

COMBINED FIRE AUTHORITY CONSTITUTION



Final June 2016

Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



THE COMBINED FIRE AUTHORITY CONSTITUTION

SUMMARY AND EXPLANATION

County Durham and Darlington Fire and Rescue Authority has agreed a Constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local 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 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.

Roles

1. To take all necessary steps to comply with the statutory duties of the Fire 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;
3. To agree priorities for action within the Strategic Plan consistent with Authority's objectives, national priorities and available resources;
4. 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 Fire 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;
5. To support and promote appropriate partnership arrangements;
6. To consider and keep under review the Authority's register of corporate risks;
7. To consult on and set the Revenue and Capital Budgets and monitor their progress throughout the year;
8. 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;

9. 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;
10. To perform the roles allocated to Members in Service procedures;
11. To keep under review the corporate identity of the Fire Authority and its relations with the media;
12. To ensure effective liaison arrangements with Trade Unions are established and maintained;
13. To review annually the Authority's governance arrangements, to ensure their continued effectiveness;
14. The Chair in consultation with the Vice Chair will agree Member attendance at external events on behalf of the Authority;
15. To contribute to and receive recommendations from the Authority's committees and panels.

Authority and Committee Structure

The Full Combined Fire Authority

This Committee structure is made by the Durham and Darlington 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.

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 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, Brigade Managers and Treasurer.
16. Monitoring and reviewing the performance of the Chief Fire Officer, Brigade Managers and Treasurer.
17. Approve the salaries offered for any new appointments where the salary is in excess of £100,000.

SECTION 2

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 Fire 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.

2. The Finance and General Purposes Committee

The Committee shall meet at least four times per annum. 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. The granting of dispensations to members pursuant to S33 of the Localism Act 2011 insofar as this responsibility is not delegated to the Monitoring Officer
3. Ensuring that members of the Fire and Rescue Authority are adequately trained in their obligations under the code of conduct.

Referred:

1. Review and report on the quarterly and annual financial statements of the authority.
2. Consider and make recommendations to the authority for the proposed Revenue and Capital Budgets and medium term financial plans.
3. Consider any changes in the budget allocations arising from changes in strategic policies and service plans.
4. Consider any proposals for growth or budget reductions.
5. Consider the revenue and capital budgets, medium term financial plan, council tax levels and associated information prior to approval by the Fire Authority.
6. Consider Treasury Management policy and strategy and on-going performance.
7. Consider value for money reviews and indicators.
8. Champion the development of conditions of service of staff through the implementation and maintenance of HR strategies

9. Considering written reports submitted by the service on policy and matters relating to terms and conditions of employees.
10. Consider equality and diversity issues as they affect the Authority.
11. Assist in maintaining good employment relations in the interests of providing the highest level of service to residents of County Durham and Darlington and make recommendations to the Authority as to how employment relations could be improved.

3. The Performance, Policy and Review Committee

The Committee shall meet at least four times a year. 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:

Referred:

1. Reviewing and monitoring progress and performance in achieving strategic objectives (as set in the Authority's Strategic Plan and IRMP).
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. Considering and reviewing specific matters in relation to authority policy and strategy.
6. Scrutinising performance and challenging the Authority when carrying out the responsibilities referred to in 1 to 5 above.

4. The Audit and Risk Committee

Delegated:

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

Referred:

The Committee shall meet at least four times per year. 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. It shall have the following functions:

1. Discussing the nature and scope of the forthcoming audit with the external auditor.
2. Receiving and commenting on the external auditor's 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 of work.
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.

5. The Appointments Panel

Delegated:

1. Selecting suitable individuals for Brigade Manager or the Treasurer posts.

Referred:

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

- The Chair of the Fire 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 Brigade Manager 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 Brigade Managers and the Treasurer position.
2. Monitoring and reviewing the performance of the Brigade Managers.

Referred:

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

- The Chair of the Fire Authority;
- The Vice Chair of the Authority;
- A Darlington Member;
- The Brigade Managers;
- The Treasurer;
- Clerk to Fire Authority or Deputy Monitoring Officer

The Clerk (or Deputy Monitoring Officer) will chair the panel. It shall have the following functions:

1. Monitoring and reviewing the performance of the Chief Fire Officer, Brigade Managers 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 Brigade Managers' or Treasurer's roles, or if there is any other reason why a pay award should be considered or not;
 - Make suitable recommendations to the Full Fire Authority following this determination.
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 Full Fire Authority on any proposed pay levels following this consideration.

