Meeting of the Authority.
- A7. Anything required to be done by, to or before the Chair may be done by, to or before the Vice-Chair.

#### **Sealing of Documents**

- A8. The Seal of the Authority shall be kept in the custody of the Clerk to the Authority or, with their agreement, the Deputy Clerk and the affixing of the Seal shall be attested by the Chair, the Clerk or the Deputy Clerk to the Authority or persons nominated by them in writing.
- A9. A decision of the Authority shall be sufficient authority for the sealing of any document necessary to give effect to the decision.
- A10. A record of every sealing of a document to which the Seal shall have been affixed shall be made and shall be signed by the person who has attested the Seal.



- A11. The Seal of the Authority shall be affixed to those documents which in the opinion of the Clerk to the Authority require to be sealed.

### **Appointment of Spokespersons**

- A12. The Authority shall, from among its members, appoint annually a spokesperson from each of the Constituent Councils for the purpose of enabling questions on the discharge of the functions of the Authority to be put during the proceedings of that Constituent Council. The Constituent Council may nominate a member to act as spokesperson for the purpose of the Standing Order.

### **Principles of Decision Making**

- A13. 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.

## **B. Meetings of the Authority**

### **Dates of Meetings**

- B1. In addition to the Annual Meeting and any meeting convened by the Chair or by members, meetings for the transaction of general business shall be held in each year at the times and on the dates fixed at the Annual Meeting.

### **Extraordinary Meetings**

- B2. An extraordinary meeting of the Authority may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Authority after a requisition for that purpose, signed by three members of the Authority representing at least two of the constituent authorities has been presented to them, or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to them, then any three 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.
- B3. No business shall be considered at any extraordinary meeting save such as is specified in any resolution of the Authority calling such meeting, or as the case may be in the requisition presented to the Chair by members.



### **Summons**

- B4. Five clear working days at least before a meeting of the Authority the Clerk shall cause a notice of the time and place of the intended meeting to be published at their office, such notice where the meeting is called by members of the Authority shall be signed by those members and shall specify the business proposed to be transacted thereat. A summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the Clerk shall be left at, or sent by post to, the usual place of residence of every member of the Authority, or to such other place as may be requested by a member by no later than five working days before a meeting of the Authority.
- B5. Except in the case of business required by statute to be transacted at the annual meeting no business shall be transacted at a meeting other than that specified in the summons.

### **Quorum**

- B6. The quorum of the Authority, any of its Committees or Sub-Committees shall be one quarter of the total membership of the Authority, Committee or Sub-Committee as appropriate or at least two members whichever is the greater and no business shall be transacted at any meeting unless a quorum be present.
- B7. If during any meeting of the Authority the meeting becomes inquorate, the Chair shall declare that there is not a quorum present the meeting shall stand adjourned until the next ordinary meeting unless an extraordinary meeting is convened for the purpose of dealing with any unfinished business.
- B8. A quorum found to be present under Standing Order B6 at any meeting of the Authority shall be deemed to continue to be present at that meeting until found otherwise under Standing Order B7.

### **Adjournment**

- B9. At any meeting which has sat continuously for three hours the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of the members present, by vote, determine it shall stand adjourned to another day the date and time of which shall be determined by the members.

### **Chair of Meeting**

- B10. At a meeting of the Authority the Chair of the Authority shall preside. If the Chair is absent from the meeting the Vice Chair of the Authority, shall preside. If the Chair and Vice Chair are absent from the meeting, such member as the members present shall choose shall preside.
- B11. Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.



- B12. The ruling of the Chair as to the construction or application of these Standing Orders shall be final.

### **Public**

- B13. The public shall be admitted to all the meetings of the Authority unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 as amended.
- B14. No member of the public shall interrupt or take part in the proceedings at any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn them and if they continue the interruption the Chair shall order their removal.
- B15. The Chairman may at any time, if they or she thinks it desirable in the interest of order, move that the meeting be adjourned or suspended, and if the motion is carried, the meeting shall be adjourned or suspended to a time to be determined by the Members.

### **Order of Business**

- B16. The Authority on motion duly seconded and carried without debate, or on motions by the Chair, which shall not require to be seconded, may vary the order of business as set forth on the agenda so as to give precedence to any business.

### **Minutes**

- B17. Minutes of the proceedings of a meeting of the Authority shall be printed and a copy of all such minutes as are unconfirmed shall be sent so as to reach each member of the Authority at least 5 working days before the meeting of the Authority at which such minutes are to be submitted for confirmation.
- B18. No discussion shall be allowed upon the minutes except as to their accuracy and any objection upon that ground shall be made by motion.
- B19. Immediately after confirmation the minutes shall be signed by the Chair.
- B20. Unless and until the contrary is proved, a meeting of the Authority, a minute of whose proceedings has been made and signed in accordance with Standing Order B19 above, shall be deemed to have been duly convened and held and all members present at the meeting shall be deemed to have been duly qualified.

### **Notices of Motion**

- B21. A Notice of Motion may be given in writing in accordance with Standing Order B22 to raise any matter relating to the functions of the Authority.
- B22. Notice of every motion other than a motion which under Standing Order B27



may be moved without notice, shall be signed by the members of the Authority giving the notice, of which there shall be at least two in number, and delivered not later than 12 noon on the ninth working day before the next meeting of the Authority, at the office of the Clerk by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open for inspection by every member of the Authority.

- B23. The Clerk shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing, when giving it, that they proposed to move it at some later meeting, or has since withdrawn it in writing.
- B24. If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on their behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- B25. No motion to rescind any resolution passed within the preceding six months shall be proposed unless the notice thereof given in pursuance of these orders bears the names of at least nine of the members of the Authority. When any such motion has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of six months.
- B26. No member shall have more than two notices of motion on the agenda at the same time.
- B27. The following motions and amendments may be moved without notice:-
1. Appointment of a Chair of the meeting at which the motion is made.
  2. Motions relating to the accuracy of the minutes, closure, adjournment, proceeding to next business, or the motion "That the question be now put".
  3. Variation of the order of business.
  4. Motion to exclude the press and public from a meeting in accordance with the Access to Information Rules.
  5. Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
  6. That permission be given to withdraw a motion.
  7. Extending the time limit for speeches.
  8. Amendment to a Motion.
  9. The exclusion of a member from the meeting while any contract, or other



matter in which they has a disclosable pecuniary interest, direct or indirect, is under consideration.

10. Suspending standing orders, provided that a motion to suspend standing orders shall not be moved without notice unless there shall be present at least one half of the whole number of the members of the Authority.
11. That a member who fails to conduct themselves in accordance with order B37, be not further heard or do leave the meeting.

### **Amendment, Adjournment and Closure Motions**

B28. When a motion is under debate, no further motion shall be received except the following:-

1. To amend the motion (in these orders called “an amendment”).
2. That the meeting does now adjourn.
3. That the debate be adjourned.
4. That the question be now put.
5. That the meeting proceeds to the next business.

B29. No member shall move more than one amendment upon any motion and one amendment only shall be permitted at one and the same time upon any motion. Every amendment shall be relevant to the motion to which it is moved and shall be seconded and if so required by the Chair, shall be reduced to writing, signed by the mover and handed to the Chair. A member shall not address the Authority more than once on each amendment and the right of reply shall not extend to the mover of an amendment, which having been carried, has become the substantive motion.

B30. Notwithstanding that a motion or a motion and an amendment shall be before the Chair and form the subject or subjects of debate at the time any member may at the conclusion of any speech move one of the following:-

1. That the meeting does now adjourn.
2. That the debate be adjourned.
3. That the question be now put.
4. That the meeting proceeds to the next business.

B31. Any motion under order B30, must be seconded but it need not be reduced to writing. The mover may speak upon it but the seconder shall not be permitted to speak beyond formally seconding it. Upon any such motion being made, the mover of the substantive motion under debate at the time such motion is made





may (without prejudice to their ultimate right of reply if the motion be not carried) be heard in reply for a period not exceeding five minutes, immediately after which the question shall be put without further debate.

- B32. If the motion “that the meeting does now adjourn” is carried, the business on the agenda undisposed of shall be printed on the agenda of the next ordinary meeting or of such meeting as shall be specified by the adjournment motion.
- B33. If the motion “that the question be now put” is carried, the motion or amendment under debate shall, subject to the Chair permitting two further speakers and to the right of reply of the mover of an original motion, be forthwith put.
- B34. When a motion is carried “that the meeting proceeds to the next business” the question under discussion shall be considered as dropped.
- B35. A motion or an amendment may be withdrawn by the mover with the consent of their seconder and of the Authority, which consent shall be signified without debate and no member may speak upon it after the mover has asked permission for its withdrawal unless such permission shall have been refused.

### **Suspension of Standing Orders**

- B36. Subject to order B27.10 any standing order may be suspended so far as regards any business at the meeting where its suspension is moved, seconded and carried.

### **Rules of Debate**

- B37. The following rules shall apply to the conduct of debate at meetings of the Authority:-
1. No speech shall exceed ten minutes in case of a mover of a motion or five minutes in any other case except by consent of the Chair.
  2. A member who speaks shall direct their remarks strictly to the motion under discussion or to a personal explanation or a question of order. A point of order shall relate only to an alleged breach of a standing order or statutory provision and on rising the member shall immediately specify the standing order or statutory provision and the way it has been broken.
  3. The ruling of the Chair on a point of order or the admissibility of a personal explanation shall be final and shall not be open to discussion.
  4. A member shall not address the meeting more than once on the same motion or amendment, except upon a point of order or to offer a personal explanation. The mover of an original motion may however, reply, but they shall strictly confine themselves to answering points raised by previous speakers and shall not introduce new matter into the debate. After the reply, the question shall be put forthwith.





5. Whenever the Chair rises (whether physically or by announcement to that effect) all members shall resume their seats and remain silent so that the Chair shall be heard without interruption.
6. The Chair shall call the attention of the Meeting to continued irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a member, and may direct such a member, if speaking, to discontinue their speech, or in the event of disregard of the authority of the Chair, to retire for the remainder of the meeting.

### **Voting**

- B38.
1. Where the appropriate number of members so require before a vote is taken with respect to a matter falling to be decided at a meeting of a Committee or Sub-Committee of the Authority, the minutes of the proceedings of that meeting shall show whether each person present cast their vote for the question or against the question or whether they have abstained from voting.
  2. Where any member of a body mentioned in standing orders B38.1 above so requires in relation to a vote or any question at the conclusion of a meeting of that body, the minutes of the proceedings of that meeting shall show whether that person cast their vote for the question or against the question or whether they abstained from voting.
  3. For the purposes of standing order B38.1 above the appropriate number is the number equal to the majority of members of that Committee or Sub-Committee as the case may be.
  4. In the case of equality of votes the Chair shall have a second or casting vote.
- B39. Where there are more than two persons nominated for any position to be filled by the Authority and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers 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.

### **Members' Rights**

- B40. Unless specifically authorised to do so by the Authority a member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of their membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

### **Staff (Matters Affecting)**

- B41. If any question arises at a meeting of the Authority to which the public (including the press) are admitted as to exempt information as defined in the



Local Government Act 1972 (as amended), such question shall not be the subject of discussion until the Authority has decided whether or not the public (including the press) shall be excluded pursuant to Section 100A(4) of the Local Government Act 1972.

### **Members' Interests**

- B42. A member must withdraw from the meeting room during the whole of the consideration of any item of business in which they have a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation.
- B43. The Clerk shall record in a book to be kept for the purpose particulars of any disclosure made under Standing Order B42, and of any dispensations, and the book shall be open at all reasonable hours to the inspection of any member of the Authority.

### **Officers' Interests**

- B44. If it comes to the knowledge of an officer employed, whether under the Local Government Act 1972 or any other enactment that a contract in which they has a pecuniary interest, whether direct or indirect (not being a contract to which they themselves are a party) has been, or is proposed to be, entered into by the Authority or any Committee thereof, they shall as soon as practicable give notice in writing to the Clerk of the fact that they are interested therein.
- B45. (i) With the exception of unsolicited gratuities received in accordance with Standing Order B45(ii) an Officer of the Authority shall not, under cover of their office or employment accept any fee or reward whatsoever other than their proper remuneration.
- (ii) An Officer of the Authority may accept unsolicited gratuities offered to them during the normal course of their employment provided that such gratuities are disposed of for charitable purposes to a charity to be determined by the appropriate Chief Officer who shall maintain a written record of all such donations.

## **C. Committees**

### **Appointment of Committees and Sub-Committees**

- C1. The Authority shall at the Annual Meeting appoint such Committees and Sub-Committees as are required to be appointed by or under any statute and may at any time appoint such other Committees as are necessary to carry out the work of the Authority but, subject to any statutory provision in that behalf, may at any time dissolve a Committee or alter its membership. The seats on each Committee or Sub-Committee shall be allocated to each political group represented on the Authority in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended) or as



otherwise agreed under the said Regulations.

- C2. Except as otherwise may be provided by the Authority, no Committee or Sub-Committee shall continue in office longer than the next Annual Meeting of the Authority.
- C3. Every vacancy on a Committee or Sub-Committee shall be reported by the Clerk at the first meeting of the Authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.
- C4. A vacancy on any outside body whose activities are within the purview of the Authority shall be reported to, and filled by, the Authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.

#### **D. Matters Affecting Individual Meetings**

##### **Attendance**

- D1.
  - 1. The Clerk shall provide a book to record the attendance of each member at each meeting of the Authority; its committees or sub-committees and it shall be the responsibility of each member individually to sign such book or cause their name to be recorded therein by the Clerk before the meeting ends.
  - 2. The provisions of Standing Order D1.1 shall not prejudice the right of a member to ask that the record be corrected at the next meeting.

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

- D2. Subject to the exceptions prescribed by statute, if a member of the Authority fails throughout a period of six consecutive months to attend any meeting of the Authority, committee or sub-committee, they shall, unless the failure was due to a reason approved by the Authority, cease to be a member of the Authority. (For the purpose of their provision the period of failure to attend shall date from the first meeting which the member could have attended as a member).

##### **Resignation**

- D3.
  - 1. A person appointed to the Office of Chair, Vice-Chair or (subject to D3.3 below) member of the Authority may at any time resign their office by a notice of resignation in writing signed by them and delivered to the Clerk.
  - 2. The resignation shall take effect upon receipt by the Clerk of the notice of resignation.
  - 3. The member who is for the time being the Police and Crime Commissioner for Northumbria may agree with the Authority that they shall cease to be a member whereupon their membership shall cease on the date agreed between the Commissioner and the Authority as the date



on which the Commissioner's membership should cease.

### **Appointment**

- D4. A person shall, so long as they are and for twelve months after they cease to be, a member of the Authority, be disqualified from being appointed by the Authority to any paid office.
- D5. A member shall not solicit for any person any appointment under the Authority or recommend any person for such appointment or for promotion, but their Order shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority with an application for appointment.
- D6. Notice of the preclusion of canvassing of members or officers directly or indirectly for any appointment under the Authority shall be included in every invitation of applications or in the form of application.

## **E. Contracts Rules**

### **E1. Contracts to comply with Standing Orders**

- E1.1** (a) Every contract entered into by the Authority shall comply with any requirement of the European Union Directives and UK Public Contract Regulations having legal effect in the United Kingdom and with these Standing Orders. In the event of and conflict in the requirements on procurement those of the European Union shall prevail.
- (b) Every contract made by or on behalf of the Authority shall comply with these Standing Orders, unless the Authority or the Committee having charge of the matter which the contract relates to, directs that an exception be made (within legislative boundaries).
- (c) Every such exception and the reason for it shall be recorded in the Minutes of the Authority or the Committee concerned.
- (d) Where procurement exceeds the EU thresholds the exemptions set out in (b)(ii) may not be permitted. Advice must be sought from the Monitoring Officer.
- (e) In the Standing Orders relating to Contracts numbered E2 to E7 references to "the Authority" shall (when the context so permits) include any Committee to which or any officer to whom has been delegated the power to enter into any contract on behalf of the Authority.
- (f) Chief Officers and managers are responsible for ensuring that employees comply with these Contracts Rules and for



ensuring that appropriate contractual provisions are in place for securing compliance by agency workers, interim post-holders, consultants and agents.

## **E2. Exempt Contracts**

**E2.1** The following contracts are exempt from the requirements of these Contracts Rules:

- a) employment contracts (but not agency/interim/self-employed workers);
- b) contracts relating solely to disposal or acquisition of an interest in land or property;
- c) contracts for specialist legal advice or representation or medical advice, or other expert advice in the context of actual or potential litigation or otherwise which the Monitoring Officer considers it necessary to obtain;

## **E3. Exceptions to Standing Orders**

**E3.1** No exception from any of the rules E4-E7 shall be made unless listed in paragraph E3.4 below and approved in accordance with rule E3.2 or specifically authorised by the Authority.

**E3.2** Where a Chief Officer wishes to apply any exception to these Contracts Rules they must first seek the approval of the Monitoring Officer.

**E3.3** Where procurement exceeds the EU thresholds, the exceptions set out in E3.4 may not be permitted. Advice must be sought from the Monitoring Officer.

**E3.4** Subject to the obtaining of all necessary approvals, rules E4-E7 need not be applied to the following categories of procurement, provided that where the procurement is equal to or exceeds £500,000 in value the prior approval of the Authority is obtained:

- (a) Procurement by auction;
- (b) Procurement when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract can only be awarded to a particular third party;
- (c) The execution of mandatory works by statutory undertakers;
- (d) The execution of services or works in which the personal skill or knowledge of the person carrying out the works is of primary importance;



- (e) Call-offs via a framework agreement previously awarded by the Authority or under which the Authority has a right to participate which offers value for money and provided the Authority follows the framework's call-off procedures;
- (f) Contracting via a contract awarded by a third party under which the Authority has a right to participate and offers value for money, and provided the Authority follows the terms and conditions of the contract;
- (g) Urgency, when (but only if it is strictly necessary) the time required to fully comply with these Contract Rules would be prejudicial to the Authority's interests or its ability to discharge its statutory duties. In these cases, consideration should still be given to those parts of the Rules that could still be followed particularly the need for competition. Where the value of the procurement is equal to or over £75,000 a report shall be submitted to the next meeting of the Authority with an explanation of the circumstances giving rise to the need for the exemption and detailing the procurement process actually followed. The requirements of the Public Contracts Regulations 2006 must still be followed;
- (h) Procurement of works, supplies or services below the applicable EU threshold (see paragraph E4.1.1 below) to meet the requirements of principal contracts that have been awarded in-house as a result of a competitive tendering process. Where the principal contract has not been awarded via competition then their exception shall not apply. Further, their exception is restricted to those elements of these Rules that cannot reasonably be followed.

## **E4 Thresholds**

### **E4.1 Procurements below £20,000**

- E4.1.1 The Chief Fire Officer may procure works, supplies or services (that are not already covered by an existing Authority contract or a contract on which the Authority has committed to participate) up to a value of less than £20,000 provided that they can objectively demonstrate value for money, has considered obtaining quotes and the use of local suppliers. The Chief Fire Officer shall keep records in a form agreed by the Finance Officer showing how value for money has been achieved.

### **E4.2 Procurements between £20,000 and such level as equates to the applicable EU Thresholds for supplies and services (which is currently £181,302).**





(For the avoidance of doubt, Rule E4.2 applies to all contracts for supplies, services and works)

E4.2.1 All proposals for procurement at or above £20,000 (excluding routine call-offs from existing frameworks) must be notified to Procurement Services at the earliest opportunity. Procurement Services shall then determine, in consultation with the Chief Fire Officer, the most appropriate procurement strategy.

#### E4.2.2 Quotes

Where a quotation process is deemed by Procurement Services to be appropriate, at least three written relevant quotations shall be obtained and considered from suitable third parties. In addition, where available, any in-house provider must also be asked to provide a quotation. Where a corporate electronic quotation system is provided this is to be used.

Where it is not reasonably practicable to obtain three quotations the Finance Officer and the Chief Fire Officer may agree to reduce the number of quotations required to be obtained provided the reasons for this are documented before the purchase is made or the contract is let.

#### E4.2.3 Tenders

Where a tender process is deemed by Procurement Services to be appropriate, the contract shall be awarded after following one of the procurement procedures below:

- a) the Open Procedure
- b) the Restricted Procedure
- c) a Call-Off pursuant to an existing Framework Agreement let by the Authority or other Third party (where the Authority has a right to participate)
- d) the Competitive Dialogue Procedure
- e) the Negotiated Procedure

A tender process must be followed for works contracts over the EU Threshold for supplies and services.





#### **E4.3 Contracts with a value equivalent to or exceeding the relevant EU Thresholds**

E4.3.1. These procurements must be undertaken in accordance with one of the procedures set out in the Public Contracts Regulations 2006 (as amended). These thresholds are subject to variation by legislation from time to time. The current thresholds are:

Works: £4,551,413

Supplies: £181,302

Services: £181,302

#### **E4.4 Estimating Contract Values/Aggregation**

E4.4.1 Where there is a reference to the value of any contract, framework agreement or transaction, it shall mean its total estimated value net of VAT over the entire term of the contract or framework (as the case may be), including all options, permitted extensions and variations. Where a contract does not include a total price the estimated value will be the amount of the consideration payable each month multiplied by 48 (i.e. 4 years).

E4.4.2 Procurement Services and the Chief Fire Officer shall have regard to the optimum packaging of works, supplies or services, particularly works, supplies or services of a similar nature, which are likely to be carried out in connection with a particular project in order to achieve the best value for money, including social value. A proposed contract must not be divided into separate lower value contracts simply to avoid the full application of these Rules. This does not affect the determination of the number and size of lots within a Framework Agreement.

### **E5. Approvals**

#### **E5.1. General Procurements**

E5.1.1 Procurement Services must agree the procurement process for all procurements with a value equal to or over £20,000.

E5.1.2 In all cases the Chief Fire Officer must consider the level of engagement needed with Members, and service users.



## **E5.2. Consultancy Services**

- E5.2.1 Any proposals to use external consultants where the estimated cost is likely to exceed £50,000 shall be agreed in writing in advance with the Finance Officer and Monitoring Officer. Where the cost is estimated to be equal to or exceed £100,000 the prior approval of the Authority is required before advertising, except in urgent cases where approval is required before award. In the case of external consultants, Procurement Services and the Chief Fire Officer must also comply with the additional requirements set out in the Appendix to these Rules.

