



# **TYNE AND WEAR FIRE AND RESCUE AUTHORITY**

**Standing Orders**

*Version: 1.0*

*Date: December 2025*



## Contents

PART 1: SUMMARY AND EXPLANATION .....	5
Part 1 - Summary and Explanation .....	6
PART 2: STANDING ORDERS .....	7
Article 1 - Purpose of the Standing Orders .....	8
Article 2 - Membership of the Authority .....	9
Article 3 - Citizens and the Authority .....	12
Article 4 - Meeting Rules and Procedures .....	13
Article 5 - Committees .....	17
Article 6 - Decision Making .....	23
Article 7 - Key Officers .....	24
Article 8 - The Authority .....	25
Article 9 - Governance, Risk and Audit Scrutiny Committee .....	28
Article 10 - Performance and Improvement Scrutiny Committee .....	31
Article 12 - Special Urgency Committee .....	33
Article 13 - Appointments Committee .....	34
Article 14 – Appeals Committee .....	35
Article 15 - Review, revision and publication of the Standing Orders .....	36
PART 3: SCHEME OF DELEGATIONS .....	37
Section 1 - Conditions of Delegations .....	38
Section 2 - Powers not to be delegated .....	38
Section 3a - Delegations to the Clerk to the Authority .....	39
Section 3b - Delegations to the Deputy Clerk to the Authority .....	40
Section 4 - Delegations to the Director of Finance .....	40
Section 5 - Delegations to the Chief Fire Officer .....	41
Section 6 - General Delegations to Principal Officers .....	43
Section 7 - Delegations to the Monitoring Officer .....	44
PART 4: ACCESS TO INFORMATION .....	46
Section 1 - Access to Information Rules .....	47
PART 5: FINANCIAL AND PROCUREMENT REGULATIONS .....	50
Section 1: Financial Regulations .....	51
A      General .....	51
A1     Purpose and Scope .....	51
A2     Responsibilities .....	51
B      Financial administration .....	54
B1     Systems and Procedures .....	54
B2     Internal Controls and Audit .....	55

B3	Value Added Tax (VAT) .....	55
C	Financial Planning (annual budget and MTFS) .....	56
C1	Annual Budget.....	56
C2	Revenue Budget Preparation.....	56
C3	Capital Budget Preparation .....	57
C4	Medium-Term Financial Strategy Preparation.....	57
D	Financial Management and Reporting .....	57
D1	Revenue Budgetary Control .....	57
D2	Virement (or transfers) between Budgets.....	58
D3	Capital Programme Monitoring .....	59
D4	Capital Projects .....	60
D5	Annual Statement of Accounts.....	60
D6	Reserves and Provisions .....	60
E	Purchasing Arrangements .....	60
E1	Introduction .....	60
E2	Ordering of Goods, Works and Services .....	61
E3	Payments .....	61
E4	Corporate Credit Cards .....	62
F	Banking and Income Arrangements .....	63
F1	Responsibilities.....	63
F2	Banking and Credit Arrangements .....	64
F3	Cheques .....	65
F4	Imprest / Petty Cash Accounts.....	65
G	Staffing.....	65
G1	Management of the Establishment.....	65
G2	Payroll.....	66
G3	Reimbursement of Expenses and Payment of Allowances .....	66
H	Treasury Management .....	67
H1	Treasury Management Strategy and Practices .....	67
H2	Loans and Investments .....	67
I	Management of Physical Assets / Resources .....	68
I1	Overview.....	68
I2	Asset security .....	68
I3	Insurance and Risk Management.....	68
I4	Stocks and Stores.....	69
I5	Inventories.....	70
I6	Acquisition and Disposal of Assets .....	70
I7	Leasing .....	70
I8	Information Systems.....	71
J	External Arrangements.....	71
J1	Grants from External Bodies .....	71

J2	Partnerships.....	72
K	Preventing Financial Irregularities .....	72
K1	Fraud and Corruption .....	72
	Section 2: Procurement Regulations .....	74
1.	Contracts to comply with the Authority's Standing Orders.....	74
2.	Exempt Contracts.....	74
3.	Exceptions to Regulations .....	74
4.	Thresholds .....	75
5.	Approvals .....	77
6.	Procurement Process.....	77
	PART 6: CODE OF CONDUCT, POLICIES AND ALLOWANCES.....	82
	Section 1 - Code of Conduct for Members .....	83
	Section 2 - Policies and Allowances .....	90

# **PART 1: SUMMARY AND EXPLANATION**

## Introduction

The Tyne and Wear Fire and Rescue Authority (referred to as the 'Authority') is responsible for overseeing the provision of a fire and rescue service within its area, as outlined in the Fire and Rescue Services Act 2004 and other relevant legislation. As a supervisory body, the Authority ensures that the Tyne and Wear Fire and Rescue Service (referred to as the 'Service') operates efficiently and in the best interests of the community it serves. This means that the Service is accountable to both the Authority and the public for its actions and performance.

## The Authority's Standing Orders

This document serves as the Authority's Standing Orders, under which it will exercise its functions, powers, duties, and responsibilities within the law, fairly, equitably, openly, and transparently all in the best interests of the community of Tyne and Wear. These procedures are designed to ensure efficiency, transparency and accountability to the public. While some processes are mandated by the law, others are determined by the Authority itself.

## How the Authority operates

The Authority has 17 Members, 16 of whom are serving councillors along with the Northumbria Police and Crime Commissioner. The number of Members appointed by each of the Constituent Councils within Tyne and Wear are in accordance with Schedule 10 of the Local Government Act 1985. The political composition of the Authority reflects the representation of political parties from each of the five appointing local authorities.

All Members convene as the Authority and meetings are typically open to the public. During the Annual General Meeting, the Authority appoints to its various committees, as well as appointing the Chair and Vice Chair of the Authority and each committee.

Members adhere to a Code of Conduct which is designed to maintain high standards in their duties. The Monitoring Officer advises on the Code of Conduct and any associated Code of Conduct complaints.

## How decisions are made

The Authority has ultimate responsibility for decision making but has delegated responsibility for many decisions to committees, Statutory Officers and other senior Service employees.

## The Authority's staff

The Authority employs Statutory Officers to provide advice, implement decisions and to manage the day to day delivery of the Service. Some officers such as the Monitoring Officer have specific statutory duties to ensure that the Authority complies with the law.

Members work closely with Statutory Officers and Service employees to ensure that services are delivered in line with the Authority's objectives.

# **PART 2: STANDING ORDERS**

# Article 1 - Purpose of the Standing Orders

## 1.1 Discharge of Functions

The Authority, as a joint authority established under Part IV of the Local Government Act 1985, will exercise all its powers and duties in accordance with the law, particularly the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004, and associated Regulations and these Standing Orders. The Authority also is subject to other relevant legislation and guidance, such as the Fire and Rescue National Framework for England.

## 1.2 Purpose of the Standing Orders

The purpose of the Standing Orders is to set out in a single place how the Authority works and how it makes decisions, thereby:

- a) Assisting Members to discharge their role as decision-makers efficiently and effectively.
- b) Ensuring that the decision-making processes are clearly identifiable to citizens.
- c) Providing citizens with information about their rights and right to be involved in the process of decision making.

## 1.3 Interpretation and Review of Standing Orders

Where the Standing Orders permits the Authority to choose between different courses of action or interpretations, the Authority will always choose an approach which it believes is closest to the purposes stated above.

The Authority will monitor and evaluate the operation of the Standing Orders as set out in Article 15.

## Article 2 - Membership of the Authority

### 2.1 Composition and Eligibility

2.1.1 The Authority shall consist of 17 Members, 16 of which shall be appointed by the Constituent 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 Northumbria Police and Crime Commissioner.

2.1.2 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).

2.1.3 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.

2.1.4 These appointments are made in the following proportions, which reflect the size of the population of each Constituent Council:

Sunderland	4
Newcastle	4
North Tyneside	3
Gateshead	3
South Tyneside	2
Northumbria Police and Crime Commissioner	1

2.1.5 In addition, there are two co-opted members who participate in the Governance, Audit and Risk Scrutiny Committee, and one performs the role of Chair.

### 2.2 Appointment of Members

2.2.1 The Annual General Meeting of the Authority is normally held in June in each year. The Constituent Councils will nominate their representative Members annually in advance of the Annual General Meeting. The Constituent Councils may choose to replace their representative members at any time provided that written notice is given to the Clerk to the Authority. Members can also resign or be disqualified.

2.2.2 Where a change of Member is proposed, the Monitoring Officer should be consulted and where necessary will review the political balance of the Authority's committees. Constituent Councils are not permitted to appoint substitutes. With the exception of the Police and Crime Commissioner, a Member who ceases to be a member of a Constituent Council shall also cease to be a Member of the Authority.

2.2.3 Where a Constituent Council or political group choose to replace a Member of the Authority during the municipal year, then unless the member in question also resigns from their position on the Authority, the new appointment will only take affect one month after notice of the appointment has been provided. During this time the

outgoing Member may continue to attend and vote at meetings of the Authority.

## **2.3 Attendance**

2.3.1 The Clerk shall ensure a written record of attendees at the meeting.

2.3.2 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 or committee they shall, unless the failure was due to a reason approved by the Authority in advance, cease to be a member of the Authority. (For the purpose of this provision the period of failure to attend shall date from the first meeting which the member could have attended as a member).

## **2.4 Resignation of a Member**

2.4.1 A Member of the Authority may resign their office at any time by a notice of resignation in writing signed by them and delivered to the Clerk. The resignation shall take effect upon receipt by the Clerk of the notice of resignation.

2.4.2 The Member, who is for the time being the Northumbria Police and Crime Commissioner 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.

## **2.5 Policies for Members**

2.5.1 All Members are expected to comply with the Code of Conduct for Members, polices and allowances outlined in Part 6 of these Standing Orders.

## **2.6 Roles and Responsibilities**

### **2.6.1 Chair of the Authority**

- a) To provide overall political leadership to the Authority.
- b) To Chair meetings of the Authority and to ensure their overall effectiveness.
- c) To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
- d) To provide direction on the implementation of effective service delivery and the Authority's approved policies and strategies.
- e) To act as the Authority's principal Member spokesperson at local, regional and national level.
- f) To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.
- g) To lead in the development of good working relationships between the leaders of political groups represented on the Authority.
- h) To provide direction and be satisfied as to the resilience of the service and Authority in discharging its duties and responsibilities.

2.6.2 Vice Chair of the Authority

- a) To support the Chair of the Authority in discharging the rules associated with the office of Chair of the Authority.
- b) To deputise for the Chair of the Authority in their absence.

2.6.3 Minority party group leaders

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

2.6.4 Chairs of committees

- a) To Chair the committee and ensure its overall effectiveness.
- b) To have a working knowledge of the Authority's relevant policies and strategies and to ensure that they are sufficiently and effectively briefed by Officers on matters coming before the committee.
- c) To co-ordinate and manage the work of the committee.
- d) To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.
- e) To undergo any training and or ongoing development relevant to their role on the committee.

2.6.5 Vice Chairs of committees

- a) To support the committee Chair in discharging the roles of the Chair.
- b) To deputise for the committee Chair in their absence.

## Article 3 - Citizens and the Authority

### 3.1 Rights of members of the public

3.1.1 The Authority encourages public engagement and participation. Openness, transparency, effective decision making and accountability are core principles adopted by the Authority.

3.1.2 Member of the public rights to information and participation are explained in more detail in the Access to Information under Part 4 of the Standing Orders.

3.1.3 In general members of the public have the following rights:

- a) To attend all meetings of the Authority except during items of business where confidential or exempt information is to be disclosed. The notice of meetings (and corresponding papers) can be found on the Sunderland City Council website: <https://committees.sunderland.gov.uk/committees/cmis5/CommitteesandNotices.aspx>
- b) Use modern technology and communication methods to report the proceedings of the meetings of the Authority meetings in accordance with (a) above: [www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide](https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide).
- c) To see reports and background papers (except for confidential or exempt reports and papers) and any non-confidential record of decisions by the Authority and its committees.
- d) To inspect the Authority's accounts and make their views known to the external auditor about the content of those accounts.

3.1.4 Complaints

Members of the public have the right to complain formally to:

- a) the Authority under its complaints procedure [www.twfire.gov.uk/compliments-and-complaints/](https://www.twfire.gov.uk/compliments-and-complaints/)
- b) the Local Government and Social Care Ombudsman after using the Authority's complaints process.
- c) the Monitoring Officer about an alleged breach of the Code of Conduct by a Member of the Authority.

