

**AVON**  
FIRE AUTHORITY

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Constitution 2022



# AVON

FIRE AUTHORITY

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Avon Fire & Rescue Service is committed to ensuring our documents are accessible to all members of the community. If you have difficulty reading this document because English is not your first language and you would like a translation, please contact:

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# Summary

Avon Fire Authority (“the Authority”) is a corporate body and for many purposes, has the status, rights and duties of a Local Authority under the Local Government Act 1972 and other local government legislation. It is funded from Government Grants and by precepting the constituent councils of Bristol, Bath and North East Somerset, North Somerset and South Gloucestershire. The Authority’s membership comprises 20 Elected Members who are appointed by their Council on a politically proportional basis who are accountable in their decisions to the Authority rather than their individual council.

The Authority may also appoint other Members from time to time, as permitted by law, such as the local Police & Crime Commissioner(s).

The Authority is statutorily responsible for the functions set out in:

- Fire and Rescue Services Act 2004
- Civil Contingencies Act 2004
- Regulatory Reform (Fire Safety) Order 2005
- Policing and Crime Act 2017

The Government’s blueprint of priorities and objectives for fire and rescue services as set out in its document the ‘Fire and Rescue National Framework for England’ also influences the Authority’s work.

The Authority has overall control over the strategic direction, establishment, budget and functions of a fire and rescue service and over the acquisition, disposal and alteration of premises and appliances. The Chief Fire Officer/Chief Executive (CFO) is responsible for the day-to-day management of the organisation and is accountable to the Fire Authority for its efficient operation.

There are 2 Statutory Officers:

- a. The Clerk to the Authority (Clerk) who is the Monitoring Officer under section 5 of the Local Government and Housing Act 1989.
- b. The Treasurer to the Authority (Treasurer) who is the Chief Finance Officer under section 112 of the Local Government Finance Act 1988.

The Authority has agreed a Constitution which sets out how it operates, how decisions are made and the procedures and legislation followed to ensure that an efficient, effective, transparent and accountable service is delivered to the local community. Some of these processes are required by law, whilst others are matters for the Authority to agree.

The Constitution is divided into Chapters which set out the basic rules governing the Authority’s business.

The Authority’s Service Plan outlines the strategic plan and priorities of how we can make a real difference within the local communities.

NOTE: The Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are automatically incorporated into and amend where appropriate the provisions of this Constitution, in particular with regard to the publication and inspection of documents electronically and remotely, and with regard to the publication, convening, holding, and attending of meetings remotely or electronically by Members, Officers and members of the public. The provisions of the above Act and the Regulations shall apply until further amendment or Repeal thereof.



## Our Vision

To provide the highest standard and best value service to the community.



We will work closely with and help make our diverse communities safer and healthier; while ensuring our Service is a great place to work, where everyone feels valued and can achieve their full potential.

## Our mission

To improve public safety through prevention, protection, response and resilience.



Making our communities safer, by being there when we are needed, identifying and reducing risks and improving the quality of life for local people; our staff working together as one to ensure a high-quality, value for money Service which meets the needs of the people we serve.

## Our values

- Respectful
- Honest
- Courageous
- Ambitious
- Inclusive
- Transparent



Guided by the standards of behaviour captured in our values, we will support our staff to embrace challenges, recognise achievements and live out our values in making our communities safer and exceeding expectations. The public expect their emergency services to be there when they need us, but also role model the very best standards of behaviour. When we make decisions and work together, our values are the things we keep in mind every time. They are important to us, and non-negotiable.

# Summary

The Authority adheres to the Equality Act (2010). This is a law which sets out specific protections to stop people being discriminated against and provides a framework for ways organisations can address areas of inequality.

Under the Equality Act 2010, it is unlawful to discriminate directly or indirectly in employment because of any of the protected characteristics. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

Within the Act, there are 9 areas which are specifically referenced as things to be aware of when preventing discrimination or addressing inequality. These 9 things are all aspects of what make people who they are, and are called 'protected characteristics'. They are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

You can find more out about the protected characteristics on the Equality and Human Rights Commission website. While we use these 9 as a basis for much of our work, this is not an exhaustive list of the types of diversity we are aware of and take into account in our decision-making.

Within the Equality Act, we have a General Equality Duty. This means that certain organisations, including public sector employers like ourselves, have to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The way we achieve these three duties is up to us as an organisation. However, under the Act we are required to do some specific things to demonstrate how we are meeting the General Equality Duty. These are setting at least one equality objective which is specific and measurable, publishing information about our employees and people who are affected by our policies and practices, and producing a gender pay gap report.



There are many different terms used to talk about equality and diversity in organisations. We know DICE is a longer acronym than many organisations use to describe this area of work, but we think all four concepts and the way they impact on each other are important. What we mean by DICE is:

- **Diversity:** Acknowledging the fact everyone is different, and has different experiences, skills and needs.
- **Inclusion:** Valuing the strengths diversity brings, and removing barriers to accessing opportunities.
- **Cohesion:** Strong and positive relationships between people from different backgrounds, with a common vision and sense of belonging for all.
- **Equality:** Giving everyone equal access to an opportunity.

DICE isn't about treating everyone the same. Having a diverse workforce and population we serve means some people need more support than others to have equal access to an opportunity.

This approach has been agreed with the Fire Authority Clerk.

In this Constitution for the avoidance of doubt any reference to a "relative" includes "close personal friendships".

## Abbreviations

The following abbreviations are used in this constitution:

- CFO** Chief Fire Officer/Chief Executive
- FRA** Fire and Rescue Authority
- LGA** Local Government Association
- LPB** Local Pension Board
- NFCC** National Fire Chiefs' Council
- SLB** Service Leadership Board

# The Fire Authority

## A. Role of Members

The Authority has agreed a role description for Members which sets out the expectations that Members are expected to meet.

### 1. Introduction

Elected Members of the Authority provide political leadership and, alongside other Members, such as the local Police & Crime Commissioner(s), work together to set the strategic direction for the organisation. They represent all of the communities across the 4 Unitary Authority areas in a fair and impartial manner ensuring that their decision-making is focused on the risks within those communities and securing an equitable distribution of resources to meet those risks.

All Members are expected to actively contribute and share responsibility for the good governance of the Authority and the welfare of the communities served by the organisation.

### 2. Key Roles and Responsibilities

2.1. Members collectively are responsible for:

- a. Holding the CFO to account (see Section 3Ba below)
- b. Holding the Statutory Officers to account.
- c. Setting the council tax precept/budget.
- d. Determining the Fire Authority's priorities, objectives and approving the Service Plan.
- e. Approving the Statement of Assurance and Annual Governance Statement.
- f. Approving the Annual Statement of Accounts.
- g. Appointing, suspending or dismissing the members of the Service Leadership Board and Statutory Officers.
- h. Approving a pay policy statement.
- i. Approving arrangements for assistance in discharging functions.
- j. Approving business continuity plans to enable the Authority to perform its fire and rescue functions if an emergency occurs.
- k. Approving any arrangements for the co-operation with Category 1 and 2 responders under the Civil Contingencies Act 2004.
- l. Appointing a local auditor and deciding whether to enter into a liability limitation agreement.

2.2. Members individually are responsible for:

- a. Representing all the local communities in the 4 Unitary Authority areas, the local Police & Crime Commissioner, and representing the Authority to all local communities.





- b. Comply with the Members' Code of Conduct and the Protocol for Member/ Officer Relations, demonstrate commitment to the 7 Principles for Public Life (Nolan Principles) of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; and promote the highest standards of corporate governance.
- c. Develop and maintain respectful and effective working relationships with employees and other Members.
- d. Ensure that the Authority is an equal opportunity employer and meets its equality objectives.
- e. Ensure attendance at and active participation in all meetings of the Authority and those committees, panels and working groups to which the Member is allocated (unless they provide an appropriate reason for their absence).
- f. Participate in any consultative processes with local communities and other stakeholders and encourage those communities to participate constructively in such consultations, particularly "hard to reach" groups.
- g. Develop and maintain a sound working knowledge of the Authority's duties, policies and practices including the services and activities which affect and impact on local communities.
- h. Attend and actively participate in the Member Training Programme in addition to identifying and addressing their own development needs.

### 3. Key Competencies

3.1. To effectively undertake the roles and responsibilities detailed above, Members will need to show commitment to Skills Framework (page 21/22) and achieving the following competencies:

- a. Sufficient time to read and understand the papers for meetings.
- b. Ability to provide constructive challenge and scrutiny.
- c. Ability to make evidence and risk based decisions.
- d. Awareness and understanding of:
  - i. the roles and activities of the fire and rescue service.
  - ii. good governance.
  - iii. equalities issues.
  - iv. financial issues and budgeting.
  - v. procurement.
  - vi. project management.
  - vii. risk management.

3.2. Members should be prepared to devote at least 2.5 days per month to Authority work.

# The Fire Authority

## B. Functions of the Authority

The Authority meeting as the governing body of the organisation is responsible for:

- a. Holding the CFO to account for the performance of the fire and rescue service; and for the efficiency, effectiveness and economy of service delivery and continuous improvement in implementing the Authority's vision, mission, values, objectives, priorities, plans and strategies.
- b. Setting the council tax precept/budget.
- c. Determining the Authority's priorities and objectives for and approving the Service Plan.
- d. Holding the Statutory Officers to account for the discharge of their statutory functions (see Section 1 – Summary).
- e. Approving the Pay Policy Statement.
- f. Approve the Members' Allowance Scheme.
- g. Approving changes to this Constitution.
- h. Approving arrangements for assistance in discharging functions:
  - i. via mutual assistance arrangements with other FRAs (reinforcement scheme)
  - ii. with other employers of firefighters (such as an industrial fire service)
  - iii. with any other person.
- i. Approving business continuity plans to enable the Authority to perform its fire and rescue functions if an emergency occurs.
- j. Approving any arrangements for the co-operation with Category 1 and 2 responders under the Civil Contingencies Act 2004.
- k. Appointing a local auditor and deciding whether to enter into a liability limitation agreement.
- l. All freehold acquisitions, disposals and appropriations of property (excluding right to buy and Leasehold Reform Act sales) and the entering into or granting of leases but excluding all licences to occupy and wayleaves.
- m. Approving the policy governing the disposal of appliances and equipment.
- n. Any other matters that the Constitution specifically reserves to the Authority or which the Authority specifically reserves to itself for decision.

All other decisions are delegated for decision to a Committee or Sub-Committee (referred to as "Panel" in this Constitution) as set out in C below or the CFO, the Treasurer or the Clerk as set out in Section 3 below.



## C. Committee Terms of Reference & Delegated Powers

### 1. Audit, Governance and Ethics Committee

#### Membership

- There will be 7 Members of the Committee with a quorum of 4.
- Determination of Member Conduct cases will be determined by a Panel of 3 Members (from different political groups).
- The Panel is a Sub-Committee.

#### Meeting Frequency

- Full Committee – 4 times per municipal year
- Member Conduct Panel - as required.

#### Reporting to Full Committee

- Minutes go to the Fire Authority
- Panel – inform the annual review.

#### Purpose

Undertaking the role of the Authority's Audit, Governance and Ethics Committee and any associated issues.

#### Functions

##### Audit

- To oversee all audit issues on behalf of the Authority.
- To consider all internal and external audit reports received, review management action plans and monitor their implementation.
- To agree the internal and external audit plans.
- To scrutinise and approve the Statement of Accounts and Narrative Report and bring any matters of concern to the Authority.
- To make recommendations to the Authority on the appointment of internal and external auditors and agree auditor terms of engagement and fees.
- To monitor the performance of internal and external auditors, to keep under review the quality of their work and their independence and to ensure audit firm rotation.
- To keep under review the Authority's arrangements for whistleblowing and the prevention and detection of fraud, money laundering, corruption and bribery.

##### Governance and Risk Management

- To scrutinise and approve the Annual Governance Statement and the Statement of Assurance.
- To undertake an annual review of the Authority's governance arrangements and make recommendations to the Authority.

# The Fire Authority

- To review on an annual basis any complaints and compliments received pertaining to the Committee's areas of responsibility.
- To keep under review the Corporate Risk Register and the corporate business continuity planning framework seeking assurance of appropriate management action.

## **Agendas and Reports**

- In accordance with Avon Fire Authority Standing Orders, a paper or electronic copy of the agenda and reports to be submitted to a committee meeting shall be sent to every Member at least five clear days before the meeting at which the reports are to be submitted. This excludes Saturdays, Sundays and public holidays.
- The purpose of reports is to ensure that Members have all relevant information to make an informed judgment and reasoned decision. Reports to be discussed at meetings should first be provided to Members in written format so that they have an opportunity to review report content and any recommendations in advance of the meeting. Reports need not be lengthy but provide sufficient detail to give Members all relevant information. In exceptional circumstances, verbal reports can be provided to Members, but only with prior permission of the Chair.

## **Members' Code of Conduct**

- To promote and maintain high standards of conduct and assist Members of the Authority to observe the Members' Code of Conduct.
- To keep under review the Members' Code of Conduct and make recommendations for revision to the Authority.
- To ensure that Members receive appropriate training relating to the Members' Code of Conduct.
- To deal with cases referred by the Monitoring Officer relating to individuals to whom the Members' Code of Conduct applies by way of the Member Conduct Panel.

## **Lead Officers**

Director of Corporate Services



## 2. People and Culture Committee

### Membership

- There will be 9 Members of the Committee with a quorum of 4.
- Determination of individual cases will be determined by a Panel comprising a minimum of 3 Members. The Panel is a Sub-Committee.

### Meeting Frequency

- The Committee will meet 4 times per Municipal Year.

### Reporting to

- Full Committee - Minutes go to the Fire Authority.
- Panels – inform the annual review.

### Purpose

To keep under review the Authority's compliance with its duties under the Equality Act 2010 and the Public Sector Equality Duty and make recommendations to the Authority and/or the Service Leadership Board (SLB), as necessary, and the determination of employee-related issues.

### Functions

#### As a Full Committee

- To undertake the recruitment and appointment of SLB members and Statutory Officers.
- To undertake the annual pay review for SLB members and Statutory Officers and to make recommendations to the Fire Authority.
- To review the Statutory Pay Policy Statement annually and make recommendations to the Fire Authority.
- To undertake an annual review of all completed disciplinary, grievances and other employee disputes (including Employment Tribunals and personal injury claims).
- To undertake monitoring of the Authority's compliance against the Equality Act 2010.
- To monitor and seek assurances that the organisation has in place sufficient measures to ensure welfare and well-being; with policies and procedures affecting staff that promote a positive culture.
- To monitor aspects of service performance, including, health, safety and welfare, equality and training and development.
- To determine the outcome of all applications/cases for Ill Health Retirement (IHR) for SLB members and Statutory Officers.
- To review an annual report from the Chief Fire Officer (CFO) on all IHR cases approved by the CFO.

# The Fire Authority

## As a Panel

- To make suspension decisions and determine disciplinary matters against SLB members and Statutory Officers.
- To determine grievances by and against SLB members and Statutory Officers.
- To determine appeals under the disciplinary or grievance procedures.
- To determine issues arising in relation to the payment of sick pay.
- To determine IHR retirements and/or injury awards which, on their own or in combination, result in a total 3-year cost to the Fire Authority of £500,001 or more and any IHR or injury award cases where the CFO requests determination by the People and Culture Committee.
- To review IHR retirements and/or injury awards, as recommended by the CFO.
- To undertake Stage 1 determinations of disagreements in respect of pension matters under the Internal Dispute Resolution Procedure.
- To refer to the Fire Authority Stage 2 reviews of Stage 1 determinations of disagreements in respect of pension matters under the Internal Dispute Resolution Procedure.
- To undertake the formal performance review of the Chief Fire Officer.
- To determine applications for re-employment from operational staff who retire.
- To determine any other employee dispute or appeal reserved to Members.

## Agendas and Reports

- In accordance with Avon Fire Authority Standing Orders, a paper or electronic copy of the agenda and reports to be submitted to a committee meeting shall be sent to every Member at least five clear days before the meeting at which the reports are to be submitted, this excludes Saturdays, Sundays and public holidays.
- The purpose of reports is to ensure that Members have all relevant information to make an informed judgment and reasoned decision. Reports to be discussed at meetings should first be provided to Members in written format so that they have an opportunity to review report content and any recommendations in advance of the meeting. Reports need not be lengthy, but provide sufficient detail to give Members all relevant information. In exceptional circumstances, verbal reports can be provided to Members, but only with prior permission of the Chair.

## Lead Officer

Director of Service Delivery Support



## 3. Performance Review and Scrutiny Committee

### Membership

- There will be 7 Members of the Committee with a quorum of 4.

### Meeting Frequency

- The Committee will meet 4 times per municipal year and as required to deal with urgent business.

### Reporting to

- Minutes go to the Fire Authority

### Purpose

The scrutiny of the performance of and the delivery of the Authority's policies, plans and objectives.

### Functions

- To develop and agree an Annual Work Programme for the financial year.
- To consider reports on the outcome of the reviews making recommendations to the Authority as to how service improvements can be put in place and to monitor their implementation on a regular basis.
- To consider and make recommendations to the Authority on the Service Plan, the Medium Term Financial Plan, Precept, Capital Programme and other strategic matters.
- To consider recommendations to be made to the Authority for annual cost reduction, efficiency savings and business transformation proposals.
- To ensure that the organisation works collaboratively with other Fire and Rescue Authorities (FRAs) to deliver interoperability.
- To ensure that the organisation collaborates with other emergency services, Category 1 & 2 responders and the Local Resilience Forum.
- To respond to any consultation process as referred by officers on behalf of the Authority affecting FRAs generally from Government, the Local Government Association (LGA), National Fire Chiefs Council (NFCC), or any other source.
- Monitor and review financial performance including revenue and capital budgets and the Devolved Budget Framework.
- Authorise capital and revenue adjustments in excess of limits delegated to the Treasurer and CFO and to authorise capital re-phasing where necessary.
- Monitor and review key performance targets, including organisational staffing establishment, and ensure that the Authority has an effective performance management framework in place to deliver the Service Plan.
- To determine any matter within existing policy and the budget of the Authority not specifically reserved to the Authority itself for decision, within the Terms of Reference of another committee or in the Scheme of Delegation.
- To undertake any Member-led consultations with recognised Trades Unions.

# The Fire Authority

- To deal with such specific matters as may be referred to the Committee from time to time by the Authority.
- To deal with any matter reserved to the Authority for decision that requires determination between meetings of the Authority.

## Agendas and Reports

- In accordance with Avon Fire Authority Standing Orders, a paper or electronic copy of the agenda and reports to be submitted to a committee meeting shall be sent to every Member at least five clear days before the meeting at which the reports are to be submitted. This excludes Saturdays, Sundays and public holidays.
- The purpose of reports is to ensure that Members have all relevant information to make an informed judgment and reasoned decision. Reports to be discussed at meetings should first be provided to Members in written format so that they have an opportunity to review report content and any recommendations in advance of the meeting. Reports need not be lengthy, but provide sufficient detail to give Members all relevant information. In exceptional circumstances, verbal reports can be provided to Members, but only with prior permission of the Chair.

## Delegated Authority

- Budget Adjustments – approval of an adjustment within the appropriate levels stated within the Scheme of Delegation, provided that the adjustment is not required to be spent on areas of expenditure not previously approved by the Authority in setting the Annual Budget.
- Allocation of underspends subject to any upper limit the Authority may agree.
- Procurement – approval of tenders within the appropriate limits as per the Contract Procedure Rules.
- Write off – approval of any write off within the appropriate levels stated within the Scheme of Delegation.

## Lead Officer

Director of Service Delivery

## 4. Local Pension Board

### Name

1. The name of the Board is “Local Pension Board” (“the Board”) and is established by Avon Fire Authority (“the Authority”) who are the Scheme Manager under the provisions of the Public Sector Pensions Act 2013 and The Firefighters’ Pension Scheme (Amendment)(Governance) Regulations 2015.

### Statement of purpose

2. The purpose of the Board is to assist Avon Fire Authority in its role as the Scheme Manager of the Firefighters’ 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) certify the effective and efficient governance and administration of the Scheme.
- 3. The Board will prepare an Annual Report to Avon Fire Authority, as Scheme Manager, outlining the work of the Local Pension Board.

## **Duties of the Board**

- 4. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members:
  - (a) should act always in the interests of the Scheme and not seek to promote the interests of any stakeholder group above another.
  - (b) should be subject to and abide by the Avon Fire Authority Code of Conduct for Members.

## **Membership**

- 5. The Board will comprise an equal number of employer and Member representatives with a minimum requirement of no less than four in total.
- 6. Substitute members will not be permitted.
- 7. Each Board member shall endeavour to attend all Board meetings during the year.

## **Member representatives**

- 8. Two Member representatives shall be appointed to the Board.
- 9. Member representatives shall either be members of the scheme administered by Avon Fire Authority or have experience of representing pension scheme members in a similar capacity.
- 10. 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**

- 11. Two employer representatives shall be appointed to the Board.
- 12. Employer representatives shall be office holders or senior employees of Avon Fire Authority or have experience of representing Scheme Employers in a similar capacity. Office holders or employees of Avon Fire Authority with delegated responsibility for discharging the Scheme Manager function of Avon Fire Authority may not serve as employer representatives.
- 13. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 14. Employer representatives shall be appointed by Avon Fire Authority in a manner which it considers best promotes the purpose of the Board.

## **Appointment of Chair**

- 15. Avon Fire Authority shall appoint a Board appointed Chair.

# The Fire Authority

16. The duties of the Chair should be in accordance with the duties of a Chair within Avon Fire Authority.

## **Notification of appointments**

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

## **Conflicts of interest**

18. All members of the Board must declare to Avon Fire Authority 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.
19. On appointment to the Board and following any subsequent declaration of potential conflict Avon Fire Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of Avon Fire Authority and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

## **Knowledge and understanding (including training)**

20. Knowledge and understanding must be considered in light of the role of the Board to assist Avon Fire Authority in line with the requirements outlined in section 2 above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
21. 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.
22. 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.
23. The Board is entitled to one free training session per annum to be delivered in house by the Local Government Association (LGA).

## **Terms of Office**

24. Term of Office shall be longer than 12 months to allow sufficient development of knowledge and understanding, up to a maximum of 8 years for Fire Authority Members.
25. 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

26. The Board shall, as a minimum meet two times per year, considering that quarterly meetings are recommended good practice. Meetings shall normally take place between the hours of 09.00 and 17.00hrs.
27. 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 the Board including telephone conferencing and e-mails.
28. All agendas and papers for Board meetings will be made publically available on the Avon Fire Authority website unless, in the opinion of the Scheme Manager, they are covered by exempt/confidential information procedures under Schedule 12A of the Local Government Act 1972 (as amended) or represent data covered by the Data Protection Act 2018.

## Quorum

29. The total number of members required to be present for a meeting to be quorate is 3 plus the Chair or deputy Chair.

## Voting

30. The Chair shall determine when consensus has been reached.
31. Where consensus is not achieved this should be recorded by the Chair.
32. In support of its core functions the Board may make a request for information to the Chief Fire Officer (CFO) with regard to any aspect of the Scheme Manager function. Any such a request should be reasonably complied with in both scope and timing.
33. In support of its core functions the Board may make recommendations to the CFO which should be considered and a response made to the Board on the outcome within a reasonable period of time.

## Accountability

34. The Board will be collectively and individually accountable to the Scheme Manager, which is ultimately Avon Fire Authority as the responsible authority for the Firefighters' Pension Schemes.
35. Avon Fire Authority continues to be responsible for the contractual arrangements, including delivery against the contract and agreed key performance indicators for the pension scheme administration.

## Data Protection

36. The Board will adhere to the Data Protection Policies held by the Scheme Manager Avon Fire Authority.

## Interpretation

37. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
38. In these terms 'Regulations' means the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters'

# The Fire Authority

Pension Scheme Regulations 2014 as amended, the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board, and any other relevant legislation applying to the Scheme.

## **Amendment to the Terms of Reference**

39. These terms of reference may be amended by regulation or in consultation with the Board by the Scheme Manager.

## **ANNEX A**

### **Appointment of Chair EXAMPLE APPOINTMENT PROCESSES \***

Directly appointed member representatives

1. Every member of the scheme administered by Avon Fire Authority shall be sent a nomination pack to include the terms of reference, an invitation to nominate themselves or another appropriate person as a member representative, a nomination form, and a voting form.
2. Any nomination should include information as to how the nominee meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.
3. Nominations shall be posted on the website of Avon Fire Authority together with instructions for the completion and submission of voting forms.
4. The [INSERT NUMBER] nominees with the most number of votes shall be appointed to the Board.

### **Independent Chair**

1. Avon Fire Authority shall place an advertisement for an Independent Chair of the board in the appropriate media to include but not be restricted to:
  - (a) The website of Avon Fire Authority
  - (b) One local media outlet
  - (c) An employer newsletter
  - (d) A member newsletter
2. The advertisement should ask for applications for the role of Independent Chair and should include information as to how to apply together with a description of the role.
3. Applications should be submitted to [INSERT SECTION/OFFICER] of Avon Fire Authority and show how the candidate meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.
4. [INSERT SECTION/OFFICER] of Avon Fire Authority shall score the applications against the requirements of the role as set out in the terms of reference and the highest scoring candidates should make up the shortlist.

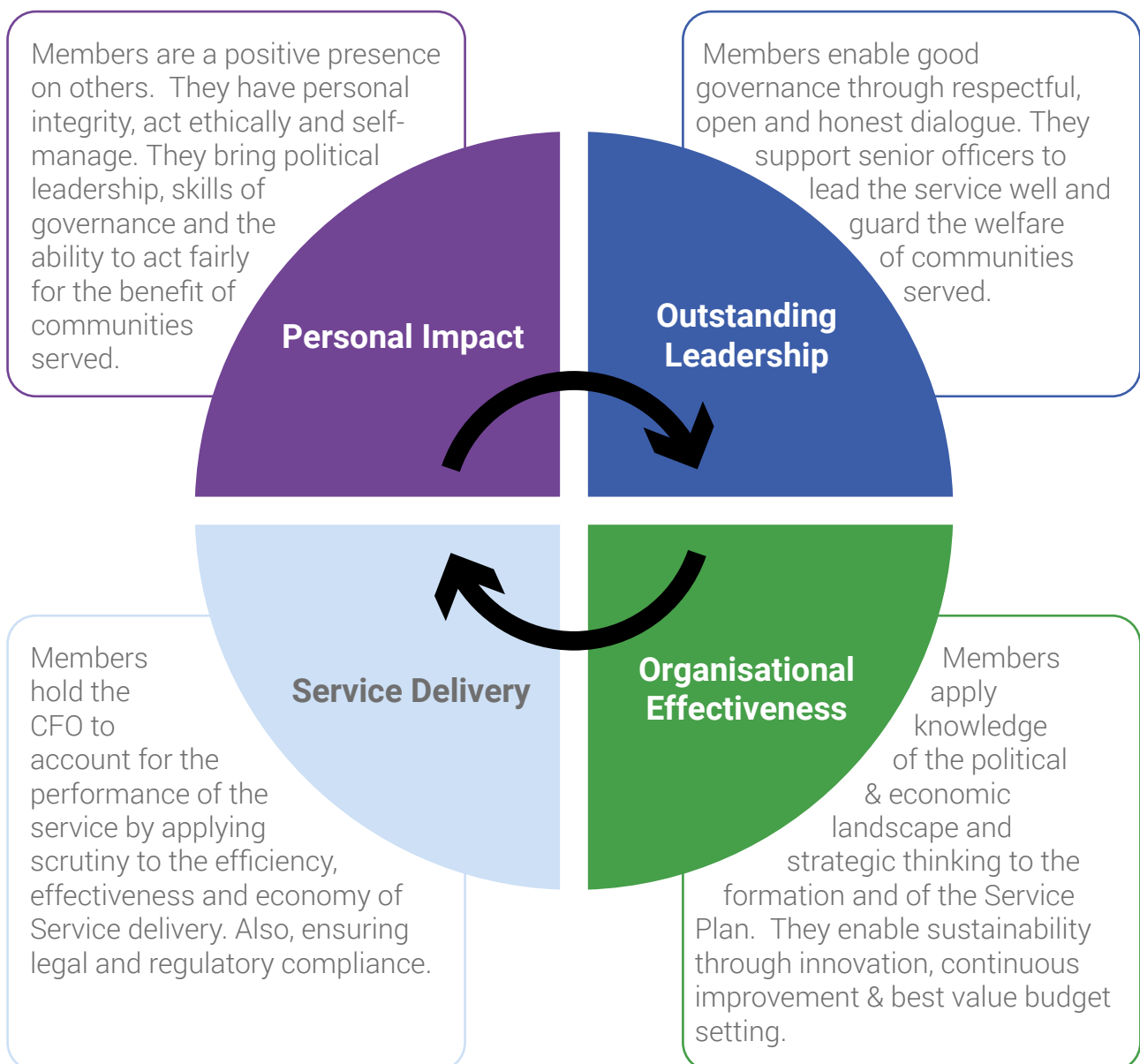
\*Sections in yellow are deliberately highlighted because these numbers and officers will vary according to the exercise.



## Avon Fire Authority Member Skills Framework

This Member Skills Framework brings together expectations of Member skills and provides a guide to Avon Fire Authority good governance. The framework is built around four quadrants and has been designed with the NFCC Leadership Framework in mind. This is to align the leadership of the Service at all levels towards the vision, mission and values of the service.

The Member Framework uses defined and observable measures to assist the selection of new Members and hold Members accountable for good governance of the Service.



# The Fire Authority

Personal impact	Outstanding Leadership	Service Delivery	Organisational Effectiveness
Being a positive presence	Creating a climate for good governance	Monitoring Service delivery	Setting strategic direction
Demonstrate self-awareness and the ability to self-manage.	Foster open and honest dialogue with other Members and the SLB to enable shared responsibility for the good governance of the Authority.	Hold the CFO accountable for Service delivery by applying <b>scrutiny</b> to the <b>efficiency, effectiveness and economy</b> of the service. Also, <b>compliance in legal and regulatory practices in human resources, finance, audit and procurement.</b>	Bring knowledge of the future political, social and economic landscape and other public service drivers to support strategy, decision making and ensure the sustainability of the Service.
Demonstrate, promote and uphold the 7 Principles of Public Life & the Service Values and actively contribute as a Member of Avon Fire Authority.	Work with the RACI model (responsible, accountable, consult, inform) to ensure clear roles and responsibilities in Committees and AFA meetings.	Ensure an <b>equitable distribution of resources</b> to meet the risks of the communities served.	Apply <b>strategic thinking</b> to support and challenge the formation of the Service Plan, ensuring it sets a clear vision and direction.
Demonstrate political intelligence and act in a fair and impartial manner to ensure decision making is focused on the risks within the communities served by the Service.	<b>Support, challenge</b> and empower the SLB to lead the delivery of the Service Plan in line with the NFCC Leadership Framework and Service Leadership Charter.	Guard the reputation of the Service by <b>identifying risks</b> involved in achieving outcomes. Ensure plans are put in place to limit negative consequences of emerging issues and risks to the Service.	<b>Encourage innovation</b> to improve service delivery and sustainability. Ensure changes are embedded in the organisation.
Champion diversity and practice inclusion.	<b>Proactively build and maintain relationships</b> with Members, the SLB and key stakeholders to ensure the welfare of communities served.	Monitor <b>benchmarks</b> that compare Service performance against other fire and rescue and public services and relevant business sectors.	<b>Set budgets</b> through consultation that represent a best value service now, for the future and for the benefit of the community.