## **E6. Procurement Process**

### **E6.1. Advertising Contracting Opportunities**

- E6.1.1 Where the value of the proposed contract is on or above the applicable EU threshold, a Contract Notice must first be published in the OJEU in the form prescribed. Procurement opportunities with a value of £25,000 or above are required to be advertised on Contracts Finder.
- E6.1.2 For tender opportunities Procurement Services, in consultation with the Chief Fire Officer, shall consider the most appropriate and cost effective form of publicity for the particular opportunity including considering the use of local media/ newspapers/ trade journals/ online channels.
- E6.1.3 All procurement opportunities (regardless of value) should be considered as to whether their advertising would be beneficial in order to encourage competition.

### **E6.2. Tender Procedures**

#### **E6.2.1 Open Procedure**

- E6.2.1.1 The Open Procedure means a tender procedure leading to the award of a contract/framework agreement whereby all interested parties may tender.
- E6.1.1.2 Tender documentation shall be sent to all who apply prior to the tender closing date.

#### **E6.2.2 Restricted Procedure**

- E6.2.2.1 The Restricted Procedure means a tender procedure leading to the award of a contract whereby only parties pre-selected by the



Authority may submit tenders for the contract. The Restricted Procedure must only be used for procurements over the EU Threshold with the Open Procedure being mandatory for sub-EU Threshold values.

E6.2.2.2 A Pre-qualification Questionnaire (“PQQ”) must be provided to all third parties requesting to participate, which shall be used to determine the third party’s eligibility, financial standing and technical capacity.

E6.2.2.3 For tenders over the EU threshold, Officers should select not less than five companies or individuals to be invited to tender, the procurement may only proceed with the prior written agreement of the Finance Officer and the Monitoring Officer.

#### **E6.2.3 Standing Lists**

E6.2.3.1 Any Standing Lists will be maintained by the Chief Fire Officer.

#### **E6.2.4 Framework Agreements let by the Authority**

E6.2.4.1 Where required, the Chief Fire Officer will maintain Framework Agreements with a range of third parties for works, goods or services.

E6.2.4.2 Any Framework Agreement shall be awarded in accordance with these Rules. For the avoidance of doubt, the procurement of a Framework Agreement for consultancy services shall also comply with the requirements set out in Rule E.5.2 (Additional Requirements on the Use of Consultants).

E6.2.4.3 Any call-off contract awarded pursuant to a Framework Agreement shall be undertaken in accordance with the procedures set out in the relevant Framework Agreement.

#### **E6.2.5 Competitive Dialogue Procedure**

E6.2.5.1 Competitive Dialogue Procedure means a procedure in which any third party may make a request to participate, and whereby the Authority conducts a dialogue with the third party admitted



to that procedure with the aim of developing one or more suitable alternative solutions capable of meeting its requirements and on the basis of which the third parties chosen by the Authority are invited to tender.

E6.2.5.2 The Competitive Dialogue Procedure may only be used in the award of contracts which are, in the opinion of the Finance Officer and the Monitoring Officer, complex contracts and where there is a need for the Authority to discuss all aspects of the proposed contract with candidates. Such dialogue is not permitted under open and restricted procedures.

#### **E6.2.6 Negotiated Procedure**

E6.2.6.1 Negotiated Procedure means a procedure leading to the award of a contract whereby the contracting authority negotiates the terms of the contract with one or more parties selected by it.

E6.2.6.2 This procedure may only be used in very exceptional circumstances and with the prior agreement of the Finance Officer and the Monitoring Officer.

#### **E6.3. Invitation to Tender**

E6.3.1 The Invitation to Tender (or Participate in Dialogue or Negotiate) shall include details of the Authority's requirements for the particular contract including but not limited to:

- a) a description of the works, supplies or services (this should be outcome bases where appropriate);
- b) the rules and instructions for submitting of tenders including the tender return date and time;
- c) a specification containing the Authority's requirements;



- d) a statement as to whether any variants to the specification are permissible;
- e) the Authority's terms and conditions applicable to the contract;
- f) the tender evaluation criteria including applicable weightings;
- g) pricing schedule and instructions for completion;
- h) a statement as to whether in the Authority's view TUPE may apply;
- i) instructions for the completion and content of any method statement;
- j) the period which the Authority requires that the tender offer shall remain open;
- k) a statement that the Authority does not bind itself to accept the lowest or any tender;
- l) the Authority's requirements in respect of any bond, parent company guarantee or liquidated damages;
- m) the Authority's requirements in respect of insurance and indemnity;

#### **E6.4. Submission of Tenders**

- E6.4.1 Tenders shall comply with and be submitted in accordance with the rules and instructions set out in the invitation to tender.
- E6.4.2 Tenders will normally be submitted through a secure electronic system whereby they are not 'opened' until the deadline has passed for receipt of tenders.
- E6.4.3 Where tenders are not submitted electronically, tender documents must be submitted in a plain sealed envelope which shall bear the word "tender" followed by the subject to which it relates and addressed to 'Service Headquarters Main Reception', but shall not bear any name or mark indicating the sender. Such envelopes shall be held securely until the appointed time for their opening.

#### **E6.5. Opening of Tenders**



- E6.5.1 Tenders for a particular contract shall be opened at one time and, in the case of procurements over £50,000, only in the presence of an officer not party to the procurement and designated by the Chief Fire Officer. Procurement Services shall keep an electronic record of Tenders opened. The record shall include the names, addresses, value and the date and time of opening. If not submitted electronically, the said record shall be made in a Register kept for that purpose.
- E6.5.2 Where the tender is a hard copy, the officer in whose presence tenders are opened shall initial the Register and any summary page of the tender.
- E6.5.3 Unless submitted electronically, controlled copies shall be taken of every priced page of the tender and securely held by the Chief Fire Officer.

#### **E6.6. Amending Tenders, Bids or Quotations and Tender Errors**

- E6.6.1 Where a tenderer identifies an error in their tender after submission but before the closing date for receipt of tenders, they may submit a correction in accordance with the rules applicable to the submission of tenders generally.
- E6.6.2 Genuine arithmetical error(s) may be amended with the consent of the tenderer.
- E6.6.3 Correction of any other tender error(s) shall be made at the discretion of the Chief Fire Officer in consultation with the Finance Officer and the Monitoring Officer.

#### **E6.7. Evaluation of Pre-Qualification Questionnaires, Tenders or Quotations**

- E6.7.1 Evaluation criteria (including any and all sub-criteria) shall be determined in advance of the procurement and set out in descending order of importance in the Invitation to Tender documentation.
- E6.7.2 The evaluation criteria, including the weighting between quality and cost, for all procurements where the tender process applies shall be agreed with Procurement Services.

#### **E6.8. Negotiations**

- E6.8.1 In open and restricted procedures all negotiations with candidates or bidders on fundamental aspects of contracts or variations, which are likely to distort competition (in particular on prices), are not permitted.



- E6.8.2 Negotiations following receipt of tenders or quotations may only take place with the approval of the Monitoring Officer to the Authority.

E6.9. Acceptance of Quotations and Tenders

- E6.9.1 Where the value of a tender exceeds £500,000 the approval of the Authority must be obtained to its acceptance.
- E6.9.2 The Chief Fire Officer may accept a tender or quotation below £500,000 where it is the most economically advantageous provided it is also the lowest.
- E6.9.3 Where the Chief Fire Officer wishes to accept a tender or quotation below £500,000 which they considers to be the most economically advantageous but which is not also the lowest, they shall do so only after obtaining the written agreement of the Finance Officer and the reasons shall be documented.
- E6.9.4 Where the value of a tender is between £250,000 and £500,000, the Chief Fire Officer will notify the Authority of the acceptance of the tender at the next available meeting.

E6.10. Standstill Period

- E6.10.1 In respect of a contract which exceeds the EU thresholds, as soon as possible after the decision has been made to award a contract, Procurement Services shall give notice to any third party which submitted an offer or applied to tender, of the decision to award, in line with the Public Contracts Regulations.
- E6.10.2 A period of at least 10 days to elapse between the date of despatch of the notice referred to in rule E6.10.1 and the date on which the Authority proposes to enter into the contract during which time an unsuccessful third party may raise challenges to the intended award.

E6.11. Award Notice

- E6.11.1 In respect of a contract which exceeds the relevant EU threshold, an Award Notice shall be published by Procurement Services no later than 48 days after the date of award of the contract.

E6.12. Contract Terms and Conditions

- E6.12.1 All contracts and orders shall be in writing or in an approved electronic format, and every contract, which equals or





exceeds £75,000 in value or amount, shall be in writing in a form to be approved by the Monitoring Officer and executed in accordance with these standing orders. The following areas must be adequately covered within the terms and conditions:

- The Contract Period (including any extensions)
- The Contract Price
- The Authority's requirements (i.e. specification and performance requirements)
- Termination

Express provision dealing with the following areas must also be included in the terms and conditions, where appropriate:

- Insurance and Liability
- Bribery and Corruption
- Prohibition against Assignment/Novation (without agreement of the Authority)
- Liquidated Damages and Guarantees
- Safeguarding Authority Registration
- Dispute Resolution
- TUPE
- Contract Variations
- Data Protection
- Freedom of Information
- Law and Jurisdiction
- Audit access rights
- Equality and diversity
- Social value

#### **E6.13. Nominated Contractors and Sub-Contractors**



E6.13.1 In exceptional circumstances where there is a case for nominating sub-contractors to main contractors the provisions of these Rules shall apply in relation to the selection of the nominated sub-contractor.

**E6.14. Authorised Payments and certificates for variations incurring extras**

E6.14.1 All contract variations shall be consistent with the scope and terms of the existing contract and proportionate in value to the total value of the contract when originally awarded.

E6.14.2 Any variation or series of variations incurring extras shall be authorised prior to the work being undertaken, as follows:

- a) where the net cumulative value of variations does not exceed £50,000 or 20% of the value of the contract, whichever is the lower, by the Chief Fire Officer provided payment can be contained within the relevant budget provision, if not, written authorisation must be provided by Finance Officer;
- b) where the net cumulative value of variations is between £50,000 and does not equal or exceed £250,000 or at least 20% of the value of the contract, whichever is the lower, by the Chief Fire Officer having obtained prior written agreement of the Finance Officer, provided payment can be contained within the relevant budget provision. If not, prior authorisation must be obtained from the Authority;
- c) where the net cumulative value of variations is equal to or exceeds £250,000, Authority approval must be sought regardless of whether this can be contained within the budget for the contract;
- d) where the net cumulative value of variations in respect of a contract is estimated to equal or exceed 50% of the original contract value, the Chief Fire Officer may only authorise the variation or series of variations after consultation with the Clerk to the Authority as to application of the Public Contract Regulations.

E6.14.3 Once duly authorised, approved variations must be ordered in writing and payments made in accordance with the terms of the contract.

E6.14.4 The Chief Fire Officer shall issue separate certificates, showing all extras less deductions presented to the



Authority for payment, stating the amounts of extras ordered to date and the amount certified for payment.

- E6.14.5 Where the Authority has entered into a standard form contract in a form prepared on behalf of a professional organisation, which has been approved by the Monitoring Officer, this Rule shall not prevent the discharge of the Authority's obligations in connection with the granting of variations incurring extras or compensation events which arise or become due under the terms of the contract provided that records are kept in a form acceptable to the Finance Officer.

**E6.15. Contract Extensions**

- E6.15.1 A contract may be extended before the expiry date where the extension is in accordance with its original terms, can be shown to offer value for money and with the approval of the Chief Fire Officer, the Finance Officer and the Monitoring Officer.

- E6.15.2 Where the contract terms do not provide expressly for an extension:

- a) contracts subject to the EU Regulations may be extended only in limited circumstances and on the written approval of the Chief Fire Officer and the Monitoring Officer.
- b) contracts not subject to the EU Regulations may only be extended by formal written variation where the extension to a contract can be shown to offer value for money and is reasonable in all the relevant circumstances on the written approval of the Chief Fire Officer, the Finance Officer and the Monitoring Officer.

In addition, where the contract does not include an express right of extension, any proposed extension will also constitute a contract variation for the purpose of Paragraph E6.14 above and therefore the provisions of that Paragraph will also need to be followed.

- E6.15.3 After the expiry of the term of a contract it may not be extended or varied.

**E6.16. Assignment and Novation**



- E6.16.1 The Chief Fire Officer, in consultation with the Finance Officer and the Monitoring Officer, shall have authority to determine whether permission to assign or novate a contract is given on behalf of the Authority.

**E6.17. Termination**

- E6.17.1 Where the Chief Fire Officer wishes to terminate a contract early they may do so only after consulting with the Finance Officer and the Monitoring Officer as to the financial and legal impact of the termination.

**Appendix - Guidelines on the Appointment and use of Consultants**

**1. Application**

- 1.1 These guidelines govern the selection and use of consultants in all departments and business units of the Authority. Where consultancy services can be provided in-house, their use should be considered first, and discussed with the relevant service area before seeking external consultants.
- 1.2 The term “consultants” is intended to extend to all persons, firms or organisations who market their services as a consultancy service for whatever purpose, whether management, technical (including engineering, surveying and architectural services), financial, I.T., marketing, personnel etc., and are generally understood to come within the term “consultants”. This does not include staff employed via job agencies or other organisations that carry out day-to-day work on the Authority’s behalf.
- 1.3 For the avoidance of doubt these guidelines will not apply to the engagement of individual professional witnesses or representatives.
- 1.4 These guidelines are intended to supplement the main requirements of the Contracts Rules, not replace them.
- 1.5 Any queries on the application or interpretation of these guidelines shall be referred to the Monitoring Officer to the Authority.

**2. Identification of Need**

- 2.1 The objectives of the work and what the recommendations arising from the work are to achieve or change need to be clearly identified in a Project Brief.



- 2.2 Any project brief must be submitted initially to the Chief Fire Officer for consideration as to whether they has the capability and/or capacity to undertake the project in-house.
- 2.3 Any proposals to use external consultants where the estimated cost is likely to exceed £50,000 shall be agreed in writing in advance with the Finance Officer and Monitoring Officer. In other cases the Finance Officer will be informed of the use of consultants. Where the cost is estimated to be equal to or exceed £100,000, the prior approval of the Authority is required.
- 2.4 A budget for the exercise must be identified.

### **3. Preparation of a Project Brief**

- 3.1 A project brief shall be prepared by the Chief Officer in all cases.
- 3.2 Standard terms should be used to ensure comparability of consultants' submissions.
- 3.3 Terms of Reference should include a number of standard features to ensure that the consultants have sufficient information to make informed and feasible proposals. These should include:-
  - the objectives of the project
  - what resources the Authority will provide, e.g. staff, data
  - how the results are to be reported and presented
  - the time scale
  - how the project is to be monitored
  - an outline of the suggested approach
  - the basis upon which tenders are sought (fixed fee inclusive of expenses is to be preferred over daily rate) and personnel to be used)
  - provision for any bonuses or deductions.

### **4. Invitation to Tender**

- 4.1 External consultants should normally be selected on the basis of competitive tender unless satisfactory reasons to the contrary exist
- 4.2 Chief Officers shall have regard to the likelihood of multi-stage consultancy and shall, wherever possible, consider all stages of work when assessing the overall value of the consultancy exercise and for



obtaining quotes or tenders. Tenders/quotations should identify all potential stages of the work.

- 4.3 In selecting suitable consultants from whom to invite quotations or tenders, regard shall be had to firms who have worked for the Authority previously and to any assessment of their past performance.
- 4.4 All tenderers and those submitting quotations shall be asked to provide the names of at least two customers for reference purposes, at least one of whom shall be a recent customer.
- 4.5 Contact must be made with referees to ascertain the consultants' suitability. At least one contact should be by telephone.
- 4.6 In the following circumstances, the requirement to seek written quotations or tenders may be dispensed with:-
  - the value of the project is less than £5,000 (although regard must still be had to achieving value for money)
  - the firm it is proposed to use has developed a detailed knowledge of the particular project through past work with the Authority
  - the skills of a particular individual are demonstrably required
- 4.7 The reasons for not seeking written quotations or tenders shall be documented.

## **5. Monitoring Progress**

- 5.1 The Chief Fire Officer is to nominate a named officer (the Project Officer) to be responsible for monitoring progress of the consultant.
- 5.2 The Project Officer should:
  - a. Monitor progress by the consultants against set targets.
  - b. Monitor costs.
  - c. Arrange regular progress meetings.
  - d. Request detailed invoices and scrutinise them.
  - e. Link payments to progress.

## **6. Evaluating Performance**

- 6.1 The implementation of consultants' agreed recommendations should be reviewed no later than 12 months following their acceptance.
- 6.2 Where appropriate the review should establish whether any savings



identified have been achieved and if not, the reasons for this.

- 6.3 The performance of the consultants chosen should be evaluated for each significant project.



# **Tyne and Wear Fire and Rescue Authority**

## **Financial Regulations**

## **Tyne and Wear Fire and Rescue Authority**

### **Financial Regulations**

#### **Introduction**

Financial Regulations provide the framework for the financial administration of the Authority with a view to ensuring that the Authority's financial affairs are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge to the Authority. Financial Regulations are not intended to constitute a set of detailed rules to respond to every contingency. The Regulations allow for variation in detailed controls between departments where justified by local circumstances.

All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action.

Financial instructions and financial procedure notes will be issued from time to time where assistance is needed with the interpretation of Financial Regulations.

Failure to observe Financial Regulations and the codes and guidance issued under Financial Regulations may result in action under the Authority's disciplinary procedures.

Nothing in these Financial Regulations shall hinder the process of securing value for money. These Financial Regulations are designed to assist all staff with financial responsibilities to demonstrate value for money through due financial probity and soundness of financial controls.

The Chief Fire Officer should ensure that any Financial Procedure Notes/Guidelines that are produced in support of financial control are fully compliant with these Financial Regulations. Internal Audit should be consulted in the development of such Financial Procedures.

Amendments and revisions to Financial Regulations require the approval of the Fire and Rescue Authority.

## **Financial Regulation One**

### **Responsibilities**

#### **1.1 Responsibilities to the Authority**

- 1.1.1 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.1.2 These responsibilities apply equally to members and employees when representing the Authority on outside bodies.

#### **1.2 Personal Responsibilities**

- 1.2.1 Any person who has the responsibility for the use or care of the Authority's resources and assets should familiarise themselves with these Financial Regulations. If anyone is in any doubt as to their obligations, then they should seek advice. Unresolved questions of interpretation should be referred to Internal Audit.
- 1.2.2 All employees must report to their manager or supervisor any illegality, impropriety, breach of procedure or serious deficiency in the provision of service. In such circumstances managers must record and investigate such reports and take appropriate action.

#### **1.3 Finance Officer**

**Section 151** of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs

- 1.3.1 The Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden.

The statutory duties arise from:

Section 73 of the Local Government Act 1985

The Local Government Finance Act 1988

The Local Government Act 2003

The Accounts and Audit Regulations as amended from time to time

As the officer designated by the Authority for the purposes of Section 73 of the Local Government Act 1985, the Finance Officer is responsible for ensuring the proper financial administration of the Authority's

services and affairs and acts as financial adviser to the Authority and its Committees, and to such other bodies as the Authority shall approve.

1.3.2 The Finance Officer has a statutory responsibility therefore to:

- (i) ensure the proper administration of the Authority's financial affairs
- (ii) ensure that adequate systems and procedures exist to account for all income due and expenditure made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety
- (iii) report to the Authority and/or the external auditor if it appears that the Authority's expenditure is likely to exceed the resources available to meet the expenditure
- (iv) report to the Authority and/or the external auditor any decisions made or actions or taken (or about to be made or taken) which involve unlawful expenditure
- (v) produce the Statement of Accounts in accordance with the appropriate codes of practice and reporting standards issued from time to time
- (vi) report to the Authority on the robustness of the estimates for the purposes of the budget calculations and the adequacy of reserves
- (vii) report to the Authority where reserves are likely to be inadequate, outlining the reasons and the actions to be taken
- (viii) ensure that all matters required to be taken into account in respect of the Prudential Code for Capital Finance in Local Authorities are reported to the Authority for consideration
- (ix) establish procedures to monitor and report performance against all prudential indicators

1.3.3 The Finance Officer has responsibility to maintain a continuous, adequate and effective internal audit of the Authority's accounting, financial and other processes, including the approval of the Internal Audit Strategy and annual audit plans.

1.3.4. The Finance Officer is the Authority's professional adviser on financial matters which involves a responsibility to:

- (i) provide financial advice to the Authority on all aspects of its activity, including the budget, strategic planning and policy making process

- (ii) advise the Authority on financial propriety
- (iii) ensure that accurate financial information is provided to the Authority
- (iv) prepare statutory and other accounts
- (v) make all the banking arrangements
- (vi) provide a treasury management function, including loans and investments, in accordance with the Authority's policy
- (vii) advise on the security of assets including risk management and insurance
- (viii) determine, issue and receive the precept

1.3.3 The Finance Officer has a duty to report to the Authority where it appears that the Authority, a committee of the Authority, or a person holding any office or employment under the Authority has made or is about to make a decision that would involve 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 or is about to enter an item of account the entry of which is unlawful, or if proposed expenditure is in excess of available resources (Section 114, Local Government Finance Act 1988).

1.3.4 Reference to the Finance Officer includes those authorised by them to undertake the various functions concerned.

## **1.4 The Chief Fire Officer**

- 1.4.1 The Chief Fire Officer is responsible for ensuring that Financial Regulations are observed throughout all areas under his control and shall;
- a) provide the Finance Officer with such information and explanations, as the Finance Officer feels is necessary to meet his obligations under Financial Regulations.
  - b) ensure that the Finance Officer has opportunity to comment on all proposals with unbudgeted financial implications.
  - c) inform the Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets.
  - d) consult with the Finance Officer where amendment to Financial Regulations is considered necessary.

- e) wherever any matter arises which may involve irregularities in financial or stores transactions consult with the Finance Officer and if a serious irregularity is confirmed, the matter shall be reported to the Monitoring Officer, Chairman of the Authority and the Personnel Advisor to the Authority, City of Sunderland. The Chief Fire Officer is responsible for ensuring the legality of the Service's actions.

