

Combined Fire Authority Constitution



Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



June 2021

The Combined Fire Authority Constitution

Summary and Explanation

County Durham and Darlington Fire and Rescue Authority (hereby known as ‘the Authority’) has agreed a Constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Authority to choose.

The Constitution is divided into separate sections, setting out the basic rules governing the running of the Fire and Rescue Service. The index below sets out the different sections of the Constitution:

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Section 1

Role of the Members

Members of a Fire Authority (hereby known as the 'Authority') have many roles which have their origins in statute, directions and guidance and may be amended from time to time. It is therefore not possible to produce a definitive list with a guaranteed lifetime. A list of current principal functions is set out below. It does not include responsibilities that members hold as elected members of their constituent authorities.

1. To take all necessary steps to comply with the statutory duties of the Authority, ensuring adequate arrangements for operational assurance;
2. To set the strategic direction of the Authority through in-depth consideration and approval of the Strategic Plan and Community Risk Management Plan (CRMP) (formerly the Integrated Risk Management Plain (IRMP));
3. To agree priorities for action within the Strategic Plan and CRMP consistent with Authority's objectives, national priorities and available resources;
4. To give due regard to the professional advice of the Chief Fire Officer while developing the CRMP and when making decisions affecting the fire and rescue service;
5. To hold the Chief Fire Officer to account for the exercise of their functions and the functions of persons under their direction and control.
6. To ensure the views of the community, partners and constituent councils are taken into account in formulating the above and that they are kept fully informed of Authority plans. In particular, to act as champions for the Authority in their locality and with other bodies and to contribute to wider shared priorities in the area;
7. To support and promote appropriate partnership arrangements;
8. To consider and keep under review the Authority's register of corporate risks;
9. To consult on and set the Revenue and Capital Budgets and monitor their progress throughout the year;
10. To monitor Service performance and achievement of value for money of the County Durham and Darlington Fire and Rescue Service through a regular examination of key performance outcomes, service costs and consideration of external inspection and audit reports;

11. To ensure that the County Durham and Darlington Fire and Rescue Authority establishes and maintains an effective role in any regional and national initiatives that confer benefit on the County Durham and Darlington community;
12. To perform the roles allocated to Members in Service procedures;
13. To keep under review the corporate identity of the Authority and its relations with the media;
14. To ensure effective liaison arrangements with Trade Unions are established and maintained;
15. To review annually the Authority's governance arrangements, to ensure their continued effectiveness;
16. The Chair in consultation with the Vice Chair will agree Member attendance at external events on behalf of the Authority;
17. To contribute to and receive recommendations from the Authority's committees and panels.

Section 2

Authority and Committee Structure

The Full Combined Fire Authority

This Committee structure is made by the Durham and Darlington Combined Fire and Rescue Authority. The Authority is a Combined Authority created by the Durham Fire Services (Combination Scheme) Order 1996. Being a statutory body, its functions, powers and duties are set down in statutes and regulations.

The broad role and functions of the Authority include:

1. Determination of policy and strategy relating to the objectives of the Authority and its priorities.
2. Approving the Authority's revenue and capital budget strategy.
3. Approving the strategic plan and CRMP.
4. Approving the revenue and capital budgets and agreeing the precept level.
5. Considering the Authority's register of corporate risks.
6. Receiving reports and recommendations from Authority Committees and officers of the Fire and Rescue Service.
7. Obtaining the views of the community on the development of the corporate strategy of the Authority.
8. Being a custodian of the Authority's corporate identity and its role with the media.
9. Regularly reviewing the structure and remit of Committees, Forums and Working Groups.
10. Keeping under review the Authority's current financial position compared with approved budgets.
11. Receiving reports from regulatory bodies.
12. Ensuring that the Authority fulfils its statutory duties including those under the Fire and Rescue Services Act 2004, the Civil Contingencies Act 2004 and the National Framework.
13. Fostering continuous service improvement.
14. Appointing the Clerk and Monitoring Officer.

15. Appointing the Chief Fire Officer, other Principal Officers and Treasurer.
16. Monitoring and reviewing the performance of the Chief Fire Officer, Other Principal Officers and Treasurer.
17. Approve the salaries offered for any new appointments where the salary is in excess of £100,000.
18. Approve severance packages where the overall cost exceeds £100,000.

Section 3

Committee delegations and referrals

The Committees to which Functions are Delegated or Referred:

1. The Appeals Committee

The Committee shall meet when required. The Chair will be nominated by the Authority.

The Committee shall have the following functions:

Delegated:

1. Considering and deciding upon appeals on grievances referred to the Authority under the Grievance policy and procedure.
2. Considering and deciding upon appeals referred to the Authority under the Disciplinary policy and procedure.
3. Considering and deciding upon appeals referred to the Authority under Stage Two of the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

2. The Audit and Finance Committee

Statement of Purpose

The Audit and Finance Committee is a key component of the County Durham and Darlington Fire and Rescue 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 establishment of the Audit and Finance Committee takes consideration of the Chartered Institute of Public Finance and Accountancy (CIPFA) position statement and practical guidance on the function and operation of audit committees.

Membership

The Committee will comprise of elected members of the Authority together with an independent person. The Chair will be nominated by the Fire Authority. If the Chair is unable to attend, the Committee shall appoint a Chair from amongst its members. The Committee shall have the following functions:

Delegated:

1. Reviewing and approving the Authority's Statement of Accounts, Annual Governance Statement and Statement of Assurance.

Referred:

1. Discussing the nature and scope of the forthcoming audit with the external auditor.
2. Receiving and commenting on the external auditor's Audit Strategy Memorandum, Audit Completion Report and Annual Audit letter.
3. Receiving regular progress reports from Internal Audit and considering the issues and action plans arriving from any audit.
4. Approving the Internal Audit Plan.
5. Approving the Internal Audit Charter.
6. Considering the report on the Annual Review of Internal Audit Effectiveness.
7. Ensuring all auditors have the full cooperation of staff.
8. Reviewing the Annual Governance Statement prior to its approval.
9. Reviewing and reporting on corporate governance arrangements.
10. Oversight of the risk management process and the Corporate Risk Register.
11. Considering update reports on existing and emerging corporate risks.
12. Considering reports from internal and external audits and inspections.
13. Promoting the value of the audit process.
14. Reviewing the counter fraud and corruption strategy to ensure that it remains fit for purpose and to gain assurance that the risk of fraud and any potential cases disclosed are effectively managed.
15. To review the governance and assurance arrangements for significant partnerships or collaborations.
16. Review and report on the quarterly and annual Financial Statements of the Authority.
17. Consider and make recommendations to the Authority for the proposed revenue and capital budgets and Medium-Term Financial Plan.
18. Consider any changes in the budget allocations arising from changes in the strategic policies and service plans.
19. Consider any proposals for growth or budget reductions.

20. Consider the revenue and capital budgets, Medium-Term Financial Plan, council tax levels and associated information prior to approval by the Authority.
21. Consider the Treasury Management Policy and Strategy and on-going performance.

Performance and Review

The Committee will carry out an annual assessment, including a review of these terms of reference, to evaluate its own performance and determine any action required to improve its effectiveness. The outcomes will be reported to the Fire Authority.

3.The Performance Committee

The Chair will be nominated by the Authority. If the Chair is unable to attend, the Committee shall appoint a Chair from amongst its Members. The Committee shall have the following functions:

Referred:

1. Reviewing and monitoring progress and performance in achieving strategic objectives (as set in the Authority's Strategic Plan and CRMP).
2. Monitoring and reviewing key performance indicators and targets.
3. Receiving reports and making recommendations to the Authority on Value for Money reviews.
4. Monitoring and reviewing Improvement Plans.
5. Scrutinising performance and challenging the Authority when carrying out the responsibilities referred to in 1 to 4 above.

4.The Human Resources Committee

The Chair will be nominated by the Fire Authority. If the Chair is unable to attend, the Committee shall appoint a Chair from amongst its members. The Committee shall have the following functions:

Delegated:

1. Supervision of the process of investigation and determination of complaints of breach of the Authority's code of conduct for Members.
2. Ensuring that Members of the Fire and Rescue Authority are adequately trained in their obligations under the code of conduct.

Referred:

1. Champion the development of staff conditions of service through the implementation and maintenance of People Strategies.
2. Consider equality and diversity issues as they affect the Authority including consideration of reports submitted by the Service on policy matters relating to Equality, Diversity and Inclusion.
3. Assist in maintaining good employment relations in the interest of providing the highest level of service to the residents of County Durham and Darlington and make recommendations to the Authority as to how employment relations could be improved.
4. Consider reports submitted by the Service on policy matters relating to terms and conditions of employees. (including early retirements, flexible retirements and redundancy).
5. Monitoring and reviewing key performance indicators and targets. (Sickness, Health and Safety, Training).
6. Oversight of the implementation of the Core Code of Ethics for Fire and Rescue Services.

5. The Appointments Panel**Delegated:**

1. Selecting suitable individuals for Principal Officer or the Treasurer posts.

Referred:

The Committee shall meet when it is necessary to appoint a Principal Officer position or the Treasurer position. The panel will consist of:

- The Chair of the Authority;
- The Vice Chair of the Authority;
- At least one other Member from each constituent local authority;
- A Member representing the minority parties unless this is achieved through any of the above Members.

The Chair will be responsible for appointing the additional Members having considered any volunteers or nominations made. If the Chair is unable to attend, the Vice Chair will chair the Committee. It shall have the following functions:

1. Agree the final selection process for any relevant appointments for Principal Officer or the Treasurer posts;
2. Agree which officers they would like to act as advisers to the Committee;

3. Receive recommendations from officers and select individuals as part of the shortlisting process for final interviews;
4. Sit as the final interview panel for any relevant posts;
5. Select appropriate people for each relevant post.

6. The Salary Review Group

Delegated:

1. Agreeing the level, if any, of any local pay award for Principal Officers and the Treasurer position.
2. Monitoring and reviewing the performance of the Principal Officers.

Referred:

The Committee shall meet on an annual basis in order to undertake the Principal Officer Salary Review Process. The panel will consist of:

- The Chair of the Authority;
- The Vice Chair of the Authority;
- A Darlington Member;
- The Principal Officers;
- The Treasurer;
- Clerk to Authority

The Chair or Vice-Chair will chair the panel. It shall have the following functions:

1. Monitoring and reviewing the performance of the Chief Fire Officer, Principal Officers and the Treasurer;
2. Determine whether or not a full structural review of the relevant salaries is required or whether or not an annual review will suffice.
3. For annual reviews:
 - Determine if any substantive changes have taken place with the Principal Officers' or Treasurer's roles, or if there is any other reason why a pay award should be considered or not;
3. Make suitable recommendations to the Authority following this determination.
4. Make determinations on matters relating to terms and conditions of Principal Officers (including early retirements, flexible retirements and redundancy).
4. For full structural reviews:

- Oversee the appointment of a suitably qualified person or organisation to undertake job evaluation of the applicable roles;
- Consider the other relevant factors specified in the National Joint Council (NJC) for Brigade Managers of Fire and Rescue Services Scheme of Conditions of Service, fifth edition 2006 (the Gold Book);
- Make suitable recommendations to the Authority on any proposed pay levels following this consideration.

Section 4

Committee Governance

1. Limitation of delegated powers

- (1) Committees appointed by the Authority shall, within the limits of their delegated powers, be empowered to adopt new policies, extend or modify existing policies and determine proposals within which their day to day duties may be performed.
- (2) The powers and duties of any Committee appointed by the Authority shall be subject to the following provisos:
 - (a) no Committee shall be empowered to raise money by levy or loan
 - (b) a Committee shall report to the next convenient meeting of the Authority the action taken by them generally in pursuance of the powers and duties of the Committee except matters of routine or minor importance.
 - (c) the delegated powers and duties of a Committee shall not be exercised contrary to any general directions which may be given by the Authority.

2. Membership of Committees

Except where otherwise provided by statute or a scheme made under statutory authority or as determined by the Authority itself, the Chair and Vice-Chair of the Authority shall be Ex-Officio members of every Committee appointed by the Authority.

3. Meetings of Committees

- (1) In the absence from a meeting of the Chair the Members present shall choose one of their number to preside.
- (2) The timing and frequency of meetings of any Committee shall be determined by the Committee itself provided that a special meeting of a Committee may be called at any time by the Chair of the Committee or of the Authority.

4. Quorum

Decisions shall not be taken at a meeting of any Committee unless at least three members of the Committee are present including a representative of each constituent Authority. Provided that, in no case shall the quorum of a Committee be less than three members.

Section 5

The Joint Consultative Committee

1. Introduction

- 1.1 The County Durham and Darlington Fire and Rescue Authority recognises the benefits of an established general framework for the provision of information to employees and promoting mutual trust through consultation. The Service's internal consultation and negotiation procedure invites staff participation by seeking views, feelings and ideas through the involvement of employee representatives.
- 1.2 Where there is no agreement following these procedures, either party may engage with Members of the Authority in order to seek to resolve any major outstanding employment issues.
- 1.3 The title of the Consultative Body shall be the County Durham and Darlington Fire and Rescue Joint Consultative Committee, herein referred to as the Joint Consultative Committee (JCC). The Committee shall have specific reference to the following.
 - i. Assisting in maintaining good employment relations in the interest of providing the highest level of service to residents of County Durham and Darlington,
 - ii. Making recommendations to the Authority as to how employment relations could be improved, and
 - iii. Considering written reports submitted by either the Service or by or on behalf of personnel relating to employment relations issues within the Service which have not been resolved by the normal consultation and negotiating procedures and which have not been the subject of formal grievance.
 - iv. The procedure described in this document is for where there is no agreement following normal consultation and negotiation during formulation of policies and procedures. Either party may engage with Members of the Authority in order to seek to resolve any major outstanding employment issues.
 - v. This procedure should not be used in the event of a dispute over the application of policies. The Service's agreed procedures should be used.

2. Representation

2.1 The Joint Consultative Committee shall comprise of elected Members, Principal Officers and representatives from the trade unions and staff associations. From the elected Members the representation will be: the Chair; Vice Chair; and five Councillors to be elected annually by the Combined Fire and Rescue Authority. The Committee will be chaired by the Chair of the Authority. The Principal Officers' representation on the committee will be up to five officers, at the discretion of the Chief Fire Officer, depending on the specific issue. The Employees' representatives for the meetings of the Committee shall be nominated by the Fire Brigades Union, the Fire Officers Association, GMB and UNISON on a 3-1-1-1 basis in accordance with the procedures adopted by the individual Trade Union for this purpose.

2.2 Any group (elected Members, Principal Officers or representative bodies) may arrange for substitutes to attend.

- If a member of the Joint Consultative Committee ceases to be a Member of the Authority, they will also cease to be a Member of the Joint Consultative Committee and as soon as practicable, a new Member shall be appointed to fill the resulting vacancy.

3. Secretariat

3.1 The Secretary of the Joint Consultative Committee shall be the Clerk to the Authority who will arrange for an officer to administer the meetings and take minutes.

4. Meetings

4.1 The vast majority of employment issues are dealt with by existing formal and informal procedures within the Service's normal consultation and negotiating procedures. It is not therefore proposed to schedule meetings of the Committee on a regular basis and either side will have the opportunity to give notice to call a meeting as and when required. The Clerk to the Authority will arrange meetings at the earliest opportunity having regard to the procedural arrangements set out in Section 5 below.

5. Objectives and Procedural Arrangements

5.1 The overall objective of the Joint Consultative Committee shall be to assist the Service in maintaining good employment relations in the interest of providing the highest level of service to the residents of County Durham and Darlington.

- 5.2 The Joint Consultative Committee shall consider any employment relations issue relating to the Service, although no item shall be referred to the Joint Consultative Committee unless it has first be considered through the Service's normal consultation and negotiating procedure with the relevant unions (except for issues agreed by the Chair of the Joint Consultative Committee to be urgent).
- 5.3 All issues submitted by either party for consideration by the Joint Consultative Committee must be supported by a written report to be supplied to the Clerk to the Authority by the party raising the issue.
- 5.4 The Clerk to the Authority will make a copy of the report available to the other parties and seek a written reply. The Clerk to the Authority shall subsequently circulate all papers to the Joint Consultative Committee and each of the party's concerns, at least three days before the date of the meeting.
- 5.5 The Joint Consultative Committee shall have no decision making powers: its aims will be to resolve issues through consensus but it has the power to make recommendations to the Authority.

Section 6

Local Pension Board

1. Statement of purpose

1.1 The purpose of the Board is to assist County Durham and Darlington Fire and Rescue Authority (CDDFRA) in its role as the Scheme Manager for the Fire Fighters Pension Scheme. Such assistance is to:

- (a) Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and
- (b) Ensure the effective and efficient governance and administration of the Scheme.

2. Duties of the Board

2.1 The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members will:

- (a) always act in the interests of the scheme and not seek to promote the interests of any stakeholder group above another; and
- (b) be subject to and abide by the relevant codes of conduct for members and employees.

3. Membership

3.1 The Board will comprise of an equal number of employer and member representatives with a minimum of no less than four in total.

3.2 At a meeting on 12 February 2015 the Authority in its role as the Scheme Manager agreed the establishment of the Pension Board and agreed the member and employer representation as outlined below. Membership of the Board will be reviewed annually at the annual general meeting of the Authority.

4. Scheme Member representatives

4.1 Three scheme member representatives shall be appointed to the Board.

4.2 Member representatives shall be members of the scheme administered by the Authority.

4.3 Two member representatives will be nominated by the Fire Brigades Union (FBU) and one by the Fire Officers Association (FOA).

- 4.4 Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

5. Employer representatives

- 5.1 Three employer representatives shall be appointed to the Board.
- 5.2 Employer representatives shall be Authority Members and a senior manager employee of the Authority. Authority Members or the employee of the Authority with delegated responsibility for discharging the scheme manager function of the Authority may not serve as an employer representative.
- 5.3 Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 5.4 Employer representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board.

6. Other members

- 6.1 At the meeting on 12 February 2015 the Authority in exercising its role as the Scheme Manager, took the decision not to appoint other members to the Board at this time.
- 6.2 This decision will be reviewed annually at the annual general meeting of the CFA.
- 6.3 Any appointments of other members shall have regard to the best interests of the purpose of the Board.

7. Appointment of chair

- 7.1 The appointment of the Chair will be a decision of the Authority. This will be reviewed annually or earlier if issues arise with the availability of the Chair to attend meetings.

8. Notification of appointments

- 8.1 On appointment to the Board, the Authority shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

9. Conflicts of interest

- 9.1 All members of the Board must declare to CDDFRA on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
- 9.2 On appointments to the Board and following any subsequent declaration of potential conflict CDDFRA shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Authority and the requirements of The Pensions Regulator's codes of practice on conflict of interest for Board members.

10. Knowledge and understanding (including Training)

- 10.1 Knowledge and understanding must be considered in light of the role of the Board to assist CDDFRA in line with the requirements outlined in section 1 above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members.
- 10.2 Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- 10.3 Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

11. Term of office

- 11.1 Term of Office should be in accordance with the committee cycle of CDDFRA which is currently annual. Where possible the term of office shall be longer than 12 months to allow sufficient development of knowledge and understanding.
- 11.2 Board membership may be terminated prior to the end of the term of office due to:
- (a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme;
 - (b) A member representative no longer being a member of the body on which their appointment relied;
 - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;

- (d) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

12. Meetings

- 12.1 The Board shall as a minimum meet four times per year. The meetings will normally take place between the hours of 09:00 and 17:00.
- 12.2 The Chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

13. Quorum

- 13.1 The minimum number of members required to be present for a meeting to be quorate is one employer and one member representative plus the Chair.