## References

- Local Government Ethical Standards A Review by the Committee on Standards in Public Life January 2019
- International framework: Good governance in the public sector 2014



# Scheme of Delegation

Action	Person(s)	Limit
In year Budget Adjustment (including reserves)	CFO and Treasurer	Up to £249,999
In year budget adjustment (including reserves)	PRSC	£250,000 to £499,999
In year budget adjustment (including reserves)	Fire Authority	£500,000 and above
Acquisition of land and buildings	Fire Authority	All acquisitions
Asset acquisitions (excl. land and buildings)		Contract procedure rules to be followed
Disposal of land and buildings	Fire Authority	All disposals
Asset disposals (excl. land and buildings)	PRSC	Material assets (£25,000 and above)
Revenue and capital write offs (e.g. bad debts or obsolete stock)	Head of Finance	Up to £9,999
Revenue and capital write offs (e.g. bad debts or redundant stocks & equipment)	CFO and Treasurer	£10,000 to £24,999
Revenue and capital write offs (e.g. bad debts or redundant stocks & equipment)	PRSC	£25,000 to £49,999





Action	Person(s)	Limit
Revenue and capital write offs (e.g. bad debts or redundant stocks & equipment)	AGEC	£50,000 and above
Legal settlements	Clerk	Up to £24,999
Legal settlements	Fire Authority	£25,000 and above.
Reimbursement for damage etc to personal property of staff	CFO	Up to £150

# Scheme of Delegation

## A. Responsibility for Functions

- a. The Authority has agreed the following delegation of its powers and duties to Committees and Officers. The exercise of any power or duty referred to in the Scheme of Delegation is to be subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made and to any decision of the Authority.
- b. Without prejudice to paragraph 'a' above each Committee has delegated authority to decide matters within the Scheme of Delegation in Section B.
- c. In exercising any powers on a matter, a Committee, Sub-Committee, or Officer must have regard to any other Committees, Sub-Committees or Officers having responsibility for that or related matters.
- d. Where a power or duty of the Authority has been delegated to a Committee, a Sub-Committee or Officer the delegation shall be deemed to include any action that may be incidental to the exercise of the power or duty.
- e. Without prejudice to the preceding paragraph, Officers are empowered in respect of their duties and responsibilities to take any action required to implement a decision of the Authority, its Committees or Sub-Committees.
- f. The CFO is authorised, in liaison with the Chair of the Authority, to respond to consultation documents where the period during which a response is required does not allow the consultation paper to be reported to the Authority. Any such response shall be presented to the next meeting of the Authority.
- g. The CFO may authorise in writing any other Officer to exercise in their absence any of their powers or duties.
- h. The CFO shall have the power to exercise any of the powers and duties delegated to any other Officer in their absence but for the avoidance of doubt excluding those that are the responsibility of the Clerk or Treasurer.
- i. The CFO may delegate in writing any or all of his or her powers and duties to any other Officer if they are of the opinion that such delegation is for the efficient operation of the Authority's business. Neither the Treasurer's nor the Clerk's statutory functions may, however, be delegated, except to their nominated deputies.
- j. Any reference to a function or matter shall be deemed to include a reference to all statutory powers relating to that function or matter whether directly or indirectly and shall be deemed to include authority to exercise all such powers.
- k. Any reference in this Scheme of Delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-Enactment (with or without modification) of the same.
- l. The arrangements made in this Part A for the discharge of the Authority's functions by a Committee, Sub-Committee or Officer does not prevent the full Authority from exercising those functions.



## **B. Scheme of Delegation**

### **1. Delegation to Committees**

The functions delegated to Committees are set out in Section 2 of this Constitution.

### **2. Delegation to the CFO**

#### **General**

Any exercise of delegated powers by the CFO or their nominee:

- a. Shall comply with Standing Orders, the Contract Procedure Rules and the Financial Regulations.
- b. Shall not authorise expenditure except in accordance with approved estimates and where further approval is required shall not precede that approval.
- c. Shall not involve creating a new policy or extend an existing policy of the Fire Authority.
- d. Shall be the subject of prior consultation with the appropriate professional or technical officer providing services to the Authority in any case involving professional or technical considerations not within the province of the CFO.
- e. Shall be the subject of prior consultation with the Treasurer in respect of any financial implications and the Clerk in respect of any legal implications.
- f. Any delegation to the CFO may be exercised on his behalf by any Officer authorised by him either generally or specifically for the purpose.
- g. Delegation to Officers shall be without prejudice to the overriding right of the Authority to decide any matter or to call for information about a particular case or class of case. In particular, the CFO may in any case in lieu of exercising their delegated powers refer a matter to the Authority for decision.
- h. Subject to the above conditions and to any special conditions which may have been or may in future be applied in respect of particular matters, the CFO will be expected to make such decisions and to initiate such action as they deem necessary in the interests of the efficient running of the organisation.
- i. Subject to the above conditions all decision-making not reserved to the full Fire Authority or a Committee as set out in this Constitution shall be delegated to the CFO subject to the limitations set out in the following sub-paragraphs of paragraph 3.
- j. Powers are also delegated to the CFO by other sections of this Constitution.

### **3. Limitations on the Delegated Powers of CFO**

#### **3.1. Disposal of Appliances and Equipment**

All such disposals must be within the existing policy approved by the Authority and shall be reported back to the Authority on an annual basis.

# Scheme of Delegation

## 3.2. Management of Staff

- a. In respect of all staff the power to appoint, grade and re-grade, promote, suspend, discipline, dismiss, take decisions under the Firefighter Pensions Schemes and the Local Government Pension Scheme, grant early or flexible retirement, accept an offer of voluntary redundancy and any other ancillary decisions EXCEPT for members of the Service Leadership Board and Statutory Officers.
- b. To appoint Service Leadership Board Members on a temporary basis not exceeding 6 months subject to such appointments being ratified at the next available meeting of the Authority, or the People and Culture Committee whichever is the earliest.
- c. Take decisions under the Firefighters Pension Schemes and the Local Government Pension Scheme with respect to Ill-Health Retirements (IHR) for all and any tiers and injury awards provided for in the respective pension regulations, with a total cost to the Fire Authority not exceeding £500,001 over a 3-year period. Where the IHR with or without injury related awards will exceed that cost level over 3 years, or where the CFO considers it prudent to do so, refer IHR cases to the People and Culture Committee for determination.
- d. To review ongoing entitlement to IHR and/or injury related awards every 3 years (or in accordance with IQMP/IRMP advice, if different) in accordance with the relevant pension regulations and refer cases to the People and Culture Committee where recommendations for change are necessary.
- e. All IHRs, early and flexible retirements and voluntary redundancies shall be reported to the People and Culture Committee on an annual basis.
- f. Reimburse to staff the value of any personal property damaged, destroyed or stolen during the course of employment up to a limit of the Specified Amount within the Scheme of Delegation per claim.

## 3.3 National Conditions of Service

The CFO shall not have authority to impose conditions of service beyond the nationally agreed conditions of service.

## 3.4 Energy Contracts

The CFO may approve energy contracts above £100,000 subject to an Evaluation Report being made to the next meeting of the Audit, Governance and Ethics Committee.

## 4. Delegation to the Clerk

4.1. To prepare, negotiate and execute documents other than where provided in Standing Orders or the Contract Procedure Rules, and otherwise take any action required to give effect to all resolutions and/or decisions of the Authority, a Committee or Officer.

4.2. To institute, defend or act in respect of legal proceedings or other claims, disputes and determinations involving the Authority including the power to settle and compromise such matters where necessary to give effect to a resolution and/or decision of the



Authority, or where necessary to protect the Fire Authority's interests up to the amount specified within the Scheme of Delegation (where relevant) subject to a report being presented to the next available meeting of the Authority.

4.3. To institute and conduct prosecutions under the Regulatory Reform (Fire Service) Order 2005 subject to the Crown Prosecution Service's Full Test Code being met to ensure that there is an objective decision based on admissible evidence and the public interest including pursuing and defending any appeals which may arise.

4.4. To make and serve notices and other instruments where necessary, to give effect to a resolution and/or decision of the Authority or where necessary to protect the Authority's interests.

4.5. To approve the granting of an indemnity in accordance with the terms of the policy for Indemnities for Members and Officers (except in respect of themselves) in consultation with the Chair of the Authority, the CFO and the Treasurer (as may be appropriate).

4.6. Following a decision by the Authority, a Committee or an Officer (as appropriate) will affix the common seal of the Fire Authority to any document requiring to be sealed subject to the requirements of the Regulatory Reform (Execution of Deeds and Documents) Order 2005.

4.7. To undertake the functions of the "proper officer" wherever this arises in legislation affecting the Authority.

4.8. To grant dispensations to Members of the Authority where so many Members have disclosable pecuniary interests in a matter that failure to grant a dispensation would impede the transaction of business, and/or make the meeting inquorate.

4.9. Powers are also delegated to the Clerk by other sections of this Constitution particularly the Contract Procedure Rules.

### **5. Delegation to the Treasurer**

Powers are also delegated to the Treasurer by other sections of this Constitution particularly the Financial Regulations.

# Standing Orders

## 1. Meetings

### 1.1. Meetings

#### Ordinary Meetings

1.1.1. The Authority shall meet at least once a quarter and on such other occasions as may be necessary. Meetings shall be held at such places and at such times as the Authority shall from time to time direct and may be convened, held and administered in accordance with the provisions of the Coronavirus Act 2020, and associated Regulations, or any published Guidance or any protocols applicable thereunder.

1.1.2. The Authority shall hold an annual meeting each year after the annual meetings of the constituent authorities within a month.

#### Extraordinary Meetings

1.1.3. The Chair of the Authority may summon an extraordinary meeting of the Authority at any time.

1.1.4. If the Chair refuses to call an extraordinary meeting after receiving a requisition for that purpose, signed by five members of the Authority or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after receiving the requisition then any five members of the Authority, on that refusal or on the expiration of those seven days, as the case may be, may require the Clerk to call an extraordinary meeting of the Authority.

### 1.2. Chair

1.2.1. The first item of business on the agenda for the annual meeting shall be the appointment of a Chair for the coming year.

1.2.2. The Authority may also (if it resolves to do so) elect a Vice-Chair.

1.2.3. The Chair, provided re-elected at the AGM, (and, if elected, the Vice-Chair) shall continue in office until a successor is elected, provided that they continue to be a Member of the Fire Authority.

1.2.4. With effect from 1 April 1996, no Member shall hold the position of Chair or Vice Chair of the Authority or any combination of either role for a period exceeding 6 Municipal Years either consecutively or in aggregate.

1.2.5. If the office of Chair (or Vice-Chair) becomes vacant at any time due to the death, resignation or disqualification of the office holder, the Authority shall (in the case of the Chair) and may (in the case of the Vice-Chair) elect from its Members a person to replace the office holder. Such an election to replace the Chair shall take place no later than the next ordinary meeting of the Authority after the office has become vacant.

1.2.6. If the Chair is absent from a meeting of the Authority, the Vice-Chair (if elected) shall preside. If the Chair and Vice-Chair are absent, another Member chosen by the Members present shall preside.

### 1.3. Members

1.3.1. The Authority's membership comprises 20 Elected Members who are appointed by their Council on a politically proportional basis. They are joined by other Members elected to join the Fire Authority on a case-by-case basis, for example, in response to a



Fire Authority approved request to join the Fire Authority by the local Police and Crime Commissioner.

1.3.2. The maximum tenure for a Fire Authority member is 8 years in total, either consecutively or in aggregate.

### **1.4. Matters to be Included in Agendas**

1.4.1. Members' requests for matters to be included on the agenda for a meeting of the Authority shall be in writing and received by the Clerk at least ten days before the next ordinary meeting of the Authority, failing which they shall not be so included without the express approval of the Chair of the Authority.

### **1.5. Agendas and Reports**

1.5.1. A copy of the agenda and reports to be submitted to a meeting of the Authority shall be sent to every Member at least five clear days before the meeting at which the reports are to be submitted.

### **1.6. Quorum**

1.6.1. If, during any meeting of the Authority, the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if such a time is not fixed, to the next ordinary meeting of the Authority.

1.6.2. A quorum shall be one third of the total number of Members of the Authority or alternatively any proportion of the total number of the Authority's Members that it determines, provided that this proportion is no smaller than one third. If at any time more than one third of the total number of Members of the Authority are disqualified, then unless at least two-thirds of the total number of Members are not disqualified the quorum shall be determined by reference to the appropriate proportion of qualified Members of the Authority rather than of the total number of Members.

### **1.7. Minutes**

1.7.1. The minutes of the business considered and decisions reached at each meeting of the Authority shall be printed and a copy sent to each Member with or prior to the summons to attend the next meeting of the Authority.

1.7.2. When the minutes of a previous meeting come before the Authority, the Authority shall firstly determine any questions raised as to their accuracy, and when approved the Chair shall sign the minutes. No other motion or discussion shall take place upon the minutes, except that a Member may request information as to progress or further development of any matter referred to in the minutes.

### **1.8. Attendance Book**

1.8.1. An attendance book, or sheet, shall be laid on the table at every meeting of the Authority in which each Member present shall enter their name. The book or sheet shall constitute the register of attendance of Members, and any omission there from may be remedied by the Clerk.

# Standing Orders

## 1.9. Non-attendance of Members

The objective of this Standing Order is to enable the Authority to take action against a Member who persistently fails to engage in the business of the Authority without reasonable cause.

1.9.1. Where a Member fails, throughout a period of three months from the date of their last attendance, to attend any meeting of the Authority, then the appropriate Political Group Leader on the Authority shall be advised of the non-attendance and asked to take appropriate action. Where the Member is not a member of a political group the Clerk shall advise the Member directly.

1.9.2. Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Authority, then the Clerk shall write to the Chief Executive of the Member's Unitary Authority advising them of the non-attendance and inviting that Authority to consider removing the Member and appointing an alternative.

1.9.3. Paragraphs 1.8.1 and 1.8.2 shall not apply where the failure to attend was as a result of some reason approved by, or on behalf of, the Authority or one of the Unitary Authorities before the expiry of that period.

1.9.4. A 'meeting of the Authority' includes meetings of the Authority itself and of its Committees.

1.9.5. Where a situation arises with a Member's non-attendance which is not specifically covered by the preceding paragraphs of this Standing Order the Clerk shall take whatever reasonable action is deemed appropriate within the spirit of this Rule to deal with that situation.

## 1.10. Motions

1.10.1. No motion or amendment other than a motion for the reception or adoption of a report, or for the adoption of a recommendation contained in a report, shall, after the proposer has spoken in support thereof, be discussed or proceeded with unless it has been seconded. Such motion or amendment shall, if required by the Chair, be reduced to writing and handed to the Chair before it is further discussed or put to the meeting.

1.10.2. A Member may not propose or second a motion or amendment on which they are disqualified from voting.

1.10.3. When a resolution either adopting or rejecting a motion has been passed by the Authority, no motion to rescind that resolution can be brought forward within six months of the original resolution except on a report of a Committee or the Clerk.

## 1.11. Motions During Debate

When a motion is under debate, no other motion shall be moved except for the following:

- a. To amend the motion
- b. To postpone consideration of the motion
- c. To adjourn the meeting
- d. To adjourn the debate





- e. To proceed to the next business
- f. That the question be now put
- g. That a Member be not further heard
- h. That a Member do leave the meeting
- i. That the subject of debate be referred to a committee or a sub-committee or be referred back for further consideration.

## **1.12. Motions for Closure, Adjournment, etc.**

1.12.1. Where a motion is moved or seconded 'that the question be now put', 'that the debate be now adjourned', 'that the Authority proceed to the next business', or 'that the Authority be now adjourned', the Chair, if of the opinion that the question before the meeting has been sufficiently discussed, shall put that motion to the vote and if it is carried, the question before the meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that day or the meeting shall stand adjourned, as the case may be.

1.12.2. A second motion concerning the same question before the meeting 'that the question be now put', 'that the debate be now adjourned', 'that the Authority proceed to the next business' or 'that the Authority be now adjourned' shall not be made within a period of fifteen minutes unless it be made by the Chair.

## **1.13. Amendments**

1.13.1. An amendment shall be relevant to the motion and shall be either:

- a. To leave out words; or
- b. To leave out words and insert or add others; or
- c. To insert or add words;

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Authority.

1.13.2. If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall be the motion upon which any further amendment may be moved.

1.13.3. A further amendment shall not be moved until the Authority shall have disposed of every amendment previously moved.

## **1.14. Alterations or Withdrawal of Motion or Amendment**

1.14.1. A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, alter the motion if the alteration is such that it could properly be affected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chair be reduced into writing and handed to the Chair, before the consent of the Authority to the alteration is sought.

# Standing Orders

1.14.2. A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which he has proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

1.14.3. The giving or refusal of the consent of the Authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

## **1.15. Speech by Secunder**

1.15.1. A Member, when seconding a motion or amendment, may if then declaring the intention to do so, reserve their speech until a later period of the debate.

## **1.16. Motions Affecting Persons Employed by the Authority**

1.16.1. If any question arises at a meeting of the Authority or a Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any firefighter or any person employed by the Authority, such question shall not be the subject of discussion until the Authority or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Schedule 12A of the Local Government Act 1972 shall be exercised.

## **1.17. Members to Address the Chair**

1.17.1. A Member when speaking shall address the Chair. If two or more Members wish to speak, the Chair shall decide the order in which they shall speak.

1.17.2. Whenever the Chair rises during a debate, a Member then speaking and the Authority shall be silent.

## **1.18. Rights of Speech**

1.18.1. A Member may speak on any motion or amendment or on any report at such time as it is actually before the Authority, but Members' remarks shall be strictly confined to the subject matter under discussion or to an explanation or a question of order.

1.18.2. The mover of a motion shall have a right of reply at the conclusion of debate on the motion but shall not raise new points.

1.18.3. The mover of an amendment shall similarly have a right of reply at the conclusion of debate on the amendment.

## **1.19. Length of Speeches**

1.19.1. No speech (other than by the Chair of a Committee in support or explanation of any report of such committee) shall exceed five minutes except by consent of the Authority.

## **1.20. Conduct of Members**

1.20.1. A Member shall not impute motives or use offensive expressions to or about any other Member.

1.20.2. If any Member, in the opinion of the Chair signified to the Authority, persistently disregards the ruling of the Chair, or behaves irregularly, improperly, or offensively, or wilfully obstructs the business of the Authority, or uses tedious repetition or unbecoming language, the Chair or any other Member may move "that the Member named be not



further heard”, and such motion if seconded shall be put and determined without discussion.

1.20.3. If the Member named continues the misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:

- a. Move “That the Member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or
- b. Adjourn the meeting of the Authority for such period as the Chair shall consider expedient.

### **1.21 Points of Order and Explanations**

1.21.1 A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member raising it shall specify the Standing Order or statutory provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member which may appear to have been misunderstood in the present debate.

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

### **1.22 Voting**

1.22.1 Subject to Standing Order 1.21.2, all questions shall be determined by the preponderance of voices or by a show of hands. If the Chair shall exercise the right to cast an original vote, such vote shall be given at the same time as the other Members of the Authority shall give their votes. In the event of an equality of votes on a show of hands, the Chair of the meeting shall have a second or casting vote, whether or not the right to give an original vote shall have been exercised.

1.22.2 At the request of 3 Members for a “Named Vote” made prior to the taking of a vote as set out in Standing Order 1.21.1 the vote will be taken by means of the Clerk calling upon each Member to indicate whether they are for or against the resolution upon which the vote is being taken or whether they wish to abstain. The vote of each Member will be recorded by the Clerk and placed in the minutes of the meeting.

### **1.23 Public Access to Meetings of the Fire Authority**

1.23.1 Subject to the provisions of this Standing Order, any person who is a resident of the City and County of Bristol or of any of the Districts of Bath and North East Somerset, South Gloucestershire or North Somerset and/or a representative of a business or voluntary organisation operating in the above areas who is affected by decisions to be taken by the Authority may address the Authority to present a petition, make a statement, or as leader of a deputation (“the Petitioner”).

1.23.2 A Petitioner must give prior written notice of their wish to address the Authority. The Clerk must receive such notice at least two clear working days in advance of the meeting.

1.23.3 Copies of petitions and the full text of comments in support of petitions, statements and deputations must be submitted when notice is given. The Petitioner shall only be permitted to speak on the subject matter contained in the text previously supplied to the Clerk. This paragraph is subject to any reasonable adjustments required

# Standing Orders

by a Petitioner in submitting the full text which should be agreed with the Clerk prior to the deadline for receipt of notice set out in paragraph 1.22.2.

1.23.4 The right of Petitioners to address the Authority will be subject to any directions (including that a petition, statement or deputation not be heard) the Chair may give (prior to or at the meeting in question) having regard to the number of requests made, the need to consolidate petitions, statements or deputations dealing with the same subject and the fact the Authority has been addressed recently on similar subjects.

1.23.5 Petitions, statements or deputations will not be permitted in connection with any matters that:

- i. Are outside the responsibility of the Authority.
- ii. Are sub-judice.
- iii. Are defamatory, frivolous or offensive.
- iv. Requires the disclosure of confidential or exempt information.
- v. Are about a matter which has already been lodged with the Authority or with another statutory body as a formal complaint (regardless of whether or not that complaint has been dealt with).
- vi. Are matters from employees or former employees connected with their employment or former employment.
- vii. Contain an allegation against, or comments about, the conduct of individual Members or Officers.

1.23.6 The total amount of time allocated at each Authority meeting for public access will be no more than 30 minutes, and each speaker will speak for no more than 5 minutes. The Chair shall have discretion to extend these time limits.

1.23.7 A Petitioner may nominate a Member of the Authority of their choice to attend any meeting of the Authority considering the petition in order to speak about the petition.

1.23.8 A petition, statement or deputation not presented because of the time limit shall be accepted without formal presentation. The Petitioner shall nevertheless retain the right to nominate a Member of the Authority to speak on the petition at meetings when it is considered.

1.23.9 The Authority may either refer the matter without debate to the relevant Officer for investigation and to report back to the Authority or to one of its Committees; take it into consideration if it relates to an item on a current or forthcoming agenda (at the time that item is to be considered) or order that it lie on the table.

1.23.10 For the avoidance of doubt, public access does not extend to those in respect of whom a notice is to be served or has been served under the Fire Safety (Regulatory Reform) Order 2005.

1.22.11 The above rights of Public Access are subject to any modifications or restrictions required or permitted under the Coronavirus Act 2020 and associated Regulations or any published Guidance or any protocols applicable thereunder.



## 1.24 Right of Recognised Trades Unions to Speak

1.24.1 A representative from each of the trades unions recognised by the Authority shall have the right to speak at any meeting of the Authority or its Committees on any item on the agenda.

1.24.2 The right to speak shall only apply to an item on the agenda to which the public has not been excluded under the provisions of Schedule 12A to the Local Government Act 1972.

1.24.3 The right to speak shall only apply where the representative has notified the Clerk prior to the start of the meeting that the right is to be exercised for a particular item on the agenda.

1.24.4 Where the Authority has resolved that the recognised trades unions may participate in the proceedings of a particular Committee or Sub-Committee paragraphs 1 to 3 inclusive above shall not apply.

1.24.5 For the purposes of Standing Order 1.19 (Conduct of Members) the expression "Member" shall be construed so as to include a representative exercising the right to speak under this rule and in the circumstances set out in paragraph 4 above.

## 1.25 General Disturbances

1.25.1 All meetings, including on-line meetings, of the Fire Authority and Committees must be conducted in a way that ensures a polite and business-like environment, which is not in any way intimidating or threatening, and allows everyone to participate. To ensure that is the case the Fire Authority and Committees will apply a zero-tolerance policy towards poor behaviour and the following provisions apply.

1.25.2 The Chair shall give a verbal warning to Members of the public if they:

- Interrupt a meeting outside of a public access statement
- Speak or display disruptive behaviour when Members or Officers are presenting

If the interruption to the business of the Fire Authority or Committee continues the Chair shall pause the meeting for up to 30 minutes and order the persons removal from the room. In case of general disturbance in any part of the room open to the public, the Chair shall order that part to be cleared.

1.25.3 The Chair shall immediately pause the meeting and ask a member of the public to leave the meeting if they display any intimidating, aggressive or abusive behaviour towards members, officers and other attendees.

1.25.4 If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in the Chair, may without the question being put suspend the meeting for a period not exceeding 30 minutes or postpone the meeting for a future date.

1.25.5 If certain individuals regularly attend meetings and demonstrate poor behaviour towards Members/Officers/staff/members of the public, the Fire Authority will consider all options open to it, including the possibility of excluding those individuals from future meetings.

# Standing Orders

## 1.26 Members' Interests

1.26.1 If any Member who has a personal interest in a matter attends a meeting at which the matter is considered that Member must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

1.26.2 If a Member is present at a meeting of the Authority, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority, and they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- i. They may not participate in any discussion of the matter at the meeting.
- ii. They may not participate in any vote taken on the matter at the meeting.
- iii. If the interest is not registered, they must disclose the interest to the meeting.
- iv. If the interest is not registered and is not the subject of a pending notification, they must notify the Clerk of the interest within 28 days.

1.26.3 Unless a dispensation to remain has been obtained, a Member must withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which they have an interest in respect of which the Code of Conduct requires them not to participate in any consideration or discussion of, or vote on, that item.

1.26.4 The following shall be recorded in the minutes of a meeting:

- a. The disclosure by a Member at that meeting of the existence of a personal interest and the nature of that interest.
- b. Whether the Member disclosing an interest in a matter withdrew from the meeting room during the consideration of the matter.
- c. The nature and extent of any dispensation granted to a Member by the Clerk in relation to any matter considered at the meeting and the action taken by the Member at the meeting in consequence of that dispensation.

1.26.5 For the purposes of this Standing Order

- a. 'Meeting' means any meeting of the Authority, or any of the Authority's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Advisory Committees.
- b. 'Member' includes any co-opted Member of the Authority or of any of the Authority's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Advisory Committees; and
- c. 'Personal /private interest' and 'pecuniary and non-pecuniary interests' shall have the meaning as designated in legislation and in the Authority's adopted Code of Conduct from time to time.

1.26.6 A Member shall not represent the Authority in staff negotiations contrary to Section 12 of the Local Government and Housing Act 1989 (Conflict of interest in staff negotiations). Prior to any such negotiations being undertaken at a meeting of the



Authority or a Committee, a Member shall, if appropriate, make a declaration to the effect that they are prohibited from taking part in the negotiations by virtue of this Standing Order and shall withdraw from the meeting whilst the negotiations are undertaken.

## **1.27 Members Acting Against the Authority**

1.27.1 A Member of the Authority or of its Committees or Sub-Committees who, whether by themselves or by any partner or associate, or whose employer or company is about to act in any professional or private capacity against the Authority on any matter, shall forthwith notify the fact to the Clerk.

## **1.28 Expectations of Members**

1.28.1 There is an expectation that each Member shall volunteer to sit on at least one Committee of the Authority and in default the Authority shall allocate that Member to a Committee unless there is a good reason not to do so. This provision does not apply to any Member who is a Police & Crime Commissioner.

1.28.2 The Authority has adopted a role description for Members and there is an expectation that each Member will fulfil that role description (as amended from time to time) upon appointment and throughout their tenure as a Member.

1.28.3 Members have a responsibility to keep their compliance with the role description under regular review and if they feel at any time that they are unable to meet its requirements then they should consult their Unitary Authority about their continued membership.

## **2. Committees and Sub-Committees**

### **2.1 Appointment of Committees**

2.1.1 The Authority shall appoint such Committees as are necessary to carry out the work of the Authority in accordance with the Terms of Reference delegated in accordance with the Terms of Reference delegated and may, at any time, dissolve a Committee or alter the membership thereof.

2.1.2 Where a Member of a Committee (who is also a Member of the Authority) is unable to attend a meeting of a Committee, the Clerk shall be authorised to effect a temporary membership change at the request of the relevant political group for the duration of the meeting. The Clerk shall be advised in writing of such a request before the meeting commences.

### **2.2 Chair of Committee**

2.2.1 The appointment of the Chair of a Committee shall be matter for the Committee itself to decide.

2.2.2 If the Chair of a Committee is absent from a meeting of the Committee, the Members present shall choose one of their number to preside over the meeting.

### **2.3 Meetings of Committees**

2.3.1 The Chair of a Committee or the Chair of the Authority may cause a special meeting of the Committee to be called at any time.

# Standing Orders

2.3.2 A special meeting of a Committee shall be called on the request of at least one quarter of the whole number of Members of the Committee by notice in writing signed by them and given to the Clerk and specifying the business for which the Meeting is to be called provided that no special meeting of a Committee shall be called unless such notice is signed by at least two Members of the Committee.

## **2.4 Ex-officio Members and Independent Person(s)**

2.4.1 Except in the case of any Committee considering appeals arising from staffing matters, the Chair of the Authority shall be an ex-officio Member of every Committee but without voting rights. This Standing Order shall not apply where the Chair is appointed to serve on a Committee by name.

2.4.2 In respect of the Code of Conduct for Members, the Authority may from time to time by resolution appoint an Independent Person or Independent Persons, upon the recommendation of Members so authorised by the Authority.

2.4.3 An Independent Person shall hold the appointment for such period as the Authority shall determine at the time the appointment is made.

2.4.4 An Independent Person may resign their appointment by giving notice in writing to the Clerk.

2.4.5 The Authority may at any time by resolution terminate the appointment of an Independent Person.

2.4.6 If at any time the Authority would be precluded from appointing a person to be an Independent Person (notwithstanding that an appointment had been duly advertised, that person had submitted an application for appointment and their appointment had been approved by a majority of the Members of the Authority) and that person is then an Independent Person they shall cease to be an independent person.

2.4.7 For the purposes of these Standing Orders "Independent Person" means a person appointed pursuant to the requirements of the Localism Act 2011.

## **2.5 Filling of Vacancies**

2.5.1 In case any vacancy shall occur in the membership of a Committee, the same shall be filled by the Authority at its next meeting.

## **2.6 Continuity of Committees**

2.6.1 Committees shall, subject to the provisions of Section 102 of the Local Government Act 1972 and the Coronavirus Act 2020 and associated Regulations, continue in office until they have been re-constituted by the Authority.

## **2.7 Application of Standing Orders to Committees**

2.7.1 Where the sense allows, these Standing Orders excluding Standing Order 1.9.3 shall apply to Committees with any necessary modification.

2.7.2 Where the proceedings or the validity of the proceedings of a Committee are subject to requirements imposed by or under the authority of an Act of Parliament those requirements shall be complied with and shall prevail over any conflicting requirements of these Standing Orders.





## 2.8 Sub-committees

2.8.1 With the approval of the Authority, a committee may appoint one or more standing or ad hoc sub-committees with executive or advisory powers to assist in the conduct of its business.

2.8.2 These Standing Orders shall apply to the proceedings of Sub-Committees in the same way that they apply to those of Committees.