## **Financial Regulation Two**

### **Financial Planning and Annual Estimates**

- 2.1 The Finance Officer shall, each year, recommend a programme of revenue and capital estimates for consideration by the Authority. The programme is to include adequate time for such discussions as may be required. The form of the annual estimates shall be agreed by the Authority upon the recommendation of the Finance Officer.
- 2.2 Detailed estimates of income and expenditure on the Revenue account and receipts and payments on the Capital account shall be prepared each year by Chief Fire Officer in the form required by the Authority. The estimates will be in line with the Authority's Strategic Community Safety Plan and follow the guidelines issued annually by the Finance Officer. A copy of the estimates shall be forwarded to the Finance Officer by the Chief Fire Officer in accordance with the agreed programme in order that they can be examined and submitted to the Authority.
- 2.3 The Authority shall review the estimates together with such summaries, statements and reports as are considered desirable and shall recommend the precept to be levied for the ensuing year.
- 2.4 Whenever it is necessary to approve an estimate for any proposed precept a special meeting of the Authority shall be held for the purpose of considering, determining and adopting such estimate.
- 2.5 No precept shall be set by the Authority unless the notice convening the meeting shows the precept which will be moved.
- 2.6 The Authority shall approve the Authority's revenue budget and capital programme and set the level of precept for each year within statutory deadlines and requirements.

### **2.7 Revenue Budget Preparation**

- 2.7.1 The Authority shall keep under review the medium term financial position of the Authority taking into account the Authority's strategic plans and anticipated future levels of capital and revenue resources.
- 2.7.2 The Chief Fire Officer shall, in accordance with the agreed programme, and in conjunction with the Finance Officer prepare revenue estimates for consideration by the Authority. In doing so they should ensure that the estimated expenditure on, or cost of, any proposals submitted by them either in their annual estimates or at any time during the subsequent financial year, to the Authority shall be as complete and accurate as possible and include provision for all running costs salaries and wages and any other out goings involved by or in connection with



the proposal. In the case of proposals involving capital expenditure, the funding of the proposal must be identified together with the full financial implications.

## **2.8 Revenue Budgetary Control**

- 2.8.1 In accordance with the Authority's Delegation Scheme, the Chief Fire Officer has the power to incur revenue expenditure in carrying out the functions allocated to them provided:
- the expenditure is within the law
  - standing orders have been complied with
  - expenditure is within the approved revenue budget or capital programme provision
  - expenditure is in respect of Authority policy
- 2.8.2 Nothing in these Regulations shall prevent the Chief Fire Officer incurring expenditure essential to meet the needs of an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to their action being reported at the earliest opportunity to the Authority.
- 2.8.3 The Authority shall exercise control over revenue spending and income and may authorise variations to the Authority's budget within the year provided such variations:
- a) are within available resources
  - b) are consistent with Authority policy
- 2.8.4 To enable the Authority to exercise control over revenue spending, the Finance Officer shall report on a regular basis a comparison of revenue expenditure and income against budget.
- 2.8.5 Each officer in charge of a revenue budget shall:
- a) monitor and control expenditure and income within the approved budget
  - b) report progress against the budget to the Authority in consultation with the Finance Officer
  - c) keep the Finance Officer informed of any actual or likely changes which will/may have a significant impact on current or future budgets

- 2.8.6 The Finance Officer shall also provide guidance on and coordinate the budget monitoring process and the form, basis, supporting information and timetable for the preparation thereof.

### **2.8.7 Non –Delegated Budgets**

Ultimately it is the responsibility of the Chief Fire Officer to exercise budgetary control in their Service. However, it is recognised that within certain budgets there are items over which they may have little or no control, and it would be inappropriate to hold an officer accountable for expenditure variances on these budgets. It should be emphasised that this does not reduce their responsibilities regarding budget preparation and monitoring of these items. However, for the purposes of financial control the areas detailed in Appendix A to these regulations should be considered as ‘non-delegated’.

All items of revenue expenditure not specifically identified in the above paragraph are designated delegated budget items.

### **2.8.8 Virement (or transfers) Between Budgets**

The scheme of virement is intended to enable budgets to be managed with a degree of flexibility within the overall policy framework determined by the Authority, and therefore to optimise the use of resources.

- a) Virement should only apply to the transfer of funds within delegated budgets, subject to the budget holder’s approval.
- b) The proposals should be consistent with approved Authority policy.
- c) Virement should only be allowed where the total net delegated budget is still within the delegated costs limit.
- d) There should be no consequential overall revenue effects in later years.

Should virement be requested which is contrary to one of the above conditions, it is necessary to seek the prior approval of the Finance Officer and Authority.

The delegated limits are as follows:

- a) For sums up to £500,000 authorisation of the Chief Fire Officer in consultation with the Finance Officer.
- b) For sums over £500,000 the approval of the Finance Officer and

the Authority is required.

## **2.9 Capital Programme Preparation**

- 2.9.1 Each year, the Chief Fire Officer in conjunction with the Finance Officer shall draw up a programme of proposals for capital expenditure taking into account:

statutory requirements and strategic plans

capital guidelines issued by Central Government including available resources

Government capital grants and specific borrowing approvals, availability of capital receipts, other resources – including internal resources.

the level of existing capital commitments

- 2.9.2 The Chief Fire Officer shall ensure that for each capital scheme an appraisal is carried out and the full financial implications of any proposals fully evaluated and disclosed prior to being included in the Capital Programme. The appropriate approval must be secured before any contractual commitments are entered into.
- 2.9.3 The proposals for capital spending, together with financial implications will then be submitted to the Authority for determination of the Capital Programme.

## **2.10 Capital Programme Monitoring and Budgetary Control Arrangements**

- 2.10.1 The Chief Fire Officer shall:

- a) make arrangements for the implementation of the agreed Capital Programme in accordance with Standing Orders
- b) monitor progress of spending against the Capital Programme
- c) review and update costings and phasing of projects and programmes as appropriate

- 2.10.2 The Authority shall exercise control over capital spending and resources and may authorise variations to the Authority's capital programme provided such variations:

are within available resources

are consistent with Authority policy

- 2.10.3 To enable the Authority to exercise control over capital spending, the Finance Officer will report to the Authority on a quarterly basis with a review of the latest capital programme position.
- 2.10.4 Where projects in the Capital Programme are included on the assumption of resources becoming available, no financial commitments should be entered on these projects unless resources are confirmed as being available to the satisfaction of the Finance Officer.
- 2.10.5 In the event that project costs are at variance with programme, either in terms of cash flow or in total, the Chief Fire Officer should seek to bring the scheme in line with programme or, if that should not prove possible, should attempt to contain variances within the overall programme for which they are responsible.
- 2.10.6 The Finance Officer must be consulted where significant variances to the Capital Programme are in prospect. Should the Chief Fire Officer be unable to accommodate variations in expenditure within the approved capital programme, the approval of the Authority will be required to vary the Capital Programme subject to resources being available.

## **Financial Regulation Three**

### **Accounting**

**3.1 The Finance Officer shall:**

- a) determine accounting systems and procedures and the form of financial records and statements;
- b) provide guidance and advice on all accounting matters;
- c) monitor accounting performance to ensure an adequate standard for all services;
- d) certify financial returns, grant claims and other periodic financial reports required of the Authority.

**3.2 The Chief Fire Officer shall**

- a) implement accounting procedures and adopt the form of financial records and statements as determined by the Finance Officer;
- b) obtain the approval of the Finance Officer prior to introducing or changing the form or method of existing accounting systems and procedures, financial records or statements. Approval is to be requested from the Finance Officer in writing. Internal Audit advice should be sought for all proposed changes at as early a stage as possible.
- c) complete and pass to the Finance Officer financial returns and other financial reports requiring certification;
- d) keep a proper separation of duties for staff with financial responsibilities.

**3.3 The following principles shall be observed in connection with accounting systems:**

- (a) The duties of providing information regarding sums due to or from the Authority and of calculating, checking and recording these sums shall be separated as completely as possible from the duty of collecting or disbursing them;
- (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

## Financial Regulation Four

### Internal Audit

- 4.1 A continuous internal audit, under the independent control and direction of the Finance Officer, shall be arranged to carry out an examination of accounting, financial and other operations of the Authority.
- 4.2 The Finance Officer or his authorised representatives shall have authority for audit purposes, in accordance with the Accounts and Audit Regulations, 1996:
- a) to enter at all reasonable times on any Authority premises or land and have access to all records, documents and correspondence relating to any financial and other transactions of the Authority,
  - b) to require and receive such explanations as are necessary concerning any matter under examination; and
  - c) to require any employee of the Authority to produce cash, stores or any other Authority property under his control.
- 4.3 The Finance Officer shall:
- a) maintain an adequate and effective system of internal audit of the accounting records and control systems of the Authority;
  - b) report material failures of financial control to the Authority;
  - c) where evidence of fraud, misappropriation or theft is discovered, decide after consultation with the Chief Fire Officer, whether to refer the matter to the Police.
- 4.4 The Chief Fire Officer shall:
- a) respond without undue delay to any enquiries or recommendations made by the Finance Officer;
  - b) inform the Finance Officer as soon as possible of failures of financial control, including matters which involve, or may involve, financial irregularity.
- 4.5 The Finance Officer and the Chief Fire Officer jointly shall investigate failures of financial control, including matters which involve, or may involve, financial irregularity.
- 4.6 If a serious irregularity is confirmed the matter shall be reported to the Monitoring Officer to the Authority, and the Personnel Advisor to the Authority.

## **Financial Regulation Five**

### **Purchasing Arrangements**

#### **5.1 Standing Orders**

5.1.1 Because of the importance of this subject the rules for purchasing are embodied in Section E of the Authority's Standing Orders.

5.1.2 Standing Orders apply to all orders and contracts for:

- a) the purchase of goods, materials and related services;
- b) the execution of works;
- c) the provision of services.

This includes the award of work to an in-house provider where there is a statutory requirement for competition or the Chief Fire Officer has opted for a competitive process.



## **Financial Regulation Six**

### **Income**

- 6.1 The objective of this financial regulation is to ensure that all income due to the Authority is collected, banked and properly accounted for.
- 6.2 The collection of all sums due to the Authority shall be under the supervision of the Finance Officer who shall in conjunction with the Chief Fire Officer make and maintain adequate arrangements for prompt and proper accounting for all cash, including its collection and deposit.
- 6.3 Particulars of all charges to be made for work done, services rendered, or goods supplied by the Authority, and of all other amounts due, shall be promptly notified to the Finance Officer via the approved finance system and all income due to the Authority shall be collected by the Finance Officer, subject to any other arrangements made by them.
- 6.4 The Finance Officer shall be consulted on any proposal for the introduction of, or a variation in, a scale of charges, other than those agreed at National or Regional level, prior to appropriate approval. Where the source of income is a new one the collection arrangements shall be agreed with the Finance Officer and the sums anticipated shall be notified to them. Where new fees and charges are introduced which result in a change in policy, such charges shall be referred to the Authority for approval.
- 6.5 All sums received by a Cashier or other authorised officer of the Authority shall be immediately acknowledged by the issue of a receipt or by other agreed method. Payments by cheque or by electronic means will be acknowledged unless specifically requested not to. Every transfer of official money from one member of staff to another shall be immediately evidenced in the records by the signature of the receiving officer.
- 6.6 All cheques received must be crossed and be payable to “Tyne and Wear Fire and Rescue Authority”.
- 6.7 All money received on behalf of the Authority in any Department shall be held securely. Money will be paid not less than weekly to the Finance Officer or, as they may direct to the Authority’s bankers provided that amounts in hand do not exceed £1,000 or the insurance limit, whichever is the lesser. Should the amounts exceed £1,000 or the insurance limit, this must be paid over immediately. In these latter circumstances the Chief Fire Officer must ensure that the insurance limit on any safe is adequate to cover the value of monies received and held. No deductions may be made from such money except as expressly authorised by the Finance Officer. The Finance Officer shall, not later than the next following business day after receipt, pay to the Authority’s bankers all monies received by them.

- 6.8 Each officer who pays in money on behalf of the Authority shall enter on the pay-in slip in duplicate or counterfoil, particulars of such payment, including in the case of each cheque paid in:
- (a) The amount of the cheque; and
  - (b) a reference (such as the number of the receipt given, or the name of the debtor) which will connect the cheque with the debt for which it was received;
  - (c) the cheque number.
- 6.9 The Finance Officer may advance such sums as may be necessary for the purpose of change money and the existence of these sums shall be periodically verified.
- 6.10 The basis and level of fees and charges must be reviewed by the Chief Fire Officer on, at least, an annual basis.
- 6.11 Levels of income received must be compared to budget figures of income due on a regular basis and differences promptly investigated.
- 6.12 The advice of the Finance Officer must be sought on agreements which provide for variable income.
- 6.13 Income should be collected in advance of service, or where this is not possible, by an official invoice.
- 6.14 Arrangements for payment by instalment must be authorised by the Finance Officer.
- 6.15 Unused manual receipts must be held securely at all times. A record of these receipts must be maintained and blank receipt books must only be issued to staff on receipt of their signature. Staff holding individual receipt books must keep them in a secure manner.
- 6.16 Security and retention of safe keys must be in accordance with the dictates of the Authority's Insurers.
- 6.17 Authorisation of the Finance Officer must be obtained before uncollected income due is written off.
- 6.18 Grant claims requiring certification in the name of the Finance Officer must be submitted for approval by the Finance Officer in a timely manner.
- 6.19 Personal cheques must not be cashed out of money held on behalf of the Authority.

## **Financial Regulation Seven**

### **Banking Arrangements and Cheques**

- 7.1 The objective of this regulation is to ensure sound banking and payments arrangements by limiting responsibility for these to the Finance Officer.
- 7.2 All arrangements with the Authority's bankers shall be made by or under arrangements approved by the Finance Officer who shall be authorised to operate appropriate banking accounts. No bank accounts or similar may be opened without the consent of the Finance Officer. The maintenance of Authority bank accounts shall be in accordance with arrangements determined by the Finance Officer.
- 7.3 All cheques, and other orders for payment, shall bear the facsimile signature of the Finance Officer, or be signed by the Finance Officer or other authorised officers.
- 7.4 All cheques or similar shall be ordered only on the authority of the Finance Officer who shall make proper arrangements for their secure storage.
- 7.5 The approval of the Finance Officer must be obtained for any proposal to enter into a credit agreement.

## **Financial Regulation Eight**

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

- 8.1 The objective of this regulation is to ensure that work, goods and services are only ordered for the purposes of Authority business and that the resulting expenditure is within budget and properly approved.
- 8.2 The Chief Fire Officer shall be responsible for all orders issued for goods or work to be done or for services rendered. Orders shall be issued for all work, goods or services to be supplied to the Authority, except periodical payments, petty cash purchases or such other exceptions as may be approved. Before orders are made the authorised officer must ensure:
- (i) that there is adequate budget provision before committing expenditure;
  - (ii) that any necessary Chief Fire Officer or Authority approvals have been obtained;
- 8.3 Official orders shall be in a form approved by the Finance Officer and are to be signed only by a nominated officer authorised by the Chief Fire Officer.
- 8.4 Each order shall conform with the policies of the Authority with respect to purchasing and any standardisation of supplies and materials.
- 8.5 Whenever practicable, the duties of ordering, receiving goods and certifying the respective invoices for payment shall not be performed by one officer.
- 8.6 A list of officers nominated to order goods and/or certify invoices for payment, a sample of their initials and their signature must be supplied by the Chief Fire Officer to the Finance Officer, and updated on a regular basis.

## Financial Regulation Nine

### Payment of Accounts

- 9.1 The purpose of this regulation is to ensure that all payments made by the Authority are:
- i) lawful
  - ii) properly authorised by an appropriate officer
  - iii) within the amount provided in the Authority's budget.
- 9.2 Apart from petty cash and other payments from the imprest accounts, the normal method of payment of money due from the Authority shall be by direct bank payment drawn on the Authority's bank account by the Finance Officer. Cheques may be issued in exceptional circumstances.
- 9.3 The Chief Fire Officer or designated officer is responsible for examining, verifying and certifying accounts for payment and certification shall mean that:
- a) the goods have been received, the work done or the services rendered and that they are satisfactory as to quality and correct as to quantity;
  - b) the goods or services have not been paid for previously;
  - c) prices are in accordance with the agreement, contract quotation or current market rate, whichever is applicable; that all trade or cash discounts have been deducted;
  - d) any special authority needed with the agreement has been obtained;
  - e) the payment is lawful and is in accordance with the Authority's policy and instructions and complies with the Authority's Standing Orders and Financial Regulations;
  - f) the expenditure is within the amount provided by annual estimates or approved supplementary estimate; that it has been charged in the financial year in which the work is done or the goods received, irrespective of the year in which provision has been made in annual estimates;
  - g) appropriate entries have been made in inventories or stock or stores records;
  - h) the account is arithmetically correct or subject to a sample test agreed by the Finance Officer.
- 9.4 Certificates for payment authorised by a duly appointed Consultant shall be submitted to the Chief Fire Officer who will process the certificate for payment

after examining it to see that it is within the contract sum, subject to any authorised variations, and is reasonable.

- 9.5 Accounts duly certified shall be processed daily in the manner prescribed by the Finance Officer, who shall examine them as they see necessary. Invoices subject to discount for prompt payment shall be passed in sufficient time to enable the discount to be claimed. All payments should be processed within 30 days. The requirements of the Late Payment of Commercial Debts (Interest) Act 1998 (as amended) and the policies and procedures adopted by the Finance Officer in relation to the Act shall be fully adhered to by the Chief Fire Officer.
- 9.6 All invoices shall be retained for at least 6 years by the Chief Fire Officer. In the case of invoices relating to grant claims these must be kept until after the grant claim has been audited even if this exceeds 6 years. In all cases the Finance Officer should be consulted before any disposal takes place. The Authority has a legal obligation to keep all original invoices, paid and copy debtor accounts for six years from the date they were paid or raised for VAT purposes.
- 9.7 The Chief Fire Officer shall as soon as possible after 31st March in each year notify the Finance Officer of all outstanding expenditure relating to the previous financial year, and normally if accounts are not received during the month following that in which goods were delivered, services rendered or work completed, the creditor shall be asked to supply an account forthwith.

## Financial Regulation Ten

### Employee Payments

- 10.1 The objective of this regulation is to ensure that staff are appointed in accordance with the Authority's Policies on Recruitment and Selection, are paid in accordance with their Contract of Employment and to ensure leavers are removed from the payroll.
- 10.2 All staff must be appointed in accordance with the Authority's Policies on Recruitment and Selection and there must be written evidence to support this kept on staff files. The payment of all salaries, wages, pensions, compensation and other emoluments shall be made by the Finance Officer or under arrangements approved and controlled by them.
- 10.3 Personal record files will be maintained for each employee within the approved establishment, with sufficient information to identify service, salary scale and current amount payable, sickness leave taken and annual leave due and taken.
- 10.4 The Chief Fire Officer shall notify the Finance Officer in the form prescribed, of all matters affecting the payment of such emoluments, and in particular:
  - (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
  - (b) absences from duty for sickness or other reason, apart from paid leave;
  - (c) changes in remuneration including normal increments and pay awards and agreements of general application;
  - (d) information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- 10.5 All attendance records or other pay documents shall be in a form prescribed or approved by the Finance Officer and shall be certified by the Chief Fire Officer or other designated signatory.
- 10.6 The Chief Fire Officer or other designated officer shall be responsible for the submission of the relevant records within an approved timetable to enable the Finance Officer to make payments by the due dates.
- 10.7 On an annual basis the Chief Fire Officer shall be provided by the Finance Officer with a list of all staff currently paid within their area of responsibility and the rate at which they are currently being paid. The Chief Fire Officer shall certify that every name on their list is a bona fide employee of the Authority and that the rate of payment to the employee is correct.

## **Financial Regulation Eleven**

### **Imprest and Petty Cash Balances**

- 11.1 Where they consider it appropriate, the Finance Officer shall open an account with the Authority's bankers or similar for use by the imprest holder. This account shall not become overdrawn and should this event occur the overdrawn balance shall be notified to the Finance Officer.
- 11.2 A petty cash payment slip must be completed for every reimbursement that is made and signed by the claimant, authorised by their manager and signed by the person making the payment. Receipts must be obtained to back up all expenditure made and reclaimed through the petty cash account and attached to the petty cash payment slip
- 11.3 A list of authorised signatories responsible for the petty cash accounts will be maintained by the Chief Fire Officer including specimen signatures.
- 11.4 Income received should not be paid into an imprest account but must be separately banked as provided in these regulations.



## **Financial Regulation Twelve**

### **Insurance and Risk Management**

- 12.1 The objective of this financial regulation is to ensure that the Authority manages all potential risks and liabilities and to limit the authority for arranging insurance cover to the Finance Officer.
- 12.2 The Finance Officer shall devise and arrange appropriate insurance cover for the Authority and be the Authority's principal Risk Management Co-ordinator and advisor.
- 12.3 The Finance Officer is responsible for arranging all insurance cover and for ensuring the annual review of insurance cover.
- 12.4 The Chief Fire Officer is responsible for identifying, assessing and reporting risks to the Finance Officer. Risks are reviewed annually in accordance with the timetable issued by the Finance Officer.
- 12.5 The Finance Officer shall process all claims against the Authority's insurance and negotiate settlements where liability is accepted within the limits and conditions agreed with the Authority's insurers. The Chief Fire Officer shall be responsible for providing the necessary information in a timely manner and every assistance in the defence of claims shall be afforded to the Finance Officer/Insurance Company. Where it is deemed an insurance recovery will not be forthcoming the Finance Officer shall have the authority to write off that amount.
- 12.6 The Finance Officer shall keep a record of all insurances effected by the Authority and the property and risks covered thereby. The Chief Fire Officer shall notify the Finance Officer of all new risks, properties and vehicles which may need to be insured and of any alterations affecting existing risks or insurances and provide all information requested by insurers in connection with these and current risks.
- 12.7 All employees concerned with the receipt, custody and/or disbursement of the monies and property of the Authority shall be included in a suitable fidelity guarantee insurance. The Finance Officer shall keep a record of all insurances effected by the Authority and the property and risks covered thereby including valuations of insured property.
- 12.8 The Chief Fire Officer shall consult the Finance Officer and the Monitoring Officer in respect of the terms of any indemnity which the Authority is requested to give.
- 12.9 The Finance Officer shall be provided with an Annual Risk Management Plan from the Chief Fire Officer.

- 12.10 The Finance Officer shall be consulted about any insurance policies that the Chief Fire Officer may wish to arrange on behalf of other parties.

## **Financial Regulation Thirteen**

### **Treasury Management**

- 13.1 All investments and borrowing shall be made on the Authority's behalf by the City of Sunderland under a Service Level Agreement, and shall be subject to the appropriate Financial Regulations of the City Council.