## Article 4 - Meeting Rules and Procedures

### 4.1 Authority Meetings

4.1.1 There are three types of Authority meeting:

- The Annual General Meeting
- Ordinary meetings
- Extraordinary meetings

4.1.2 The meetings of the Authority will be conducted in accordance with these meeting rules and procedures.

4.1.3 Meetings of the Authority and its committees are ‘in person Meetings’ where all Members meet in the same room.

### 4.2 Annual General Meeting and Ordinary Meetings of the Authority

4.2.1 The Annual General Meeting of the Authority shall typically be held during June, on a date, time and in a venue to be decided by the Authority. It is at this meeting when the Chair and Vice Chair of the Authority are elected and appointments to the committees are confirmed.

4.2.2 Ordinary meetings for the transaction of general business shall be held in each year at the times and on the dates fixed at the Annual General Meeting.

### 4.3 Extraordinary Meetings of the Authority

4.3.1 An extraordinary meeting of the Authority may be called at any time by the Chair or Chief Fire Officer. If the Chair refuses to call an extraordinary meeting, after a requisition for that purpose signed by three members of the Authority representing at least two of the Constituent Councils 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, may forthwith call an extraordinary meeting of the Authority.

4.3.2 No business shall be considered at any extraordinary meeting 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.

4.3.3 If, after such a request has been made, and for whatever reason, no meeting has been called within seven days, the Members concerned shall inform the Clerk of their intention to call an extraordinary meeting of the Authority, the business to be transacted and the date and time of the meeting. The Clerk will ensure that the proper notices of the meeting are published and sent.

4.3.4 An extraordinary meeting of the Authority shall only be called if it is to consider business for which the Authority has responsibility or functions and which affects the

area of the Authority, or part of it, or the inhabitants of the area, or some of them.

4.3.5 The Chief Fire Officer may reject the business set out in the request for an extraordinary meeting on the following grounds, that it:

- a) Is not about a matter for which the Authority has a responsibility.
- b) Is potentially defamatory, vexatious, frivolous or offensive.
- c) Relates to individual staffing matters or the personal information of Members, Statutory Officers or Service employees.
- d) Is in some other respect considered to be out of order, illegal, irregular or improper.

4.3.6 Where business has been rejected the Chief Fire Officer shall provide those who brought the request for the extraordinary meeting containing that business with written explanation as to the grounds and reasons for that rejection.

4.3.7 The effect of a rejection of an item of business is that the requested extraordinary meeting will not be called.

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

4.4.1 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.

4.4.2 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.

4.4.3 The election of the Chair shall be the first business transacted at the Annual General Meeting of the Authority.

4.4.4 Anything required to be done by, to or before the Chair may be done by, to or before the Vice Chair.

#### **4.5 Summons**

4.5.1 The Clerk to the Authority shall give notice of the time and place of the intended meeting to be published at their office within five clear working days before a meeting. 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 or other electronic means 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.

4.5.2 Except in the case of business required by statute to be transacted at the Annual General Meeting, no business shall be transacted at a meeting other than that specified in the summons.

#### **4.6 Person Presiding at Meetings of the Authority**

- 4.6.1 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.
- 4.6.2 If it is necessary to choose a Member to preside in the absence of the Chair and Vice Chair, or for any other reason, the Clerk shall invite the Authority to nominate a Member to preside at that meeting. Such a nomination, and any alternatives, shall be moved and seconded and put to the vote.
- 4.6.3 If discussion arises about the choice of a person to preside at a meeting, the Clerk shall regulate that discussion, and maintain order at the meeting, until such time as a person is appointed to preside.

#### **4.7 Voting**

- 4.7.1 Unless these Standing Orders or specific legal provisions require otherwise, any matter will be decided by a simple majority of those Members present in the room and eligible to vote at the time the question was put. The Chair will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.
- 4.7.2 Where the majority of Members present so require before a vote is taken with respect to a matter falling to be decided at a meeting of a 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.
- 4.7.3 If a request for a named vote is agreed the Clerk shall call upon all voting Members, then present to state whether they wish to vote for or against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way Members voted.
- 4.7.4 Where any Member 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.
- 4.7.5 In the case of equality of votes the Chair presiding at any meeting, who is also entitled to vote at that meeting shall have a second or casting vote.
- 4.7.6 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.

#### **4.8 Appointment of Spokespersons**

4.8.1 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 these Standing Orders.

#### **4.9 Quorum of Meetings of the Authority and committees**

4.9.1 The quorum of the Authority meetings, and the meetings of its committees, shall be at least one quarter of the total membership of the Authority or committee or at least two members whichever is the greater, and no business shall be transacted at any meeting unless a quorum is present.

4.9.2 If during any meeting of the Authority the meeting becomes inquorate, the Chair shall declare that there is not a quorum present and 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.

#### **4.10 Adjournment**

4.10.1 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.

#### **4.11 Order of Business at Authority Meetings**

4.11.1 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 to give precedence to any business.

4.11.2 The items of business for any meeting of the Authority shall be arranged in such order as the Clerk thinks will ensure the effective transaction of business.

## Article 5 - Committees

### 5.1 Appointment of committees

- 5.1.1 The Authority shall appoint such committees as are required by or under any statute at the Annual General Meeting. It 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.
- 5.1.2 The seats on each 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.
- 5.1.3 Every committee constituted by the Authority shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Authority.
- 5.1.4 Committee meetings shall be conducted in accordance with these meeting procedure rules.
- 5.1.5 Any person appointed to serve on a committee shall continue to serve on it until such time as their appointment is terminated by the Authority or if they resign, are replaced by another member of their political group, become disqualified for any reason, or where seats on the committee are reallocated amongst political groups due to a recalculation of political balance in accordance with Article 2. A Member will automatically cease to be appointed to any of the Authority's committees if they cease to be a Member of the Authority.
- 5.1.6 So far as the law permits, the Authority may decide whether or not persons who are not elected Members should be appointed to serve on any of the committees of the Authority and whether those persons should be treated as voting or non-voting Members or advisors.
- 5.1.7 Whenever an appointment of a voting Member of a committee is to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment is to be terminated in accordance with such wishes, then the Monitoring Officer shall make arrangements to deal with the matter accordingly.

### 5.2 Reference-up of decisions

- 5.2.1 Any committee may resolve to refer a matter to the Authority for determination. Any committee may refer a matter to another committee in accordance with the terms of reference and scheme of delegations approved by the Authority.

### 5.3 Confirmation of minutes as a correct record

- 5.3.1 Minutes of the proceedings of a meeting of the Authority shall be made available to reach each Member at least 5 working days before the meeting at which such minutes are to be submitted for confirmation.
- 5.3.2 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 rule 5.3.1 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.
- 5.3.3 No discussion shall take place upon the minutes, except upon their accuracy.
- 5.3.4 Immediately after confirmation, the minutes should be signed by the Chair.

#### **5.4 Notices of Motions**

- 5.4.1 A Notice of Motion may be given in writing in accordance rule 5.4.2 to raise any matter relating to the functions of the Authority.
- 5.4.2 Notice of every motion other than a motion which under 5.4.7 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 no 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.
- 5.4.3 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.
- 5.4.4 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.
- 5.4.5 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.
- 5.4.6 No member shall have more than two notices of motion on the agenda at the same time.
- 5.4.7 The following motions and amendments may be moved without notice:
  - a) Appointment of a Chair of the meeting at which the motion is made.
  - b) Motions relating to the accuracy of the minutes, closure, adjournment, proceeding to next business, or the motion "That the question be now put".

- c) Variation of the order of business.
- d) Motion to exclude the press and public from a meeting in accordance with the Access to Information Rules.
- e) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- f) That permission be given to withdraw a motion.
- g) Extending the time limit for speeches.
- h) Amendment to a Motion.
- i) 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.
- j) 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.
- k) That a member who fails to conduct themselves in accordance with rule 5.8 be not further heard, and/or do leave the meeting.

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

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

- a) To amend the motion (in these orders called “an amendment”).
- b) That the meeting does now adjourn.
- c) That the debate be adjourned.
- d) That the question be now put.
- e) That the meeting proceeds to the next business.

5.5.2 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.

5.5.3 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:

- a) That the meeting does now adjourn.
- b) That the debate be adjourned.
- c) That the question be now put.
- d) That the meeting proceeds to the next business.

5.5.4 Any motion under order 5.5.3, 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.

- 5.5.5 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.
- 5.5.6 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.
- 5.5.7 When a motion is carried “that the meeting proceeds to the next business” the question under discussion shall be considered as dropped.
- 5.5.8 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.

## **5.6 Suspension of Standing Orders**

- 5.6.1 Subject to 5.4.7.J any standing order may be suspended so far as regards any business at the meeting where its suspension is moved, seconded and carried.

## **5.7 Rules of Debate**

- 5.7.1 The following rules shall apply to the conduct of debate at meetings of the Authority:
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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.
  - f) 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.

## **5.8 Prevention of Disorderly Conduct**

5.8.1 If the Chair is of the opinion that any Member is persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the conduct of business, they shall inform the meeting and may take the following course of action:

- a) The Chair may move that the named Member be not further heard. If seconded, the motion shall be put and decided without comment. If it is carried the Member named shall not speak further at that meeting.
- b) If the Member continues to behave improperly, the Chair may move that the named Member shall leave the meeting. This motion shall not require to be seconded but shall be put and decided without comment. If it is carried the Member named shall forthwith leave the meeting.
- c) At any time, the Chair may adjourn the meeting for an appropriate period.

5.8.2 If a Member or Members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the Chair may take the following action as appropriate to the circumstances:

- a) Warn the person(s) concerned.
- b) Order the person(s) to leave the room.
- c) Order the person(s) to be removed from the room.
- d) Adjourn the meeting for an appropriate period.

5.8.3 The provisions of this Standing Order are additional to any other powers which the Chair may lawfully exercise.

5.8.4 No member of the public shall interrupt or take part in the proceedings at any meeting, save where expressly invited to do so by the Chair. If any member of the public interrupts or takes part in the proceedings at any meeting without such invitation, the Chair shall warn them and if they continue the interruption the Chair shall order their removal.

5.8.5 The Chair may at any time, if they think 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.

## **5.9 Observers at Meetings**

5.9.1 Any Member of the Authority may attend any meeting of a committee, to which they have not been appointed, to observe the public part of the proceedings of that Committee (Part 1). Members attending meetings as observers shall not be entitled to vote, or attend the private part (Part 2) of the meeting.



## Article 6 - Decision Making

### 6.1 Responsibility for Decision Making

6.1.1 The Authority will issue and keep an up to date a record of who is responsible for decisions relating to specific areas or functions. This record is set out in the Scheme of Delegation in Part 3 of the Standing Orders.

### 6.2 Principles of Effective Decision Making

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

- a) They will be made within the lawful powers of the Authority.
- b) Proportionality (i.e., the action taken is proportionate to the desired outcome).
- c) They will be taken with due consultation and the taking of professional advice from Statutory Officers (decision making by Members of the Authority will be supported by information provided in a written report prepared by senior Service employees).
- d) They will have respect for human rights.
- e) Will follow the presumption in favour of openness (reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended). As set out in Part 4 Access to Information Rules.
- f) They will have regard to appropriate national, strategic, local policy and guidance.
- g) Will ensure clarity of aims and desired outcomes (the written reports submitted to Members will generally contain a clear recommendation of the professional officer for every decision they are asked to consider).

### 6.3 Types of Decisions

#### **Decision making by the Authority in relation to its functions**

6.3.1 Decisions relating to the functions listed in Article 8 will be made by the full Authority and not delegated (unless approved by the Authority).

## Article 7 - Key Officers

### 7.1 General

The Authority may appoint such employees as it considers necessary to carry out its functions.

### 7.2 Statutory Officers

7.2.1 Certain posts are required under either the Local Government Act 1972, the Local Government Act 1985, the Local Government Finance Act 1988 or the Local Government and Housing Act 1989 as set out in paragraph 7.2.2 below.