## 3. Land Transactions

### 3.1 Land

3.1.1 In this Part 3 “land” has the meaning given in Section 205 of the Law of Property Act 1925. In particular, but without limiting that meaning, land includes buildings easements and options to dispose of or acquire an interest in land.

3.1.2 Reference to the acquisition of land includes the acceptance of gifts of land and the taking of leases, licences and easements or any other interest of or over any land (including buildings) or the taking of an option, whether by way of valuable consideration or exchange.

3.1.3 Reference to the disposal of land includes the granting of leases, licences and easements or any other interest of or over any land (including buildings) or the grant of an option, whether by way of valuable consideration or exchange.

3.1.4 “Valuer” means a suitably qualified and experienced person appointed by the CFO for the purpose of the relevant transaction.

### 3.2 Acquisition of Land

3.2.1 Before acquiring any land, the Authority, Committee, Sub-Committee or Officer acting under delegated powers shall consider an estimate by the Valuer of the value of the land concerned and shall not acquire land at a consideration in excess of that ultimately recommended by the Valuer or determined by the Lands Tribunal.

3.2.2 The consideration for any acquisition shall not exceed the amount allowed in the Authority’s approved estimates (subject to any allowance under Financial Regulations) for that purpose.

3.2.3 The terms of any acquisition shall be approved by the Clerk.

### 3.3 Acquisition of Land at Auction

3.3.1 The Valuer may bid at auctions for land required for any of the Authority’s functions provided:

- a. The terms have been approved by or on behalf of the Clerk
- b. The bid does not exceed the sum indicated by the Authority or appropriate Committee, Sub-Committee or Officer acting under delegated powers or where no such sum has been indicated the amount allowed in the Authority’s approved estimates (subject to any allowance under the Authority’s Financial Regulations) for that purpose.
- c. The amount of the consideration does not exceed the amount ultimately recommended by the Valuer.

# Standing Orders

## 3.4 Management of Estate

3.4.1 The CFO is empowered:

- a. In accordance with appropriate professional advice, to determine any action as appropriate in connection with reviewing rating assessments, lodging objections, attending at valuation courts, dealing with tenants'/licensees' requests to assign or carry out improvements and requests to vary conditions of tenancies, or licences and to determine routine matters of estates management;
- b. In accordance with the advice of the Valuer to determine the rent or licence fee payable or receivable on review.
- c. In accordance with appropriate professional advice to authorise the grant of licences to use land of the Authority.

## 4. Miscellaneous

### 4.1 Duties of Clerk and Urgent Action

4.1.1 Unless otherwise provided, the Clerk shall, from time to time (after consulting the Chair of the Authority), take all necessary steps for protecting the interests or advancing the business of the Authority, including taking any necessary decisions or action required in cases of urgency; provided that the decisions or actions taken shall in all cases be reported to the next ordinary meeting of the Authority.

### 4.2 Suspension of Standing Orders

4.2.1 Subject to paragraph 4.2.2 of this Standing Order, any of these Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

4.2.2 A motion to suspend any of the preceding Standing Orders shall not be moved unless there shall be present at least one-half of the whole number of the Members of the Authority.

### 4.3 Variation or Revocation of Standing Orders

4.3.1 Subject to paragraph 4.3.2 below, a 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.

4.3.2 Paragraph 4.3.1 of this Standing Order shall not apply to a motion to adopt recommendations contained in a written report submitted by the Clerk or Treasurer.

### 4.4 Interpretation of Standing Orders

4.4.1 Any reference in these Standing Orders to the "Clerk", "Treasurer" or "CFO" shall be deemed to include the duly authorised representatives of such Officers respectively. A list of duly authorised representatives for the purposes of these Standing Orders and the extent of their authorisation shall be maintained by the Clerk. Reference to the "CFO" is a reference to the CFO for the time being.



4.4.2 Where the context admits, any reference in these Standing Orders to “the Chair” shall, in relation to proceedings at a meeting of the Authority be a reference to the person for the time being presiding at the meeting.

4.4.3 At any time when the office of Chair of the Authority is vacant or the office holder is absent or otherwise unable to undertake his responsibilities under these Standing Orders, those responsibilities may be undertaken by a person then holding the office of Vice Chair.

4.4.4 Any reference in these Standing Orders to “the Act” is a reference to the Local Government Act 1972.

4.4.5 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 be final.

4.4.6 Interpretation of these Standing Orders and the Constitution shall also be subject to the provisions of the Coronavirus Act 2020 and associated Regulations.

# Contract Procedure Rules

## At a glance table

Contract Value Goods & Services	Contract Value Works	Minimum Evidence Required	Governance
Prior to Procurement			
Up to £10,000	Up to £10,000	Minimum One Quote	Budget in place or contact Finance Department to obtain budget
Between £10,001 and £24,999	Between £10,001 and £74,999	Minimum Three Quotes	Budget in place or contact Finance Department to obtain budget
£25,000 and above	£75,000 and above	Agree suitable approach with Procurement Team	Procurement Sourcing Plan (Business as usual) or Business Case (all new items, including Service Developments).
<b>Award approval</b>			
£25,000 and above			<p>Up to £99,999 Senior Officer approval</p> <p>Between £100,000 and £249,999 SLT award approval required</p> <p>Between £250,000 and £499,999 SLB award approval required</p> <p>£500,000 and above AFA award approval required</p> <p>All Contracts £100,000 and above Sealed by Clerk</p>



## 1. Introduction

1.1 These Contract Procurement Rules (CPR) provide a corporate framework for the procurement of all Goods, Services and Works for the Authority.

1.2 Procurement is “the process whereby organisations meet their needs for Goods, Services, Works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment”.

1.3 Procurement includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts.

1.4 The Authority spends in the region of £14 million per annum on the external procurement of Goods, Services and Works. It is therefore important that the Authority strategically manages this spend to ensure that it:

- i. obtains value for money and the required level of quality and performance in all contracts let;
- ii. conducts its procurement activity openly, transparently and, where practicable, based on standard approaches and use of common systems that appropriately minimise complexity, cost, timescales and requirements for suppliers;
- iii. complies with all UK law that governs and/or relates to the procurement of Goods, Services and Works;
- iv. considers all relevant guidance issued by Government
- v. has procurement procedures which, when followed, should protect members and officers of the Authority from any allegation of acting unfairly or unlawfully in connection with any procurement by the Authority;
- vi. subject to compliance with (iii), has considered, assessed and where practicable mitigated any risks associated with a particular procurement process and subsequently entering into contracts achieves the organisational outcomes of the Procurement Strategy; and
- vii. considers the whole life cost of the purchases and contract.

1.5 These rules are not intended as detailed guidance for implementation. Any procurement guidance issued by the Procurement and Supplies Team must be followed.

1.6 These CPRs govern organisational behaviour in the conduct of procurement. It is a given that such behaviour is undertaken in support and delivery of the wider policies and objectives of the Authority.

1.7 In conducting any procurement, utmost probity must be demonstrated at all times.

## 2. Definitions and Interpretations

2.1 Definitions for these Rules are contained in definitions section of this Constitution.

2.2 All values referred to in these Rules are exclusive of VAT.

2.3 Any dispute regarding interpretation of these Rules shall be referred to the Monitoring Officer for resolution in consultation with the Procurement Manager.

# Contract Procedure Rules

2.4 These Rules shall be read in conjunction with the Constitution as a whole and, in particular, in respect of Contract payments, including compliance with the Financial Regulations.

2.5 The Monitoring Officer will amend these Rules from time to time, as necessary, to ensure that they meet all legal requirements.

2.6 The Monitoring Officer, Treasurer and the Procurement Manager shall periodically undertake a formal review of these Rules.

## 3. Procurement Planning

3.1 Before commencing any procurement, the Senior Officer responsible for the proposed procurement, must undertake (or ensure that it is undertaken) the appropriate level of preparation and planning, proportionate to the proposed value, risk and nature of the project. Depending upon the value and nature of the procurement proposed this should include; consideration of those matters referred to in clause 3.2 and the timely taking of finance, legal and procurement advice as appropriate.

3.2 The preparation and planning stage of the process is critical. It will influence all future activity on the contract. If this part of the process is done correctly then the rest should flow without difficulty, but the reverse is also true. It is common to underestimate the planning stage or not carry it out at all. The key tasks at the planning stage include:

- financial approval to procure - it is first necessary to define a realistic budget for the contract and secure budgetary approval for the funds and manage the contract via a Procurement Sourcing Plan or Business Case, approved at the correct level. The Business Case should cover relevant issues listed in bullet points below:
- engagement with key stakeholders in order to identify and assess needs – what is being procured and why? What is the key driver for the procurement? What are the critical success factors? What outcomes are being sought?
- checking that no existing in-house provision exists for the Goods, Services or Works required
- carrying out an options appraisal to look at different ways of meeting, the identified needs (e.g. buy, lease or rent?) using appropriate methods such as whole life costing, life cycle costing etc.
- consideration of any potential sustainability, Health & Safety, Equalities Impact Assessment, social value impacts and implications
- a Data Protection Impact Assessment must be completed for any new procurement that includes the processing of personal data, regardless of whether the processing is being carried out by Avon Fire & Rescue Service staff or by a Contractor (Data Processor) on behalf of the Authority
- selection of the appropriate Procurement Procedure (see Appendix 1)
- preparing the specification (setting out the requirements)
- where a tender is to be awarded on both price and quality, determining the criteria and evaluation methodology.



3.3 The results of this planning stage must be properly documented by the Senior Officer responsible for the proposed procurement (or their nominated deputy) and, if used recorded in the Authority' electronic procurement system.

3.4 An approved Procurement Sourcing Plan for business as usual tenders or a Business Case for new items and/or Service developments will be required before a Tender Process of £25,000 or above can take place.

3.5 The Senior Officer must liaise with the Finance Department to ensure all potential costs and financial information has been undertaken and verified, prior to any Business Case being completed. In line with the Financial Regulations, the Treasurer will need to review any financial implications, prior to Business Cases being forwarded to the appropriate board or meeting for approval.

### **Estimating the Contract Value**

3.6 The estimated value of a Contract/procurement exercise shall be the value of the total consideration, net of value added tax, which the Authority expects to be payable under the Contract over its full duration (not the annual value).

3.7 Where the duration of a contract is indeterminate, the value should be taken to be the estimated value of the contract over a period of four years (the value of the monthly consideration multiplied by 48).

3.8 In determining the value of the total consideration, which the Authority expects to pay, the Senior Officer shall take account, where relevant, of;

- i. the term/period of the proposed Contract
- ii. any rights to renew the Contract/extend the Contract period
- iii. any prize, payment, premium, fees, commission, interest, indexing or other form of remuneration payable under the proposed Contract or in respect of the proposed procurement.

3.9 If there is uncertainty over calculating the estimated value of the proposed Contract then the advice of Procurement and Supplies Team should be sought.

3.10 No Works or requirements for Goods or Services may be artificially split to avoid consulting with the Procurement Manager or avoid compliance with procurement law or these Rules.

3.11 Where the Authority has requirements over a period of time for Goods and Services where the contracts have similar characteristics and the Goods and Services are of the same type, and enters into a series of contracts or a contract which is renewable, then the estimated value shall be calculated by the total spend on such matters over the last 12 months or projected estimated spend for the next 12 months, whichever is the greater. In estimating this value the advice of the Procurement Manager must be sought.

3.12 In considering if the Public Contracts Regulations 2015 apply, the Authority must have regard to the 'methods for calculating the estimated value of a procurement' set out in the Public Contracts Regulations 2015 and advice of the Procurement Manager sought.

# Contract Procedure Rules

## Advice

3.13 At the outset of a procurement process, the Senior Officer (or his/her nominated officer) must refer to the Procurement and Supplies Team all proposed procurements with an estimated value in excess of £25,000 for Goods, Services and Works. The Senior Officer should also refer to the Head of Finance to ensure the required budget is available and has been approved. In addition to these Rules, the Senior Officer must follow all guidance issued by the Procurement Manager in respect of the procurement.

3.14 The advice of the Monitoring Officer must be sought on all procurements with an estimated value in excess of £100,000 and for lower value procurements where the complexity of the procurement requires, for example the inclusion of bespoke clauses in contract terms. If there is any doubt, legal advice should be sought.

## Responsible Procurement

3.15 Responsible Procurement incorporates the wider benefits that procurement can bring to society including sustainability, preventing modern slavery, living wage, inclusion and social value. A number of these are required by law or Authority policies.

## Public Services (Social Value) Act

3.16 The Public Services (Social Value) Act 2012 requires Public Sector bodies to implement Social Value requirements and criteria when procuring certain contracts.

3.17 Social Value clauses within contracts are used to build a range of economic, social or environmental conditions into the delivery of a contract.

3.18 All relevant contracts (under the Act) must include a contractual obligation on the successful bidder to deliver Social Value. Examples of Social Value that can be included in contractual clauses include:

- Targeted Recruitment and Training Initiatives
- Supply Chain Initiatives
- Community Initiatives
- Educational Initiatives
- Environmental Initiatives
- Equality and Diversity Initiatives.

3.19 For all contracts not covered under the Act, the inclusion of Social Value as a contractual obligation is optional but shall be considered.

3.20 In all cases where Social Value is being delivered, there must be a contractual requirement for the successful contractor to provide monitoring information on the Social Value benefits as determined by the Procurement Manager. More generally, the named contract manager as part of the normal contract management process should monitor the delivery of these benefits.

3.21 Regard must be had to the Government guidance on Social Value and such other guidance as the Procurement Manager may issue from time to time on the approaches to delivering Social Value through Authority contracts.





## Sustainable Procurement

3.22 The Authority is committed to ensuring that the Goods, Services and Works that we buy are as sustainable as possible, with the lowest environmental impact and most positive social results. We will integrate sustainability into our procurement policies and practices by following leading guidance such as the Green Public Procurement principles whilst complying with Government Buying Standards and aligning with our Environmental Strategy. This will enable us to address the wider impacts of our supply chain, with examples such as ethical sourcing of PPE, procurement of renewable energy and energy-efficient equipment, and biodiversity-friendly grounds maintenance on our estate.

## Modern Slavery

3.23 During the procurement process, staff must consider the risks that a supplier of Goods or Services may be committing offences under the Modern Slavery Act 2015. Modern slavery is a crime involving one person denying another person his or her freedom, including slavery, servitude, forced and compulsory labour and human trafficking. Those who have committed offences under the Act are subject to a mandatory exclusion as bidders for public procurements.

3.24 Mitigation of modern slavery risks should be considered throughout the procurement process, at the pre-procurement/specification stage, the selection stage, award stage and during contract management. Procurement personnel should also ask bidders to explain prices/costs which appear abnormally low.

3.25 Where there is a relevant risk of modern slavery, bidders should be asked specific questions on how they will address the risk, for example:

- How the supply chain will be managed and monitored for modern slavery risks and how any risks will be tackled
- Details regarding workforce conditions in factories used to produce goods
- Information on working/employment practices relating to staff who will be performing the contract
- Who in the company oversees modern slavery risks, who monitors it, and how risks are mitigated
- Evidence of recruitment methods for staff delivering the contract

3.26 When awarding contracts which involve a risk of modern slavery, consideration should also be given to including additional contract terms and conditions to manage these issues.

## Living Wage

3.27 By UK law employers must pay their staff who are under the age of 25 the Minimum Wage and over 25 the National Living Wage. In addition, there is a drive for employers to voluntarily pay their staff a Real Living Wage, which is higher than the National Living Wage, calculated according to the cost of living based on a basket of household goods and services.

# Contract Procedure Rules

3.28 Avon Fire Authority voluntarily pay their staff at least the Real Living Wage and, as part of the procurement process, they will take due account of the wages paid by bidders to their staff and encourage all providers of goods and services to the Fire Authority to pay their staff a Real Living Wage.

## **Personal Data**

3.29 The Senior Officer responsible for any procurement must take all reasonable steps to ensure any personal data and processing activity is in accordance with the current Data Protection legislation, Codes of Practice from the Information Commissioner's Office (ICO) and in accordance with the Authority's Information Governance Policies. This will include the incorporation of appropriate data processing details in tender documentation and Contracts (such as a Schedule of Processing and/or a separate Data Processing Agreement). In respect of tender questions and evaluations relating to any aspect of data protection and/or information security, staff should consult with a member of the Data Protection team, who can provide advice and who can assist with the completion of a Data Protection Impact Assessment.

3.30 The Senior Officer must ensure the Authority's obligations and risks, in respect of personal data, are considered and indemnities are sought where appropriate.

## **Framework Arrangements**

3.31 The Authority has entered into a number of Contracts or Framework Agreements for types of Goods, Services and Works.

3.32 Procurement and Supplies Team maintain a register of such contracts and framework agreements and can provide advice on their use and any exceptions granted.

3.33 It is the responsibility of the service area requiring the procurement to ascertain whether there is a framework or other corporate purchasing agreement in place by checking with the Procurement and Supplies Team. If such a framework or corporate purchasing arrangement exists then service areas must use the same or otherwise obtain the prior agreement of the Procurement Manager or his/her nominated deputy.

3.34 The use of frameworks is only permissible once the Procurement and Supplies Team has approved its use (including checking that the framework agreement concerned may be relied upon by the Authority).

3.35 When using framework agreements, all guidance issued in relation to the use of the Framework concerned must be followed. The award criteria, weightings and the terms and conditions of contract specified in the framework agreement must be used.

## **Collaborative and Joint working arrangements**

3.36 Any consortia procurement arrangements must be approved for use by the Procurement Manager before reliance is placed on the same.

3.37 Before proceeding with any proposed joint working arrangements, legal advice should be sought from the Monitoring Officer.

## **Bonds, Securities, Liquidated and other damages**

3.38 The Senior Officer (of the service area requiring the procurement) is responsible for ensuring that a risk assessment is undertaken, to determine if a performance bond or



performance guarantee is required. If appropriate, the advice of the Authority's Treasurer and Monitoring Officer should be sought.

3.39 Consideration should also be given to the appropriateness of including in the contract a provision for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

## **Parent Company Guarantee**

3.40 The Senior Officer (of the service area requiring the procurement) is responsible for seeking a Parent Company Guarantee where a contractor is a subsidiary of a parent company and;

- i. the award is based on evaluation of the parent company;
- ii. the financial status of the contractor (having regard, inter alia, to the proposed contract) warrants the same and or
- iii. the Treasurer recommends.

## **4. The Procurement Process**

### **Works, Goods and Services**

4.1 Where possible, Works, Goods and/or Services must be obtained via existing approved (by Procurement and Supplies Team) arrangements including:

- i. Corporate Contract
- ii. Approved Framework Agreements
- iii. Dynamic Purchasing System

Provided that such action achieves the principles of Value for Money.

4.2 All Works requirements will be specified by the Property Team only.

### **Works, Goods and Services - Value up to £10,000**

4.3 For procurements with an estimated value of up to £10,000 (ten thousand pounds) where no suitable corporate contract, Framework Agreement or Dynamic Purchasing System is available:

- i. the minimum requirement is that one written quote is obtained although, where practical, competition is encouraged. It is, however, still necessary for the service area to be satisfied and able to demonstrate that it has obtained Value for Money;
- ii. the service area must keep an appropriate file record evidencing the process using a Purchase Requisition Authorisation, and
- iii. this Rule 4.3 is subject to the requirements set out in the other sections of the CPR, including use of frameworks, artificially dividing procurements and repeat requirements.

# Contract Procedure Rules

4.4 Where value of the procurement is up to £10,000 then officers in the service areas undertaking the procurement concerned must comply with the following requirements:

- i. When quotes are sought these should be requested in writing (including email).
- ii. Where only one quote is requested, the relevant Senior Officer still has the responsibility to ensure (and be able to demonstrate) that Value for Money has been obtained.
- iii. There is no prescribed timescale but a reasonable timescale should be given for parties to submit quotes.
- iv. If the value is above £500 a Purchase Requisition Authorisation (PRA) needs to be submitted and approved before any quote is accepted.
- v. Quotes should only be accepted in writing (including email). The acceptance should make clear that the Authority's standard terms and conditions referred to in the Authority's purchase order apply. On acceptance of the quotation (written or electronic), a purchase order must be sent via the Purchase-to-Pay (P2P) system, which contains reference to the Authority's standard terms and conditions.

## **Goods and Services – Value £10,001 to £24,999 and Works Value £10,001 to £74,999**

4.5 For Works procurements with a value of £10,001 up to £74,999 and Goods and Services procurements with a value of £10,001 up to £24,999 where no suitable corporate contract Framework Agreement or Dynamic Purchasing System is available then:

- i. where practicable the requirement should be openly advertised on the Authority's electronic procurement system, or provided it is below £25,000 in value or not practicable to do so then:
- ii. a minimum of 3 written quotes must be requested from suitable providers or
- iii. the prior consent of the Procurement Manager must be obtained to the use of an alternative Procurement Procedure or reliance being placed on Rule 5.47 ('Exceptions').
- iv. when not using the Authority's electronic procurement system a PRA Form must be used to record the procurement actions taken. All procurements with a value £25,000 and above must be advertised on the Authority's electronic procurement system.

4.6 In the circumstance where not all suppliers respond to the request for quotation with a submission, it is acceptable to evaluate and award the contract based on whatever submissions have been made, even where there is only one submission provided, Value For Money is achieved.

4.7 In the circumstance where there are less than three suppliers available for the Goods or Services in question please seek advice from the Procurement and Supplies Team.



4.8 These CPR do not set out minimum timescales that bidders should be given for submitting a response to a request for quotation. Consideration should be given to the complexity of the quote being requested and sufficient time allowed for tenderers to provide suitable quotes.

### **Goods and Services – Value above £25,001 and Works Value above £75,001**

4.9 Management of the procurement process and the agreement of Contracts on behalf of the Authority for 'high value' procurements is the responsibility of the Procurement and Supplies Team which will agree with the Budget Holder and Service Officers the most appropriate approach to the competitive process and contractual documentation to be used.

4.10 The procurement approach will take into account a number of factors to determine the most cost effective and efficient process to achieve value for money including but not limited to;

- i. contract value and application of the relevant thresholds and procedures
- ii. other legislative requirements
- iii. responsible procurement requirements
- iv. market conditions and competition
- v. collaborative opportunity
- vi. availability of Contracts and Framework Agreements
- vii. supply risks

4.11 The procedural rules associated with the Public Contracts Regulations 2015 shall be followed in all instances where applicable.

### **The Tender Process**

4.12 The invitation to tender must include details of the Authority's requirements for the particular contract including:

- i. a specification of the Services, Goods or Works being procured and instructions on whether any variants are permissible;
- ii. the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
- iii. the Authority's terms and conditions of contract;
- iv. the evaluation criteria including attached weightings;
- v. the Form of Tender;
- vi. pricing mechanism and instructions for completion;
- vii. whether the Authority is of the view that TUPE will apply;
- viii. form and content of method statements to be provided;
- ix. rules for submitting of tenders;
- x. any further information, which will inform or assist Tenderer(s) in preparing tenders.

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4.13 Every Tenderer submitting a tender will be required to sign a declaration to the effect that:

- i. they have not and will not inform any other person of the amount of their tender;
- ii. they have not fixed the amount of any tender in accordance with a price fixing arrangement;
- iii. they accept that the Authority is entitled to cancel the contract and to recover from them the amount of any loss resulting from such cancellation if it is discovered that there has been any breach of (i) or;
- iv. (or corrupt or fraudulent act or omission by them which in any way induced the Authority to enter into the contract;
- v. acknowledging that the Authority is not bound to accept the lowest or any tender submitted, that the tender exercise may be aborted at any stage during the tender process and that they tender at their own cost and expense.

4.14 In respect of proposed procurements with an estimated value in excess of £25,000 for Goods and Services and £75,000 for Works, the service areas must obtain the prior approval of the Procurement Manager to the invitation to tender documentation, including specification, evaluation criteria and weightings.

4.15 Prior disclosure to Tenderers of the award criteria and weightings is a fundamental requirement that must be complied with for all the Authority's procurements. In respect of all quotes/tenders, where the main quote/tender criterion is the most economically advantageous tender, the Senior Officer must ensure that evaluation criteria or sub-criteria is listed in the Request for Quote or Invitation to Tender documentation. Any particular scoring or weighting attributable to any criteria or sub criteria must be clearly stated.

## **Pre-Qualification (Applies to all)**

4.16 The Authority shall only enter into a Contract with a Contractor if it is satisfied as to the Contractor's competencies. The criteria for selecting Tenderers may include, but need not be limited to:

- i. Technical or professional competence and experience including qualifications;
- ii. Health and Safety policies and performance;
- iii. Quality including certification by official quality control institutes or agencies of recognised competence and or attesting conformity to quality assurance standards and or measures;
- iv. Financial and economic standing including appropriate insurance provisions;
- v. Sustainability, including environmental management measures;
- vi. Evidence as to whether they are unsuitable on grounds, e.g. of bankruptcy, criminal conviction or failure to pay taxes; and
- vii. Data Protection and security implications.



## Receipt, Custody and Opening of electronic and Hard Copy Tenders

4.17 All quotations and tenders for contracts above £25,000 shall be received and managed through the electronic procurement system and opened by an appropriate procurement officer.

4.18 Where the system is not available, or would not be appropriate for a particular project, then a paper based procurement process may be undertaken. Where this is the case this shall be done with prior agreement from the Procurement and Supplies Team before the tender is externally communicated/published.

4.19 Where a paper based procurement process is undertaken, responses shall:

- i. Be kept in a safe and secure manner at all times and not opened until after the date and time specified for opening.
- ii. Only be opened by the Procurement and Supplies Team in the presence of at least one independent witness that is not involved in the procurement process and a record sheet completed.
- iii. The following shall be recorded on the record sheet:
  - Date and time of receipt
  - Name of Supplier
  - How the response was received (post, e-mail)
  - Individuals names and job title involved in opening the tender accordance with (b) above
  - Services/Title of the tender.

## Late Tenders

4.20 Tenders received after the date and time for receipt of tenders may only be opened and considered with the agreement of the Procurement Manager. Any such decisions must demonstrate good reason why it is considered appropriate to accept the late tender and the decision recorded by the Procurement Manager.

## Tender Evaluation

4.21 For each Contract with an estimated value £25,000 and above in respect of Goods and or Services and £75,000 in respect of Works, the Senior Officer of the service area requiring the procurement shall form an evaluation team ('Evaluation Team') with responsibility for evaluating tenders before the tender award is published.

4.22 Where the Contract estimated value is considered high value and complex, representatives of other relevant service areas such as Health and Safety/Human Resource/Ops/Environment may be included on the Evaluation Team. Consideration should also be given to including service users on the Evaluation Team.

4.23 The Evaluation Team shall examine tenders in accordance with the predetermined evaluation criteria for the quotes/tenders and identify quotes/tenders that best meet the criteria. The evaluation criteria shall be strictly observed (and remain unchanged) at all times throughout the contract award procedure.

# Contract Procedure Rules

4.24 As a general rule, no adjustment or qualification to any quote or tender(s) submitted is permitted. Errors found during the examination of quotes or tenders shall be dealt with in one of the following ways:

- i. If the error is not arithmetical the tenderer shall be given details of the error(s) and shall be given the opportunity of confirming without amendment or withdrawing the quote or tender; or
- ii. If an arithmetical error is found, the responsible officer shall correct the error(s) provided that, apart from these genuine arithmetic error(s), no other adjustment revision or qualification is permitted. An appropriate record shall be kept.

4.25 Tenders shall be evaluated to ascertain which represents the most economically advantageous offer to the Authority assessed by reference to criteria set in advance (guidance is available from Procurement and Supplies Team). Evaluation criteria, including weightings and sub-weightings shall be published in the tender documentation. Tenderers must be treated equally and in a non-discriminatory way and Officers must act in a transparent manner. The use of electronic reverse auctions in the evaluation process must be set out in advance and approved by the Procurement and Supplies Team.

4.26 Tenders shall include a clear detailed written technical specification defining the characteristics of the materials, goods or services such as quality levels, environmental performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of a product, safety or dimensions. No reference shall be made to materials or goods of a specific make or source or to a particular process or to trademarks, patents, types, origin or means of production.

4.27 The Procurement and Supplies Team will keep written records of the membership of the evaluation team, evaluation process and outcome.

## **Post Tender clarification**

4.28 Where the Procurement is conducted pursuant to the Public Contracts Regulations, there are restrictions on the use of post tender clarification and advice must be sought before determining whether any clarification would be appropriate.

4.29 The Procurement and Supplies Team with consultation with the Senior Officer may seek clarification from Tenderers in respect of their tenders provided this does not involve discrimination. A record of all clarifications needs to be maintained on the Authority's electronic procurement system including minutes of any clarification interviews.

4.30 At all times during any such negotiation or clarification process the Authority shall consider and comply with the Public Contracts Regulations based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality; principles that shall apply to all the Authority's Procurements.

## **Electronic Tendering**

4.31 All procurement with a value of £25,000 or above (including requests for quotations and invitations to tender) must be conducted by issuing all procurement documentation





via the Authority's approved electronic procurement system. It is the responsibility of the Senior Officer to ensure that their staff comply with this

4.32 Where Rule 4.31 applies, all quotes and tender submissions from bidding organisations, including all supporting documentation, must be received via the Authority's approved electronic procurement system.

4.33 In exceptional circumstances, and only with the prior agreement of the Senior Officer of the service area requiring the procurement and the Procurement Manager, hard copy quotations or tenders may be accepted. In this event the procedures detailed in Rule 4.18 must be followed.

## 5. Contract Award and Management

### Awarding Contracts and Letters of Intent

5.1 A decision to award a Contract may only be made by;

- i. A Senior Officer with the requisite delegated authority to award contracts may approve contracts with an estimated value up to £99,999.
- ii. The Service Leadership Team (SLT) may approve contract awards where the estimated value of the contract is between £100,000 and £249,999.
- iii. The Service Leadership Board (SLB) may approve contract awards where the estimated value of the contract is between £250,000 and £499,999.
- iv. The Avon Fire Authority must approve contracts with an estimated value of £500,000 and above.
- v. The CFO may approve Utilities contracts above £100,000 subject to an Evaluation Report being submitted to the next meeting of the Audit, Governance and Ethics Committee.

5.2 Prior to entering into a contract, the appropriate Officer shall comply with any requirements imposed by Law as to:-

- i. The giving of notice to contractors of a decision to award the contract; and
- ii. The elapsing of any period before the contract is entered into.

5.3 For all Procurements valued at £100,000 and above, the decision to award a Contract shall be made using the Evaluation Report (completed by PST) unless the decision is to be made by Members, in which case the Evaluation Report will be an Annex to the standard format used for Authority meetings. The Senior Officer must ensure working with the Finance Department prior to seeking such a decision, that sufficient funds are in place to meet all contract payments and if any funding is being obtained from third parties that any conditions attaching to such funding have been complied with.

5.4 A Contract shall only be awarded using the pre-determined tender evaluation criteria and weightings.

5.5 A letter of intent is not an appropriate substitute for a formal contract but in exceptional circumstances can be issued as an interim measure until a formal contract

# Contract Procedure Rules

has been signed (otherwise a contract with terms that have not been appropriately negotiated can arise by default). Letters of intent shall only be used with the prior agreement of, and in a form approved by, the Monitoring Officer.