## **Financial Regulation Fourteen**

### **Reimbursement of Expenses and Payment of Allowances**

- 14.1 The objective of this financial regulation is to ensure that the reimbursement of allowances and expenses to staff and members is in accordance with the appropriate agreements and legislation.
- 14.2 All claims by employees for payment of car allowances, other travelling expenses, subsistence allowances and incidental expenses shall be submitted monthly using the approved form, duly certified by the Chief Fire Officer or other nominated officer.

A list of officers nominated to certify such claims and a sample of their signature must be supplied by the Chief Fire Officer to the Finance Officer, and updated on a regular basis.

- 14.3 Payment to members of the Authority or its Officers who are entitled to claim travelling and subsistence allowance will be made by the Finance Officer upon receipt of the approved authorised form duly completed.
- 14.4 VAT receipts must be provided for all expenditure claimed wherever possible. This is a prerequisite of HMRC. In the event a receipt is not available an authorised memorandum will be produced.
- 14.5 All claims for a financial year are to be submitted not later than one month following 31st March in any year, except with the express approval of the Finance Officer.
- 14.6 Certification of any claim shall be taken to mean that the information in the claim is factual, appropriate, in line with approved rates and was necessarily incurred. Claims submitted must provide sufficient information to allow such certification to take place.

## **Financial Regulation Fifteen**

### **Security and Control of Assets**

- 15.1 The objective of this financial regulation is to ensure the proper use and safeguarding of assets owned by the Authority or for which the Authority has responsibility. This financial regulation applies to all assets, including stocks, stores, furniture, equipment, vehicles, cash, land and buildings, that are owned by, or are in the possession of the Authority and for which the Authority is responsible.
- 15.2 The use of assets is restricted to authorised Authority business
- 15.3 The Deputy Clerk to the Authority shall have custody of all title deeds of properties owned by the Authority and be responsible for their security, and the Deputy Clerk to the Authority shall maintain a terrier of all land and properties owned by the Authority recording the location, extent, plan, reference, purchase details, nature of the interests, tenancies granted, rents payable and purpose for which held.

### **Stocks and Stores**

- 15.4 The Chief Fire Officer shall be responsible for the care and custody of the stocks and stores under their control. These shall not be in excess of normal requirements except with the approval of the Chief Fire Officer.
- 15.5 On an annual basis, the Chief Fire Officer shall organise a complete examination of all existing stocks with a view to reducing the number of slow moving items and disposing of obsolete stock items.
- 15.6 Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regards quantity and compliance with specification as soon as practicable thereafter.
- 15.7 Issues of all stores, other than small value materials, shall be supported by the requisition stating the quantity required and signed by a responsible official; a receipt shall be obtained for such issues on the appropriate form.
- 15.8 The Finance Officer shall be entitled to receive from the Chief Fire Officer such information as they require in relation to stores for accounting, costing and financial records. The Finance Officer shall determine the method of valuation of stores.
- 15.9 The Chief Fire Officer shall arrange for periodical test checks of stocks by persons other than the storekeepers and shall ensure that all stocks are checked at least once every year either on an annual basis or as part of a rolling programme. A representative of the Finance Officer may similarly make checks from time to time and the Finance Officer must be notified of an annual

stock-take and is entitled to be represented. Any shortages or surpluses are to be certified by the Chief Fire Officer and passed to the Finance Officer who may, after any investigation deemed necessary, authorise the adjustment of the stock records to reflect the actual stock position.

- 15.10 Stores equipment, vehicles or materials found to be obsolete or in excess of requirements shall be disposed of by competitive tender, except when it is jointly agreed with the Finance Officer that the financial interest of the Authority is better served by disposal by other means.

### **Inventories**

- 15.11 Inventories shall be maintained and kept up to date. They must contain an adequate description (including serial numbers where appropriate) of furnishings, fittings, equipment, plant, machinery, vehicles and other property of the Authority with an individual value exceeding £150. The extent of the record and the form of the inventory is to be determined by the Chief Fire Officer in consultation with the Finance Officer.
- 15.12 The Chief Fire Officer is responsible for making checks of such inventories not less than once per year and certify with the inventory documentation that the check has taken place. No property of the Authority shall be removed otherwise than in the ordinary course of business or used otherwise than for the Authority's purposes except in accordance with specific instructions issued by the Chief Fire Officer.

### **Disposal of Assets**

- 15.13 The Chief Fire Officer will put in place formal arrangements for the disposal or resale of Authority assets including inventory items found to be obsolete or in excess of requirements.
- 15.14 Assets will be disposed of in a manner which achieves value for money. Where possible the Chief Fire Officer will dispose of items by competitive tender except when it is jointly agreed with the Finance Officer that the financial interest of the Authority is better served by disposal by other means. The Chief Fire Officer or his nominated representative will keep appropriate records detailing how value for money was achieved in the disposal or resale of any assets.
- 15.15 No assets will be donated to any individuals or organisations without the express consent of the Authority.
- 15.16 Leased items including vehicles, plant and equipment shall not be disposed of without the prior approval of the Finance Officer.

## **Financial Regulation Sixteen Record of Contracts for Capital Works**

- 16.1 The Chief Fire Officer shall be responsible for maintaining records and for informing the Finance Officer and the Authority where the final cost is likely to exceed the financial provision.
- 16.2 In every case before the Chief Fire Officer or consultant issues or certifies a final certificate of payment under a contract the Finance Officer shall have an opportunity to examine the contractor's final account together with such relevant documents and information as they may require.

## **Financial Regulation Seventeen**

### **Grants from External Bodies**

- 17.1 The purpose of this regulation is to ensure that all grant claims submitted to external funders (e.g. European Union, Government Office) in respect of specific projects are :
- a) lawful;
  - b) accurate;
  - c) within the approved grant allocation;
  - d) in accordance with each funder's eligibility criteria;
  - e) submitted with due regard to the Authority's continuing commitment to the project.
- 17.2 Where the use of external funding for projects requires a financial commitment from the Authority for which budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Fire Officer shall provide a written report to the Authority giving a full appraisal of the financial implications for the Authority of the scheme both in the current year and beyond. The approval of the Authority must be secured before the Chief Fire Officer commits the Authority to the funding.
- 17.3 The appropriate officer shall nominate a named responsible officer to be accountable for the performance and financial monitoring of each Project.
- 17.4 Written approval must be obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.
- 17.5 The responsible officer shall ensure, prior to submission of grant claim, all expenditure declared is eligible in accordance with the relevant funder's criteria.
- 17.6 Should there be any uncertainty as to the purpose of such funding, the responsible officer shall make such enquiries as necessary, to the funder, to ensure proper use of grant.
- 17.7 Grant claims and monitoring returns should be signed by the responsible officer and submitted in accordance with the funder's timescales.
- 17.8 Where receipt of funds from a third party (i.e. match funding) are part of any grant submission, the Chief Fire Officer must adhere to the guidance which has



been provided by the Finance Officer.

- 17.9 The manner in which external funding is managed shall be in accordance with Authority policy and instructions, Standing Orders and Financial Regulations in addition to the funder's own requirements.
- 17.10 Grant claim working papers should be maintained in a form agreed by the Finance Officer.

## **Financial Regulation Eighteen**

### **Acquisition of Land and Buildings**

- 18.1 When wishing to acquire or dispose of land in execution of their revenue / capital programme the Chief Fire Officer shall refer their proposals to the Finance Officer and Monitoring Officer to the Authority.
- 18.2 Authority approval is required for the purchase and disposal of any freehold or leasehold interest in land, subject to the delegated power granted to the Chief Fire Officer.

## Financial Regulation Nineteen

### Partnerships

- 19.1 A partnership is defined as “a relationship between two or more independent legal bodies, organisations or individuals working together to achieve a common vision with clear aims and objectives”.
- 19.2 All Members and Officers currently involved in or considering ‘partnership’ working should have regard to the Authority’s Partnership Code of Practice and ensure compliance with it.
- 19.3 It should be noted the selection of partners must be underpinned by a procurement process as set out in the Procurement Procedure Rules except for the following circumstances:
- a) where there is no exchange of funds or resources (e.g. information sharing only);
  - b) where the Authority is providing grant (e.g. this would not apply where funding depends upon detailed specified requirements);
  - c) where it is permitted, required or encouraged by law e.g. joint committees’ pooled budgets.
- 19.4 As this area can be complex and legal challenges can arise the view of the Chief Fire Officer should be sought before any discussions are held with potential partners.
- 19.5 Any financial relationship with a partner must be fully documented and legally binding.
- 19.6 Where the entering into a partnership requires a financial commitment from the Authority, either immediate or potential, for which budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Fire Officer in conjunction with the Finance Officer shall provide a written report to the Authority giving a full appraisal of the financial implications for the Authority of the scheme both in the current year and beyond. In such circumstances the approval of the Authority must be secured before the Chief Fire Officer commits the Authority to any partnership agreement.
- 19.7 The Chief Fire Officer shall be responsible and accountable for the performance and financial monitoring of each Partnership. A risk assessment should be maintained in relation to the Authority being a party to each Partnership.
- 19.8 Where receipt of funds from a partner or third party (i.e. matched funding) is

part of any grant submission, the Chief Fire Officer must adhere to the guidance which has been provided by the Finance Officer.

- 19.9 Internal Audit Services' rights of access to all officers, buildings, information, explanations and documentation required to discharge the audit role should be written into the appropriate agreements with partner organisations.

## **Financial Regulations**

### **Appendix A**

#### **1. Non – Delegated Budgets**

- a) Capital Financing Costs - Debt Charges/Leasing costs etc.
- b) Internal Recharges
- c) Miscellaneous Costs

- Members Allowances.
- Insurances
- Business Rates
- National Insurance

Superannuation and all nationally prescribed or agreed Allowances.



# **Tyne and Wear Fire and Rescue Authority**

## **Delegation Scheme**

## Tyne and Wear Fire and Rescue Authority

### Glossary

In this Delegation Scheme, the following persons are collectively referred to as the Principal Officers:

- The Chief Fire Officer
- The Deputy Chief Fire Officer
- The Assistant Chief Fire Officer(s)

The Authority has designated the persons identified below to the following statutory roles:

<b>Chief Executive (Head of Paid Service)</b>	the Chief Fire Officer
<b>Monitoring Officer</b>	the Assistant Director of Law and Governance, Sunderland City Council
<b>Finance Officer (s151 Officer)</b>	the Finance Director, Tyne and Wear Fire and Rescue Service

The Authority has [appointed] the persons identified below to the following roles:

<b>Clerk</b>	The Chief Fire Officer
<b>Deputy Clerk</b>	Assistant Director of Law and Governance, Sunderland City Council
<b>Personnel / Strategic HR Advisor</b>	Specialist Lead People Management, Sunderland City Council
<b>Head of Audit</b>	Assistant Director of Assurance and Property Services, Corporate Services, Sunderland City Council

### Delegation Scheme

#### 1.(a) The Clerk

1. To provide an administrative service in the preparation of agenda reports and minutes for the Tyne and Wear Fire and Rescue Authority (“the Authority”) and Committees and execution of all decisions.
2. To maintain, in accordance with the principles determined by the Authority, a secretarial service for the Authority.



3. To arrange for provision of support services to the Authority as determined by the Authority in respect of:-
  - (a) financial services, in consultation with the Finance Officer.
  - (b) construction related services.
  - (c) pensions, in consultation with South Tyneside Borough Council where necessary.
  - (d) computing services, in consultation with appropriate officers.
  - (e) personnel services, in consultation with the Personnel Advisor.
  - (f) legal services.
4. To sign public notices on behalf of the Authority.
5. To execute documents on behalf of the Authority.
6. To act as the Authority's duly authorised agent for the purposes of the co-ordination of the Authority's affairs with outside bodies.
7. Without prejudice to the power delegated to the Chief Fire Officer to institute proceedings, to institute all proceedings (other than in the High Court, Court of Appeal, House of Lords or any of the European Community Courts) and to defend and conduct all proceedings.
8. To summon meetings of the Emergency Sub-Committee, after consultation with the Chair and Vice Chair.
  - 8.1.1 To receive notices of appointment and resignation of members of the Authority.
  - 8.1.2 To keep a record of particulars of any notice given under Section 117 of the Local Government Act 1972 by an Officer of the Authority as to a pecuniary interest in any contract or proposed contract.
  - 8.1.3 Under Paragraph 4 of Schedule 12 of the Local Government Act 1972, to sign and serve Summonses of Authority meetings to every Member of the Authority and to receive notices from Members as to the address to which their Summonses should be sent.
  - 8.1.4 To receive notices under the Local Government (Committees and Political Groups) Regulations 1990 (as amended).
9. In consultation with the Chair, to authorise the following categories of

changes to Standing Orders;

- (i) changes which are necessary to give effect to decisions of the Authority or a committee or sub-committee of the Authority or Authority officers in accordance with their functions or delegated powers which need to be reflected in the Standing Orders;
- (ii) changes which give effect to changes in the law which apply directly to the Authority and need to be reflected in the Standing Orders; and
- (iii) Changes which make typographical and stylistic corrections. For the purposes of this paragraph, the term “Standing Orders” shall mean the Standing Orders of the Authority, the Financial Regulations, the Delegation Scheme, the Terms of Reference, the Codes of Conduct (including Dealing with Complaints against Members), the Members’ Allowances Scheme and Data Protection Guidance for Members.

**1.(b) Deputy Clerk**

1. To act as the Authority’s Monitoring Officer
2. In the absence of the Clerk to carry out any of the powers and duties of the Clerk listed above

**2. Finance Officer**

1. To act under Section 73 of the Local Government Act 1985 as the responsible officer for the administration of the Authority’s financial affairs.
2. To arrange all necessary borrowing in accordance with the policy of the Authority, including the issue or renewal or repayment of Bonds and Temporary Loans.
3. To effect all insurance cover which is considered by those to be necessary and to negotiate and accept new terms for such external insurance policies as are required.
4. In consultation with Principal Officers as necessary to negotiate all insurance claims in respect of third party and employers’ liability.
5. To submit claims against insurers and to negotiate in consultation with Principal Officers as required settlement of such claims with insurance companies or their representatives.
6. To open such bank accounts as are deemed necessary and to

Negotiate and accept charges and fees with the Authority's bankers for the time being.

7. To adjust book stock accounts following physical stocktaking and investigation into differences of all stores of the Authority.
8. To write-off in consultation with the Chief Fire Officer any items of stock or equipment considered obsolete, and to agree means of disposal if other than by competitive tender.
9. To write-off debts which are irrecoverable or where recovery is deemed to be uneconomic.
10. To negotiate and accept leasing arrangements in respect of plant and equipment.

### **3. The Chief Fire Officer**

1. To be directly responsible to the Authority for the management of all executive, administrative and operational aspects of the Tyne and Wear Fire and Rescue Service.
2. To undertake the duties and exercise the powers of the Authority in relation to fire safety and to undertake the enforcement of all legislation relating to the Authority's powers, duties and functions, in connection with fire safety including, but not restricted to the following legislation and any Orders, Rules, Regulations and Byelaws made thereunder:

- Fire and Rescue Services Act 2004;
- The Regulatory Reform (Fire Safety) Order 2005;
- Health and Safety at Work etc. Act 1974 and any provisions that are "relevant statutory provisions" for the purposes of that Act;
- Fireworks Act 2003
- Tyne and Wear Act 1980
- Fire Safety and Safety of Places of Sports Act 1987;
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982

and any amendment, consolidation or re-enactment of the same and (without prejudice to the generality of the foregoing) the issuing of certificates, notices, licences, consents, orders or other documents and the authorisation of registration and the maintenance of registers and lists in connection therewith. For the avoidance of doubt, the powers, duties and functions of the Authority in relation to fire safety shall

include its powers duties and functions in relation to petroleum, explosives and other dangerous substances.

3. In consultation with the Finance Officer, to determine within a policy laid down by the Authority charges for special services, courses and other services provided by the Fire and Rescue Service, and the waiving and modification of any such charges.
4. To promote, appoint, suspend or dismiss all Fire and Rescue Service employees other than the Deputy Chief Fire Officer and the Assistant Chief Fire Officer(s).
5. To institute any necessary disciplinary proceedings in relation to employees (except that proceedings involving Principal Officers shall be considered and determined by the Human Resources Committee).
6. In the exercise of paragraphs 4 and 5 above where it appears that an employee may be involved in alleged theft, fraud or embezzlement in relation to any financial transaction, cash, stores or other property of the Authority, to report the circumstances immediately to the Finance Officer who shall be consulted before any interrogation of any person is carried out; except in circumstances where it is necessary to prevent a possible theft from going undetected, in which case, to call in the police at once.

Nothing contained herein shall prejudice the role of the Chief Fire Officer in connection with the Authority's Disciplinary Procedures.

7. To approve changes to non-uniformed (Green Book) establishments.
8. To approve changes to the operational (Grey Book) establishment in respect of posts up to and including the role of Area Manager.
9. To deal with the discharge of all employees on medical grounds.
10. In consultation with the Monitoring Officer, to institute on behalf of the Authority any proceedings in the Magistrates' and Crown Courts in connection with any offences under fire safety legislation for the time being in force.
11. To determine, in such cases where an employee of the Fire and Rescue Service has accepted an unsolicited gratuity to be disposed of in accordance with the provisions of Standing Order B.45(i), to which charity the gratuities shall be given.
12. To grant ex-gratia payments not exceeding £250 in respect of damage to or loss of personal property of employees occurring whilst on duty.
13. To consider and determine applications from employees regarding secondary employment in accordance with the policy of the Authority.

14. To operate the following schemes and in consultation with the Finance Officer having due regard to the rate of inflation to determine charges and allowances:-
  - (a) The scheme for reimbursement of medical/optical charges.
  - (b) The Car Allowance Scheme.
  - (c) Proper deduction for the Trav.1 Scheme.
  - (d) Telephone allowances.
  - (e) Payment of honoraria and planned overtime.
15. To grant paid leave of absence in relation to meetings and membership of those public bodies referred to in the Conditions of Service.
16. To grant up to two weeks' (10 working days for day shift staff and 8 working shifts for shift related staff) leave of absence to personnel who are members of HM Reserve Forces for the sole purpose of attending the annual training period.
17. To approve secondments to the Fire Service College and other organisations.
18. To consider and determine applications for extension of full sick pay in exceptional circumstances in the case of staff subject to National Joint Council for Local Government Services conditions.
19. In consultation with the Monitoring Officer and Finance Officer, to authorise the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than £500,000 in the case of freeholds and where the annual rental is less than £50,000 in the case of leaseholds and (in the case of disposals) subject to the Authority's Surplus Asset Policy (Community Benefit) in force at the time of the disposal.
20. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlord's consents in consultation with the Monitoring Officer and Finance Officer.
21. In consultation with the Monitoring Officer and Finance Officer, to agree, or to agree to, the granting by or to the Authority of easements, wayleaves, covenant consents, licences and other similar rights over, in or above or under land.
22. In relation to the provisions of Part 5, Chapter 2 of the Localism Act 2011 and the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England)

Regulations 2012 in respect of the submission of expressions of interest (EOI) to the Authority under the community right to challenge:

- To publish details of the period of time for the submission of EOI.
- In consultation with the Chair and Vice Chair, to consider and determine each EOI submitted where the estimated value of the potential contract is below £250,000 or where the EOI does not comply with the statutory requirements; and to refer the EOI to the Authority for determination where the estimated value of the potential contract exceeds £250,000.
- To determine the maximum period that will elapse between the submission of an EOI and the date of notification of the decision.
- To determine in each case the minimum and maximum periods that will elapse between the acceptance of any EOI and the date on which the resulting procurement process will begin.

#### **4. Personnel / Strategic HR Advisor to the Authority**

1. To present reports and make recommendations to the Human Resources Committee regarding the terms and conditions of service of the Chief Fire Officer, the Deputy Chief Fire Officer and the Assistant Chief Fire Officer(s).

#### **5. General Delegations to Principal Officers**

1. Subject to the provisions of the Authority's Standing Orders and Financial Regulations and provided that the requisite financial provision had been made in approved estimates to place orders, invite and accept tenders or quotations not exceeding £500,000.
2. Pursuant to Section 101 of the Local Government Act 1972, all Principal Officers are empowered, subject to paragraphs 2(a) to 2(c), to take decisions and discharge functions on behalf of the Authority and its committees and subcommittees:-
  - in carrying out the functions of the Authority delegated to them;
  - in all matters where they have managerial or professional responsibility to the Authority;
  - in cases of urgency, provided that where action is taken for this reason, this must be reported to the next appropriate meeting of the Authority.
3. In doing any of the above they may:-
  - i) incur expenditure;

- ii) set fees and charges for the delivery of services;
- iii) engage, dismiss and deploy staff;
- iv) deploy other resources within their control;
- v) accept tenders, place contracts and procure other resources within or outside the Authority.

Provided that they must act within the law and within the Authority's Delegation Scheme, Standing Orders and Financial Regulations, and follow the policy, including the approved budget, and instructions of the Authority, its Committees and Sub-Committees.

4. In acting under paragraph 2.(a) or 2.(c) the Principal Officer will:-
  - Consult the relevant member(s) of the Authority or the Chair prior to taking action where:-
    - in the opinion of the Principal Officer the taking of the action has policy or significant financial implications; or
    - where the member of the Authority or Chair has given a prior indication that they wish to be consulted on the matter or type of matter;
  - Consult any other appropriate officers;
  - Keep formal records of the exercise of the delegated power and of the consultation undertaken;
  - Make the records available on request to:-
    - the public, provided that this does not involve the release of confidential or exempt information;
    - any Member of the Authority provided that this does not involve the release of confidential or exempt information which the Member is not entitled to inspect.
5. Principal Officers may authorise any other officers to exercise powers delegated to them. Principal Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Principal Officers shall remain accountable for any actions or decisions taken under that authority.
6. Principal Officers may refer to the Authority for decision any matter in respect of which a delegated power is exercisable.





# **Tyne and Wear Fire and Rescue Authority**

## **Terms of Reference**

## **Tyne and Wear Fire and Rescue Authority**

### **Terms of Reference**

#### **1. General**

1. The powers, duties and functions of each Committee and Sub-Committee shall be as set out below and, so far as may be legally possible and subject as hereinafter provided each such Committee or Sub-Committee shall be authorised to exercise for and on behalf of the Tyne and Wear Fire and Rescue Authority (“the Authority”) all such powers, functions and duties, provided that:-
  - (a) the Authority may either upon the request of the Committee concerned or otherwise, itself exercise any power so delegated which shall not have already been exercised by such Committee and may at any time extend, withdraw or modify any such delegation;
  - (b) no Committee may exercise any power of levying, or issuing a precept for, a rate, or of borrowing money;
  - (c) no Committee may incur expenditure in the exercise of delegated functions in excess of that from time to time provided in the annual financial estimates of the Authority;
  - (d) any arrangements made by the Authority for the discharge of any functions of the Authority by a Committee or Sub-Committee shall not prevent the Authority exercising that function.