14. Voting

- 14.1 The Chair shall determine when consensus has been reached.
- 14.2 Where consensus is not achieved this should be recorded by the Chair.
- 14.3 In support of its core functions the Board may make a request for information to the Audit and Finance Committee with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.
- 14.4 In support of its core functions the Board may make recommendations to the Audit and Finance Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

15. Interpretation

- 15.1 In these terms 'the Scheme' means the Firefighters' Pension Scheme.
- 15.2 In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 (2015 Firefighters Pension Scheme) as amended, The Pension Regulator's Codes of Practice as they apply to the Scheme Manager and Pension Board and any other relevant legislation applying to the Scheme.

Section 7

Scheme of Delegation to Officers

1. Introduction

- 1.1 This Scheme is made under Section 101 of the Local Government Act 1972, which applies to the Authority by virtue of the Durham Fire Services (Combination Scheme) Order 1996.
- 1.2 For the purposes of this Scheme of Delegation the proper officers are the Chief Fire Officer, Treasurer and the Clerk.
- 1.3 The Authority, whilst retaining overall responsibility for the formulation of policy including the approval of the revenue and capital budgets, have delegated to the officers the powers set out in this Scheme.
- 1.4 The Scheme sets out the limits of authority of the Chief Fire Officer, Treasurer and Clerk. Additional delegations to the Clerk, the Chief Fire Officer and the Treasurer are described in the Standing Orders, Contract Procedure Rules and Financial Regulations.
- 1.5 The Combined Fire and Rescue Authority is required by the Local Government and Housing Act 1989 to appoint a Monitoring Officer. The Combination Order requires the appointment of a Treasurer to manage the Combined Fire Service Fund and the Local Government Act 1972, together with the Local Government Finance Act 1988, require the Authority to have a Chief Financial Officer and a Section 151 Officer. The two posts are combined in this Authority.
- 1.6 The powers of the Monitoring Officer derive entirely from Statute, and there is therefore, no need for them to be specifically included in the Scheme.
- 1.7 The Monitoring Officer also fulfils the duties of Clerk to the Authority.

2. General Conditions of Delegation and Definitions

- 2.1 The existence of a delegation shall not require the Chief Fire Officer to take a decision on that issue. The Chief Fire Officer needs to be aware of particularly controversial issues of concern to the Authority. In such circumstances they may refer the matter for guidance or decision by the Authority if they consider it appropriate to do so.
- 2.2 When a decision or action has been taken under the terms of this scheme and is significant to the work of the Authority or could be construed to be a matter of political sensitivity or controversy, Officers shall inform Members as soon as reasonably practicable, either in writing or some other suitable form of communication.

- 2.3 The Monitoring Officer to the Authority shall keep the operation of the Scheme under review and the Authority may amend its provisions from time to time. Financial limits should be reviewed annually by the Treasurer having regard to price fluctuations.
- 2.4 In exercising a delegated power, the Chief Fire Officer must act within the law, the Standing Orders and financial procedure rules and other procedures and policies and within budget.
- 2.5 In exercising delegated powers the Chief Fire Officer will:
- (a) consult the Chair and Vice Chair as appropriate;
 - (b) keep a formal record of the exercise of the delegated power;
 - (c) make the record available upon request to:
 - (i) the public, provided this does not mean the release of confidential or exempt information; and
 - (ii) any member of the Authority, provided this does not involve the release of confidential or exempt information to which the Member is not entitled;
 - (iii) the Monitoring Officer.
- 2.6 The Chief Fire Officer may authorise officers within the Service to exercise powers delegated to them. The Chief Fire Officer must maintain proper records of such authorisation. The Chief Fire Officer shall remain accountable for any actions or decisions taken under that authority.
- 2.7 In the event of the Chief Fire Officer's post being vacant or in the absence of the Chief Fire Officer, those delegated powers may be exercised by the Deputy Chief Fire Officer or an Assistant Chief Fire Officer so far as permitted by law.
- 2.8 Where it is impracticable to obtain authorisation from the Authority, and subject to the action being reported (for information) to the next convenient meeting of the Combined Fire and Rescue Authority, to take urgent action within legal powers, where this is necessary in the interests of the Authority, in respect of matters otherwise reserved to the Authority.

3. Chief Fire Officer

- 3.1 The Chief Fire Officer must, in exercising their functions, have regard to the Authority's Community Risk Management Plan (CRMP) formerly the Integrated Risk Management Plain (IRMP). The Chief Fire Officer shall, within the approved budgets and policies therefore, exercise all matters of day-to-day administration and operational management of the Service and functions. This delegation shall include taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operational effectiveness of those services or with a matter incidental of the discharge of the Authority's functions or which falls within the scope of the Authority's policy framework.
- 3.2 The Chief Fire Officer is authorised to discharge the functions of the Authority in relation to the Service subject to the following requirements:
- (i) any decisions or actions shall comply with relevant resolutions, orders and directions of the Authority and of its appointed Committee(s);
 - (ii) where any matter involves professional or technical considerations within the sphere or competence of another officer, the Chief Fire Officer shall consult with that officer before authorising action. This shall not be limited to officers within the employ of the Authority, if circumstances require.
- 3.3 The Chief Fire Officer is authorised to exercise all the powers of the Authority as an enforcement authority under relevant legislation. Without prejudice to the generality of this provision they may in particular carry out the following:
- (i) institute, defend, withdraw or compromise legal proceedings, whether civil and/or criminal, pertaining to the Fire Authority's statutory functions in respect of the Regulatory Reform (Fire Safety) Order 2005, and any regulations made thereunder after consultation with the Clerk to the Authority;
 - (ii) take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety Order) 2005;
 - (iii) designate persons as Inspectors under Article 26 of the Fire Safety Order;
 - (iv) authorise named members of staff in writing to exercise statutory powers conferred on the Authority;
 - (v) agree to the purchase of land to a value not exceeding £50,000;
 - (vi) agree to the sale of land up to a value not exceeding £50,000;
 - (vii) agree to the donation of redundant decommissioned assets for charitable purposes up to a value not exceeding £10,000;

- (viii) authorise named members of staff in writing to exercise the powers of inspectors under Article 27 of the Fire Safety Order, including entering any premises which an inspector has reason to believe it is necessary for him to enter for the purpose of carrying out the said Order and any regulations made under it into effect, and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force.
- (ix) To authorise severance packages up to a financial limit of £100,000 in consultation with the Treasurer to the Authority.

3.4 Delegation to the Chief Fire Officer does not include:

- (i) any matter reserved to the Authority;
- (ii) any matter which by law may not be delegated to an officer;
- (iii) any matter reserved to a Committee, Sub Committee or Panel;
- (iv) any power to make a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the Chair of the Authority. However, when the time scale so requires, the Chief Fire Officer is authorised to respond without discussion with the Chair. The contents of such response shall be referred to the Chair as soon as reasonably practicable thereafter.

3.5 To complement the discharge of functions under these arrangements, the Chief Fire Officer shall:

- (i) maintain close liaison with the Chair in respect of controversial and sensitive issues;
- (ii) keep Members informed of significant developments relating to a specific matter where a Member has made known to the Chief Fire Officer, a legitimate interest or where the matter relates to or affects the Member's electoral division or ward.

3.6 The Chief Fire Officer may authorise in writing, an officer to exercise an authority in this scheme in their absence, or at other times.

3.7 The Chief Fire Officer, in consultation with the Monitoring Officer, shall determine any case in which there is uncertainty whether an officer is authorised to act under these arrangements.

3.8 Reference to these arrangements to the discharge of the functions of the Authority include references to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of those functions and the Chief Fire Officer is authorised to act accordingly.

4. Treasurer

4.1 The powers delegated to the Treasurer are described below and in the Financial Regulations.

4.2 The Treasurer has the authority to:

- (a) act as the suitably qualified officer responsible for the proper administration of financial affairs as required by Section 151 of the Local Government Act 1972;
- (b) provide technical and professional advice to the Authority and its members and the Chief Fire Officer;
- (c) represent, as required, the Authority's interests at meetings with Government departments and agencies and other relevant national regional and local organisations;
- (d) be responsible for the Authority's corporate financial planning and financial management frameworks (both revenue and capital) ensuring that the frameworks are robust. This includes the co-ordination of the Authority's strategic financial plans in collaboration with other parts of the Authority and with elected Members. This also includes the coordination of corporate financial performance reports in conjunction with other parts of the Authority as necessary;
- (e) within Service budgets, accept tenders, place contracts and procure other resources within or outside the Authority subject to compliance with the Authority's Financial and Contract Procedure Rules;
- (f) terminate contractual and other commissioning arrangements;
- (g) deliver the finance functions and manage those related activities delivered under any Service Level Agreements or contracts;
- (h) interpret financial legislation as it relates to the Service and Authority;
- (i) provide appropriate training to Members and officers with regard to financial planning or management issues.

5. Clerk to the Authority

5.1 Powers delegated to the Clerk to the Authority are described below and in the Standing Orders.

5.2 The Clerk has the authority to:

- (a) approve applications for the supply of Authority and Committee agendas, papers and minutes;
- (b) circulate reports and agendas under the Local Government Act 1972;
- (c) exclude reports from public inspection prior to a meeting in accordance with the Local Government Act 1972;
- (d) supply to the press copies of any documents supplied to Members in connection with an agenda item;
- (e) ensure that all agendas are despatched within the legal deadlines required by the Local Government Act 1972 and meeting corporate standards. Make copies available to the press and for public inspection on the website and at Service Headquarters, Belmont Business Park, Durham DH1 1TW;
- (f) prepare and issue decision and action summaries;
- (g) exclude from disclosure to Members documents containing exempt information in accordance with the Local Government Act 1972;
- (i) implement new procedures and legislation that affects the conduct of meetings;
- (j) supply summaries of minutes under the Local Government Act 1972;
- (k) receive declarations of resignation of office;
- (l) sign summonses to Authority, Committee, Sub Committee and Panel meetings;
- (m) make or vary appointments to Committees, Sub Committees and Panels upon the nomination of the relevant group leaders subject to changes being reported to the body in question;
- (n) receive notices of interests of members and officers and keep a record of disclosures under the Localism Act 2011;
- (o) arrange for the inspection of background papers by the public under the Local Government Act 1972;

- (p) receive notices regarding addresses to which a summons to a meeting is to be sent under the Local Government Act 1972;
- (q)
 - (i) to prepare or arrange for the preparation of all contracts for the sale or purchase of Authority land and property and all leases, tenancy agreements or other agreements affecting Authority land or property including easements or any interest in land;
 - (ii) to draft or arrange the drafting of legal documents other than those mentioned above relating to or affecting the functions of the Authority;
 - (iii) to sign the documents referred to in sub-paragraph (i) above and all other formal documents intended to give effect to decisions of the Authority;
- (r) to sign any notice, demand or other document on behalf of the Authority in connection with any actual or contemplated legal or enforcement proceedings;
- (s)
 - (i) generally, to institute, defend and conduct any legal proceedings relating to the Authority's functions or affecting the property, rights, or interests of the Authority except those relating to the Regulatory Reform (Fire Safety) Order 2005;
 - (ii) to authorise named officers to appear on behalf of the Authority in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972;
- (t) to settle any action in any court or tribunal in which the Authority is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation with the Chair or Vice Chair of the Authority except in cases of urgency where the settlement is made on the advice of Counsel;

5.3 To affix the common seal to all properly authenticated deeds and documents.

Section 8

Meetings of the Authority

1. Meetings of the Authority

- 1.1 The proceedings of the Authority shall be conducted subject to the provisions of the Local Government Act 1972, or any statutory modification thereof.
- 1.2 The Authority shall hold an Annual Meeting on a day and at a time to be fixed by the Authority in accordance with paragraph 1 of Schedule 12 to the Local Government Act 1972. The first item of business shall be the appointment of the Chair for the ensuing year.
- 1.3 Meetings of the Authority for the transaction of general business shall be held at the Fire Service Headquarters unless otherwise determined by the Authority and at such date and time as determined at the Annual Meeting of the Authority unless otherwise determined by the Authority provided that any such date or venue may be varied by the Chair if in their opinion it is necessary to do so in the interests of the efficient discharge of the Authority's business.
- 1.4 The Chair of the Authority may call additional meetings of the Authority at any time.
- 1.5 In these Standing Orders "ordinary meeting" means a meeting described in paragraph 1.2 or 1.3 above other than a meeting convened by the Chair or by members of the Authority. The term "year" means the period from 1st April, in one calendar year to the 31st March, in the next following year.
- 1.6 Where reasonably possible and not otherwise provided these Standing Orders shall be applied to Committees as they apply to the Authority.

2. Powers of Chair

Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. For the purpose of this Standing Order, "meeting" means any meeting of the Authority or of a Committee or a Sub-Committee of the Authority.

3. Quorum

- 3.1 If during any meeting of the Authority the Chair, after counting the number of Members present, declares that there is not present a quorum consisting of at least one third of the whole number of Members of the Authority, including at least one representative from each constituent Local Authority, the meeting shall stand adjourned.
- 3.2 The consideration of any business not transacted shall then be adjourned to a time fixed by the Chair, or, if they do not fix a time, to the next ordinary meeting of the Authority.

4. Minutes of the Authority

- 4.1 At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.
- 4.2 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- 4.3 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

5. Notices of Motion

- 5.1 Notices of motion other than a motion which under Standing Order 6 may be moved without notice shall be given in writing, signed by the Member or Members of the Authority giving the notice and delivered not later than 5 o'clock in the afternoon of the seventh day preceding 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 to the inspection of every Member of the Authority.
- 5.2 If it shall appear to the Clerk that a motion of which they have received notice is not in order, or is framed in improper or unbecoming language, they shall take the direction of the Chair as to whether and in what form it shall be placed on the agenda paper, and the decision of the Chair, after consultation, where practicable, with the giver of the notice, shall be final.
- 5.3 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 a 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 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.
- 5.5 If the subject matter of any motion of which notice has been duly given comes within the province of any Committee or Committees it shall, upon being moved and seconded, stand referred without discussion to such Committee or Committees, or to such other Committee or Committees as the Authority may determine, for consideration and report unless the Authority forthwith reject the motion. The Chair, at their discretion, may allow such motion to be considered by the meeting at which it is moved and seconded.
- 5.6 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties.

6. Motions and amendments which may be moved without notice

The following motions and amendments may be moved without notice:-

- 6.1 Appointment of a Chair of the meeting at which the motion is made.
- 6.2 Motions relating to the accuracy of the minutes.
- 6.3 To change the order of business in the agenda.
- 6.4 Reference back to a Committee.
- 6.5 Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- 6.6 To receive reports or adopt recommendations of committees or officers and any consequent resolutions.
- 6.7 That leave be given to withdraw a motion.
- 6.8 Amendments to motions.
- 6.9 Extending the time limit for speeches.
- 6.10 To proceed to next business.
- 6.11 That the question be now put.
- 6.12 To adjourn a debate.
- 6.13 To adjourn a meeting.
- 6.14 Suspending Standing Orders, in accordance with Section 11, Paragraphs 2 and 3.

- 6.15 Motion under Section 100A(4) of the Local Government Act, 1972 to exclude the public.
- 6.16 That a Member named be not further heard.
- 6.17 Inviting a Member to remain under Standing Order 6.15.
- 6.18 Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.

7. Rules of debate for Authority Meetings

- 7.1 The debate at meetings of the Authority shall be conducted by consensus unless any Member present indicates to the Chair that they require the following provisions of this Standing Order to be invoked.
- 7.2 A motion or amendment to a motion shall not be discussed unless it has been proposed and seconded and it shall if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.
- 7.3 A Member may not propose or second a motion or amendment on which they are disqualified from voting.
- 7.4 A Member when seconding a motion or amendment may, if they then declares their intention, reserve their speech until later in the debate.
- 7.5 A Member when speaking shall address the Chair. If two or more Members indicate their intention to speak the Chair shall determine the order in which those members shall speak.
- 7.6 A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order.
- 7.7 No speech shall exceed 5 minutes except by consent of the Authority.
- 7.8 A Member shall speak once only on any motion, except that they may:-
- (a) speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since they last spoke move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, speak on the main issue, whether or not the amendment on which they spoke was carried;
 - (d) speak in exercise of a right of reply given by paragraph 7.14 or 7.16 of this Standing Order;

(e) speak on a point of order or by way of personal explanation.

7.9 An amendment shall be relevant to the motion and shall be either -

(a) to refer a subject of debate to a Committee for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and insert or add others;

(d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

7.10 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

(Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the effective conduct of the Authority's business).

7.11 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, it shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

7.12 A Member may, with the consent of the Authority signified without discussion, and with the further consent of their seconder, alter a motion which they have moved if the alteration is one which could be made as an amendment thereto.

7.13 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Authority, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless permission is refused.

7.14 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment.

7.15 When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) a motion under section 100A (4) of the Local Government Act 1972 to exclude the public.

7.16 A Member may move without comment at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be adjourned" or "That the Authority adjourns", on the seconding of which the Chair shall proceed as follows:-

- (a) on a motion to proceed to next business:

unless in their opinion the matter before the meeting has been insufficiently discussed they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

- (b) on a motion that the question be now put:

unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply under paragraph 7.14 of this Standing Order before putting their motion to the vote;

- (c) on a motion to adjourn the debate or the meeting:

If, in their opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

Unless the adjournment motion specifies an hour or occasion the motion shall be deemed to intend that the debate or the remaining business of the meeting be resumed at the next ordinary meeting of the Authority.

7.17 A Member may indicate to the Chair a wish to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the present debate.

7.18 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

7.19 Whenever during a debate the Chair rises or announces to the meeting that this paragraph of this Standing Order is invoked all Members present shall immediately be silent.

8. Matters relating to persons employed by the Authority

If any matter arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, pension, or conditions of service of any person employed by the Authority, such question shall not be the subject of discussion until the Authority has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.

9. Order at Meetings

9.1 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. The Chair may, and shall if a motion under Standing Order 7.15(f) is carried, 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.

9.2 The Chair may at any time, if they think it desirable in the interest of order, adjourn a meeting or suspend a meeting of the Authority for a time to be named by them.

10. Rescission of Resolution

Any motion to rescind a resolution passed within the preceding six months and any motion or amendment to the same effect as one which has been rejected within the preceding six months shall be carried only if at least three-quarters of the Members present and voting vote in favour of the motion or amendment.

11. Voting

11.1 The mode of voting at meetings of the Authority shall be by show of hands: provided that where, immediately after a vote is taken at a meeting of the Authority, any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting, whether that person cast his vote for the question or against the question or whether they have abstained from voting.

11.2 In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

12. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Authority, voting shall be by ballot; in such case if there is not a majority of votes given in favour of one person, the name of the person(s) having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person and for the purposes of this Standing Order the provisions of Standing Order 11.2 shall apply.

13. Record of Attendances

Every Member of the Authority attending a meeting of the Authority shall sign their name in the attendance book or sheet provided for that purpose. If apologies are not registered, Members will be logged as absent from the meeting.

14. Attendance of Substitutes

14.1 A Member of the Authority may nominate any Member of their constituent Local Authority to act as their substitute and, in the absence of the Member of the Authority from any meeting of the Authority the nominee shall be entitled to attend, speak and vote at the meeting (but not, in the case of a nominating Member being the Chair or Vice-Chair, to exercise the rights and functions of that office).

- 14.2 The nomination or revocation of nomination of a substitute shall be in writing (specifying the body to which it relates), signed by the nominating Member, and shall be sent forthwith to the Clerk to the Authority (notification thereof being given verbally by or on behalf of the nominating Member in a case of urgency). Upon the receipt of notification the Clerk to the Authority shall cause the register maintained for the purposes of Section 100G Local Government Act 1972 to be amended accordingly.
- 14.3 A Member attending as a substitute shall, at the commencement of the meeting, identify the Member on whose behalf they attend who shall thereupon be excluded from participation in that meeting.
- 14.4 A nomination (other than a nomination for the purpose only of a specific meeting) shall have effect until revoked by the nominating Member.