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

<u>Designation</u>	<u>Post</u>
Head of Paid Services	Chief Fire Officer / Chief Executive
Monitoring Officer	Assistant Director of Law and Governance, Sunderland City Council
Chief Finance Officer* *hereby referred to as the 'Director of Finance'	Director of Finance, Estates and Facilities

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

Clerk to the Authority	Chief Fire Officer / Chief Executive
Deputy Clerk to the Authority	Assistant Director of Law and Governance, Sunderland City Council
Head of Internal Audit	Assistant Director of Assurance and Property Services, Corporate Services, Sunderland City Council

## Article 8 - The Authority

### 8.1 Legal Structure/Delegations

8.1.1 The Authority has the legal responsibility for making decisions about all matters concerning its functions, powers, duties and responsibilities which are invested in it by statute and / or common law. The Authority has delegated a range of decision making about various matters to committees, Statutory Officers and other senior Service employees as set out in the Standing Orders and has reserved some matters to itself to determine. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in the Standing Orders shall be subject to:

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

8.1.2 To manage these responsibilities, the role of the Authority as a governing body, aligned to relevant legislation, is to:

- a) Set a strategic agenda/plan for Service priorities and outcomes are – what it should achieve.
- b) Set a budget to fund delivery of that strategic agenda/plan.
- c) Secure assurance that the budget is being spent appropriately on delivering the strategic agenda set by the Authority, with 'public safety', 'efficiency' and 'effectiveness' as priorities.

### 8.2 Matters Reserved to the Authority

8.2.1 Only the Authority will exercise the following functions:

- a) To formulate the policy and principal objectives of the Authority, and to give advice and directions on any matter to the committees.
- b) To adopt, and from time to time review, a Local Code of Corporate Governance for the Authority and approve the Annual Governance Statement.
- c) To make, alter and revoke Standing Orders.
- d) To approve the annual capital and revenue estimates of expenditure (the budget) of the Authority, or any supplementary estimates.
- e) To determine the precept to be made and levied against the Constituent Councils.
- f) To exercise the functions of the Authority as a precepting authority.
- g) To regulate and control the Authority's finances, borrowings and investments.
- h) To make safe and efficient arrangements for the receipt and payment of monies.
- i) To arrange for the statutory external audit of the Authority's financial statements of accounts and associated documents.
- j) To set the priorities for the capital programme.
- k) To determine all matters concerned with Members' allowances.
- l) To acquire land, premises and other legal interests in land or premises by agreement subject to the delegated power granted to the Chief Fire Officer.

- m) 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 Subject to the delegated power granted to the Chief Fire Officer.
- n) 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.
- o) To exercise the functions of the Authority under the:
  - i. Fire and Rescue Services Act 2004.
  - ii. The Regulatory Reform (Fire Safety) Order 2005.
  - iii. Health and Safety at Work etc. Act 1974 and any provisions that are "relevant statutory provisions" for the purposes of that Act.

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

- p) 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:
  - i. Civil Defence (General Local Authority Functions) Regulations 1993
  - ii. Control of Major Accident Hazard Regulations 1999.
  - iii. Pipelines Safety Regulations 1996.
  - iv. The Radiation (Emergency Preparedness and Public Information) Regulations 2001 (subject to those matters delegated to the Civil Contingencies Committee and Officers of the Authority).
  - v. Public Information for Radiation Emergencies Regulations 1992 (Regulation 3).
- q) To ensure liaison with government departments, metropolitan district councils and other bodies concerned with emergency measures.
- r) Where appropriate, to receive and deal with issues from the Committees of the Authority.
- s) To receive the minutes and reports of all committees.
- t) Appointment of committees, their terms of reference, appointment of Chairs and Vice Chairs and appointment to other bodies.
- u) Discipline and dismissal of the Statutory Officers and the Principal Officers in line with the processes set out within Section 6 of the Standing Orders and in relation to Principal Officers, the National Joint Council for Brigade Managers of Fire and Rescue Services, Constitution and scheme of conditions of service.
- v) Provide the Chief Fire Officer as Head of Paid Service, with the necessary framework in which to independently lead the Service, set its direction and culture and make 'operational' decisions regarding the operation of the Service to deliver the approved Authority Strategy. This is further defined in Scheme of Delegations.
- w) Approve the priorities for the following financial year at the February meeting of the Authority. Following Authority approval, the Chief Fire Officer will, via their Scheme of Delegations, ensure the appropriate and flexible allocation of resources to meet the needs of local communities and enable the delivery of the

strategy, based on analysis of risk and best use of the resources available to them.

- x) The revenue budget, medium term financial strategy, capital plan and affordable borrowing limit, and levying or issuing of a precept.
- y) Approval of the Strategic and Operational Plans including the Integrated Risk Management Plan/Community Risk Management Plan.
- z) Approvals reserved to the Authority under Procedural and Contract Regulations and Financial Regulations.

- aa) Establishment of a Governance, Risk and Audit Scrutiny Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.
- bb) To ensure compliance with the management and administration of the Pension Board.

### **8.3 Committees of the Authority**

8.3.1 The powers, duties and functions of each committee shall be as set out in Articles 9 to 13 and, so far as may be legally possible and subject as hereinafter provided each such committee shall be authorised to exercise for and on behalf of the Authority all such powers, functions and duties, provided that:

- a) no committee may exercise any power of levying, or issuing a precept for, or of borrowing money.
- b) no committee may incur expenditure in the exercise of delegated functions in excess of the budget agreed by the Authority.
- c) any arrangements made by the Authority for the discharge of any functions of the Authority by a committee shall not prevent the Authority exercising that function.

## Article 9 - Governance, Risk and Audit Scrutiny Committee

### **9.1 Statement of purpose**

9.1.1 The committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards. The purpose of the committee is to scrutinise performance in relevant areas and provide independent advice and recommendations to the Authority on the adequacy of the governance and risk management frameworks, internal controls and financial reporting, and internal and external audit, thereby helping to ensure efficient and effective assurance arrangements are in place.

### **9.2 Composition**

9.2.1 The membership and size of the Governance, Risk, and Audit Scrutiny Committee shall be determined by the Authority.

9.2.2 The Authority may, if it considers it necessary or desirable, appoint such number of co-opted members of the committee as it shall determine who shall be selected for their relevant expertise, particularly in:

- Audit and financial governance
- Scrutiny of public sector decision making

9.2.3 The Authority will approve a selection process and criteria.

9.2.4 The Chair of the committee may be appointed annually at the Annual General Meeting of the Authority.

### **9.3 Frequency of meetings**

9.3.1 The committee shall meet quarterly. The schedule of ordinary meetings shall be decided at the Annual General Meeting of the Authority. In addition, extraordinary meetings may be called at such other times as the Chair of the committee may determine subject to the minimum notice requirements for posting of agendas and notices of a meeting.

### **9.4 Functions**

9.4.1 The Governance, Risk and Audit Scrutiny Committee shall have the following delegated functions unless decided otherwise by the Authority.

- a) To provide independent assurance of corporate risk management arrangements and the associated control environment.
- b) To provide 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.
- c) To oversee the financial reporting process.

- d) To promote and maintain high standards of conduct by Members of the Authority.
- e) To make recommendations or comments to the Authority on relevant matters.

**9.5** In relation to the following functions, the committee will undertake an assurance and advisory role to:

#### **9.5.1 Governance and risk**

- a) To consider the effectiveness of the Authority's corporate governance arrangements, risk management arrangements, the control environment and associated anti-fraud and corruption arrangements.
- b) To seek assurances that action is being taken on risk related issues identified by auditors and inspectors
- c) To be satisfied that the Authority's assurance statements, including the annual Statement of Assurance and Annual Governance Statement, properly reflect the risk environment and any actions required to improve it prior to approval.
- d) To consider the framework of assurance and ensuring that it adequately addresses the risks and priorities of the Authority.
- e) To monitor the effective development and operation of risk management, reviewing the risk profile, and monitoring the adequacy of management action in addressing risk-related issues reported to them.
- f) To consider the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- g) To review arrangements for the assessment of fraud risks and potential harm from fraud and corruption and monitor the effectiveness of the anti-fraud related policies.

#### **9.5.2 Internal Audit**

- a) To consider:
  - (i) The Internal Audit Plan (and any proposed revisions)
  - (ii) Regular progress reports, and
  - (iii) The Head of Internal Audit's annual report and opinion and the level of assurance it can give over corporate governance arrangements and the effectiveness of internal controls, and the main issues arising and seek assurance that action has been taken where necessary.
- b) To consider summaries of internal audit reports and such detailed reports as the committee may request from the Authority, including issues raised or recommendations made by Internal Audit and the adequacy of management action to address areas identified for improvement.
- c) To oversee the appointment and consider the adequacy of the performance of the Internal Audit service and its independence.
- d) To consider a report on the effectiveness of internal audit to support the Annual Governance Statement.
- e) To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

### 9.5.3 **External Audit**

- a) To consider the reports of external audit and inspection agencies.
- b) To receive the external Audit Plan, the external auditor's opinion and report to Members alongside consideration by the Authority and monitor management action in response to the issues raised by external audit to those charged with governance and consider the adequacy of the of action being taken by the Authority, to address recommendations for improvement.
- c) To comment on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.
- d) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### 9.5.4 **Financial reporting**

- a) To review the annual statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) to provide assurance that they comply with relevant requirements before approval by the Authority.
- b) To scrutinise the Authority's Treasury Management Policy Statement.
- c) To scrutinise the Authority's Treasury Management Strategy, including the annual Borrowing and Investment Strategy.

### 9.5.5 **Standards**

- a) To promote and maintain high standards of conduct by the Members of the Authority.
- b) To assist the Members of the Authority to observe the Members' Code of Conduct.
- c) To advise the Authority on the adoption or revision of the Members' Code of Conduct and monitor the operation of the Code.
- d) To advise, train or arrange to train Members of the Authority on matters relating to the Members' Code of Conduct.
- e) To 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.
- f) To 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.
- g) To adopt and amend procedures to be followed for investigations and local determination of complaints.
- h) To consider reports of the Monitoring Officer and of the Local Government and Social Care Ombudsman where they concern the conduct of Members.
- i) To support the Authority's Monitoring Officer in their role.
- j) To report on the above matters to the Authority.

## Article 10 - Performance and Improvement Scrutiny Committee

### 10.1 Statement of purpose

10.1.1 This committee scrutinises performance information and improvement action reports to secure best value and to consider policy initiatives in respect of emerging issues.

### 10.2 Composition

10.2.1 The membership and size of the Performance and Improvement Scrutiny Committee shall be determined by the Authority.

10.2.2 The Chair of the committee is appointed annually at the Annual General Meeting of the Authority.

### 10.3 Frequency of meetings

10.3.1 The committee shall meet quarterly. The schedule of ordinary meetings shall be decided at the Annual General Meeting of the Authority. In addition, extraordinary meetings may be called at such other times as the committee or Chair of the committee may determine subject to the minimum notice requirements for posting of agendas and notices of a meeting.

### 10.4 Functions of the committee

10.4.1 The Performance and Improvement Scrutiny committee shall:

- a) Scrutinise performance information and reports in respect of the Authority's duty to secure best value and to consider policy initiatives regarding emerging issues.
- b) Scrutinise quarterly performance management reports with specific reference to key performance indicators.
- c) 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.
- d) Review, and recommend to the Authority, performance indicators and targets.
- e) Consider and where appropriate make recommendations where appropriate on proposed changes in specific policy areas
- f) Monitor the implementation and development of the Authority's Performance Management Framework
- g) Communicate and promote the performance of the Service and Authority to other Members and external partners where appropriate.
- h) Review specific matters in relation to strategies, management reviews and make recommendations thereon to the Authority.
- i) Monitor the implementation of action plans arising from management service reviews.
- j) Consider findings of His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection and other external feedback and monitor and scrutinise progress of improvement actions.

## Article 11 - People and Culture Scrutiny Committee

### 11.1 Statement of purpose

11.1.1 This committee provides scrutiny and challenge to organisational performance of the Service, in terms of people and culture related matters.

### 11.2 Composition

11.2.1 The membership and size of the People and Culture Scrutiny Committee shall be determined by the Authority.

11.2.2 The Chair of the committee will be appointed annually at the Annual General Meeting of the Authority.

### 11.3 Frequency of meetings

11.3.1 The committee shall meet quarterly. The schedule of ordinary meetings shall be decided at the Annual General Meeting of the Authority. In addition, extraordinary meetings may be called at such other times as the committee or Chair of the committee may determine subject to the minimum notice requirements for posting of agendas and notices of a meeting.