#### **2. Tyne and Wear Fire and Rescue Authority**

Notwithstanding the general terms of delegation contained in paragraph 1 above the following matters shall be reserved for decision by the Authority;

1. To formulate the policy and principal objectives of the Authority, and to give advice and directions on any matter to the Committees or Sub-Committees.
2. To adopt, and from time to time review, a Local Code of Corporate Governance for the Authority and approve the Annual Governance Statement.

3. To make, alter and revoke Standing Orders and Financial Regulations.
4. To approve the annual capital and revenue estimates of expenditure of the Authority, or any supplementary estimates.
5. To determine the precept to be made and levied.
6. To exercise the functions of the Authority as a precepting authority.
7. To regulate and control the Authority's finance and accounts, borrowing and lending.
8. To make safe and efficient arrangements for the receipt and payment of monies.
9. To effect all necessary insurances.
10. To arrange for the audit of the Authority's accounts.
11. To settle priorities for capital schemes and generally to allocate the resources of finance, land, accommodation and staff.
12. To determine all matters concerned with Members' allowances.
13. Subject to the delegated power granted to the Chief Fire Officer, to acquire land, premises and other legal interests in land or premises by agreement.
14. Subject to the delegated power granted to the Chief Fire Officer, to dispose of any land, premises and other legal interests in any land or premises owned by the Authority, subject to the Authority's Surplus Asset Policy (Community Benefit) in force at the time of the disposal.
15. Subject to the delegated power granted to the Clerk and Chief Fire Officer, to institute or prosecute (but not defend) proceedings in the Court of Appeal or the House of Lords, or any Court of Justice of the European Union.
16. To submit, except in cases of urgency, evidence to Royal Commissions, Departmental Committees or similar bodies and the expressions of views on reports to those bodies.

17. To exercise the functions of the Authority under the:-
- (a) Fire and Rescue Services Act 2004;
  - (b) The Regulatory Reform (Fire Safety) Order 2005;
  - (c) Health and Safety at Work etc Act 1974 and any provisions that are “relevant statutory provisions” for the purposes of that Act;
  - (d) Fire Safety and Safety of Places of Sports Act 1987.

Subject to those matters delegated to the Committees or Officers of the Authority.

18. To exercise the functions of the Authority under the Civil Contingencies Act 2004 (and such of the functions of the local authorities in Tyne and Wear under the same Act as may be agreed) and the following whilst they continue to be in force:
- (a) Civil Defence (General Local Authority Functions) Regulations 1993
  - (b) Control of Major Accident Hazard Regulations 1999.
  - (c) Pipelines Safety Regulations 1996.
  - (d) The Radiation (Emergency Preparedness and Public Information) Regulations 2001 (subject to those matters delegated to the Civil Contingencies Committee and officers of the Authority).
  - (e) Public Information for Radiation Emergencies Regulations 1992 (Regulation 3).
19. To ensure liaison with government departments, district councils and other bodies concerned with emergency measures.
20. To receive and deal with issues from the Human Resources Committee relating to consultations with Unions and disputes between representatives of employees and the Chief Fire Officer.
21. To receive the Minutes and Reports of all Committees and Sub-Committees.

### **3. Human Resources Committee**

Subject to those matters delegated to the Chief Fire Officer and Personnel / Strategic HR Advisor to the Authority;

1. To determine and approve the terms and conditions of all non-uniformed (Green Book) employees of the Authority graded above POL.
2. To be the employing authority for any purpose to which an employee has the right of appeal to the Authority excluding (save in the case of Principal Officers) dismissal.
3. To determine all referrals of disagreements relating to firefighter pensions made under regulation 6 of The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 (IDRP Stage 2 applications).
4. To determine discretionary provisions in respect of the various Schemes of Conditions of Service of the National Joint Councils which apply to the employees of such authority, excluding (save in the case of Principal Officers) dismissal.
5. In appropriate circumstances to grant special leave of absence with or without pay for periods in excess of one week.
6. To consult with Trades Unions and to deal with disputes arising between representatives or employees and the Chief Fire Officer, and to report on all such matters to the Authority.
7. To carry out and determine disciplinary hearings involving Principal Officers.
8. The application of the Authority's policy on Equal Opportunities.
9. To monitor and secure statutory responsibilities of the Authority in relation to the training and development of staff through the application of the Fire and Rescue Services Act 2004, National Workforce Development Strategy and Learning and Development Strategy.

#### **4. Appointments Committee**

1. Where appropriate, to shortlist candidates for the post of Chief Fire Officer.

2. To interview candidates for and make appointments to the post of Chief Fire Officer
3. In relation to shortlisting, interview, selection and appointment of the posts of Deputy and Assistant Chief Fire Officer, the Chief Fire Officer will form part of the Appointments Committee decision making panel.

**5. Disciplinary Appeals Committee**

1. To determine appeals by employees of the Authority (other than Principal Officers) against dismissal.

**6. Personnel Appeals Committee**

1. To hear and determine those appeals occurring where an employee has the right of appeal and the decision leading to the appeal was taken by the Human Resources Committee, including appeals by Principal Officers against decisions of the Human Resources Committee in disciplinary proceedings.
2. To submit the Minutes and Reports of its Meetings to the Authority.

**7. Emergency Committee**

1. Subject to standing orders to deal with any matter of urgency which may arise between meetings of the Authority or Committee provided that a report of the matters so authorised shall be included for information in the agenda of the next following ordinary meeting of the Authority or Committee, as appropriate.

**8. Governance Committee**

1. The purpose of the Governance Committee will be:
  - a) to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment and to oversee the financial reporting process, and
  - b) to promote and maintain high standards of conduct by

members of the Authority.

2. The core functions of the Governance Committee shall be as follows:

**Audit**

The Governance Committee will carry out the following delegated functions from the Authority:

- (a) approve the annual statements of Accounts, income and expenditure, and balance sheet or record of receipts and payments (as the case may be).

In relation to the following functions, the Governance Committee will undertake an assurance and advisory role to;

- (b) consider the effectiveness of the Authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and corruption arrangements;
- (c) seek assurances that action is being taken on risk related issues identified by auditors and inspectors;
- (d) be satisfied that the Authority's assurance statements, including the Annual Statement of Assurance, properly reflect the risk environment and any actions required to improve it;
- (e) consider and endorse the Internal Audit Strategy and Operational Plan, and monitor performance;
- (f) review the Annual Internal Audit Report and the main issues arising, and seek assurance that action has been taken where necessary;
- (g) consider the reports of external audit and inspection agencies;
- (h) ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;
- (i) consider the external auditor's opinion and reports to Members alongside consideration by the Authority and monitor

management action in response to the issues raised by external audit;

- (j) to scrutinise the Authority's treasury management policy statement;
- (k) to scrutinise the Authority's treasury management strategy, including the annual borrowing and investment strategy;

and make recommendations or comments thereon to the Authority.

### **Standards**

The Governance Committee will:

- (a) promote and maintain high standards of conduct by the Members of the Authority;
- (b) assist the Members of the Authority to observe the Members' Code of Conduct;
- (c) advise the Authority on the adoption or revision of the Members' Code of Conduct;
- (d) monitor the operation of the Members' Code of Conduct;
- (e) advise, train or arrange to train Members of the Authority on matters relating to the Members' Code of Conduct;
- (f) grant dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct so far as not delegated to the Monitoring Officer;
- (g) deal with written allegations that a Member of the Authority (or former Member) has failed, or may have failed, to comply with the Members' Code of Conduct;;
- (h) adopt and amend procedures to be followed for investigations and local determination of complaints;;
- (i) consider reports of the Monitoring Officer and of the Local Government Ombudsman where they concern the conduct of Members of the Authority;
- (j) support the Authority's Monitoring Officer in his/her role;



- (k) report on the above matters to the Authority

Panels may be convened from within the membership of the Governance Committee in order to deal with any aspect of a complaint that a Member has breached the Members' Code of Conduct. Such Panels shall be convened by the Clerk to the Authority and shall be comprised of 3 voting members. In addition, one of the Independent co-opted members may be invited to participate in a meeting of such Panels.

## **9. Policy and Performance Committee**

The purpose of the Policy and Performance Committee will be to:

Scrutinise performance information and reports in respect of its duty to secure best value and to consider policy initiatives in respect of emerging issues, and in particular to:

- scrutinise quarterly performance management reports with specific reference to key PI's
- consider and make recommendations on the potential for future changes in service provision based upon relevant performance information, risk analysis and changes in economic, social or environmental conditions
- consider and make recommendations where appropriate on proposed changes in specific policy areas following reviews or the introduction of new statutory requirements
- consider and make recommendations on the Authority's register of corporate risks
- review and recommend service, division and Local Authority targets to the Authority
- monitor the implementation and development of the Authority's Performance Management Framework
- communicate the performance of the Authority to other Members and external partners where appropriate

- review specific matters in relation to Authority and policy and strategies referred to it by the full Authority
- scrutinise reports on management reviews and make recommendations thereon to the Authority
- monitor the implementation of action plans arising from management service reviews

## **11. Pension Board**

### **A. Statement of purpose**

1. The purpose of the Pension Board (the Board) is to assist Tyne and Wear Fire Authority (the Authority) in its role as a scheme manager of the Fire Fighters Pension Scheme. The assistance is to:
  - Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and';
  - Ensure the effective and efficient governance and administration of the Scheme.
2. The Board is providing an oversight of these matters and, accordingly, the Board is not a decision making body in relation to the management of the Scheme but merely makes recommendations to assist in such management.
3. The Board is not a subcommittee of the Authority.

### **B. Duties of the Board**

4. The Board should at all times act in a reasonable manner in the conduct of its purpose. The Board members should:
  - Always act in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
  - Be subject to and abide by the Authority's code of conduct for members.

### **C. Local Pension Board membership**

5. Membership of the Authority's Local Pension Board will be:

- Three employee representatives (referred to 'member' representatives)
- Three employer representatives (referred to 'employer' representatives)

Member representatives

6. Three member representatives shall be appointed to the Board.
7. The member representatives shall be members, or retired members, of the Firefighters Pension Scheme administered by the Authority.
8. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
9. Member representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board. Member representatives will be nominated by the relevant representative body or organised employee group.

Employer representatives

10. Three employer representatives shall be appointed to the Board, these will be made up of:
  - Two Principal Officer or appropriate Grey Book Manager
  - One Member of the Authority
11. The following may not act as Employer representatives. Individuals with the responsibility or delegated responsibility for:
  - Discharging the Authority's pensions function, or
  - Advising the Authority in issues relating to pension scheme manager functions, or;
  - Playing an active role in assisting the Authority in relation to pension scheme manager functions.
12. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and

participate in training as required.

13. Employer representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board.

Other members

14. The Board will not exceed six members.
15. The Board may invite individuals on a one off basis, for knowledge or expertise.
16. The Board may only invite individuals once express approval of the Authority has been gained.
17. On requesting permission for individuals to be invited to the board on a one off basis, the Board must state reasons why.
18. Individuals invited on a one-off basis do not have any voting rights.

D. Appointment of Chair

19. On commencement of the Board, the Authority shall appoint a Chair.
20. The Chair will rotate each calendar year and alternate between an employer and employee representative on each rotation.
21. The Board will appoint the Chair each calendar year by majority vote.
22. Where the Board are unable to come to a majority, the Authority shall appoint the Chair.
23. The Board should also decide on method of election of the Chair that is in the best interest of the Board.

E. Voting

24. Each member carries equal voting rights.
25. The Chair shall determine when consensus has been reached.
26. Where consensus is not achieved this should be recorded by the Chair.

F. Reporting

27. The Board must provide minutes of each meeting to the HR Committee to the Authority.
28. The Board must provide reports and recommendations to the HR Committee to the Authority insofar as they relate to the role of the Board.
29. The Board will produce an annual report highlighting areas of concern and identifying good practice to the HR Committee to the Authority
30. Minutes and reports or recommendations must be provided within the agreed submission dates.
31. In support of its core functions, the Board may make a request for information to the Authority with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.

G. Recommendations

32. In support of its core functions the Board may make recommendations to the Authority which should be considered and a response made to the Board on the outcome within a reasonable period of time.
33. In the exceptional circumstances that the Board considers that a matter brought to the attention of the Authority has not been acted upon or resolved to their satisfaction, the Board will provide a report to the Monitoring Officer and Head of Audit who will provide a separate view on the matter, taking expert advice as considered appropriate.

H. Notification of appointments

34. On appointment to the Board, the Authority shall publish on the Authority's internet site the name of the appointees, the process followed in the appointment, together with the way in which the appointments support the effective delivery of the purpose of the Board.

I. Expenses and Allowances

35. Any expenses incurred for travel and/or subsistence will be paid in accordance with the Authority guidelines.
36. Employer representatives shall not be paid an allowance.

37. Employee representatives, whose employed role is not of full time Trades Union Representative, who attends the Board outside of working time, shall receive time off in lieu.
38. Gifts and hospitality should only be accepted with the permission of the Authority - any gifts accepted should be reported on in the Board's annual report and recorded in the Authority's register of gifts and hospitality.

J. Confidentiality and Conflicts of interest

39. All members of the Board must declare to the Authority on appointment and at any time their circumstances change of any potential conflict of interest that has arisen as a result of their position on the Board.
40. All members of the Board must declare to the Authority at the first meeting of each calendar year of any potential conflict of interests that has arisen as a result of their position on the Board.
41. On appointments to the Board and following any subsequent declaration of potential conflict, the Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.
42. Members of the Board should maintain confidentiality in relation to their role on the Board

K. Knowledge and understanding (including Training)

43. Under the requirements of the Public Service Pensions Act, a member of the Pension Board must be conversant with:
  - the legislation and associated guidance of the Firefighter Pension Scheme 2015 (FPS 2015), and
  - any document recording policy about the administration of the FPS 2015 which is adopted by the Authority.
44. In addition, a member of the Board must have knowledge and understanding of:
  - The law relating to pensions, and
  - Any other matters which are prescribed in the regulations.

45. In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date.
46. In line with the Board's policy and framework LPB members are therefore required to:
  - Participate in training events
  - Undertake a personal training needs analysis or other method to identify gaps in skills, competencies and knowledge.
47. A written record of relevant training and development will be maintained
48. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
49. It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board.

L. Term of office

50. The term of office should normally be three years subject to the conditions set out in section 52 below. Representatives will need to be re-elected to serve on the Board beyond the agreed term. Election and re-election are matters for the Authority. Member representatives will be nominated by the relevant representative body.
51. Board membership may be terminated prior to the end of the term of office due to:
  - a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme;
  - b) A member representative no longer being a member of the body on which their appointment relied;
  - c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;

- d) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training;
- e) The representative acting in a manner which is not in line with the Authority's Codes of Conduct which shall apply as if representatives were co-opted members of the Authority;
- f) An employer representative is promoted to a position which falls within point 11 of these Terms.

M. Meetings

- 52. The Board will normally meet at the Authority's Service Headquarters.
- 53. The Board should notify the Authority in instances where the Board has not met at Service Headquarters providing reasons why.
- 54. Meetings will be within the times 9am and 5pm Monday to Friday on a normal working day.
- 55. The Board will meet a minimum of twice in each calendar year at dates times set and agreed by the Board annually.
- 56. Summons to meetings will be at least five clear days before the date of a relevant meeting, specifying the business expected to be transacted at that meeting. Any papers and documents will be circulated with that summons.
- 57. The chair of the Board with the consent of the Board membership may call additional meetings.
- 58. The Board should notify the Authority in instances where the Board has met, or plans to meet, for additional meetings and provide reasons why.
- 59. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

N. Quorum

- 60. A meeting is only quorate when at least 66% of both member and employer representatives are present plus the chair or nominated deputy chair.
- 61. In the above instance, the voting right of the absent member(s) shall



pass to the attending relevant member. For example, if an employer representative is absent the attending employer representative shall carry 2 votes.

O. Terms

- 62. In these terms 'the Scheme' means the Firefighters' Pension Scheme 2015.
- 63. In these terms Regulations means the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended and the Firefighters' Pension Scheme Regulations 2014 as amended.
- 64. In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 as amended, , the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

**12. Functions of the Monitoring Officer**

- 1. To maintain standing orders

The Monitoring Officer will maintain an up-to-date version of Standing Orders and will ensure that it is widely available to members, staff and the public.

- 2. To ensure lawfulness and fairness of decision making.

After consulting with the Chief Fire Officer and the Finance Officer, 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.

- 3. To support the Governance Committee in relation to its Standards Functions.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Committee.

The Monitoring Officer will undertake the role of Proper Officer to receive complaints of failure to comply with the Code of Conduct and will exercise those functions delegated to him or her in respect of the operation of the Standards regime, including the grant of dispensations on the ground that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business.

4. To conduct investigations

The Monitoring Officer will conduct investigations into matters and make reports or recommendations in respect of them to the Governance Committee.

**13. Functions of the Finance Officer**

1. To ensure lawfulness and financial prudence of decision making

After consulting with the Chief Fire Officer and the Monitoring Officer, the Finance Officer 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 of if the Council is about to enter an item of account unlawfully.

2. To administer financial affairs

The Finance Officer will have responsibility for the proper administration of the financial affairs of the Authority

3. To contribute to corporate management

The Finance Officer will contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.

4. To provide advice

The Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and issues to all members and will support and advise members and officers in their respective roles.

5. To give financial information

The Finance Officer will provide financial information to the media, members of the public and the community.

## **14. Roles and Responsibilities of Designated Office Holders**

### **Chair of the Authority**

1. To provide overall political leadership to the Authority.
2. To chair meetings of the Authority and the Authority's Policy Advisory Committee and to ensure their overall effectiveness.
3. To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
4. To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
5. To act as the Authority's principal member spokesperson at local, regional and national level.
6. To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the effective discharge of the Authority's functions.
7. To lead in the development of good working relationships between the leaders of political groups represented on the Authority.

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

1. To support the Chair of the Authority in discharging the rules associated with the office of Chair of the Authority.
2. To deputise for the Chair of the Authority in his or her absence.
3. To chair the Authority's Policy and Performance Committee.

### **Minority Party Group Leaders**

1. To ensure that their party contributes effectively, positively and constructively to the Authority's activities.
2. To act as the principal political spokesperson for their political group.
3. To provide leadership to their party group.

### **Chairs of Committees**

#### **All Committee Chairs:**

1. To chair the Committee and ensure its overall effectiveness.
2. To have a working knowledge of the Authority's relevant policies and strategies and to ensure that he or she is sufficiently and effectively briefed by officers on matters coming before the Committee.
3. To co-ordinate and manage the work of the Committee.
4. To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

#### **All Committee Vice Chairs:**

1. To support the Committee Chair in discharging the roles of the Chair.
2. To deputise for the Committee Chair during any absence of the Chair.



# **Tyne and Wear Fire and Rescue Authority Codes of Conduct**

## Tyne and Wear Fire and Rescue Authority

### Codes of Conduct

#### A Members' Code of Conduct

The Tyne and Wear Fire and Rescue Authority ("the Authority") has adopted the following code which has effect from 1 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

**This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected member or co-opted member) or (b) act, claim to act or give the impression you are acting as a representative of the Authority.**

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority but is not one of its elected members

'Elected member' means any member who is an elected councillor of a constituent council or the Police and Crime Commissioner for Northumbria

The code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

#### General Conduct

1. You must treat others with respect, including Authority officers and other members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted

members and which the Authority has specifically declared should fall within the provisions of this code of conduct and which is listed in the annex to this Code.

7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - a) You have the consent of a person authorised to give it; or
  - b) You are required by law to do so; or
  - c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - a) The disclosure is reasonable and in the public interest and made in good faith.

### **Registration of Interests**

10. Subject to paragraph 11, you must register in the Authority's Register of Members' Interests information about your personal interests. In this code of conduct 'your personal interests' means any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by
  1. you, or
  2. your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your personal interests.



(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

11. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

### **Declaration of Interests**

12. When you attend a meeting of the Authority, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 11, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
13. When you attend a meeting of the Authority, or one of their committees or sub-committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011) :
  - a) participate (or further participate) in any discussion of the matter at the meeting; or
  - b) participate in any vote (or further vote) taken on the matter at the meeting.

(Failure, without reasonable excuse, to comply with paragraph 13 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

You must comply with any standing order adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

## **Annex 1 to Code of Conduct**

### **Nolan's Seven Principles of Public Life**

#### **Selflessness**

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

#### **Integrity**

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

#### **Objectivity**

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

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

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

#### **Leadership**

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

## **Annex 2 to Code of Conduct**

### **Disclosable Pecuniary Interests**

**(as defined by regulations made by the Secretary of State under section 30 Localism Act 2011 (the Regulations))**

**Please note:** The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”):

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

**Sponsorship** - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts** - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority —

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

**Land** - Any beneficial interest in land which is within the area of the relevant authority..

**Licences** - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

**Corporate tenancies** - Any tenancy where (to M’s knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

**Securities** - Any beneficial interest in securities of a body where—

(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority ; and

(b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Note: These descriptions of interests are subject to the following definitions;**

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

### **Annex 3 to Code of Conduct**

#### **Associated Protocols**

The Authority has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code.

# **Tyne and Wear Fire and Rescue Authority**

## **Codes of Conduct**

### **Dealing with complaints against Members**

## **Part 1**

### **Introduction and overview**

#### **1. The Code of Conduct for Members**

- 1.1 The Code of Conduct for Members (set out in part 5 of the Constitution) defines the standards of conduct which will be required of a Member of Tyne and Wear Fire and Rescue Authority (“the Authority”) (including the Police and Crime Commissioner Member) when carrying out their duties and in their relationships with the Authority and its officers. The Code represents the standards against which the public, fellow Members, and the Authority’s Governance Committee (“the Governance Committee”) will judge the Member’s conduct.