5.6 Save for exceptional circumstances, no Contractor should be asked to provide any Services, supply any Goods or carry out any Works (including preliminary Works) until the Contract is concluded or the Services, Goods or Works concerned are covered by a letter of intent. Should the Senior Officer for the service area concerned make any decision to the contrary, such decision shall contain a full risk assessment, with the benefit of legal advice from the Monitoring Officer, as to the possible implications to the Authority of the Contractor being allowed to start before the contract terms and conditions have been finalised or a letter of intent issued.

5.7 Tenders suitable for acceptance under Contracts Procedure Rules may (subject to compliance with paragraph below) be accepted and acted upon by the appropriate Officer, provided that;

- i. The tender represents the most economically advantageous offer received by the Authority assessed in accordance with these CPRs.
- ii. The proposed expenditure can be contained within the approved estimates of the Authority or the proposed expenditure is otherwise permitted under Financial Regulations.
- iii. All consents and approvals for the execution of the relevant project required from third parties have been obtained.
- iv. All grants, loans, financial contributions and other funding mechanisms required for the relevant project are in place or are otherwise secured.

## **Notification of Results, De-briefing and Standstill Period**

5.8 Where the Public Contracts Regulations do not apply, the Senior Officer shall ensure that within 10 days of the date on which the Authority receives a request from any supplier who was unsuccessful (at either the selection or tender stage) they inform that supplier of the reasons for being unsuccessful and, if the supplier was unsuccessful at the tender stage the responsible officer shall also inform it of the characteristics and relative advantages of the successful tender as well as the name of the bidder awarded the contract.

5.9 Where the Public Contract Regulations apply, Service areas must comply with the requirements of the Regulations (including as to standstill, debrief, contract award notices), and the advice of Procurement and Supplies must be obtained and followed.

5.10 If any additional information is to be disclosed to tenderers, this must be agreed in advance with the Procurement Manager, taking into account the requirements of any legislation relating to the disclosure of information.

5.11 If the award of a contract is subject to the Public Contracts Regulations, there must be a standstill period between communicating the award decision to all tenders and entering the contract. This standstill period shall be 10 calendar days if sent electronically or 15 days for notices sent by other methods. Where the last day of the standstill period is not a working day, it shall be extended to midnight at the end of the next working day.



## **Placing of Orders/Completion of Contracts and retention of contract documentation**

5.12 Frameworks Orders placed under Framework Agreements must be placed using the order form prescribed in the Framework Agreement and on the terms and conditions set out in the Framework Agreement, in addition orders should be placed using the electronic Purchase to Pay system (P2P) unless the Procurement Manager otherwise agrees.

5.13 For all other contracts, orders should be placed using the electronic Purchase to Pay system (P2P) unless the Procurement Manager otherwise agrees. The P2P system, generates purchase orders outputs in either electronic or paper form, which incorporate by reference the Authority's standard terms and conditions of contract.

5.14 For Contracts with a value of £25,000 but below £100,000 the Senior Officer may be expected to agree to the provider's standard terms and conditions (such as for a software licence). In these circumstances, the Purchasing Manager can exercise discretion and enter such contracts, after seeking advice, if required from the Monitoring Officer.

5.15 For Contracts with a value of £100,000 and above the Senior Officer must take the advice of the Monitoring Office on the form of contract to be used, though wherever appropriate industry standard forms will be used.

5.16 It is essential that the Goods, Services or Works are procured on the Authority's standard terms and conditions or standard industry ones such as NEC and not those submitted by the Contractor unless approved by the Monitoring Officer.

5.17 Contract documents, along with all associated related documents, must be retained for a minimum of six years from the contract end date and, if the contract is concluded under seal, for a period of twelve years from the contract end date. Where the contract was funded, or partly funded, through some form of external grant then further grant specific conditions, as regard to retention of documents may apply and must be adhered to.

5.18 As a minimum contracts must set out;

- i. the work, materials, services or supplies to be carried out or provided and standards required (a Service Level Agreement may be advisable to define minimum standards of service/performance);
- ii. the total value of the contract, confirming the annual contract value and the associated payment timings (or, as appropriate, the sums to be received) with a statement of discounts, or other deductions, and where not known, the basis upon which the final contract sum is to be calculated;
- iii. the time or times within which the contract is to be performed; and
- iv. the commencement and termination dates of the contract.

## **Execution (completion/signing/sealing) of contracts including leases**

5.19 Contracts with a value of £100,000 or above may only be signed on behalf of the Authority by the Monitoring Officer or their delegated officers.

# Contract Procedure Rules

5.20 Rule 5.19 does not apply to any contract formed by the placing of an order, following compliance with these Rules, using or under:

- i. the Authority's electronic Purchase to Pay system;
- ii. a Framework Agreement approved for use; or
- iii. a Dynamic Purchasing System put in place by the Authority.

5.21 The Authority's seal may only be affixed to a contract in the presence of the Monitoring Officer or their nominated officers.

5.22 An entry of every sealing of a document shall be made and consecutively numbered on a register kept for the purpose and shall be authenticated by the person who has attested the seal.

5.23 The common seal shall be kept in a safe receptacle secured by a lock, the key of which shall be in the keeping of the Monitoring Officer.

5.24 Contracts below £99,999 can be signed by the appropriate Senior Officer.

5.25 All contracts will be stored with Procurement and Supplies Team

## **Contract Management**

5.26 Once the Contract has been awarded, the Senior Officer (of the service area concerned) must identify and nominate an individual (referred to as the 'Contract Manager'), who will manage the day-to-day aspects of the Contract for its term (See rule 5.40 re Contract End).

5.27 The day-to-day management of the Contract shall be undertaken by the Contract Manager and shall include monitoring and reporting (including making use of the Authority's reporting tools ) in respect of:-

- i. performance
- ii. compliance with specification and contract terms
- iii. cost
- iv. any Value for Money/Best Value requirements
- v. user satisfaction
- vi. risk management
- vii. delivery of agreed Social Value, Sustainability, Responsible Procurement Benefits

5.28 For all contracts, it is the responsibility of the Contract Manager to raise any incidents of poor performance immediately with the Contractor and seek rectification. In instances of particularly poor performance, or persistent poor performance, the Contract Manager should consider the appropriate course of action to take under the contract, taking advice from the Monitoring Officer as appropriate.

## **Contract Variations and Extensions**

5.29 Depending upon the nature of the variation proposed, the terms of the contract concerned and scope of the original procurement exercise undertaken, contract



variations have the potential to amount to a new contract, and thus can constitute a single tender award without advertisement.

5.30 In all cases of contract variation, careful consideration must be made of the impact of the increased value of the contract on the procurement threshold levels, particularly whether the increase in value will move a contract from below PCR Threshold to above PCR Threshold.

5.31 The advice of the Procurement Manager and if necessary the Monitoring Officer should be obtained, if there is any uncertainty as to whether a variation is permissible.

5.32 Contract and framework agreements may be varied without a new procurement procedure where:

- i. the variations have been provided for in the initial procurement documents in clear, precise and unequivocal terms (i.e. the contract conditions provide for; extension of the contract term, price variation, fluctuation clauses or options, additional works, good and services) and these do not alter the overall nature of the contract;
- ii. additional goods, services or works which were not included in the original quotation or tender have become necessary, where a change of contractor (a) cannot be made for economic or technical reasons and (b) where it would cause significant inconvenience or substantial duplication of costs, provided that any increase in the price does not exceed 50% of the value of the original contract (advice of the Procurement Manager must be sought before placing reliance on this rule);
- iii. the circumstances causing the need for variation were unforeseen, the variation does not alter the overall nature of the contract and provided that any increase in the price does not exceed 50 % of the value of the original contract value (advice of the Procurement Manager must be sought before placing reliance on this rule);
- iv. there is a change in contractor that was provided for in the quotation or tender, or as a result of a merger, acquisition, insolvency or similar of the original contractor, which contractor fulfils the original criteria for qualitative selection, provided this does not lead to other substantial variations or is aimed at circumventing the Regulations; or
- v. subject to the above provisions, the variations are not substantial within the meaning of the Regulations.

5.33 A variation shall be deemed substantial if one or more of the following conditions are met:

- i. the cost of the variation would exceed 10% of the original contract value for services and supply contracts and 15% of the initial contract value for works;
- ii. it makes the contract or framework materially different in character from the one originally let;

# Contract Procedure Rules

- iii. the variation introduces new conditions which, had they been part of the initial procurement, may have allowed for; the admission of other candidates than those initially accepted; the acceptance of a tender other than that originally accepted; and/or attracted additional participants in the procurement procedure;
- iv. it materially changes the economic balance in favour of the contractor, in a manner which was not provided for in the original contract;
- v. It extends the scope of the contract or framework considerably;
- vi. the revised total contract value requires a different level of authorisation, or different form of procurement than that used for the original contract award.

5.34 A decision to extend the contract period (term) may only be made before the original expiry date, where it is in accordance with the terms and conditions of the original Contract and contemplated by the original procurement exercise.

## Variations

5.35 In the circumstances detailed in CPR 5.32 above (permitted variations) the decision to authorise or not a proposed contract variation shall be made, as appropriate, by the Fire Authority or the officers listed below, provided that the variation cost can be met within budget and complies with all legal requirements. Decisions to authorise variations shall be recorded in writing by the Senior Officer and above, and as appropriate, a Fire Authority report. All variations shall be entered on the Contracts Register, and an amendment made to the original Purchase Order.

Budget Manager/Senior Officer	Variation (or aggregate value of all variations made to the Contract) of up to £10,000, if budget is available or 10% of the contract price (whichever is deemed lower)
Service Leadership Board decision	Variation (or aggregate value of all variations made to the Contract) up to £499,999
Fire Authority decision	Variation (or aggregate value of all variations made to the Contract) £500,000 and above

5.36 For variations approved, the Senior Officer shall monitor at least monthly the overall level of variations approved to gain assurance that they are correct and appropriate.

5.37 As soon as it becomes known or apparent (whichever is the earlier) to the Contract Manager, that the total cost of a contract, including variations, will or is likely to exceed the contract sum by more than 10%, the Head of Finance must be informed for financial monitoring purposes. The Head of Finance may inform the Senior Officer and/ or the Contract Manager of any further financial requirements to be complied with.

In such circumstances, a report must be prepared, which must address the reasons for increased cost, an analysis of options considered to reduce cost to budget and the funding options considered to meet any budget shortfall, together with an indication of how any additional costs will be paid for. The report shall be submitted to the Treasurer.



5.38 Any variation to the original Contract must be in the best interests of the Authority and of continued delivery of services.

### **Assignments and Novations**

5.39 Any proposals to assign or novate a contract must be referred to the Procurement and Supplies Team who can seek advice from the Monitoring Officer at the earliest possible instance.

### **Termination of Contract**

5.40 For any Contract exceeding £25,000 in value early termination shall be approved by the appropriate Senior Officer, who should first consider the financial impact of termination e.g. by early termination charges/penalties; the Senior Officer should seek the advice of the Monitoring Officer and/or Procurement Manager as necessary. Contracts of a lesser value may be terminated early (prior to the expiry date) by agreement with the Contractor or in accordance with the termination provisions set out in the Contract. Legal advice should be sought as appropriate. The Senior Officer must inform the Procurement Manager when any Contract is terminated and the reasons for the same.

5.41 For any Contract exceeding £100,000 in value, early termination shall be approved by the Monitoring Officer and/or Procurement Manager.

### **Payments on Account and contract payments**

5.42 Payments on account should only be made upon certification by the person designated under the Contract for that purpose ('the appropriate person'). The appropriate person will keep detailed records of any such payment, which shall be open to inspection by the Corporate Services Director.

5.43 The Senior Officer of the relevant service area shall make arrangements to retain adequate details relating to all contract payments made to allow for a proper audit of all such payments. All payments made must comply with the process as set out in Financial Regulations.

### **Contract end**

5.44 For contracts with a duration of more than 12 months, then at an appropriate point but generally at least six months prior to the end of the contract term, the Contract Manager should review the Contractor's performance and consider what, if any, replacement arrangements are required.

5.45 Some contracts may require active steps to be taken to end the contract (e.g. serving of notices) and or steps to be taken to decommission the contract arrangements. The Senior Officer of the service area concerned is responsible for ensuring that where appropriate, matters are diarised and appropriate steps taken to bring contracts to an end and sufficient time allowed to put in place any replacement arrangements that may be required.

### **Disposals**

5.46 Contracts, which involve the receipt of income by the Authority or the disposal of an asset or an undertaking by the Authority, may require competitive tender. The reason for this, is because they amount to a "concession", or confer a competitive advantage on the

# Contract Procedure Rules

contractor as against its competitors, or the Authority needs to be able to demonstrate that it has received an appropriate market value. Therefore, all references to competitive tenders and quotations within these CPRs shall apply (with such changes as are appropriate) equally to circumstances where the contract involves the receipt of income by the Authority or the disposal of any asset or undertaking by the Authority, as they do to purchases to be made by the Authority, unless specifically stated otherwise.

## Exemptions to the Rules

5.47 These Rules do not apply to:-

- i. the acquisition or disposal of land contracts of employment which make an individual a direct employee of the Authority;
- ii. Grants. Grants are not regulated by public procurement law, as they are not public contracts. Grants are, however, regulated by the rules on state aid and by general public law controls relating to fiduciary duty and proper spending of public money. As appropriate, legal and financial advice should be obtained from the relevant officers;
- iii. individual orders placed under a Framework Agreement or a contract which provide for orders to be placed against an agreed schedule of rates, or under a measured term contract, provided that such contracts or Framework Agreements have been let by the Authority in accordance with these Rules. The Procurement Manager must be consulted before any such order is placed;
- iv. Instructions and briefs to Counsel issued by or on behalf of the Chief Fire Officer in conjunction with the Monitoring Officer. The CFO will make arrangements to ensure that appropriate record is kept of all such instructions or briefs together with a record of Counsel's fee; or
- v. Goods, Services and Works procured by another public body on behalf of, or for the joint benefit of the Authority and other parties, and provided that, in such case, the other public body's procurement / contract rules, UK procurement law requirements, and the fundamental principles of the EC Treaty have been complied with. Such contracts are known as collaborative procurement arrangements. For example those that may be awarded via the Crown Commercial Services. The advice of the Procurement Manager must be sought before placing reliance on any such arrangement.

5.48 When placing reliance on the exemptions stated above the Officer should ensure that the best possible value for money is obtained for the Authority.

## Exceptions - Single or reduced number of tenders

5.49 In exceptional circumstances and subject to the following requirements the rules set out in sections 4.1 to 4.11 shall not apply and reduced number of tenders or a single tender may be invited.

- i. This provision (Exceptions) does not apply to procurements above the PCR Thresholds, in which case compliance with the provisions of the Regulations is mandatory.





- ii. Before proceeding to let any contract the service area must set out the reasons why a single or reduced number of tenders is proposed, why the proposed way forward (reduced number of tenders or single tender) represents value for money and is in the Authority's best interest. The Procurement Manager will issue guidance on potential scenarios where a reduced number of tenders or a single tender may be permissible ('exceptions'), see Appendix 2.
- iii. Before proceeding with a reduced number of tenders or a single tender, the consent of the Procurement Manager must be obtained. The Procurement Manager reserves the right not to sign and approve any request for a single or reduced number of tenderers, which in their reasonable opinion do not warrant approval, in which case the proposed procurement should not proceed. It must be appreciated that the Procurement Manager cannot authorise any exceptions, (and service areas should not proceed with any proposed procurement) that would be in breach of the requirements of the Regulations or any other legal requirement. The Procurement Manager will set out his/her justification for not approving requests which case the procurement will not have approval to proceed.

5.50 The Procurement Manager will maintain a register listing all decisions made pursuant to rule 5.49 (referred to as the 'Exceptions Register').

5.51 The following situation should not arise and provision is inserted purely for completeness. If the Procurement Manager is presented with any proposals that are in breach of the Regulations or any legal requirements and following advice the relevant service area does not withdraw the proposal, then the matter shall be reported by the Procurement Manager to the Director with responsibility for the service area concerned, the Authority's Treasurer and Monitoring Officer for consideration and determination as to the way forward (including the presentations of any reports required to Fire Authority and or SLB/SLT). Statutory Officers cannot authorise any proposed procurements which would be in breach of the requirements of the Regulations or any other legal requirements.

## **6. Declaration of interest**

6.1 No member, employee or agent of the Authority shall improperly use his or her position to obtain any personal or private benefit from any contract entered into by the Authority.

6.2 Members and employees of the Authority shall comply with the requirements of section 117 of the Local Government Act 1972 by giving disclosure to the Authority as soon as practicable of any interest in contracts.

6.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers.

# Contract Procedure Rules

## 7. Records

7.1 To ensure appropriate records are maintained the Authority's electronic procurement system must be used wherever practicable or specifically required by these Rules.

7.2 For all Procurements where the Authority's electronic procurement system is not used, service areas must keep appropriate records. As a minimum the records kept must detail:

- i. which parties were selected to tender;
- ii. copies of the tender responses
- iii. to whom the Contract was awarded and the reasons for so doing (lowest price or offer which represents best value to the Authority), so that best value and the integrity of the process can be demonstrated;
- iv. the value of the contract;
- v. the start and expiry date of the contract;
- vi. details of whether the contract is a one-off or expected to be renewed.
- vii. a copy of all Terms and Conditions which apply to the contract

7.3 Procurement and Supplies Team (PST) shall maintain a Corporate Contract Register, which will record details of all contracts (above £5,000) awarded by the Authority. Service areas must provide PST with all required information to facilitate this. A summary of the Contract Register to include those with an approximate annual spend of £5,000 and over will be published on the Avon Fire & Rescue Service website in line with the Government's Transparency Code. This is to be republished annually or when significant updates occur.

## 8. Compliance with these Rules

8.1 These Rules must be followed when dealing with any Authority Procurement except for those Procurements and other matters referred to in Rule 5.47.

8.2 Every Procurement undertaken by the Authority or any other party on its behalf must comply with:

- i. all UK law that governs and or relates to the procurement of goods, services and works and the letting of concession contracts and to the extent of any conflict between these CPR and any such legal requirements then the provisions of such legal requirements shall prevail;
- ii. the Authority's Constitution as a whole, and
- iii. the Authority's strategic objectives and policies including its Procurement Strategy, and
- iv. must meet the other objectives and requirements listed in clause 1.4 of these rules.

8.3 The Procurement Manager may from time to time issue procurement guidance, following consultation with the Treasurer and Monitoring Officer. Senior Officers in each service area must ensure that employees in their service area are aware of such guidance and must require compliance with such guidance.



8.4 Any procurement carried out on behalf of the Authority may only be undertaken by Officers with the appropriate delegated authority to carry out such tasks and who have the necessary capability and capacity to undertake the particular procurement. Any failure by Officers to comply with any of the provisions of these CPR or associated guidance adopted by the Authority may result in disciplinary action.

# Contract Procedure Rules

## Appendix 1: Procurement Procedures

Means the procurement procedure to be followed in the Procurement.

Where the Authority carries out a procurement, which is fully regulated by the Public Contracts Regulations 2015 (SI 2015/102) (PCR 2015) then the Authority must use one of the following procurement procedures:

- a. The open procedure.
- b. The restricted procedure.

**The advice of the Monitoring Officer and the Procurement Manager (or their nominated officers) must be sought prior to commencing the following procurement procedures:**

- c. The competitive dialogue procedure.
- d. The competitive procedure with negotiation.
- e. An innovation partnership.
- f. The negotiated procedure.

### Key features

#### The open procedure.

The open procedure is the fastest and simplest route to award a contract but it allows no opportunity for negotiation. The UK Government regards the open procedure as the 'default' procedure for government procurement. The process where all providers interested in the contract and who have responded to an advertisement may submit tenders. All such tenders must be considered without any prior selection process. The selection and evaluation is carried out after the submission of the tenders.

#### The restricted procedure.

The restricted procedure is most useful where there are potentially a very large number of bidders in the market (this will be confirmed through market engagement) or there is otherwise a genuine need to pre-qualify suppliers. It is a two-stage process where only those providers who have been invited may submit tenders. The selection and shortlisting are usually carried out based on a Selection Questionnaire (SQ).

**The advice of the Monitoring Officer and the Procurement Manager (or their nominated officers) must be sought prior to commencing the following procurement procedures:**

#### The competitive dialogue procedure

The procurement procedure whereby a contracting authority enters into a dialogue with bidders about its requirements before inviting them to submit a final tender. It is used in complex projects where the Authority cannot adequately specify its requirements.

#### The competitive procedure with negotiation

This procedure has been described as a hybrid procedure because, as with the restricted procedure, it allows the contracting authority to award a contract on the basis of an initial tender. However, like the competitive dialogue procedure, it also enables the authority to negotiate with bidders who submitted an initial tender, and any subsequent tenders, until it decides to conclude those negotiations. There is no limit to the number of tender stages.



Final tenders are submitted and evaluated and the contract is awarded. Unlike for the competitive dialogue procedure, the PCR 2015 does not provide for any clarification or negotiation of the final tenders or the winning tender

### **An innovation partnership**

This procedure enables the Authority to develop innovative products, works or services where no suitable solution exists in the market (sharing the risk with suppliers) and then to purchase the resulting products, services etc.

In return for sharing the risk in the development phase the Authority might want to share in the profits from wider sale of the products, services etc. that are developed (licensing). The procurement procedure for an innovation partnership is a version of the competitive procedure with negotiation.

### **The negotiated procedure**

Whereby the Authority negotiates the terms of the Contract with one or more third parties selected by it. There are a number of conditions that have to be met in order to use this procedure that are listed in detail in the PCR.

## **Appendix 2 – Exception Guidance**

- a. The works, goods or services are so urgently required, for reasons brought about by events unforeseeable by and not attributable to the Authority, that it would be against the Authority's interests to incur the delay of placing advertisements or inviting tenders or quotations, or
- b. The works, goods or services required are of such a special nature that no advantage would accrue by inviting competitive tenders; or
- c. There is no effective competition for the work, goods or services required by reason of the fixing of prices or charges under statutory authority or because of patent restrictions; or
- d. For arbitration or conciliation services; or
- e. There are other special circumstances which justify an exception to the normal procedure.

# Financial Regulations

## Avon Fire Authority Financial Regulations

### Introduction

1. To conduct its business efficiently, the Avon Fire Authority (hereafter referred to as “the Authority”) needs to ensure that it has sound financial regulations in place and that they are strictly adhered to. Additionally, this Authority is committed to innovation, within the regulatory framework and ensuring the necessary risk assessment and approval safeguards are in place.
2. These Financial Regulations aim to provide clarity about the financial accountabilities of individuals – the Authority itself (or one of its Committees as the case may be), the Chief Fire Officer, the Treasurer (as the s151 Financial Officer), the Clerk (as the Monitoring Officer) and those other officers either on the Service Leadership Board or on the Service Leadership Team.
3. These Regulations, together with other regulatory documents (for example, Standing Orders; the Scheme of Delegations; Members and Officers Codes of Conduct; Corporate Governance Code; Anti-Fraud and Anti-Corruption Strategy), are an integral part of the overall governance framework for the Authority.

### Status of Financial Regulations

1. These Financial Regulations provide the framework for managing the Authority’s financial affairs. They apply to every Member and officer of the Authority and anyone acting on its behalf.
2. The Regulations identify the financial responsibilities of the Authority itself (or one of its Committees as the case may be), the Chief Fire Officer, the Treasurer (as the Sc151 Financial Officer), the Clerk (as the Monitoring Officer) and those other officers on either the Service Leadership Board or on the Service Leadership Team (Heads of Departments) responsible for service delivery. Officers as identified in these regulations should maintain a written record where decision making has been delegated to members of their staff, including seconded staff.
3. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
4. The Treasurer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Authority for approval. The Treasurer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Authority.
5. Officers of the Service Leadership Board and/or the Service Leadership Team are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority’s Financial Regulations and other internal regulatory documents and the need to comply with them. Failure to comply with these regulations could lead to disciplinary action.



6. The Treasurer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

## **Financial Regulation A: Financial Management**

### **Introduction**

Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

### **The Authority**

A1. The Authority is responsible for approving and monitoring compliance with an overall framework of accountability and control.

### **Audit, Governance & Ethics Committee**

A2. The Authority has delegated to this Committee, amongst other things, overall responsibility for Internal and External audit. In turn, this Committee has delegated day-to-day responsibility for this to the Treasurer. The Treasurer consults the Committee as necessary on the content of the annual audit plans of both the internal and external auditors. The Committee is responsible for monitoring the delivery of both plans and any additional audit work undertaken during the year. It also reviews the internal auditors' annual report and the external auditors' statutory management letters and makes recommendations for appropriate action. The Committee considers the outcomes of any fraud investigations and action taken.

A3. The Committee may initiate reviews of the adequacy of financial procedures and internal controls, including the adequacy of the audit function, and recommend to the Authority future policy options. As part of these reviews, officers on either the Service Leadership Board or the Service Leadership Team may be required to account to the Committee for their actions or those of their staff.

### **Other committees**

A4. The Authority may establish committees to effectively and efficiently enable it to perform its functions. Any such committees will be established in accordance with Standing Orders and will have specified Terms of Reference setting out the limit of powers delegated to the Committee in question by the Authority.

### **The Statutory Officers**

#### **(a) The Chief Fire Officer**

A5. The Chief Fire Officer is responsible for the corporate and overall strategic management of the Authority as a whole. They must report to and provide information for the Authority and are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Fire Officer, together with the Clerk (as Monitoring Officer), are responsible for the system of record keeping in relation to all the Authority's decisions (see below).

# Financial Regulations

## **(b) Clerk & Monitoring Officer**

A6. The Clerk, in their capacity as Monitoring Officer, has responsibility for reporting any actual or potential breaches of the law or maladministration to the Authority, and for ensuring that procedures for recording and reporting decisions are operating effectively.

Specifically, the Monitoring Officer role entails:

- advising all Members and Officers about who has authority to take a particular decision; and
- advising the Authority about whether a decision is likely to be considered contrary to, or not wholly in accordance with the policy framework.

A7. The Clerk (together with the Treasurer) is responsible for advising the Authority about whether a decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy;
- committing expenditure in future years to above the budget level;
- incurring interdepartmental transfers above adjustment limits;
- causing the total expenditure financed from Authority tax, grants, and corporately held reserves to increase, or to increase by more than a specified amount.

A8. The Clerk, together with the Chief Fire Officer and the Treasurer, is responsible for ensuring that the constitutional governance documents of the Authority are up-to-date.

## **(c) Treasurer**

A9. The Treasurer, as the s151 financial officer, has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden and arises from:

- The Local Government Act 1972;
- The Local Government Finance Act 1988;
- The Local Government and Housing Act 1989; and
- The Accounts and Audit Regulations.

A10. The Treasurer is responsible for:

- the proper administration of the Authority's financial affairs;
- setting and monitoring compliance with financial management standards;
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- providing financial information;
- preparing the revenue budget and the capital programme (in consultation with the Service Leadership Board);
- Treasury Management





A11. Section 114 of the Local Government Finance Act 1988 requires the Treasurer to report to the Authority if it or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the Authority's accounts.

A12. Section 114 of the 1988 Act also requires:

- the Treasurer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally
- the Authority is to provide the Treasurer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114

### **d) The Service Leadership Board**

A13. The Service Leadership Board comprises those Service Directors who, together with the Treasurer and the Authority, set the strategic direction of the organisation and provide the most senior officer-level of decision making on strategic planning and policy to deliver the organisations purpose and vision.

### **e) The Service Leadership Team**

A14. The Service Leadership Team comprises those Heads of Department responsible for the day to day performance and running of the Service and making recommendations as appropriate for strategic change, based on service delivery and service support experience, to the Service Leadership Board.

### **Other financial accountabilities**

#### **(a) Adjustment**

A15. In-year Budget Adjustments up to and including £249,999 should be approved by the Chief Fire Officer and Treasurer, in accordance with the Financial Scheme of Delegation.

A16. In-year Budget Adjustments between £250,000 and £499,999 need to be approved by the Performance, Review and Scrutiny Committee, in accordance with the PRSC Terms of Reference.

A17. In-year Budget Adjustments exceeding £500,000 require approval by the Fire Authority.

#### **(b) Treatment of year-end balances**

A18. The Treasurer will report to the Authority on the outturn of expenditure and income in relation the previous year's revenue budget, as soon as practicable after the end of the financial year. The Authority is responsible for agreeing procedures for carrying forward under and overspendings on revenue and capital budget headings.

A19. The Treasurer in consultation with the relevant Service Leadership Board officer with responsibility for the capital programme will report on the outturn of expenditure on individual schemes within the approved capital programme, as soon as practicable after the end of the financial year.

# Financial Regulations

## **(c) Accounting policies**

A20. The Treasurer is responsible for selecting accounting policies and ensuring that they are applied consistently.

## **(d) Accounting records and returns**

A21. The Treasurer is responsible for determining the accounting procedures and records for the authority.

## **(e) The annual statement of accounts**

A22. The Treasurer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The Authority (or Committee so delegated to do so) is responsible for approving the annual statement of accounts.

## **Financial Scheme of Delegation**

A23. The Financial Scheme of Delegation sets out the approved financial limits within which authorised officers may conduct the Authority's business. Changes to limits/values contained within it may only be made with the approval of the s151 Officer.

## **Financial Regulation B: Financial Planning**

### **Introduction**

The Authority is responsible for agreeing its planning framework and associated financial planning and budget requirements. The key elements of this are as follows.

### **Planning Framework**

B1. The planning framework comprises the following statutory plans and strategies:

- Service Plan
- Medium Term Financial Plan
- Revenue Annual Budget
- Capital Annual Programme & Strategy
- Reserves Strategy
- Treasury Management Statement

B2. The Chief Fire Officer is responsible - in conjunction with other officers on the Service Leadership Board and the Treasurer and Clerk and with officers on the Service Leadership Team - for developing and proposing these documents to the Fire Authority for approval.

B3. The Treasurer, in conjunction with the Service Leadership Board, is responsible for the preparation and revision (as necessary) of the Annual Revenue Budget, the Medium Term Financial Plan, the Reserves Strategy and the Treasury Management Strategy. The Treasurer will work with the lead Directors to report the Capital Annual Programme & Strategy.



## Budgeting

### Budget format

B4. The general format of the budget will be approved by the Authority and proposed on the advice of the Treasurer following consultation with the Service Leadership Board. The draft budget submitted to the Authority for approval must include details of the allocation of resources to different services and projects, proposed taxation levels, the nature and level of contingency funds and reserves and the requirement to set the Prudential Code limits (in particular, the statutory borrowing limit) under the Local Government Act 2003.

### Revenue Budget preparation

B5. The Treasurer in consultation with the Service Leadership Board and the Service Leadership Team is responsible for ensuring that a revenue budget and Medium Term Financial Plan is prepared on an annual basis for consideration by the Authority. This will include appropriate sensitivity analysis to inform decision making on review. The Authority may amend the budget or ask for it to be revised before approving it, subject to compliance with the relevant statutory requirements for budget setting.

B6. The Treasurer in consultation with the Service Leadership Board is responsible for issuing guidance on the general content of the budget as soon as possible following approval by the Authority.

B7. It is the responsibility of officers on the Service Leadership Board and the Service Leadership Team, following consultation with the Treasurer, to ensure that budget estimates reflecting agreed service plans are submitted to the Authority.