Section 9

Interest and Appointment of Officers

1. Members Code of Conduct

- 1.1 In performing their function, Members of the Authority shall comply at all times and in all respects with the Authority's Code of Conduct for Members.

2. Canvassing

- 2.1 Canvassing of Members of the Authority or any Committee of the Authority directly or indirectly for any appointment under the Authority is prohibited and shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments and in any form of application.
- 2.2 A Member of the Authority shall not solicit for any person any appointment under the Authority and shall not provide, whether requested or not, any testimonial for a candidate for appointment.

3. Relationship of Candidate to Member or Officer

- 3.1 A candidate for any appointment by or under the Authority who knows that they are related to any Member or senior employee of the Authority (Area Manager or above) shall when making application disclose that relationship. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and senior employee of the Authority, as specified above, shall disclose to the Chief Fire Officer any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Authority. The Chief Fire Officer shall inform the Clerk of any disclosure so received.
- 3.2 The requirements of this Standing Order shall be included in every advertisement inviting applications for appointment and in any form of application.
- 3.3 For the purpose of this Standing Order "senior employee" means any employee occupying a post so designated by the Authority and persons shall be deemed to be related if they are husband and wife or cohabitee or if either of them or the spouse or cohabitee of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the applicant, or of the spouse or cohabitee of the applicant.

4. Interest of Officers

The Clerk of the Authority shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Authority under section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Authority.

Section 10

Common Seal and Duties of the Clerk

1. Role of Clerk

- 1.1 The Clerk shall have responsibility for the administration of the Authority.
- 1.2 The Clerk shall be designated the monitoring officer of the Authority pursuant to Section 5 (1) of the Local Government and Housing Act 1989 and shall be responsible for ensuring the legality of the actions of the Authority and its officers and employees acting on its behalf.

2. Responsibilities of Clerk

The Clerk shall be the proper officer of the Authority for the purposes of the following provisions of the Local Government Act 1972:

- 2.1 To determine which items are likely to be discussed in private and whether to exclude the matter from circulation to the press and public;
- 2.2 To determine which background documents supplied to Members of the Authority should be supplied to the press;
- 2.3 To prepare a written summary of the proceedings which were dealt with in that part of the meeting from which the public were excluded;
- 2.4 To determine which documents contain exempt information and should not be disclosed to members of the public;
- 2.5 Calling of Meeting;
- 2.6 Certification of Copies;
- 2.7 Authentication of Documents.

3. Custody of the Seal

The Common Seal of the Authority shall be kept in a safe place in the custody of the Clerk.

4. Sealing of documents

- 4.1 The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Committee to which the Authority has delegated its powers in this behalf, but a resolution of the Authority (or of a Committee where that Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of a contract, issuing a levy, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- 4.2 The affixing of the Common Seal shall be attested by the Clerk or a senior member of their staff nominated by them and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.
- 4.3 The Common Seal of the Authority shall be affixed to those documents which in the opinion of the Clerk require to be sealed.

5. Preparation of Legal Documents

- 5.1 The Clerk of the Authority shall prepare or arrange for the preparation of all contracts, leases, agreements of tenancy or other agreements affecting land or property of whatsoever kind, including easements or any interest in land; and the Clerk shall prepare and be responsible for the preparation and proper execution of all contracts for the supply of goods and materials, the provision of services and the execution of any work to which the Authority is a contracting party.
- 5.2 Subject as aforesaid, agreements entered into by the Authority affecting matters of ordinary administration shall be dealt with by the Chief Fire Officer in cases where printed forms of agreement are applicable and suitable for the purpose and which forms as aforesaid have been previously settled or approved by the Clerk.
- 5.3 Every legal document, other than those hereinbefore mentioned, in any way relating to or affecting the functions of the Authority shall be settled in such manner as the Clerk may determine.
- 5.4 (a) The Clerk or a senior member of their staff nominated by them shall be authorised to sign on behalf of the Authority the several documents referred to in paragraphs 5.1 and 5.3 and all other documents which are intended to give effect to decisions of the Authority or of any committee and which are not required to be under seal.

- (b) The Chief Fire Officer or a senior member of their staff nominated by them shall be authorised to sign on behalf of the Authority the documents referred to in paragraph 5.2 which are not required to be under seal.

6. Legal Proceedings

- 6.1 Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Clerk of the Authority unless any enactment otherwise requires or authorises, or the Authority give the necessary authority to some other person for the purpose of such proceedings.
- 6.2 In relation to the discharge of the Authority's functions the Clerk or a senior member of their staff nominated by them shall be authorised on behalf of the Authority:
 - (a) To give Notice to Quit and other Notices or formal demands which they may deem it requisite to serve in the interests of the Authority;
 - (b) To take legal proceedings for the recovery of any moneys due to the Authority and for possession of any property to which the Authority may be entitled;
 - (c) Generally to institute, defend and conduct any legal proceedings or to make representations affecting the property, rights or interests of the Authority for which the Authority may for the time being be entitled to authorise, institute or defend other than in the case of prosecutions brought about under the Regulatory Reform (Fire Safety) Order 2005.
 - (d) In consultation with the Treasurer and Chief Fire Officer, to settle uninsured claims for damages against the Authority where the amount does not exceed £50,000 other than in industrial relations cases.

Nothing in this Standing Order shall affect the operation of any resolutions of the Authority specifically enabling the Clerk on its behalf to give notices or demands or to institute, defend or conduct proceedings before courts of summary jurisdiction or to appear and be heard on behalf of the Authority at any Public Inquiry.

7. Inspection of Documents

Any document which is in the possession or under the control of the Authority and contains material relating to any business to be transacted at a meeting of the Authority or a Committee shall be open to inspection by any Member of the Authority, except that where it appears to the Clerk that a document discloses exempt information the document shall not be open to such inspection. For the purpose of this Standing Order "exempt information" means that falling within paragraphs 1 to 7, of Schedule 12A to the Local Government Act 1972.

Section 11

Application of Standing Orders

1. Mover of Motion may attend Committee

A Member of the Authority who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. The Member shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.

2. Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

3. Suspension of Standing Orders

Any one or more of these Standing Orders may be suspended at any meeting of the Authority so far as regards any business at such meeting, provided that at least three quarters of the members of the Authority present and voting shall so decide.

4. Interpretation

4.1 The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall not be challenged at any meeting of the Authority.

4.2 Throughout these Standing Orders if not inconsistent with the context the following terms shall have the meanings hereinafter assigned to them:-

"Authority" means the Combined Fire and Rescue Authority of the County of Durham and Darlington

"Chair" means the Chair of a meeting of the Authority or of a Committee thereof for the time being

"Clerk" means the Clerk and Monitoring Officer of the Authority

"Chief Fire Officer" means the Chief Fire Officer of the Combined Fire and Rescue Service.

"Committee" means a Committee appointed by the Authority

"Treasurer" means the Treasurer of the Authority

"Standing Orders" means the Standing Orders of the Authority

"Financial Regulations" means the Regulations made to control the finances of the Authority

"Members Code of Conduct" is the Code of Conduct appended to the standing orders and headed Appendix One.

- 4.3 The Interpretation Act 1978 shall, save where the context otherwise requires, apply to these Standing Orders as it applies to the interpretation of an Act of Parliament.

Section 12

Contract Procedure Rules

1. What are Contract Procedure Rules?

The Contract Procedure Rules (CPR) provide the framework for procurement activity, setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements relating to procurement activity.

The Contract Procedure Rules should not be seen in isolation, but rather as part of the overall regulatory framework as set out in this Constitution.

Any specific advice in relation to procurement matters that is not covered by these rules should be sought from the Treasurer.

2. Basic Principles

All procurement procedures must:

- Realise value for money by achieving the optimum combination of whole life costs and quality of outcome
- Be consistent with the highest standards of integrity
- Operate in a transparent manner
- Ensure fairness in allocating public contracts
- Comply with all legal requirements
- Support all relevant priorities and policies of the Authority, including the medium term financial plan
- Comply with the Authority's procurement strategy

3. Officer Responsibilities

Officers will comply with these CPRs, the Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

Officers will:

- Have regard to the Procurement Strategy
- Keep appropriate records of procurement processes and decisions
- Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs.
- Prior to letting a contract on behalf of the Authority, check whether:
 - An appropriate contract is already in place
 - An appropriate national, regional or other collaborative contract is already in place
 - Where the Authority already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Authority's specific requirements in this particular case, and this is agreed following consultation with the Treasurer.

- Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this provided the contract offers value for money.
- Ensure that when any employee, either of the Authority or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and legal and HR advice is obtained prior to proceeding with the procurement exercise.

Failure to comply with any of the provisions of these CPRs, the Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer or Treasurer as appropriate. Depending on the nature of non-compliance this may result in disciplinary action being taken.

4. Quotations, Tenders, Variations and Exemptions

In accordance with Public Contracts Regulations (2015) all procurement in excess of £25,000 will be advertised via Contracts Finder in addition to the notes below.

For service or call off contracts the estimated contract value is determined using a minimum of four years aggregate expenditure.

4.1 The following rules must be followed when seeking quotations:

- if the estimated contract value exceeds £50,000, no contract shall be made unless an invitation to tender has been issued via the e-procurement portal, to at least three persons, firms or companies.
- If the estimated contract value exceeds £25,000 but is less than £50,000 no contract shall be made unless at least 3 written quotations have been sought via the e-procurement portal.
- if the estimated contract value exceeds £5,000 but is less than £25,000, no contract shall be made unless at least 3 written quotations have been sought.
- if the estimated value exceeds £250 but is less than £5,000, no contract shall be made unless at least one written quotation has been sought.

4.2 All contracts which come within the limits of the European Procurement rules shall be advertised in the Official Journal of the European Union and the procedures for the award of such contracts shall be in accordance with the relevant EU Directive.

4.3 Subject to (2) above.

- (a) In the case of a contract for the supply of goods or materials of a specialised nature or the execution of work of a specialised nature the Chief Fire Officer may in consultation with the Chair of the Authority invite tenders or quotations from 2 or more persons, firms or companies usually engaged in the performance of contracts of a similar nature to that proposed.
- (b) If it appears to the Chief Fire Officer that there is only one possible contractor or supplier in respect of any contract they may in consultation with the Chair of the Authority invite and accept a tender or quotation from a single person, firm or company. Appropriate documentation recording and evidencing the decision must be completed and retained in these cases.

4.4 Any public notice or written invitation to tender shall describe the nature and purpose of the proposed contract, invite tenders for its execution, and either the public notice or written invitation or a subsequent written communication to tenderers shall state the last date when tenders will be received.

- (a) The tender limits referred to above should be regarded as the minimum requirement and in those instances where only one written quotation is received further evidence of alternative prices should be documented in order to demonstrate that value for money has been pursued.

5. Acceptance of Tender or Quotation

Acceptance of tenders and quotations is delegated to the Treasurer who may authorise budget holders or finance officers to accept tenders or quotations on their behalf.

6. Variations and Exemptions

Except where the Public Contracts Regulations (2015) apply, the Chief Fire Officer has the power to waive any requirements within these CPRs for specific projects.

Where proceeding under a Variation does not breach the Public Contract Regulations (2015), these rules may be waived or varied where the circumstances are certified by the Treasurer as meeting any of the following criteria:

- (a) With an organisation already engaged by the Authority for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Authority to unacceptable risk;
- (b) Involving cases of genuine, unforeseen urgency, where it is not possible to comply with the CPRs;

- (c) In relation to time limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;
- (d) Where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.

A variation form must be completed by the appropriate officer and approved by the Treasurer. All variations will be held by the Procurement Officer and a summary of all variations will be maintained.

Where a variation is applied for by the Procurement Officer, it must be scrutinised by Internal Audit to ensure the robustness of the procedure.

These CPRs do not apply to contracts:

- which are procured on the Authority's behalf;
- Through collaboration with other fire authorities, local authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;
- By a National, Sub National or Regional contracting authority where the process followed is in line with the Public Contracts Regulations (2015) (e.g. NEPO, a Pro 5 organisation or Government Procurement Service, although this list is not exhaustive);
- Under the terms of a Strategic Partnership approved by the Authority;
- to cover urgent operational needs, if in the opinion of the Chief Fire Officer it is considered to be in the Authority's interests or necessary to meet the Authority's obligations under relevant legislation. Use of this exemption must be followed up with a Procurement Acceptance Report available from the Procurement Officer.

7. Relevant Contracts

All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Authority for the carrying out of works, supplies or services.

The following contracts and/or payments are exempt from these CPRs:

- (a) Contracts for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
 - i. British Telecom – specifically for telecoms infrastructure works;
 - ii. Network Rail – specifically for works affecting the railway infrastructure;

- iii. Northern Gas Networks – specifically for gas supply infrastructure works;
- iv. Northern Powergrid – specifically for electricity infrastructure works;
- v. Northumbria Water – specifically for water and sewerage infrastructure works;
- vi. Highways England – specifically for works to the core road network under their management;

In addition, certain other organisations may be regarded as statutory undertakers in very specific circumstances, where works are required, involving disruption to, or re-siting of, existing infrastructure which they own and/or operate, particularly:

- vii. Any other telecoms provider for works to specifically licensed mobile telecoms infrastructure which they own;
- viii. Any independent Distribution Network Operator for works to electricity infrastructure they own.

Where fees are payable directly to a sub-contractor appointed by a statutory undertaker, and where the Authority does not have the option of appointing a contractor itself, and where the statutory undertaker's procurement process for selecting the named sub-contractor complies with any obligations under the Utilities Contracts Regulations 2016, then the named sub-contractor shall be treated as a statutory undertaker for the purpose of this rule.

- (b) Fees payable to the Driver & Vehicle Licensing Agency and/or Drive and Vehicle Standards Agency.
- (c) Fees payable to the Disclosure & Barring Service.
- (d) Fees for TV licences in Authority owned or operated premises.
- (e) Contracts for the purchase of broadcasting time, including for the placing of radio and television advertising.
- (f) Contracts to provide sponsorship to events, award schemes, or other promotional activity being organised by a third party.
- (g) Contracts of employment which make an individual a direct employee of the authority.
- (h) A staff secondment, where an employee of another organisation shall work on an Authority project, on a temporary basis, but they will not become an employee of the Authority.

NB: While the CPRs do not apply to staff secondments, authorisation to proceed must be obtained from People and Organisation Development, and the terms of the secondment appropriately documented.

- (i) Contracts for legal representation by a lawyer (advocate, barrister or solicitor) in arbitration or conciliation proceedings, judicial proceedings before the

courts, tribunals or public authorities of another country or before international courts, tribunals or institutions.

- (j) Payments for legal advice given by a lawyer in preparation for, or connected to, any of the proceedings mentioned in (i).
- (k) Payments for documents, document certification and authentication services, which may only be provided by notaries, or from the issuing authority, such as the General Registry Office, HM Passport Office, Valuation Office Agency (VOA).
- (l) Payments for legal services provided by trustees or appointed guardians or other legal services, the providers of which are designated by a court or tribunal.
- (m) Appointment of independent planning inspectors nominated by the Royal Institute of Chartered Surveyors under the NPIERS scheme.
- (n) Examination fees payable to a qualification awarding body for the certification of exam results only, for a professional or vocational qualification in alignment with the Authority's professional bodies for exams and course fees.
- (o) Agreements regarding the acquisition, disposal or transfer of land (to which the Financial Procedure Rules apply)
- (p) The payment of grants to third parties.

NB. While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Authority cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process.

- (q) Contracts which have been procured on the Authority's behalf by a Central Purchasing Body, where the process followed is in line with the Public Contracts Regulations (2015), (e.g. the North East Procurement Organisation or Crown Commercial Services,)
- (r) To cover urgent operational needs, if in the opinion of the relevant head of section it is considered to be in the Authority's best interest or necessary to meet the Authority's obligations under legislation. Use of this exemption by the relevant section head must be followed up in writing.
- (s) Payments for third-party seller such as auctioneers, considered to be working in the Authority's best interest in achieving value for money on the sale of assets. Any third-party sellers who earn monies on commission and do not cost the Authority such as rates reviews or Cyclescheme.
- (t) Purchase of items of equipment that are of the same model and type as others in use in the Authority in order to avoid added costs such as training and spare parts.

8. Framework Agreements

Framework agreements are agreements between the Authority with one or more contracting authorities and suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

The term of a Framework Agreement must not exceed four years except in exceptional circumstances duly justified in particular by the subject matter of the framework agreement.

Where frameworks are awarded to several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:

9. Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition.

10. Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:

10.1.1 Inviting organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids within an appropriate time

10.1.2 Awarding each contract to the bidding organisation which has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

11. Competition Requirements

Officers must establish the total value of the procurement including whole life costs incorporating any potential extension periods which may be awarded. Based on this value, quotations or tenders must then be invited, and appropriately advertised, in line with the financial thresholds that are in place as per 4 above.

12. Negotiation with a Single Supplier (below OJEU)

In exceptional circumstances, a contract which will not exceed the relevant OJEU threshold may be awarded without a competitive procurement, via direct negotiation with a single supplier, following a process similar to the EU Negotiated Procedure. Such award may only be made in the following circumstances:

(a) For the purchase of goods which are patented or have special technical characteristics that they may be considered unique, and where these goods are only available from one supplier.

- (b) For the execution of works or services involving unique, highly specialist knowledge or skills and where it can be demonstrated that only one organisation possesses the required knowledge or skills.
- (c) For the execution of works or services, where there is considerable benefit to the Authority in negotiating with a particular proposed supplier and where this does not expose the Authority to unacceptable risk.

The use of this process may be invalidated by prior negotiation or discussion (of any kind) with a proposed supplier, without the involvement of the Procurement Officer, where such negotiation may distort or restrict the potential market or otherwise prejudice the Authority's position. The Treasurer reserves the right to refuse the award of a contract via this process where such unauthorised negotiation has taken place.

All awards under a negotiation with single supplier must be authorised in writing by the Treasurer.

13. Evaluation Criteria

In any procurement exercise the successful bid should:

- 13.1 Offer the lowest price, or
- 13.2 Offer the most economically advantageous balance between quality and price

In the latter case, the Authority will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example, price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

Issues that are important to the Authority in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example, sustainability considerations, support for the local economy or the use of sub-contractors. The bidding organisation's approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Authority's corporate objectives and must be objectively quantifiable and non-discriminatory.

These criteria should be assessed through either:

- 13.3 Essential Criteria – assessed on a pass/fail basis, or
- 13.4 Technical Questions – assessed on a scored basis

The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high level criteria, how the high level criteria are divided into any sub criteria and the weightings attached to each of those sub criteria.

14. Evaluation Panel

Officers should establish an evaluation panel for the assessment of any Technical Questions at shortlisting and/or Invitation to Tender stages. Each element of the evaluation may have its own panel, provided that all of the responses to each Technical Question are evaluated by the same panel members.

The panel should have at least two members of staff. The Procurement Officer should act as a moderator and may also take part in the evaluation.

15. Standards

Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

16. Invitation to Tender / Request for Quotation

Invitations to tender and quotation requests must be issued in accordance with the requirements of these CPRs. Officers must ensure they are familiar with and adhere to the minimum current threshold values. Above the single quotation threshold of £5,000, all invitations to tender, requests for quotation and quick quotes should wherever possible be issued via the Authority's e-procurement system.

17. Shortlisting

Any shortlisting (ie SQ) must have regard to the economic, financial and technical standards relevant to the contract and Evaluation Criteria. Specific rules apply to public sector contracts covered by the Public Contracts Regulations (2015). Officers should refer to any further guidance from the Procurement Officer.

18. Tenders

Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where the Public Contract Regulations (2015) apply, Chapter 2 of the Regulations lays down specific minimum time periods for tenders.

Tenders submitted electronically will be opened by the Procurement Officer or their representative(s). Where tenders are submitted electronically they cannot be opened until the agreed tender opening date and time has been reached. The e-procurement system maintains a full audit trail of all tenders submitted.