SECTION 3 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 4

The Joint Consultative Committee

1. INTRODUCTION

- 1.1 The County Durham and Darlington Fire and Rescue Authority recognise the benefits of an established general framework for the provision of information to employee's 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.

Assisting in maintaining good employment relations in the interest of providing the highest level of service to residents of County Durham and Darlington,

Making recommendations to the authority as to how employment relations could be improved, and

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.

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.

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, Service managers 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 Fire Authority. The Service Managers representation on the committee will be up to five officers, at the discretion of the Chief Fire Officer, depending on the specific issue. The Employee's representatives for the meetings of the Committee shall be nominated by the Fire Brigades Union, GMB and UNISON on a 3-1-1- basis in accordance with the procedures adopted by the individual Trade Union for this purpose.
- 2.2 Any group (elected members, service managers or representative bodies) may arrange for substitutes to attend.
- 2.3 If a member of the Joint Consultative Committee ceases to be a Member of the Fire Authority, he or she 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 side 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 Fire Authority will make a copy of the report available to the other side and seek a written reply. The Clerk to the Fire Authority shall subsequently circulate all papers to the Joint Consultative Committee and each of the party's concerned, 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 Combined Fire and Rescue Authority.

SECTION 5 LOCAL PENSION BOARD

Statement of purpose

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.

Duties of the Board

2. 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.

Membership

3. The Board will comprise of an equal number of employer and member representatives with a minimum of no less than four in total.
4. At a meeting on 12 February 2015 the Combined Fire Authority (CFA) in its role as the Scheme Manager agreed the establishment of the Pension Board and agreed the following member and employer representation. Membership of the Board will be reviewed annually at the annual general meeting of the CFA.

Scheme Member representatives

5. Three scheme member representatives shall be appointed to the Board. These representatives shall be members of the scheme

administered by County Durham and Darlington Fire and Rescue Authority. Two member representatives will be nominated by the Fire Brigades Union (FBU) and one by the Fire Officers Association (FOA).

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

Employer representatives

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

Other members

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

Appointment of chair

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

Notification of appointments

14. On appointment to the Board CDDFRA 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.

Conflicts of interest

16. 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.
17. 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 Regulators codes of practice on conflict of interest for Board members.

Knowledge and understanding (including Training)

18. 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.
19. 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.
20. 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.

Term of office

21. Term of Office should be in accordance with the committee cycle of CDDFRA which is currently annual.
22. 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.

Meetings

- 23. The Board shall as a minimum meet twice per year, although the frequency will be reviewed regularly. The meetings will normally take place between the hours of 09:00 and 17:00. The frequency of meetings will be reviewed on a regular basis.
- 24. 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.

Quorum

- 25. 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.

Voting

- 26. The Chair shall determine when consensus has been reached.
- 27. Where consensus is not achieved this should be recorded by the Chair.
- 28. In support of its core functions the Board may make a request for information to the Finance and General Purpose 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.
- 29. In support of its core functions the Board may make recommendations to the Finance and General Purpose Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Interpretation

30. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
31. 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 Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

SECTION 6 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 particular 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 practical, 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 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 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 operation of 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 he/she 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) authorise named members of staff in writing to exercise the powers of inspectors under the 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.

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 members 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 interest 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 agenda 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 agenda 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 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 Council 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 (a) 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 7 MEETINGS OF THE AUTHORITY

1. Meetings of the Authority

- (1) The proceedings of the Authority shall be conducted subject to the provisions of the Local Government Act, 1972, or any statutory modification thereof.
- (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.
- (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 his or her opinion it is necessary to do so in the interests of the efficient discharge of the Authority's business.
- (4) The Chair of the Authority may call additional meetings of the Authority at any time.
- (5) In these Standing Orders "ordinary meeting" means a meeting described in paragraph (2) or (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.
- (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

- (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.
- (2) The consideration of any business not transacted shall then be adjourned to a time fixed by the Chair, or, if he or she does not fix a time, to the next ordinary meeting of the Authority.