### Capital Programme

B8. The Treasurer in consultation with the Service Leadership Board is responsible for ensuring that a capital programme, covering a three year period (or as may otherwise be determined) is prepared/updated on an annual basis for submission to the Authority for approval. This submission will include consideration on the impact on the Prudential Indicators (which govern the financing of the Capital Programme) as required by the CIPFA Prudential Code.

B9. The Authority (or Committee so delegated to do so) may amend the Capital Programme or ask that areas of detail contained within it be reconsidered.

B10. The Authority (or Committee so delegated to do so) will monitor progress of capital schemes included in the approved Capital Programme, **including approval of Business Cases, monitoring reports on spend and slippage.**

B11. The approval of the Authority (or Committee so delegated to do so) will be sought:-

(a) where it is proposed to finance a capital scheme from the revenue budget and the level of expenditure to be incurred exceeds the limit shown in the Scheme of Delegation.

(b) where the estimated expenditure for any individual major capital scheme exceeds the capital programme provision for that scheme by the limit shown Scheme of Delegation, subject to the additional expenditure being contained from within the overall capital programme limit for the year in question.

# Financial Regulations

## **Budget Preparation Guidelines**

B12. The Treasurer is responsible for issuing to officers on the Service Leadership Board and the Service Leadership Team guidelines for preparation of both the annual revenue budget and the Capital Programme. The guidelines will take account of:

- legal requirements;
- medium-term financial planning prospects;
- the Service plan;
- available resources;
- spending pressures;
- Best Value and other relevant government guidelines;
- other internal policy documents;
- cross-cutting issues (where relevant).

B13. The Annual Budget Setting process will involve strong partnering working with Budget Holders and Budget Managers, to ensure the draft budgets recommended to the Fire Authority are showing a balanced financial position.

## **Budget monitoring and control**

B14. The Treasurer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control expenditure against budget allocations.

B15. It is the responsibility of Service Leadership Board and Service Leadership Team officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Treasurer. They should also take any action necessary to avoid exceeding their budget allocation.

B16. The Service Leadership Board and the Service Leadership Team officers must provide the Treasurer with budget monitoring information, highlighting any problems or variances within their areas. In turn, the Treasurer is responsible for submitting appropriate and regular monitoring reports both to the Service Leadership Board, the Service Leadership Team and to the Authority.

B17. The Treasurer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. This includes the appropriate monitoring and control of Income and Expenditure against the approved budget allocations. This will be monitored at Fire Authority level through the overall Income and Expenditure budgets and this financial reporting will be supported by Devolved Budgets and a Budgetary Control Framework. Finance Business Partners will support Budget Holders and Budget Managers to effectively manage their devolved budgets.

## **Maintenance of reserves**

B18. It is the responsibility of the Treasurer to advise the Authority on prudent levels of reserves. A Reserves Strategy will be prepared annually and submitted to the Authority for approval.



## Financial Regulation C: Risk Management and Control of Resources

### Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### Risk management

C1. Risk management for the Authority is designed to protect the assets of the Service, ensure service continuity and facilitate innovation and opportunity. The Service risk management approach encourages officers and managers to identify, understand and control risk. The annual budget and the Medium Term Financial Plan should financially assess and where possible quantify the key corporate risks and report these to the Authority or delegated committee.

### Internal control

C2. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

C3. The Treasurer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

C4. It is the responsibility of Service Leadership Board and Service Leadership Team officers to ensure that sound arrangements – in line with advice from the Treasurer – are in place for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

C5. The Authority is required to approve on an annual basis an Annual Statement of Assurance containing, amongst other things:

- a statement, in accordance with the Accounts and Audit Regulations, on measures – including the systems of internal control - taken by the Authority to ensure appropriate business practice, high standards of conduct and sound governance; and
- in accordance with the Fire and Rescue Service National Framework requirements, an annual assurance statement on financial, governance and operational matters and showing how the Authority has had due regard to the expectations set out in their integrated risk management plan and the requirements included in the Framework.

# Financial Regulations

## **Audit requirements**

C6. The Accounts and Audit Regulations issued by the Government, require every authority to maintain an adequate and effective internal audit process.

C7. The Authority needs to comply with relevant legislative requirements in relation to external audit.

C8. The Audit, Governance and Ethics Committee is responsible for reviewing and approving both internal and external audit plans and fees.

C9. The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

## **Preventing fraud and corruption**

C10. The Treasurer and Clerk (Monitoring Officer) are jointly responsible for the development, maintenance and operation of an appropriate strategy for the prevention and detection of fraud and corruption. More information can be found on this in the Anti-Fraud and Anti-Corruption Strategy and Response Plan within the Constitution.

## **Asset Management**

C11. The Service Leadership Board and Service Leadership Team should ensure that assets and supporting records are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. A fixed asset is defined as an item or group of items, with a value equal to or greater than £5,000 and an estimated useful life of more than one year.

## **Asset Additions**

C12. The Authority will be required to approve the acquisition of land or buildings.

C13. All capital asset additions need to be captured within an asset additions form by the lead manager and forwarded to the Head of Finance within a month of assets being purchased. These additions will then be updated on the Asset Management System and reported to the Performance, Review and Scrutiny Committee on a quarterly basis. A reconciliation of the capital programme and additions will be carried out quarterly by the Finance team and then be reviewed by the Head of Finance and Treasurer to ensure the Asset Register is accurately maintained.

## **Asset Disposals**

C14. The Authority will be required to approve the disposal of land or buildings considered surplus to requirements) where this involves a conveyance.

C15. The Authority has delegated authority to approve the following to the Performance, Review and Scrutiny Committee:-

(a) the disposal of any material asset, which for this purpose will be classed as an asset with a value equal to or greater than £25k

(b) the writing off of any redundant stocks and equipment in excess of the value set out in the Scheme of Delegation Regulations.



C16. For any assets disposed of, the lead manager needs to complete the Asset Disposal Template and forward this form to the Head of Finance, within 1 month of the disposal.

The following methods are agreed routes for disposal of fleet and equipment assets:-

- Public Auction (decommissioned specialist vehicles excluding appliances, following professional valuation and ancillary fleet, IT equipment)
- Private sale (Ancillary fleet)
- Charitable Donation (redundant appliance fleet and equipment via GAFSIP to the Gambian Fire and Rescue Service. This has been confirmed by the Fire Authority in terms of adding social value).
- Closed bids (ancillary fleet vehicles)
- Scrapped via approved disposal companies (IT equipment which is obsolete)

C17. In disposing of any equipment not on the fixed asset register, the appropriate officer must ensure that the disposal is in accordance with Contract Procedure Rules and secures value for money.

### **Treasury management**

C18. The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

C19. The Authority is responsible for approving a Treasury Management Policy Statement in compliance with CIPFA's Code of Practice for Treasury Management in Local Authorities. The Treasurer has delegated responsibility for implementing and monitoring the statement.

C20. All money in the hands of the Authority is controlled by the officer designated for the purposes of Section 112 of the Local Government Finance Act 1988, referred to in the code as the Treasurer.

C21. The Treasurer has delegated responsibility for implementing and monitoring the Treasury Management Policy Statement. All decisions on borrowing, investment or financing shall be delegated to the Treasurer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

### **Staffing**

C22. The Chief Fire Officer, through the Service Leadership Board and the Service Leadership Team, is responsible for providing overall management to staff.

C23. The Service Leadership Board is responsible for determining and monitoring adherence to staffing policies and procedures and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

C24. Service Leadership Board and Service Leadership Team officers are responsible for controlling total staff numbers by:

- advising the Service Leadership Board on the budget necessary in any given year to cover estimated staffing levels;
- the proper use of appointment procedures in line with advice from the Head of Human Resources.

# Financial Regulations

C25. The Chief Fire Officer, in accordance with the Authority's approved Scheme of Delegations, has responsibility for:

- effecting minor variations in the establishment between uniformed and non-uniformed posts where this is in the best interests of the Service and subject to consultation with representative bodies and to there being no additional resource implications associated with the variation; and
- effecting changes in the establishment structure subject to any financial implications being contained within existing resources and in compliance with the adjustment thresholds as contained in the Authority's Financial Scheme of Delegation.

## **Financial Regulation D: Systems and Procedures.**

### **Introduction**

D1. Sound systems and procedures are essential to an effective framework of accountability and control.

### **General**

D2. The Treasurer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Service Leadership Board and Service Leadership Team officers are responsible for the proper operation of financial processes in their own departments, in line with advice issued by the Treasurer. Any changes to agreed procedures proposed by Service Leadership Board or Service Leadership Team officers, to meet their own specific service needs, must be agreed with the Treasurer.

D3. Service Leadership Board and Service Leadership Team officers should ensure that their staff receive relevant financial training, as approved by the Treasurer.

D4. Service Leadership Board and Service Leadership Team officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation and that their staff are aware of their responsibilities under Freedom of Information legislation.

### **Income and expenditure**

D5. It is the responsibility of Service Leadership Board and Service Leadership Team officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Service Leadership Board or Service Leadership Team officer's behalf in respect of payments, income collection and placing orders, together with the limits of their authority.

D6. The Authority is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

D7. The approval of the Audit, Governance & Ethics Committee or Authority, as appropriate, will be required:-

(a) to write off any debt in excess of the limit as set out in the Schedule to these Financial Regulations;





(b) for the making of any payment in advance of delivery of goods or services in excess of the limit as set out in the Schedule to these Financial Regulations.

(c) for the making of any grant in excess of the limit as set out in the Schedule to these Financial Regulations

### **Payments to employees and Members**

D8. The Treasurer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

D9. The approval of the Audit, Governance and Ethics Committee or Authority, as appropriate, will be required for the writing off of any overpayment of salary or allowance in excess of the limit as set out in the Schedule to these Regulations.

D10. The approval of the People & Culture Committee or Authority, as appropriate, will be required prior to incurring any financial implications arising from the exercise of discretions under the Local Government Pension Scheme or Firefighters Pensions Schemes, where these financial implications exceed the limit as set out in the Schedule to these Regulations.

### **Taxation**

D11. The Treasurer is responsible for advising all Service Leadership Board and Service Leadership Team officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

D12. The Treasurer is responsible for maintaining directly or, where appropriate, ensuring that Service Leadership Board and Service Leadership Team officers maintain the Authority's tax records and for making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

## **Financial Regulation E: External Arrangements**

### **Introduction**

The Authority contributes a distinctive role to the community and is involved in various partnership/joint working initiatives, aimed at improving the social and environmental well-being of the area it serves.

### **Partnerships**

E1. The Authority is responsible for approving an overall framework for its involvement in all strategic partnerships/joint working initiatives with other local public, private, voluntary and community sector organisations to address local needs.

E2. The Authority has delegated to the Service Leadership Board and Service Leadership Team, power to approve the fire and rescue service role, including officer representation and resource allocation, in individual partnerships/joint working arrangements subject to any restrictions contained in the overall framework.

E3. The Clerk (as Monitoring Officer) and the Treasurer are responsible for promoting and maintaining within all partnerships the same high standards of conduct with regard to legal, corporate governance and financial affairs as apply throughout the Authority.

# Financial Regulations

## **External funding**

E4. The Treasurer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

## **Work for third parties**

E5. The Service Leadership Board officer with responsibility for procurement will, in consultation with the Treasurer, be responsible for providing specific guidance to Service Leadership Board and Service Leadership Team officers, in respect of contractual arrangements for the provision of services to third parties or external bodies.

## **Financial Inducements, Gifts and Hospitality**

E6. The public is entitled to expect conduct of the highest standard from employees of the Authority.

E7. An employee shall not act in an official capacity in connection with any matter in which they or a close relative has a personal interest.

E8. Except, as may be specified in Conditions of Service or by the Authority an employee shall not accept any reward from any person in connection with their official duties, nor use their position of employment with the Authority for personal gain.

E9. Full details are available in the Conduct and Probity in the Public Service Policy.

E10. Employees responsible for the purchase of goods and supplies on behalf of the Authority should note that any promotional offers given by suppliers are the property of the Authority. These promotional offers normally take the form of a free gift, a holiday offer or vouchers towards goods. The CFO will decide on how any promotional offers are to be used to the benefit of the Authority.

E11. It is not appropriate for the Authority, as a Public Sector organisation, to make charitable donations, as this does not demonstrate a good use of public taxpayers' monies.



# Access to Information Procedure Rules

## 1. Scope

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

## 2. Additional Rights to Information

2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law and in particular the General Data Protection Regulation, the Data Protection Act 2018 and the Freedom of Information Act 2000.

## 3. Rights to attend meetings

3.1 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 Fire Authority subject only to the exceptions in these Rules.

## 4. Notices of meeting

4.1 The Authority will give at least five clear days' (the number of days between the date of the notice and the date of the meeting excluding Saturday and Sunday) notice of any meeting by posting details of the meeting on the website.

## 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 HQ at least five clear days before the meeting.

5.2. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.3. Where reports are prepared after the summons has been sent out, the Clerk shall make such reports available to the public as soon as the report is complete and sent to Members.

## 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 it appropriate, copies of any other documents supplied to Members 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 reports relating to items when the meeting was open to the public.

## **8. Background Papers**

8.1. 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 their 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 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**

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will be posted on the website.

## **10. Exclusion of Access by the Public to Meetings**

10.1. 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. 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.

10.3. 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.

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

10.5. If the Clerk thinks it appropriate, the Authority may exclude access by the public to reports which in their opinion relate to items during which 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.

10.6. Subject to the Public Interest Test the following is a list of the grounds under which information may be regarded as exempt:

- a. Information relating to any individual.
- b. Information which is likely to reveal the identity of an individual.
- c. Information relating to the financial or business affairs of any particular person (Including the authority holding that information).

# Access to Information Procedure Rules

- d. 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.
- e. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- f. Information which reveals that the Authority proposes:
  - i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - ii. to make an order or direction under any enactment.
- g. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## 10.7. The following definitions and interpretations apply to this Rule:

- a. Any reference to “the Authority” is a reference to the Fire 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.
- b. “Employee” means a person employed under a contract of service.
- c. “Financial or business affairs” includes contemplated, as well as past or current, activities. Information falling within rule 10.6 (3) above is not exempt information by virtue of that paragraph if it is required to be registered under:
  - i. the Companies Act 1985;
  - ii. the Friendly Societies Act 1974;
  - iii. the Friendly Societies Act 1992;
  - iv. the Industrial and Provident Societies Acts 1965 to 1978;
  - v. 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
  - vi. the Charities Act 1993.
- d. “Labour relations matter” means
  - i. 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
  - ii. any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to officeholders under the authority as they apply in relation to employees of the authority.
- e. “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.

- f. "Public Interest Test" means in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **11. Additional rights of access to documents for Members**

11.1. 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 or sub-committee shall be open to inspection by any Member of the Authority except if it appears to the Clerk that it discloses exempt information unless the information is information of a description for the time being falling within rule 10.6 (3) (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or rule 10.6 (6).

# Officer Employment Procedure Rules

## 1. Recruitment and appointment

- 1.1. All application forms for appointment as an Officer will ask candidates whether or not they are related to a Member or an Officer and such question must be answered by all candidates.
- 1.2. No candidate so related to a Member or an Officer will be appointed without the authority of the CFO, in consultation with the Chair of the People and Culture Committee.
- 1.3. The Fire Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the organisation. The content of this paragraph will be included in any recruitment information. Members must report to the Clerk any approaches for support made to them.
- 1.4. No Member will seek support for any person for any appointment with the Fire Authority.

## 2. Recruitment and Appointment of the Service Leadership Board Members and Statutory Officers

- 2.1. The full Fire Authority will determine whether to undertake a recruitment process for the appointment of a Service Leadership Board Members or Statutory Officer attaching such conditions to the process as it feels appropriate (provided they do not conflict with these Rules).
- 2.2. Each recruitment process shall have the following Lead Officer:
  - a. For the appointment of the CFO – the Clerk in consultation with the HR Manager.
  - b. For the appointment of all other Service Leadership Board Members and the Statutory Officers – the CFO in consultation with the HR Manager.
- 2.3. Each recruitment exercise shall be undertaken by the People and Culture Committee advised by the Lead Officer, Clerk and HR Manager together with such external professional advisers that the Committee chooses to appoint to assist with the process.
- 2.4. The Committee shall approve the job description/person specification, the job advert and the selection process.
- 2.5. All vacancies for Service Leadership Board Members and Statutory Officers shall be advertised nationally using all reasonable means to bring the vacancy to the attention of those who may be qualified to apply.
- 2.6. The Committee shall undertake the shortlisting and selection process at which the Lead Officer, the Clerk and HR Manager (or their nominees in their absence) shall be present.
- 2.7. Only Members of the Committee who have undertaken shortlisting shall take part in the selection process.
- 2.8. At both shortlisting and selection each Member shall maintain a record of their decision making including the score given to each candidate in accordance with the arrangements made by the Committee for the purpose. Both the record and scores shall be provided to the Clerk at the end of each stage.
- 2.9. The Committee shall appoint to the post based solely on merit.





### 3. Other appointments

3.1 The appointment of Officers other than the Service Leadership Board Members and Statutory Officers is the responsibility of the CFO or their nominee, and may not be made by Members.

### 4. Disciplinary action

4.1. Service Leadership Board Members and Statutory Officers may be suspended by the People and Culture Committee Panel whilst an investigation takes place into alleged misconduct or capability issues. That suspension will be on full pay and kept under regular review by the Committee.

4.2. No action under the disciplinary, capability or related procedures may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by an independent person appointed by the Panel for that purpose.

4.3. The Panel must always be supported by appropriate legal and HR advice suitable to circumstances of the matter they are considering.

4.4. Members will not be involved in any action under the disciplinary, capability or related procedures in respect of any Officer other than the Service Leadership Board Members and Statutory Officers except where such involvement is necessary for any investigation or inquiry under those procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary or other action.

4.5. This Constitution also incorporates and engages with all Authority relevant i.e. HR and People Policies as in force at the relevant time and as amended.

### 5. Dismissal

5.1 Members will not be involved in the dismissal of any Officer other than the Service Leadership Board Members and Statutory Officers except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissals.

### 6. Reference documents

6.1 These rules need to be read in conjunction with the National Conditions of Service for Service Leadership Board Members. The Discipline Policy in respect of all other staff shall apply to the Service Leadership Board Members and Statutory Officers varied so as to comply with these rules.

### 7. Key Competencies

- i. Knowledge of interview techniques and skills
- ii. Ability to make evidenced based decisions
- iii. Awareness of sub conscious bias
- iv. Awareness of the Equality Act 2010

# Code of Corporate Governance

## 1. Introduction

1.1. Corporate Governance comprises of the systems, processes, cultures and values by which an Authority is directed and controlled and through which it is accountable to, engages with and supports the communities it serves.

1.2. In other words it is about how the Authority ensures that it is doing the right things, in the right way, for the right people.

1.3. 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.

1.4. The Authority is committed to demonstrating that it has the necessary Corporate Governance arrangements in place to perform effectively.

1.5. This Code is a public statement that sets out the way the Authority will meet that commitment. As such it represents a key component of the Authority's governance arrangements. The Code has been developed in accordance with and is consistent with the CIPFA/SOLACE 2016 Framework: Delivering Good Governance in Local Government and is based upon the seven core principles of good governance.

## 2. The Authority's Corporate Governance Principles

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

- a. The Authority will foster a culture of behaviour based on shared values, high ethical principles and good conduct by establishing and keeping under review:
  - i. The Authority's own values on Leadership as enshrined in the Service Plan and evidenced in Codes of Conduct that set standards for behaviour.
  - ii. A Member Code of Conduct.
  - iii. An Employee Code of Conduct.
  - iv. A Register of Interests and declarations of Gifts and Hospitality accepted.
  - v. Equality and diversity arrangements.
  - vi. A Confidential Reporting policy.
  - vii. The roles of Members and Officers in decision-making.
  - viii. Appropriate and timely advice, guidance and training for both Members and Officers.
  - ix. Systems for reporting and dealing with any incidents of fraud and corruption.
- b. Complaints against Members will be considered by the Audit, Governance and Ethics Committee.

2.2. Principle B: Ensuring openness and comprehensive stakeholder engagement

- a. The Authority will seek and respond to the views of stakeholders and the community by:
  - i. forming and maintaining relationships with the leaders of other organisations.



- ii. ensuring partnership arrangements demonstrate clear and appropriate governance accountabilities.
- iii. producing plans for service delivery within the community.
- iv. having a Communications Strategy and providing access to a range of consultation methods, particularly to those groups which are harder to reach.
- v. using an approach that recognises that people are different and gives everyone an equal opportunity to access information, advice and support in ways that are suited to the needs or circumstances of the individual.
- vi. encouraging and supporting the public in submitting requests for aspects of the services provided to be scrutinised.
- vii. providing and supporting ways for citizens to present community concerns to the Authority.
- viii. providing the public with the opportunity to ask questions or make representations to the Authority.
- ix. publishing a Service Plan.
- x. continually developing clear channels of communication.
- xi. providing a modernised Information Communication and Technology Service that meets the needs and aspirations of the organisation and the communities we serve.
- b. The Authority recognises the key role it has to play in supporting partnership working within its area and also the role partners have to play in assisting the Authority to deliver on its objectives.
- c. The Authority ensures good governance in respect of partnerships by:
  - i. Reviewing and evaluating partnerships on a regular basis.
  - ii. Auditing partnership strategies and policies through the internal audit function.
  - iii. Ensuring partnerships offer value and contribute to the Authority's strategic objectives.

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

- a. 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:
  - i. A Service Plan Update
  - ii. A Medium Term Financial Plan
  - iii. An Efficiency Plan
  - iv. Externally audited accounts.

# Code of Corporate Governance

- v. Detailed performance information.
- b. The Authority will aim to deliver high quality services to the public in an efficient and effective way. The Authority will do this by:
  - i. Delivering services to meet local needs through the Service Plan and putting in place policies and processes to ensure that they operate effectively in practice.
  - ii. Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors.
  - iii. Actively pursuing collaboration opportunities with the Police, Ambulance and other FRAs.
  - iv. Responding positively to the findings and recommendations of external and internal auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
  - v. Comparing information about services with those provided by similar organisations, assessing why levels of efficiency, effectiveness and quality are different and considering other alternative means of service provision and procurement to maximise opportunities and improve value for money where appropriate.

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

The Authority will achieve this by:

- a. Publishing a detailed medium term financial plan which includes actions to ensure financial sustainability.
- b. Producing a performance management framework, to ensure plans are met and remedial action taken.
- c. Having processes in place to ensure data quality is high, so as to enable objective and rigorous decision making.
- d. Holding regular Service Leadership Board (SLB) and Service Leadership Team (SLT) meetings where issues are raised and actions agreed upon having a risk management process to identify where interventions may be required;
- e. Having a sound understanding of demand (current and future) which informs resource allocation decisions.

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

- a. The Authority will ensure that those charged with governance have the skills, knowledge and experience they need to perform well by:
  - i. consistent application of the People and Development Strategy.
  - ii. operating robust recruitment and selection processes.
  - iii. implementing Member Development strategies.



- iv. cascading regular information to Members and staff.
  - v. investing in Member and Officer Leadership training.
  - vi. providing resources that support Member and Officer development.
  - vii. promoting schemes supporting ongoing professional development.
  - viii. undertaking the annual appraisal of the CFO and setting objectives that contribute to the Authority's vision, strategy and plans and that incorporate key development needs.
- b. 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:
- i. electing a Chair, establishing Committees and nominating Member Champions and Lead Members with defined responsibilities.
  - ii. agreeing a Scheme of Delegation.
  - iii. undertaking a regular review of the operation of the Constitution.
  - iv. having in place effective and comprehensive arrangements for the scrutiny of services.
  - v. making the CFO responsible and accountable for all aspects of operational management.
  - vi. ensuring at all times arrangements are in place for the proper administration of its financial affairs.
  - vii. ensuring at all times arrangements are in place for ensuring actions are taken which are lawful.
  - viii. developing protocols that ensure effective communications between Members and Officers.

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

- a. The Constitution sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. Areas of potential change are identified throughout the year and the Constitution is reviewed on an annual basis.
- b. The Authority will operate a risk management approach that aids the achievement of its strategic priorities, supports its decision making processes, protects the Authority's reputation and other assets and is compliant with statutory and regulatory obligations. The Authority will ensure that the risk management approach:
  - i. Enables a culture of risk awareness.
  - ii. Formally identifies and manages risks.

# Code of Corporate Governance

- iii. Involves Members in the risk management process.
- iv. Maps risks to financial and other key internal controls.
- v. Documents and records details of risks in a risk management information system.
- vi. Monitors the progress in mitigating significant risks, and reports this to appropriate Members.
- vii. Reviews and, if necessary, updates its risk management processes at least annually.
- viii. Considers risk within major projects.
- c. The Audit, Governance and Ethics Committee has responsibility for monitoring and reviewing the risk, control and governance processes and associated assurance processes to ensure Internal Control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance. This includes considering the work of External Audit, Internal Audit and risk management and making recommendations concerning relevant governance aspects of the Constitution.

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

- a. The Authority will achieve this by:
  - i. publishing relevant information relating to salaries, business interests and performance data on its website.
  - ii. having a Procurement Officer who provides advice and issues clear guidelines for procuring goods and services.
  - iii. having an Audit, Governance and Ethics Committee that operates in accordance with guidance provided by the Chartered Institute of Public Finance and Accountancy (CIPFA).
  - iv. publishing information to the Authority and its Committees as part of established accountability mechanisms.
  - v. acting upon the findings/recommendations of Internal Audit and External Audit reports.
  - vi. publishing an Annual Governance Statement.
  - vii. publishing an Annual Statement of Assurance.
  - viii. publishing an Annual Efficiency Plan.
- b. The Authority is committed to the publication of transparent performance information. This includes (but is not limited) to:
  - i. budget reports.
  - ii. operational performance reports.
  - iii. medium Term Financial Plan.



- iv. efficiency Plan.
- v. statement of Accounts.
- vi. annual Governance Statement.
- vii. statement of Assurance.
- viii. information required under the Local Government Transparency Code.

### **3. Monitoring and Review**

3.1. The Audit, Governance and Ethics Committee is responsible for monitoring and reviewing the various aspects of corporate governance arrangements and in particular:

- a. 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.
- b. Reviewing and approving the Annual Accounts.
- c. External Audit.
- d. Internal Audit.
- e. Risk management.
- f. Making recommendations concerning changes to the Constitution.

3.2. The Committee also has responsibility for promoting high ethical standards across the Authority, overview of the Member and Officer codes and other relevant protocols.

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

- a. Reports prepared by Officers with responsibility for aspects of this Code.
- b. The work of Internal Audit.
- c. External Audit opinion.
- d. Other review agencies and Inspectorates.
- e. Opinion from the Statutory Officers.

# Members' Allowances Scheme

Avon Fire Authority in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme:

## General

1. This Scheme may be cited as the Avon Fire Authority Members' Allowances Scheme.

2. 2.1 In this Scheme the following terms have the meanings respectively assigned to them below:

"Member" means a Member of the Authority appointed to the Authority by one of the four Unitary Authorities.

"Authority" means Avon Fire Authority

"the Act" means the Local Government Act 2000

"Basic Allowance" means an allowance payable under paragraph 3 of this Scheme

"Financial Year" means the period beginning on 1 April and ending on 31 March

"Special Responsibility Allowance" means an allowance payable under paragraph 4 of this Scheme

"the 2003 Regulations" means The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended)

"the 1990 Regulations" means The Local Government (Committees and Political Groups) Regulations 1990

"Independent Person's Allowance" means an allowance payable under paragraph 5 of this Scheme

"Travelling and Subsistence Allowance" means an allowance payable under paragraph 6 of this Scheme

"Group Leader" means the leader of a group within the Authority constituted in accordance with Regulation 8 of the 1990 Regulations

"Approved Duty" means a duty specified in Schedule 2 to this Scheme

"Valid Written Claim" means a claim in writing submitted on a form provided for the purpose by the Authority and signed by the claimant and which contains or has appended to it the details required by the Authority and receipts for expenditure in relation to which an allowance is being claimed

2.2 In this Scheme words importing the masculine gender shall include the feminine and vice versa.

## Basic Allowance

3. 3.1. Each Member shall be entitled to a basic allowance amounting to £2,220 in respect of the Financial Year, subject to and in accordance with the Scheme. This figure represents the figure of £2,181 recommended by an Independent Review in November 2021, plus 1.75% for the NJC Green Book pay award for 1 April 2021 (announced March 2022).





3.2. Where the term of office of a Member begins or ends otherwise than at the beginning or end of the Financial Year, his/her entitlement shall be to payment of the proportion of basic allowance for the number of days during which his/her term of office as Member subsists.

3.3. Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with Part III of the Act or regulations made under that Part, the part of basic allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Authority for that period of suspension or partial suspension.

## **Special Responsibility Allowance**

4. 4.1 In respect of the Financial Year a special responsibility allowance shall be payable to a Member who has a special responsibility in relation to the Authority that is specified in Schedule 1 to this Scheme subject to and in accordance with the provisions of this Scheme.

4.2 The amount of the allowance shall be the amount specified against that special responsibility in that Schedule.

4.3 For the avoidance of doubt a Member shall be paid only one special responsibility allowance in addition to their basic allowance in relation one such special responsibility at any one time during the Financial Year. If a Member fulfils more than one special responsibility role for which different amounts are paid, then the Member will be entitled to receive the higher of the amounts involved.

4.4 Where a Member does not have throughout the whole of the Year such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of a proportion of the special responsibility allowance for the number of days during which he/she has such special responsibility in the Year.

4.5 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a member of the Authority in accordance with Part III of the Act or regulations made under that Part, the part of any special responsibility allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Authority.

## **Independent Person's Allowance**

5. Each Independent Person shall be entitled to an allowance amounting to £1,000 in respect of the Financial Year in respect of attendance at conferences and meetings subject to and in accordance with the provisions of this Scheme.

## **Travelling and Subsistence Allowance**

6. 6.1 An allowance in respect of travelling and subsistence shall be payable to a Member if undertaken in connection with or relating to a duty specified in Schedule 2 to this Scheme subject to and in accordance with the provisions of this Scheme. The travel allowances are in line with HMRC approved travel rates.

# Members' Allowances Scheme

6.2 An allowance in respect of travelling and subsistence shall be payable to an Independent Person if undertaken in connection with or relating to a duty specified in Schedule 2 to this Scheme subject to and in accordance with the provisions of this Scheme.

6.3 The amounts of allowances in respect of travelling and subsistence payable by the Authority are set out in Schedule 3 to this Scheme.

## **Election to Forego Allowances**

7. Any person may, by notice in writing given to the Clerk to the Authority, elect to forgo his/her entitlement or any part of his/her entitlement to allowances under this Scheme.

## **Claims and Payment**

8. 8.1

(a) A claim for Travelling or Subsistence Allowance shall be made in writing by the person entitled to receive payment within three months following the date of the meeting or event in respect of which the entitlement to the allowance arises.

(b) An Independent Person's Allowance in respect of the Year shall be payable by two equal instalments, paid in arrears; the first instalment relates to the period January to June, and the second for the period July to December. A claim for Independent Person's Allowance shall be made in writing by the person entitled to receive payment not later than two months after the end of the period to which the payment relates.