19. Quotations

An audit trail of quotations will automatically be maintained within the e-procurement system, where written quotations have been sought an audit trail must be maintained by the officer seeking the quotations and all quotations provided to the Finance Team as part of the ordering process.

20. Clarification Procedures

The Authority can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisations submission. All clarification discussions must be fully documented as part of the procurement process.

21. Evaluation

The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance available from the Procurement Officer.

22. Award of Contract

The Authority is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

Where procurement has been subject to the Public Contract Regulations (2015), the Alcatel Standstill (a 10 day standstill period before a contract can be awarded to allow unsuccessful bidding organisations an opportunity to challenge the proposed contract award) will need to be included in the procurement timetable before the contract can be awarded. Full information regarding the Alcatel Standstill can be obtained from the Procurement Officer.

23. Feedback

Feedback will be given to all organisations completing the process. Information will be relevant to the size of the contract and issued by the Procurement Officer.

24. Format of Contract Documents

The Procurement Officer will assist in supplying the Authority's procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by the Authority's legal advisor before being issued by the Procurement Officer.

25. Contract Signature

The Contract agreement must:

- (a) Where the contract is in the form of a deed, be made under the Authority's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement there will be:
 - (i) the issue of a formal letter followed by
 - (ii) the issue of a contract signed by an appropriate senior officer/budget holder in conjunction with the Procurement Officer

26. Review of Tenders and Contracts

To ensure the integrity of the procurement process as determined by the Procurement Officer:

- All proposed invitations to tender or requests for quotation that are not in compliance with the contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Authority's legal advisors;
- Any proposed Invitations to Tender which are subject to the Public Contract Regulations (2015), or which are deemed to be of high risk, must be reviewed by the Authority's legal advisors;
- Any proposed contract where there is any deviation from the contract terms in the Invitation to Tender must be reviewed by the Authority's legal advisors.

27. Records

The Public Contract Regulations (2015) require contracting authorities to maintain the following comprehensive records of procurement activities:

- Contract details including value
- Selection procedure
- Justification for use of the selected procedure
- Names of bidding organisations, both successful and unsuccessful
- Reasons for selection
- Reasons for abandoning a procedure

Prior to the contract being formally awarded, and prior to any bidding organisations(s) being notified, the result of any competitive procurement process must be recorded by the Procurement Officer.

The Procurement Officer will submit notifications and then formally award the contract.

Following the signature of the contract documents, the Procurement Officer will ensure a copy of the signed contract particulars is retained for future reference and audit purposes.

28. Prevention of Corruption

The rules and regulations pertaining to the prevention of corruption are outlined in the Authority's Financial Regulations (Section 13) and must be adhered to.

29. Declaration of Interests

The rules and regulations pertaining to the declaration of interests are outlined in the Code of Conduct for Employees (paragraphs 9 & 15) and must be adhered to.

30. Contract Management / Monitoring

All contracts must have an appointed contract manager for the duration of the contract. The Contract Manager is determined by the senior officer named at 23 (b) (ii).

Contract management, monitoring, evaluation and review must be undertaken in line with advice from the Procurement Officer.

31. External Body Grant Funding

Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Authority by an external funding body, officers must ensure that any rules or grant conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.

Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed. Where there is any doubt over which requirement should be followed, the guidance should be sought from the Treasurer in the first instance.

32. Review and Amendment of Contract Procedure Rules

These Contract Procedure Rules will be reviewed and updated as required to reflect changes to procedures or legislation.

33. Land and Buildings

The Chief Fire Officer has delegated powers to purchase and sell small parcels of land not exceeding £50,000. For purchase of land outside of the delegated powers, no contract for the purchase or sale of land and/or buildings shall be entered into until a report thereon has been considered by the Authority and the advice of the Authority's legal, financial, professional and technical advisers has been obtained.

Section 13

Code of Conduct for Members

1. In addition to the principles set out in this Section, Members are expected to undertake their duties in accordance with the Core Code of Ethics for Fire and Rescue Services (England). The Code which sets of the conduct that is expect of elected and co-opted members of the Authority when they are acting in that capacity.
2. This means the code applies whenever you:
 - (a) conduct the business of the Council (including the business of your office as an elected councillor or co-opted member); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council.
3. Co-opted member' means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members.

Part 1

4. Members and co-opted Members of County Durham and Darlington Combined Fire Authority ("the Authority") are expected to undertake their duties as follows:
 - 4.1 Represent the community and work constructively with employees and partner organisations to ensure the area is a safer place to live, work and visit.
 - 4.2 Behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Authority:
 - (a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family or friends.
 - (b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - (c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
 - (d) **Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- (e) Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands.
- (f) Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) Leadership:** promote and support these principles by leadership and example.

4.3 Act in accordance with the principles in paragraph 2 and, in particular:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them, and put the public interest first.
- (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Authority or the good governance of the County Durham and Darlington Fire and Rescue Service in a proper manner.
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member / Co-opted Member of the Authority.
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
- (f) Be accountable for decisions and co-operate when scrutinised internally and externally, including by local residents.
- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it.
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.

- (j) Always treat people with respect, including the organisations and public they engage with and work alongside.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Members should express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack.

Members should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. Members equally have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Members may stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where appropriate action could then be taken under the Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's relevant protocols

- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.
- (m) Not to bully or harass any person (including specifically any council 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 the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation.

- (n) Not to bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public;
- (o) To hold the local authority and fellow Members to account and constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

4.4 It is expected that Members will at all times comply requests as part of Code of Conduct investigations and any arising outcomes. Members will not submit malicious or trivial complaints.

4.5 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

Part 2

5. Register of Interests

5.1 Members must:

- a) register and, where appropriate, disclose those disclosable pecuniary interests that they are obliged to declare under the Localism Act 2011 and associated regulations; and
- b) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national or international aspect; and
- c) register details of any membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

5.2 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Monitoring Officer at Durham County Council. Members must ensure they keep the register updated and acknowledge that its contents will be published on the Authority's website and will be open to the public to inspect.

6. Disclosable Pecuniary Interests Entered on the Register

If Members are present at a meeting of the Authority and

- (a) they are aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; and
- (b) the interest is entered in the Authority's register

they may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; and they will leave the room where the meeting is held while any discussion or voting takes place.

7. Disclosable Pecuniary Interests NOT Entered on the Register

7.1 If Members are present at a meeting of the Authority and are:

- (a) aware that they have a disclosable pecuniary interest under paragraph 5.1(a) above in any matter to be considered or being considered at the meeting; **and**
- (b) the interest is not entered in the Authority's register,

they must disclose the interest to the meeting. Furthermore, they may not participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and will leave the room where the meeting is held while any discussion or voting takes place.

7.2 If an interest referred to in 7.1 above is not entered on the Authority's register and is not the subject of a pending registration, Members must notify the Authority's Monitoring Officer of the interest within 28 days of the date of the disclosure.

7.3 Members with the power to discharge an Authority function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:

- (a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); **and**
- (b) If the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Authority's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

8. Sensitive Interests

- 8.1 This applies to a situation where a Member considers that the disclosure of the details of your interest – including that of your spouse or partner – could lead to you, or a person connected with you, being subject to violence or intimidation.
- 8.2 In such circumstances you should share your concerns with the Council's Monitoring Officer. If the Monitoring Officer agrees with you, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that you had registered an interest the details of which had been withheld under Section 32 of the Localism Act 2011.
- 8.3 If the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.
- 8.4 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.

9. Other Relevant Interests

- 9.1 Members may have an Other Relevant Interest (which is not a disclosable pecuniary interest) in any matter to be considered or being considered at the meeting) where:
- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 5.1(b) or 5.1(c) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the Authority's administrative area; **and**
 - (b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.
- 9.2 Where a member has an Other Relevant Interest in an item of business as described in 9.1, the member shall declare it at the earliest opportunity. The member may make a representation on the item but will not be permitted to participate in any discussion or vote taken on the matter at the meeting. The member must leave the meeting once the representation has been made to avoid influence on those making the decision.

10. Gifts and Hospitality

- 10.1 Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.
- 10.2 The Monitoring Officer will place any notification received under paragraph 10.1 on a public register of gifts and hospitality.
- 10.3 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

Section 14

Financial Regulations

1. Background and Control Framework

- 1.1 Financial regulations form part of the financial control framework which governs the relationship between the Authority and its staff in relation to financial matters.
- 1.2 The financial control framework comprises the following documents:
 - Combined Fire Authority Standing Orders
 - Combined Fire Authority Financial Regulations
- 1.3 The Financial Regulations are a component part of the financial control framework, and as such should be referred to in conjunction with the Combined Fire Authority Standing Orders.
- 1.4 The Financial Regulations control the way in which the Authority manages and safeguards its assets and apply to all aspects of Authority business.
- 1.5 Various committees assist the work of the Authority.
 - The Appeals Committee
 - The Audit and Finance Committee
 - The Human Resources Committee
 - The Performance Committee

Responsibilities

- 1.6 It is the responsibility of each Principal Officer to ensure compliance with the Financial Regulations.
- 1.7 Failure to observe the Financial Regulations may result in action under the Authority's disciplinary procedure.

Interpretation

- 1.8 In these regulations, a 'Principal Officer' is defined as an officer responsible for the control of a specific Service area, including overall control of the Service. This includes:

Chief Fire Officer
Deputy Chief Fire Officer
Assistant Chief Fire Officer
Treasurer
Area Managers

Best Value

- 1.9 Nothing in these Financial Regulations shall hinder the progress of Best Value and the achievement of value for money. These Financial Regulations are designed to assist those with financial responsibilities to demonstrate best value through financial probity and sound financial controls.

Principal Officers

- 1.10 The Deputy Chief Fire Officer, Assistant Chief Fire Officer and the Treasurer are accountable to the Chief Fire Officer for the financial management of their respective departments.
- 1.11 Each Principal Officer is responsible for ensuring that appropriate consultation takes place before submitting policy options to the Service Leadership Team or recommendations to Members of the Authority.
- 1.12 The Treasurer to the Authority must be consulted prior to finalising any report for Members or the public which has budgetary implications or which contains financial implications on which policy decisions are to be based.
- 1.13 Each Principal Officer must ensure that the activities for which they are responsible are operated in an economic, efficient and effective manner, in accordance with all approved regulations.
- 1.14 Reports can only be submitted as joint reports of the Chief Fire Officer and Treasurer if the Treasurer has agreed the financial aspects of the report. The Chief Fire Officer and Treasurer must agree the content of joint reports prior to their submission to the Authority.
- 1.15 Each Principal Officer is responsible to the Authority for ensuring that all aspects of the financial control framework are applied consistently and observed by departmental staff.

Treasurer

- 1.16 The Treasurer has responsibilities that must be discharged under the following Acts and Regulations
- Section 73 and 105(1) of the Local Government Act 1995
 - Section 112 and 114 of the Local Government Finance Act 1988
 - The Accounts and Audit Regulations 2015
- 1.17 The Treasurer is responsible for maintaining supervision of all income and expenditure and shall be the principal financial advisor to the Authority.
- 1.18 The Treasurer shall ensure that all financial and accounting records, and associated control systems, are maintained in accordance with proper practices and are kept up to date.

1.19 The Treasurer shall approve the installation, operation and renewal of all financial systems in conjunction with the Chief Fire Officer.

2. Organisation of Responsibility and Accountability

2.1 Sound internal control and accountability for financial matters is best achieved by clear arrangements for delegation of powers and responsibilities and the separation of duties, with an effective system of monitoring, feedback and reporting.

2.2 The Treasurer is responsible for ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions, and management of activities.

2.3 Each Principal Officer should ensure that the duties, responsibilities and authorisations of each individual within their directorate are clearly defined in writing, and are understood by the appropriate members of staff.

2.4 In allocating responsibilities, the Treasurer should have regard to the desire to secure an adequate and effective level of internal control by allocating roles in a way that gives assurance that transactions will be properly processed and that errors will be detected promptly. Examples of such controls are:

- Internal Check (the checking of one person's work by another);
- Separation of Duties (assigning key tasks within a process to different members of staff);
- Systems Manuals (descriptions of how systems and individuals should operate);
- Authorisation (certification that a transaction or event is acceptable for further processing);
- Monitoring; scrutiny of exceptions and general supervision.

2.5 The arrangements for delegation must clearly specify the limit(s) upon the authority delegated to each individual, and the circumstances in which a decision must not be taken but must be referred back to a higher management level.

2.6 With regard to those individuals who are authorised to sign on behalf of any Principal Officer (e.g. for ordering and certification purposes), the Treasurer will identify these individuals as budget holders ensuring they are trained and have relevant access to the financial systems through which controls are maintained.

2.7 The process and levels of delegation will be monitored through the financial system itself and can be reviewed by the Treasurer at any time.

Internal Financial Controls

- 2.8 It is the responsibility of the Treasurer to ensure that an adequate and effective system of internal controls is operated.
- 2.9 Each Principal Officer shall ensure that financial control is maintained in the absence of key staff. Care should be taken when deploying staff to ensure that sensitive or valuable data or property is not vulnerable; especially when using casual or temporary staff.
- 2.10 A basic requirement is that all financial transactions must be traceable from the original documentation to the accounting records and vice versa.

Risk Management

- 2.11 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant Strategic and Operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.
- 2.12 The Authority is responsible for approving the risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 2.13 The Treasurer is responsible for preparing the Authority's risk management policy statement and for promoting it throughout the Service and for advising the Authority on proper insurance cover for material risks where appropriate.
- 2.14 The Service Leadership Team is responsible for reviewing strategic risks and reporting progress on the management of strategic risk to the Authority.
- 2.15 It is the responsibility of the Principal Officers to ensure there are regular reviews of risk within their areas of responsibility having regard to advice from the Assets and Assurance Section and other specialist officers (e.g. crime prevention, fire prevention, health & safety)

3. Financial Management, Accounting and Financial Administration

- 3.1 Good financial management is necessary to secure best value, control spending, achieve objectives on time and to ensure that decision-making is informed by accurate accounting information. Secure and reliable records and systems are essential to process transactions and information and substantiate the use of public money.

General Principles

- 3.2 Sound financial management is crucial to efficient and effective service

delivery and decision making, and is achieved by addressing the following issues:

- a) service strategy and development
- b) budget formulation
- c) budgetary management and control
- d) cost and output analysis
- e) risk assessment and mitigation
- f) project evaluation
- g) income generation and collection
- h) value for money and quality through best value service delivery
- i) stock, debtor and other asset control.

3.3 The Treasurer is responsible for ensuring that proper arrangements are made for financial management and administration, and for day-to-day budgetary control within the Service. The Treasurer is responsible for all financial matters relating to the Service, including the preparing of monitoring statements during the year and reporting on year-end out-turns.

3.4 The Authority has a number of policies in place to ensure the sound management of the organisation. These include the Anti-Fraud, Anti-Bribery and Anti-Corruption Policies (Section 18 Constitution) and the Whistle-blowing Procedure (AD-2-43).

These policies will form part of the information issued to all employees and are to be read in conjunction with these financial regulations.

Financial Administration

- 1.5 The processing of data and provision of information shall be controlled using strict timetables, agreed with the Treasurer. These timetables provide a framework that must be strictly adhered to by Principal Officers. Activities subject to such deadlines will include:
- a) budget preparation
 - b) final accounts preparation
 - c) budget monitoring reports
 - d) preparation of interim / final accounts
 - e) grant claims
 - f) statistical data (including national performance indicators)
 - g) payment systems such as payroll and creditors.

Accounting Regulations

- 3.6 Accounting Regulations shall be subject to, and shall not in any way conflict with, the Financial Framework, including Financial Regulations.

Accounting Systems

- 3.7 Service expenditure and income is part of the overall accounts of the Authority, and all accounting procedures, systems, records and accounts will be determined by, or be subject to the approval of the Treasurer.
- 3.8 The Treasurer shall ensure that the financial data held within the computerised accounting and budgetary control systems is maintained accurately and reliably and updated in accordance with agreed timescales and deadlines. The Treasurer will also ensure that each Principal Officer and staff are provided with appropriate access to this information or with such computerised reports as may be agreed.
- 3.9 The Treasurer is responsible for ensuring that any financial systems to be operated in a Service area interface reliably and satisfactorily with any central systems operated by the Authority.
- 3.10 The Treasurer is responsible for ensuring that staff are properly trained to use local or central financial systems as necessary to perform their roles effectively. This includes ensuring that there are adequate and up-to-date written descriptions in place for all financial systems and procedures.
- 3.11 The Treasurer shall determine the timetable and process for achieving closure of the Authority's accounts for each financial year.

Retention of Financial Records and Documents

- 3.12 Financial records, vouchers and documents may only be disposed of in accordance with the Service's record management, retention and disposal guide, held by the Finance department. On disposing of items, appropriate arrangements should be made to ensure confidentiality.

4. Budgetary Processes

- 4.1 Budgetary control is a continuous process involving the review of spending and adjustment of financial targets during each year. Responsibility for budgetary control places accountability over budget holders.

Revenue Budget

- 4.2 The revenue budget is an estimate of the annual income and expenditure requirements of the Authority and thereby sets out the financial implications of the Authority's current policies. Once approved by the Authority it gives the Chief Fire Officer the power to incur expenditure and also provides a basis on which the financial performance of the Authority can be monitored. These Regulations provide a comprehensive framework for the preparation and monitoring of the revenue budget against these criteria.

Budget Preparation

- 4.3 The Chief Fire Officer is responsible for ensuring that a revenue budget is prepared on an annual basis.
- 4.4 The Chief Fire Officer shall prepare a draft revenue budget for the next financial year, in consultation with the Treasurer, for submission to the Authority in such time as to allow the council tax precept to be advised to collecting Authorities.
- 4.5 The Treasurer and Chief Fire Officer shall specify the format of the revenue budget and the timing of reports relating to it, subject to any overriding requirements of the Authority. In practice the overall revenue budget will comprise a number of specific functional budgets which the Authority and/or Chief Fire Officer have identified as appropriate to the financial management arrangements of the Authority.
- 4.6 Any draft revenue budget(s) presented to the Authority shall be accompanied by a joint report from the Chief Fire Officer and the Treasurer which shall specify any variations relative to existing budgets and policies together with any implications for future financial years.

- 4.7 The Chief Fire Officer shall define budgetary control policy and ensure it is enforced including identifying responsible budget holders and the limits of their budgetary authority in relation to the approved revenue budget.

Expenditure against the Budget

- 4.8 Expenditure may be incurred within the revenue budget approved by the Authority in pursuit of the aims for which the budget has been established.
- 4.9 If any proposed change in policy is likely to affect the budget, a report to the Authority shall be prepared setting out clearly the full financial implications of the proposal and seeking approval to a variation in the budget.

Monitoring the Revenue Budget

- 4.10 Throughout the financial year each budget holder shall monitor expenditure and income against those specific budgets for which they are responsible. Where an officer orders goods or services which are to be charged against the budget(s) managed by another officer they will be required to gain the consent of that other officer before committing any expenditure against that budget.
- 4.11 The Treasurer shall advise the Chief Fire Officer on measures to assist budget holders fulfil their financial responsibilities.
- 4.12 Budget holders shall supply the Chief Fire Officer with sufficient information as and when required to enable accurate budget profiling and/or financial projections to be undertaken. This information shall be available to the Treasurer.
- 4.13 Budget monitoring statements including a forecast for the full financial year shall be submitted as a joint report by the Chief Fire Officer and the Treasurer to the Audit and Finance Committee on a regular basis.
- 4.14 If it appears that net expenditure will be in excess of the approved revenue budget and that excess cannot be financed by virement the Chief Fire Officer shall, following consultation with the Treasurer report the matter to the Authority at the earliest convenience. If expenditure in excess of the approved budget is incurred due to an emergency, this expenditure must be reported to the Treasurer and the Chair of the Audit and Finance Committee as soon as practicable and to the Authority as soon as possible thereafter.