4. Minutes of the Authority

- (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.
- (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.
- (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

- (1) Notice 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.

- (2) If it shall appear to the Clerk that a motion of which he or she has received notice is not in order, or is framed in improper or unbecoming language, he 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.
- (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 he proposed to move it at some later meeting or has since withdrawn it in writing.
- (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 his or her behalf, it shall unless postponed by consent of the Authority be treated as withdrawn and shall not be moved without fresh notice.
- (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 his discretion, may allow such motion to be considered by the meeting at which it is moved and seconded.
- (6) Every motion shall be relevant to some matter in relation to which the Authority have powers or duties.

6. Motions and amendments which may be moved without notice

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

- (1) Appointment of a Chair of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) To change the order of business in the agenda.

- (4) Reference back to a committee.
- (5) Appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) To receive reports or adopt recommendations of committees or officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Amendments to motions.
- (9) Extending the time limit for speeches.
- (10) To proceed to next business.
- (11) That the question be now put.
- (12) To adjourn a debate.
- (13) To adjourn a meeting.
- (14) Suspending standing orders, in accordance with Standing Order No. 33.
- (15) Motion under Section 100A(4) of the Local Government Act, 1972 to exclude the public.
- (16) That a member named be not further heard.
- (17) Inviting a member to remain under Standing Order No. 15.
- (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

- (1) The debate at meetings of the Authority shall be conducted by consensus unless any member present indicates to the Chair that he requires the following provisions of this Standing Order to be invoked.
- (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.

- (3) A member may not propose or second a motion or amendment on which he is disqualified from voting.
- (4) A member when seconding a motion or amendment may, if he then declares his intention, reserve his speech until later in the debate.
- (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.
- (6) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- (7) No speech shall exceed 5 minutes except by consent of the Authority.
- (8) A member shall speak once only on any motion, except that he may:-
 - (a) speak once on an amendment moved by another member;
 - (b) if the motion has been amended since he last spoke move a further amendment;
 - (c) if his first speech was on an amendment moved by another member, speak on the main issue, whether or not the amendment on which he spoke was carried;
 - (d) speak in exercise of a right of reply given by paragraph (14) or (16) of this Standing Order;
 - (e) speak on a point of order or by way of personal explanation.
- (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.

(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).

(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.

(12) A member may, with the consent of the Authority signified without discussion, and with the further consent of his seconder, alter a motion which he has moved if the alteration is one which could be made as an amendment thereto.

(13) A motion or amendment may be withdrawn by the mover with the consent of his 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.

(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 his amendment.

(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.
- (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 his opinion the matter before the meeting has been insufficiently discussed he 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 his opinion the matter before the meeting has been insufficiently discussed, he 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 his right of reply under paragraph (14) of this Standing Order before putting his motion to the vote;
 - (c) on a motion to adjourn the debate or the meeting:

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

- (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 he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.
- (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.
- (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, 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

- (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 his speech, or in the event of disregard of the authority of the Chair, to retire for the remainder of the meeting.

- (2) The Chair may at any time, if he thinks it desirable in the interest of order, adjourn a meeting or suspend a meeting of the Authority for a time to be named by him.

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

- (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 he abstained from voting.
- (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 on 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 his or her 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

- (1) A member of the Authority may nominate any member of his or her constituent local authority to act as his/her 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).
- (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.
- (3) A member attending as substitute shall, at the commencement of the meeting, identify the member on whose behalf he/she attends who shall thereupon be excluded from participation in that meeting.
- (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 8 INTEREST AND APPOINTMENT OF OFFICERS

1. Members Code of Conduct

- (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

- (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) 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

- (1) A candidate for any appointment by or under the Authority who knows that he is related to any member or senior employee of the Authority or executive officer in the role of Director or and 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 and every executive officer as specified above shall disclose to the Chief Fire Officer any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment under the Authority. The Chief Fire Officer shall inform the Clerk of any disclosure so received.
- (2) The requirements of this Standing Order shall be included in every advertisement inviting applications for appointment and in any form of application.