8.2 The Authority shall not be required to make a payment where the provisions of paragraph 8(1) have not been complied, with but may do so at its discretion.

8.3 Payment in relation to the following allowances, namely:

(a) Basic Allowance

(b) Special Responsibility Allowance

shall (subject to paragraphs 3(3), 4(5), 8(5) and 10) be made by equal monthly instalments in arrears on the last day of each calendar month.

8.4 Payment in relation to the following allowances, namely:

(a) Travelling and Subsistence Allowance

(b) Independent Person's Allowance

shall (subject to paragraphs 5, 6, 8(5) and 10) be made on the last day of the calendar month following the month in which a valid written claim in relation to it is received by the Authority.

8.5 Where any of the following paragraphs apply, namely:

(a) paragraph 3(2); or

(b) paragraph 4(4)

the first or last instalment (as the case may be) shall be adjusted by such amount as the Authority may determine is necessary to accord with the provisions of the relevant paragraph and shall be paid no later than the last day of the calendar month following the month in which the relevant allowance commences or ceases to be payable (as the case may be).



## Repayment of Allowance

9. 9.1 Where payment of any allowance has already been made in respect of any period during which the Member or Independent Person concerned:
- (a) ceases to be a Member or Independent Person; or
  - (b) is in any other way not entitled to receive the allowance in respect of that period
- the Authority may require that such part of the allowance as relates to such period be repaid to the Authority, within three months.

## Duplication of Allowances

10. 10.1 Where a Member is also a Member of another authority (within the meaning of Regulation 3 of the 2003 Regulations) that Member may not receive allowances from more than one authority (within the meaning of Regulation 3 of the 2003 Regulations) in respect of the same duties.

10.2 No allowance under this Scheme shall be paid or claimed by a Member unless he/she shall have given to the Authority a certificate stating that he/she has not claimed or received, nor will he/she claim or receive, an allowance from any other authority (within the meaning of Regulation 3 of the 2003 Regulations) in respect of the same duties.

## Resolution

11. The Basic Allowance will be updated annually based on any headline percentage increase agreed by the National Joint Council (NCJ) for Local Government as the pay award for staff on the national pay scale (Green Book). This Scheme was amended by the Authority on 02 March 2022 in accordance the NJC Green Book pay award for 1 April 2021, which was belatedly announced on 1 March 2022. A further Green Book pay award will be announced by the NJC for 1 April 2022 and all the allowances in this Scheme will be updated accordingly.
12. During the 2021/22 financial year, the Clerk to the Fire Authority commissioned an external advisor to fully review the Scheme and make recommendations for the Scheme from 1st April 2022. That Independent Review was conducted by Bryony Houlden of South West Councils, who prepared a report dated November 2021, which was presented to the Fire Authority meeting on 15 December 2021. All eleven recommendations outlined within the report were adopted for the 2022-23 and 2023-24 financial years. The Basic Allowance set out in paragraph 3(1) includes the uplift recommended for 2022/23 and the Special Responsibility Allowances set out in the table at Schedule 1 have also been increased in accordance with the report recommendations.

## Clerk to the Fire Authority

# Members' Allowances Scheme

## Schedule 1

### Special Responsibility Allowance

Special Responsibility Allowance	2022/23 £
Chair	9,543
Vice Chair	2,220
Chairs of Committees	2,220
Group Leaders	1,776

These Special Responsibility Allowances are those recommended by the Independent Review of Member Allowances of November 2021, for the Chair of £9,378, Vice Chair £2,181, Chairs of Committees £2,181, and Group Leaders of £1,745 plus 1.75% for the NJC Green Book pay award for 1 April 2021 (announced March 2022).

## Schedule 2

### Duties for which Travel and Subsistence Allowance Payable

A duty falling within one or more of the following categories:

1. Meetings of the Authority, its committees, working parties and forums formally convened by the Clerk, or Chief Fire Officer, including (a) seminars, training sessions, workshops etc., to which all Members have been invited and (b) cases where a Member is invited and officially notified to attend a meeting of a committee, working party or forum of which he/she is not a Member.
2. Attendance at meetings of a joint committee of the Authority and one or more other authorities or a sub-committee, working party or forum of that joint committee formally convened, provided that the person attending is entitled to do so as a Member or substitute Member of the joint committee.
3. Formal briefings by the Chief Fire Officer or other Officer, provided Members of at least two political groups have been invited to attend.
4. On-site inspections or visits authorised in advance by the Authority or a committee or made in pursuance of a policy approved by the Authority or a committee.
5. Official and courtesy visits undertaken by the Chair of the Authority or, in the case of a particular visit, such other Member as he/she may ask to represent him/her.
6. Attendance as an officially appointed representative of the Authority or any other body, including a committee, sub-committee or working party of that body, or a further body to which that body has appointed the representative, provided there is a connection with the functions of the Authority.
7. Attendance (arranged by the Authority, Committee, Joint Committee or Officer) at conferences, courses, workshops, and seminars.



8. Attendance at graduations or medal presentation ceremonies within or involving Avon Fire & Rescue Service.
9. Subject to the provisions of the 2003 Regulations, such other duties for the purpose of or in connection with the discharge of the functions of the Authority as the Authority may from time to time determine.

## Schedule 3

### Amount of Travel and Subsistence Allowance Travel Rates

**The following rates shall apply where expenditure on travel is actually and necessarily incurred by the claimant to enable him to perform an Approved Duty:**

1. The rate of travel by public transport (other than travel by air) shall be the amount of the ordinary fare or any available cheap fare and, where more than one class of fare is available, the rate shall be determined by reference to second class fares. Where appropriate, seat reservation charges will also be paid.
2. The rate for travel by a Member or Independent Member's own private motor vehicle or motorcycle or one belonging to a member of his/her family or otherwise provided for his/her use shall be as follows:

motor car	=	45p per mile
motorcycle	=	24p per mile
cycle	=	20p per mile

Plus, the actual cost of tolls, ferries and parking fees.
3. The rate for travel by taxi or private hire vehicle shall be:
  - (a) in the case of emergency, or where no public transport is reasonably available, the amount of the actual fare.
  - (b) in any other case, the amount of the fare for travel by appropriate public transport.
4. The rate of travel by air shall be:
  - (a) Where the saving of time is so substantial as to justify travel by air, the lower of:
    - i. the ordinary economy class fare or any available cheap economy class fare for travel by regular air service; or
    - ii. the fare actually paid
  - (b) in any other case, the lower of:
    - i. the rate applicable to travel by appropriate alternative public transport plus the amount of any saving in subsistence allowance consequent upon travel by air; or
    - ii. the fare actually paid

# Members' Allowances Scheme

## Rates of Subsistence

The following rates of subsistence shall apply where expenditure on subsistence is actually and necessarily incurred by the claimant to enable him to perform an Approved Duty outside the area of the District Councils of Bath and North East Somerset, Bristol, North Somerset, and South Gloucestershire:

1. In the case of absence not involving an absence overnight, from the usual place of residence:

(a) of more than 4 hours before 11 am

(Breakfast allowance) - £5.57

(b) of more than 4 hours including the period between 12 noon and 2 pm

(Lunch allowance) - £7.70

(c) of more than 4 hours including the period between 3 pm to 6 pm

(Tea allowance) - £3.04

(d) of more than 4 hours ending after 7 pm

(Evening meal allowance) - £9.54

Where any meal (including sandwiches and/or a light buffet) is provided free of charge by the Authority or a third party in respect of a meal or the period to which an allowance relates, the rates set out above shall be reduced by the whole amount of the allowance.

A claimant shall not be entitled to both a tea allowance and an evening meal allowance in relation to the performance of the same Approved Duty.

2. (a) In the case of an absence overnight from the usual place of residence - £75.31

(b) For such absence overnight in London or for the purposes of attendance at a Conference of the Local Government Association - £87.12

(c) The rates set out in paragraphs 2(a) and 2(b) above are deemed to cover a continuous period of absence of 24 hours

(d) Where any meal (including sandwiches and/or a light buffet) is provided free of charge by the Authority or a third party in respect of a meal or the period to which an allowance under paragraphs 2(a) or 2(b) above relates, the rates set out in paragraphs 2(a) and 2(b) shall be reduced by the amount set out in relation to that meal in paragraph 1.

(e) For the purposes of this Schedule, "London" means the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wadsworth, and Westminster



3. Where breakfast, lunch or an evening meal are taken on trains during a period for which there is an entitlement to the day subsistence allowance, the reasonable cost of the meal(s) (including VAT) shall (subject to paragraph 4 below) be reimbursed in full and in such circumstances the day subsistence allowance for the appropriate meal period shall not be payable.
4. Paragraph 3 above shall only apply:
  - (a) in relation to breakfast, if there is an absence of more than 4 hours before 11 am
  - (b) in relation to lunch, if there is an absence of more than 4 hours including the period between 12 noon and 2 pm
  - (c) in relation to dinner, if there is an absence of more than 4 hours ending after 7 pm.

# Indemnities for Members and Officers

1. In this policy, the term “Member” refers to current and former Members and co-opted Members of the Authority; and “Officer” refers to current and former employees of the Authority.
2. Subject to:
  - a. The granting of an indemnity in accordance with the terms of this policy being approved by the Clerk under the power delegated to them by the Authority (referred to in 7 below), and
  - b. The exceptions in 4 below, the Authority will indemnify a Member or Officer in relation to any action of, or failure to act by, them which:
    - i. has been authorised by the Authority, or
    - ii. forms part of, or arises from, any powers conferred or duties placed upon them as a consequence of any function being exercised by them (whether or not when exercising the function they do so in their capacity as a Member or Officer) at the request, with the approval or for the purposes of the Authority.
3. The application of this indemnity policy will include circumstances in which a Member or Officer:
  - a. Believed an action, or failure to act, was within the powers of the Authority, and it was reasonable for them to hold that belief at the time they acted or failed to act, or
  - b. Where the action or failure comprised the issuing or authorisation of any document containing any statement:
    - i. as to the powers of the Authority, or
    - ii. that certain steps had been taken or requirements fulfilled, believed the contents of the statement to be true, and it was reasonable for them to hold that belief at the time they acted or failed to act, or
  - c. Reasonably believed that an act or omission which is subsequently found to be beyond the powers of the Member or Officer, was within their powers at the time of the act or omission.
4. This indemnity policy will not apply:
  - a. To any action or failure to act which constitutes a criminal offence, or
  - b. To any action or failure to act which is the result of fraud, or other deliberate wrongdoing or recklessness on the part of a Member or Officer, or
  - c. To the making by a Member or Officer of any claim in relation to an alleged defamation of that Member or Officer, or
  - d. If a Member or Officer, without the written consent of the Authority, admits liability or negotiates or attempts to negotiate a settlement of any claim made against them or the Authority.
5. Notwithstanding 4 above, and subject to 6 below, the Authority will indemnify a Member’s or Officer’s costs in relation to:





- a. The defence of criminal proceedings against them, or
- b. Any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence, or
- c. The defence of an allegation of defamation against them, or
- d. The defence of an allegation against a Member of a breach by that Member of the Authority's Code of Conduct.

6. If:

- a. A Member or Officer is convicted of a criminal offence and the conviction is not overturned on appeal, or
- b. A Member is found not to have complied with the Authority's Code of Conduct and the finding is not overturned, or
- c. following an allegation of a failure to comply with the Authority's Code of Conduct, the Member in question admits to such failure the Member or Officer in question shall reimburse the Authority (or the Authority's insurer as the case may be) any sums expended by the Authority or the insurer in relation to the defence proceedings. Such sums shall be recoverable by the Authority or insurer as a civil debt.

7. Except in relation to themselves, in which event the granting of an indemnity shall be a matter for the Authority, the Clerk shall have delegated power to approve the granting of an indemnity in accordance with the terms of this policy, after consultation with the Chair of the Authority, the Chair of the Audit, Governance and Ethics Committee, the Treasurer and/or the CFO (as may be appropriate).

8. The Clerk shall also be authorised to:

- a. Impose any additional terms for the grant of indemnity as may be considered by them appropriate or necessary for the proper application of this policy and/or for securing reimbursement of any sums which the Member or Officer may be required to repay to the Authority (or the Authority's insurer) (as the case may be),
- b. Refuse consent to the continued retention of independent solicitors or counsel at the expense of the Authority unless the Member or Officer supplies a written opinion from solicitors or counsel that the Member or Officer concerned has reasonable grounds to defend criminal proceedings or an allegation of failure to comply with the Authority's Code of Conduct, and
- c. Refuse to pay any costs which in their opinion are unreasonably incurred by the Member or Officer, subject to the Member or Officer having a right of appeal against any such refusal to the Authority.

# Indemnities for Members and Officers

9. The grant of an indemnity will automatically be withdrawn at an earlier date than any hearing under criminal proceedings or an alleged failure to comply with the Authority's Code of Conduct (as the case may be) if a Member or Officer:

- a. Admits a criminal charge prior to the hearing,
- b. Changes a plea from not guilty to guilty, or
- c. Admits to a failure to comply with the Authority's Code of Conduct, and they shall forthwith be required to reimburse the Authority (or the Authority's insurer) for any sums expended in providing the indemnity.

10. This policy is without prejudice to the provisions of the Public Health Act 1875, the Local Government Act 1972, the Fire and Rescue Services Act 2004 and any other statutory power.

11. In relation to Officers, this policy is without prejudice to the right of the Authority or CFO to institute disciplinary action.

12. The Authority may revoke or amend this policy at any time, but not so as to withdraw the grant of indemnity or the entitlement to claim an indemnity in relation to a matter arising prior to any revocation or amendment.



Avon Fire &  
Rescue Service  
Temple

# Anti-fraud and Anti-corruption Strategy and Response Plan

## 1. Strategy

### Introduction

1.1. The stewardship of public money is a fundamental responsibility for both Members and staff. The Fire Authority is committed to making sure that the opportunity for fraud and corruption is reduced to the lowest possible risk. Where there is the possibility that fraud, bribery, and corruption have occurred, we will deal with the issue in a firm and controlled manner.

1.2. We have a zero tolerance approach to fraud, bribery and corruption and the organisation will not enter in to any agreement or arrangement with any organisations that seek to influence our decision making.

1.3. An important part of our approach is this Anti-fraud and Anti-corruption Strategy which provides a guide on what fraud and corruption is, what everyone's responsibility is to prevent fraud, bribery and corruption and how to report it.

1.4. The Authority is committed to an effective Strategy designed to:

- a. Encourage prevention
- b. Promote detection
- c. Identify a clear pathway for investigation

1.5. The Authority demands that individuals and organisations with which it comes into contact act towards the Authority with integrity and without fraudulent or corrupt intent.

1.6. This Strategy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:

- a. Culture
- b. Prevention
- c. Detection and Investigation
- d. Training

1.7. The threat from bribery, fraud and corruption is both internal and external. We expect that Members and employees at all levels will lead by example to ensure high standards of propriety and accountability are established and adhered to.

1.8. This Strategy emphasises to all staff the importance placed by the Authority on probity, financial control and honest administration. This message extends to all those who work with the Authority - consultants, contractors, suppliers and the like – to reinforce our expectations of their behaviour and to give us any help, information and support we need to deal with bribery, fraud and corruption.

### Definitions

1.9. "Bribery" and "Corruption" involves offering, promising or giving a payment of benefit-in-kind to influence others to use their position in an improper way to gain an advantage. Bribery does not have to involve cash, or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to



an event. Bribery does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. These offences are created by the Bribery Act 2010.

1.10. "Fraud" means any person who dishonestly makes a false representation to make a gain for himself or another or dishonestly fails to disclose to another person, information which he is under a legal duty to disclose, or commits fraud by abuse of position, including any other offence as defined in the Fraud Act 2006.

1.11. "Theft" is the dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it; and it is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.

### **Culture**

1.12. The Authority acknowledges the responsibility it has for the administration of public funds and places great importance upon probity, financial control and honest administration. The Authority's arrangements for the prevention and detection of fraud and corruption will be kept under review, suspected irregularities will be vigorously pursued and all appropriate action will be taken.

1.13. The Authority anticipates that its employees will support this approach by reporting matters of genuine concern. The Authority acknowledges that employees may not find it easy to report a concern about a financial irregularity, especially when it may turn out to be fraud or corruption. The Authority assures employees raising concerns that they will be fully supported, they will have nothing to fear from reprisals and there will be no adverse impact on their personal situation.

1.14. The Authority would generally expect employees to report matters of genuine concern to their line manager. If employees prefer to raise concerns aside from line management, the Authority's Confidential Reporting Code (generally known as the "Whistleblowing" policy) provides clear guidance as to how individuals can raise concerns of malpractice in any aspect of the Authority's work on a confidential basis without fear of recrimination or victimisation. That policy even allows individuals, if they wish, to raise their concerns with the Clerk to the Fire Authority, who is not a member of principal management and is answerable only to the Authority itself.

1.15. A copy of the Confidential Reporting Code can be found on the website.

1.16. The Authority also encourages members of the public, contractors and others to report any concerns.

1.17. The Authority will honour requests for confidentiality from employees and others who report concerns.

1.18. The Authority will always deal swiftly and thoroughly with any employee who attempts to defraud the Authority or who is corrupt. The Authority will be robust in dealing with any malpractice, financial or otherwise.

# Anti-fraud and Anti-corruption Strategy and Response Plan

## Prevention

1.19. The Authority recognises that a key preventative measure against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the propriety and integrity of potential employees. Recruitment will follow the procedures laid down from time to time by the Service Leadership Board (SLB) for ascertaining the honesty and integrity of potential employees, the legitimacy of qualifications and for obtaining any appropriate disclosure of criminal records.

1.20. The Authority has a Constitution to regulate the conduct of its affairs. These impose duties and responsibilities on Members and employees which they are required to undertake as part of their contract. These documents are kept under review.

1.21. Members are required to comply with the Code of Conduct, which the Authority has adopted under the Local Government Act 2000 and, as part of their responsibilities, are required to notify the Clerk of their financial and other interests for entry in a public register.

1.22. Employees are expected to follow the provisions and conduct set out in the Conduct in the Probity and Public Service document and any code related to their professional role and qualifications.

1.23. The procedure for making a complaint against a Member is available to the public and Officers on the website.

1.24. Under the Conduct in the Probity and Public Service document employees are required to declare any interest or association they have with any Authority contract (e.g. providing services as an independent contractor undertaking authorised secondary employment), by completing an Admin 60 form. These declarations will be entered in a register maintained by the Clerk.

1.25. Members and employees have to consider very carefully whether to accept gifts or hospitality offered to them because of their membership of or employment with the Authority. In many instances it would be inappropriate to accept such offers and accordingly they must be refused. The Members' Code of Conduct and Probity in the Public Service document deals respectively with the circumstances in which gifts or hospitality may be accepted by Members and employees and also with the declaration and recording of gifts or hospitality accepted or rejected.

1.26. All gifts and hospitality offered to Members is recorded on a Receipt of Gifts and Hospitality form and entered onto the Register of Members Gifts and Hospitality. All gifts and hospitality offered to employees is recorded on an Admin 62 form and entered in a register maintained by the Clerk. Both Registers are monitored by the Clerk and CFO and published for public record on a quarterly basis.

1.27. The Authority has established financial systems to ensure efficient and effective internal controls. These systems will be reviewed and developed in line with best practice. The adequacy and appropriateness of the Authority's financial and other systems is independently monitored by both internal and external audit and all audit reports are presented to and considered by the Authority.



## Detection and Investigation

1.28. Preventative systems, particularly systems of internal control, which exist within the Authority, have been designed to provide indicators of any fraudulent activity, and thereby act as a deterrent.

1.29. The Authority, through internal audit, also undertakes specific tests or initiatives to detect fraud. The Authority also participates in the National Fraud Initiative to “match” data across different financial systems to detect fraud. All data extraction and use will adhere to Data Protection legislation and have regard to confidentiality of information.

1.30. It is, however, often the alertness of employees and others in spotting signs of fraud or corruption that enables detection to occur and the appropriate action to be taken when evidence of fraud or corruption exists. As mentioned in paragraph 1.3 earlier, the Authority would expect employees, in support of its policy, to report matters of genuine concern. Paragraph 1.3 gives details of the procedures in place for the confidential reporting of concerns and the support, which the Authority will give to employees.

1.31. Despite the best efforts of managers and auditors, fraud and corruption is sometimes discovered by chance or tip off and the Authority has in place procedures to deal with such information.

1.32. Depending on the nature and anticipated extent of the alleged fraud or corruption, investigations will either be undertaken internally, with the assistance of internal audit where appropriate, or in conjunction with other agencies such as the Police to ensure that all allegations are properly investigated and dealt with.

1.33. The Authority’s disciplinary procedures will be used where an investigation indicates improper conduct on the part of employees. Guidelines to these procedures are outlined in the Discipline Policy available on the staff intranet.

1.34. The Audit, Governance and Ethics Committee, will generally monitor allegations of impropriety made against members of the Authority.

1.35. The Authority will normally notify the Police of any incident of suspected fraud, theft, corruption or other criminal offence and will take all actions available to recover any losses.

## Training

1.36. The Authority recognises that the continuing success of this strategy depends to a considerable extent upon the effectiveness of training given to employees and to the responsiveness of those employees.

1.37. To facilitate this, the Authority supports the concept of training and development for employees, particularly those involved with internal control systems to ensure that their responsibilities and duties in relation to this strategy are regularly highlighted and reinforced.

1.38. In addition, the Authority believes that this strategy, the Conduct and Probity in the Public Service document and the Confidential Reporting Code should be widely available to employees and their provisions regularly drawn to the attention of employees. Copies of these documents are to be found elsewhere in this Constitution.

# Anti-fraud and Anti-corruption Strategy and Response Plan

1.39. The Authority's internal audit arrangements are provided under contract by an independent supplier. The Authority will ensure that this strategy and the documents and other matters referred to in it are brought to the attention of the supplier from time to time. The Authority will expect the supplier of internal audit services to put and keep in place a training programme adequate to ensure that its staff are competent in fraud detection and awareness and in the investigation of allegations of fraud and corruption.

## Roles and Responsibilities

1.40. Although action on fraud, bribery and corruption is everyone's responsibility there are additional expectations placed upon the following:

- a. The Members of the Audit, Governance and Ethics Committee which considers reports from internal and external audit and approves relevant action plans.
- b. The CFO who has overall day-to-day management responsibility for the Authority's affairs.
- c. The Clerk whose role is to ensure proper governance and probity throughout the Authority.
- d. The Treasurer (as s.112 Officer) has overall responsibility for the Authority's financial affairs under s.114 of the Local Government Finance Act 1988 and for the implementation of internal financial controls and for the Authority's financial affairs respectively is responsible for the implementation of internal financial controls and the investigation of allegations of fraud and financial irregularities.
- e. Internal Audit who are responsible for providing to the Authority an adequate and effective system of internal audit of its accounting records and control systems under Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015.
- f. External Audit, who audit the Authority's financial affairs in accordance with the requirements of the 2014 Act and 2015 Regulations.

## Conclusion

1.41. The principal documents approved by the Authority in connection with the avoidance of fraud and corruption, detection and prevention and the investigation of allegations are:

- a. Standing Orders
- b. Financial Regulations
- c. Contract Procedure Rules
- d. Members' Code of Conduct
- e. Conduct and Probity in the Public Service
- f. Confidential Reporting Code
- g. Disciplinary Rules and Procedures
- h. Anti-Fraud and Anti-Corruption Strategy and Response Plan

The attention of Members and employees must be drawn to these documents.





Further information or advice in relation to any of these matters may be obtained from the Clerk, the Treasurer or SLB.

## 2. Response Plan

### Introduction

2.1. The Authority is committed to the values of probity and accountability and the first part of this section sets out the Authority's strategy to prevent and deal with cases of suspected fraud or corruption.

2.2. The Authority has taken steps, as set out in the Strategy, to avoid instances of fraud or corruption arising, but it is possible, in spite of the steps taken, for cases of corruption, fraud or attempted fraud to arise. This plan gives advice and information to Managers and employees in general as to what to look for, provides advice to Managers as to the provision and operation of systems designed to detect and prevent fraud and error, and provides guidance as to what action to take if fraud or corruption is suspected.

2.3. The prevention of fraud and corruption and the protection of public funds is everyone's business.

### Detection and Awareness

2.4. Paragraph 1.2 of the Strategy provides definitions of "fraud" and "corruption". Thankfully incidents of corruption happen rarely but, when they do, they are likely to be discovered only as a result of suspicions raised by employees, Members, contractors or the public. Warning signs may include suspicions of the receipt of money or significant gifts or hospitality from third parties or unusually favourable treatment being given to an individual or company (e.g. appearing to favour one potential supplier over others).

2.5. The potential for fraud is more widespread and often difficult to spot. The remainder of this section gives hints as to what to look for and gives examples of frauds which have taken place.

### Where Fraud Might Happen

2.6. Fraud can occur in any area of the business of the Authority and can be committed by employees, contractors, suppliers, or persons unconnected to the Authority. The following areas have been identified as being particularly susceptible to fraud due to the transfers of monies involved:

- a. Claims of items of service from contractors
- b. Travel and expense claims
- c. Cash receipts/petty cash
- d. Payroll
- e. Ordering
- f. Stocks and Assets

# Anti-fraud and Anti-corruption Strategy and Response Plan

## 2.7 Examples of Fraud

- a. Claims for items of service:
  - i. claiming for services not performed
  - ii. claiming for a higher level of service from that performed
  - iii. claiming for a service which is or includes a service provided to an employee on a personal basis
- b. Travel Claims
  - i. false journeys claimed/same journey claimed twice
  - ii. mileages inflated
  - iii. higher reimbursement rates claimed
  - iv. employees claim for a journey taken together and make individual expense claims
  - v. false or inflated claims made
  - vi. claim submitted to the Authority and to a third party
  - vii. excessive/inappropriate expenses claimed
- c. Cash receipts
  - i. accepting cash without receipting or declaring it
  - ii. altering documentation to disguise theft of cash
  - iii. substituting cheques received, but not recorded, for cash received from petty cash
  - iv. reimbursement sought for receipted but inappropriate expenditure
  - v. vouchers/receipts submitted, but no expenditure made via payroll
  - vi. erroneous or "ghost" employees introduced onto the payroll, the salary being paid to the perpetrator
  - vii. hours worked overstated to the advantage of flexi-time or over-time arrangements or misuse of the "flexitime" system
  - viii. changing employee pay rates/hours or allowances without authorisation
- d. Ordering
  - i. goods ordered for personal use or from a specific supplier in return for some form of benefit
  - ii. goods ordered from own, relatives' or friends' business
  - iii. accepting a lower number of items than ordered, but certifying an invoice for the higher number
  - iv. creating/certifying false invoices for which no order has been raised (internally or externally generated)



## e. Stocks and Assets

Misuse, theft and fraud in this area are not unusual. The most obvious and common risk area is stationery. A further problem is the use of Authority's assets for an individual personal reason, e.g.

- i. using a computer, fax or telephone for running a private business or for other private purposes
- ii. using 'franking' machine for personal mail

## f. Claims for Damages

- i. personal injury claims settlement including loss of earning payments, not repaid to the Authority.
- ii. personal injury claims falsely alleged as work related or wrongly inflated.
- iii. claims for damage to personal effects falsely alleged as work related or wrongly inflated.
- iv. sick pay/loss of earnings/claims falsely alleged as work related or wrongly inflated.

NOTE: The above does not represent a comprehensive list of potential frauds but are examples only.

### **How to Look for Fraud**

2.8. All managers should ensure that controls are in place to prevent and detect fraud and error, fraudulent invoices and falsification of records. Therefore, managers need to be aware of the possibility of fraud when reviewing or being presented with claims/forms/documentation etc. Issues that may give rise to suspicions are:

- a. Documents that have been altered, Tippex used or different pens and different handwriting
- b. Claims that cannot be checked, particularly if prior authorisation was not given
- c. Strange trends (comparisons and reasonableness)
- d. Confused, illegible text and missing details
- e. No vouchers or receipts to support claims
- f. Suspicious e mails or weblinks.

2.9. There may also be a number of indications of an employee being in a situation whereby he/she could be acting fraudulently. Managers may need to be concerned where employees are:

- a. Living beyond their means
- b. Under financial pressure
- c. Exhibiting stress
- d. Not taking annual leave
- e. Solely responsible for a "risk" area and/or possibly refusing to allow another employee to be involved in their duties.

# Anti-fraud and Anti-corruption Strategy and Response Plan

## Controls to Prevent and Detect Fraud

2.10. Managers must ensure that the systems they operate include a number of effective controls designed to detect and prevent fraud and error. The actions and controls managers should take/consider are as follows:

- a. Document procedures and controls and train staff in their use.
- b. Managers should check compliance with procedures.
- c. Separate duties between staff and consider staff rotation. Avoid a single employee being solely responsible for the initiation through to completion of a transaction.
- d. Introduce adequate "internal check". Most simply this involves an independent employee checking the work/calculations/documentation prepared by the initiating officer, e.g: a travel claim could be checked by a Manager to original work records, e.g: diaries or "Autoroute" could be used.
- e. Expense claims should be supported by appropriate receipts.
- f. Ensure prior documented approval of expense generating courses, visits etc.
- g. Cross out incompleting parts of a claim form, thereby making the addition of further expenses after approval difficult.
- h. Minimise/track/cash holdings. Bank cash/cheques regularly, at least weekly, possibly more frequently depending on value and risk.
- i. Review budget statements and other management information and follow up variances, e.g.:
  - i. why has Y income dropped by 50%
  - ii. why expenditure on travel is exceeding budget by 50%, etc.
- j. Use trend analysis.

2.11. Where, in relation to employees, registers are to be maintained (e.g. in accordance with the Conduct and Probity in the Public Service document) of personal interests, relationships with Contractors, the offering or receipt of gifts or hospitality or other like matters. The Clerk and CFO should undertake regular periodic checks to establish so far as practicable:

- a. That the necessary declarations are being made and the registers are maintained up to date
- b. Whether the registers disclose matters which are or may be prejudicial to the interests of the Authority or may give rise to the potential for acts of fraud or corruption
- c. Whether changes should be made to related documents or to existing practices and take any appropriate action.



## What to Do if Theft, Fraud or Corruption Suspected

- 2.12. The Authority expects employees to report matters of genuine concern.
- 2.13. It is important that the correct procedures are followed to ensure that the situation is handled professionally and to safeguard against criminal or disciplinary cases being compromised.
- 2.14. Employees should generally report suspicions to their line manager. However, there may be occasions when this may be inappropriate or when employees may feel uncomfortable about reporting matters in this fashion. The Authority's Confidential Reporting Code sets out an alternative confidential reporting procedure which should be followed in these circumstances.
- 2.15. Employees **must**:
- Report suspicions without delay.
  - Retain any evidence which they have.
  - Make an immediate note of the issues and concerns.
- 2.16. Employees **must not**
- Convey suspicions to anyone other than the line manager or in accordance with the procedure laid down in the Confidential Reporting Code.
  - Inform the police (except in an emergency).
  - Investigate or interview staff.
- 2.17. Allegations of fraud, corruption or theft made against an employee must be reported by the person receiving the complaint directly to the "nominated officer" who is responsible for the investigation of the allegation. In most cases this will be the Treasurer.
- 2.18. In the event that such an allegation is made against a member of SLB or it is suspected at any stage that a member of SLB may be involved, the nominated officer will be the Clerk and allegations must be reported directly to them.
- 2.19. Allegations made against Members of the Authority must be reported by the person receiving the complaint directly to the Clerk who will determine the action to be taken in accordance with the Code of Conduct, or the police as appropriate.
- 2.20. Within 7 days of receiving a complaint the nominated officer shall determine where it is appropriate to do so in all the circumstances of the case, whether to refer the matter to the police; and if so shall do so immediately. In all cases the complaint shall be dealt with under the disciplinary procedure (or under the arrangements made for investigating breaches of the Members' Code of Conduct as appropriate) except where the matter has been referred to the Police in which case no action shall be taken that could potentially prejudice any investigation conducted by the Police or any resulting criminal proceedings.