Virement

4.15 Virement is the transfer of budget provision between individually defined budget headings. It is a necessary facility to assist the effective management of budgets. When the Authority sets its overall revenue budget for a given financial year it will effectively approve a series of specific functional budgets.

For the purpose of defining authorisation required for virement to take place budgets will be referred to as:

- Objective budgets, those that deal with a specific function
- Subjective budgets, those that deal with a certain type of expenditure/ income within a specific functional budget.

4.16 The Chief Fire Officer shall ensure that virement is undertaken as necessary to maintain the accuracy of the budget monitoring process and inform the Treasurer, in writing, as soon as possible that such virements have taken place.

4.17 The approval of the Authority shall be required if the proposed virement includes one or more of the following:

- a) a change in policy
- b) an addition to recurring commitments in future financial years
- c) where the resources to be transferred were originally capital financing related
- d) if required by the Treasurer.

4.18 The Treasurer may approve any virement where the additional expenditure is directly related to and is fully offset by fees, income or other contributions from another authority or separate organisation.

4.19 The approval of the Authority will be required for any virement proposed between the Revenue Budget and the Capital Programme.

4.20 The amounts approved by the Authority under the objective and subjective headings of the annual revenue budget shall not be diverted to any other purpose without the prior approval of the Authority except that:

- The Treasurer shall have delegated powers to vire amounts of up to £20,000; and the Executive (Principal Officers) and Treasurer acting jointly, shall have delegated powers to vire amounts of up to £250,000. These powers shall not apply if any of the criteria at 4.17 are met.

Outturn

- 4.21 The Treasurer in consultation with the Chief Fire Officer shall report to the Audit and Finance Committee on the outturn of expenditure and income as soon as possible after the end of the financial year.
- 4.22. The Treasurer shall be responsible for the completion and submission of any revenue claim forms to the relevant organisation and, if necessary, the External Auditor in accordance with any guidelines applicable to the claim in question.

Use of Reserves

- 4.23 The Treasurer is responsible for advising the Authority on the levels of reserves. The advice will be based upon an annual risk assessment of the prudent levels of reserves the Authority should maintain.
- 4.24 The Treasurer will manage the Authority's reserves in accordance with decisions taken by the Authority.

5. Capital Programme

- 5.1 Capital expenditure is an important element in the development of the Authority's services as it represents a major investment in new and improved assets. These Regulations provide a comprehensive framework for the preparation and appraisal of schemes proposed for inclusion in the Capital Programme to provide appropriate authorisations for individual schemes to proceed, and to allow the overall management of the Capital Programme within defined parameters.

Capital Programme Preparation

- 5.2 The Chief Fire Officer shall prepare a draft Capital Programme in consultation with the Treasurer for submission to the Authority.
- 5.3 The Treasurer and Chief Fire Officer shall determine the format of the Capital Programme and the timing or reports relating to it, subject to any overriding requirements of the Authority.
- 5.4 The Capital Programme shall identify actual expenditure on approved schemes in the current financial year (1) and proposed expenditure on schemes in the following three financial years.
- 5.5 Project appraisals shall be prepared by the Chief Fire Officer for all proposed schemes and shall be submitted to the Authority for approval before the inclusion of any schemes in the Capital Programme.

Expenditure against the Programme

5.6 Capital expenditure includes the following:

- a) the acquisition of lands, buildings, furniture, equipment, plant and vehicles
- b) the construction of new buildings or improvements to existing buildings
- c) internal or external professional fees on the above
- d) grants and advances for a capital purpose
- e) property leases for more than 10 years duration or which give rise to a capital charge

5.7 Other expenditure may be brought within the definition of capital expenditure by Central Government regulations. The Treasurer will advise the Chief Fire Officer whenever any such changes arise.

5.8 Approval of the Capital Programme by the Authority shall provide the Chief Fire Officer with:

1) Ratification for actual expenditure incurred on schemes contained in the approved Capital Programme for the current financial year.

2) Authorisation to incur expenditure on each scheme listed providing that expenditure on a particular scheme does not exceed the sum contained in the approved Programme by more than 10%. This approval is subject to any additional expenditure on an individual scheme being met from within the Authority's overall Capital Programme expenditure limit for that year.

3) Authorisation to make arrangements necessary for site purchase, to seek planning permissions, to incur professional fees and preliminary expenses as appropriate. This approval is subject to any expenditure being met from the Authority's predetermined capital expenditure limit for the year in which it is incurred.

5.9 Notwithstanding the authorisations detailed in Regulation 5.8. there may be circumstances in which a scheme requires expenditure to be committed well in advance of the year in which the actual costs will be incurred. In these circumstances the specific approval of the Authority will be required before any expenditure can be confirmed.

- 5.10 The approval of the Authority is required if:
- a) any increase/decrease in the Authority's previously approved Capital Expenditure Limit for that year is necessary as a result of either:
 - (i) the cost variation on an individual scheme exceeding the parameters defined in 5.8.
 - (ii) the inclusion, deletion or material modification of any scheme.
 - b) the committed expenditure in later years of the Authority's Capital Programme is increased for either of the reasons listed at (i) or (ii) above
 - c) the Treasurer determines it appropriate
 - d) in accordance with Regulation 4.19 there is a proposed virement between the Revenue Budget and the Capital Programme.
- 5.11 The Chief Fire Officer shall define budgetary control policy and ensure it is enforced including identifying responsible budget holders for each scheme and the limits of their budgetary responsibility in relation to the approved Capital Programme.

Leasing

- 5.12 All vehicle, plant, furniture and equipment leasing must be negotiated in conjunction with the Treasurer. Provision for the acquisition of leased items must be included in the Capital Programme.
- 5.13 All property leases must be notified to the Treasurer before commitment is entered into so that revenue implications and any statutory requirements can be considered.

Monitoring the Capital Programme

- 5.14 The Chief Fire Officer in consultation with the Treasurer shall monitor expenditure, on a scheme by scheme basis, throughout the year against the approved Capital Programme.
- 5.15 The Chief Fire Officer in consultation with the Treasurer shall report as appropriate to the Audit and Finance Committee on actual expenditure against the approved Capital Programme.

Outturn

- 5.16 The Treasurer in consultation with the Chief Fire Officer shall report on the outturn of expenditure on individual schemes within the Capital Programme as soon as possible after the end of the financial year.

6. Corporate Planning and Performance

6.1 The Strategic Planning and Performance Management Framework ensures that corporate processes are in place for planning services and managing risks and performance. In terms of Performance Management it ensures there is a thread which links strategy to delivery. It is integral to the way the Authority works and is a key part of our culture, evident at all levels of the organisation.

Strategic Planning

6.2. Strategic planning in simple terms should help the Authority to decide:

- where it wants to be in the future;
- how it is going to get there,
- relevant milestones along the way (objectives and targets in the medium and longer term); and
- how it will know when it has arrived.

Being strategic means developing a direction and scope for the organisation over the longer term using its resources in the changing environment to maximum advantage in line with the stakeholders' expectations.

The Authority has an integrated approach to financial and service planning through its approach to Service Transformation. The Authority's Integrated Risk Management Plan (IRMP) is aligned to the Service Transformation process to ensure that financial resources are considered at all stages of the strategic planning process.

Corporate Planning

6.3 Each Principal Officer should endeavour to ensure that plans are aligned with the overall values, objectives and priorities of the Authority.

6.4 Plans should be consistent with and based upon the budget allocated by the Authority to the services involved, address any fundamental service review recommendations and comply with statutory requirements.

6.5 The Treasurer shall maintain ongoing reliable and accurate management information systems to enable the regular monitoring of actual activity, achievements and performance against the Corporate Plan, and will initiate any necessary corrective action.

Performance Management

6.6 Performance management is about culture (e.g. leadership and commitment) and the systems (e.g. processes to develop service plans) which an organisation puts in place to help it manage and continuously improve its performance. Performance management should be seen as

the detailed 'checks on progress' that sit within, or support, a formalised strategic planning framework.

- 6.7 Each Principal Officer shall ensure that there is a clear link between the financial aspects within the service's Corporate Plan, and the collective and personal targets and performance standards required of managers and staff.
- 6.8 Each Principal Officer shall submit monitoring information to the Chief Fire Officer as required.
- 6.9 Each Principal Officer shall maintain accurate and reliable systems to produce performance indicator data as required internally and by external auditors.
- 6.10 Each Principal Officer shall actively seek opportunities for improved performance and best value, and shall assist Internal and External Audit, and the various external Inspectorates to perform studies and reviews as required.

7. Employee Costs

- 7.1 Employee costs are the largest element of the Authority's expenditure. Reliable and timely information from managers is essential to ensure correct payment. Also, failure to apply taxation and National Insurance regulations correctly to all payments could result in significant financial penalties being incurred.
- 7.2 The Treasurer shall establish procedures for the management and administration of personnel and payroll matters.
- 7.3 The Treasurer is responsible for operating secure and reliable systems to process payroll and employee data and information provided by Principal Officers to make payment on the due date.
- 7.4. The Treasurer is responsible for ensuring that adequate and effective systems and procedures are operated for personnel and payroll aspects, to ensure that:
 - a) payments are only authorised to bona fide employees;
 - b) payments are only made where there is a valid entitlement;
 - c) conditions and Contracts of Employment are correctly applied;
 - d) employee names listed on the payroll are checked at regular intervals to verify accuracy and completeness;
 - e) national insurance numbers are recorded for all employees and pensioners;
 - f) there is an effective system of checking and clarification of information submitted to the Treasurer for payment, whether in the form of amendments to computer records or written information.

7.5 With regard to staff claims for travel and subsistence (including those which must be paid through the payroll system for taxation and national insurance purposes) the Principal Officers are responsible for ensuring compliance of claims with the Authority's policy, and for arranging the most cost effective means of travel and subsistence.

8. Contracts, Agreements and Purchasing

8.1 This section of the Financial Regulations sets out the general rules governing the purchase of goods and services. More detailed procedures may be issued as appropriate.

8.2 Goods and services may only be procured if there is approved budgetary provision to cover the costs.

8.3 The Chief Fire Officer is responsible for:

- a) the procurement of all goods and services;
- b) ensuring that goods and services are received and are of the correct quality;
- c) the certification of invoices in accordance with the arrangements established by the Treasurer.

8.4 Financial procedures, limits and authorisation levels relating to purchasing, quotations and tenders can be found in the Contract Procedure Rules of this Constitution, Section 12.

8.5 The Treasurer shall ensure that the responsibilities of individuals for ordering, checking, certifying and recording transactions against budget are clearly defined.

8.6 All officers and Members are required to declare any links or personal interests which they may have with suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority. It is important for everyone involved in spending public funds to demonstrate that they do not benefit personally from decisions that they make, and to avoid any situation which might be regarded as compromising objectivity and impartiality.

8.7 Before entering in to a purchasing commitment, the Officer responsible for authorising the order should first be satisfied that the goods or services are appropriate and needed and that there is adequate budgetary provision. Quotations and/or tenders should then be obtained and Executive approval sought where required by the Authority's procedures.

8.8 Official orders should never be used by individuals to obtain goods and services for their private use.

Routine Purchasing of Goods and Services

- 8.9 Before making any purchase, each Principal Officer shall consider any steps required to demonstrate that best value is being obtained for the Authority.
- 8.10 Each Principal Officer shall be responsible for all orders or requisitions issued from his Service area which are generated via the Service's financial system.

Contracts

- 8.11 The Treasurer shall ensure that adequate and effective systems and procedures are operated for arranging and managing contracts and agreements.
- 8.12 Any contract or legal agreement involving a charge upon:
- assets - will be signed by a finance representative and the relevant budget holder
 - property and legal – will be forwarded to the Clerk of the Authority for signature and seal.
- 8.13 The Treasurer is the only officer who shall, enter into any agreement of contract involving the borrowing of funds or credit, or invest Authority monies or authorise any direct debit to be charged against the Authority's bank accounts. A finance representative via the treasury management process shall on behalf of the Treasurer enter into any agreement of contract involving the borrowing of funds or credit or invest Authority monies or authorise any direct debit to be charged against the Authority's bank accounts.
- 8.14 Except as agreed by the Treasurer, no officer may raise money by securing a legal charge or claim upon the buildings, property or any other asset or interest of the Authority.
- 8.15 Every contract, agreement, award or undertaking involving payment or by the Authority shall be sent to the Procurement Officer for inclusion in the Contracts Register as soon as possible after it's execution.
- 8.16 The Treasurer shall ensure that adequate and effective arrangements are operated to monitor performance by the contractor in relation to the contract specification, and that there is a formal procedure to control and authorise contract variations.

- 8.17 For all construction and alterations to buildings, the Estates Manager shall document and agree with the Treasurer, the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments; the checking, recording and authorisation of payments; and the system for the monitoring and controlling of schemes.
- 8.18 The Estates Manager shall ensure that the Treasurer is notified of all contracts for building works for new premises and alterations or extensions to existing premises, so that insurance cover may be obtained or amended.

Payment of Accounts and Claims

- 8.19 Goods and services shall be checked upon receipt to ensure they are in accordance with the order. Notification of acceptance should be sent to the Finance Section or directly receipted into the financial system.
- 8.20 An authentic VAT invoice (not a statement), is required to process a payment. An electronic image of the invoice must be checked in terms of validity and arithmetic, coded and certified for payment by an authorised budget holder. Invoices should only be certified by individuals who are specifically authorised to perform this function. Consideration should be given to separation of duties e.g. more than one individual involved in the process. If such arrangements are not practicable, specific written advice should be sought from Internal Audit.
- 8.21 Where passing a copy invoice is unavoidable, and a thorough check reveals that payment has not already been made, the copy invoice should be clearly marked 'certified not previously paid' and this endorsement approved as part of the process at 8.20 above.
- 8.22 Each Principal Officer is responsible for ensuring that their staff are aware of their responsibilities in relation to the payment of invoices and associated VAT treatment.
- 8.23 Payments to contractors for building or constructional contracts shall be made in accordance with the construction industry scheme as appropriate if registered in the scheme.
- 8.24 Accounts on the completion of building and constructional works carried out by contractors shall be retained by the Estates Manager showing the contract or estimated price variations, total cost, amount paid to date and the balance remaining due.
- 8.25 The Treasurer holds overall responsibility for ensuring safe and efficient arrangements for all payments. The Treasurer is entitled to request any information or explanations that are deemed necessary to substantiate a transaction.

- 8.26 The Treasurer must also operate adequate and effective controls upon the ordering, checking and certification processes.
- 8.27 The Treasurer shall also keep under review possible methods of collecting data for payment purposes, and in this connection, may consider any improvement proposals made by Principal Officers.

Corporate Credit Cards

- 8.28 All applications for corporate credit cards must be approved by the Treasurer. The Treasurer will issue guidelines regarding the application process and for their controlled use. Card holders are personally responsible for the security of cards and for ensuring compliance with guidelines for their use.

Purchasing Cards

- 8.29 The Service does not currently issue purchasing cards. All applications for purchasing cards must be approved by the Treasurer who will issue guidelines regarding the application process and for their controlled use.

Taxation

- 8.30 The Treasurer is responsible for ensuring that appropriate advice and guidance is available on all tax issues that affect the Authority, having regard to guidance issued by appropriate bodies and legislation.
- 8.31 The Treasurer is responsible for maintaining the Authority's tax records, making all payments, receiving tax credits and submitting tax returns by their due date as appropriate and complying with HMRC regulations.
- 8.32 Principal Officers are responsible for compliance with all guidance issued by the Treasurer.

9. Assets, Security and Risk Management

- 9.1 The Authority's assets have a significant value, which must be safeguarded.
- 9.2 Principal Officers shall be responsible for ensuring that adequate and effective arrangements are operated for the care and custody of all Authority assets and property within their remit, and that use is properly authorised and controlled (including adequate and effective security measures to prevent loss, and procedures to minimise damage and vulnerability). The assets of the Authority include buildings, vehicles, furniture and equipment, computer systems, stocks and materials, money and investments; but also less obvious things such as data and information.

- 9.3 Maximum limits for cash holdings will be agreed with Internal Audit, and shall not be exceeded without prior authorisation.
- 9.4 The Treasurer is the only person authorised to lend and invest Authority resources. No officer may place Authority resources in any fund or account other than through pre-arranged treasury management processes.
- 9.5 All goods received into Technical Services Centre must be checked as regards quantity and compliance with specification as soon as practicable thereafter.
- 9.6 The Treasurer shall ensure that procedures are operated for the safe custody, issue and disposal of assets such as vehicles, moveable plant and machinery; equipment, furniture, information and supplies.
- 9.7 At least annually, the Treasurer shall arrange physical stock checks of equipment, stores etc. against relevant records. Any significant surplus, deterioration or deficiency revealed as a result of such checks shall be investigated and reported promptly to Internal Audit.
- 9.8 Issues of all stores shall be supported by a requisition stating the quantity required and signed by a responsible officer.
- 9.9 The Treasurer shall arrange for the valuation of assets for accounting purposes.
- 9.10 The disposal of redundant items shall be recorded and should normally, subject to health & safety considerations, be by competitive tender or public auction. (Note the Chief Fire Officer has delegated authority to donate redundant decommissioned assets for charitable purposes up to a value not exceeding £10,000)
- 9.11 The Treasurer shall be notified of the intention to dispose of any item that might be regarded as capital or was obtained via a leasing agreement.
- 9.12 The Chief Fire Officer and other officers where appropriate, shall arrange for the safe custody of the original documents for all contracts, leases, deeds and agreements, and similar legal documents made under seal.
- 9.13 Assets purchased by the Authority shall be marked to identify them as property of the County Durham and Darlington Fire and Rescue Service, and shall not be removed or used except as required for the Authority's business and in accordance with specific procedures prescribed by the Chief Fire Officer.

Confidentiality, Security and Protection of Information

- 9.14 All employees of the Authority have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive, or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority.
- 9.15 The Authority's Administration and General Directive No AD/2/12 outlines the current Service Internet and E-mail policy and procedures to ensure that the law is not broken; to minimise the risk; and to ensure safe and efficient use. Principal Officers shall ensure that appropriate employees are familiar with this document; and that adequate and effective controls and security routines are operated in accordance with the guidance.
- 9.16 The Treasurer shall ensure that all computerised systems are properly registered and operated in accordance with requirements of the Data Protection Act 1998 and other relevant data protection legislation, including the General Data Protection Regulation 2016 and Data Protection Act 2018.
- 9.17 It is the responsibility of Principal Officers to ensure that all computerised systems within their Service areas are operated in accordance with legal requirements and all appropriate staff are familiar with the guidance provided.
- 9.18 Financial records, both manual and computerised should be retained and disposed of in accordance with the Service's record management retention and disposal guide and held by Finance.

Insurances

- 9.19 The Treasurer shall effect all those insurances falling within the framework approved by the Authority, and shall deal with all claims in consultation with the Chief Fire Officer.
- 9.20 For some risks not covered by external insurance policies, the Treasurer may operate an internal insurance account and is authorised to charge various Authority Service budgets with the cost of contributions to this account.
- 9.21 Risk Management is the responsibility of the Principal Officers having regard to advice from risk management specialist officers (e.g. crime prevention, fire prevention, health & safety). In general, costs and losses not insured externally and not covered by the internal insurance account would fall as a charge upon the budget of the service to which the item relates. Also, claims for insured risks could result in increased levels of future premiums, and this emphasises the need for effective preventative measures against all risks.

- 9.22 Principal Officers shall promptly notify the Treasurer, in writing, of all new risks, properties, vehicles and other assets or liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 9.23 Principal Officers shall notify the Treasurer, in writing, without delay, of any loss, liability or damage or any event likely to lead to a claim. The Treasurer shall make all claims arising out of insurance and Principal Officers shall provide such information and explanations required by the Treasurer or the Insurers.
- 9.24 Principal Officers shall consult with the Treasurer concerning the terms of any indemnity which they are requested to give on behalf of the Authority.
- 9.25 The Treasurer shall review, at least annually, all insurances in consultation with Principal Officers as appropriate.