#### **2. Complaints about breaches of the Code**

- 2.1 Any person may make a written complaint to the Authority that a Member has acted in breach of the Code. A template Form of Complaint is set out in Appendix 1 below.
- 2.2 The Monitoring Officer has been appointed by the Authority as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- 2.3 The Monitoring Officer has delegated power, after consultation with the Independent Person(s), to determine whether a complaint merits formal investigation and to arrange such investigation. They are instructed to seek resolution of complaints without formal investigation wherever practicable, has discretion to refer decisions on investigation to the Governance Committee where they feel that it is inappropriate for them to take the decision and is required to report regularly to the Governance Committee on the discharge of this function.
- 2.4 In deciding whether a complaint should be investigated, the Monitoring Officer or Governance Committee, as appropriate, will take into account the criteria in Appendix 2 below. The Governance Committee has delegated power to amend those criteria from time to time as it thinks appropriate.
- 2.5 Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer is authorised to close the matter (unless they consider it appropriate after consulting the Independent Person(s) to refer the findings to the Governance Committee to decide if a hearing is nevertheless called for), providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person(s), and reporting the findings to the Governance Committee for information.
- 2.6 Subject to paragraph 2.8 below, where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person(s), is authorised to seek

local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Governance Committee. Where such local resolution is not appropriate or not possible, they are to report the investigation to the Governance Committee for local hearing.

2.7 Subject to paragraph 2.8 below, the Governance Committee has delegated powers to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions including:

- issuing a formal censure by the Committee;
- recommending to the Authority the issue of a formal censure by the Authority;
- referral of its findings to the Authority for information;
- publication of its findings by such means as the Committee thinks fit;
- recommending to the Authority that the member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group, if applicable);
- recommending to the Authority that the member be removed from all outside appointments to which they have been appointed or nominated by the Authority;
- instructing the Monitoring Officer to offer training to the member;
- recommending to the Authority that it exclude the member from the Authority's offices or other premises or facilities, to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out their role as an elected member; or
- such other recommendations as the Committee may think appropriate.

2.8 Where a complaint or allegation relates to the member who is the Police and Crime Commissioner, no steps will be taken under paragraphs 2.6 and 2.7 above until the matter has first been referred to the police and crime panel for the Commissioner's police area. If, as a result of the referral, the police and crime panel makes a report or recommendation on the allegation to the Authority under section 28(6) of the Police Reform and Social Responsibility Act 2011 / section 28(11C) of the Localism Act 2011, such report or recommendation must be taken into account in determining:

(a) whether the Police and Crime Commissioner has failed to comply with the Authority's Code of Conduct;

- (b) whether to take action in relation to the Commissioner; and
- (c) what action to take.

2.9 A member who is aggrieved by a finding of the Governance Committee that they have failed to comply with the Code of Conduct and/or by a sanction imposed by the Committee, has a right to request a review by an Independent Person of another local authority whose views, if critical of the original finding or sanction imposed, would result in the Governance Committee being required to reconsider its original decision. The Monitoring Officer is authorised to arrange with another Authority in the Tyne and Wear region that one of its Independent Persons be made available for this purpose



# COMPLAINT FORM – Alleged Breach of Members' Code of Conduct

## Your details

### 1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the Governance Committee of the Authority
- any other person whom we consider it necessary to inform to investigate your complaint properly

We may also inform the Authority's Independent Person(s).

We will usually tell them your name and either provide them with a copy of your complaint or a summary of it. If you have serious concerns about your name and a copy of your complaint or a summary being released, please complete section 6 of this form.

### 2. Please tell us which complainant type best describes you:

☐

Member of the public

- ☐ An elected or co-opted member of an authority
- ☐ An independent member of the Governance committee
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other ( )

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the monitoring officer (or the Governance Committee if the complaint is referred to that Committee) when they decide whether to refer your complaint for investigation. For example:

- You should be specific, wherever possible; about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

## 5. Action on receipt of your complaint

We will write to you to let you know that we have received your complaint. Your complaint will then be assessed either by the Monitoring Officer or, if they consider it is inappropriate for them to deal with it, it will be assessed by the Governance Committee.

We may decide that it will not be investigated for one or more of a number of reasons, for example:

- Complaints where a member is not named.
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way the authority has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman
- Complaints about people employed by local authorities
- Incidents that happened before a member was elected.

If we decide not to refer your complaint for investigation, we will write to you explaining why.

If we decide to refer your complaint for investigation, we will notify you accordingly. Following the completion of an investigation into an allegation, if the Investigating Officer concludes that the member concerned has breached the Code of Conduct, then unless the complaint can be resolved informally, the Council's Governance Committee will meet to consider the allegation and the findings of the investigation.

**Only complete this next section if you are requesting that your identity is kept confidential**

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a copy of your complaint or a summary of it.

We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances (e.g. that you have good reason to believe that you will be at risk of physical harm, or your employment will be jeopardised if your identity is disclosed, or there are medical risks (supported by medical evidence) associated with your identity being disclosed).

Please note that requests for withholding your identity and/or details of your complaint, either altogether or for a period of time, will not automatically be granted. Any request for confidentiality will be considered as a preliminary matter. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances, where the matter complained about is very serious, we can proceed with an investigation and disclose your name, even if you have expressly asked us not to. You should also note that when a matter is referred for investigation, it is likely that at some point in the process we will have to tell the member your identity and the details of the complaint, to enable them to respond and for the investigation to be completed.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

## **Additional Help**

7. Complaints must be submitted in writing. Fax and electronic submissions are permissible. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

You should contact the Complaints and Feedback Team on (0191) 561 7997

**Signed**

**Dated**

This form once completed should be sent, along with any supporting documents, to:

Elaine Waugh  
Monitoring Officer for Tyne and Wear Fire and Rescue Authority  
c/o Sunderland City Council  
PO Box 100  
Civic Centre  
Sunderland  
SR2 7DN

or e-mailed to [City.Solicitor@sunderland.gov.uk](mailto:City.Solicitor@sunderland.gov.uk)

### **Equality Monitoring Form**

**To help us make sure that everybody is treated fairly and equally we need to know who is making complaints. This information will help us to develop and change our policies and practices to ensure that no one is discriminated against.**

To help us to do this we request that you complete the questions below. You do not have to do so but this information would be helpful to us. All of the information you give will be treated with the strictest of confidence and will be used for monitoring purposes only.

**Are you:**

Male ☐  
Female ☐

**What is your age group?**

15 and under ☐    16-24 ☐    25-39 ☐    40-59 ☐    60-64 ☐  
65-74 ☐    75+ ☐

**Do you have any long standing illness or disability?**

(Long standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time)

Yes ☐  
No ☐

If yes, does this illness or disability limit your activities in any way?

Yes ☐

No ☐

Please state the impairment type(s) which applies to you:

Mobility	<input type="checkbox"/>
Visual impairment	<input type="checkbox"/>
Hearing Impairment/Deaf	<input type="checkbox"/>
Mental Health diagnosis	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

**What is your ethnic group?**

**A. White**

British	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Other	<input type="checkbox"/> Please state .....

**B. Mixed**

White and Black Caribbean	<input type="checkbox"/>
White and Asian	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>
Any other mixed background	<input type="checkbox"/> Please state .....

**C. Asian or Asian British**

Indian	<input type="checkbox"/>
Bangladeshi	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>
Any other Asian background	<input type="checkbox"/> Please state .....

**D. Black or Black British**

Caribbean	<input type="checkbox"/>
African	<input type="checkbox"/>
Any other Black background	<input type="checkbox"/> Please state .....

**E. Chinese** ☐

**F. Any other ethnic group** ☐ Please state .....

**What is your sexual orientation?**

Bisexual	<input type="checkbox"/>
Gay Man	<input type="checkbox"/>
Gay women/lesbian	<input type="checkbox"/>
Heterosexual/straight	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

**What is your religion? (Tick one box only)**

None	<input type="checkbox"/>
Christian	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>
Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>
Muslim	<input type="checkbox"/>
Sikh	<input type="checkbox"/>
Any other religion	<input type="checkbox"/> Please state. ....
Prefer not to say	<input type="checkbox"/>

## **Assessment Criteria**

The following criteria will be taken into account in deciding what action, if any, to take:

- 1. Has the complainant submitted enough information to satisfy the Monitoring Officer (or the Governance Committee if appropriate) that the complaint should be referred for investigation or other action?**

If not:

The information provided is insufficient to make a decision. So unless, or until, further information is received, no further action will be taken on the complaint.

- 2. Is the complaint about someone who is no longer a member of the Authority, but is a member of another authority? If so, should the complaint be referred to the monitoring officer of that other authority?**

If yes:

The complaint will be referred to the monitoring officer of that other authority to consider.

- 3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?**

If yes:

There may be nothing more to be gained by further action being taken.

- 4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?**

If yes:

Further action may not be warranted.

- 5. Does the complaint appear too trivial to justify the cost or inconvenience of further action?**

If yes:

Further action will not be warranted.

- 6. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?**

If yes:



Further action will not normally be warranted.

**7. Is the complaint anonymous?**

If yes:

No action will normally be taken unless there are compelling reasons to suggest otherwise, e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter

# **Tyne and Wear Fire and Rescue Authority**

## **Codes of Conduct**

### **All Personnel**

NOTE: This document applies to all employees of the Authority. Throughout the document, the term 'you' ('your' etc.) is used to indicate an employee of the Authority.

## **1 OBJECTIVES**

1.1 The Authority values the commitment and contribution of its people. It recognises that it is important to have systems and procedures in place which can identify areas where support and guidance may be required, to ensure that the community we serve can be confident that the affairs of the Authority are conducted in accordance with the highest standards of probity and accountability. The Authority will combat fraud and corruption wherever they may arise in relation to any of the activities or services involving any Elected Member or employee of the Authority.

1.2 This code of conduct applies to all staff of the Authority. It also applies to those staff of other Fire Authorities or Local Authorities who are seconded to this Authority for any period of time. A key factor is to demonstrate the highest standards of honesty and integrity throughout the organisation. You must therefore comply with:

- All appropriate legislation;
- All Authority Codes of conduct;
- Standing Orders of the Authority;
- Financial Regulations;
- Conditions of Service;
- Any other standard, guideline or instruction relevant to the particular service or activity.

1.3 This document is to clarify the conduct that the Authority and the public expect of you. It will also ensure that you do not find yourself, inadvertently or otherwise, in a situation where your conduct could create an impression of undue influence or corruption in the minds of the public.

## **2 STANDARDS**

2.1 You, as an employee of the Authority must give the highest possible standard of service to the people of Tyne and Wear, and where it is part of your duties, to provide appropriate advice to Elected Members and colleagues with total impartiality.

2.2 You must report to your line manager any impropriety, breach of procedure or any serious deficiency in the provision of service.

- 2.3 In all cases, it is not enough to avoid actual impropriety. You must, at all times avoid any occasion for suspicion and any appearance of improper conduct.

### **3 DISCLOSURE OF INFORMATION**

- 3.1 The Authority deals continuously with sensitive and confidential information (including data) affecting its policies, transactions, personnel, relationships with other organisations and individual members of the public. Conflicts of interests can arise over the unauthorised use of information received by virtue of employment. The basic safeguards against such misuse of information are the existing contractual terms, which restrict the disclosure of confidential information by all staff.
- 3.2 Information is described as any data that has come into the possession or knowledge of an employee by virtue of their employment and in connection with their employment. Such information can be stored on a variety of media such as paper, CD-ROMs, Computer systems, Internet, word of mouth, etc.
- 3.3 The law requires that certain types of information must be available to Elected Members, auditors, government departments, service users and the public. If you are in any doubt as to whether particular information can be released, you should refer to the HR Department for clarification.
- 3.4 You are reminded however, that information relating to the affairs of the Authority should not be disclosed, used or permitted to be disclosed or used to an individual's advantage, nor should such information be knowingly passed on to others who might use it in such a way. If in doubt, you must consult the HR Department for advice.
- 3.5 You must not communicate confidential information or documents to others that do not have a legitimate right to that information. In addition, staff involved or working with computer based information are reminded of the terms of the Data Protection Act, and the Computer Misuse Act 1990, and must ensure confidentiality of information and guard against the possibility of a third party intentionally or inadvertently misusing the information.
- 3.6 Any particular information received by an individual from another individual, elected member or officer of the Authority, which is personal to that individual and does not belong to the Authority should not be divulged to any person without the prior approval of the information owner, except where such disclosure is required or sanctioned by law.

## **4 POLITICAL NEUTRALITY**

- 4.1 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.

## **5 RELATIONSHIPS**

### **5.1 Elected Members and Officers of the Authority**

- 5.1.1 The Authority has built a culture where all individuals are treated with dignity and respect, and the Authority will ensure that individuals work in a safe, secure and productive environment, and treated fairly in recruitment, employment, training and promotion. In addition, the Authority expects all staff to be treated fairly, consistently and with respect by other staff (including managers) and to be treated fairly and courteously by the community served.

- 5.1.2 Mutual respect between staff and Elected Members/officers of the Authority is essential. Some staff work closely with Elected Members/officers of the Authority, and potential close personal association between staff and individual Elected Members/officers may damage the relationship and prove embarrassing to other staff and must therefore be avoided.

### **5.2 The Local Community**

- 5.2.1 You must always remember your responsibilities to the Community as a public servant and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community in all aspects of the service provided.

### **5.3 Purchasing and Contracting or Related Decisions**

- 5.3.1 You should take no part in any direct or indirect involvement in purchasing, contracting or related decisions, where you have a personal interest in the transaction. Should you have a personal interest at any time in any purchasing, contracting or related decisions, you must indicate your interest to the Chief Fire Officer in writing. The Chief Fire Officer may remove you from the process.
- 5.3.2 The Procurement Section is available to give further advice and guidance in terms of tendering and contracting procedures, including the appointment of consultants. Orders

and contracts must be awarded in accordance with the Standing Orders and Financial Regulations of the Authority and no special favour should be shown to businesses run by, for example, friends and relatives.

#### **5.4 Recruitment and Other Employment Matters**

- 5.4.1 Staff involved in appointments must ensure that these are made on merit and in accordance with current policies and procedures.
- 5.4.2 In order to avoid any possible accusation of bias, you must not be involved in any appointment where you are related to an applicant or have a close personal relationship.
- 5.4.3 You must not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative or with whom you have a close personal relationship, nor should you attempt to influence such decisions.

### **6**

#### **SECONDARY EMPLOYMENT/OTHER OUTSIDE WORK**

- 6.1 All matters relating to the secondary employment of all employees are fully set out in Admin Procedure 3:19 and individuals are reminded that they must refer to that procedure prior to undertaking any form of secondary employment whether it be paid, unpaid or voluntary.

- 6.1.1 In respect of corporate staff, the scheme of conditions of service states: -

*“A staff member’s off-duty hours are their personal concern but they should not subordinate their duty to private interests or put themselves in a position where their duty and their private interest conflict. The employing Authority should not attempt to preclude members of staff from undertaking additional employment, but such employment must not, in the view of the Authority, conflict with or react detrimentally to the Authority’s interests, or in any way weaken public confidence in the conduct of the Authority’s business.”*

*“Personnel above Scale 6 shall devote their wholetime service to the work of the Authority and shall not engage in any other business or take up any additional appointment without the express prior consent of the Authority.”*

- 6.1.2 Although it is accepted that your off-duty hours are your personal concern, you must avoid situations whereby your work and personal interest’s conflict. The Authority will not normally preclude you from undertaking additional work/secondary employment provided that it does not conflict with the Authority’s interests, weaken public confidence in the

service and fully complies with your terms and conditions of employment. The HR Department is available for advice in terms of secondary employment.

## **7 THE USE OF EQUIPMENT AND MATERIALS**

7.1 You must not use the Authority's telephone/fax facilities for private purposes unless under the arrangement for such facilities to be paid for. No other facilities or equipment provided by the Authority may be used for personal gain.

7.2 The Authority has provided an electronic mail system for use by authorised persons to assist in the business process. The system is used for Fire and Rescue Service management communications only and the following guidelines apply:-

- Personal messages which do not relate to fire service issues are not to be transmitted via the system;
- 'Ghosting' or using false identities via the system may lead to disciplinary action;
- All communications **must clearly identify the name, role/title and permanent location** of the user. In the case of those people who have been allocated individual access to the system, this will be written automatically within the 'From:' box. All other staff must ensure that this information forms the first part of any communication.
- The use of e-mail for Representative Bodies, Social or Charitable Activities is subject to approval from the relevant Area Manager which approval shall not be unreasonably refused;
- There are no circumstances when the e-mail system can be used for other than legitimate business use (See Admin Proc 8.5). You are reminded that unauthorised or illegitimate use of the e-mail system may result in disciplinary procedures.

7.3 The Authority's vehicles may only be used for authorised purposes. If there is any doubt whether a particular use is authorised, advice should be sought from the relevant Area Manager. You are reminded that

the Authority's insurance policy does not apply to unauthorised journeys and personnel driving the vehicle could be liable for any loss if an accident should occur, and be guilty of driving a motor vehicle without insurance and taking without the owner's consent. You are further reminded that when using an Authority vehicle you are not exempt from the road traffic laws of the land, and therefore subject to potential prosecution.

## **8 CONSULTANCY WORK, LECTURING, SPEAKING AT CONFERENCES, ETC**

8.1 During the course of your service, you may be asked to undertake consultancy and other opportunities, which allow you to develop expertise beyond the boundaries of your normal role. Where offers of consultancy work, lecturing, speaking at seminars, etc. are received the following will apply: -

- If you wish or are invited to undertake consultancy, lecturing and other outside work including involvement in regional or national affairs, you must apply for permission to a Brigade Manager responsible for HR, Learning & Development. Where a principal officer is concerned, permission must be sought from the Chief Fire Officer (the Human Resources Committee in the case of the Chief Fire Officer). Any fees paid by virtue of this work will be treated as income for the Authority.
- When an approach is made directly to an individual because of that individual's reputation, skills, knowledge or experience then there is potential for any fee to be treated as income for the individual. In these circumstances you may apply for leave, paid or unpaid, or a career development opportunity to your Area Manager. In the case of paid leave and/or career development, all fees will be treated as income for the Authority. In the case of unpaid leave, you may realise the fee as applicable.

8.2 The above also applies in relation to an individual contributing to or writing a text book, chapter for a reference book or an article for a journal. When work is undertaken in your own time then you would normally wholly retain any fees or commission.

8.3 You are reminded that work as detailed above,



undertaken in your own time, is subject to the terms of Section 6 (Secondary Employment/Other Outside Work) of this document.

## **9 ANTI FRAUD AND CORRUPTION POLICY**

9.1 This policy applies to all staff and Members of the Authority, contractors, suppliers and service users.

### **9.2 DEFINITION**

**Fraud** is the intentional making of false statements, or the amendment of records in order to deceive.

**Theft** is the dishonest appropriation of property belonging to someone else with the intention of keeping it permanently.

**Corruption** is the use of authority, action or advice in order to prevent or distort a decision.

All are normally for the purpose of personal gain. They may involve others, outside the organisation, through the making of false statements, or corruption by bribery of those within the organisation to seek to influence the decision making process.

9.2.1 Fraud, Theft and corruption can affect the Authority in two ways:

- from its employees, members, suppliers and trade customers
- from recipients of services

9.2.2 The Authority is committed to an effective anti-fraud, theft and corruption strategy designed to:

- encourage prevention
- provide deterrence
- promote detection, and
- identify a clear pathway for investigation

### **9.3 AIMS AND OBJECTIVES**

9.3.1 The aim of an anti-fraud policy statement is to establish ground rules which clarify that fraud will not be tolerated and spell out the consequences of fraud. One of the basic principles of this policy is to ensure proper use of

the public's money in the operation and management of the fire and rescue service and to demonstrate that the Authority has a commitment to the highest level of ethical and moral standards. The policy statement also sets out the framework to ensure a fast and appropriate response to instances of alleged fraud. The overall objective is to limit the Authority's exposure to fraud and to minimise financial loss and the potential adverse effects on its image and reputation in the event of its occurrence.

## **9.4 SUMMARY OF POLICY**

### **9.4.1 The Authority will:-**

- Institute and maintain cost effective measures and procedures to deter fraud.
- Take firm and vigorous action where appropriate against any individual or group perpetrating fraud against the Authority.
- Encourage employees to be vigilant and to report any suspicion of fraud, and provide suitable channels of communication and ensure sensitive information is treated appropriately.
- Rigorously investigate instances of alleged fraud and pursue perpetrators to seek restitution of any asset fraudulently obtained together with the recovery of costs.
- Assist the police and all other appropriate authorities in the investigation and prosecution of those suspected of fraud.

The detection, prevention and reporting of fraud is the responsibility of all Members and employees of Tyne and Wear Fire and Rescue Authority. The Authority expects the following of Members and employees:

- To act with integrity at all times;
- To comply with the seven principles of public life;
- To adhere to the appropriate Code of Conduct;
- To comply with Standing Orders and Financial Regulations; and
- To raise concerns as soon as any impropriety is suspected.

## **9.5 BACKGROUND AND LEGISLATION**

### **9.5.1 FRAUD ACT 2006**

A person is guilty of fraud if they are in breach of the following sections:-

- Section 2 - fraud by false representation,
- Section 3 – fraud by failing to disclose information, and
- Section 4 – fraud by abuse of position.

#### **9.5.1.1      Fraud by False Representation**

A person is in breach of this section if they:-

- (a) Dishonestly make a false representation, and
- (b) Intend, by making the representation:-
  - (i) to make a gain for themselves or others, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

#### **9.5.1.2      Fraud by Failing to Disclose Information**

A person is in breach of this section if they:-

- (a) Dishonestly fail to disclose to another person information which they are under a legal duty to disclose, and
- (b) Intend, by failing to disclose the information:-
  - (i) to make a gain for themselves or others, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

#### **9.5.1.3      Fraud by Abuse of Position**

A person is in breach of this section if they:-

- (a) Occupy a position in which they are expected to safeguard, or not to act against, the financial interests of another person,
- (b) Dishonestly abuse that position, and
- (c) Intend, by means of the abuse of that position –
  - (i) to make a gain for themselves or others, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

### **9.5.2      PROCUREMENT FRAUD**

- 9.5.2.1      Procurement fraud is a deliberate deception intended to influence any stage of the procure-to-pay lifecycle in order to make a financial gain or cause a loss. It can be perpetrated by contractors or sub-contractors

external to the organisation, as well as staff within the organisation.

9.5.2.2 The nature of procurement fraud differs between the two core stages of the procurement lifecycle; pre-contract award and post-contract award. Fraud in the pre-contract award phase is complex, often enabled by a lack of compliance with policy, but also involving activity such as collusion and corruption which can be difficult to detect.