- (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 9 COMMON SEAL AND DUTIES OF CLERK

1. Role of Clerk

- (1) The Clerk shall have responsibility for the administration of the Authority.
- (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;

- (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) To determine which background documents supplied to members of the Authority should be supplied to the press.
- (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.
- (4) To determine which documents contain exempt information and should not be disclosed to members of the public.
- (5) Calling of Meeting.
- (6) Certification of Copies.
- (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

- (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 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.
- (2) The affixing of the Common Seal shall be attested by the Clerk or a senior member of his staff nominated by him 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.
- (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

- (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 he 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.
- (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.

- (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.
- (4) (a) The Clerk or a senior member of his or her staff nominated by him shall be authorised to sign on behalf of the Authority the several documents referred to in paragraphs (1) and (2) hereof 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 his or her staff nominated by them shall be authorised to sign on behalf of the Authority the documents referred to in paragraph (2) hereof which are not required to be under seal.

6. Legal Proceedings

- (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.
- (2) In relation to the discharge of the Authority's functions the Clerk or a senior member of his or her 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 he 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 10 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. He shall have the right to attend the meeting and if he attends 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

(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.

(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.

- (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 11

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 CPR's, 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 CPR's.
- 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

(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 in writing to at least three persons, firms or companies.
- if the estimated contract value exceeds £5,000 but is less than £50,000, 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.
- (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 EEC Directive.
- (3) Subject to 33 (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 he or she 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) 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.
- (5) 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.

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 Corporate Procurement Officer and a summary of all variations will be maintained.

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

These CPR's 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 CPR's 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 Corporate 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.

Relevant Contracts do not include:

- Contracts of employment which make an individual a direct Employee of the Authority
- Agreements regarding the acquisition, disposal or transfer of land
- The payment of grants to third parties

8. Approved Lists and Framework Agreements

Approved Lists

Approved lists must not be used where they are prohibited under the Public Contract Regulations (2015).

Approved lists should only be used in accordance with guidance from the Corporate Procurement Officer.

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. While an agreement may be entered into with one provider, where an agreement is concluded with several organisations, at least three organisations must form part 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:

- 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.
- 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:
 - Inviting organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids within an appropriate time
 - Awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

9. Competition Requirements

Officers must establish the total value of the procurement including whole life costs and 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

Where the Public Contracts Regulations (2015) apply (i.e. for any contracts likely to exceed the relevant OJEU threshold), Officers may seek procurement advice to determine the procedure for conducting the procurement exercise.

10. 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 Corporate 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.

11. Evaluation Criteria

In any procurement exercise the successful bid should:

- Offer the lowest price, or
- 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:

- Essential Criteria – assessed on a pass/fail basis, or
- 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.

12. 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 Corporate Procurement Officer should act as a moderator and may also take part in the evaluation.

13. 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.

14. 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-Tendering system.

15. Shortlisting

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

Submission, Receipt and Opening of Tenders / Quotations

16. 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 Corporate 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-Tendering system maintains a full audit trail of all tenders submitted.

Where a hard copy tender process is used, tenders must be submitted, sealed, in the envelope provided with the procurement documents and addressed to the Governance Manager without any mark revealing the bidding organisations identity.

All hard copy tenders will be held by the Governance Manager until the tender opening date/time has been reached.

All hard copy tenders for the same contract will be opened at the same time by a representative of the Treasurer and a Head of Service. A register of tenders received will be maintained by the Governance Manager and will be initialled on each occasion by the officers who are present at the opening of the tenders.

In the event that hard copy quotations are to be accepted, these must be submitted in a plain envelope marked "Quotation for " followed by a description of the goods, works or services being procured.

Hard copy quotations will be received directly by Service staff. All quotations must be opened together once the official return date / time has passed.

17. Quotations

An audit trail of quotations submitted must be maintained by the officer seeking the quotations and provided to the Finance Team as part of the ordering process.

18. 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.

Evaluation, Award of Contract and Debriefing Organisations

19. 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 Corporate Procurement Officer.

20. 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 Corporate Procurement Officer.

Decisions on award of contract must be made in accordance with the scheme of delegations.

21. Debriefing

The debriefing of organisations must be carried out in line with any guidance issued by the Corporate Procurement Officer.

Contract Documents

22. Format of Contract Documents

The Authority's harmonised 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. These are available from the Procurement Officer.