10. Income, Banking and Treasury Management

- 10.1 The prompt, secure and efficient collection and banking of all income; the optimisation of cash flow and the careful management of the Authority's borrowing requirements are vital aspects of good financial management and administration. Cash, in particular can be very vulnerable unless adequately and effectively controlled.
- 10.2 All arrangements concerning the operation of the Authority's bank accounts (including local imprest accounts) shall be made solely by the Treasurer and they alone are authorised to open such subsidiary bank accounts as are necessary.

Income

- 10.3 All sums due to the Authority shall be collected, held securely and banked promptly. All income must be banked intact, and payments must not be made from receipts.
- 10.4 The Treasurer shall ensure that, where applicable, VAT is charged in calculating any income due. Where appropriate, advice should be sought from the Treasurer.
- 10.5 Every Officer paying money into a bank account shall enter on the paying in slip and on the counterfoil, the particulars of such payment, the account number, and other particulars of the debt to which it relates.
- 10.6 All receipt forms, tickets, and all other prime documents required for accounting for income, shall be ordered and controlled by the Treasurer.
- 10.7 Fees and charges within the control of the Fire Authority shall be subject to regular review by the Chief Fire Officer and the Treasurer.

Debt Collection

- 10.8 Proposals to write off individual debts shall be agreed with the Treasurer.
- 10.9 The Treasurer is responsible for ensuring that all amounts due to the Authority are factually correct, recorded and collected promptly in the most efficient way.
- 10.10 As a general principle, income should be collected at the same time of the transaction whenever possible, to optimise cash flow and to minimise administrative costs. Where income cannot be collected immediately, the relevant Principal Officer must ensure that a debtor account is raised immediately the debt occurs.
- 10.11 The Treasurer is responsible for maintaining records of debts raised for collection. They are also responsible for the subsequent sending of reminders to debtors to obtain payment. Principal Officers are responsible for assisting the Treasurer to collect debts that they have originated, by providing any further information requested on the debtor.
- 10.12 The Treasurer shall take all necessary steps to recover debts, including the use of debt collection agencies, and/or legal proceedings as appropriate.
- 10.13 Once raised, no debt may be cancelled except by full payment or by its formal writing off by the Treasurer. A credit note to reduce a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 10.14 The Treasurer shall prepare regular statements about the overall position on collection of the Authority's debts.

Petty Cash

- 10.15 To assist designated officers to purchase minor expenses the Treasurer may grant petty cash advances.
- 10.16 The Treasurer may make advances to designated officers to allow them to meet minor expenses subject to such conditions as are deemed necessary.
- 10.17 Petty cash purchases should not exceed £50 per item and will be supported in all circumstances with authenticated receipts.
- 10.18 No income received other than reimbursement of approved expenditure may be paid into a petty cash imprest account.

Treasury Management

- 10.19 The Fire Authority has formally adopted the key recommendations of the CIPFA Code of Practice for Treasury Management in the Public Services.
- 10.20 Accordingly, the Fire Authority has created and will maintain, as a cornerstone for effective Treasury Management:
- A Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities;
 - Suitable Treasury Management Practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
 - A Treasury Management Strategy (year on year) which deals with the use of specified investments, non-specified investments and the liquidity of investments along with the Authority's approach to borrowing and the use of external managers.
- 10.21 Reports will be presented to members of the Authority on its Treasury Management Policies, practices and activities, including an annual strategy and plan in advance of the year end, and an annual report after its close, in the form prescribed in the TMPs.
- 10.22 The Authority delegates responsibility for the execution and administration of treasury management decisions to the Treasurer who will act in accordance with the Policy Statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management.
- 10.23 The Treasurer is responsible for the management of the Authority's cash flow and associated temporary loans. The objective is to minimise risk to the Authority. Further details are set out within the Treasury Management section of the Budget Report.

External Funding

- 10.24 Principal Officers are responsible for ensuring that any bids for external funding are made in consultation with the Treasurer.
- 10.25 Principal Officers must ensure that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed.
- 10.26 The Treasurer is responsible for ensuring that all funding notified by external bodies is received and properly accounted for in the Authority's accounts. Principal Officers are responsible for providing all necessary information to enable this to be achieved.

11. Audit, Monitoring and Inspection

11.1 The Accounts and Audit Regulations require the Authority's Responsible Financial Officer (the Treasurer) to maintain continuous, adequate and effective internal audit of the Authority's accounts. Impartial monitoring and inspection of activities is essential to a healthy organisation. All financial operations are subject to audit reviews and investigations that assist the Treasurer to meet statutory responsibilities. These reviews also assist managers by providing an objective view of the standard of financial management and administration and general performance.

Monitoring and Inspection

11.2 The Treasurer is responsible for ensuring that sound financial procedures are operated throughout the Service area, including compliance with these Regulations. Aspects of particular interest will be:

- a) quality of financial management;
- b) soundness of financial decisions;
- c) efficiency and effectiveness of deployment of resources to achieve aims and objectives in line with priorities;
- d) effectiveness of financial control;
- e) action taken to evaluate the cost effectiveness of the operation.

External Audit

11.3 The Authority is subject to external audit and is also inspected by various other external auditors and inspectors (for example HM Revenue and Customs).

Internal Audit

11.4 The Treasurer is statutorily responsible for providing an adequate and effective ongoing internal audit of the financial affairs of the Authority, including best value aspects.

11.5 The Treasurer or their representative shall have the authority to enter at all times on any premises or land used by the Authority and to have access to all correspondence, documents, books or other records of any officer of the Authority and relating in any way to the activities of the Authority. The Treasurer shall have the authority to require any officer of the Authority to produce cash, stores, or other Authority property under their control for inspection.

11.6 The Treasurer shall have regard to any relevant professional guidelines and any audit standards issued by the Auditing Practices Board of the Consultative Committee of Accountancy Bodies (or equivalent successor body).

- 11.7 The Treasurer shall be notified immediately by the Chief Fire Officer of all financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of irregularities in the exercise of any of the Authority's functions. Such communications may be oral initially but must be confirmed promptly in writing.
- 11.8 The Treasurer shall determine the scope of any internal enquiries or investigations subject to consultation with the Legal Advisor to the Authority and the Chief Fire Officer.
- 11.9 The Treasurer and the Legal Advisor to the Authority in consultation with the Chief Fire Officer shall decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters.
- 11.10 The Treasurer or their representative shall at all times preserve the confidentiality of information received in discharging tasks under this section of the Financial Regulations.
- 11.11 A formal audit report will be produced by Internal Audit at the conclusion of each audit, which will identify the audit findings and recommendations, and this will be submitted to the Chief Fire Officer for consideration and reply.
- 11.12 The Treasurer shall ensure that the level and type of audit consideration has regard to the characteristics and relative risks of the activities involved. They shall maintain an ongoing liaison with the Chief Fire Officer about the audit strategy and the audit coverage which is considered to be appropriate. In doing this, the Treasurer will not only have regard to their statutory duty to operate an adequate and effective internal audit of the financial affairs of the Authority, but also the need to seek added value, effective use of resources, improved performance and cost effective controls.

Management Responsibilities

- 11.13 The Chief Fire Officer shall consider and respond promptly to recommendations in audit reports by Internal Audit or by the External Auditor, and shall clearly indicate what action they intend to take. They should also record action taken and the outcomes in operational and financial terms.
- 11.14 All Principal Officers have prime responsibility for the operation of adequate and effective systems of internal control. The Treasurer's role is to provide advice and guidance, and to monitor and inspect these arrangements as an aid to management. Such controls will assist in the prevention, detection, reporting and investigation of irregularity and/or fraud.

11.15 In this context, Principal Officers are responsible for operating adequate and effective systems for on-going monitoring and feedback of information about their activities, and initialising any necessary action to maintain standards and objectives required.

11.16 Each Principal Officer is responsible for securing best value for money in relation to their Service's activities, and for achieving performance targets.

11.17 Any proposed changes or developments to financial procedures, records, systems and accounts shall not be made without the express agreement of the Treasurer.

Reporting of Irregularities

11.18 Any individual becoming aware of (or suspecting) fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources (including systems and/or information) should report the matter immediately (preferably via their line manager) to the Durham County Council (DCC) Head of Internal Audit. This depends, however on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. For example, if the individual suspects that their manager is involved, then the Treasurer should be informed in line with the Authority's broader guidance in its Whistle Blowing Policy (Administration and General Directive No AD/2/43) or failing that to the Chief Fire Officer, or Head of Internal Audit as preferred.

11.19 The DCC Head of Internal Audit will take whatever steps are considered necessary, on behalf of the Treasurer, to investigate and report upon the matter. The Chief Fire Officer shall meanwhile take any appropriate action to prevent further loss and to secure records and documentation against removal or alteration. If there is a possibility that an employee may have been involved, a report by management and/or Internal Audit shall be considered by the Chief Fire Officer before deciding what action is appropriate.

Preventing Fraud and Corruption

11.20 The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the organisation.

11.21 The Treasurer is responsible for the development, maintenance and review of anti-fraud, anti-bribery and anti-corruption policy (section 18 of the Constitution).

11.22 It is the responsibility of Principal Officers to promote the anti-fraud and anti-corruption policy within their Service areas and to ensure that all suspected irregularities are reported to the DCC Head of Internal Audit.

11.23 The DCC Head of Internal Audit will take whatever steps are considered necessary, on behalf of the Treasurer, to investigate and report upon the matter. Principal Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration.

12. Partnerships

12.1 The Authority may form partnerships with other local, public, private, voluntary and community sector organisations. The Authority is responsible for approving any delegations of its powers to address local needs.

12.2 The Authority can delegate its functions, including those relating to partnerships to officers. Details are set out in the Scheme of Delegation that forms part of this Constitution.

12.3 The Chief Fire Officer or other appropriate officer may represent the Authority on partnership and external bodies, in accordance with the respective decisions of the Authority.

12.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Authority.

12.5 The Treasurer is responsible for ensuring that the accounting arrangements to be adopted relating to partnerships are satisfactory. The Treasurer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies and ensure that risks have been fully appraised.

13. Revision of Financial Regulations

13.1 These Regulations can only be altered by the agreement of the Authority or as a result of changes in statutory arrangements.

13.2 These Regulations were last updated May 2018 and will be reviewed annually.

Section 15

Access to Information Procedures and Rules

1. Scope

These rules apply to all meetings of the Authority and its Committees.

2. Additional Rights to Information

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

3. Rights to attend meetings

Members of the public may attend all meetings of the Authority and any Committees which have been given delegated powers to make decisions on behalf of the Authority subject only to the exceptions in these Rules.

4. Notices of meeting

The Authority will give at least five clear days' notice of any meeting by posting details of the meeting on the website and at Service Headquarters.

5. Access to Agenda and Reports before the meeting

The Authority will make copies of the agenda and reports open to the public available for inspection via the website and at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Clerk shall make such report available to the public as soon as the report is complete and sent to Members) will be open to inspection for the time the item was added to the agenda.

6. Supply of copies

The Authority will supply copies of:

- (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 in the agenda; and
- (c) if the Clerk thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. Access to Minutes etc. after the meeting

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

- (a) the minutes of the meeting [or records of decisions taken, together with reasons, for all meetings of the Authority] excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

8.1 List of background papers

The Officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be made available via the website and a copy made available at Service Headquarters; County Durham and Darlington Fire and Rescue Service, Belmont Business Park, Durham, DH1 1TW.

10. Exclusion of Access by the Public to Meetings

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any qualification)

| Category | Qualification | Interpretation |
|--|--|---|
| 1.Information relating to any individual | The exemption applies only if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (see note on public interest at the end of the table). | |
| 2.Information which is likely to reveal the identity of an individual. | The Public Interest Test Qualification applies, as in 1 above. | |
| 3.Information relating to the financial or business affairs of any particular person (including the authority holding that information). | <p>The Public Interest Test Qualification applies, as in 1 above.</p> <p>"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <p>(a) the Companies Act 1985;</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies Act 1992;</p> <p>(d) the Industrial and Provident Societies Acts 1965 to 1978;</p> <p>(e) the Building Societies Act 1986 ["registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).]; or</p> <p>(f) the Charities Act 1993.</p> | Any reference to "the Authority" is a reference to the Authority or, as the case may be, the Committee or Sub-Committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. |
| 4.Information relating to any consultations or negotiations, or | The Public Interest Test Qualification applies, as in 1 above. | Any reference to "the Authority" is a reference to the Authority or, as the case may be, the Committee |

| | | |
|--|---|--|
| <p>contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.</p> | | <p>or Sub-Committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined.</p> <p>"labour relations matter" means—</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Authority as they apply in relation to employees of the Authority;</p> <p>"employee" means a person employed under a contract of service;</p> <p>"office-holder", in relation to the Authority, means the holder of any paid office appointments to which are or may be made or confirmed by the Authority or by any joint board on which the Authority is represented or by any person who holds any such office or is an employee of the Authority;</p> |
| <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> | <p>The Public Interest Test Qualification applies, as in 1 above.</p> | |
| <p>6. Information which reveals that the Authority proposes—</p> | | <p>Any reference to "the Authority" is a reference to the Authority or, as the case may be, the Committee</p> |

| | | |
|---|--|--|
| (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment. | The Public Interest Test Qualification applies, as in 1 above. | or Sub-Committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. |
| 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | The Public Interest Test Qualification applies, as in 1 above. | |

| | | |
|---|--|--|
| Exempt Information relating to the Audit and Finance Committee when dealing with Code of Conduct complaints only | | |
| 7A. Information which is the subject to any obligation of confidentiality. | The Public Interest Test Qualification applies, as in 1 above. | |
| 7B. Information which relates in any way to matters concerning national security. | The Public Interest Test Qualification applies, as in 1 above. | |

Note -The Public Interest Test

The Public Interest Test in the Freedom of Information (FOI) Act 2000 is specifically defined:

The Authority must release the information unless *“in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”*.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- (a) There is a distinction between the public interest and what merely interests the public.
- (b) Does it further the understanding of and participation in the public debate of issues of the day?

- (c) Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?
- (d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- (e) Does it bring to light information affecting public health and public safety?

11. Exclusion of Access by the Public to Reports

If the Clerk thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

Section 16

Members Handbook and Allowances

Members will be issued with a handbook setting out the allowances payable for serving on the Authority.

The handbook provides a detailed guide to the rules governing the payment of allowances and the amounts payable, as well as the procedures to be followed when making claims.

Information in relation to Members Allowances is published on the website at:

www.ddfire.gov.uk

Section 17

Code of Corporate Governance

Introduction

1. Corporate Governance is a term used to describe how organisations direct and control what they do. As well as systems and processes this includes cultures and values. For local authorities this also includes how a Fire Authority relates to the communities that it serves. Good Corporate Governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate Governance is also the structure through which strategic objectives are set and performance monitored. Best practice principles in that regard flow from the three core components of the Turnbull report, namely; the assessment of corporate risk; effective management systems and the enabling of the organisational culture.
2. County Durham and Darlington Combined Fire Authority (the Authority) is committed to demonstrating that it has the necessary Corporate Governance arrangements in place to perform effectively.
3. This Code is a public statement that sets out the way the Authority will meet that commitment. As such it represents a key component of the Authority's governance arrangements. The Code has been developed in accordance with and is consistent with the CIPFA / SOLACE 2016 Framework: Delivering Good Governance in Local Government and is based upon the following seven principles of good governance:

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

Principle B: Ensuring openness and comprehensive stakeholder engagement

Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits

Principle D: Determining the interventions necessary to optimize the achievement of the intended outcomes;

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

Principle F: Managing risks and performance through robust internal control and strong public financial management

Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

The Code also sets out the mechanisms for monitoring and reviewing the Authority's Corporate Governance arrangements.

The Authority's Corporate Governance Principles

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

4. The Authority will foster a culture of behaviour based on shared values, high ethical principles and good conduct. The Authority will do this by establishing and keeping under review:
 - The Authority's own values on leadership as enshrined in the Three Year Strategic Plan and evidenced in Codes of Conduct that set standards for behaviour;
 - A Member Code of Conduct;
 - An Employee Code of Conduct;
 - A Register of Interests and declarations of Gifts and Hospitality accepted;
 - Equality and Diversity arrangements;
 - A Confidential Reporting policy;
 - The roles of Members and Officers in decision-making;
 - Appropriate and timely advice, guidance and training for both Members and Officers;
 - Systems for reporting and dealing with any incidents of fraud and corruption.
5. Standards complaints will be considered by the Authority's Audit and Finance Committee.

Principle B: Ensuring openness and comprehensive stakeholder engagement

6. The Authority will seek and respond to the views of stakeholders and the community. The Authority will do this by:
 - Forming and maintaining relationships with the leaders of other organisations;
 - Ensuring partnership arrangements demonstrate clear and appropriate governance accountabilities;
 - Producing plans for service delivery within the community;
 - Having a Communications Strategy and providing access to a range of consultation methods, particularly to those groups which are harder to reach;
 - Using an approach that recognises that people are different and gives everyone the same or an equal opportunity to information, advice and support in ways that are suited to the needs or circumstances of the individual;
 - Encouraging and supporting the public in submitting requests for aspects of the Authority's Service to be scrutinised;
 - Providing and supporting ways for citizens to present community concerns to the Authority;
 - Providing for the public the opportunity to ask questions or make representations to the Authority;
 - Publishing a Three Year Strategic Plan and Integrated Risk Management Plan (IRMP) providing information in relation to the Authority;
 - Continually developing clear channels of communication;

- Providing a modernised Information Communication and Technology Service that meets the needs and aspirations of the organisation and the communities we serve.
7. The Authority recognises the key role it has to play in supporting partnership working within County Durham and Darlington and also the role partners have to play in assisting the Authority to deliver on its objectives.

The Authority ensures good governance in respect of partnerships by:

- Reviewing and evaluating partnerships on a regular basis;
- Auditing partnership strategies and policies through the internal audit function;
- Ensuring partnerships offer value and contribute to the Authority's strategic objectives.

Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits

8. The Authority will, in exercising Strategic Leadership, develop and communicate its purpose and vision and intended outcomes for citizens and service users. It will explain and report regularly on activities, performance and the Authority's financial position. Timely, objective and understandable information about the Authority's activities, achievements, performance and financial position will be provided. The Authority will do this by annually publishing:

- A Three Year Strategic Plan incorporating the Integrated Risk Management Plan;
- A Medium Term Financial Plan;
- An Efficiency Plan;
- Externally audited accounts;
- Detailed performance information.

9. The Authority will aim to deliver high quality services to the public in an efficient and effective way. The Authority will do this by:

- Delivering services to meet local needs through the Three Year Strategic Plan and the Integrated Risk Management Plan, and putting in place policies and processes to ensure that they operate effectively in practice;
- Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors;
- Actively pursuing collaboration opportunities with the Police, Ambulance and other Fire Services;
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions;
- Comparing information about services with those provided by similar organisations, assessing why levels of efficiency, effectiveness and quality are different and considering other alternative means of service provision and procurement to maximise opportunities and improve value for money where appropriate.

Principle D: Determining the interventions necessary to optimize the achievement of the intended outcomes;

10. The Authority will achieve this by:

- publishing a detailed Medium Term Financial Plan which includes actions to ensure financial sustainability;
- producing a performance management framework, to ensure plans are met and remedial action taken;
- having processes in place to ensure data quality is high, so as to enable objective and rigorous decision making;
- ensuring regular monthly Service Leadership Team (SLT) meetings are held together with weekly SLT catch up meetings where issues are raised and actions agreed upon;
- having a risk management process to identify where interventions may be required;
- having a sound understanding of demand (current and future) which informs resource allocation decisions.