9.5.2.3 Fraud in the post-contract stage is considerably different. As contracts are already in place, most cases of fraud tend to involve overpayments to contractors, through false or duplicate invoicing, and payments for substandard work or work not completed under contract terms. Sharp practice and unlawful activity can also be present in the margins of post-contract award fraud. Examples of this includes overpricing for goods or services.

## 9.6 **THEFT ACT 1968 AND THEFT ACT 1978 (as amended)**

9.6.1 The Theft Act 1968 defines a number of criminal offences including theft and the achievement of a gain through deception. These include the following:

### **Theft**

A person is guilty of theft if they dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

### **Obtaining Pecuniary advantage by Deception**

A person who by any deception dishonestly obtains for themselves or another any pecuniary advantage.

### **Obtaining Services by Deception**

This includes remission or avoidance of a debt achieved through deception.

## 9.6.2 **BRIBERY ACT 2010**

9.6.3 The Bribery Act of 2010 has introduced the offences of offering and receiving a bribe. It places specific responsibility on the Authority to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, Bribery is defined as “Inducement for an action which is illegal unethical or a breach of trust. Inducements can take the form of gifts loans, fees rewards or other privileges. Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours payments or benefit in kind which may influence the improper action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they

may be unreasonably using their position to give some advantage to another.

- 9.6.4 To demonstrate that the Authority has in place sufficient and adequate procedures and to show openness and transparency all staff are required to comply with the requirements of Declaration of Interest Policy. Should members of staff wish to report any concerns or allegations, they should contact the Authority's Bribery Compliance Officer (or equivalent)

## **9.7 ANTI-FRAUD STRATEGY**

The Fire Authority's current arrangements are aimed at tackling fraud, corruption, theft, and breaches of regulations.

The arrangements can be categorised under the following main headings:

- culture
- raising concerns
- prevention (e.g. effective control systems)
- detection and investigation
- training

They are supported by scrutiny of the Authority's affairs by a range of bodies and individuals, including:

- Our external auditor;
- Our internal auditors;
- Central government departments / inspectorates
- H M Revenue and Customs
- Authority residents and businesses;
- Suppliers;
- Service Users; and
- Employees of the Authority.

### **9.7.1 CULTURE**

- 9.7.1.1 The Authority's culture is intended to foster honesty and integrity, and to support the seven principles of public life. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Both Members and employees are expected to lead by example in adhering to regulations, procedures and practices.
- 9.7.1.2 Equally, members of the public, clients and external organisations (such as suppliers and contractors) are expected to act with integrity and without intent to commit fraud against the Authority in any dealings they may have with the Authority. As part of the culture the Authority will provide clear routes by which concerns can be raised by both Members and employees, and by those outside the service. The Authority has in place an independent, confidential whistle-blowing 'hotline', Safecall (0870 2410762) which is available 24 hours per day. This can be used to raise concerns about any matter of Authority business. Reports taken via the 'hotline' are sent directly to the Fire and Rescue Service Investigating Officer thereby bypassing the normal chain of command and ensuring a prompt response. The availability of this facility to staff, suppliers and other third parties has been communicated.

## **9.8 RAISING CONCERNS**

- 9.8.1 Members, employees and the general public are an important element in the Authority's stance on fraud and corruption. They are encouraged to raise any concerns they may have in respect of fraud and corruption. A number of different channels for communication are available, including line managers, auditors, senior officers, and Members.
- 9.8.2 This Code of Conduct gives further guidance on how to raise concerns and the support and safeguards available to those who do so. These safeguards offer a framework of protection against victimisation or dismissal and may include identity concealment and protection from harassment.
- 9.8.3 Members of the public may also use the Authority's complaints procedure for this purpose where appropriate. Line managers and directors are responsible for following-up any allegations of irregularity; it is their responsibility to inform the Brigade Manager HR immediately of such allegations and the results of their investigations.
- 9.8.4 Concerns may also be reported directly to the Safecall confidential reporting line (0870 2410762) by any employee, contractor or supplier.
- 9.8.5 The Authority and its senior management are committed by this policy to deal firmly with any proven

financial malpractice. Where, after a proper audit investigation carried out by or on behalf of the Finance Officer, there is evidence that financial impropriety has occurred, the Authority will normally expect the circumstances to be referred to the Police for advice, further investigation, and prosecution of the offender if considered appropriate by the Crown Prosecution Service. The decision to refer to the Police may be made by either the Finance Officer, the Chief Fire Officer or the Monitoring Officer. It is the Authority's decision to make reference to the Police and no other employee is authorised to make such a referral without the authority of one of the three posts listed above.

- 9.8.6 Where the outcome of audit or Police investigation indicates improper conduct by an employee, the Authority's Disciplinary Procedures will normally be applied by the senior managers of the service concerned. The recovery of defrauded funds is an essential part of the Authority's strategy.
- 9.8.7 When it is found that fraud or corruption has occurred due to a breakdown in the Authority's systems or procedures, the Chief Fire Officer, in consultation with the Finance Officer, are responsible for ensuring that appropriate improvements in systems of control are implemented in accordance with audit recommendations.
- 9.8.8 The Authority will work with the Police and the Crown Prosecution Service to ensure that the provisions within the Proceeds of Crime Act 2002 and the associated Money Laundering Regulations are used to full advantage should a fraud have occurred.

## **9.9 PREVENTION**

- 9.9.1 The Authority has a series of comprehensive and inter-related procedures to ensure proper conduct of its affairs, which comprise:
- Standing Orders;
  - Financial Regulations;
  - Code of Conduct for Members;
  - Code of Conduct for Employees;
  - Codes of Conduct issued by relevant Professional Institutes;

- Financial Regulations;
- Local Government Act 1972 - Section 117;
- Local Government Act 1972 - Section 151;
- Accounts and Audit Regulations 1996;
- Public Interest Disclosure Act 1998;
- Complaints Procedures;
- Whistle Blowing Arrangements
- Disciplinary Procedure; and
- IT Systems Security Policy.
- Information Security Policy
- Acceptable Use Policy (ICT)

9.9.2 Internal audit undertake an annual programme of reviews which is closely aligned with the organisation's risk base, designed to provide the assurance over the systems of internal control. The system of internal control is based on an on-going process designed to identify the principal risks, to evaluate the nature and extent of those risks and to manage them effectively. Managing the risk of fraud forms part of this process.

9.9.3 The assessment of the internal financial controls in particular involves electronic data interrogation techniques which closely focuses internal audit's detailed substantive work on identified areas of concern and therefore assists towards fraud prevention.

9.9.4 Members are expected to adhere to and to operate within:

- Standing Orders and Financial Regulations
- The Code of Conduct for Members

9.9.5 These matters are brought to the attention of elected Members following their election or as part of their declaration of acceptance of office. The Authority has adopted a Code of Conduct for its elected Members and its independent Members and they are required upon appointment to the Authority to sign an undertaking to comply with the Code of Conduct



before they act as members of the Authority and must also register their financial and other interests with the Monitoring Officer within 28 days of appointment to the Authority. It is the duty of the Member to notify the Monitoring Officer of any changes to their original registration.

9.9.6 Employees are required to operate within the following guidelines:

- A key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. Written references for potential employees are obtained as part of the recruitment process.
- Employees, once recruited, are expected to adhere to the Authority's Code of Conduct for Employees and to follow standards of conduct issued by their personal professional institute, where applicable.
- Disciplinary Procedures for all categories of employee will be applied to deal with improper conduct.

9.9.7 The following internal control measures are also in force:

- The Monitoring Officer has a duty to report to the Authority where it appears to them that any proposal, decision or omission by the Authority, a committee, a sub-committee or officer has given rise to, (or is likely to give rise to), a contravention of any enactment, rule of law or statutory code of practice.
- The Finance Officer has a statutory responsibility under Section 73 of the Local Government Act 1985 to ensure the proper administration of the Authority's financial affairs.
- Under the Accounts and Audit Regulations 1996, the Authority is required to maintain an adequate and effective system of internal audit. Internal auditors evaluate risks and review the adequacy of control within the Authority.

- Operational systems and procedures will incorporate efficient and effective internal controls, both financial and non-financial. Managers are required to ensure that such controls, including those in a computerised environment, are properly maintained and documented. The existence and appropriateness of controls is independently monitored by Internal Audit and the Governance Committee.

## **9.10 DETECTION AND INVESTIGATION**

- 9.10.1 Whilst having regard to the requirements of the Data Protection legislation, the Authority actively participates in an exchange of information with external agencies on fraud and corruption activity in relation to public bodies. This includes the national fraud initiative where data from all public sector bodies is shared and analysed.
- 9.10.2 The operation of preventive systems, particularly internal control systems within the Authority, help to deter any fraudulent activity. However, such activity may nevertheless occur. It is often the alertness of elected Members, staff and the general public to the possibility of fraud and corruption that leads to detection of financial irregularity. In such a situation the Authority has in place arrangements to enable any such information to be properly dealt with, investigation and detection to occur, and appropriate action to be taken.
- 9.10.3 The Financial Regulations and the Authority require that the Finance Officer be informed of financial control, including matters which involve, or may involve, financial irregularity. Reporting of suspected irregularities is essential as it: facilitates a proper investigation by experienced staff, and ensures the consistent treatment of information regarding fraud and corruption.
- 9.10.4 The Finance Officer and Chief Fire Officer jointly shall investigate failures of financial control, including matters which involve, or may involve, financial irregularity.
- 9.10.5 If a serious irregularity is confirmed the matter shall be reported to the Monitoring Officer, the Chief Fire Officer, and the Personnel Advisor to the Authority.

### **9.11 ANTI-BRIBERY POLICY**

- 9.11.1 The Authority's Standing Orders cover the procedures to be followed when purchasing goods or services on behalf of the Authority. Any offer during this process that may be considered as an inducement or bribe from a potential or successful tenderer or supplier must be reported to the Finance Officer. Acceptance of any such offer will be dealt with through the Authority's disciplinary policy as gross misconduct.

### **9.12 TRAINING**

- 9.12.1 An important contribution to the continuing success of an anti-fraud strategy, and its general credibility, lies in the effectiveness of programmed training, of both Members and employees, throughout the organisation.
- 9.12.2 This will be achieved through the development of both induction and refresher training for all personnel involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

### **9.13 CONCLUSION**

- 9.13.1 Tyne and Wear Fire and Rescue authority is committed to combating fraud, corruption and financial impropriety wherever it may arise in relation to any of the Authority's activities or services. This involves any Authority Member, employee, and member of the public or third party associated with the Authority's activities.
- 9.13.2 The Authority has in place a clear network of systems and procedures to prevent and detect fraud and corruption. These arrangements should keep pace with any future developments in techniques for preventing and detecting fraudulent activity.
- 9.13.3 To this end the Authority maintains a continuous overview of such arrangements. Through the Finance Officer it will ensure a regular review of Standing Orders, Financial Regulations, key control systems and audit arrangements is conducted.

## **10 REPORTING ALLEGATIONS OF IRREGULARITIES**

- 10.1 Indications of suspected irregularities can arise in many different ways and it is possible that anybody may be the first to become alerted to a potential situation involving malpractice, bribery fraud or corruption. This section therefore

details the reporting procedures to be adopted in all cases where there is a suspicion of irregularities having occurred, or is ongoing.

- 10.2 **Line Manager is NOT involved or suspected** – In normal circumstances, you should report any allegations of malpractice, bribery fraud or corruption through your normal line manager, unless there are specific reasons why it would not be appropriate to do so. The line manager will record all the details and, as soon as possible, report the allegations to the Fire and Rescue Service Investigating Officer<sup>1</sup>.
- 10.3 **Line Manager is Involved or Suspected** – In such circumstances it would not be appropriate for you to report any allegations through the normal line management structure, therefore a report should be made directly to the relevant Area Manager. That Officer will record all details and report, as soon as practicable, to the Fire and Rescue Service Investigating Officer. If the allegations involve the Area Manager, then a report should be made directly to the Fire and Rescue Service Investigating Officer.
- 10.4 Elected Members of the Authority should report any allegations directly to the Chief Fire Officer. In the case of any potential involvement by the two aforementioned officers, Elected Members should liaise directly with the Monitoring Officer.
- 10.5 If you are not able, for whatever reason, to invoke the procedure detailed above, there is available a confidential 'hotline' which is provided to enable any allegation to be reported (See Section 13). If it is believed that a Brigade Manager may be involved or suspected, this line should be used to report any suspicion or allegation.
- 10.6 The Authority has a well-documented complaints procedure, (attached as Appendix C). Comprehensive leaflets, covering this procedure, have also been provided and located on all Authority premises and in every Public Library within Tyne and Wear. Members of the public are therefore encouraged to use this procedure to report any matters they may wish to raise.
- 10.7 In order to ensure that a report or allegation is dealt with quickly and confidentially, you are reminded that:

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<sup>1</sup> The Fire and Rescue Service Investigating Officer is the Brigade Manager, HR – In that officer's absence on leave etc, the Chief Fire Officer will appoint another Brigade Manager to act instead.

- Allegations will be handled discreetly – any leaking of information may jeopardise the investigation, and could lead to disciplinary action being taken;
- As much information as possible must be recorded or collected in respect of the allegation – you should not delay the reporting process in order to achieve this;
- Records, including computer records must be secured so that there is no possibility of evidence being lost, destroyed, amended or otherwise tampered with.

## **11 INVESTIGATING ALLEGATIONS OF IRREGULARITIES**

- 11.1 The Fire and Rescue Service Investigating Officer will cause any allegations made, to be investigated under due process in accordance with Admin Procedure 3.5.
- 11.2 If and when there is prima facie evidence that a criminal offence has been committed, the situation may be referred to the Police.
- 11.3 In the event of allegations or evidence indicating that financial irregularities have occurred, the Fire and Rescue Service Investigating Officer will be responsible for informing the Internal Audit Department in addition to any other investigatory process deemed necessary by that Officer. This is as a requirement under the Financial Regulations of the Authority, specifically Regulation 4.4 (b) which states *“The Chief Fire Officer shall inform the Finance Officer as soon as possible of failures of financial control, including matters which involve, or may involve, financial irregularity.”*

## **12 REGISTER OF GIFTS AND INTERESTS**

### **12.1 Register of Financial and other Interests**

- 12.1.1 You must declare to the Chief Fire Officer any financial or non-financial interests that you consider could bring about a conflict with the interests of the Fire and Rescue Authority. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts with the Authority in which you have a pecuniary interest. You are advised that a record of interests will be kept on your individual Personal Record File and may also be kept on a computer based recording system.
- 12.1.2 The criterion for ‘interests’ is as follows:
- (a) Any external employment or business carried on by you (Note the contents of section 6 regarding secondary employment);

- (b) The name of the secondary employer, the name of any firm in which you are a partner and the name of any company in which you are a director;
- (c) The name of any person who has made a payment to you, other than a relevant Authority, in carrying out your duties;
- (d) The name of any corporate body which has a place of business or land in the Authority's area and in which you have a beneficial interest;
- (e) A description of any contract for goods, services or works made between the Authority and you or a firm in which you are a partner or director;
- (f) The address (or other description sufficient to identify the location) of any land in which you have a beneficial interest and which is in the area of the Authority;
- (g) The address (or other description sufficient to identify the location) of any land where the landlord is the Authority and the tenant is the firm in which you are a partner or director;
- (h) The address (or other description sufficient to identify the location) of any land in the Authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

12.1.3 A Register of Interests form (see appendix A) has been provided on which you must record any interests, as defined in 12.1.2 above.

12.1.4 You must ensure that you have completed the relevant documentation and forwarded it to the Chief Fire Officer, under confidential cover, for consideration and filing on your individual Personal Record File. You must also ensure that the documentation is valid, accurate and updated regularly as necessary. In order to comply with the Standing Orders of the Authority, a copy of this form will be sent to the Monitoring Officer by the HR Department staff, under confidential cover.

12.1.5 It is your responsibility to ensure that, should any details declared on the Register of Interests form change, a new form is submitted to the HR Department immediately.

## **12.2 Register of Gifts**

12.2.1 The official conduct of officers and other staff should never foster the suspicion of a conflict of interest. You

must be careful not to show, by your behaviour, that you may be influenced by gifts whilst acting in an official capacity. This is important, not simply because the reputation of the Authority may be at stake, but also you are liable to criminal proceedings if you are shown to be influenced by inducements.

- 12.2.2 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to you in connection with your official duties. For the purposes of this Code, a gift includes any item with a monetary value that you have not purchased and paid for yourself, or that has not been issued by the Authority during the normal course of your employment. This includes such things as hospitality, holidays, software, food and drink, clothes and electronic devices. You are reminded that this list is not exhaustive.
- 12.2.3 With the exception of unsolicited gratuities received in accordance with paragraph 12.2.4, you must not, under cover of your employment, accept any fee or reward whatsoever other than your proper remuneration. When a gift has to be refused, this should be done with tact and courtesy because the offering of gifts is more common in practice in the commercial world.
- 12.2.4 You may accept unsolicited gratuities offered by any person or organisation during the normal course of your employment **provided** that such gratuities are disposed of for charitable purposes to a charity to be determined by the Chief Fire Officer. If a gift or unsolicited gratuity is simply delivered to your place of work there may be a problem returning it, in which case it must be reported to the Brigade Manager, responsible for HR, Learning & Development immediately via e-mail and that Officer will determine a suitable charity.
- 12.2.5 In all cases, a form 'Register of Gifts', number 0380 (Appendix B) must be completed and forwarded to your line manager. Your line manager will check and then authorise the form and forward it to the HR Department. A record of every gift/gratuity received by an individual will be recorded on a Register of Gifts, available within the HR Department. You are advised that records are kept in this way and also in electronic format on a computer based recording system.
- 12.2.6 The only exception to paragraphs 12.2.3 and 12.2.5 are:-
- Gifts of a promotional nature on the conclusion of any courtesy visit to a factory or firm of a sort

normally given by that firm;

- Gifts of a token value, often given at Christmas time such as diaries, calendars, pens, etc.

## **12.3 Hospitality**

12.3.1 A reasonable amount of hospitality may be offered as a normal part of public life, but it is important not to create an appearance of improper influence thus undermining public confidence.

12.3.2 Where hospitality is offered to you, special caution is needed when the host is seeking to do business with the Authority or to obtain a decision from it. It is important to avoid any suggestion of improper influence, and therefore you should consider the following:

- Is the donor or event significant in the community?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community?
- What is the motivation behind the invitation?
- Would the invitation be, in any way inappropriate or place you under pressure in relation to any current or future issue involving the Authority?
- Could you justify your decision to the Authority and the public?
- Is the extent of the hospitality reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

12.3.3 In general terms it will often be more acceptable to join in hospitality offered to a group than to accept something unique to you. When a particular person or body has a matter currently in issue with the Authority, then offers of hospitality from that person or body should be refused even if, under normal circumstances, they would have been accepted.



- 12.3.4 Hospitality is sometimes offered to representatives of the Authority and is accepted as official, i.e. corporate level, because that is reasonable in the circumstances. In such cases, Members and Principal Officers, or individuals nominated by them, should attend.
- 12.3.5 All acceptance of hospitality, other than those indicated at 12.3.4 above, must be reported using the 'Register of Gifts/Hospitality' form, completed in accordance with paragraph 12.2.5 above.
- 12.3.6 All records appertaining to either your Register of Interests or Register of Gifts/Hospitality will be available for inspection by Officers who currently have access to your personal data as defined under the Data Protection Act, and those other persons authorised to have access, such as Internal Audit, at any reasonable time by appointment with the HR Manager.

### **13 MALPRACTICE OCCURRING IN THE WORKPLACE (WHISTLE- BLOWING)**

- 13.1 The term used to describe arrangements, which allow you to express concerns about any types of malpractice, which may be occurring in the workplace, is whistle-blowing. Such arrangements are closely linked to a culture which encourages you to express your concerns (sometimes anonymously) without the fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and confidentially.
- 13.2 These arrangements are not simply confined to issues involving malpractice, bribery, fraud and corruption, but also encompass breaches of health and safety, bullying, harassment, and any other situation that causes you to have serious concerns.
- 13.3 The Authority has in place an independent, confidential whistle-blowing 'hotline' Safecall (0870-2410762) which is available 24 hours per day. This is to allow you to raise concerns about any matter of Authority business whether personally involved, anonymously or otherwise. Reports taken via the 'hotline' are sent directly to the Fire and Rescue Service Investigating Officer thereby bypassing the normal chain of command and ensuring a prompt response. If it is believed that a Brigade Manager could be involved, the Clerk to the Fire Authority will be informed and will take any necessary action. If it is believed that the Chief Fire Officer could be involved, the Deputy Clerk/Monitoring Officer will be informed.

- 13.4 The confidential 'hotline' number Safecall (0870 – 2410762) is well publicised within the Authority by posters located in all Authority premises and by information published on the Service Intranet. In addition, every employee is issued with a credit-card-sized advice sheet for their use. This 'hotline' can be used to report any incidence of wrongdoing in the workplace. It has been designed to reinforce the Authority's determination to have an open, transparent and inclusive culture in which the workplace is free from discrimination, bullying, harassment and victimisation. This facility allows you to report wrongdoing to an independent body without any fears of recrimination from other staff.

### **13.5 How will the Authority Respond**

Following a notification from the whistle-blowing 'hotline':

- Initial enquiries will be made to decide whether or not an investigation is appropriate;
- Some concerns may be resolved by agreed action without the need for an investigation;
- Within ten working days of receipt of the concern, the Fire and Rescue Service Investigating Officer will (if the concern was not made anonymously), write to the individual:-
- Acknowledging that the concern has been received;
- Indicate how it is proposed to deal with the matter;
- Indicate that further information may be required from the individual. When any meeting is arranged the individual has the right to be accompanied by someone not involved in the case.

The Authority will also take any necessary actions to minimise any difficulties, which the individual may experience as a result of raising any issue.

The ultimate aim is to ensure that you receive fair and equitable treatment at all times and your concern is dealt with appropriately.

## **14 FORMS OF CONDUCT**

- 14.1 It is important that you understand what is deemed as inappropriate conduct in the context of the service we provide. The table shown as Appendix D is a guide in terms of the action that may be taken in response to various forms of conduct, although the Authority's response may vary

according to each individual case.

- 14.2 You are reminded that the table is provided for guidance and does not replace or negate the disciplinary terms and regulations stated within each individual contract of employment.
- 14.3 In addition, copies of the disciplinary and grievance procedures are available on the Intranet.