### 11.4 Functions of the committee

11.4.1 Subject to those matters delegated to the Chief Fire Officer, the People and Culture Scrutiny committee shall:

- a) Be the employing authority for the Service, subject to those matters delegated to the Chief Fire Officer.
- b) 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).
- c) 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.
- d) Consult with recognised 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.
- e) Carry out and determine disciplinary hearings involving Principal Officers.
- f) Ensure the application of the Authority's equality, diversity and inclusion policy.
- g) 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, and the Fire and Rescue National Framework.

## Article 12 - Special Urgency Committee

### **12.1 Statement of purpose**

12.1.1 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.

### **12.2 Composition**

12.2.1 The membership of the Special Urgency committee shall be the Chair of the Authority, the Vice Chair of the Authority and Leader(s) of the majority party in opposition.

12.2.2 The Chair of the committee will be appointed annually at the Annual General Meeting of the Authority.

### **12.3 Frequency of meetings**

12.3.1 The Chair of the Authority may convene a Special Urgency Committee at any time throughout the year, to deal with any matter of urgency which may arise between meetings of the Authority or committee.

12.3.2 The Special Urgency Committee is subject to the statutory minimum notice requirements for posting of agendas and notices of a meeting - within five clear working days.

### **12.4 Functions of the committee**

12.4.1 The Special Urgency Committee shall be called to consider any relevant business that requires a decision or consideration that cannot wait until the next ordinary meeting of the Authority without causing undue delay or risk.

## Article 13 - Appointments Committee

### **13.1 Statement of purpose**

13.1.1 The committee is responsible for the selection and proposed appointment of Principal Officers of the Service.

### **13.2 Composition**

13.2.1 The membership and size of the Appointments Committee shall be determined by the Authority.

13.2.2 The Chair of the committee will be appointed annually at the Annual General Meeting of the Authority

### **13.3 Frequency of meetings**

13.3.1 The committee shall meet as and when required.

### **13.4 Functions of the committee**

13.4.1 The Appointments Committee shall interview candidates and make decisions regarding the appointment and conditions of service of the Principal Officers:

- Chief Fire Officer / Head of Paid Service
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer

13.4.2 In relation to shortlisting, interview, selection, and appointment of the posts of Deputy Chief Fire Officer and Assistant Chief Fire Officer, the Chief Fire Officer will form part of the Appointments Committee decision making panel.

13.4.3 Where there exists any immediate vacancy in the role of Deputy Chief Fire Officer or Assistant Chief Fire Officer, the Chief Fire Officer in consultation with the Chair of the Authority, shall be entitled to make a temporary appointment. In respect of the designation of the Monitoring Officer or the Director of Finance, then consultation shall also take place with the Chair of each committee.

## Article 14 – Appeals Committee

### **14.1 Statement of purpose**

14.1.1 This committee is established to hear appeals against dismissal from employees of Tyne and Wear Fire and Rescue Service.

### **14.2 Composition**

14.2.1 The membership and size of the Appeals Committee should be determined by the Authority and have a minimum of 3 committee members hearing any appeal against dismissal

14.2.2 The Chair of the committee is appointed annually at the Annual General Meeting of the Authority.

### **14.3 Frequency of meetings**

14.3.1 The committee shall meet when required. Meetings may be called at such times as the committee or Chair of the committee may determine, subject to the minimum notice requirements for posting of agendas and notices of a meeting.

### **14.4 Functions of the committee**

14.4.1 The Appeals Committee shall:

- a) Hear and determine the outcome of appeals by employees of Tyne and Wear Fire and Rescue Service against dismissal (this does not include Principal Officers).
- b) Hear and determine the outcome of appeals by Principal Officers against decisions of the People and Culture Scrutiny Committee in disciplinary proceedings.
- c) Submit the Minutes and Reports of its meetings to the Authority.

## Article 15 - Review, revision and publication of the Standing Orders

To ensure that the Authority is effective, the Authority shall ensure the Standing Orders are reviewed on a minimum of a three year basis, to consider their effectiveness.

### **15.2 Duty to Monitor and review the Standing Orders**

15.2.1 The Monitoring Officer and the Clerk to the Authority will monitor compliance with, and review the operation of, the Standing Orders to ensure that the aims and principles of the Standing Orders are given full effect and make recommendations to the Authority for ways in which the Standing Orders could be amended.

### **15.3 Changes to the Standing Orders**

15.3.1 The Director of Finance shall keep under review all matters relating to financial and contract procedures and all associated matters in conjunction with the Monitoring Officer.

15.3.2 The Monitoring Officer shall keep under review all matters relating to the Code of Conduct issues and will be responsible for maintaining an up-to-date version of the Standing Orders.

15.3.3 The Monitoring Officer is authorised to update the Standing Orders to take account of legislative developments and proposals approved by:

- a) The Authority
- b) The Head of Paid Service or the Clerk acting under delegated power.
- c) The Governance, Risk and Audit Scrutiny Committee

15.3.4 The monitoring and review of the Standing Orders shall be carried out with regard to:

- a) Consideration of national exemplars of best practice.
- b) Review and analysis of comments raised by Members, co-opted members, officers, stakeholders and members of the public.
- c) Reports of internal and external audit.

### **15.4 Publication**

15.4.1 The Clerk will ensure that copies of the Standing Orders are available to the public on the Service's website.

15.4.2 The Clerk will arrange to make available a copy of the Standing Orders to each Member of the Authority as soon as practicable following their appointment to the Authority.

# **PART 3: SCHEME OF DELEGATIONS**

This scheme grants powers to officers to exercise powers and carry out duties of the Authority under various statutes, orders, regulations, byelaws and common law.

## Section 1 - Conditions of Delegations

- 1.1 It is the duty of officers, to whom the exercise of powers is delegated, to keep Members of the Authority informed of activity arising within the scope of the delegated powers given to them, especially where it may be of particular political, media or public interest.
- 1.2 In exercising delegated powers, officers shall consult with each other as appropriate in the circumstances and shall have regard to any advice given.
- 1.3 It shall always be open to an officer (particularly Statutory Officers) to seek authority or guidance from the Authority and to elect not to exercise delegated powers; or to consult with Members on the exercise of delegated powers, especially where there use may be of particular political, media or public interest.
- 1.4 The exercise of delegated powers by an Officer shall be in accordance with:
  - a) The policies of the Authority and its decisions from time to time.
  - b) The Authority's Standing Orders.
- 1.5 A written record will be kept of all decisions taken under delegated Authority.

## Section 2 - Powers not to be delegated

- 2.1 This Scheme does not delegate:
  - a) Any matter reserved to the Authority.
  - b) Any matter that, by law, cannot be delegated to an officer.
- 2.2 Powers should not be delegated:
  - a) Where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension or disciplinary matters.
  - b) Where to do so would result in a breach of the Authority's Financial or Procurement Regulations.
  - c) In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Clerk, the Monitoring Officer, or the Director of Finance (as the section 151 Officer).
  - d) In respect of the appointment of the Deputy Chief Fire Officer or Assistant Chief Fire Officer or disciplinary action in respect of the Deputy Chief Fire Officer or Assistant Chief Fire Officer.
  - e) Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the officer proposing to exercise delegated powers is responsible.

The term "officer" means the holder of a post named as having delegated powers or duties

under this Scheme.

## Section 3a - Delegations to the Clerk to the Authority

- 3.1 To provide an administrative service in the preparation of agenda reports and minutes for the Authority and committees and execution of all decisions.
- 3.2 To maintain, in accordance with the principles determined by the Authority, a secretarial service for the Authority.
- 3.3 To arrange for provision of support services to the Authority as directed by the Authority in respect of:
  - a) Financial services, in consultation with the Director of Finance.
  - b) Construction related services.
  - c) Pensions, in consultation with South Tyneside Borough Council or West Yorkshire Pension Fund where necessary.
  - d) Computing services, in consultation with appropriate officers.
  - e) Legal services.
- 3.4 To sign public notices on behalf of the Authority.
- 3.5 To execute documents on behalf of the Authority.
- 3.6 To act as the Authority's duly authorised agent for the purposes of the co-ordination of the Authority's affairs with outside bodies.
- 3.7 Without prejudice to the power delegated to the Chief Fire Officer to instigate proceedings, to instigate 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.
- 3.8 To summon meetings of the Special Urgency Committee, after consultation with the Chair and Vice Chair.
  - (i) To receive notices of appointment and resignation of Members of the Authority.
  - (ii) 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.
  - (iii) 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.
  - (iv) To receive notices under the Local Government (Committees and Political Groups) Regulations 1990 (as amended).
- 3.9 In consultation with the Chair, to authorise the following categories of changes to the Standing Orders:

- (i) Changes which are necessary to give effect to decisions of the Authority or a committee of the Authority or officers in accordance with their functions or delegated powers 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 Articles in the Standing Orders, Scheme of Delegations, Access to Information, Financial and Procurement Regulations, Member Code of Conduct, policies and allowances.

## Section 3b - Delegations to the Deputy Clerk to the Authority

- 3.10 To act as the Authority's Monitoring Officer.
- 3.11 In the absence of the Clerk to carry out any of the powers and duties of the Clerk listed above.

## Section 4 - Delegations to the Director of Finance

- 4.1 To act under Section 73 of the Local Government Act 1985 as the responsible officer for the administration of the Authority's financial affairs.
- 4.2 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.
- 4.3 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.
- 4.4 In consultation with Principal Officers as necessary to negotiate all insurance claims in respect of third party and employers' liability.
- 4.5 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.
- 4.6 To open such bank accounts as are deemed necessary and to negotiate and accept charges and fees with the Authority's bankers.
- 4.7 To adjust book stock accounts following physical stocktaking and investigation into differences of all inventories of the Authority.
- 4.8 To write-off, in consultation and agreement 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.
- 4.9 In consultation and agreement with the Chief Fire Officer, to write-off debts which are irrecoverable or where recovery is deemed to be uneconomic.
- 4.10 To negotiate and accept leasing arrangements in respect of plant and equipment.

## Section 5 - Delegations to the Chief Fire Officer

- 5.1 As Head of Paid Service, the Chief Fire Officer will be responsible for the direction, culture, delivery, leadership and management of the service, within the Authority's approved strategy.:
- 5.2 To be directly responsible to the Authority for the management of all executive, administrative and operational aspects of the Service.
- 5.3 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
  - Fire Safety Act 2021
  - The Regulatory Reform (Fire Safety) Order 2005
  - Civil Contingencies Act 2004
  - 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.
- 5.4 In consultation with the Director of Finance to determine within a policy laid down 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.
- 5.5 To promote, appoint, suspend or dismiss all Service employees, working under both Green and Grey Book conditions of service, other than the Deputy Chief Fire Officer and the Assistant Chief Fire Officer (who work under Gold Book conditions of Service).
- 5.6 To hear, and decide upon, appeals against dismissal from all employees other than the Deputy Chief Fire Officer and Assistant Fire Officer.
- 5.7 To institute any necessary disciplinary proceedings in relation to employees (except that proceedings involving Principal Officers which shall be considered and determined by the People and Culture Scrutiny Committee).

- 5.8 In the exercise of paragraphs 5.5 and 5.6 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 Director of Finance 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.
- 5.9 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 the Standing Orders, to which charity the gratuities shall be given.
- 5.10 To grant ex-gratia payments not exceeding £250 in respect of damage to or loss of personal property of employees occurring whilst on duty.
- 5.11 To consider and determine applications from employees regarding secondary employment in accordance with the policy of the Authority.
- 5.12 To operate the following schemes, and in consultation with the Director of Finance 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) Payment of honoraria and planned overtime.
- 5.13 To grant paid leave of absence in relation to meetings and membership of those public bodies referred to in the Conditions of Service.
- 5.14 To grant leave of absence to personnel who are members of HM Reserve Forces for the sole purpose of attending the annual training period.
- 5.15 To approve secondments to other organisations.
- 5.16 To consider and determine applications for extension of full sick pay in exceptional circumstances.
- 5.17 In consultation with the Monitoring Officer and the Director of Finance 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 End of Life Management of Assets Procedure in force at the time of the disposal.
- 5.18 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 the Director of Finance
- 5.19 In consultation with the Monitoring Officer and the Director of Finance 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.

5.20 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.