23. Contract Signature

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, either:
 - (i) be signed by two Brigade Managers (Chief Fire Officer, Deputy Chief Fire officer or Assistant Chief Fire Officer) authorised as required by the Constitution, or:

- (ii) be formalised by the sending of an award letter and the subsequent issuing of a Purchase Order

Officers should also follow any guidance in the use of deeds and agreements to contracts that is in place.

24. Review of Tenders and Contracts

To ensure the integrity of the procurement process,

- All proposed Invitations to Tender or Requests for Quotation that are not in compliance with harmonised 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

25. Records

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

- Contract details including value
- Selection decision
- 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 and submitted to the Corporate Procurement Officer.

Following receipt of the correctly completed Procurement Acceptance Report, the Corporate Procurement Officer will issue a notification to the relevant officer and the contract can then be formally awarded.

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

26. Prevention of Corruption

Rules and regulations pertaining to the prevention of corruption are outlined in the Authority's Financial Procedure Rules and must be adhered to.

27. Declaration of Interests

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees and must be adhered to.

28. Contract Management / Monitoring

All contracts must have an appointed contract manager for the duration of the contract. The responsible Head of Service must ensure a contract manager is designated prior to contract award.

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

29. 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 CPR's.

Where there is any conflict between these CPR's 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.

30. Review and Amendment of CPRS

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

31. 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 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 12

CODE OF CONDUCT FOR MEMBERS

1 Introduction and interpretation

- (1) This Code applies to you as a member of the Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (appended herewith).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -
 - “meeting” means any meeting of -
 - (a) the Authority;
 - (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - “member” includes a co-opted member and an appointed member.

2 Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you -
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority -

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3 General obligations

- (1) You must treat others with respect.
- (2) You must not -
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be -
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not -

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6 You -
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority -
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 7 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by -
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 INTERESTS

8. Personal Interests

- (1) You have a personal interest in any business of your authority where either -
- (a) it relates to or is likely to affect -
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

- (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any employment business profession or vocation carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is –
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

9. Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (as amended).

10. Prejudicial interest generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business -
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of -
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Prejudicial interests arising in relation to overview and scrutiny committees

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

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12. Effect of prejudicial interests on participation

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority -
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

13 Registration of Members' Interests

- (1) Subject to paragraph 14, you must, within 28 days of –
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) (as amended) details of your personal disclosable pecuniary interests and other registerable interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new Disclosable pecuniary interest or other registerable interest or change to any disclosable pecuniary interest or other registerable interest registered under paragraph (1), register details of that new disclosable pecuniary interest or other registerable interest or change by providing written notification to your authority's monitoring officer.

14. Sensitive information

- (1) Where you consider that the information relating to any of your Disclosable pecuniary interests or other registerable interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

THE GENERAL PRINCIPLES WHICH GOVERN THE CONDUCT OF MEMBERS

1. Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2. Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

3 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

6 Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

7 Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

SECTION 13 FINANCIAL REGULATIONS

1. Background and Control Framework

1.1 Financial regulations form part of the financial control framework which governs the relationship between the Fire Authority and its staff in relation to financial matters.

1.2 The financial control framework comprises the following documents

- Fire Authority Standing Orders
- 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 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 Fire Authority business.

1.5 Various committees assist the work of the Combined Fire Authority.

- The Appeals Committee
- The Finance and General Purposes Committee
- The Audit and Risk Committee
- The Policy and Performance Committee

Responsibilities

1.6 It is the responsibility of each Brigade Manager 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 'Brigade Manager' 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

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.

General Roles of Brigade Managers and the Treasurer

Brigade Managers

1.10 The Deputy Chief Fire Officer and Assistant Chief Fire Officer are accountable to the Chief Fire Officer for the financial management of their respective department.

1.11 Each Brigade Manager 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.

1.12 Each Brigade Manager is responsible for ensuring that appropriate consultation takes place before submitting policy options to The Service Management / Leadership Team or recommendations to Members of the Fire Authority.

1.13 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.

1.14 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 Fire Authority.

1.15 Each Brigade Manager 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 1988 Local Government Finance Act
- The Accounts and Audit Regulations

- 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 Brigade Manager 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 Brigade Manager (e.g. for ordering and certification purposes), the Treasurer will maintain a register of names and specimen signatures for management control and audit purposes.
- 2.7. The system of delegation itself must be reviewed by each Brigade Manager each year, or more frequently if control weaknesses indicate the need for revising the procedure involved.