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

11. The Authority will ensure that those charged with its governance have the skills, knowledge and experience they need to perform well. The Authority will do this by:

- Consistent application of the Workforce Strategy;
- Operating robust recruitment and selection processes;
- Implementing Member Development strategies;
- Cascading regular information to Members and staff;
- Investing in Member and Officer Leadership training;
- Providing resources that support Member and Officer development;
- Promoting schemes supporting ongoing professional development;
- Undertaking the annual appraisal of the Chief Fire Officer and setting objectives that contribute to the Authority's vision, strategy and plans and that incorporate key development needs.

12. The Authority will ensure that the necessary roles and responsibilities for the effective governance of the Authority are identified and allocated so that it is clear who is accountable for decisions that are made. The Authority will do this by:

- Electing a Chair, establishing Committees and nominating Member Champions with defined responsibilities;
- Agreeing a scheme of delegated responsibilities to the Senior Management;
- Undertaking a regular review of the operation of the Constitution;
- Having in place effective and comprehensive arrangements for the scrutiny of services;
- Making the Chief Fire Officer responsible and accountable for all aspects of operational management;

- Ensuring at all times arrangements are in place for the proper administration of its financial affairs (S151 Officer);
- Ensuring at all times arrangements are in place for ensuring actions are taken in accordance with Statute and Regulation (Monitoring Officer);
- Developing protocols that ensure effective communications between Members and Officers.

Principle F: Managing risks and performance through robust internal control and strong public financial management

13. The Constitution sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that decisions are efficient, transparent and accountable to local people. Areas of potential change are identified throughout the year and the Constitution is amended on an annual basis.
14. The Authority will operate a risk management approach that aids the achievement of its strategic priorities, supports its decision making processes, protects the Authority's reputation and other assets and is compliant with statutory and regulatory obligations. The Authority will ensure that the risk management approach:
 - Enables a culture of risk awareness;
 - Formally identifies and manages risks;
 - Involves elected Members in the risk management process;
 - Maps risks to financial and other key internal controls;
 - Documents and records details of risks in a risk management information system;
 - Monitors the progress in mitigating significant risks, and reports this to appropriate Members;
 - Reviews and, if necessary, updates its risk management processes at least annually;
 - Considers risk within major projects.
15. The Audit and Finance Committee has responsibility for monitoring and reviewing the risk, control and governance processes and associated assurance processes to ensure Internal Control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance. This includes considering the work of External Audit, Internal Audit and Risk Management and making recommendations concerning relevant governance aspects of the Constitution.

Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

16. The Authority will achieve this by:
 - publishing relevant information relating to salaries, business interests and performance data on its website;
 - having a Procurement Officer who provides advice and issues clear guidelines for procuring goods and services;

- having an Audit and Finance Committee that operates in accordance with guidance provided by the Chartered Institute of Public Finance and Accountancy (CIPFA);
 - publishing information to the Authority and its Committees as part of established accountability mechanisms;
 - acting upon the findings/recommendations of Internal Audit and External Audit Reports;
 - preparing an Annual Governance Statement;
 - preparing an annual Statement of Assurance;
 - preparing an annual Efficiency Plan.
17. The Authority is committed to the publication of transparent performance information. This includes but is not limited to:
- Budget reports;
 - Operational performance reports;
 - Medium Term Financial Plan;
 - Efficiency Plan;
 - Statement of Accounts;
 - Annual Governance Statement;
 - Statement of Assurance;
 - Information required under the Local Government Transparency Code.

Monitoring and Review

18. The Authority has a Committee that is responsible for monitoring and reviewing the various aspects of Corporate Governance arrangements.
19. The Audit and Finance Committee is responsible for arrangements relating to;
- Monitoring and reviewing the risk, control and governance processes and associated assurance processes to ensure Internal Control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance;
 - Reviewing the Accounts prior to approval by the Authority;
 - External audit;
 - Internal audit;
 - Risk Management;
 - Making recommendations concerning relevant governance aspects of Standing Orders.
20. The Committee also has responsibility for promoting high ethical standards across the Authority, overview of the Member and officer codes and other relevant protocols.

21. This Committee will ensure that governance arrangements are kept under continual review through:

- Reports prepared by officers with responsibility for aspects of this Code;
- The work of Internal Audit;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from Statutory Officers.

The Statement of Assurance

22. Each year the Authority will publish a Statement of Assurance. This process is managed by the Service Leadership Team and will provide an overall assessment of the Authority's Corporate Governance arrangements and an appraisal of the key controls in place to manage principal governance risks. The Statement will also provide details of where improvements need to be made in accordance with the Accounts and Audit Regulations 2015.

23. The Statement of Assurance will be published with the Authority's Statement of Accounts.

Section 18

Whistleblowing Policy

1. Introduction

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals. This 'Whistle Blowing Policy' is intended to encourage and enable employees to raise serious concerns within the Authority, rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.

2. Aims and scope of this policy

- 2.1 This policy aims to:-
 - (a) provide avenues for you to raise concerns and receive feedback on any action taken;
 - (b) allow you to take the matter further if you are dissatisfied with the Authority's response; and
 - (c) reassure you that you will be protected from reprisals or victimisation for whistle blowing in good faith.
- 2.2 (a) There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This 'Whistle Blowing Policy' is intended to cover concerns that fall outside the scope of other procedures.

- (b) That concern may be about something that:-
 - (i) is unlawful; or
 - (ii) contravenes the Authority's Standing Orders, Financial Regulations or policies; or
 - (iii) falls below established standards of practice; or
 - (iv) amounts to improper conduct or corrupt practice.

3. Safeguards

3.1 Harassment or Victimisation

- (a) The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Authority will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.
- (b) This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistle blowing.

3.2 Confidentiality

The Authority will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

3.3 Anonymous Allegations

- (a) This policy encourages you to put your name to your allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Authority.
- (b) In exercising the discretion, the factors to be taken into account would include:-
 - (i) the seriousness of the issues raised;
 - (ii) the credibility of the concern; and
 - (iii) the likelihood of confirmation of the allegations from attributable sources.

3.4 **Untrue Allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

4. **How to raise a concern**

4.1 (a) As a first step, you should normally raise concerns with your immediate Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you believe that management is involved and you cannot for that reason raise it with your immediate Manager, then you should approach the officer with overall responsibility for the maintenance and operation of this policy:-

- (i) The Treasurer
Fire and Rescue Service Headquarters
Belmont Business Park
Durham DH1 1TW

Telephone: 0191 3755558

E-mail: THope@ddfire.gov.uk

OR,

- (ii) The Clerk and Monitoring Officer to the County Durham and Darlington Fire and Rescue Authority,
County Hall,
Durham DH1 5UL

Telephone: 03000 269727

E-mail: helen.lynch@durham.gov.uk

4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

- 4.5 (a) Advice and guidance on how matters of concern may be pursued can be obtained from:-
- (i) The Treasurer
Fire and Rescue Service Headquarters
Belmont Business Park
Durham DH1 1TW
- Telephone: 0191 3755558
- E-mail: THope@ddfir.gov.uk
- (b) You should note that matters of concern may be raised with either the Clerk to the Combined Fire Authority or the Treasurer. Usually, matters of concern about action which is believed to be unlawful and may contravene Authority Standing Orders (including Contract Standing Orders), conduct falling below established Standards of Practice, improper or corrupt practice should be raised with the Clerk to the Combined Fire Authority.
- (c) Communication with either officer may be by means of personal appointment, telephone, e-mail or ordinary mail. If requested, special envelopes can be provided in order to protect the confidentiality of any communication.
- 4.6 When any meeting is arranged, the whistle-blower may, if they so wish, be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

5. How the Authority will respond

- 5.1 (a) The action taken by the Authority will depend on the nature of the concern. The matters raised may:-
- (i) be investigated internally;
- (ii) be referred to the Police;
- (iii) be referred to the external Auditor;
- (iv) form the subject of an independent inquiry.
- 5.2 In order to protect individuals and the Authority, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation.

5.4 Within ten working days of a concern being received, the Authority will write to you:-

- (a) acknowledging that the concern has been received;
- (b) indicating how it proposes to deal with the matter;
- (c) giving an estimate of how long it will take to provide a final response;
- (d) telling you whether any initial enquiries have been made; and
- (e) telling you whether further investigations will take place and, if not, why not.

5.5 The Authority will take steps to minimise any difficulties which the whistle-blower may experience as a result of raising a concern. For instance, should they be required to give evidence in criminal or disciplinary proceedings, the Authority will give advice about the procedure and provide any necessary support.

5.6 The Authority accepts the whistle-blower needs to be assured that the matter has been properly addressed. Subject to legal constraints, information about the outcomes of any investigate will be given.

6. Audit and review

6.1 The HR team will perform a review of this procedure every five years or earlier if a change in circumstances occurs in legislation or good practice. Any recommendations will be implemented into the existing procedure.

7. Further information

- AD/1/10 Dignity at work policy
- AD/2/54 Dignity at work procedure
- AD/1/7 Discipline policy
- AD/2/68 Discipline procedure
- AD/2/36 Grievance procedure

Revised June 2020

Section 19

Anti-Fraud, Anti-Bribery and Anti-Corruption

1. Introduction

County Durham and Darlington Combined Fire Authority is committed to sound corporate governance and has demonstrated this by adopting a Code of Corporate Governance based on the CIPFA/SOLACE framework.

In administering its responsibilities, the Authority is committed to the highest ethical standards. It expects all its Members and officers to lead by example in ensuring compliance with rules, procedures and recommended practices, whilst maintaining conduct of the highest standards, such that the public confidence in their integrity is maintained.

The Authority expects that individuals and organisations that it comes into contact with will act towards the Authority with integrity and without thought or actions involving fraud or corruption. This policy has been updated to reflect the introduction of the Bribery Act 2010. Bribery is the most common form of corruption and it is arguable that the definition of “bribery” will encompass all forms of corruption covered by the previous policy. The word “corruption” has been retained for the time being.

The Authority’s Anti-Fraud and Anti- Bribery and Corruption Policy is based on a series of comprehensive and inter-related procedures designed to frustrate any fraudulent or corrupt act. The Policy covers

- Culture
- Prevention
- Detection and Investigation
- Training

The Policy will be made available to all Members and officers of the Authority to ensure that they are aware of the Authority’s stance in relation to fraud, bribery and corruption.

2. Definitions

Fraud

‘The intentional distortion of financial statements or other records by persons internal or external to the organisation that is carried out to conceal the misappropriation of assets or otherwise for gain’

Bribery

‘Offering, promising or giving a financial or other advantage to a person intending them to perform improperly a relevant function or activity or to reward them for the improper performance;

Requesting, agreeing to receive or accepting a financial or other advantage intending that in consequence a relevant function or activity should be performed improperly.'

Corruption

'The offering, giving, soliciting or acceptance of an inducement or reward that may influence the action of any person'

Culture

- 2.1 The Audit Commission highlights the need for Members and senior officers to create an anti-fraud culture and environment within the organisation. The avoidance of fraud, bribery and corruption can only be truly effective where such acts are considered anti-social, unacceptable behaviour, and whistle blowing is perceived as a public spirited action.
- 2.2 The Authority has adopted a whistle blowing policy that gives officers a mechanism for reporting areas of concern, illegal acts and corruption. A copy of the policy will be issued to all officers and Members of the Authority and placed on the internet site.
- 2.3 Members of the public are also encouraged to report any concerns they may have about Authority officers or Members, through any of the routes outlined at 2.5 or those listed at Appendix 1 to this document.
- 2.4 The Authority's officers play a key role in the prevention and detection of fraud bribery and corruption. Officers are bound by the Confidential Reporting Code and are encouraged to raise any concerns that they may have on issues related to the Authority's activities.
- 2.5 Such concerns will be treated in the utmost confidence and be properly investigated. If necessary concerns can be raised via:
 - Chief Fire Officer, Clerk or Treasurer
 - Principal Officers
 - External Agencies e.g. external auditor

Contact details for the main internal and external contacts are attached at the end of this document

- 2.6 Financial malpractice or corruption will not be tolerated by the Authority. Any suspicion of fraudulent or corrupt practices will be promptly investigated by Authority officers and a decision taken in conjunction with the Clerk, Internal audit and the designated Police Liaison Officer within Durham Constabulary, where appropriate, as to whether to refer the matter to the police for criminal investigation. Referral for police investigation is normal practice where fraud or corruption is suspected. Following investigation and notwithstanding possible Police involvement, if appropriate, senior management will instigate the

Authority's disciplinary procedures in respect of those who are suspected of defrauding the Authority or who are suspected of bribery or corruption. It should be understood that fraud will be regarded as gross misconduct and as such is likely to lead to summary dismissal.

- 2.7 Where either officers or Members are implicated, the Treasurer must be informed immediately. Any subsequent investigation into Members' conduct will be conducted under the procedures set out under the Local Government Act 2000 and in accordance with the Members' Code of Conduct.
- 2.8 The raising of unfounded or malicious allegations will be dealt with under the appropriate disciplinary process and codes of conduct.

3. Prevention

- 3.1 The Authority is committed to raising the profile of its anti-fraud and anti-bribery and corruption work and this policy, which underpins the whole framework, will be widely distributed and publicised.
- 3.2 There is an important role to be played in the prevention of fraud, bribery and corruption by all managers across the Service. This general role complements the anti-fraud and anti-bribery and corruption activities undertaken by the services provided from the County Council Audit and Risk Management division. It is therefore essential that all managers understand the importance of soundly designed systems which meet key control objectives and minimise opportunities for fraud, bribery and corruption. They are responsible for assessing the potential for fraud, bribery and corruption within their own Section's activities and for implementing appropriate strategies to reduce this risk.
- 3.3 There are five main strands to the measures taken by the Authority to minimise the opportunities for fraud and corruption.
- Officer measures
 - Member measures
 - Internal control systems
 - Information and Communications Technology measures
 - Liaison with other Agencies

These measures are discussed in the following sections of the policy.

Officer Measures

- 3.4 The Authority is expected to maintain, and is entitled to expect a high standard of conduct from officers. The public are entitled to demand the highest standards of conduct from officers and to have the utmost confidence that officers are working honestly and without bias in order to achieve the Authority's objectives.

The Authority has adopted a Code of Conduct for employees that sets out the conduct expected of all its employees in the performance of their jobs. A number of clauses in the Code specifically deal with fraud, bribery and corruption issues and offer guidance to officers on the correct procedures to follow. Failure to comply with the requirements of the Code is treated as a serious matter and can lead to action being taken against the officer under the Authority's Disciplinary Procedures, up to and including dismissal.

- 3.5 In order to ensure that all officers are fully aware of the Authority's stance towards fraud, bribery and corruption, and the responsibilities it places on its employees, information relating to the Anti-Fraud and Anti-Bribery and Corruption Policy will be communicated at induction.
- 3.6 All professional officers employed by the Authority are also expected to comply with any relevant codes of practice that may have been issued by the professional institute to which that person belongs.
- 3.7 Officers are required to comply with the Authority's constitution. They must also operate within Section 117 of the Local Government Act 1972, regarding the disclosure of pecuniary interests in contracts relating to the Authority or fees and rewards other than their remuneration as an employee.

Member Measures

- 3.8 Members of the Authority are expected to operate honestly and without bias within relevant advisory frameworks.

The Anti-Fraud and Anti-Bribery and Corruption Policy will be issued to all Members as a reminder of the high ethical standards required by the Authority.

Internal Control Systems

- 3.9 Standing Orders and Financial Regulations set out a framework for financial control within the Authority. All officers are required to act in accordance with these rules and regulations when carrying out their duties.
- 3.10 The Treasurer, has a statutory responsibility under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of the Authority's affairs. The framework for delivery of this responsibility can be found in the Financial Regulations.
- 3.11 The Authority aims to have in place efficient and effective systems of control that as far as possible prevent potential fraudsters from exploiting weaknesses in procedures. The prime responsibility for maintaining such systems lies with Senior Managers. An independent appraisal of the integrity of internal control systems is undertaken by Internal Audit on a priority risk basis.

Internal Audit Examination

3.12 The strategic audit plan, based on risk, provides for systemic reviews of all major financial and management systems, whether computerised or manual. The audit frequency is determined following a risk assessment with the aim of all major audits being reviewed over a three year period. Financial systems regarded as 'core' systems are audited on an annual basis.

Information and Communications Technology

3.13 Information and Communications Technology (ICT) is integral to the delivery of the Authority's business. The internet and e-mail facilities bring opportunities for the perpetration of fraud. The Authority has in place procedures and systems that minimise these opportunities and improve the chances of fraudulent activity being detected.

3.14 There are three main strands to the Authority's attempts to combat fraud conducted via ICT. These are as follows

- Internet and e-mail policy
- Internal Audit examination of major computerised financial and management systems
- Liaison with other agencies

3.15 The most difficult ICT system fraud to detect, and potentially the most costly, is that which occurs when unauthorised amendments are made to the computer source code itself. The main control applied is the verification of system inputs and outputs using specialised computer audit techniques carried out by Internal Audit.

Internet and e-mail policy

3.16 Policies are in place for the use of the internet and email. Policies are posted on the Authority's intranet.

Liaison with Other Agencies

3.17 It is important that there is a high level of co-operation between the various agencies involved in the prevention and detection of fraud bribery and corruption in the public sector. In accordance with data protection and human rights regulations the Authority maintains links with, and shares information with many organisations including;

- National Audit Office
- Police
- Chartered Institute of Public Finance and Accountancy (CIPFA) national and regional audit groups
- County Chief Auditors' Network
- Northern Counties Chief Internal Auditor Group

- National Anti-Fraud Network
- Government Agencies
- Other Public Sector Bodies

3.18 Ultimately, the best method of deterring fraudulent activity may be to ensure that fraudsters are left in no doubt about the consequences of their actions. This Authority will investigate fully all instances of suspected fraud and corruption brought to its attention and will normally refer such matters for criminal investigation.

4. Detection and Investigation

4.1 The internal control systems within the Authority have been designed to provide indicators of any fraudulent activity although generally the systems should be sufficient in themselves to deter fraud. It is also, on occasions, the alertness of officers, Members and the general public to signs of fraud, bribery and corruption that enables detection to occur and the appropriate action to be taken.

4.2 Internal Audit is also proactive in the use of proven methods for the detection of fraud, bribery and corruption e.g. computer assisted audit techniques and data matching (National Fraud Initiative).

4.3 Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or by a 'tip-off' and the Authority has in place arrangements to enable such information to be properly dealt with via the mechanisms set out in the whistle blowing policy.

4.4 Prosecution is a prime deterrent to prospective fraudsters. The Authority has decided that where evidence of potential fraud, bribery or corruption is uncovered, the matter will normally be referred to the Police for further investigation with a view to criminal proceedings taking place.

4.5 It is recognised that, on occasions officers will feel unable to voice their suspicions for fear of reprisals or discrimination against themselves by other officers. To encourage officers to come forward and report their suspicions, and in compliance with the provisions of the Public Interest Disclosure Act 1998, the Authority has introduced a whistle blowing policy. This ensures any suspicions that are reported are dealt with in a consistent and confidential manner and provides officers with an assurance that they will not be discriminated against.

5. Training

- 5.1 The Authority is committed to ensuring that all employees are properly trained to fulfil their responsibilities. It is recognised that the continuing success of its Anti-Fraud and Anti-Bribery and Corruption Policy and its general credibility will depend largely on the effectiveness of programmed training and the responsiveness of officers throughout the organisation. To facilitate this, the Authority supports the concept of training for Members and officers.
- 5.2 Principal Officers should ensure that all officers likely to be involved in the conduct of investigations receive appropriate training and guidance to enable them to fulfil any obligations placed upon them by the operation of the Authority's disciplinary procedures.