## Section 6 - General Delegations to Principal Officers

6.1 In this Delegation Scheme, the following persons are collectively referred to as the Principal Officers: the Chief Fire Officer, Deputy Chief Fire Officer and the Assistant Chief Fire Officer.

6.2 Subject to the provisions of the Authority's Standing Orders 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.

6.3 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:

- 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.

6.4 In doing any of the above they may:

- Incur expenditure.
- Set fees and charges for the delivery of services.
- Engage, dismiss and deploy staff.
- Deploy other resources within their control.
- 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 Standing Orders and follow the policy, including the approved budget, and instructions of the Authority and its committees.

6.5 In acting under paragraph 6.3(a) or 6.3(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.

6.6 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.

6.7 Principal Officers may refer to the Authority for decision any matter in respect of which a delegated power is exercisable.

## Section 7 - Delegations to the Monitoring Officer

7.1 To act in pursuance of the purposes of the Local Government (Access to Information) Act 1985 and the Local Government and Housing Act 1989, Section 15 (proportionality on committees).

7.2 To act as Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 with all powers and duties under the Act.

7.3 After consultation and agreement of the Chair of the Authority, to suspend the Chief Fire Officer (as Head of Paid Service) only in exceptional circumstances.

7.4 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning legal advice to and representation of the Authority and incur expenditure in connection therewith.

7.5 To institute on behalf of the Authority such proceedings or to take such other steps as they may consider necessary to:
 

- a) Secure the payment of any debt.
- b) Recover possession of any land.

- c) Enforce the performance of any obligations due to the Authority and to take such steps as they may consider necessary to enforce any judgment or order obtained in any such proceedings after consultation with the Chair of the Authority.

7.6 To take any necessary action to give effect to, or carry out any decision of the Authority, or the Chief Fire Officer acting under their delegated powers, with regard to the acquisition or disposal of land and premises, the management of leasehold land and premises [including the letting, underletting, licensing, re-letting and surrender of land, property or facilities under the control of the Authority for up to ten years with rent reviews at five-yearly intervals, management of tenancies of residential properties, the grant of rights of way, wayleaves and easements, consents to assign and alteration and variation of user].

7.7 To enter a defence to any claim brought against the Authority.

7.8 To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.

7.9 The above powers may be delegated to a solicitor other than the Authority's Monitoring Officer by the Monitoring Officer.

# **PART 4: ACCESS TO INFORMATION**

## Section 1 - Access to Information Rules

### 1. Introduction

- 1.1 The Authority will act in accordance with the Local Government Act 1972 as amended, the Openness of Local Government Bodies Regulations 2014 as amended, and any other relevant legislation and statutory guidance from time to time in force.
- 1.2 In addition to making documents available in hard copy as indicated in these Rules, the Authority also maintains an electronic database of documents relating to meetings as defined below. The committee reports are available for public use via the Sunderland City Council website. It contains all committee documents (agenda, reports and minutes) from May 2016 to the present date that are open to public inspection. Documents are published within the statutory timescales referred to in the sections below.

### 2. Scope

- 2.1 These rules apply to all meetings of the Authority and its committees, except for the Local Pension Board (Firefighters' Pension Scheme).

### 3. Additional Rights to Information

- 3.1 These rules do not affect any more specific rights to information contained elsewhere in the Standing Orders or the law.

### 4. Supply of Copies

- 4.1 The Authority will supply paper copies of the following to any person on payment of a charge for postage and other costs as determined appropriate:
  - a) Any agenda and reports which are open to public inspection.
  - b) Any further statements or particulars necessary to indicate the nature of the items on the agenda; and
  - c) If the Clerk thinks fit, copies of any other documents supplied to Members in connection with an item.

### 5. Access to Minutes etc. after the Meeting

- a) The minutes of any meeting will be available for public inspection via the Sunderland City Council website. They will be kept for at least six years after the meeting.
- b) The Authority will make paper copies of the following available, on request, for six years after a meeting to any person on payment of a charge for postage and other costs as determined appropriate:
  - i. The minutes of the meeting or records of decisions taken, together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclosed exempt or confidential information;
  - ii. The agenda for the meeting; and

- iii. Reports relating to items considered when the meeting was open to the public.

## **6. Background Papers**

### **6.1 List of background papers**

The Clerk, or the author of the report, will set out in every report a list of those documents (background papers) relating to the subject matter of the report which in their opinion:

- a) Disclose any facts or matters on which the report or an important part of the report is based and:
- b) Have been relied upon to a material extent in preparing the report.

## **Section 2 - Miscellaneous**

### **1. Attestation of Documents**

1.1 In addition to any other person who may be authorised by resolution of the Authority for the purpose, the officer for the purpose of Section 234 of the Local Government Act 1972 (authentication of documents) shall be the Clerk to the Authority or any officer authorised in writing by them.

### **2. Sealing of Documents**

2.1 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 Clerk, the Deputy Clerk or persons nominated by them in writing.

2.2 A decision of the Authority shall be sufficient authority for the sealing of any document necessary to give effect to the decision.

2.3 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.

2.4 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.

### **3. Papers and Advice**

3.1 The Clerk shall be responsible for the distribution of papers for all Authority and committee meetings in accordance with the access to information provisions of the Local Government Act 1972 (as amended). The Clerk shall, in consultation with the Monitoring Officer, determine any questions regarding the entitlement of any person to receive such papers.

3.2 If the Authority considers a matter which has not previously been the subject of consideration or a report to the Authority or relevant committee, the person presiding shall ensure that the question is not put to the vote before any Principal Officer who has

responsibilities relating to the matter has had the opportunity to advise the Authority orally.

- 3.3 A Member may, for the purposes of their duty as such Member but not otherwise, apply to the Clerk to inspect any document which has been considered by a committee or by the Authority and shall on request be supplied for the like purposes with a copy of such a document if practicable.
- 3.4 Subject to any statutory provision in that behalf, no Member shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

#### **4. Access to Documents, Information and Land**

- 4.1 In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:
  - a) Any Member may have access to any document held by the Authority or any other information which it is necessary for the Member to have access to for the proper discharge of their function as a Member of the Authority or as a Member of any committee.
  - b) Any co-opted member appointed to any committee may have access to any document or any other information held by the Authority relating to a matter under consideration by a committee of which they is a Member, which is necessary for that person to properly discharge their functions/duties in respect of that committee.
  - c) Any Service employee may have access to any document or any other information held by the Authority which is necessary for them to properly discharge their duties as an employee.
- 4.2 The Clerk may refuse the right for a Member, or co-opted member or an employee, to inspect a document which, in the opinion of the appropriate Principal Officer, it is deemed not necessary for them to inspect for the proper discharge of their functions, or if there is good reason why such access should be refused.
- 4.3 The Clerk shall be responsible for deciding whether any Member, co-opted member or employee of the Authority shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as their need to know and potential legal restrictions.
- 4.4 Access to information is subject to the rights and exceptions as provided in the Freedom of Information Act 2000.
- 4.5 No Member and co-opted member (whether voting or non-voting) of a committee shall have any claim by virtue of their position:
  - a) To enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Authority do not regularly have access

except with the permission of the Principal Officer responsible for the service for which the land or buildings are occupied.

- b) To exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority.
- c) To exercise any other power of the Authority.
- d) To issue any order with respect to any works which are being carried out by, or on behalf of the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.

4.6 If a Member or a co-opted member of a committee wishes to have access to land or buildings to which the public or Members do not regularly have access, they should apply to the Principal Officer responsible for the service to which the request relates. The Principal Officer shall determine the request and may attach such conditions as are necessary including that the person be accompanied by an employee.

# **PART 5: FINANCIAL AND PROCUREMENT REGULATIONS**

## Section 1: Financial Regulations

### A General

#### A1 Purpose and Scope

- A.1.1 The Authority's 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 Financial Regulations allow for variation in detailed controls between departments where justified by local circumstances.
- A.1.2 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.
- A.1.3 Financial instructions and financial procedure notes will be issued from time to time where assistance is needed with the interpretation of Financial Regulations.
- A.1.4 Failure to observe these Financial Regulations and any other issued codes and guidance may result in action under the Authority's disciplinary procedures.
- A.1.5 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.
- A.1.6 The Chief Fire Officer will ensure that any accompanying procedure notes / guidelines that are produced in support of financial control are fully compliant with these Financial Regulations, in consultation with the Authority's internal audit provider.
- A.1.7 Amendments and revisions to these Financial Regulations require the approval of the Authority.

#### A2 Responsibilities

##### The Chief Finance Officer

The Director of Finance 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:

- **The Fire and Rescue Services Act 2004**
  - Created combined fire and rescue authorities in their current form.
- **The Local Government Finance Act 1988**
  - Sets the rules around budget setting and the issuance of precepts.
  - S113 and S114 define the financial responsibilities of the Director of Finance.

- **The Local Government Act 1985**
  - The Act created new joint / combined authorities and rules around their financial administration (S73).
- **The Local Government Act 2003**
  - Introduced new financial and governance responsibilities.
  - Introduced prudential borrowing powers.
- **The Local Government Act 1972**
  - The Act created local government in its current form.
  - Rules around governance and financial administration (S151) are still applicable.
- **The Accounts and Audit Regulations 1996** (and as subsequently updated)
  - Require the Authority to keep proper accounting records, prepare certain accounting documents, set internal audit rules, give the public rights of access, and set specific deadlines for the publication of the annual Statement of Accounts.
- **The Localism Act 2011**
  - Introduced a general power of competence (such as making charges for services).

As the officer designated by the Authority for the purposes of Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985, the Director of Finance is legally 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.

The **Responsible Finance Officer** has a statutory responsibility to:

- a) Ensure the proper administration of the Authority's financial affairs;
- b) 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;
- c) 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;
- d) 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;
- e) Produce the Statement of Accounts in accordance with the appropriate codes of practice and reporting standards issued from time to time;
- f) Report to the Authority on the robustness of the estimates for the purposes of the budget calculations and the adequacy of reserves;
- g) Report to the Authority where reserves are likely to be inadequate, outlining the reasons and the actions to be taken;
- h) 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; and
- i) Establish procedures to monitor and report performance against all prudential indicators.

The **Director of Finance** has responsibility to maintain a continuous, adequate and effective internal audit of the Authority's accounting, financial and other processes, including the approval of any internal audit strategies and plans.

The **Director of Finance** is the Authority's professional adviser on financial matters which involves a responsibility to:

- a) Provide financial advice to the Authority on all aspects of its activity, including the budget, strategic planning and policy making process;
- b) Advise the Authority on financial propriety;
- c) Ensure that accurate financial information is provided to the Authority;
- d) Prepare statutory and other accounts;
- e) Make all the banking arrangements;
- f) Provide a treasury management function, including loans and investments, in accordance with the Authority's policy;
- g) Advise on the security of assets including risk management and insurance; and
- h) Determine, issue and receive the precept.

The **Director of Finance** 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 (as required by Section 114 of the Local Government Finance Act 1988).

In the **Director of Finance's** absence, and where a decision is required prior to their return, their responsibilities are delegated to their nominated deputy (the Head of Financial Services). In certain permitted circumstances, the **Director of Finance** may delegate their responsibilities to specified employees.

#### The Chief Fire Officer

The **Chief Fire Officer** is responsible for ensuring compliance with the Financial Regulations and shall:

- a) Provide the **Director of Finance** with such information and explanations, as the **Director of Finance** is necessary to meet their obligations under these Financial Regulations;
- b) Ensure that the **Director of Finance** has opportunity to comment on all proposals with unbudgeted financial implications;
- c) Inform the **Director of Finance** of failures of financial control resulting in additional expenditure or liability, or loss of income or assets;
- d) Consult with the **Director of Finance** where amendment to these Financial Regulations is considered necessary; and
- e) Wherever any matter arises which may involve irregularities in financial or stores transactions consult with the **Director of Finance** and if a serious irregularity is confirmed, the matter shall be reported to the Monitoring Officer, the Chair of the Authority and the Director of People Services. The Chief Fire Officer is responsible for ensuring the legality of the Authority's actions.

#### Members and Employees

All Members and employees of the Authority 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.

These responsibilities apply equally to members and employees when representing the Authority on outside bodies.

Any person charged with 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 the Authority's internal audit provider.

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.

## B Financial administration

### B1 Systems and Procedures

B1.1 The **Director of Finance** 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.