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 Brigade Manager 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 Heads of Service to ensure there are regular reviews of risk within their areas of responsibility having regard to advice from the Risk 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 Policy and the Whistle-blowing Policy. 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

- 3.5. 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 Brigade Managers. 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 Brigade Manager 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 guidance from Audit. 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 Fire Authority it gives the Chief Fire Officer the power to incur expenditure and also provides a basis on which the financial performance of the Fire and Rescue 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 Fire 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 Fire and Rescue 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 Fire and Rescue Authority.

- 4.6. Any draft revenue budget(s) presented to the Fire 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 Fire and Rescue 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 Fire and Rescue 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 Finance and General Purposes 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 Fire 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 Finance and General Purposes Committee as soon as practicable and to the Fire 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 Fire 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 deal with a specific function Subjective budgets 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 Fire 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 Fire Authority will be required for any virement proposed between the Revenue Budget and the Capital Programme.

4.20. The amounts approved by the Fire 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 (Brigade Managers) 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 Fire Authority 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 Fire 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 Fire Authority.

5.3. The Treasurer and Chief Fire Officer shall determine the format of the Capital Programme and the timing of reports relating to it, subject to any overriding requirements of the Fire 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 Fire 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 Fire 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 Fire 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 Fire 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 Fire Authority will be required before any expenditure can be confirmed.

5.10. The approval of the Fire Authority is required if:

- a) any increase/decrease in the Fire 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 Fire 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 Finance and General Purposes 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 Brigade Manager 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 on-going 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 Brigade Manager 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 Brigade Manager shall submit monitoring information to the Chief Fire Officer as required.
- 6.9. Each Brigade Manager shall maintain accurate and reliable systems to produce performance indicator data as required internally and by external auditors.
- 6.10. Each Brigade Manager 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 Brigade Managers 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 Brigade Managers 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 the Constitution.
- 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 Brigade Manager shall consider any steps required to demonstrate that best value is being obtained for the Authority.
- 8.10. Each Brigade Manager shall be responsible for all orders or requisitions issued from his service area (which shall be on pre-numbered official stationery as authorised and / or supplied by the Treasurer).

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 or property must be forwarded to the Treasurer for signature on behalf of the Authority.
- 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.
- 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 to or by the Authority shall be sent to the Treasurer for registration as soon as possible after its 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 Chief Fire Officer 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 Chief Fire Officer 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. This should be recorded on the goods receipt note.
- 8.20. An authentic VAT invoice (not a photocopy or statement), is normally required to process a payment. Invoices must be checked (in terms of validity and arithmetic), coded and certified for payment. Invoices should only be certified by individuals who are specifically authorised to perform this function. Normally, such individuals should not have been either a signatory to the original order, nor received the goods or services. If such arrangements are

not practicable, specific written advice should be sought from Internal Audit.

- 8.21. Where passing a duplicate invoice is unavoidable, and a thorough check reveals that payment has not already been made, the duplicate invoice should be clearly marked 'certified not previously paid' and this endorsement should be certified by an authorised Officer in the spending service.
- 8.22. Each Brigade Manager 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 only on a proper certificate, certified by the Chief Fire Officer or nominee.
- 8.24. Accounts on the completion of building and constructional works carried out by contractors shall be submitted for examination by the Treasurer, 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. He is entitled to request any information or explanations that he deems 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 Brigade Managers.

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. All applications for purchasing cards must be approved by the Treasurer who 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.

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 maintain the Authority's tax records, making all payments, receiving tax credits and submitting tax returns by their due date as appropriate and complying with HM Customs and Excise regulations.
- 8.32. Heads of Service 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. Brigade Managers 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 unless specifically approved by the Treasurer.
- 9.5. Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regards quantity and compliance with specification as soon as practicable thereafter.
- 9.6. The Treasurer shall maintain appropriate records and inventories (including serial numbers where appropriate) and ensure 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, other than small value materials, 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.
- 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 the safe and efficient use. Brigade Managers 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 legislation.
- 9.17. It is the responsibility of Heads of Service 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 agreed retention timescales.