## **15 VISITORS AND GUESTS TO SERVICE PREMISES**

- 15.1 It is accepted that there will be occasions when personnel may have guests or family members visit them on service premises e.g. those locations operating duty systems such as DC (CC). On these occasions the host employee is wholly responsible for the behaviour, health, safety and welfare of their guests while on service premises.
- 15.2 Staff must ensure their visitors remain within designated areas at all times and do not access parts of the premises that are not authorised for public access.
- 15.3 Staff must ensure their guests do not cause any nuisance or annoyance to other members of personnel or neighbours of the site.
- 15.4 Guests or visitors are not permitted to bring any pets or other animals on to service premises (unless they are used to assist a disabled person e.g. a guide dog)
- 15.5 Any persons under the age of sixteen visiting the premises must be accompanied by an appropriate adult who will ensure they remain supervised in the event of all operational personnel responding to an emergency call.

## **16 WORK RELATED SOCIAL EVENTS**

- 16.1 The Authority recognises that its employees are offered the opportunity to attend work related social events from time to time. Although these social events usually take place away from the workplace and outside normal working hours, the Authority's standard code of conduct applies to such events. Whilst the Authority does not wish to put a dampener on employees' enjoyment of social events, it is in everyone's interest for staff to conduct themselves in an appropriate manner for the protection and comfort of all. Specifically, employees who attend work-related social events should be aware of the following guidance:
- Employees should be mindful of their alcohol intake at work

related social events, irrespective of whether the Authority provides or pays for the drinks.

- It is strictly forbidden for any employee to use illegal drugs, including cannabis, at any work related social event whether on Authority premises or not.
- Any behaviour intended to offend or can be deemed offensive or that brings the Service into disrepute must be avoided at work related social events.

Any breach of the above expectations may render the employee liable to action under the Service's disciplinary procedure.

- 16.2 The code of conduct is in place for the benefit of all members of staff and to ensure that everyone can enjoy work related social events in an atmosphere of conviviality without fear of being made to feel uncomfortable by another employee's conduct.

## **17 PERSONAL RELATIONSHIPS AT WORK**

- 17.1 The Service is committed to building an organization in which high standards of conduct in the area of personal relationships at work are maintained.
- 17.2 The Service recognises that as employees spend the majority of their week working with each other in teams, the development of a close personal relationship may happen. In the majority of cases, it is unlikely that a relationship between colleagues would have an impact on the work of the Service. However, from time to time an intimate relationship between two employees may interfere or threaten to harm the work of the Service.
- 17.3 Employees who embark on close personal relationships with work colleagues do need to be aware of their behaviour towards each other, particularly whilst at work. The Service also expects that employees involved in such relationships recognise that overt displays of affection could embarrass other employees. In most cases any perceived difficulties caused by employees' relationships should be resolved in the first instance in an informal manner.

## **18 CONFLICT BETWEEN THIS CODE AND THE DISCIPLINE PROCEDURE**

- 18.1 In the event of a conflict between the provisions of this Code and the content of the Discipline Procedure, the latter shall prevail.

**19      MONITORING AND REVIEW**

- 19.1    The Chief Fire Officer will review this code of conduct every two years.
- 19.2    All records appertaining to this code will be reviewed at the same frequency to the above.

**APPENDIX A**

**TYNE AND WEAR FIRE AND RESCUE  
AUTHORITY REGISTER OF INTERESTS**

***If it comes to your knowledge that a contract in which you have a pecuniary interest, whether direct or indirect (not being a contract to which you are a party), has been, or is proposed to be, entered into by the Authority, as soon as practicable you must give notice in writing to the Chief Fire Officer of your interest therein.***

Using the criterion detailed with the Code of Conduct as a guide, complete the following short questionnaire and return it to the Chief Fire Officer as soon as possible. The original will be held on your Personal Record File and a copy will be returned to you for information.

Name

(Please Print Clearly)

Role/Grade

Number

Location

**Interests:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

Received by the Chief Fire Officer

On: .....

Signed .....

**APPENDIX B**

**TYNE AND WEAR FIRE AND RESCUE AUTHORITY  
REGISTER OF GIFTS/HOSPITALITY**

This form to be completed in accordance with paragraph 12.2.5 of the Code of Conduct.

**Name**

---

(Please Print Clearly)

**Role/Grade**

**Number**

**Location**

---

**Gift/Gratuity/hospitality accepted:** \_\_\_\_\_

---

**Company/individual offering gift/gratuity/hospitality:**

---

**Brigade Manager Informed by e-mail:** \_\_\_\_\_

**Employee**                      **Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Line Manager**                      **Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**FORWARD TO THE BRIGADE MANAGER, HR**

**Donated to:** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FORWARD COMPLETED FORM TO HR DEPARTMENT FOR FILING ON PRF**



## **APPENDIX C**

### **COMPLIMENTS, COMMENTS AND COMPLAINTS**

***Tyne and Wear Fire and Rescue Authority will provide a fire and rescue service to our community which seeks to eliminate preventable fire fatalities and casualties, reduce property loss and minimise environmental damage.***

*As a receiver of a public service, there may be times when you wish to comment on the service provided by the Fire and Rescue Service, or indeed complain about an aspect of our operations.*

*We encourage compliments, comments and complaints as we are continually trying to improve our service and we value the opinions of our community.*

### **ABOUT THE AUTHORITY**

Tyne and Wear Fire and Rescue Authority are responsible for providing a fire, rescue and fire safety service for the community within Tyne and Wear.

The Authority is committed to: -

- Continually improving our service
- Asking the public what they want and expect from the services we provide or could provide
- Reviewing our services every five years
- Setting targets and improving standards

### **Dealing with Emergencies**

When an emergency call is received the information is passed to the nearest fire station. If there is no fire appliance available, then appliances from the next nearest

fire station are sent instead. For some large fires, the Fire and Rescue Service requires fire appliances from throughout the County and adjoining services. Additionally, the Fire and Rescue Service operates certain specialist appliances, which provide a wide range of fire and rescue functions to assist and support at all types of incidents.

### **The Fire Safety Pledge**

We are available to give advice on fire safety issues in respect of property and other buildings, whenever this is requested. In Tyne and Wear this service is provided *free of charge*.

We also advise and help the community to satisfy the requirements of fire safety legislation in the most cost effective and sympathetic way. No charge is made for any inspection.

**We will** endeavour to provide the best possible service to the community we serve, utilising trained officers who will exercise professional judgement and common sense.

**Where** enforcement action under any legislation is required, this will be conducted in accordance with the Enforcement Concordat.

### **Compliments, Comments and Complaints**

**If you have a compliment, comment or complaint about any aspect of our service, please contact the Authority by telephone, letter or e-mail**

For our part, if you do make a complaint we will ensure that: -

- Your complaint is treated confidentially;
- you receive an acknowledgement within seven working days including the name of the Fire and Rescue Service Officer responsible;
- your complaint is investigated in accordance with Fire and Rescue Service standard procedures;

We will also: -

- send you a full reply including the results of the investigation within 28 working days;
- ensure that you are informed of the progress if the above deadline

cannot be met, every 28 working days.

***MAKE YOUR VIEWS KNOWN***

You can contact the Fire and Rescue Service by telephone: - 0191-444 1500, stating the nature of your query; or

E-mail the Fire and Rescue Service: - [complaints@twfire.gov.uk](mailto:complaints@twfire.gov.uk) or

Write to: -

The Chief Fire Officer, Fire  
Service Headquarters  
Nissan Way  
Barmston Mere Sunderland  
SR5 3QY

THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER. IF YOU HAVE ANY  
QUERIES OR REQUIRE FURTHER INFORMATION, PLEASE DO NOT HESITATE  
TO MAKE CONTACT

**APPENDIX D**

<b>Form of Conduct</b>	<b>Minor Misconduct or Performance Issues</b>	<b>Serious Misconduct</b>	<b>Gross Misconduct</b>
<b>Theft &amp; Fraud</b>	N/A	N/A	Stealing from the Authority or colleagues  Giving false evidence of incapacity for work
<b>Behaviour</b>	Allowing unauthorised person(s) on the premises.  Unauthorised Absence	Failure to comply with a reasonable request  Abusive, insulting behaviour  Incapacity through substance misuse  Persistent unauthorised absence	Gross indecency  Malicious damage to employee's or Authority property  Breach of confidentiality  Bullying  Misuse of Authority property or vehicle(s)
<b>Performance</b>	Poor performance despite training	Persistent failure to meet job requirements	Grossly negligent performance
<b>Absence</b>	Failure to follow absence reporting rules  Recurring absences	Prolonged Absence	Persistent unauthorised Absence
<b>Fairness and Equality</b>	Use of inappropriate language	Failure to observe the Fairness and Equality Policy	Serious discriminatory behaviour including harassment
<b>Time-keeping</b> (within the terms of the appropriate duty system)	Frequent lateness	Persistent lateness	N/A

<b>Health and Safety</b>	<p>Failure to wear protective equipment</p> <p>Failure to observe safety policy</p>	<p>Persistent failure to wear protective equipment</p> <p>Persistent failure to observe safety policy</p>	<p>Serious cases involving gross breach of safety policy</p>
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# **Tyne and Wear Fire and Rescue Authority**

## **Members' Allowances Scheme**

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#### 1.1 Introduction

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## **1. Introduction**

- 1.1 Tyne and Wear Fire and Rescue Authority ("the Authority") in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), has made the following Members' Allowances Scheme ("the Scheme").

## **2. The Members' Allowances Scheme**

### **2.1 Basic Allowance**

- 2.1.1 Subject to paragraph 2.7, for each year (1st April to 31<sup>st</sup> March) a basic allowance of an amount as detailed in Schedule 1 shall be paid to each member.

### **2.2 Special Responsibility Allowances**

- 2.2.1 For each year a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this Scheme.
- 2.2.2 Subject to paragraph 2.7, for each year the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- 2.2.3 Where a member takes on special responsibilities which would entitle them to payment of more than one allowance from the Authority, they will only be allowed to claim one allowance. The choice of which allowance is claimed will be at the member's discretion.

### **2.3 Co-optees' Allowances**

- 2.3.1 Subject to the provisions of paragraph 2.7, a co-optees allowance will be paid to the Chair and Independent Member of the Governance Committee as specified in Schedule 1.

### **2.4 Carers' Allowances**

- 2.4.1 Allowances shall be paid in respect of such expenses of arranging for the care of members' children or dependents as are necessarily incurred in the attendance at any meeting of a type specified in the Regulations or the performance of any duty specified in the Regulations.
- 2.4.2 The allowance will be actual expenditure incurred up to a maximum sum of number of hours of care multiplied by the current National

Living Wage or National Minimum Wage hourly rate as appropriate, dependent upon the age of the worker..

2.4.3 Payments can be made for the care of dependents including children, elderly persons or those with some form of disability.

2.4.4 Members may claim for care provided by relatives and others provided they do not live in the family home.

## **2.5 Basis of Payment of Basic and Special Responsibility Allowances**

2.5.1 Basic and Special Responsibility allowances are based broadly upon the terms of reference of the various committees within the Authority and the time commitment and responsibilities of Members of the Authority and the Chairs and co-opted members of the various committees. In addition, account is taken of the number of ad hoc training and development sessions and other areas of Member participation in addition to the formal decision making meetings, the wide range and variety of matters with which Members are required to deal and the need for Members to have a broad understanding of a number of technical matters including budgetary, operational, procurement, performance and human resources matters as well as other areas, including the political and financial situation of Tyne and Wear and other fire authorities, in order to consider reports and make decisions on these matters. Regard is also given to the level of allowances paid by the constituent councils to their Members and the level of allowances paid by a number of fire authorities elsewhere in the country.

2.5.2 Schedule 1 shows the current allowances.

2.5.3 All allowances will be paid at the frequency chosen by the member's primary authority or the Office of the Police and Crime Commissioner for Northumbria, as appropriate.

## **2.6 Renunciation**

2.6.1 A member may by notice in writing given to the Finance Officer elect to forego any part of their entitlement to an allowance under this scheme.

## **2.7 Part Year Entitlements**

2.7.1 Details of the provisions of this section are shown in Schedule 2.

# **3. Travelling and Subsistence Allowances**

### **3.1 Qualifying Approved Duties**

3.1.1 A member is entitled to travelling and subsistence expenses necessarily incurred for the purpose of enabling them to perform any approved duty as a member of the Authority. The following approved duties qualify for travel and subsistence allowance:

- a) Meetings of the Authority and those Committees, Sub-Committees and panels as specified and agreed at the Annual Meeting of the Authority.
- b) Work undertaken in connection with the Authority's functions by the Chair and Vice-Chair of the Authority and the Leader of the Parties in Opposition at Fire and Rescue Service Headquarters and elsewhere.
- c) Work undertaken by the Chair and/or Vice-Chair of Committees, Sub-Committees and Working Groups in connection with the duties of the Committee or the work of the department and institutions controlled by the Committee.
- d) Attendance at political group meetings concerned with the Authority's functions.
- e) Attendance at conferences approved by the Authority.
- f) Any other duty approved by the Authority or any duty of a class so approved for the purpose of, or in connection with the discharge of the function of the Authority, or any of its committees, sub-committees or working groups.

### **3.2 Travelling Expenses**

3.2.1 The normal rates of travelling allowance are:

- a) Public Transport – Ordinary fare or any available cheap fare.
- b) Rail – Standard class fare.
- c) If a bicycle or motorcycle is used the rate payable is the Inland Revenue mileage rate. The current rates of allowance are specified in Schedule 1.
- d) If a private car is used the rate payable is the Inland Revenue mileage rate. The current rates of allowance are specified in Schedule 1. An additional amount per mile is payable for each passenger not exceeding 4, to whom a travelling allowance

would be payable under any enactment, as set out in Schedule 1.

- e) Taxi-Cab
- f) The rate shall not exceed:
  - (i) In cases of urgency or where public transport is not reasonably available, the actual fare and any reasonable gratuity, and
  - (ii) In any other case, the appropriate public transport fare.

Please note:

- i) Specific details of each journey made must be recorded on the expenses claim form.
- ii) Where members travel direct from their place of work to a meeting the mileage which can be claimed is the difference between work-meeting place-home and work-home.
- iii) Where passenger allowance is claimed the names of any passengers carried must be shown on the expenses claim form.
- iv) Expenditure on tolls, ferries or parking fees may also be claimed.

### **3.3 Subsistence Allowance**

- 3.3.1 A Member is entitled to a subsistence allowance where expenditure is necessarily incurred on an approved duty.

Overnight Accommodation – the allowance will not be claimable as an allowance as such, rather reasonable costs of an overnight stay (including breakfast) will be met for business class accommodation (3 stars or 4 stars) within and outside of London. Unless there are exceptional circumstances the Authority will book the accommodation direct selecting the most economic option available and utilising the established procurement arrangements in place. Where exceptional circumstances exist, these will be approved in advance by the Finance Officer and reasonable costs will be reimbursed subject to submission of receipts.

The above approach is proposed for dealing with overnight stays (including breakfast). The subsistence rates for other meals, where necessary, are still considered appropriate and would be in addition:

In the case of absence from the usual place of residence for a continuous period which exceeds 4 hours but does not involve an overnight absence, subsistence is payable as per the table set out below:

Breakfast Allowance	£9.07
Lunch Allowance	£12.55
Tea Allowance	£4.94
Evening Meal Allowance	£15.55

The limitations on reimbursements are:

- i) for breakfast, an absence of more than 4 hours, or where the authority permits, a lesser period before 11 am;
- ii) for lunch, an absence of more than 4 hours, or where the authority permits, a lesser period, including the period between 12 noon and 2 pm;
- iii) for dinner, an absence of more than 4 hours, or where the authority permits, a lesser period, ending after 7 pm;

A contribution in excess of the above amounts can be made in exceptional extenuating circumstances. Such circumstances must be approved in advance by the Finance Officer.

The rates of subsistence allowance shall be increased annually by the Retail Price Index excluding Mortgage Interest Payments (RPIX).

The current rates are shown in Schedule 1.

- 3.3.2 The above rates shall be reduced as shown in Schedule 1 in respect of meals provided free of charge by any authority or body during the period to which the allowance relates as follows:

Reduction of Subsistence Allowance for Meals Provided Free of Charge:

Reduction for Breakfast provided	£9.07
Lunch provided	£12.55

Tea provided	£4.94
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Dinner provided	£15.55
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### 3.3.2 Meals on Trains

When main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meal (including VAT), may be reimbursed in full.

Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance for that period of duty shall be reduced by the sums set out in Schedule 1.

Members should also note that if they travel by the use of an Executive Ticket, which includes meal vouchers, and take advantage of the voucher facilities then the above mentioned provisions for meals on trains will also apply and subsistence allowance claims should be reduced accordingly.

Please note that:

Where Executive Tickets are used and members do not take advantage of the meals provided, they can return the relevant portion of the ticket to the Exchequer Services Section of the Corporate Services Directorate, Sunderland City Council and claim the appropriate subsistence allowance.

### 3.3.3 Residential Courses

When a member attends a residential course or conference and the Authority has paid an inclusive fee, the normal subsistence allowance shall be payable for the period from leaving home to arriving at the Centre, and from leaving the Centre to arriving home.

## 4. Claims and Payments

- 4.1 Claims for all allowances should be made by members to their primary authorities or to the Office of the Police and Crime Commissioner for Northumbria, as appropriate, who will then make the necessary payments and apply for reimbursement from the Fire and Rescue Authority via the Lead Authority (Sunderland City Council).
- 4.2 A claim for any allowance under this Scheme shall be made in writing within two months of the date of the meeting in respect of which the entitlement to the allowance arises.

- 4.3 Payment for allowances which are not claimed within the periods specified in paragraph 4.2 can only be made with the consent of the Finance Officer in consultation with the Chairman of the Authority.

## Schedule 1

### **Summary of Members' Allowances 2017/2019** **£**

<b>Basic Allowance</b>	2,500 per annum
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#### **Special Responsibility Allowances** (amounts per Allowance per annum)

Chair	12,798
-------	--------

Vice Chair	10,000
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(to include Chairing the Policy and Performance Committee)

Chair of the Human Resources Committee	6,399
--	-------

Leader of Majority Party in Opposition	3,200
--	-------

Where there is no single majority party in opposition and there is equal representation of any opposition parties on the Authority, the allowance payable to the Leader of the majority party in opposition shall be shared equally between the Leaders of the parties who are so represented.

#### **Co-optees' Allowances**

Chair of Governance Committee	3,296
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Independent Member	1,648
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#### **Carers Allowances**

Actual expenditure up to a maximum of the equivalent of the current National Living Wage or National Minimum Wage hourly rate, as appropriate, dependent upon the age of the worker. The rate applicable shall be subject to automatic increases in line with uprating of the Adult National Living Wage and National Minimum Wage. (Current National Living Wage for 25 year olds and over is £7.50 per hour).

#### **Travel Allowances**

Motorcycle allowance	24p per mile
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Bicycle allowance	20p per mile
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#### **Car Allowance**



45p per mile for first 10,000 miles and 25p thereafter.

Passenger supplement 5p per mile for the passenger (not exceeding 4).

The rates for travel and car allowances are to be Her Majesty's Revenue and Customs (HMRC) Rates Allowances to be updated as and when HMRC publishes revised allowances.

### **Accommodation and Subsistence Allowances**

Overnight Accommodation – the allowance will not be claimable as an allowance as such, rather reasonable costs of an overnight stay (including breakfast) will be met for business class accommodation (3 star or 4 star) within and outside of London. Unless there are exceptional circumstances, officers will book the accommodation direct selecting the most economic option available and utilising the established procurement arrangements in place. Where exceptional circumstances exist, these will be approved in advance by the Finance Officer and reasonable costs will be reimbursed subject to submission of receipts.

The above approach is proposed for dealing with overnight stays (including breakfast). The subsistence rates for other meals, where necessary, are still considered appropriate and would be in addition.

In the case of absence from the usual place of residence for a continuous period which exceeds 4 hours but does not involve an overnight absence, subsistence is payable as per the table set out below:

Breakfast Allowance	£9.07
Lunch Allowance	£12.55
Tea Allowance	£4.94
Evening Meal Allowance	£15.55
Reduction of Subsistence Allowance for Meals Provided Free of Charge:	
Reduction for Breakfast provided	£9.07
Lunch provided	£12.55
Tea provided	£4.94
Dinner provided	£15.55

#### **3.3.3 Reduction of Subsistence Allowance for Meals**

Payable when Cost of Meals on trains is reimbursed:-

Reduction for Breakfast reimbursed	£9.07
Reduction for Lunch reimbursed	£12.55
Reduction for Dinner reimbursed	£15.55

A contribution in excess of the above amounts can be made in exceptional extenuating circumstances. Such circumstances must be approved in advance by the Finance Officer.

## Schedule 2

### Part Year Entitlements

1. The provisions of this Schedule shall have effect to regulate the entitlements to basic, special responsibility and co-optee allowances where, in the course of a year, this Scheme is amended or that member or co-optee becomes, or ceases to be, a member or co-optee or accepts or relinquishes a special responsibility in respect of which a special responsibility allowances is payable.
2. If an amendment to this Scheme changes the amount to which a member or co-optee is entitled by way of a basic allowance or a special responsibility allowance, or a co-optees allowance, then in relation to each of the periods.
  - a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect or
  - b) beginning with the day on which an amendment takes effect and ending the day before that on which the next amendment takes effect, or (if none) with the year;

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

3. Where the term of office of a member or co-optee begins or ends otherwise than at the beginning or end of a year, the entitlement of that member or co-optee to a basic allowance or co-optees' allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.
4. Where this Scheme is amended as mentioned in paragraph 2 and the term of office of a member or co-optee does not subsist throughout the period mentioned in paragraph 2 (a) the entitlement of any such member or co-optee to a basic allowance or co-optees allowance referable to each such period (ascertained in accordance with that subparagraph) as bears to the whole the same proportion as the number of days during which the term of office as a member or co-optee subsists bears to the number of days in that period.
5. Where a member as during part of, but not throughout, a year such special responsibilities as entitle them to a special responsibility allowance, that member's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which they have such special responsibilities bears to the number of days in that year.
6. Where the Scheme is amended as mentioned in paragraph 2 and a member has during part, but does not have throughout the whole, of any period mentioned in

paragraph 2 (a) of that paragraph any such special responsibilities as entitle them to a special responsibility allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that paragraph) as bears to the whole the same proportion as the number of days in that period during which they have such special responsibilities bears to the number of days in.