B1.2 The **Chief Fire Officer** shall:

- a) Implement accounting procedures and adopt the form of financial records and statements as determined by the **Director of Finance**;
- b) Obtain the approval of the **Director of Finance** 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 Chief 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 **Director of Finance** financial returns and other financial reports requiring certification; and
- d) Keep a proper separation of duties for staff with financial responsibilities.

B1.3 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.

## B2 Internal Controls and Audit

B2.1 A continuous internal audit, under the independent control and direction of the **Director of Finance**, shall be arranged to carry out an examination of accounting, financial and other operations of the Authority.

B2.2 The **Director of Finance** their authorised representatives shall have authority for audit purposes, in accordance with the Accounts and Audit Regulations 1996 (or as updated):

- 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,
- To require and receive such explanations as are necessary concerning any matter under examination; and
- To require any employee of the Authority to produce cash, stores or any other Authority property under their control.

B2.3 The **Director of Finance** shall:

- Maintain an adequate and effective system of internal audit of the accounting records and control systems of the Authority;
- Report material failures of financial control to the Authority; and
- 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.

B2.4 The **Chief Fire Officer** shall:

- Respond without undue delay to any enquiries or recommendations made by the **Director of Finance**;
- Inform the Chief Finance Officer as soon as possible of failures of financial control, including matters which involve, or may involve, financial irregularity.

B2.5 The **Director of Finance** and the **Chief Fire Officer** jointly shall investigate failures of financial control, including matters which involve, or may involve, financial irregularity.

B2.6 If a serious irregularity is confirmed, the matter shall be reported to the **Monitoring Officer** and, if an employee is involved, the **Director of People Services**.

## B3 Value Added Tax (VAT)

B3.1 The **Director of Finance** is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by the appropriate due dates.

B3.2 The **Director of Finance** is responsible for management of VAT on purchases and sales.

## C Financial Planning (annual budget and MTFS)

### C1 Annual Budget

- C1.1 The **Director of Finance** shall, each year, recommend a programme of revenue and capital estimates for consideration by the Authority. The form of the annual estimates shall be agreed by the Authority upon the recommendation of the Director of Finance.
- C1.2 The Budget documents will include planning assumptions, an identification of major financial risks and the proposed precept level, as well as the nature and level of all contingencies and reserves.
- C1.3 Detailed estimates of both revenue and capital income and expenditure shall be prepared each year by **budget holders** (as nominated by the Chief Fire Officer / Executive Leadership Team) in the form required by the Authority. The estimates will be in line with the Authority's Community Risk Management Plan and follow the guidelines issued annually by the Director of Finance. A copy of the estimates shall be forwarded to the **Director of Finance** in accordance with the agreed programme in order that they can be examined, consolidated and submitted to the Authority.
- C1.4 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.
- C1.5 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.
- C1.6 No precept shall be set by the Authority unless the notice convening the meeting shows the precept which will be moved.
- C1.7 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.

### C2 Revenue Budget Preparation

- C2.1 It is the responsibility of the **Executive Leadership Team and their nominated budget holders** to provide relevant information to the Finance team to ensure budget estimates reflect agreed plans.
- C2.2 The **Chief Fire Officer or their nominated budget holder** shall, in accordance with the agreed programme, and in conjunction with the **Director of Finance**, 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.

### C3 Capital Budget Preparation

C3.1 It is the responsibility of the **Executive Leadership Team and their nominated budget holders** to provide relevant information to the Finance team to ensure budget estimates reflect agreed plans, taking into account:

- Available resources:
  - Government grants
  - borrowing capacity
  - capital receipts
  - revenue resources
- Statutory requirements / changes in legislation
- Strategic plans
- Capital guidelines issued by the government or other bodies
- Any existing capital commitments

C3.2 The **Director of Finance** is responsible for setting out the Authority's capital requirements and associated costs. Provision for capital expenditure is shown in the Authority's Capital Programme which is refreshed on an annual basis for final approval by the Authority. This will include advice to the Authority in setting an affordable borrowing limit and an assessment of the impact of capital expenditure on the prudential indicators as required by CIPFA's Prudential Code.

C3.3 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. Capital allocations will only be available once business cases have been approved by Financial Management Board and subsequently by the Authority.

C3.4 For any business cases involving capital expenditure, the funding proposal must identify the full whole life financial implications, both capital and revenue.

### C4 Medium-Term Financial Strategy Preparation

C4.1 **The Authority** shall keep under review the medium-term financial position of the Authority considering the Authority's strategic plans and anticipated future levels of both capital and revenue resources.

## D Financial Management and Reporting

### D1 Revenue Budgetary Control

D1.1 In accordance with the Authority's Scheme of Delegations, the **Chief Fire Officer** has the power to incur revenue expenditure in carrying out the functions allocated to them provided that:

- The expenditure is within the law;

- Standing Orders have been complied with;
- Expenditure is within the approved revenue budget; and
- Expenditure is in respect of Authority policy.

D1.2 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.

**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; and
- b) Are consistent with Authority policy.

D1.3 To enable the Authority to exercise control over revenue spending, the **Director of Finance** shall report on a regular basis a comparison of revenue expenditure and income against budget.

D1.4 Each **budget holder** 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 Director of Finance; and
- c) Keep the Director of Finance informed of any actual or likely changes which will/may have a significant impact on current or future budgets.

D1.5 The **Director of Finance** shall also provide guidance on and coordinate the budget monitoring process and the form, basis, supporting information and timetable for the preparation thereof.

D1.6 The **Chief Fire Officer** in conjunction with the **Director of Finance** will be accountable for the management of any overspends, with significant overspends to be reported to the Authority through the revenue budget monitoring process.

D1.7 It is recognised that within certain budgets there are items over which budget holders may have little or no control, and it would be inappropriate to hold an officer accountable for expenditure variances on these budgets. As such, the **Director of Finance** will retain oversight of such non-delegated budgets. Staffing budgets are categorised as non-delegated as the Chief Fire Officer retains direct control of the establishment.

## D2 Virement (or transfers) between Budgets

D2.1 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. **Budget holders** are permitted to transfer funds within their delegated budgets, subject to the following rules and in consultation with the **Director of Finance**:

- 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 remains unchanged;
- d) Virements should not ordinarily be undertaken for amounts under £1,000;
- e) There should be no consequential overall revenue effects in future years;
- f) For sums up to £500,000, the authorisation of the **Director of Finance** are required; and
- g) For sums over £500,000, approval of **the Authority** is required.

D2.2 Virements that do not meet above conditions (such as non-delegated budgets and use of contingencies) are under the control of the **Director of Finance**.

### D3 Capital Programme Monitoring

D3.1 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; and
- c) Review and update costings and phasing of projects and programmes as appropriate.

D3.2 **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 and are consistent with Authority policy.

D3.3 To enable the Authority to exercise control over capital spending, the **Director of Finance** will report to the Authority on a quarterly basis with a review of the latest available Capital Programme position.

D3.4 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 **Director of Finance**.

D3.5 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.

D3.6 The **Director of Finance** 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.

#### D4 Capital Projects

- D4.1 The **Chief Fire Officer** shall be responsible for maintaining records and for informing the Director of Finance and the Authority where the final cost is likely to exceed the financial provision.
- D4.2 In every case before **the Chief Fire Officer or their nominated representative**, issues or certifies a final certificate of payment under a contract, the **Director of Finance** shall have an opportunity to examine the contractor's final account together with such relevant documents and information as they may require.

#### D5 Annual Statement of Accounts

- D5.1 Each year, the **Director of Finance** shall prepare an annual Statement of Accounts, in consultation with the **Chief Fire Officer**, which shall be presented to the Authority or a nominated committee for final approval.
- D5.2 The annual Statement of Accounts shall be completed as soon as practicable after the year end but no later than as prescribed in the extant Accounts and Audit Regulations.
- D5.3 The annual Statement of Accounts shall be subject to external audit, ensuring that sufficient resource is made available and that timescales permit the approval of the Statement of Accounts by the statutory deadline. The external auditor shall have complete access to any records reasonably requested.

#### D6 Reserves and Provisions

- D6.1 The **Director of Finance** shall be responsible for the management of all financial reserves and provisions, ensuring that balances are reported to the Authority in line with these Regulations and that any proposed usage of reserves or provisions are subject to those approval processes.
- D6.2 The **Director of Finance** shall ensure that the General Reserve is maintained at a value of no less than 5% of the net revenue budget (before financing) for that financial year.

### E Purchasing Arrangements

#### E1 Introduction

- E1.1 These Financial Regulations apply to all orders and contracts for:
  - a) The purchase of goods, materials and related services;
  - b) The execution of works; and
  - c) The provision of services.
- E1.2 Different regulations apply based on the value of the goods, works or services being purchased; these are set out in section 2 (Procurement Regulations).

## E2 Ordering of Goods, Works and Services

E2.1 The objective of this regulation is to ensure that work, goods and services are only ordered for the purposes of Authority business and that all expenditure is properly approved in advance and within budget.

E2.2 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 periodic payments, petty cash purchases or such other exceptions as may be approved. Before orders are made the authorised officer must ensure:

- a) That there is adequate budget provision before committing expenditure; and
- b) That any necessary Chief Fire Officer or Authority approvals have been obtained.

E2.3 Official orders shall be in a form approved by the **Director of Finance** and are to be signed only by a **nominated officer authorised by the Chief Fire Officer**.

E2.4 Each order shall conform with the policies of the Authority with respect to purchasing and any standardisation of supplies and materials.

E2.5 Whenever practicable, the duties of ordering, receiving goods and certifying the respective invoices for payment shall not be performed by one officer.

E2.6 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 Director of Finance and updated on a regular basis.

## E3 Payments

E3.1 The purpose of this regulation is to ensure that all payments made by the Authority are:

- a) Lawful;
- b) Properly authorised by an appropriate officer;
- c) Within the amount provided in the Authority's budget; and
- d) Paid in a timely way.

E3.2 Apart from imprest accounts, the normal method of payment of amounts due from the Authority shall be by direct bank payment drawn on the Authority's bank account by the **Director of Finance**.

E3.3 Cheques may be issued only in exceptional circumstances.

E3.4 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;
- 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; and
- h) The account is arithmetically correct or subject to a sample test agreed by the **Director of Finance**.

E3.5 Certificates for payment authorised by a 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.

E3.6 Accounts duly certified shall be processed daily in the manner prescribed by the **Director of Finance**, 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 thirty days. The requirements of the Late Payment of Commercial Debts (Interest) Act 1998 (as amended) and the policies and procedures adopted by the **Director of Finance** in relation to the Act shall be fully adhered to by the **Chief Fire Officer**.

E3.7 All invoices and other supporting documentation shall be retained for at least six 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 six years. In all cases, the **Director of Finance** should be consulted before any disposal takes place. **The Authority** has a legal obligation to keep all documentation (such as original invoices, paid and copy debtor accounts) for six years from the date they were paid or raised for VAT purposes, as per the Limitation Act 1980 and by HMRC / other regulations) and disposed of as required under data protection / GDPR rules. Certain documents may need to be retained for more than six years.

E3.8 The **Chief Fire Officer** shall as soon as possible after 31 March in each year notify the **Director of Finance** 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.

#### E4 Corporate Credit Cards

E4.1 The **Director of Finance** will have control of all procurement cards issued to staff.

E4.2 The following rules must be adhered to:

- a) Cards can only be used for business purposes only;
- b) Cardholders must agree to the terms and conditions of use;
- c) Personal use of corporate cards is strictly forbidden;

- d) Cards cannot be used for the withdrawal of cash;
- e) Appropriate limits must be arranged in all cases; and
- f) VAT receipts must be retained in all cases and provided to the Finance team.

E4.3 Corporate cards can only be used in other, exceptional circumstances with the permission of the **Chief Fire Officer** or **Deputy Chief Fire Officer**, in conjunction with the **Director of Finance** and must comply with all relevant Authority policies.

E4.4 Misuse of corporate cards will result in disciplinary action.

## F Banking and Income Arrangements

### F1 Responsibilities

F1.1 The objective of this financial regulation is to ensure that all income due to the Authority is collected, banked and properly accounted for.

F1.2 The collection of all sums due to the Authority shall be under the supervision of the **Director of Finance** 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.

F1.3 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 **Director of Finance** via the approved finance system and all income due to the Authority shall be collected by the **Director of Finance**, subject to any other arrangements made by them.

F1.4 The **Director of Finance** 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 **Director of Finance** 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.