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 Heads of Service 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. Heads of Service 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. Heads of Service 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 Heads of Service shall provide such information and explanations required by the Treasurer or the Insurers.

9.24. Heads of Service 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 Heads of Service 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 he alone is 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. No officer shall give a receipt for money received on behalf of the Authority on any form other than an official receipt form.

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 Brigade Manager 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. He is also responsible for the subsequent sending of reminders to debtors to obtain payment. Heads of Service 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 where possible by 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 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 in the Treasury Management policy and strategy.

External Funding

10.24. Heads of Service are responsible for ensuring that any bids for external funding are made in consultation with the Treasurer.

10.25. Heads of Service 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. Heads of Service 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 Fire 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 his 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 his 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, H.M. Revenue and Customs, H.M. Collector of Taxes).

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 his representative shall have the authority to enter at all times on any premises or land used by the Fire Authority and to have access to all correspondence, documents, books or other

records of any officer of the Fire Authority and relating in any way to the activities of the Fire Authority. The Treasurer shall have the authority to require any officer of the Fire Authority to produce cash, stores, or other Fire Authority property under his / her 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 Fire 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 Fire Authority and the Chief Fire Officer.
- 11.9. The Treasurer and the Legal Advisor to the Fire 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 his 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. He shall maintain an ongoing liaison with the Chief Fire Officer about the audit strategy and the audit coverage that he considers to be appropriate. In doing this, the Treasurer will not only have regard to his 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 Brigade Managers 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, Brigade Managers 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 Brigade Manager 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 expressed 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 his 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 his / her 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 Durham County Council (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 an anti-fraud and anti-corruption policy.
- 11.22. It is the responsibility of Heads of Service to promote the anti-fraud and anti-corruption policies 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. Heads of Service 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 Fire Authority or as a result of changes in statutory arrangements.
- 13.2. These Regulations were last updated May 2016 and will be reviewed annually.

SECTION 14 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 fire service headquarters.

5. Access to Agenda and Reports before the meeting

5.1 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 kept at and made available to the public at Brigade 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> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; 	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.

Category	Qualification	Interpretation
	<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>	
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<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.</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</p>

Category	Qualification	Interpretation
		<p>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— (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.</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	<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.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention,</p>	<p>The Public Interest Test Qualification applies, as in 1 above.</p>	

Category	Qualification	Interpretation
investigation or prosecution of crime.		
Exempt Information relating to the Finance and General Purposes 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.

- There is a distinction between the public interest and what merely interests the public.
- Does it further the understanding of and participation in the public debate of issues of the day?
- Does it promote accountability and transparency by public authorities for decisions taken by them or in the spending of public money?

- Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- 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 15

MEMBERS HANDBOOK AND ALLOWANCES

Members will be issued with a handbook setting out the allowances payable for serving on the Combined Fire 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 16 CODE OF CORPORATE GOVERNANCE

INTRODUCTION

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.

County Durham and Darlington Fire Authority (the Authority) is committed to demonstrating that it has the necessary Corporate Governance arrangements in place to perform effectively.

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 Delivering Good Governance in Local Government Framework and is based upon the following 6 core principles:

- **Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**
- **Members and officers working together to achieve a common purpose with clearly defined functions and roles**
- **Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behavior.**
- **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**
- **Developing the capacity and capability of members and officers to be effective**

- **Engaging with local people and other stakeholders to ensure robust public accountability**

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

THE AUTHORITY'S CORPORATE GOVERNANCE PRINCIPLES

Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

1. 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 Corporate Plan;
 - Externally audited accounts;
 - Independently verified performance information.
2. The Authority will aim to deliver high quality services that are value for money. The Authority will do this by:
 - Delivering services to meet local needs through the Corporate Plan and Integrated Risk Management Plan, and put in place policies and processes to ensure that they operate effectively in practice;
 - Directing resources to priority areas;
 - Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors;
 - 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 our services with services provided by similar organisations, assessing why levels of efficiency, effectiveness and quality are different elsewhere and considering other alternative means of service provision to maximise opportunities and improve value for money where appropriate;

Members and officers working together to achieve a common purpose with clearly defined functions and roles

3. 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 and Member Champions with defined responsibilities;
 - Agreeing a scheme of delegated responsibilities to Brigade Managers;

- Undertaking a regular review of the operation of standing orders, contract procedure rules and committee structure;
- 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 that 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.

Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behavior.

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 Corporate Plan and evidenced in Codes of Conduct that sets a standard for behavior;
 - A Member Code of Conduct;
 - An Officer Code of Conduct;
 - A Protocol governing Member/Officer relations;
 - A Whistleblowing policy
 - The roles of Members and officers in decision-making;
 - Appropriate and timely advice and guidance to 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 Finance and General Purposes Committee.

Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

7. The Authority will ensure that appropriate legal, financial and other professional advice is always considered as part of the decision-making process and will always observe both specific requirements of legislation and general responsibility by Law.

8. The Authority will be transparent about how decisions are taken and recorded, and will do this by;
 - Ensuring that all decisions are made in public and recording those decisions and relevant information and making them available publicly (Except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Authority);
 - Having rules and procedures which govern how decisions are made.
9. The Authority will operate a risk management approach that aids the achievement of its strategic objectives, 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; and
 - Reviews and, if necessary, updates its risk management processes at least annually.
10. The Authority will ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.

Developing the capacity and capability of members and officers to be effective

11. The Authority will ensure that those charged with the governance have the skills, knowledge and experience they need to perform well. The Authority will do this by:
 - Consistent application of human resources strategies
 - Ensuring that the Authority maintains an effective and skilled workforce
 - Implementing a Member Development Strategy;•
 - 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;

Engaging with local people and other stakeholders to ensure robust public accountability

12. 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 Community Engagement and Consultation 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 annually a corporate plan providing information in relation to the Authority;
- Continually developing clear channels of communication;
- Providing a modernised ICT Service that meets the needs and aspirations of the organisation and the communities we serve

MONITORING AND REVIEW

13. The Authority has a Committee that is responsible for monitoring and reviewing the various aspects of Corporate Governance arrangements.

14. The Audit and Risk 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.
15. The Committee also has responsibility for promoting high ethical standards across the Authority, overview of the Member and officer codes and other relevant protocols.
16. 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

17. 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 (Amendment) (England) Regulations 2006.
18. The Statement of Assurance will be published with the Authority's Statement of Accounts.

SECTION 17 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@ddfir.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: colette.longbottom@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 Fire and Rescue 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 Fire and Rescue 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 May 2016

SECTION 18

ANTI-FRAUD, ANTI-BRIBERY and ANTI-CORRUPTION POLICY

1. Introduction

County Durham and Darlington 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 Fire 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

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.

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.

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.

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 the to Authority's activities.

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
- Brigade Managers
- 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 Police Force, 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 Service'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 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 Fire 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 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 system 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
- 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 whistleblower's hotline	020 7798 7999
Durham Police (Aykley Heads)	0345 6060365

REVISED June 2016

SECTION 19

CODE OF CONDUCT FOR EMPLOYEES

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 external in order to demonstrate commitment to anti-discriminatory practice in all the Service's activities.

4.2 We value ...

(a) Service to the Community

(i) 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

(i) 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

(i) 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**

- (i) 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 (Brigade Manager, Corporate Services) 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 1998, 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 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 Brigade Manager. 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 Brigade Manager. In the case of a Principal Officer, permission must be sought from the Chief Fire Officer (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 Personnel Section. A record of every gift/gratuity received by an employee will be recorded on a Register of Gifts, available within the Personnel 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?
- (g) 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 2016

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:

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.

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

APPENDIX B

COUNTY DURHAM AND DARLINGTON FIRE AND RESCUE SERVICE



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 PERSONNEL SECTION

On: _____

Signed: _____

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: _____

(Please Print Clearly)

ROLE/GRADE: _____

NUMBER: _____ **LOCATION:** _____

GIFT/GRATUITY/HOSPITALITY ACCEPTED:

COMPANY/INDIVIDUAL OFFERING GIFT/GRATUITY/HOSPITALITY:

EMPLOYEE: Signed: _____ **Date:** _____

LINE MANAGER: Signed: _____ **Date:** _____

DONATED TO:

Signed: _____ **Date:** _____

RECEIVED BY THE HR SECTION

On: _____

Signed: _____