## Anti-fraud and Anti-corruption Strategy and Response Plan

2.21. This will not preclude the Authority taking the neutral act of suspending an employee, if that is required to protect the organisation or the individual concerned.

2.22. If the Police or Crown Prosecution decide to take no further action or at the conclusion of any criminal proceedings if the employee is still employed by the Authority disciplinary action may be undertaken; and if the Member is still a Member of the Authority a Code of Conduct investigation may be undertaken.

2.23. If allegations of fraud, corruption or theft are found to have merit the Clerk shall have responsibility for taking all reasonable steps to recover any losses incurred by the Fire Authority.



BA  
ENTRY  
CONTROL  
OFFICER

FIRE & RESCUE  
SERVICE

FIRE  
INCIDENT  
COMMANDER

FIRE & RESCUE  
SERVICE

# Members' Code of Conduct and dealing with Complaints

## A. Members' Code of Conduct

### 1. Introduction

1.1. You are a Member (or co-opted Member) of the Authority and hence you shall have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the following requirements, by leadership and example.

### 2. The Code

2.1. Accordingly, when acting in your capacity as a Member:

- a. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate. You must conduct yourself in an exemplary manner in all aspects of your role.
- b. You must not place yourself under a financial or other obligation to outside individuals, organisations or interests that might seek to influence you in the performance of your official duties.
- c. When making a decision, to consider the matter with an open mind and on the facts before the meetings at which the decision is to be taken, and be mindful of Localism Act provisions in relation to predetermination and bias.
- d. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- e. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- f. You must be as open as possible about your decisions and actions and the decisions and actions of your Authority and should be prepared to give reasons for those decisions and actions.
- g. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- h. You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- i. You should have regard to the Authority's policies, protocols and procedures.
- j. You must promote and support high standards of conduct when serving in





your public office, in particular as characterised by the above requirements, by leadership and example including mutual respect for the Authority's staff and other Members.

- k. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.
- l. You must behave in accordance with your legal obligations and with the requirements of the Authority's policies, protocols and procedures.
- m. You must not do anything which may cause the Authority to breach any equality enactments, nor bully any person.
- n. You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, witness or involved in investigative proceedings in relation to an allegation that a member of the Authority (including yourself) has failed to comply with this Code.
- o. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonable to be aware, is of a confidential nature, except where:
  - i. you have the consent of the person authorised to give it,
  - ii. you are required to do so by law,
  - 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 reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Authority.
- p. You must not prevent another person from gaining access to information to which that person is entitled by law.
- q. When reaching decisions on any matter, you must:
  - i. have regard to any relevant advice provided to you by Clerk and Treasurer when acting pursuant to their statutory duties, and
  - ii. give reasons for decisions in accordance with any statutory requirements and any additional reasonable requirements imposed by the Authority.
- r. It is essential your working relationships should always be kept on a professional basis.

### **3. Registering and declaring pecuniary and non-pecuniary interests**

3.1. You must, within 28 days of becoming a Member, notify the Clerk of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

# Members' Code of Conduct

3.2. In addition, you must, within 28 days of becoming a Member, notify the Clerk of any disclosable pecuniary or non-pecuniary interest which the Authority has decided should be included in the register.

3.3. If an interest has not been entered onto the Authority's register, you must disclose the interest to any meeting of the Authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

3.4. Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Clerk of the interest within 28 days beginning with the date of disclosure.

3.5. Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, you must observe the restrictions the Authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Authority.

## **B. Arrangements for dealing with complaints**

### **1. Receipt of Complaint**

1.1. The Clerk will normally acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Member concerned (Subject Member) with details of the allegations (subject to any representations from the Complainant on withholding their identity which are accepted as valid by the Clerk).

1.2. The Subject Member may, within 10 working days of receipt, make written representations to the Clerk which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Clerk, but will in any event not be considered after the Clerk has issued the Complaint Initial Assessment.

### **2. Complaint Initial Assessment**

2.1. The Clerk will review the complaint and, after consultation with the Independent Person, take a decision (Complaint Initial Assessment) as to whether it merits further consideration or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

2.2. A complaint will be rejected if:

- a. It is not against one or more named Members of the Authority; or
- b. The Subject Member was not in office at the time of the alleged conduct/or a Code of Conduct was not in force at the time; or
- c. The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.



2.3. If appropriate, the Clerk will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally, or rejected:

- a. Whether a substantially similar allegation has previously been made by the Complainant or the complaint has been subject of an investigation by another Regulatory Authority.
- b. Whether the complaint is about something that happened over 6 months ago as those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.
- c. Whether the allegation is anonymous.
- d. Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:
  - i. the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; or
  - ii. whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation.
- e. Whether the complaint appears to be malicious, vexatious, politically motivated or 'tit-for-tat'.
- f. Whether the complaint suggests that there is a wider problem throughout the Authority.
- g. Whether it is apparent that the Subject Member has apologised for making an error and the matter would not warrant a more serious sanction.
- h. Whether training or conciliation would be the appropriate response.

### **3. Identity of the Complainant**

3.1. If the Complainant has asked for their identity to be withheld, this request will be considered by the Clerk at the Complaint Initial Assessment stage.

3.2. As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Clerk may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or their employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

3.3. If the Clerk decides to refuse a request by a Complainant to withhold their identity, the Complainant will be offered the option to withdraw the complaint, rather than proceed with their identity being disclosed.

# Members' Code of Conduct

## 4. Additional Information

4.1. The Clerk may require additional information to come to a decision and may request information from the Subject Member or otherwise.

4.2. In appropriate cases, the Clerk may seek to resolve the complaint informally, without the need for an investigation. Such Informal Resolution may involve the Subject Member accepting that their conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the Authority (in appropriate cases) make a reasonable offer of informal resolution, but it is rejected by the Complainant, the Clerk will take account of this in deciding whether the complaint merits further consideration.

## 5. Further Consideration

5.1. In the event that it is concluded that the complaint merits further consideration, the matter will be dealt with in one of three ways:

- a. Informal Resolution
- b. Summary Hearing
- c. Formal Investigation

5.2. The decision as to how to proceed will be made by the Clerk following consultation with the Independent Person and will be final.

## 6. Informal Resolution

6.1. If the Clerk considers that the matter can reasonably be resolved without the need for a hearing, the Independent Person and the Complainant will be consulted to seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Clerk will take no further action. The target timescale for this will be 10 working days of the Complaint Initial Assessment.

6.2. If the Complainant or the Subject Member refuses Informal Resolution in principle or to engage with the agreed outcome, the Clerk will refer the matter for a Summary Hearing or a Formal Investigation without further reference to the Complainant or the Subject Member. The target timescale for this will be 15 working days from the refusal to co-operate.

6.3. Engagement in the Informal Resolution process will usually prevent the complaint from progressing to a Summary Hearing or an investigation.

## 7. Summary Hearing

7.1. Where, in the opinion of the Clerk, Informal Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, the Clerk will report on the complaint to the Member Conduct Panel which may conduct a Summary Hearing by the Panel before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member. Alternatively, if the Panel decides that the complaint is not suitable for a Summary Hearing it may direct that a Formal Investigation takes place.



7.2. Under this procedure, the complaint and the comments made by the Subject Member will be collated into a report for the hearing. The Complainant and the Subject Member will be informed of the hearing date and the complaint, together with supporting evidence/witnesses and the Subject Member's comments and supporting evidence/witnesses will be presented to the hearing. The only witnesses permitted are people referred to in the evidence, and not, for example, character witnesses.

7.3. The Independent Person will be invited to attend the hearing.

7.4. The Panel will make a decision based on the evidence presented by the two parties about whether there has been a breach of the Code, and if so, what sanctions they may impose; and the views of the Independent Person.

7.5. This hearing should take place within 20 working days of the Complaint Initial Assessment.

### **8. Formal Investigation**

8.1. Where the Clerk (following consultation with the Independent Person) considers that a complaint merits formal investigation, an Investigating Officer will be appointed. The Investigating Officer may be an Officer of the Authority or an external investigator.

8.2. The role of the Investigating Officer is to determine whether or not the Subject Member has a case to answer i.e. whether there is sufficient evidence to indicate that a potential breach of the Code may have occurred.

8.3. The Investigating Officer will follow guidance issued by the Clerk on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of resources and shall be interpreted in line with these principles.

8.4. At the end of their investigation, the Investigating Officer will send a copy of their draft report to the Complainant and the Subject Member for any comments and will take these into account before issuing their final report to the Clerk.

8.5. The target time for completion of the investigation is 12 weeks from the date of appointment.

### **9. Investigating Officer Finding of No Case to Answer**

9.1. The Clerk (following consultation with the Independent Person) will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is satisfactory, will within 10 working days make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

9.2. The Clerk will write to the Complainant and the Subject Member with a copy of the Confirmation Decision and the Investigating Officer's final report. The target timescale will be 10 working days from receipt of the report.

9.3. If the Clerk is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion. This should be done within 5 working receipt of the report.

# Members' Code of Conduct

## 10. Investigating Officer finding of A Case to Answer

10.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Hearing before the Panel or, after consulting the Independent Person, seek Informal Resolution. The target timescale is 10 working days from receipt of the report. Any Hearing shall take place as soon as reasonably practical.

## 11. Panel Hearing Procedure

11.1. The Hearing will be conducted fairly and in accordance with the rules of natural justice.

11.2. Prior to the Hearing the Clerk will give directions as to the presentation of evidence by the Independent Investigator and the Subject Member and the calling of any witnesses.

11.3. The Investigating Officer, the Subject Member and Independent Person shall be invited to attend the hearing.

11.4. At the hearing the procedure will be as follows (subject to any directions given under 11.2 above):

- a. The Independent Investigator will present their report to the Panel and call any witnesses in support.
- b. The Subject Member may ask the witnesses any questions.
- c. The Panel may ask the witnesses any questions.
- d. The Independent Investigator may clarify any issues with witnesses arising from the questions asked.
- e. The Subject Member will respond to the report and call any witnesses in support
- f. The Independent Investigator may ask the witnesses any questions.
- g. The Panel may ask the witnesses any questions.
- h. The Subject Member may clarify any issues with witnesses arising from the questions asked.
- i. The Independent Person may provide their views to the Panel.
- j. The Investigating Officer may make closing arguments.
- k. The Subject Member may make closing arguments.
- l. The Panel will retire with the Clerk (or their Deputy) to consider the case making findings of fact and come to a decision on whether the Code of Conduct has been breached.
- m. The Panel will announce their decision and give an indication of the sanction(s) it believes appropriate in the circumstances.
- n. If a breach of the code is found the Panel shall invite representations on the proposed sanction(s) to be imposed as set out in 12 below.
- o. The Panel will consider those representations and announce its final decision on sanction(s).



## **12. Action the Panel may take where a Member has failed to comply with the Code of Conduct**

Where the Panel finds that a Member has failed to comply with the Code of Conduct, the Authority has delegated to the Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Panel may decide to do one or more of the following:

- a. Publish its findings in respect of the Subject Member's conduct.
- b. Report its findings to the Authority for information.
- c. Recommend to the Authority that the Subject Member be censured.
- d. Recommend to the Authority that the appointing Unitary Authority replaces the Subject Member on the Authority.
- e. Recommend to the Subject Member's Group Leader (or in the case of un-grouped Members, recommend to the Authority) that they be removed from any or all Committees or Sub-Committees of the Authority.
- f. Instruct the Clerk to arrange training for the Member.
- g. Withdraw facilities provided to the Subject Member by the Authority.
- h. Exclude the Subject Member from the Authority's premises, with the exception of meeting rooms as necessary for attending Authority, Committee and other approved meetings.
- i. Require an apology in suitable terms to the Complainant/the Authority.

## **13. Confidentiality**

13.1 All complaints received shall be dealt with on a confidential basis and all reports prepared for the Panel shall be regarded as containing Exempt Information under the Local Government Act 1972.

13.2 At the end of the process following a Summary Hearing or a Hearing following a formal investigation the Panel shall determine what (if any) information received shall be published and in what format subject to any views expressed by the Complainant and the Subject Member and the requirements of the General Data Protection Regulation and the Data Protection Act 2018.

## **14. Revision of these arrangements**

14.1 The Panel may by resolution agree to amend these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter (following consultation with the Clerk and the Independent Person).

## **15. Appeals**

15.1 There is no right of appeal against a decision of the Clerk or of the Panel although redress to judicial review is available.

# Political Group Leader Terms of Reference

## Role Purpose

The Political Group Leader is nominated by a majority of Elected Members from their political party on the Fire Authority, to act as the focal point for the Political Group and its activities.

## Key Responsibilities

1. To promote and support good governance of the Fire Authority and its business for efficiency, effectiveness, and economic value for the communities of each Local Authority area.
2. To provide political direction and leadership to their group of Members, whilst allowing for declared personal, geographic and local authority interests of individual Members.
3. To act as the Political Group's lead spokesperson at meetings and to the public and press.
4. To assist the Clerk by nominating Group Members to be Committee Members to ensure proportional political representation at those Committees, and, where possible, each Committee to be Chaired by a Member from each political group.
5. To review the agenda and attend the Chair's briefing in advance of every Fire Authority meeting and determine whether there is anything on the agenda which should be discussed between Political Group Members prior to the Fire Authority meeting.
6. To arrange meetings with Political Group Members, as required, in advance of Fire Authority or Committee meetings.
7. To represent and make decisions on behalf of the Political Group in respect of urgent matters.
8. To ensure Political Group Member compliance with the Fire Authority's Constitution, including the Members' Code of Conduct and encouraging Political Group Members to play a full part in the running of the Fire Authority and being effective community leaders.
9. To ensure attendance of Political Group Members at Fire Authority and Committee meetings and, where the Member cannot attend, arrange a substitute from the Political Group.
10. To provide peer support to Members of their Political Group (particularly new Members) and spread best practice.
11. To liaise with the Group Leader of any other Political Group on the Fire Authority, as appropriate.
12. To establish effective working relationships with the Chair and Vice Chair of the Fire Authority and its Committees.
13. To establish an effective working relationship with the Clerk to the Fire Authority and be the point of contact for any concerns relating to lack of engagement/attendance or conduct of a Member within their Political Group and engage with the Member concerned. See extract from Standing Orders at Annex A.





14. To establish effective working relationships with the Chief Fire Officer, Treasurer and Service Leadership Board officers and, as appropriate, other staff of Avon Fire & Rescue Service.

## **Annex A to Terms of Reference**

### **Extract from Standing Orders, Fire Authority Constitution**

#### **1.9 Non-attendance of Members**

The objective of this Standing order is to enable the Authority to take action against a Member who persistently fails to engage in the business of the Authority without reasonable cause.

1.9.1 Where a Member fails, throughout a period of three months from the date of their last attendance, to attend any meeting of the Authority, then the appropriate Political Group Leader on the Authority shall be advised of the non-attendance and asked to take appropriate action. Where the Member is not a member of a political group the Clerk shall advise the Member directly.

1.9.2 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Authority, then the Clerk shall write to the Chief Executive of the Member's Unitary Authority advising them of the non-attendance and inviting that Authority to consider removing the Member and appointing an alternative.

1.9.3 Paragraphs 1.9.1 and 1.9.2 shall not apply where the failure to attend was as a result of some reason approved by, or on behalf of, the Authority or one of the Unitary Authorities before the expiry of that period.

1.9.4 A 'meeting of the Authority' includes meetings of the Authority itself and of its Committees.

1.9.5 Where a situation arises with a Member's non-attendance which is not specifically covered by the preceding paragraphs of this Standing Order the Clerk shall take whatever reasonable action is deemed appropriate within the spirit of this Rule to deal with that situation.

# Conduct and Probity in the Public Service

## 1. Introduction

### Standards of conduct and probity

1.1 The public is entitled to expect the highest standards of conduct and probity from all the Authority's employees. The Authority is committed to sound corporate governance and supports the Nolan Committee's 'Seven Principles of Public Life' which apply to employees as well as to Members of the Authority. These principles are:

- a. Selflessness
- b. Integrity
- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership

This section outlines existing laws, regulations and Conditions of Service and provides further guidance to assist staff in the completion of their day to day work in compliance with these principles.

### Status and aims of the guidelines

1.2. The aims of the guidelines are to advise employees of the minimum standards of behaviour expected: to maintain and improve these standards, and to protect employees from misunderstanding or criticism.

1.3. The guidelines apply to all employees but it should be noted that some of the issues covered will affect senior and managerial employees more than other employees.

### Standards and expectations

1.4. Employees are expected to give the highest possible standard of service to the public. Whether it is part of their duties or not, advice to Authority Members and to fellow employees should be impartial.

1.5. Employees will be expected, through this policy (without fear of recrimination) to bring to the attention of the appropriate level of management, any deficiency in the provision of service.

1.6. Employees must also report to an appropriate manager any impropriety or breach of procedure. This may be done through the Confidential Reporting Code. A copy of which is on the website.

1.7. Attention is also drawn to the Authority's Anti-Fraud and Anti-Corruption Strategy and Response Plan which sets out in detail the Authority's strategy for the prevention of fraud and corruption and procedures for identifying and dealing with it (see Section 12A).

1.8. Employees are expected to report matters of concern which may constitute fraud or corruption and the document sets out the procedures including the use of the Confidential Reporting Code for doing this.



## Disclosure of information

1.9. The law requires that certain types of information must be available to Members, auditors, Government departments and the public and additionally made available under the Freedom of Information Act 2000. Conversely, there are requirements, principally in Data Protection legislation, which impose obligations on the Authority not to make unauthorised disclosure of information about individuals. Employees must be aware what information the Authority is in a position to reveal in each case, and that which must remain confidential, and must act accordingly.

1.10. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. Information which is confidential to the Authority must not be disclosed to others.

## Political Neutrality

1.11. Employees serve the Authority as a whole. It follows, therefore, that they must serve all Members, and not those of any particular political group. Employees must ensure that the individual rights of all Members are respected.

1.12. Some employees may also be required to advise political groups. They must carry out these duties in a way which does not compromise their political neutrality.

1.13. All employees (whether or not appointed to a politically restricted post) must follow every lawful policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

## 2. Relationships

### Members

2.1. Employees are responsible and accountable to the CFO through the management structure. Mutual respect between employees and Members is essential to the conduct of Authority business and to service delivery. Close personal familiarity can damage relationships and prove embarrassing to both employees and Members. This should, therefore, be avoided.

2.2. The Member/Officer Relations Protocol provides guidance for both Members and Officers (see Section 12F).

### Local community and service users

2.3. Employees should always remember their responsibilities to the communities that the Authority serves. All staff should ensure that they are courteous, efficient and impartial in the delivery of services to all groups and individuals, within the policies of the Authority.

# Conduct and Probity in the Public Service

## Contractors

2.4. All relationships, direct or indirect of a business or private nature with external contractors, or potential contractors, should be made known by employees by use of a declaration form (Admin 60 form), which is available on the staff intranet, and lodging this with the Clerk.

2.5. Staff at Group Manager level (or support staff equivalent) and above are required by the Contract Procedure Rules to complete an annual declaration of personal interests in contracts as required by the Treasurer.

2.6. Contracts, whether oral or in writing (including Official Orders) must be awarded on merit, following fair competition, and no special favour must be shown during the process of competition to businesses run by, for example, friends, partners or relatives. No potential supplier should be discriminated against. The legal requirements of the procurement and conflicting process are set out in the Contract Procedure Rules and Financial Regulations.

2.7 Such employees must be scrupulous in ensuring that they receive no personal benefit, direct or indirect, from their official activities.

## Appointment and other employment matters

2.8. Employees involved in recruitment and promotion of staff must ensure that appointments to posts are made on the basis of merit. An appointment which is based on anything other than the ability of the candidate to undertake the duties of the post would be unlawful. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.

2.9. Similarly, employees should not be involved in decisions relating to discipline or pay adjustments for any other employee who is a friend, relative or partner, etc.

## Personal interests

2.10. Employees must declare any financial interests that they consider could bring about conflict with the Authority's interests. Similarly, employees must also declare non-financial interests which could conflict with the Authority's interests. This should be done by use of a declaration form (Admin 61 form), which is available on the staff intranet, and lodged with the Clerk.

2.11. An employee or Member should never be influenced by personal gain. They should not give anyone reason to question their motives, and must always act in line with the Authority's policies and procedures.

2.12. Members are not usually permitted either in their own name or via a corporate entity in which they have a substantial interest to enter into a contract for goods, services, works or the like with the Authority.

2.13. Employees should also declare membership of any organisation not open to the public where membership requires commitment of allegiance and which has secrecy about rules of membership or conduct. The Admin 61 form should also be used for this purpose.



## Promotion of Diversity, Inclusion, Cohesion and Equality

2.14. All employees should ensure that the Authority's policies relating to equality and diversity issues are complied with, to ensure fairness and equal treatment and to work within the Authority's obligations in law. All members of local communities, contractors, and fellow employees have a right to be treated with fairness, equality and dignity.

## Separation of roles during tendering

2.15. Employees involved in a tendering process should understand the need for separation of client and contractor roles. Senior employees who may have both a client and contractor responsibility must also be aware of the need for accountability and openness.

2.16. Employees in contractor or client roles must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

2.17. Employees who are privy to confidential information on tenders or costs for either internal or external contracts should not disclose information to any unauthorised party or organisation.

2.18. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## Gifts

2.19. Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, something, or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it will be for the employee to demonstrate that any reward has not been corruptly obtained.

2.20. Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority will allow employees to keep insignificant items of token value such as pens, diaries, etc.

2.21. If, exceptionally, an employee is authorised by management to accept an item of greater value, the employee should complete an Admin 62 form which along with guidance notes is available on the staff intranet and lodged with the Clerk. The same procedure applies to gifts offered but declined. The Register is regularly inspected and signed off by the CFO in conjunction with the Clerk.

## Hospitality

2.22. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community, or where the Authority should be seen to be represented. Attendance should be authorised and the events and times concerned recorded on an Admin 62 form and lodged with the Clerk.

2.23. When hospitality has to be declined, because it is considered inappropriate to accept, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

# Conduct and Probity in the Public Service

2.24. When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

2.25. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where management gives consent for attendance in advance, and where the Authority is satisfied that any purchasing decisions are not compromised.

2.26. Where visits to inspect equipment etc. are required, employees should ensure that the Authority meets the cost to avoid jeopardising the integrity of subsequent purchasing decisions.

2.27. Hospitality (other than the reasonable provision of tea/coffee and biscuits at a meeting or a buffet working lunch) should not normally be given to contractors or potential contractors unless this is official hospitality provided by the Authority.

2.28. If, notwithstanding this general rule, hospitality is to be provided, this must be approved in advance by management.

2.29. The same procedure applies to hospitality as for gifts, with the completion of an Admin 62 form, and lodging this with the Clerk.

## **Use of financial resources**

2.30. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the Authority and the local community, to avoid legal challenge to the Authority.

## **Sponsorship – giving and receiving**

2.31. Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntarily, the guidelines set out here concerning acceptance of gifts or hospitality will apply as will any Authority policy on the use of sponsorship. Particular care must be taken when dealing with contractors or potential contractors.

2.32. Where the Authority wishes to sponsor an event or service, no employee, their partner, spouse or relative, must benefit from such sponsorship in a direct way without there being full disclosure of such interest. An Admin 61 form should be used for this purpose and lodged with the Clerk. Similarly, where the Authority, through sponsorship, financial assistance or other means, gives support in the community, employees should ensure that impartial advice is given, and that there is no conflict of interest involved.

## **Political activity**

2.33. The Authority accepts that it is legitimate for its employees to hold political views and to engage in political activity within the confines of the law (see the Local Government and Housing Act 1989 which restricts the political activity of certain Local Government employees i.e. those holding politically restricted posts).



2.34. Where an employee engages in political activity, including being a Local Councillor, then the employee must declare, to their line manager, whenever such political activity may impinge on, or overlap with their responsibilities as an employee of the Authority. This applies whether or not the employee, as a Member of another local authority, has declared a financial or other interest under the Code of Conduct adopted by the Authority of which they are a member.

2.35. The CFO will decide whether or not such declaration should be openly reported to the Authority, having regard to the principles of open government. This will normally occur where the overlap is clear. This rule could also apply to an employee's spouse or other person with whom the employee has a close personal relationship which would ordinarily be disclosed under these guidelines.

2.36. Further advice and guidance regarding political restriction related to the Local Government and Housing Act 1989 is available from the Clerk.

### **Disciplinary action**

2.37. A breach of any of the above provisions may result in disciplinary action being taken under the appropriate disciplinary code.

# Member/Officer Relationships

## A. The Chair & CFO Relationship

### 1. Both the Chair and the CFO:

- a. Actively develop a relationship based on mutual respect and trust by meeting and communicating on a regular basis.
- b. Have an understanding of each other's personality, motivation and communication preferences.
- c. Pay attention to each other's induction and development, recognising the importance of effective leadership from both people.
- d. Clarify and formalise roles and responsibilities so that each complements the other, leaving no major gaps.
- e. Address disagreements early in a constructive manner, focusing on how best to achieve the organisation's mission.
- f. Work to establish a strong relationship between Authority Members and executive operational staff.
- g. Aim to optimise the relationship's positive impact on the organisation, rather than developing a friendship between individuals.
- h. Have an agreed process of disseminating and discussing urgent information.
- i. Learn from the resolution of any disputes or conflicts.
- j. Building positive relationships with the Group Leads, Committee Chairs and SLB.
- k. Maintain a professional 'tension' to ensure appropriate challenge.

### 2. Their roles avoid:

- a. Taking personally any disagreements over organisational strategy or priorities.
- b. Keeping important information secret – there should be "no surprises".
- c. Closing down or neglecting direct communication channels, allowing the relationship to deteriorate.
- d. Becoming excessively close as a team, limiting the Authority's ability to scrutinise and challenge executive performance.

### 3. The Chair's role is to:

- a. Ensure clarity over the extent and nature of delegated authority, to avoid ambiguities and misunderstandings.
- b. Avoid bypassing the CFO by giving executive instructions directly to staff, other than when exceptional circumstances make this necessary.
- c. Take a leadership role in line-managing the CFO on behalf of the Authority.
- d. Develop self-awareness and work to strengthen his communication skills.





## 4. The CFO's role is to:

- a. Offer advice, support and assistance to the Chair in fulfilling his role.
- b. Always provide the Chair with high quality, timely and relevant information on issues of strategic importance.
- c. Devote time and energy to cultivating an effective relationship with the Authority Members, and especially the Chair.
- d. Demonstrate clear ownership of decisions made by the Authority and act as a champion of the Authority's role to staff.
- e. Ensure Members are fully briefed with meaningful and accurate information to assist in the decision making process.

## B. Protocol for Member/Officer Relations

### 1 Introduction

1.1 Members, as members of the Unitary Authority which appointed them to the Authority, are democratically elected. They have political affiliations and are usually members of a political group on the Authority. Officers must serve the whole Authority objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, Members and Officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in everyday working relationships.

1.2 The purpose of this Protocol is to guide Members and Officers in their relations with one another.

1.3 The Protocol does not seek to be exhaustive but rather seeks to assist on some of the issues which commonly arise. The Protocol is to a large extent no more than a written statement of current practice and conventions – in some areas it promotes greater clarity and consistency.

1.4 The Protocol reflects the principles underlying the Members' Code of Conduct and the Conduct and Probity in the Public Service document. The shared objective of these documents is to maintain and enhance the integrity of local government and they therefore demand very high standards of personal conduct by all Members and Officers.

1.5 The Protocol embodies the following three basic principles:

- a. Members have a right to information and support on a "need to know" basis"

The "need" is so that they can perform their role as a Member and the "need" will vary depending upon the role of the particular Member. It can be limited by conflict of interest, confidentiality and practicality.

- b. Officers must serve the whole Authority objectively

They must therefore provide "unified advice" at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between officers should be resolved or presented in a balanced way which helps Members to choose between them.

# Member/Officer Relationships

- c. Political processes and different roles for Members are a legitimate part of local democracy.

Officer advice and support should be tailored accordingly. A political group on the Authority is entitled to the confidentiality of Officer advice. The overall arrangements for officer advice must be transparent.

1.6. It also embodies the general obligations on Members set out in the Members' Code of Conduct, namely:

- a. To promote equality by not discriminating unlawfully against any person
- b. To treat others with respect
- c. Not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

1.7. Observance of the general principles, the Code and the Probity and Public Services document are essential to the maintenance of high standards of probity and integrity.

1.8. When undertaking the role of Member Champion or Lead Member, Members must comply with the constraints set out in the Member Champion/Lead Member Role Description approved by the Authority.

## 2. Officer Neutrality

2.1. Every officer appointed and every employment decision must be on merit alone in accordance with the Authority's recruitment policies and practice.

- a. Members appoint all members of the Service Leadership Board and Statutory Officers. They also have a formal role in certain employment appeals. Party political factors cannot be taken into account. Members should not:
  - i. take any action which would or might indicate bias or which might otherwise prejudice their role as decision-makers.
  - ii. canvass on behalf of any applicant for appointment. Such canvassing may constitute a breach of the Code.
- b. Officers must not canvass Members on any appointment or other employment issue in which they have a personal interest except in accordance with the Authority's approved procedures and practices. Canvassing on an appointment may disqualify the candidate.

2.2. Convention: Certain posts are politically restricted. An Officer holding a politically restricted post may not:

- a. Become a member of a local authority (other than a Parish/Town Council),
- b. The House of Commons, the Scottish Parliament, the Welsh Assembly or the European Parliament.
- c. Canvass on behalf of a political party or a candidate for election to any of the above.
- d. Speak in public or publish written work with the apparent intention of affecting support for a political party.



2.3. Convention: Officers serve the whole Authority and must be politically neutral at work.

- a. Members should respect an Officer's right to private political opinions. Any questions or concerns about an Officer's neutrality should be raised with the CFO or the Clerk.
- b. The Probity and Public Service document must be observed by Officers. Failure to do so could be a disciplinary matter.
- c. Where an Officer engages in political activity, they must make known to the CFO through their line manager whenever such political activity may impinge on or overlap with their responsibilities as an employee.
- d. Officers must serve all Members and not those of any particular political group. The rights of individual Members must be respected.
- e. Officers must follow every lawful policy of the Authority and must not allow their own personal or political opinions interfere with their work.

2.4. Convention: Close personal relationships between Members and Officers may affect the proper performance of their respective roles.