Anti Fraud and Bribery and Anti Corruption Policy

Internal Contact List

| | |
|------------------------------|--------------|
| Chief Fire Officer | 0191 3755553 |
| Treasurer | 0191 3755558 |
| Clerk and Monitoring Officer | 03000 269727 |
| Head of Internal Audit | 03000 269645 |

External Contact List

| | |
|--|---------------|
| National Audit Office dedicated whistle-blower's hotline | 020 7798 7999 |
| Durham Police (Aykley Heads) | 0345 6060365 |

Revised June 2021

Section 20

Code of Conduct for Employees

In addition to the principles set out in this Section, staff are expected to undertake their duties in accordance with the Core Code of Ethics for Fire and Rescue Services (England).

1. Introduction

- 1.1 The Authority values the commitment and contribution of its people. It recognises that it is important to have systems and procedures in place which can identify areas where support and guidance may be required, to ensure that the community we serve can be confident that the affairs of the Authority are conducted in accordance with the highest standards of probity and accountability. The Authority will combat fraud and corruption wherever they may arise in relation to any of the activities or services involving any employee of the Authority.
- 1.2 A key factor is to demonstrate the highest standards of honesty and integrity throughout the organisation. You must therefore comply with:
 - (a) all appropriate legislation;
 - (b) all Authority Policies;
 - (c) Standing Orders of the Authority;
 - (d) Financial Regulations;
 - (e) Conditions of Service;
 - (f) Any other standard, guideline or instruction relevant to the particular service or activity.
- 1.3 This document is to clarify the conduct that the Authority and the public expect of you. It will also ensure that you do not find yourself, inadvertently or otherwise, in a situation where your conduct could create an impression of undue influence or corruption in the minds of the public.

2. Scope

- 2.1 This code of conduct applies to all employees of the Authority. It also applies to those employees of other Fire Authorities or Local Authorities who are seconded to this Authority for any period of time.

3. Standards

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

- 3.2 You must report to your Line Manager any impropriety, breach of procedure or any serious deficiency in the provision of service.
- 3.3 In all cases, it is not enough to avoid actual impropriety. You must, at all times avoid any occasion for suspicion and any appearance of improper conduct.

4. Equality and fairness

4.1 All members of the local community and our employees have a right to be treated fairly and equally. All staff are expected to promote the Service's Diversity Policy and Core Values, both within the Service and externally in order to demonstrate commitment to anti-discriminatory practice in all the Service's activities.

4.2 We value ...

(a) Service to the Community

We value service to the community by ...

- Working with all groups to reduce risk
- Treating everyone fairly and with respect
- Being answerable to those we serve
- Striving for excellence in all we do

(b) People

We value all our employees by practising and promoting...

- Fairness and respect
- Recognition of merit
- Honesty integrity and mutual trust
- Personal Development
- Co-operative and inclusive working

(c) Diversity

We value diversity in the Service and the community by...

- Treating everyone fairly and with respect
- Providing varying solutions for different needs and expectations
- Promoting equal opportunities in employment and progression within the Service
- Challenging prejudice and discrimination

(d) **Improvement**

We value improvement at all levels of the Service by ...

- Accepting responsibility for our performance
- Being open-minded
- Considering criticism thoughtfully
- Learning from our experience
- Consulting others

5. Disclosure of information

- 5.1 The Authority deals continuously with sensitive and confidential information (including data) affecting its policies, transactions, personnel, relationships with other organisations and individual members of the public. Conflicts of interests can arise over the unauthorised use of information received by virtue of employment. The basic safeguards against such misuse of information are the existing contractual terms, which restrict the disclosure of confidential information by all employees.
- 5.2 Information is described as any data that has come into the possession or knowledge of an employee by virtue of their employment and in connection with their employment. Such information can be stored on a variety of media such as paper, floppy disks, CD-ROMs, computer systems, Internet etc.
- 5.3 The law requires that certain types of information must be available to Elected Members, Auditors, Government Departments, service users and the public. If you are in any doubt as to whether particular information can be released, you should refer to the Officer with responsibility for the Freedom of Information (Information Services Manager; Deputy Chief Executive) for clarification.
- 5.4 You are reminded however, that information relating to the affairs of the Authority should not be disclosed, used or permitted to be disclosed or used to an individual's advantage, nor should such information be knowingly passed on to others who might use it in such a way.
- 5.5 You must not communicate confidential information or documents to others that do not have a legitimate right to that information. In addition, employees involved or working with computer based information are reminded of the terms of the Data Protection Act 2018, and the Computer Misuse Act 1990, and must ensure confidentiality of information and guard against the possibility of a third party intentionally or inadvertently misusing the information.

- 5.6 Any particular information received by an individual from another individual, Elected Member or Officer of the Authority, which is personal to that individual and does not belong to the Authority should not be divulged to any person without the prior approval of the information owner, except where such disclosure is required or sanctioned by law.
- 5.7 You must not use any information you get in the course of your duties for personal gain or benefit. You must not pass information on to others who might use it for their own gain.
- 5.8 You should not make statements directly to the press or other media if it is not a requirement of your role without first getting approval from your manager. Principal Officers and Service Managers should speak to the Chief Fire Officer before making statements to the press or other media on major policy issues.

6. Political neutrality/politically restricted posts

- 6.1 Those posts identified as politically restricted under the Local Government and Housing Act 1989 (those posts with a salary equivalent to the National Joint Council for Local Government Services Spinal Column point 44 and above) must abide by the specific terms and conditions of employment associated with these regulations.
- 6.2 Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work.
- 6.3 You cannot display political posters

7. Relationships

7.1 Elected Members and Officers of the Authority

- (a) The Authority has built a culture where all employees are treated with dignity and respect, and the Authority will ensure that employees work in a safe, secure and productive environment, and are treated fairly in recruitment, employment, training and promotion. In addition, the Authority expects all employees to be treated fairly, consistently and with respect by other employees and to be treated fairly and courteously by the community served.
- (b) Mutual respect between employees and Elected Members/Officers of the Authority is essential. Some employees work closely with Elected Members/Officers of the Authority, and potential close personal familiarity between employees and individual Elected Members/Officers can damage the relationship and prove embarrassing to other employees and must therefore be avoided.

7.2 The Local Community

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

7.3 Purchasing and Contracting or related decisions

You should take no part in any direct or indirect involvement in purchasing, contracting or related decisions, where you have a personal interest in the transaction. Should you have a personal interest at any time in any purchasing, contracting or related decisions, you must indicate your interest to the Chief Fire Officer in writing. The Chief Fire Officer may remove you from the process.

7.4 The Corporate Procurement Officer is available to give further advice and guidance in terms of tendering and contracting procedures. Orders and contracts must be awarded in accordance with the Standing Orders and Financial Regulations of the Authority and no special favour should be shown to businesses run by, for example, friends and relatives or ex-employees.

7.5 Recruitment and Other Employment Matters

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

8. Secondary employment/outside commitments

8.1 All matters relating to secondary employment are fully set out in the Secondary Employment Policy and employees are reminded that they must refer to that procedure prior to undertaking any form of secondary employment whether it is paid, unpaid or voluntary.

8.2 Although it is accepted that your off-duty hours are your personal concern, you must avoid situations whereby your work and personal interests conflict. The Authority will consider applications from you to undertake secondary employment provided that it does not conflict with the Authority's interests or your role, weaken public confidence in the Service, affect the Service reputation and fully complies with your terms

and conditions of employment. The Personnel Section is available for advice in terms of secondary employment.

9. The use of equipment and materials

- 9.1 You must not use the Authority's telephone/fax facilities for private purposes unless under the arrangement for such facilities to be paid for. No other facilities or equipment provided by the Authority may be used for personal gain.
- 9.2 The Authority has provided an electronic mail system for use by authorised persons to assist in the business process. The system must be used in accordance with the Email and Internet Policy (AD/2/12).
- 9.3 The use of e-mail for Representative Bodies, Social or Charitable Activities is subject to approval from the relevant Principal Officer. There are no circumstances when the e-mail system can be used for other than legitimate business use. You are reminded that unauthorised or illegitimate use of the e-mail system may result in disciplinary procedures.
- 9.4 The Authority's vehicles may only be used for authorised purposes. If there is any doubt whether a particular use is authorised, advice should be sought from the relevant manager. You are reminded that the Authority's insurance policy does not apply to unauthorised journeys and an employee driving the vehicle could be liable for any loss if an accident should occur, and be guilty of driving a motor vehicle without insurance and taking without the owner's consent. You are further reminded that when using an Authority vehicle you are not exempt from the road traffic laws legislation and therefore subject to potential prosecution.

10. Consultancy work, lecturing, speaking at conferences, etc

- 10.1 During the course of your employment, you may be asked to undertake consultancy and other opportunities, which allow you to develop expertise beyond the boundaries of your normal role. Where offers of consultancy work, lecturing, speaking at seminars, etc. are received the following will apply:-
 - (a) If you wish or are invited to undertake consultancy, lecturing and other outside work including involvement in regional or national affairs, you must apply for permission to a Principal Officer. In the case of a Principal Officer, permission must be sought from the Chief Fire Officer (and the Clerk to the Authority in the case of the Chief Fire Officer). Any fees paid by virtue of this work will be treated as income for the Authority.

- (b) Where a request is received for a representative of the Authority to make a presentation and the employee is not named, the relevant Principal Officer will nominate a suitable person. This commission will then be undertaken, as part of that employee's employment and therefore any fee will be treated as income for the Authority.
 - (c) When an approach is made directly to an employee because of that employee's reputation, skills, knowledge or experience then there is potential for any fee to be treated as income for the employee. In these circumstances you may apply to your Principal Officer for leave, paid or unpaid, as appropriate. In the case of paid leave, all fees will be treated as income for the Authority. In the case of unpaid leave, you may retain the fee as applicable.
- 10.2 The above also applies in relation to an employee contributing to or writing a text book, chapter for a reference book or an article for a journal. When work is undertaken in your own time then you would normally wholly retain any fees or commission.
- 10.3 You are reminded that work as detailed above, undertaken in your own time, is subject to the terms of the Secondary Employment Policy.

11. Fraud and corruption

- 11.1 There is a large volume of legislation which regulates the Authority and which sets out the framework to ensure that the Authority adopts effective control and monitoring in relation to the conduct of business.
- 11.2 In addition to compliance with legislation, the Authority has established an Anti-Fraud and Corruption Policy along with other policies and procedures that are designed to ensure a high standard of probity when you are conducting the affairs of the Authority. You must adhere to:-
- (a) The Standing Orders of the Authority;
 - (b) The Financial Regulations of the Authority;
 - (c) Fire and Rescue Service Policies and Procedures.
- 11.3 You are also bound by your relevant terms and conditions of contract, which include references to standards of conduct and possible conflict of interest between private interests and the interests of the Authority. Every employee has a role to play in maintaining the standards, which the public is entitled to expect of the Fire Service.
- 11.4 The responsibility for maintaining effective monitoring systems, procedures and controls to prevent or detect fraud and corruption rests with managers responsible for particular service areas. However you are advised that the Authority must maintain the proper control of its

financial affairs and will not hesitate to use Auditors or the Police to investigate suspected cases of fraud and corruption should the need arise.

- 11.5 You must be aware that it is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory provisions appear at Appendix 'A'. However, if incidents of fraud and corruption nevertheless occur, the next objective is to ensure those management arrangements and systems of control are robust enough to identify when irregularities are occurring.
- 11.6 Incidents of potential fraud and corruption can arise in a variety of ways including:-
- (a) information provided by employees (sometimes anonymously);
 - (b) information provided by members of the public (again sometimes anonymously);
 - (c) information provided by other authorities or agencies;
 - (d) information highlighted by management processes and arrangements;
 - (e) information highlighted by system controls;
 - (f) Information highlighted by an audit or review process.

12. Reporting allegations of irregularities

- 12.1 Indications of suspected irregularities can arise in many different ways and it is possible that anybody may be the first to become alerted to a potential situation involving malpractice, fraud or corruption.
- 12.2 In order to ensure that a report or allegation is dealt with quickly and confidentially, you are reminded that:-
- (a) allegations will be handled discretely – any leaking of information may jeopardise the investigation, and could lead to disciplinary action being taken;
 - (b) as much information as possible must be recorded or collected in respect of the allegation – you should not delay the reporting process in order to achieve this;

- (c) records, including computer records must be secured so that there is no possibility of evidence being lost, destroyed, amended or otherwise tampered with.

12.3 If and when there is prima facie evidence that a criminal offence has been committed, the situation will be referred to the Police.

12.4 In the event of allegations or evidence indicating that financial irregularities have occurred, the Fire and Rescue Service will deal with all such issues in line with the Anti-Fraud and Corruption Policy.

13. Register of gifts and interests

13.1 Register of Financial and other Interests

(a) You must declare to the Chief Fire Officer any financial or non-financial interests that you consider could bring about a conflict with the interests of the Fire and Rescue Service. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts with the Authority in which you have a pecuniary interest. You are advised that appropriate record of interests will be maintained by the Service.

(b) The criterion for 'interests' is as follows:-

- (i) any external employment or business carried on by you (Note the contents of the Secondary Employment Policy);
- (ii) the name of the secondary employer, the name of any firm in which you are a Partner and the name of any company in which you are a Director;
- (iii) the name of any person who has made a payment to you, other than a relevant Authority, in carrying out your duties;
- (iv) the name of any corporate body which has a place of business or land in the Authority's area and in which you have a beneficial interest;
- (v) a description of any contract for goods, services or works made between the Authority and you or a firm in which you are a Partner or Director;
- (vi) the address (or other description sufficient to identify the location) of any land in which you have a beneficial interest and which is in the area of the Authority;
- (vii) the address (or other description sufficient to identify the location) of any land where the Landlord is the Authority and the tenant is the firm in which you are a partner or director;

- (vii) the address (or other description sufficient to identify the location) of any land in the Authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.
- 13.4 A Register of Interests Form (See Appendix 'B') has been provided on which you must record any interests as identified above.
- 13.5 You must ensure that you have completed the relevant documentation, for consideration. You must also ensure that the documentation is valid, accurate and updated regularly as necessary.
- 13.6 It is your responsibility to ensure that, should any details declared on the Record of Interests Form change, a new form is submitted.

14. Register of gifts

- 14.1 The official conduct of officers and other employees should never foster the suspicion of a conflict of interest. You must be careful not to show, by your behaviour, that you may be influenced by gifts whilst acting in an official capacity. This is important, not simply because the reputation of the Authority may be at stake, but also you are liable to criminal proceedings if you are shown to be influenced by inducements.
- 14.2 A potential source of conflict between private and public interests is the offer of gifts, hospitality or benefits in kind to you in connection with your official duties. For the purposes of this Code, a gift includes any item with a monetary value that you have not purchased and paid for yourself, or that has not been issued by the Authority during the normal course of your employment. This includes such things as hospitality, holidays, software, food and drink, clothes and electronic devices. You are reminded that this list is not exhaustive.
- 14.3 With the exception of unsolicited gratuities received in accordance with paragraph 14.4, you must not, under cover of your employment, accept any fee or reward whatsoever other than your proper remuneration. When a gift has to be refused, this should be done with tact and courtesy because the offering of gifts is more common in practice in the commercial world.
- 14.4 You may accept unsolicited gratuities offered by any person or organisation during the normal course of your employment provided that such gratuities are disposed of for charitable purposes to a charity to be determined by the Chief Fire Officer. If a gift or unsolicited gratuity is simply delivered to your place of work there may be a problem returning it. In which case, it must be reported to a Principal Officer immediately by e-mail, who in consultation with the Chief Fire Officer will determine a suitable charity.

14.5 In all cases, the Register of Gifts/Hospitality Form (See Appendix 'C') must be completed and forwarded to your Line Manager. Your Line Manager will check and then authorise the form and forward it to the Governance Section. A record of every gift/gratuity received by an employee will be recorded on a Register of Gifts, available within the Governance Section.

14.6 The only exceptions to the above are:-

- (a) Gifts of a promotional nature on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm;
- (b) Gifts of a token value, often given at Christmas time such as diaries, calendars, pens, etc.

15. Hospitality

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

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

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

15.3 In general terms it will often be more acceptable to join in hospitality offered to a group than to accept something unique to you.

- 15.4 When a particular person or body has a matter currently in issue with the Authority, then offers of hospitality from that person or body should be refused even if, under normal circumstances, they would have been accepted.
- 15.5 Hospitality is sometimes offered to representatives of the Authority and is accepted as official, i.e. corporate level, because that is reasonable in the circumstances. In such cases, Fire Authority Members and Principal Officers, or individuals nominated by them, should attend.
- 15.6 All acceptance of hospitality, other than those indicated at 15.5 above, must be reported using the Register of Gifts/Hospitality Form (See Appendix 'C'), completed in accordance with paragraph 14.5 above.
- 15.7 All records appertaining to either your Record of Interests or Record of Gifts/Hospitality will be available for inspection by Officers who currently have access to your personal data as defined under the Data Protection Act, and those other persons authorised to have access, such as Auditors.

16. Malpractice occurring in the workplace (whistle-blowing)

- 16.1 The term whistle-blowing is used to describe arrangements, which allow you to express concerns about any types of malpractice, which may be occurring in the workplace. Such arrangements are closely linked to a culture which encourages you to express your concerns (sometimes anonymously) without the fear of intimidation or recrimination, and in the confident knowledge that any reported concerns will be treated seriously and confidentially in line with the Service Whistle-blowing Policy.
- 16.2 The Service has a Whistleblowing policy that is set out in the Constitution.

17. Monitoring and review

- 17.1 The Chief Fire Officer will review this Code of Conduct every two years.
- 17.2 All records appertaining to this code will be reviewed at the same frequency to the above.

Revised June 2021

Appendix A

This Appendix provides further guidance about the definitions of fraud and corruption and applicable legislation connected to this code of conduct.

1. Fraud

Fraud is defined as:

“The intentional distorting of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.”

Fraud is therefore, a deliberate act by an individual or group and is normally intentional and dishonest. It does not include misappropriation of assets not involving the distortion of financial statements or other records, e.g. fraud would not include theft of cash or property.

Within the Authority, fraud can occur in a number of ways including: .

- ❖ Falsification of records
- ❖ Over claiming of expenses
- ❖ Payment for goods and services which are not received
- ❖ Creation of fictitious issue records or goods received notes

This list is intended to be indicative only.

2. Corruption

Corruption can be defined as:

“The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.”

Within the Authority, corruption is only possible by collusion and would normally involve staff in conjunction with members of the public or other third parties. Corruption can therefore occur in a number of ways:

Tendering and award of contracts;
Contractors claims and final accounts;
Award of permissions, consents, licences etc;
Disposal of assets.
Again, this list is not exhaustive.

3. Bribery

Bribery is defined as:

“Offering, promising or giving a financial or other advantage to a person intending them to perform improperly a relevant function or activity or to reward them for the improper performance;

Requesting, agreeing to receive or accepting a financial or other advantage intending that in consequence a relevant function or activity should be performed improperly.”

Under the Bribery Act 2010 it is a criminal offence to accept a bribe to influence you not to do your job properly.

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Register of Interests

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

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

Name _____
(Please print clearly)

Role/Grade _____

Service Number _____ **Location** _____

Interests _____

Signed _____

Date _____

Received by the Governance Section:

Signed _____

Date _____

County Durham and Darlington Fire and Rescue Service

Register of Gifts/Hospitality

This form should be completed in accordance with the Employee Code of Conduct Guidance.

Name:

Role/Grade:

Number:

Location:

Gift/Gratuity/Hospitality

Accepted/Offered:

Company/Individual Offering Gift/Gratuity/Hospitality:

Employee:

Signed: _____

Date: _____

Line Manager:

Signed: _____

Date: _____

Donated to:

Signed: _____

Date: _____

Received by the Governance Section

On: _____

Signed: _____