F1.5 All sums received by an 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.

F1.6 All money received on behalf of the Authority in any department shall be held securely and shall not exceed £2,000. Money will be paid to the **Director of Finance** or direct to the Authority's banker; amounts exceeding £2,000 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 **Director of Finance**. The **Director of Finance** shall, not later than the next following business day after receipt, pay to the Authority's bankers all monies received by them.

- F1.7 The **Director of Finance** may advance such sums as may be necessary for the purpose of change money and the existence of these sums shall be periodically verified.
- F1.8 The basis and level of fees and charges must be reviewed by the **Chief Fire Officer** on, at least, an annual basis.
- F1.9 Levels of income received must be compared to budget figures of income due on a regular basis and differences promptly investigated.
- F1.10 The advice of the **Director of Finance** must be sought on agreements which provide for variable income.
- F1.11 Income should be collected in advance of service, or where this is not possible, by an official invoice.
- F1.12 Arrangements for payment by instalment must be authorised by the **Director of Finance**.
- F1.13 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.
- F1.14 Security and retention of safe keys must be in accordance with the dictates of the Authority's insurers.
- F1.15 The authorisation of the **Director of Finance** must be obtained before uncollected income due is written off.
- F1.16 Grant claims requiring certification in the name of the **Director of Finance** must be submitted for approval by the **Director of Finance** in a timely manner.
- F1.17 Personal cheques must not be cashed out of money held on behalf of the Authority.

## F2 Banking and Credit Arrangements

- F2.1 The objective of this regulation is to ensure sound banking and payments arrangements by limiting responsibility for these to the **Director of Finance**.
- F2.2 All arrangements with the Authority's bankers shall be made by or under arrangements approved by the **Director of Finance** who shall be authorised to operate appropriate banking accounts. No bank accounts or similar may be opened without the consent of the Director of Finance. The maintenance of Authority bank accounts shall be in accordance with arrangements determined by the Director of Finance.
- F2.3 The approval of the **Director of Finance** must be obtained for any proposal to enter into any credit agreement.

### F3 Cheques

- F3.1 All cheques, and other orders for payment, shall be signed by the Director of Finance or other authorised official.
- F3.2 All cheques or similar shall be ordered only on the authority of the **Director of Finance** who shall make proper arrangements for their secure storage.
- F3.3 All cheques received must be crossed and be payable to “Tyne and Wear Fire and Rescue Authority”.
- F3.4 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 value of the cheque;
  - 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; and
  - c) The cheque number.

### F4 Imprest / Petty Cash Accounts

- F4.1 Where they consider it appropriate, the **Director of Finance** 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 Responsible Finance Officer.
- F4.2 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.
- F4.3 A list of authorised signatories responsible for the petty cash accounts will be maintained by the **Director of Finance**, including specimen signatures.
- F4.4 Income received should not be paid into an imprest account but must be separately banked as provided in these Regulations.

## G Staffing

### G1 Management of the Establishment

- G1.1 Within the total approved staffing budget, the **Chief Fire Officer** may vary the numbers and composition of staff to meet service requirements provided such variations are affordable and sustainable financially.
- G1.2 The **Chief Fire Officer** shall ensure that personnel information is maintained in a form necessary to comply with the Authority's relevant policies and procedures and to ensure that any systems used to process personnel data or remuneration are suitable and properly maintained.

## G2 Payroll

G2.1 The **Chief Fire Officer** shall 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, with written evidence to support this kept on staff files.

G2.2 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.

G2.3 The **Chief Fire Officer** shall notify the **Director of Finance** in the form prescribed, of all matters affecting the payment of such emoluments, and in particular:

- Appointments, resignations, dismissals, suspensions, secondments and transfers;
- Absences from duty for sickness or other reason, apart from paid leave;
- Changes in remuneration including normal increments and pay awards and agreements of general application; and
- Information necessary to maintain records of service for superannuation, income tax, national insurance and similar.

G2.4 All attendance records or other pay documents shall be in a form prescribed or approved by the **Director of Finance** and shall be certified by the **Chief Fire Officer or other designated signatory**.

G2.5 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 **Director of Finance** to make payments by the due dates.

G2.6 The payment of all salaries, wages, compensation and other emoluments to all employees or former employees shall be made under arrangements approved by and controlled by the **Director of Finance**.

G2.7 The **Chief Fire Officer** shall ensure that the appointment of all employees is made in accordance with the regulations of the Authority, the approved budgets, grades and rates of pay.

G2.8 The **Director of Finance** shall maintain a record of authorised officers, and their signatures, able to certify relevant pay documents and time records.

## G3 Reimbursement of Expenses and Payment of Allowances

G3.1 **Employees** and **Members** shall fully comply with the Authority's current Travel and Subsistence Policy at all times.

G3.2 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**.

G3.3 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 **Director of Finance** and updated on a regular basis.

G3.4 Payment to members of the Authority or its employees who are entitled to claim travelling and subsistence allowance will be made by the **Director of Finance** upon receipt of the approved authorised form duly completed.

G3.5 VAT receipts must be provided for all expenditure claimed, as required by HMRC.

G3.6 All claims for a financial year are to be submitted not later than one month following 31 March in any year, except with the written approval of the **Director of Finance**.

G3.7 Certification of any claim shall be taken to mean that the information in the claim is factual, appropriate, represents best value, in line with approved rates and was necessarily incurred. Claims submitted must provide sufficient information to allow such certification to take place.

## H Treasury Management

### H1 Treasury Management Strategy and Practices

H1.1 The **Director of Finance** shall prepare a Treasury Management Policy and Strategy report on an annual basis, based on CIPFA's extant Prudential Code and Treasury Management Code and in compliance with the requirements of the Local Government Act 2003.

H1.2 The report shall be approved by the Authority and shall include:

- A **treasury management policy statement**, stating the policies, objectives and approach to risk management of its treasury management activities; and
- A **treasury management strategy statement**, setting out the strategy for borrowing and the policies for managing the Authority's investments.

### H2 Loans and Investments

H2.1 The **Director of Finance**, in consultation with the **Chief Fire Officer**, is authorised to borrow all monies within the approved borrowing limit, in the Authority's name, to meet its needs on the most economic terms, subject to the framework set out in the Treasury Management Policy and Strategy.

H2.2 The **Director of Finance**, in consultation with the **Chief Fire Officer**, shall make arrangements for the investment and management of all funds, subject to the Authority's agreed investment strategy.

H2.3 All loans and investments shall be made on the Authority's behalf by the City of Sunderland under a Service Level Agreement (SLA) and shall be subject to the appropriate Financial Regulations of the City Council.

H2.4 The **Director of Finance** shall recommend annual borrowing levels to the Authority and report on performance as defined in the most recent edition of the Prudential Code.

I Management of Physical Assets / Resources

I1 Overview

I1.1 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.

I1.2 The use of assets is restricted to authorised Authority business.

I2 Asset security

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.

I2.1 The **Chief Fire Officer** shall ensure continuous property security for all Authority-controlled assets.

I3 Insurance and Risk Management

I3.1 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 adequate insurance cover to the **Director of Finance**.

I3.2 The **Director of Finance** shall devise and arrange appropriate insurance cover for the Authority

I3.3 The **Chief Fire Officer** has overall responsibility for risk management.

I3.4 The **Director of Finance** 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 **Director of Finance / Insurer**. Where it is deemed an insurance recovery will not be forthcoming the **Director of Finance** shall have the authority to write off that amount.

I3.5 The **Director of Finance** 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 **Director of Finance** 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.

- I3.6 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 Director of Finance shall keep a record of all insurances effected by the Authority and the property and risks covered thereby including valuations of insured property.
- I3.7 The **Chief Fire Officer** shall consult the **Director of Finance** and the **Monitoring Officer** in respect of the terms of any indemnity which the Authority is requested to give.
- I3.8 The **Director of Finance** shall be consulted about any insurance policies that the **Chief Fire Officer** may wish to arrange on behalf of other parties.

#### I4 Stocks and Stores

- I4.1 For the purposes of these Financial Regulations, the definition of stocks and stores items are those items of property owned by the Authority with a purchase price of less than £10,000 for use by the organisation in its day-to-day activities.
- I4.2 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**.
- I4.3 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.
- I4.4 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.
- I4.5 Issues of all stores, other than small value items, shall be supported by a requisition stating the quantity required and signed by the relevant budget holder; a receipt shall be obtained for such issues on the appropriate form.
- I4.6 The **Director of Finance** 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 **Director of Finance** shall determine the method of valuation of stores.
- I4.7 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 **Director of Finance** may similarly make checks from time to time and the **Director of Finance** 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 **Director of Finance** who may, after any investigation deemed necessary, authorise the adjustment of the stock records to reflect the actual stock position.
- I4.8 Stores equipment, vehicles or materials found to be obsolete or in excess of requirements shall be disposed of to obtain best value, except when it is agreed by the **Director of Finance** that the wider public interest is better served by disposal by

other means.

## I5 Inventories

- I5.1 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. The extent of the record and the form of the inventory is to be determined by the **Chief Fire Officer** in consultation with the **Director of Finance**.
- I5.2 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**.

## I6 Acquisition and Disposal of Assets

- I6.1 For the purposes of these Financial Regulations, the definition of an asset is an item of property owned by the Authority with a purchase price exceeding £10,000.
- I6.2 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.
- I6.3 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 unless it is jointly agreed with the **Director of Finance** that the financial interest of the Authority is better served by disposal by other means. The **Chief Fire Officer** will keep appropriate records detailing how value for money was achieved in the disposal or resale of any assets.
- I6.4 No assets will be donated to any individuals or organisations without the express consent of the **Chief Fire Officer**.
- I6.5 Leased items including vehicles, plant and equipment shall not be disposed of without the prior approval of the **Director of Finance**.
- I6.6 When wishing to acquire or dispose of land in execution of their duties, the **Chief Fire Officer** shall refer their proposals to the **Director of Finance** and **Monitoring Officer to the Authority**.
- I6.7 The **Authority's** 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**.

## I7 Leasing

- I7.1 The **Chief Fire Officer** is responsible for any asset leasing arrangements, ensuring that value for money is considered and obtained in all cases.

I8.1 The **Chief Fire Officer** is responsible for the publication and implementation of the Authority's Information Security Policy to ensure the security of all data held as required by data protection legislation.

J External Arrangements

J1 Grants from External Bodies

J1.1 The purpose of this regulation is to ensure that all grant claims submitted to external funders 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; and
- e) Submitted with due regard to the Authority's continuing commitment to the project.

J1.2 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. For financial amounts beyond the levels delegated to the **Chief Fire Officer** the approval of **the Authority** must be secured before the **Chief Fire Officer** commits the Authority to the funding under these circumstances.

J1.3 The **Chief Fire Officer** shall nominate a named responsible officer to be accountable for the performance and financial monitoring of each project.

J1.4 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.

J1.5 The named responsible officer shall ensure, prior to submission of grant claim, all expenditure declared is eligible in accordance with the relevant funder's criteria.

J1.6 Should there be any uncertainty as to the purpose of such funding, the named responsible officer shall make such enquiries as necessary, to the funder, to ensure proper use of grant.

J1.7 Grant claims and monitoring returns should be signed by the named responsible officer and submitted in accordance with the funder's timescales.

J1.8 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 **Director of Finance**.

J1.9 The manner in which external funding is managed shall be in accordance with Authority policy and the Standing Orders in addition to the funder's own requirements.

J1.10 Grant claim working papers should be maintained in a form agreed by the **Director of Finance**.

## J2 Partnerships

J2.1 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”.

J2.2 It should be noted the selection of partners must be underpinned by a procurement process as set out in the Authority’s Procurement Regulations, 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); and
- c) Where it is permitted, required or encouraged by law.

J2.3 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.

J2.4 Any financial relationship with a partner must be fully documented and legally binding.

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 **Director of Finance** 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.

J2.5 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.

J2.6 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 **Director of Finance**.

J2.7 Internal Audit’s 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.

## K Preventing Financial Irregularities

### K1 Fraud and Corruption

K1.1 The **Director of Finance** is responsible for the development and maintenance of the Authority’s Counter-Fraud Framework which covers fraud, bribery and corruption. The Framework should include the following key documents:

- The Authority's Standing Orders;
- Codes of Conduct (for Members and employees);
- Any codes of conduct issued by the relevant professional institutes;
- Information security and acceptable use policies; and
- Complaints, whistleblowing and disciplinary policies.