- a. The Member concerned must judge whether a family relationship or close friendship exists with a current or former Officer and whether this might reasonably give rise to a perception of bias.
- b. In decision-making the Member will need to consider their position under the Code and (where appropriate) disclose a personal and/or prejudicial interest.
- c. A Member should not become involved in or seek improperly to influence decisions affecting a relative or close friend.
- d. The Member concerned should disclose the relationship with an existing Officer to their Group Leader and discuss with them and the CFO how working contact between the Member and the Officer who is a relative or close friend should be managed so as to dispel any perceived bias, taking advice from the Clerk as necessary. The relationship with a former Officer should be disclosed to the Clerk.
- e. The Officer concerned should disclose the relationship to the CFO and discuss with them how working contact with the Member concerned is to be managed so as to dispel any perceived bias, taking advice from the Clerk as necessary.
- f. Officers should be aware that excessive personal familiarity with Members might be misconstrued. The relationship must be proper and professional.
- g. Officers must not use a personal relationship to seek improperly to influence decisions.
- h. In relation to the business of the Authority an Officer must not treat a Member with whom they have a close personal relationship more favourably than another Member undertaking a similar role.

# Member/Officer Relationships

## 3. Provision of Advice and Information to Members

3.1. Convention: Every Member has the right to information, explanation and advice reasonably required to enable them to perform their duties as a Member (or Chair or Group Leader) (the “need to know”) but not where:

- the information is primarily needed for a non-Authority purpose; or
- there is a conflict of interest; or
- there is an over-riding individual right of confidentiality (e.g. an employment matter or a data protection issue)
- disclosure might prejudice the Authority’s legal or financial position. The resources needed to supply the information would be unreasonable.
  - a. A Member should not seek information in breach of this convention.
  - b. A Member need not state a need to know when requesting information but, if asked, may need to justify the request.
  - c. A Member dissatisfied with a refusal to supply information should raise the matter with the CFO who will seek advice from the Clerk where necessary.
  - d. Information sought in compliance with this convention should be supplied to Members in an expeditious manner and Officers should try to anticipate Members’ needs for information.
  - e. If there is doubt as to a Member’s entitlement they should be asked for an explanation. If doubt remains, the matter should be referred to the CFO who will seek advice from the Clerk as necessary.
  - f. The CFO should be consulted before an Officer seeks to deal with a request which will involve a significant amount of work.

3.2. Convention: Members are normally entitled to be given information on a confidential basis.

- a. Members should make it clear to Officers the need for confidentiality, where it applies.
- b. Correspondence between individual Members and Officers given on a confidential basis should not normally be copied by the Officer to another Member.
- c. Where correspondence is to be sent to another Member this should be made clear on the face of the correspondence.
- d. Where an Officer considers that information should not be supplied on a confidential basis, the matter should be referred to the CFO, who will seek advice from the Clerk as necessary.
- e. The Member concerned should be asked to agree whether information, which cannot be supplied on a confidential basis, should be supplied on a non-confidential basis or whether the request should be withdrawn.



3.3. Convention: Members must respect the confidentiality of confidential Authority information and must use it only for the purpose for which it is given.

- a. Failure to comply could constitute a breach of the Code.
- b. Disclosure of confidential information could prejudice the Authority's legal or financial position or cause a breach of the law e.g. Data Protection legislation.
- c. Whilst in many cases the confidentiality of information will be readily apparent, Officers should, where appropriate, reinforce this by specifically drawing the issue of confidentiality to the Member's attention.

3.4. Convention: Members are entitled to be briefed in accordance with their need to know, taking account of any particular role they have.

- a. Paragraph 3.1 applies.
- b. Requests for briefings should be made to the CFO or a Statutory Officer as appropriate.
- c. An Officer should make it clear whether any advice being given relates only to their area of expertise or whether it is the corporate view of all relevant Officers.

3.5. Convention: A political Group may be briefed by officers provided:

- this has been arranged through the CFO or a Statutory Officer as appropriate.
- All Groups are informed and offered the same briefing.
- Officers do not become involved in political discussions.
  - a. Officers must not be involved in advising on matters of political group business.
  - b. Officers must bear in mind that decision-making takes place at meetings of the Authority and its Committees.

3.6. Convention: Briefings are normally given on a confidential basis.

- a. Paragraph 3.2 applies
- b. Relationship with a particular political group should not be such as to create suspicion that an officer favours that group above others.

3.7. Convention: Officer reports must include all relevant factors and be presented with professional objectivity and impartiality.

- a. Members must recognise and accept the role and function of professional officer advice and not seek inappropriately to limit or control its expression.
- b. Members must when reaching decisions, have regard to any relevant advice provided by the Statutory Officers acting in pursuance of their statutory duties. Failure to do so could constitute a breach of the Code.
- c. Officers must ensure that their professional advice is given clearly, objectively and robustly. They must not put forward their own political opinions nor purposely favour the views of a particular political group.
- d. Options and recommendations may properly reflect political realities, provided that all realistic options are addressed in a way which is professionally objective and sustainable.

# Member/Officer Relationships

## 4. Member Involvement in Individual Cases and Operational Matters

4.1. Convention: Officers must implement Authority policy within agreed procedures. An individual Member cannot require an officer to vary this and cannot take a decision or instruct an officer to take action. A Member's role in relation to individual cases is:

- to be briefed where there is a need to know (see earlier)
- to pursue the interests of individuals by seeking information,
- testing action taken and asking for the appropriateness of decisions to be reconsidered.
  - a. Members should avoid becoming unduly involved in individual cases and operational detail except within clear procedures.
  - b. Members should not become involved in legal or disciplinary proceedings or audit investigations where this might prejudice the outcome.
  - c. Members should not take any action which would or might indicate bias or which or might otherwise prejudice their role as decision-makers.
  - d. A Member must not use their position improperly to influence the decisions of Officers.
  - e. Officers should fully brief Members where requested having regard to:
    - i. the Member's need to know
    - ii. the need to safeguard confidential information and personal data
    - iii. the need to protect the Authority's legal and financial position.
  - f. Officers should approach a request for reconsideration of a decision with an "open mind" but must not allow a Member to improperly influence their decision.

4.2. Convention: A Member pursuing an issue on behalf of a family member or close friend should disclose the relationship and ask another Member to pursue the matter (Paragraph 2.4 applies).

4.3. Convention: Members must pursue allegations of impropriety or other disciplinary issues concerning Officers only in accordance with established procedures.

- a. Whilst it is important for Members to pursue matters which come to their attention, they must take particular care to ensure that they follow the established procedures.
- b. Failure to comply with this convention – and in particular the making of any public statement – could:
  - i. prejudice any investigation or legal or disciplinary proceedings.
  - ii. breach Data Protection legislation.
  - iii. constitute a breach of the Authority's obligations as employer, giving rise to a potential claim.
  - iv. give rise to an action for defamation.



4.4. Convention: Officers may raise issues with their local Member as citizens. They should not lobby a Member inappropriately on personal employment issues except within recognised and approved procedures.

- a. Members should refuse to respond to inappropriate lobbying on personal employment issues and should inform the CFO, who will direct Officers towards the appropriate channels.
- b. The CFO should ensure that Officers are aware of the proper channels for their views to be put forward.

4.5. Convention: A Member's right of access to Authority premises is based upon the "need to know" principle. Access is also subject to requirements for ensuring:-

- operational continuity
- confidentiality
- compliance with health and safety arrangements
- compliance with Security requirements
  - a. Members and their guests are encouraged to visit operational premises. Such visits provide a better understanding of the Fire and Rescue Service and foster good relationships with the community.
  - b. Members should, however:
    - i. make prior arrangements to visit.
    - ii. check in on arrival at reception or with the "host" Officer.
    - iii. observe fully the "host" Officer's requirements in relation to health and safety and all applicable site security requirements
  - c. Officers should ensure that Members and their guests receive maximum benefit from their visit having regard to:
    - i. health and safety and site security considerations.
    - ii. operational continuity.
    - iii. the maintenance of confidentiality.

4.6. Convention: The CFO is responsible for the conduct of operational incidents. A Member is entitled to be briefed at the appropriate time where there is a need to know.

## 5. Election Periods

5.1. Convention: From the Notice of a Parliamentary or local election until election day particular care should be taken:

- to avoid publication of any material on a politically controversial issue or which identifies views or policies of particular Members or political Groups.
- to keep Officers distant from party political matters
- to ensure that Officers avoid any appearance of political bias.
- to ensure that the Members' "need to know" principle is observed.

The CFO should be consulted about the contents of material to be published over this period and advice sought from the Clerk as necessary.

# Member/Officer Relationships

## 6. Publicity

6.1. Convention: Publicity touching on controversial issues may be unavoidable particularly given the increasing requirements for public consultation. Such publicity should be handled with particular care. Issues must be presented clearly and fairly.

6.2. Convention Publicity should not be, or be capable of, misrepresentation as being party political. Expressly advocating policies of a particular political party or directly attacking policies and opinions of other parties, groups or individuals should be avoided.

## 7. Interpretation

7.1. Convention: Members and Officers should seek to interpret and apply the Conventions consistently

- a. Problems of interpretation by Members should be raised with the Clerk who will, as necessary, consult the Chair, the CFO and/or Treasurer as appropriate.
- b. Problems of interpretation by Officers should be raised with the CFO who will, as necessary, consult the Clerk and (if appropriate) the Chair.

## 8. Politically Restricted Posts

8.1. The Local Government and Housing Act 1989 introduced a regime aimed at ensuring that key local authority employees are politically impartial. The Act designates certain posts as “politically restricted” and those who hold such posts are disqualified from holding office as a Member of Parliament or a local authority (other than Parish/Town Councils).

8.2. The Local Government Officers (Political Restrictions) Regulations 1990 specify what the holders of politically restricted posts cannot do. These restrictions are deemed to be incorporated in the conditions of employment of Officers occupying politically restricted posts.

8.3. More details are set out in the Politically Restricted Posts Policy which is available upon request from the Clerk.





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# Confidential Reporting Code and Guidance (Whistle blowing)

## 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 expect employees, and others that we deal with, who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3. This Code, which has been adopted by the Authority, makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting code is intended to encourage and enable employees to raise serious concerns within the Authority rather than overlooking a problem or 'blowing the whistle' outside.

1.4. The Code applies to all employees and those contractors working for the Authority on Authority premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Authority in their own premises, or in Authority owned premises.

1.5. These procedures are in addition to the Authority's complaints procedures, and other statutory reporting procedures.

1.6. This Code takes account of the requirements of the Public Interest Disclosure Act 1998.

1.7. This Code has been discussed with the representative bodies and has their support.

## 2. Aims and Scope of this Code

2.1. This Code aims to:

- a. Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
- b. Provide avenues for you to raise those concerns and receive feedback on any action taken.
- c. Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- d. Reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Code is intended to cover major concerns that fall outside the scope of other procedures. These include:

- a. Conduct which is an offence or a breach of law.
- b. Disclosures related to miscarriages of justice.



- c. Health and safety risks, including risks to the public as well as other employees.
- d. Damage to the environment.
- e. The unauthorised use of public funds.
- f. Possible fraud and corruption.
- g. Other unethical conduct.

2.3. Thus, any serious concern that you have about any aspect of service provision or the conduct of officers or members of the Authority or others acting on behalf of the Authority can be reported under this Code. This may be about something that:

- a. Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Authority subscribes to.
- b. Is against the Authority's Contract Procedure Rules, Financial Regulations and policies.
- c. Falls below established standards of practice.
- d. Amounts to improper conduct.

2.4. This policy does not replace the corporate complaints procedure or the procedure for complaints against Members.

### **3. Safeguards**

#### **Harassment or Victimisation**

3.1. The Authority is committed to good practice and high standards and wants to be supportive of employees.

3.2. The Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.3. The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **Confidentiality**

3.5. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **Anonymous Allegations**

3.6. This Code encourages you to put your name to your allegation whenever possible.

3.7. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Authority.

## Confidential Reporting Code and Guidance (Whistle blowing)

3.8 In exercising this discretion, the factors to be taken into account would include:

- a. The seriousness of the issues raised.
- b. The credibility of the concern.
- c. The likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

3.9 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 an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **4. How to Raise a Concern**

4.1. As a first step, you should normally raise concerns with your line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach a member of SLB or the Clerk. If you believe that a member of the SLB may be involved, you should approach the Clerk. The Clerk is accountable to the Authority itself and is independent of SLB. You may also approach a Member of the Fire Authority, your trade union or the internal auditor.

4.2. Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- a. The background and history of the concern (giving relevant dates).
- b. The reason why you are particularly concerned about the situation.

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

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

4.5. Advice/guidance on how to pursue matters of concern may be obtained from a SLB member or the Clerk.

4.6. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.7. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

### **5. How the Authority will respond**

5.1. The Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

5.2. Where appropriate, the matters raised may:

- a. Be investigated by management, the Clerk, internal audit, or through the disciplinary process;



- b. Be referred to the police;
- c. Be referred to the external auditor;
- d. Form the subject of an independent inquiry;
- e. If they relate to the conduct of a Member of the Authority, be referred through the Member's Code of Conduct procedure.

5.3. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues, fraud and corruption, breaches by Members of their Code of Conduct) will normally be referred for consideration under those procedures.

5.4. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

5.5. Within ten working days of a concern being raised the person with whom you raised your concerns (or a superior or the Clerk to whom the matter may have been referred) will write to you:

- a. Acknowledging that the concern has been received.
- b. Indicating how we propose 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.
- e. Supplying you with information on staff support mechanisms.
- f. Telling you whether further investigations will take place and if not, why not.

5.6. The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Authority will seek further information from you.

5.7. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

5.8. The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Authority will arrange for you to receive advice about the procedure.

5.9. The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

# Confidential Reporting Code and Guidance (Whistleblowing)

## 6. The Responsible Officer

The CFO has overall responsibility for the maintenance and operation of this policy. The CFO will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

## 7. How the Matter Can be Taken Further

7.1. This policy is intended to provide you with an avenue within the Authority to raise concerns and it is hoped that staff who wish to raise whistleblowing complaints will feel sufficiently comfortable to do so. However, if this is not the case the other avenues that can be used to raise your concerns are:

- a. The external auditor.
- b. Your local Citizens Advice Bureau.
- c. Relevant professional bodies or regulatory organisations.
- d. A relevant voluntary organisation such as Protect or Whistleblowers UK.
- e. The police.

7.2. If you do report the matter outside the terms of this policy, you should ensure that you do not disclose confidential information - see the Guidance Notes below.

## 8. Guidance of the Confidential Reporting Code (“Whistleblowing”)

The Confidential Reporting Code or “Whistleblowing” is covered under the Probity and Public Service document and is one of the issues covered in the Corporate Governance Arrangements.

8.1. What is a “Whistleblowing” policy?

It is a policy which encourages and enables employees to raise serious concerns about what is going on in their organisation rather than ignoring the issues or raising them outside the organisation.

8.2. Does the Authority have such a policy?

Yes, the Authority has adopted a policy known as the Confidential Reporting Code (see above).

8.3. What is covered by the Confidential Reporting Code?

The Code covers any serious concern you may have about any aspect of service provision or the conduct of Officers or Members or of others acting on behalf of the Authority. This may be something that:

- a. Makes you feel uncomfortable in terms of known standards, your experience or the standards to which you believe the organisation subscribes.
- b. Is against the Authority’s Contract Procedure Rules, Financial Regulations or policies.
- c. Falls below established standards of practice.
- d. Amounts to fraud or corruption or other improper conduct.



### 8.4. What is not covered?

- a. Issues about your own employment covered by existing grievance or disciplinary procedures.
- b. Matters covered by established consultation procedures.
- c. Complaints under the Authority's published complaints procedure.

### 8.5. Will I be subject to harassment or victimisation if I raise a serious concern?

The Authority will not tolerate any harassment or victimisation and will take appropriate action to protect you if you raise a concern in good faith.

### 8.6. Can I rely on Confidentiality?

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. In some cases, if the matter is to be brought to a successful conclusion, you may need to come forward as a witness.

### 8.7. Can I raise concerns anonymously?

The Code encourages you to put your name to an allegation whenever possible. Concerns expressed anonymously are much less powerful and often do not contain adequate or specific information to warrant investigation. They may also indicate a lack of good faith on the part of the author. Anonymous allegations may not be investigated and the opportunity to do something will be lost.

### 8.8. What if I raise a concern which is untrue?

If you make an allegation in good faith, but it is not confirmed by investigation, no action will be taken against you. The Authority encourages you to raise serious concerns in good faith. However, if you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. Persistent allegations made in bad faith could amount to a criminal or civil offence.

### 8.9. With whom should I raise my concerns?

Normally with your line manager, but this may depend upon the seriousness and sensitivity of the issues involved and the identity of persons who may be suspected of malpractice. For example, if you believe that management is involved, you should approach a SLB member, or the Clerk.

When sending confidential information, you should ensure that the envelope is sealed, marked for the attention of the intended recipient and clearly marked "Personal and Confidential". Use of the e-mail system is not recommended as you will not be sure who has access to your mailbox or that of the recipient.

### 8.10. Can I raise my concern with someone who is independent of Management?

You may raise a concern with the Clerk. The Clerk is accountable directly to the Fire Authority and is independent of SLB. Any concerns you may have which involves SLB should be raised with the Clerk.

## Confidential Reporting Code and Guidance (Whistleblowing)

8.11. Where can I obtain further guidance on the procedure?

Further advice or guidance on how to pursue matters of concerns may be obtained from a SLB member or from the Clerk.

8.12. What if I wish to bring matters to the attention of the public?

The Code is intended to provide you with an avenue within the organisation to raise concerns. The Authority intends that concerns raised in accordance with the Code will be properly addressed and hopes that you will be satisfied with any action taken. If you are not satisfied and feel it is right to take the matter outside the Authority, you may wish first to seek advice from your trade union, professional body or other appropriate advisor to ensure that any action you propose to take does not breach your obligation to the Authority, as your employer, and thus give rise to potential disciplinary action, or breach the criminal or civil law.





# Members

## A. The Roles and Responsibilities of Members

### 1. Introduction

1.1. Elected Members of the Authority provide political leadership and, alongside other Members, such as the local Police & Crime Commissioner(s), work together to set the strategic direction for the organisation. They represent all of the communities across the 4 Unitary Authority areas in a fair and impartial manner ensuring that their decision-making is focused on the risks within those communities and securing an equitable distribution of resources to meet those risks.

1.2. All Members are expected to actively contribute and share responsibility for the good governance of the Authority and the welfare of the communities served by the organisation.

### 2. Key Roles and Responsibilities

2.1. See Section 2A2

### 3. Key Competencies

3.1. See Section 2A3

### 4. Time Commitment

4.1. Members should be prepared to devote at least 2.5 days per month to Authority work.

## B. Induction

All new Members are offered the opportunity to take part in an induction process. This currently comprises 2 half-day sessions:

- a. Presentations by and Q and A session with the members of the Service Leadership Board and Statutory Officers at HQ.
- b. Visits to Avonmouth Fire Station, the Nova Way Centre and the Severn Park Joint Training Centre.

The aim of the induction process is to help new Members to gain some knowledge of the legal duties of the Authority and how they are delivered. This should help Members to gain a grasp on the basics.

## C. Training Programme

Members are encouraged to take part in the training session's arrangements for all Members on the day of the Authority's meetings in June, September, December and March and any additional Member training sessions spread throughout the year.

Fire Authority Member training is also provided by the LGA at least annually which is available and Members are encouraged to consider attending.

## D. Development

Each Member is responsible for their own personal development to ensure they have the requisite knowledge, skills and abilities to discharge their functions as a Member. Support can be provided as necessary by the Clerk.



## E. Member Champions/Lead Members

### 1. Purpose

1.1. Member Champions play a significant role in supporting and promoting the way our services are provided to local communities. Member Champions also play an important role in engaging with staff and key stakeholders and making the best use of links with other councillors to promote the work of the Authority.

1.2. A Member Champion role provides a unique opportunity to work closely with staff across the organisation and to help the Authority deliver on its vision, mission and values.

1.3. Member Champions are being established for all work places as well as specific business areas or areas of particular interest.

1.4. A Lead Member acts as an advocate on their area of interest within and outside the Authority.

### 2. Activities

2.1. Member Champions for a work place will normally visit staff 2 or 3 times a year and engage with staff to understand the roles they undertake, the successes they have experienced and the challenges they face. Members should not get involved in management issues or attempt to resolve problems rather they should act as a champion and advocate for the Authority.

2.2. Members have an important role to play in sharing their personal/professional experiences and their role as a Member with staff to encourage a greater understanding and appreciation of their role.

2.3. Lead Members for specific business areas will normally act as critical friends, assisting managers and staff in the development of concepts and services as well as providing guidance to ensure they are fit for purpose, effective and take full account of the statutory requirements placed on the Authority. Lead Members are able to bring a different perspective to service development from a local community perspective.

2.4. Lead Members may attend meetings/conferences related to their area of interest on behalf of the Authority.

### 3. Stakeholder Engagement

Member Champions and Lead Members can play a role in engagement with stakeholders as ambassadors for the Authority. This will include pro-active engagement (where appropriate) with:

- |                          |  |
|--------------------------|--|
| a. Other Members         | b. Councillors from the 4 Unitary Authority Councils |
| c. Members of other FRAs | d. Other emergency services                          |
| e. Public                | f. Interest groups                                   |
| g. Media                 | h. Government officials                              |

# Definitions

Definitions	
<b>Budget Adjustment</b>	An adjustment to the approved Fire Authority budget, which requires approval by the CEO/ Treasurer/ PRSC and/or the Fire Authority in line with the Scheme of Delegation.
<b>Budget Holder</b>	The Chair/ CFO/ Treasurer/ Director/ Clerk who has been delegated budget responsibility by the Fire Authority, to be responsible and accountable for the delivery of balanced budgets. It is the responsibility of the Budget Holder to provide realistic forecasts to the Finance Business Partner to ensure the delegated budget is balanced each financial year.
<b>Budgetary Control Framework</b>	A framework which outlines the purpose, key controls and benefits to a robust budget management system.
<b>Budget Manager</b>	A nominated officer/ manager/ employee who is delegated the responsibility for a specific budget in terms of day to day management, by the Budget Holder. It is the responsibility of the Budget Manager to provide realistic and accurate forecasts to the Finance Business Partner and the Budget Holder.
<b>Business Case</b>	A formal document required to be completed where additional funds are being requested to support a specific project/ initiative.
<b>Capital</b>	Refers to any item of expenditure to be included within the capital programme, being an asset with a useful life of over 1 year and a cost of £5,000 or more.
<b>Capital programme</b>	A document detailing the total cost of the Fire Authority's approved Capital projects over the current and future financial years.
<b>Capital Strategy</b>	A Capital Strategy describes how the approved capital investment in the medium term will be financed and how this strategy will align to the approved Service Plan.
<b>Concession Contracts</b>	A contract between the Authority and Contractor, where the consideration in the contract consists of the Contractor's right to benefit from the work or services that are the subject of the contract, or that right to benefit together with a payment.
<b>Contract</b>	Any form of agreement (including, without limitation, purchase orders produced on the Authority's P2P system) for the supply of Goods, provision of Services or carrying out of Works and or concession contracts.
<b>Contractor</b>	Any contractor, supplier or provider with whom the Authority enters into a Contract for the carrying out of Works, provision of Services or the supply of Goods.



<b>Definitions</b>	
<b>Contracts register</b>	The register maintained (in such form as determined from time to time) by the Procurement and Supplies Manager, which lists all contracts (except arrangements in respect of Land) concluded by the Authority with a value in excess of £5,000. (See clause 7.3 of the CPR).
<b>CPRs</b>	These Contract Procurement Rules as may be amended from time to time.
<b>Data Processors</b>	Organisations or individuals (the Contractor) processing personal data on behalf of the Authority (who is the Data Controller). This can also extend to Sub-Contractors.
<b>Data Processing Agreement</b>	Agreement between the Data Processor (the Contractor) and the Authority that sets out the terms of the processing for personal data. This may also be referred to a Deed of Agreement – Data Processing.
<b>Data Protection Impact Assessment (DPIA)</b>	A risk assessment that covers the impact of processing personal data and privacy risks.
<b>Data Protection Law</b>	All data protection law applicable to the UK, to include the General Data Protection Regulation 2016, the Data Protection Act 2018 and any superseding law.
<b>Devolved Budgets</b>	An annual budget which has been devolved from the Fire Authority to the Chair/ CFO/ Treasurer/ Director or Clerk. For the delegation to Directors, this would normally take the form of delegated budgets by Directorate.
<b>Electronic procurement</b>	The procurement of all goods, services and works conducted using the Authority's approved electronic procurement system, as specified from time to time by the Procurement Manager.
<b>Evaluation Report</b>	The report containing the results of the evaluation process.
<b>Finance Business Partner</b>	A member of the finance team who works with and supports Budget Holders and Budget Managers to manage, monitor and report on the financial position for each budget.
<b>Framework Agreement</b>	An agreement with one or more Contractors, the purpose of which is to establish the terms (in particular with regard to price and quantity) governing a contract or contracts to be awarded during the period for which the framework agreement applies.
<b>Goods</b>	Covers all products, goods, supplies, substances and materials that the Authority purchases, hires or otherwise obtains.

# Definitions

<b>Definitions</b>	
<b>Grant(s)</b>	A sum of money paid or to be paid by the Authority to a third party, and in respect of which the Authority does not require the grantee to provide the Authority with any Services, or Goods or carry out any Works for the Authority's direct benefit. The Grant(s) may be conditional (i.e. obligation to spend the Grant(s) in a particular manner, to account for that spend and repay the Grant(s) if the Grant(s) conditions are breached).
<b>Group Assets</b>	A number of related assets purchased at the same time, amalgamated for capital reporting purposes.
<b>Head of Finance</b>	The individual who is delegated the responsibility for the effective management of the Finance Team.
<b>Material asset</b>	An asset with a value in excess of £25,000.
<b>Medium Term Financial Plan (MFTP)</b>	A financial plan prepared for the next four financial years.
<b>Monitoring Officer</b>	The officer designated by the Authority as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989.
<b>Most economically advantageous tender (MEAT)</b>	A tender evaluated on the basis of qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision.
<b>Officer</b>	Any member of staff within the Authority who has the necessary capability and capacity to undertake the particular procurement whilst following these Rules and Financial Regulations.
<b>Prior Information Notice (PIN)</b>	A notice placed by the Authority alerting the market of upcoming requirements and allowing suppliers to respond, expressing an interest in bidding for the contract. This supplier feedback can be used to inform the development of the specification as well as the selection process prior to the invitation to tender stage.
<b>PCR threshold</b>	The public contract regulation values that are determined by the Cabinet Office every two years.
<b>Procurement</b>	For the purposes of these rules, the process by which the Authority manages the acquisition of all its Goods, Services and Works, in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the Authority, but also to society and the economy, whilst minimising damage to the environment. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts.



<b>Definitions</b>	
<b>Procurement Guidance</b>	The Guidance issued/to be issued from time to time by the Procurement Manager, in consultation with the Authority's Treasurer and Monitoring Officer.
<b>Procurement Manager</b>	The Procurement and Supplies Manager or any officers under their supervision or management to whom they delegate authority to carry out any of the obligations, duties or activities required to be performed by them under these Rules or to act in their absence.
<b>Procurement Process</b>	The process, which spans the whole life cycle of the procurement, from identification of needs, options appraisal, supplier selection, award, and contract management through to the end of a contract or the end of the useful life of the asset, or disposal of the asset.
<b>Procurement Routes</b>	<p>The procurement procedure to be followed in the Procurement. Routes include;</p> <ul style="list-style-type: none"> <li>• The open procedure.</li> <li>• The restricted procedure.</li> <li>• The competitive dialogue procedure.</li> <li>• The competitive procedure with negotiation.</li> <li>• An innovation partnership</li> </ul> <p>See Appendix 1 on page 68 for an overview of the procurement procedures available.</p> <p>The appropriate procedure to use must be considered on a case-by-case basis, as it will depend on factors that are specific to each procurement.</p>
<b>Purchase order</b>	An electronic order raised and authorised via the Authority's P2P system, or such other electronic system in force for the time being.
<b>Purchase-to-Pay (P2P)</b>	The Authority's electronic method of processing payments. The Authority uses the Unit 4 Agresso software or such other electronic system in place.
<b>Quotation Regulations</b>	Means a quotation of price and any other relevant detail submitted to the Authority upon the Authority's request, without the formal issue of an invitation to tender.
<b>Redundant stocks and equipment</b>	Obsolete assets either no longer in use or no longer fit for purpose.
<b>Regulations</b>	The Public Contracts Regulations 2015, as amended from time to time.
<b>Rules</b>	These Contract Procurement Rules.

# Definitions

<b>Definitions</b>	
<b>Schedule of Processing Form</b>	Any processing of personal data undertaken by a Data Processor on behalf of the Authority must be accompanied by this form, to include the categories of personal data, purposes and duration of processing. This form may form part of an appendix to a Contract or may feature as part of a separate Data Processing Agreement with the Data Processor (Contractor).
<b>Senior Officer</b>	A Head of Department or Director in the Authority who is authorised to let the relevant contract in line with the Constitution.
<b>Services</b>	Includes all services, which the Authority purchases or otherwise obtains including advice, specialist consultancy work, agency staff and all those activities constituting Services for the purposes of the Public Contracts Regulations 2015.
<b>Single Tender and Reduced Number of Tenders</b>	Where these Rules allow (and for good reason and subject to a proper business case), the Authority limits the minimum number of Tenderers to be invited to tender to one or a lesser number than would otherwise normally be required by these Rules given the estimated value of the Contract concerned.
<b>Social Value</b>	The delivery of social, economic and environmental benefit, through effective application of Social Value clauses in public contracts.  Mandatory under the Public Services (Social Value) Act 2012 on all relevant contracts and should be considered before undertaking any procurement. Procurement and Supplies can advise which are relevant contracts.
<b>Sustainable Procurement</b>	Meeting our needs for products, utilities and services in an environmentally, socially & economically responsible way.
<b>Treasurer</b>	Means the officer designated by the Authority as its Statutory Treasurer as required under Section 151 of the Local Government Act 1972.
<b>Treasury Management Strategy</b>	The strategy for ensuring there is adequate financial resources (including cash) available to fund the organisations approved activities.
<b>Request for Quotation (RFQ)</b>	A request to provide a price and any other relevant detail, without the formal issue of an invitation to tender.
<b>Tenderer(s)</b>	Individual, individuals, partnerships, companies or other bodies invited to submit quotes/tenders/prices for providing the Authority with Services, supplying Goods or carrying out Works.
<b>Value for Money</b>	Should be considered as the optimum combination of whole-of-life costs in terms of not only generating efficiency savings and good quality outcomes for the organisation, but also benefit to society, the economy, and the environment, both now and in the future.





<b>Definitions</b>	
<b>Variant Bid</b>	An offer/bid, which contains variants on the requirements specified by the Authority in its procurement documentation.
<b>Variation and Variations</b>	Any alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature.
<b>Works</b>	Includes all works of new construction, refurbishment and repairs in respect of physical assets (buildings etc.) including all those activities constituting Works for the purposes of the Public Contracts Regulations 2015.
<b>Utilities Contracts</b>	Contracts procured to provide utilities services such as gas and electricity.



**AVON**  
FIRE AUTHORITY

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