K1.2 The **Chief Fire Officer** responsible for establishing and implementing effective controls to help prevent and/or detect incidents of fraud or corruption, for addressing key business risks, for ensuring that staff are aware of their responsibilities and that they comply with the Framework, and for creating an environment where all staff feel able to raise any concerns they may have.

## Section 2: Procurement Regulations

### 1. Contracts to comply with the Authority's Standing Orders

#### 1.1 The following rules shall be adhered to:

- a) Every contract entered into by the Authority shall comply with any requirement of the UK Public Contracts Regulations (as amended) having legal effect in the United Kingdom and with these regulations. In the event of any conflict in the requirements on procurement those of the UK Public Contracts Regulations shall prevail;
- b) Every contract made by or on behalf of the Authority shall comply with these Regulations 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) Contract variations and extensions are within the scope of these Regulations;
- e) Where the contract value exceeds the thresholds set out in 4.6, the exemptions set out in section 2 are not permitted. Advice must be sought from the Monitoring Officer.
- f) In these Regulations, references to "the Authority" shall (when the context so permits) include:
  - Any committee to which power to enter into any contract on behalf of the Authority has been delegated; and
  - Any officer to whom power to enter into any contract on behalf of the Authority has been delegated.
- g) Senior officers and managers are responsible for ensuring that employees comply with these Regulations and for ensuring that appropriate contractual provisions are in place for securing compliance by agency workers, interim postholders, consultants and agents; and
- h) Budgets must be in place in all prior to the commencement of any procurement activity.

### 2. Exempt Contracts

#### 2.1 The following contracts are exempt from the requirements of these Regulations:

- 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; and
- 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.

### 3. Exceptions to Regulations

#### 3.1 No exception from any of the rules in sections 4 to 6 shall be made unless listed in

paragraph 3.4 below and approved in accordance with rule 3.2 or specifically authorised by the Authority.

- 3.2 Where the Chief Fire Officer wishes to apply any exception to these rules they must first seek the approval of the Monitoring Officer.
- 3.3 Where procurement exceeds the UK Public Contracts Regulations threshold for goods, works and services the exceptions set out in 3.4 may not be permitted. In this event, advice must be sought from the Monitoring Officer.
- 3.4 Subject to the obtaining of all necessary approvals, the rules set out in sections 4 to 6 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, or other exceptional circumstances, when (but only if it is strictly necessary) the time required to fully comply with these Regulations 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 these Regulations that could still be followed particularly the need for competition. The requirements of the UK Public Contracts Regulations (as amended) must still be followed; and
  - h) Procurement of works, supplies or services below the applicable threshold (see section 4 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 Regulations that cannot reasonably be followed.

Any exceptions must be authorised by the **Director of Finance**.

#### 4. Thresholds

##### Procurement value assessment

- 4.1 The value of a procurement exercise is defined as total estimated spend i.e. the total cost of the goods or services to be supplied over the intended contract term (excluding

VAT). Where the duration of the contract is uncertain, then the value should be assessed as the equivalent of four years' expenditure.

#### Procurements below £10,000

4.2 The Chief Fire Officer (or budget holders, where delegated under the Scheme of Delegation) 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 £10,000. Budget holders must be able to objectively demonstrate value for money, which should include obtaining quotes, robust contract management and regular review of operational requirements. Consideration should also be given to the use of local suppliers wherever possible. The Chief Fire Officer shall keep records in a form agreed by the Director of Finance showing how value for money has been achieved.

#### Procurements between £10,000 and the UK Public Contracts Regulations thresholds

4.3 All proposals for procurement at or above £10,000 (excluding routine call-offs from existing frameworks) must be notified to Procurement Services at the earliest opportunity. **Procurement Services** shall then advise, in consultation with the Chief Fire Officer, the most appropriate procurement strategy. For the avoidance of doubt, Rule 4.2 applies to all contracts for supplies, services and works.

#### Tenders (for contracts over £10,000)

4.4 Where a tender process is deemed by Procurement Services to be appropriate, the contract shall be awarded following a formal tender process in line with the UK Public Contracts Regulations.

#### Contracts with a value equivalent to or exceeding the relevant thresholds

4.5 A tender process must be followed for works, goods and services contracts over the UK Public Contracts Regulations thresholds. Such procurements must be undertaken in accordance with one of the procedures set out in the UK Public Contracts Regulations. These thresholds are subject to variation by legislation from time to time.

#### Estimating contract values / aggregation

4.6 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).

4.7 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 Most Advantageous Tender (MAT), including social value. A proposed contract must not be divided into separate lower value contracts simply to

avoid the full application of these Rules. Consideration to break down into smaller lots is a requirement where practicable.

## 5. Approvals

### General procurements

- 5.1 **Procurement Services** will advise the procurement process for all procurements with a value equal to or over £10,000.
- 5.2 In all cases, the **Chief Fire Officer** must consider the level of engagement needed with Members, staff and service users.
- 5.3 All procurement proposals must be approved in advance using the agreed internal governance process to ensure that all senior managers have full visibility on all significant proposals.

### Consultancy services

- 5.4 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 **Director of Finance**. 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, the **Chief Fire Officer** must consult with **Procurement Services**.

## 6. Procurement Process

### Invitation to tender

- 6.1 The Invitation to Tender 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 Transfer of Undertakings Protection of Employment (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; and

m) The Authority's requirements in respect of insurance and indemnity.

#### Submission of tenders

6.2 Tenders shall comply with and be submitted in accordance with the rules and instructions set out in the invitation to tender.

6.3 Tenders will be submitted through a secure electronic system whereby they are not 'opened' until the deadline has passed for receipt of tenders.

#### Opening of tenders

6.4 Tenders for a particular contract shall be opened using the electronic tender portal to ensure transparency. This will be carried out by a member of Procurement Services who is not the lead procurement officer for that project.

#### Amending tenders, bids or quotations and tender errors

6.5 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.

6.6 Genuine arithmetical error(s) may be amended with the consent of the tenderer.

6.7 Correction of any other tender error(s) shall be made at the discretion of the **Chief Fire Officer** in consultation with the **Director of Finance** and the **Monitoring Officer**.

#### Evaluation of tenders or quotations

6.8 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.

6.9 The evaluation criteria, including the weighting between quality and cost, for all procurements where the tender process applies shall be agreed with Procurement Services.

#### Acceptance of quotations and tenders

6.10 Where the value of a tender exceeds £500,000 the approval of the Authority must be obtained to its acceptance.

6.11 The **Chief Fire Officer** may accept a tender no greater than £500,000 where it is the most advantageous tender.

6.12 Where the Chief Fire Officer wishes to accept a tender or quotation of up to and including £500,000 which they consider to be the most advantageous but which is not also the lowest, they shall do so only after obtaining the written agreement of the Director of Finance, with documented evidence of the reasons for the decision to be placed on file.

6.13 In the event that the most advantageous tender exceeds the approved budgetary provision, approval of the Authority must be obtained to approve the financial increase. In exceptional cases, the Chief Fire Officer may approve an urgent tender award and obtain retrospective approval from the Authority provided that the increase is no greater than £500,000.

Standstill period

6.14 In respect of a contract which exceeds the relevant threshold, 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 UK Public Contracts Regulations.

6.15 A period of at least eight days to elapse between the date of despatch of the notice 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.

Award notice

6.16 In respect of a contract which exceeds the relevant threshold, an award notice shall be published by Procurement Services.

Contract terms and conditions

6.17 All contracts and orders shall be in writing or in an approved electronic format. 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); and
- 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

Nominated contractors and sub-contractors

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

Authorised payments and certificates for variations incurring extras

6.19 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.

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

- 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 the **Director of Finance**;
- 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 **Director of Finance**, provided payment can be contained within the relevant budget provision. If not, prior authorisation must be obtained from the **Authority**;
- 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;
- 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 Deputy **Clerk to the Authority** as to application of the UK Public Contracts Regulations.

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

6.22 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.

6.23 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 **Director of Finance**.

### Contract extensions

6.24 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 **Director of Finance**.

6.25 Where the contract terms do not provide expressly for an extension:

- contracts subject to the UK Public Contracts Regulations may be extended only in limited circumstances and on the written approval of the **Chief Fire Officer** and the **Monitoring Officer**; and
- contracts not subject to the UK Public Contracts 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 **Director of Finance** and the **Monitoring Officer**.

6.26 In addition, where the contract does not include an express right of extension, any proposed extension will also constitute a contract variation and therefore the provisions will also need to be followed.

6.27 After the expiry of the term of a contract it may not be extended or varied.

### Assignment and novation

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

### Termination

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

# **PART 6: CODE OF CONDUCT, POLICIES AND ALLOWANCES**

## Section 1 - Code of Conduct for Members

The Authority has adopted the following Code which took effect from 1 July 2012 and most recently amended on 25 April 2025, and which sets out the conduct that is expected of elected and co-opted Members of the Council 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 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 Northumbria Police and Crime Commissioner.

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 should comply with the Equality Act 2010 and any other equalities legislation and not discriminate unlawfully against any person.
3. You must not bully or harass 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.
4. 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.
5. 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.
6. 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. You should not improperly use knowledge gained solely as a result of your role for the advancement of yourself, your friends, your family members, your employer or your business interests.
7. 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.

8. 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.
9. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. 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
  - d) The disclosure is reasonable, in the public interest and made in good faith and you have consulted the Monitoring Officer prior to its release.

## **Registration of Interests**

11. Subject to paragraph 12, 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:
  - i. you, or
  - ii. your spouse or civil partner, a person with whom you are living as spouses 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).

12. 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**

13. When you attend a meeting of the Authority, or one of their 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 12, 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.
14. When you attend a meeting of the Authority, or one of their 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 16 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.

15. All Members are expected to:
  - a) Ensure that the Authority provides an efficient and effective fire and rescue service, taking into account the needs of all sections of the community.
  - b) Develop and maintain good and effective working relationships with the Authority's Chair and Vice-Chair and relevant officers of the Authority.
  - c) Contribute actively to the formation and scrutiny of the Authority's policies, priorities, plans, targets, performance, and budget.
  - d) Exercise good judgement when making decisions, with full consideration of relevant information, guidance and external factors.
  - e) On a regular basis, to attend meetings of the Authority to which the Member has been appointed and to fully participate in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
    - Statutory and other legal requirements
    - The Code of Conduct for Members
    - Standing Orders of the Authority
  - f) Ensure that the Authority delivers value for money.
  - g) Develop and maintain a sound working knowledge of the Authority's duties, policies and practices.
  - h) Be actively aware of all issues inside and outside of the Authority, relevant to the provision of fire and rescue services to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations to effectively promote the safety and wellbeing of the whole community of Tyne and Wear.
  - i) Ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing

complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making Tyne and Wear safer, as set out in the Member Training and Engagement Sessions.

- j) To encourage the community of Tyne and Wear to participate constructively in consultative arrangements and service provision.
- k) If appointed by the Authority to an external body; to represent the interests of the Authority on that body.

16. Co-opted members are expected to:

- a) Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of Tyne and Wear
- b) Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of Tyne and Wear.
- c) On a regular basis attend meetings of the Authority and any committee or other body they are appointed to.
- d) Promote effective collaboration.
- e) At all times, act in accordance with the code of conduct and Standing Orders for the Authority where applicable.
- f) Be actively aware of the issues internal and external relevant to the provision of services to promote a safer Tyne and Wear community.

### **Explanatory Notes:**

<sup>1</sup> The Code of Conduct applies to you when you are acting in your capacity as a Member of the Authority which may include when:

- You misuse your position as a Member.
- Your actions would give the impression to a reasonable Member of the public with knowledge of all the facts that you are acting as a Member.

The Code applies to all forms of communication and interaction, including:

- At face to face meetings
- At online or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements and comments

## **Annex 1 to the 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.

## Section 2 - Policies and Allowances

### **Code of Corporate Governance**

The latest version of this document is available on the TWFRS website [here](#).

### **Counter Fraud Framework**

The latest version of this document is available on the TWFRS website [here](#).

### **Members' Allowance Scheme**

The latest version of this document is available on the TWFRS website [here](#).

### **Managing compliments and complaints from members of the public**

The latest version of this document is available on the TWFRS website [here](#).

### **Whistleblowing (confidential reporting) policy**

The latest version of this document is available on the TWFRS website [here](#).